

**PUBLIC CITY, PRIVATE INTEREST:
FACING THE CONFLICT OF POWER AND
OWNERSHIP IN THE FIELD OF PLANNING
PRACTICES IN İZMİR**

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**by
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ABSTRACT

PUBLIC CITY, PRIVATE INTEREST: FACING THE CONFLICT OF POWER AND OWNERSHIP IN THE FIELD OF PLANNING PRACTICES IN İZMİR

This thesis investigates exertion of power in planning processes with special attention to private ownership of urban land and conflict resulting from its negative impacts on urban commons. Research questions and confronts procedural claims of communicative planning ideology by focusing on actual planning practices. Communicative planning ideology is criticized for its universal, idealist and context free prescriptions. Research argues that actions in planning process involve both formal and conventional communicative mechanisms as well as informal, insidious and dubious practices. When private interests based on real estate ownership are concerned actors, their motives, and actions change significantly.

Case study focuses on the case of a vacant urban land in the Central Business District of city of İzmir which was once a public property. What makes this land plot unique and interesting to study is that although several plan modifications, two protocols, and two competitions were put into implementation to transform the area into a commercial setting, all these attempts have ended in a spectacular failure. The main narrative of this thesis tells about this process and its failure by focusing on the planning processes. While doing this thesis also provides a criticism of planning theories. It is found that rather than theoretically prescribed forms of communication, strategic and tactical mechanisms of power relations dominate planning processes. It is believed that powerful groups realize their ends by trying all sorts of wiles. This research also aims at identifying these wiles.

Findings revealed that there are other actions so influential on both substantive and procedural dimensions of city planning, but they are not acknowledged or simply downplayed by theory. Without a coherent understanding of actual planning practices, establishing and maintaining an effective planning system will have certain drawbacks. This research aims at contributing to efforts for improving spatial planning system in Turkey which is being distorted by rapid privatization and normalized plan modifications by exploring actual planning practices.

ÖZET

KAMUSAL KENT, ÖZEL ÇIKAR: İZMİR’İN PLANLAMA PRATİKLERİNDE GÜÇ VE MÜLKİYET ÇATIŞMASI

Araştırma şehir planlama süreçlerindeki güç pratiklerini mülkiyet olgusu ile ilişkilendirerek incelemektedir. Araştırmanın kuramsal çerçevesi hakim planlama yaklaşımı olan iletişimsel planlama ideolojisinin reçetelerinin ampirik eleştirisini oluşturan güç odaklı yaklaşımlara dayanmaktadır. Bu kapsamda iletişimsel planlama ideolojisi evrensel, idealist ve bağlam bağımsız olmakla eleştirilmektedir. Araştırma, planlama süreçlerinde kurumsal iletişim mekanizmaları dışında, enformel, sinsi ve gizli eylemlerin de önemli yer tuttuğunu bulgulamıştır. Özel çıkarlar söz konusu olduğunda, aktörler, bu aktörlerin güdeleri ve eyleme biçimleri de farklılaşmaktadır.

Araştırma tasarımı yoğun veriye dayalı, açıklayıcı ve nitelikseldir. Araştırma anlatı tekniği ile sunulmaktadır. Örnek olay İzmir’in merkezi iş alanında yer alan ve son otuz yıldır birçok planlama girişimine, iki protokol anlaşmasına ve iki proje yarışmasına karşın yapılaşmamış ve kentte sembolik hale gelmiş olan bir arsadır.

Çalışmanın bulguları, planlama hakim planlama teorilerinde yer verilmeyen veya önemsizleştirilen eylem biçimlerinin yaygınlığını ortaya koymaktadır. Genellikle toplumda güçlü konuma sahip olan kesimlerin “şu veya bu şekilde” amaçlarına eriştiği yönünde bir kanı bulunmaktadır. Bu araştırma, kent planlama alanında güç odaklarının amaçlarını gerçekleştirmelerini sağlayan “şu veya bu şekilleri” bulgulamayı da amaçlamaktadır.

Mevcut planlama pratiklerinin nasıl işlediği anlaşılmadan, bu altyapı üzerine planlama sistemi önerileri getirilmesi kaçınılmaz olarak sorunlar doğuracaktır. Bu öneri sistemlerin idealist ve evrensel reçeteler sunması planlama sisteminin ihtiyaç duyduğu sorunları çözme konusunda başarılı olamaz. Bu araştırma artık kronikleşmiş bir sorunlar yumağına dönen Türkiye mekansal planlama sisteminin iyileştirilmesi için gereken altyapı çalışmalarından biri olarak ele alınmalıdır.

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ABBREVIATIONS

BRSA	: Banking Regulation and Supervision Agency [BDDK, Bankacılık Düzenleme ve Denetleme Kurulu]
CA	: Chamber of Architects [Mimarlar Odası]
CA-IC	: Chamber of Architects, İzmir Chapter [Mimarlar Odası İzmir Şubesi]
CBD	: Central Business District [MİA, Merkezi İş Alanı]
CBRT	: Central Bank of the Republic of Turkey [TCMB, Türkiye Cumhuriyeti Merkez Bankası]
CCP	: Chamber of City Planners, İzmir Chapter [ŞPO, Şehir Plancıları Odası, İzmir Şubesi]
CMB	: Capital Market Boards of Turkey [SPK, Sermaye Piyasası Kurulu]
CML	: Capital Markets Law [SPKn, Sermaye Piyasası Kanunu]
CNHCB	: Cultural and Natural Heritage Conservation Board [KTVKK, Kültür ve Tabiat Varlıklarını Koruma Kurulu]
CSCE	: Chamber of Survey and Cadaster Engineers [HKMO, Harita ve Kadastro Mühendisleri Odası]
DC	: Density Coefficient [Emsal, KAKS, Kat Alanı Kat Sayısı. For instance; if DC is 5 for a 1.000m ² lot, total construction area corresponds to 5.000m ²]
DLP	: Democratic Leftist Party [DSP, Demokratik Sol Parti]
DP	: Democrat Party [DP, Demokrat Parti]
ECHR	: European Court for Human Rights [AİHM, Avrupa İnsan Hakları Mahkemesi]
EDCC	: Economic Development and Coordination Committee [Ekonomik Kalkınma ve Koordinasyon Kurulu]
ESHOT	: İzmir inter-city bus transportation municipal organization
Hmax	: Maximum height [en fazla bina yüksekliği]
IMF	: International Monetary Fund [IMF, Uluslararası Para Fonu]
IMM	: İzmir Metropolitan Municipality [İzmir Büyükşehir Belediyesi]
ImP	: Implementation Plan [Uygulama İmar Planı]
IDA	: İzmir Development Agency [İZKA, İzmir Kalkınma Ajansı]
ISE	: İstanbul Stock Exchange [İMKB, İstanbul Menkul Kıymetler Borsası]

IZFAŞ : Izmir Fair Services Culture and Art Affairs Trade Inc. [IZFAŞ, İzmir Fuarçılık Hizmetleri Kültür ve Sanat İşleri]

JDP : Justice and Development Party [AKP, Adalet ve Kalkınma Partisi]

KDM : Konak District Municipality [Konak İlçe Belediyesi]

LuP : Land Use Plan [Nazım İmar Planı]

MLP : Motherland Party [ANAP, Anavatan Partisi]

MPWS : Ministry of Public Works and Settlements [BİB, Bayındırlık ve İskan Bakanlığı]

OG : Official Gazette

PCC : Provincial Coordination Council; local branch of UCTEA [İKK, İl Koordinasyon Kurulu; TMMOB yerel örgütü]

RPP : Republican Peoples Party [CHP, Cumhuriyet Halk Partisi]

SDIF : Savings Deposit Insurance Fund of Turkey [TMSF, Tasarruf Mevduatı Sigorta Fonu]

SPP : Social Democrat Peoples Party [SHP, Sosyal Demokrat Halkçı Parti]

TGNA : Turkish Grand National Assembly [TBMM, Türkiye Büyük Millet Meclisi]

The Bank : EGS Bank

The Bar : İzmir Bar Association [İzmir Barosu]

The Company: Güç Yapı Ltd. [(GüçYapı is one of the associates of Güçbirliği Holding. Others are Güçbirliği Textile, Güç Construction, and Güç Marketing.)]

The Holding: EGS Real Estate Development Ltd.Co. which is an associate of EGS Holding

The Land : A single lot with a size of 20.866,10m² located in CBD of İzmir city. ID: block no:1039, lot no:8, İsmet Kaptan neighborhood, Sheet no:23M2d, Konak, İZMİR, TURKEY

UCTEA : Union of Chambers of Turkish Engineers and Architects [TMMOB, Türk Mühendis ve Mimar Odaları Birliği]

WTC : World Trade Center [DTM, Dünya Ticaret Merkezi]

xxxxE/xxxxK : folder number / ruling number for a lawsuit

CHAPTER 1

INTRODUCTION

1.1. An Episode

Fourteen years ago, an undergraduate student of city and regional planning starts a summer practice internship at a district municipality's city planning department. One day, looking out of the window of the department office he recognizes an abandoned groundwork. He asks the chief of department:

-What is going to be constructed there?

-Are you asking the famous hole? It was sold to a private company in order to build a world trade center, but its plan was cancelled by court. It is empty for some time. It seems to stay a while.

-Why?

-Related sides do not agree. We have to see this mess every day.

Student enthusiastically offers:

-Let us make its plan.

-It is metropolitan municipality who decides. Everyone hopes they solve it. Moreover, it is not something about planning. It is complicated.

This conversation took place in an era when communicative planning was the theoretical mainstream in academic and political circles. Four years ago Habitat II had been held in İstanbul, Turkey. On the one hand, books and articles about communicative and collaborative planning covered huge portion of curriculum readings in schools of city planning. On the other hand, participation emerged as a leading policy for decision making processes. Accordingly, it was believed that participation could facilitate achieving consensus in dealing with urban problems.

Student was confused and embarrassed. He did not know the 'famous hole'. There were some people who were called related sides, but they could not achieve an agreement on a single land piece. It was about fifty meters distance from district municipality building, but this municipality had no authority in planning 'it'. According to the chief who was also a city planner it was not an issue 'of planning'. On the

contrary, it was 'off planning'. Planners as well as citizens had to tolerate seeing this mess every day. Everyone hoped that it was solved by the metropolitan municipality. It was 'complicated', so no further questions.

As years passed, participation accumulated a considerably large literature in academy. Communicative planning became the dominant theory in city planning. Consensus became an ordinary word in everyday language. To some extent, legal and institutional amendments were made to foster participatory decision making processes. Unfortunately, communicative planning and participation did not work in this case for a 'longer while'. Disagreement continued for the next fourteen years. The hole became more famous and stood still.

Communicative planning and participation simply failed for the hole. Theory did not match with practice in real life for a single land piece.

1.2. General Framework

This research investigates exertion of power in planning processes with special emphasis on the conflict between private interest and public interest. It confronts procedural claims of communicative planning ideology by focusing on existing planning practices. Communicative planning ideology is criticized for its universal, idealist and contextually independent prescriptions. Research argues that interests and actions to realize these interests do not match with theoretical prescriptions of communicative planning theory. Actions in planning process are in a wide range from formal and conventional communicative mechanisms to informal, insidious and dubious practices. Generally, it is believed that powerful groups in society realize their ends by trying all sorts of wiles. This research also aims at identifying these wiles.

A city is mostly conceived as a publicly owned living unit where citizenship rights and public interest is the essence. Hopeful assertions of communicative planning theorists constructed a naïve believe in consensus and harmony. In contrast, capitalist city is where interests conflict with each other. Public unity of city is confronted with private interests of specific actors. Especially when private interests based on ownership are concerned, planning practices and theories hardly find common ground.

To analyze this conflict, a case object with a lengthy planning history with several moments of contradictory interests, various formal and informal ways of acting to realize these interests, and a significant shift in ownership status from public to private is investigated.

Case object is a single parcel (named The Land throughout the text) in the Central Business District of the third biggest city (İzmir) in Turkey. Case is presented in the form of a narrative. There are four overlapping and simultaneous stories united in the narrative: planning processes; court trials, local political context, and economic sphere. Planning processes cover many plans and plan modifications, two protocols, and two project competitions none of which have been implemented within the last thirty years. Court trials cover several cases commenced against planning decisions by different actors. Local political context covers both national and local political struggles between the ruler and the opposition parties. Economic sphere covers a specific incidence which is the transfer of a private real estate company to national fund. Because of the complex and detailed history of the case, reader might require an outline of events. In this respect, this section will provide the reader one synopsis and one chronology of the entire narrative in case a historical positioning is required at any time.

1.3. Synopsis and Chronology

Between 1930s and 1980s The Land functioned as central transportation hub. After transportation functions were moved to periphery, The Land was projected as a trade and commercial utility by the military local government. To this, a project competition was opened. As soon as liberal local government came to power, competition project was revised on some investors' will. This revision was cancelled by court by the appeal of Chamber of Architects. After local elections, a social democrat local government was in charge. Another project competition was opened. This time The Land was integrated with the most important cultural and recreational zone of the entire city (The Culturepark) to which it was adjacent. However, winner project of this 2nd competition was also abandoned by the local government after next elections. The Land was indirectly privatized and partially transferred to a real estate development company through a flat-for-land contract. 11% of the project would be on municipality's share and 89% would be on investors share. Title deed was given to the

company just a few days before local elections. It was planned as a World Trade Center (WTC). Previous social democrat mayor commenced cases against this act. Court cancelled plans, but not sales. After local elections, another social democrat local government was in charge. This time The Land was planned mostly with commercial functions, where 11% (public share) was allocated to an Opera Hall. This plan was also cancelled by court rule. Meanwhile, a national banking crisis emerged and The Land was indirectly transferred to national fund. This transfer was because of a mutual trust contract between the investor company and a real estate holding. This holding was public-held in stock exchange market. It was also the majority shareholder of a bank which was transferred to national banking regulations and supervision agency due to its financial instability and accumulated debts. The relationship between the company, the holding and the bank resulted in indirect transfer of the shares of the company and the holding to national savings deposit insurance fund. From this moment, the weakened economic condition of the company and the holding required finding financial partners to realize the project. Subsequently, another plan was approved with decreased construction density. This plan was also cancelled by court. Then, national funds agency decided to sell the WTC project for debt liquidation, but this sale was cancelled one day before deadlines. Next plan, which was called The Salvation Plan, increased public shares from 11% to 30%. This plan was also cancelled by court. National fund agency decided to sell The Land once again. This time another plan modification was prepared to stop sales. Currently, The Land question continues without any progress. Several actions, maneuvers, strategies and tactics were employed by several actors in each phase which are the main concern of this research. Table below may assist reader with some sort of historical positioning for basic events when examining the case study section.

Table 1. Brief chronology of main events

15.10.1983	Announcement of 1 st competition during military era.
18.1.1984	Introduction of metropolitan municipality system. İstanbul, Ankara, and İzmir have gained metropolitan municipality status.
25.3.1984	<i>Local elections. Burhan Özfatura is elected as mayor of metropolitan city.</i>
29.4.1984	THE ONSET: Jury announced the winner project of the 1st competition

(cont. on next page)

Table.1. (cont)

24.1.1985	Architectural design of the 1 st prize winner project is processed into plans by mass approval.
3.5.1985	Introduction of Planning Law no.3194
5.9.1985	An auction is opened for constructing 1 st prize winner project.
19.7.1986	1 st prize winner project is revised on the will of granted investors.
15.10.1986	DC:5 plan compatible with revised project is approved
27.3.1988	Symbolic ground breaking is celebrated with a ceremony for revised project
1988	<i>Court cancelled revised project</i>
23.3.1989	1/25000 scale master plan revision (Fair and Recreation Area in Çiğli abandoned)
26.3.1989	<i>Local elections. Yüksel Çakmur elected as mayor.</i>
16.2.1990	Announcement of 'Fair and Culturepark Project Competition' (2 nd competition)
19.4.1990	Competition terms are revised (A, B, C zones)
12.7.1990	Competition postponed
27.9.1990	Competition restarted
21.12.1990	Competition results achieved
20.8.1991	Land Use Plan (LuP) for A, B, C zones is approved
27.3.1994	<i>Local elections. Burhan Özfatura is elected as mayor for his 2nd term</i>
11.1995	The Company (Güçbirliği Holding) established
26.12.1995	A Land Use Plan modification approved. C zone changed as M code
18.6.1996	The Holding (EGS GYO) established
24.12.1996	The Bank (EGS Bank) gained commercial certificate
18.2.1997	Flat-for-land contract (which is a privatization model) is prepared
20.5.1997	Companies are invited for auction
27.5.1997	The Company is granted the auction
3.7.1997	A Protocol is signed by allocating shares as 11% for municipality and 89% private company
3.4.1998	The so-called World Trade Center Project is submitted to municipality
23.2.1998	The Company and The Holding signed a mutual trust contract for WTC project.
27.4.1998	Construction permit is granted
14.5.1998	An Implementation Plan modification compatible with M code is approved
11.3.1999	Title deed is transferred to The Company and The Holding
18.4.1999	<i>Local elections. Ahmet Piriştina elected as mayor.</i>
16.6.1999	M LuP is suspended by court. Construction halted until today
29.12.1999	A Land Use Plan modification is approved which we call The Opera Plan.
12.6.2000	The Bank is taken under effective monitoring due to economic instability.
29.8.2000	New construction permits compatible with Opera Plan are granted
9.7.2001	The Bank is transferred to SDIF
26.9.2001	Opera Plan is cancelled by court.

(cont. on next page)

Table.1. (cont)

6.10.2003	A Land Use Plan modification is approved which we call DC:4,5 Plan.
20.2.2004	An Implementation Plan modification compatible with DC:4,5 Plan is approved
15.6.2004	<i>Mayor Ahmet Piriştina died and Aziz Kocaoğlu substituted as mayor</i>
20.10.2004	Local court rejected cases against DC:4,5 plans
18.4.2005	Supreme Court invalidated local court's rule and cancelled DC:4,5 plans
25.1.2006	Development Agencies established in Turkey
28.6.2007	SDIF decides to sell WTC Project for debt liquidation
6.9.2007	Sales cancelled one day before application deadlines
22.12.2008	The Hole Summit and Salvation Formula agreed by the 2 nd Protocol (shares allocation changed as 30% and 70%)
13.3.2009	A Land Use Plan modification is approved which we call The Salvation Plan where The Land is code with CBD – MSA.
29.3.2009	<i>Local elections. Aziz Kocaoğlu elected as mayor.</i>
6.7.2009	Economic Development and Coordination Committee is established in İzmir.
9.7.2009	Local court suspended CBD-MSA plans
12.3.2010	A Land Use Plan is approved where The Land is coded as Special Project Area (Konak 1 st stage plan) which we call The SPA Plan
2.3.2011	Local Court suspended SPA Plan
4.10.2012	SDIF decides to sell WTC for the 2 nd time
7.1.2013	An Implementation Plan is deemed appropriate by district municipal council which we call The New Hope Plan (TT ImP)
14.6.2013	Konak 1 st stage Land Use Plan is re-approved where The Land is coded with specific notes.
11.7.2013	Implementation Plan modification for The New Hope Plan (TT ImP) is revised and approved
11.9.2013	THE OUTSET: Objections to plan rejected which means new cases would be commenced.

1.4. Outline of Chapters

This dissertation is composed of six chapters. Current first chapter is the introductory remarks.

Second chapter includes methodological framework. Problem statement, main research question, and three research sub-questions are defined. Subsequently, research design is presented. Firstly, selected method of case study is justified by deconstructing the main research questions into two main components of “how & why questions” and “power”. Methodological inquiry resulted that case study has advantages when a how and why question is asked about a contemporary set of events, over which the

investigator has little or no control. Specifically research is an intensive, explanatory diachronic and synchronic single case. Case object is a single vacant land which is an extreme-deviant case selected according to information oriented case selection criteria. Next, data sources and data presentation are explained. Final section of the introduction chapter presents limitations of the research.

Third chapter includes theoretical framework. Firstly, the historical development of communicative approach is traced back in time in relation with development theory. Then the rise of communicative approach is city planning and its counter arguments are discussed. It is proposed that critiques towards communicative planning can be grouped in three categories: conservative critique, tyranny critique, radical critique. Radical critique is described in more detail with reference to its theoretical/philosophical dimension and methodological/empirical dimension.

Fourth chapter presents a brief situation of the historical development of communicative approaches and models of participation in Turkish planning system. This chapter mostly focuses on institutional frameworks and legal regulations in planning system.

Fifth chapter is the case study section. Case is represented in the form of a narrative. A synopsis and a chronology table have already been provided in the first chapter. A dense data presentation with several abbreviations and dates are included. After a brief historical information of the city and The Land, narrative starts on the onset and proceeds to the outset. The onset is 1984 and outset is 2013.

Sixth chapter is the findings and discussions. The three research sub-questions are answered one by one. The first research sub-question is analytically answered with a typology of space-actions in planning. Four communicative actions are observed in The Land case: corporate communicative actions, tyrannical communicative actions, compulsory communicative actions, reactionary communicative actions. Each type of action is related with the corresponding space with reference to Gaventa's tripartite scheme composed of closed spaces, invited spaces, and created/claimed spaces. The second research sub-question is answered with a historical comparison of actions in relation to ownership status. The third research-sub-question is answered with reference to strategies and tactics which are proposed as: protective strategies, coalition strategies, manipulative strategies, planning tactics. The main research question is elaborated after answering three sub-questions.

Final chapter is conclusions and recommendations for further research.

CHAPTER 2

METHODOLOGICAL FRAMEWORK

2.1. Problem Statement

Property ownership is the fundament of city planning processes in capitalist societies. Deciding land use functions for a single land piece depends largely on the ownership of that land; even more than spatial necessities and technical requirements. Any planning effort free from a coherent consideration of private land ownership relations is an empty exercise. Both procedural and substantial dimensions of planning are sensitive to property ownership variations.

Ownership of urban land is not static. Urban land is a means of production. It is a used, exchanged, privatized, expropriated goods and subject to trade. When a publicly owned land is sold to real personalities it is an act of privatization of public resources.

24 January 1980 is the symbolic date of neo-liberalizing Turkey. Establishment of The Privatization Administration is preliminary act to restructure economy. A special legislative framework is applied for privatization of Public Economic Enterprises and State-Owned Enterprises by rise of neo-liberal policies (Eren, 2007). The Privatization Administration is not the sole body that acts for privatization. Historically local governments are also donated with various methods of de-facto privatization (see: Eren, 2007; 2005). Yet, it is with neo-liberal era that privatization act accelerated.

There are opponents and proponents of privatization. For proponents, competitive nature of capitalism facilitates the best use of land. For opponents, privatization of urban land results in loss of public resources and limits service provision opportunities. According to Ersoy (1995) privatization restricts public control of space; therefore planning and privatization are mutually exclusive.

Despite the fact that privatization of public resources is widely criticized (see: Özdemir, 1994), there are few empirical researches on the effects of privatization on urban planning (Eren, 2007). Critiques generally revolve around the most fundamental dimensions of social, economic, and physical consequences (Eren, 2007). Our research investigates a rather secondary dimension from the perspective of city planning as to

whether substance and procedure of planning changes according to ownership. We agree with the city engineer of Aalborg municipality in Denmark when he says:

If [land use planners and urban renewal officials] decide that some section of privately-owned land must be changed to this or that, they have more interested parties whom they not only have to inform ... they also have to make agreements with them because the land does not belong to them. Things are much simpler with us since we deal with the roads. We deal with publicly-owned land. It is the public sector which has the money. It is the public sector which decides. You have control over the whole affair. (Flyvbjerg, 1998:40)

According to the city engineer, when public property is of concern planners feel freer to put their theoretical knowledge into form of land use decisions. When it is privately owned land, planners and other actors act, cooperate, communicate and decide in specific ways. Our research explores these specific ways and dynamics that create differentiation from dealing with privately-owned land.

Another synchronous regulation in neo-liberalization era is decentralization of power. This act was formed by two significant laws together with their complementary regulations. First is the establishment of metropolitan municipalities with greater authority compared to district municipalities. Second is the authorization of local governments with spatial plan preparing and approving powers.

Structure of local politics is strikingly different that power groups and facilitators of lobbying reveal many distinct patterns where there are lower barriers to enter to decision making processes (Jeffrey, et al. 2006). According to Friedland and Alford (1992), power groups influence local government policies not necessarily through political participation mechanisms, but through their control over local investment and land-use decisions. Investment strike is one threat in this respect to mediate government policies and is valid in both local and national levels. This derivative of economic and political power, directly influencing city and national economies is so strong and effective in the sense that behavior of these power groups can destroy economic and social balances through their economic actions in the market (Friedland and Alford, 1992). Power relations in local politics naturally exist in and influence planning practices.

Among the many unintended consequences with decentralization act in Turkey is the increased number of plan modifications. Mediating land use decisions by forcing local governments to make plan modifications is simplified by easy access of powerful groups to local decision making environments. Currently, even for medium size cities, the number of plan modifications rises to thousand in one year (Ersoy, 2005). These

partial plan changes cover a huge portion of planning activities especially after empowerment of local governments. Ersoy (1977) presents a few statistics to compare early centralized situation and recent decentralized situation. For instance, it was found that a total of 20787 plan modifications were made between 1965 and 1978 in the whole country. An average of 162 modifications was approved annually in three big cities. In 1981, most of the cases commenced at Council of State's 6th Office were about plan modifications (42%). This ratio was 10.5% for Spain and 31% for Holland. A few years after municipalities were authorized with planning powers, 140 plan modifications were demanded from Yalova Municipality in 1988; 230 were demanded from Bakırköy municipality (Ersoy, 1997). There is no sufficient statistical database to evaluate the situation in cities where most planning activities are based on partial plan modifications.

Together with the question of privatization, partial plan modifications create a double distortion. On the one side there is accelerated privatization of public lands and assets; on the other hand there is simplified and normalized system of partial plan modifications which distorts unitary plans in localities.

Problems with planning system are in the agenda of planning scholars as well as public institutions. For long time, planning circles in Turkey are in search for an appropriate spatial planning model. A comprehensive workshop to re-structure spatial planning system in Turkey was initiated by a central government authority during 2008-2009 by organizing a Higher Council of Urbanization. Next year, it was left shelved aside. In contrast to the call of The Council for regularizing planning system, central government institutions have been excessively donated with fragmented planning powers by recent legal regulations (see Law no. 644 and Law no.648).

We argue that an efficient planning system is possible only through understanding actual practices in decision making processes. These actual practices provide the groundwork that policy proposals and implementations will be built on. First task to accomplish this is to identify "the type of participation underpinning spatial planning processes in a particular situation" (Voogd and Woltjer, 1999: 837). Otherwise, normative prescriptions of universal theories and their "centralized solutions" (Hillier, 2002) may result in unjust urban practices. In Friedmann's (2009: 117) words "What is good in one place and time is not necessarily good in another". Universal policy proposals may fit into 'that' context, but may not fit into 'this' context.

Despite the highly influential status of property relations in city planning, dominant planning theories describe overall conditions and propose universal

prescriptions which are in many cases regardless of ownership status. By dominant planning theories we point to theories of communicative planning which is rooted in Habermasian communicative rationality. According to many scholars communicative planning is dominant paradigm in planning theory (Harris, 2002:31; Pennington, 2004: 214) and participatory planning is dominant approach in development theory (Henkel, and Stirrat, 2001:168). Some remain more cautious and claim that it is the most significant school and the most popular theory for the last two decades (Tewdwr-Jones and Allmendinger, 2002b:215; Allmendinger, 2002b:16). Taylor (2001:161-162) takes communicative planning as a new tradition, rather than a paradigm in Kuhnian terms, because role of planner as expert is not totally replaced by its role as negotiator or facilitator. Some claim that planning is decidedly moving towards an interactive, collaborative, and communicative direction (Assche, 2007:114). It is almost common in planning circles that communication is “the magic word embraced by all actors in the new planning game” (Voogd and Woltjer, 1999: 835) and participation is the fundament of communicative planning approach. No matter the degree of importance attached to it, communicative approach reins planning theory.

On the other side, counter arguments arose from power-oriented approaches which criticize communicative planning theory for ignoring existing practices and relying on theoretically prescribed actions. It is argued that communicative planning theory does not match with actual planning practices which is dominated and manipulated by power relations. For instance, findings of a typical research on participatory planning concludes that informal networking activity which includes direct action or lobbying is far more effective in influencing the planning outcome than traditional forms and institutions such as formal planning approach to public participation (Hillier, 2002: 112). Despite communicative planning and its fundament – participation – theoretically dominates academic field and political discourse, city planning practice experiences unjust and non-participatory decision making processes. Hopeful claims of communicative planning theory to improve democratic decision making processes are not realized thoroughly. Practice resisted and remained distorted or manipulated by powerful groups in the society (Campbell, and Fainstein, 2003b:10).

Critics argue that communicative, negotiative or collaborative approaches reduce the question of conflict to a question of “*listening to each other with good intentions*” (Şengül, 2002:20). Current practice is sloganized as “*the road to hell is paved with good intentions*” (Sager, 2005:7).

Within the scope of ‘participation in planning’, practice is defined as a social interaction / communication among various groups in a specific society and context. Communicative theory, unsurprisingly, tends to focus on communicative elements of planning. This focus includes a risk to over-emphasise the importance of key communicative events in planning such as public meetings, and fails to capture the importance of non-communicative processes and actions: “*Communication is part of politics, but much of politics takes place outside communication*” (Flyvbjerg, and Richardson, 2002:59).

Examining social interaction processes in planning requires elaborate analysis of actual practices and power relations among social actors. Without a strong relation between theory and practice; and without an understanding of actual relations of power in decision making processes city planning is likely to (and does) fail. Effect of this failure is not oriented towards city planning profession only. It is a matter of democratic and socially just urban living. Arnstein’s 1969¹ dated study is one of those early considerations of citizen participation in planning which explicitly pointed to the question of power as follows:

...participation without redistribution of power is an empty and frustrating process for the powerless. It allows the power holders to claim that all sides were considered, but makes it possible for only some of those sides to benefit. (Arnstein, 1969)

In other words, status quo is maintained through such empty practices of participation. Despite this early warning, power has been under-valued by majority of scholars. Problem with this under-valuation grew and became an inevitable question for planning theorists (Flyvbjerg and Richardson, 2002:44; Richardson Jensen, 2003; Few, R. 2002). Similar to Arnstein’s warning, Forester (1999b:176) claims that the issue of power has been in the agenda for long, but it should be taken more seriously:

Perhaps the biggest problem... in theorizing and understanding planning... is our ambivalence about power... one of the things I would do differently today in thinking about planning is introducing the inevitable question of power... I would urge those of us who are committed to the further development of planning theory to build relations of power – and especially enabling power – into our conceptual framework. This will be done more readily once we ground our theorizing in the actual politics of city-building. (Friedmann, J. cited in: Flyvbjerg, 2002a).

Contradiction between theoretical warnings and existing practice has been subject to empirical investigation to a limited extent. To some “theory is - in a sense -

¹ Arnstein’s categorical framework focuses on citizen participation as most of the literature on participation does. Our research covers a wider set of actors not in the limited sense of populist participation. We argue that there are several actors to examine besides individual or organized local citizens.

the practice” (Harvey, 2003: 18) and can be verified if and only if it is practiced. To others, theory and practice “should at least be able to talk to each other” (Campbell and Fainstein, 2003b). To some extent it is natural that shifts in planning theory may be and often are unrelated to the practice of planning (Allmendinger, 2002b:4). At all levels of view, the gap between theory and practice in planning is apparent (Tewdwr-Jones, 2002:66). This ‘epistemological crisis’ (Sandercock and Attili, 2012:140) requires appropriate means of knowledge production for better understanding of actual practices. The way it can be done depends on exploring when, how and why theoretical failure emerges. This task would force theorists to “take practice more seriously in order to produce stronger and deeper theories” (Campbell and Marshall, 2002:108). It is provocatively suggested that instead of trying to produce theory, planners should “theorise planning” (Oranje, 2002:180). To this, those researches adopting a power oriented approach developed some means of knowledge production for examining planning practices. Power oriented planning researches so far have accumulated limited literature based on empirical findings that ‘actions other than conventional participatory actions’ cover significant portion of all actions in the planning game. Still, these researches do not acknowledge the influence of ownership variations effectively.

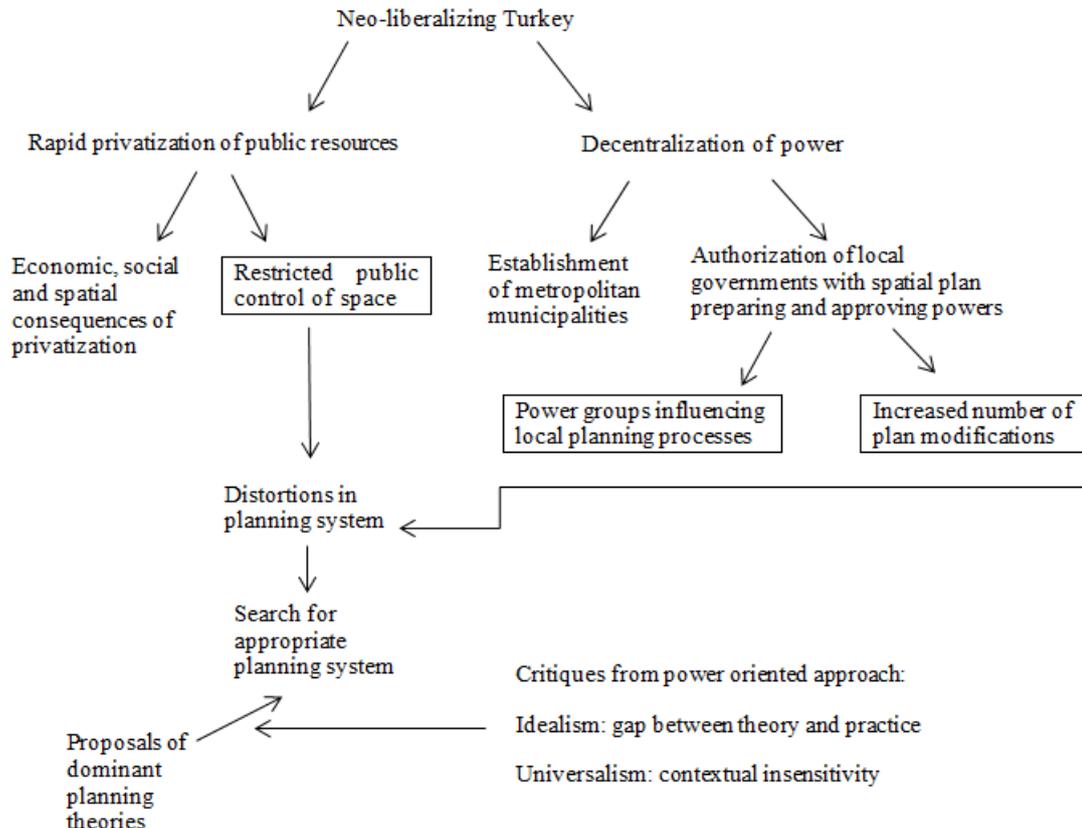


Figure 1. Problem statement

Putting forward the integrated problematic of “rapid privatization of public resources” and “simplified plan modifications”, and adopting the “critical view of power oriented approach” we argue that an appropriate planning system is possible only by a deep understanding of actual planning practices which vary according to the ownership status.

2.2. Research Questions

Ownership defines the rules of game to a significant level. With the rules of game phrase the modes of decision making is implied. Modes of decision making point to any action either in the form of conventional participatory actions that communicative planning theory proposes or in the form of insidious, hidden, strategic and tactical actions that power oriented studies explored. In order to empirically analyze this problem statement we are to ask this main research question:

“Do, [if yes, how and why] rules of planning game change according to conditions of ownership?”

To answer main question of research a few operational steps must be defined. Firstly, one should provide a list of all actions in the planning game. Secondly, these actions should be related with ownership status of subject matter. Finally, consequences of these actions should be elaborated in terms of their capacities to influence the planning game; in other words their performance in setting up the rules of power game. In order to explore each step we ask three corresponding operational sub-questions.

Sub-question 1. What actions are taken by actors to realize their interests?

This question aims at exploring the deeds in planning game.

Sub-question 2. Do actions differ when ownership differ? This question aims at investigating whether strategies, tactics, discourses and techniques change according to the ownership status.

Sub-question 3. Who gains and who loses by which mechanisms of power?

This question is extracted among the four typical questions of phronetic planning research methodology which was introduced by Bent Flyvbjerg. Background of the question views power as strategies and tactics. By integrating this Flyvbjergian question we aim to test the outcomes of strategic actions and tactics in a power game.

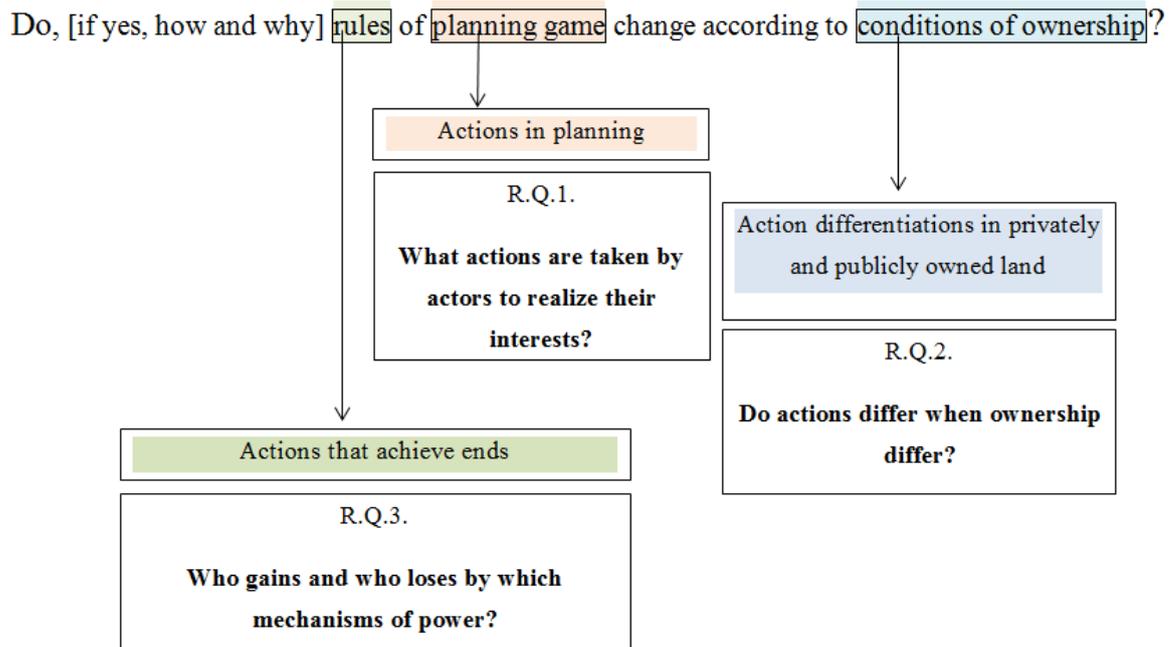


Figure 2. Analytical presentation of research questions

Our aim for critically investigating the relationship between participation, ownership, power and practices is constructive. Objective of empirically investigating how and why rules of planning game changes is to explore when, how and why communicative planning theory and its participatory proposals fail in practice. Revealing each moment of failure would help to reconstruct planning processes by leaving ‘less scope’ for unjust practices in the power game internal to city planning. In Harris’s (2002: 31) words, what is sought is not dissolving relations of power in a utopia of transparent communication, but to play games with a minimum of domination.

For the last decades, planning theory is in crisis, planning research methodologies are mostly irrelevant to social phenomena, planning practice is under distortion, and policy proposals are carbon copies of universal prescriptions. Ultimate aim of this research is to help understanding and deciphering actual practices with a power-oriented approach so that planning framework leaves less room for injustice.

City of citizens where common good is sought represents the public city. Urban land as an “economic rent generating machine” represents the loci of private interest. During recent rapid privatization era, size of the room allocated to planning as a profession becomes a central concern. In this conjunction, ownership component of the research emerges as a unique contribution. Research also aims to identify variations in planning publicly owned land and privately owned land. It differs from Eren’s (2005)

research in two dimensions. Firstly, Eren's research is on what she calls de-jure privatization defined as those made by The Privatization Administration. Our research is about what she calls de-facto privatization which existed since Ottoman Empire. Secondly, our research is about a model of privatization that is flat-for-land agreements between public authorities and private bodies. Eren does not include this model into privatization models. Eryiğit and Yörüklüoğlu (2012) include flat-for-land agreements among privatization methods frequently used by local administrations. We argue that this micro model of property transfer is widespread and not only should be integrated into list of privatization models but should be studied deeply.

In order to examine whether actions change according to ownership, object of study should be appropriately selected. There are two ways. One is building a comparative analysis of at least two similar planning objects. However, context matters in any planning research. A comparative analysis of this kind requires at least two objects of study - one privately owned and one publicly owned - in the same city or in similar cities, under close political, economic, spatial and cultural conditions. The other way is tracing the history of one single object whose ownership status had shifted at least once in time. The first way of testing is far from availability due to varying geographical conditions of Turkish cities. Potential drawback of the second way is the possible political changes where decision making largely depends on political context. To overcome this potential drawback a case object with a considerably long history is selected which is assumed to decrease sharp dichotomies by including more than two political approaches.

Case object of this research is a single land piece with a considerable long planning history with a shift in its ownership status at a definite time. Next section will describe the research design and the research object.

2.3. Research Design

This dissertation is designed as an intensive and explanatory case study research. Specifically it is a diachronic and synchronic single case which is adapted from Gerring's (2003) typology and revised. Research object is an extreme-deviant case which is selected according to information-oriented selection strategy proposed by

Flyvbjerg (2001a). Research object is a single vacant lot of 20.866m² size in the Central Business District of Izmir, Turkey. It will be called ‘The Land’ throughout the text.

A Single ‘Extreme-Deviant’ ‘Diachronic-Synchronic’ Qualitative Case Research

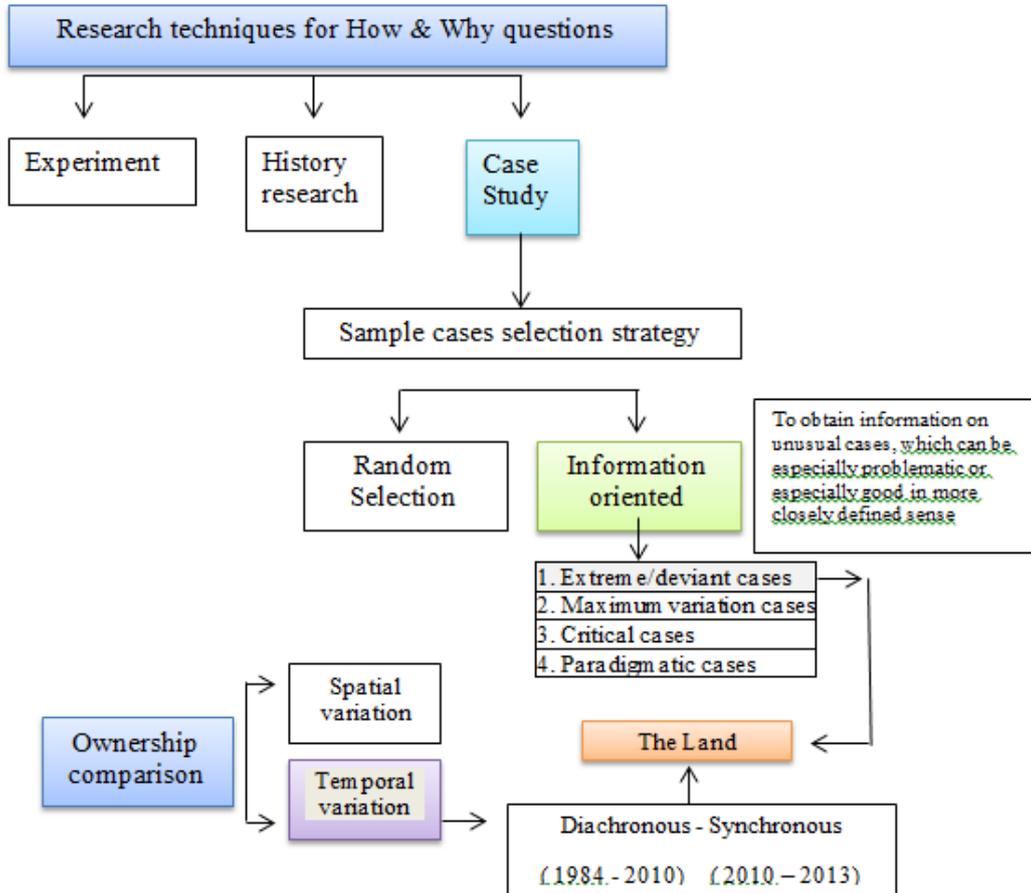


Figure 3. Research design and components

Onset of case study research is 29.4.1984 which denotes the existence of an architectural project to implement. Outset is 11.9.2013 which implies that nothing has changed. The Land was public property until 1997. In this year title deed was transferred to a private corporation and was indirectly privatized.

The Land is called The Hole, Hole of Shame, Bleeding Scar, Holehattan, The Lagoon, an urban tragedy, symbol of no-solution, and the most urgent case in the city. For more than thirty years The Land witnessed several plans, objections, court-rule based cancellations, project revisions and protests. In the end, no consensus could be achieved. Neither conventional participation mechanisms that were proposed by communicative planning theory, nor various strategies and tactics of power facilitated

any actor to enjoy The Land. History of The Land is assumed to be a fruitful source to investigate relations of power, ownership impact, problems with plan modifications and modes of decision making empirically.

2.3.1. Justification of Selecting Case Study Strategy

Choice of any research strategy depends basically on the research question. Research question of this dissertation requires an appropriate method for inquiring how and why rules of planning game change according to conditions of ownership. Operational sub-questions require analyzing what types of actions exist in city planning processes; how actors act in order to meet their ends; how and why actions differ according to ownership status of the subject matter.

These questions are related to power relations among actors and require elaborate analysis of actual practices in planning. However, methods for analyzing power relations in applied disciplines are rare. Case study methodologies are found to be most appropriate means of such investigation. This section provides the background for selecting this strategy.

To this, main research question is deconstructed into two components of “power” and “how and why questions”.

In the next section, methodological tools which are employed in power oriented empirical research will be presented. Subsequently, proposed methods for dealing with how and why questions will be reviewed.

2.3.1.1. Techniques for Questioning Power

This research has cross-cutting dimensions with social science methodologies since it deals with the question of power and interaction among social actors. However, social sciences are in a sense in crisis. Weakness of social sciences in comparison to natural sciences is a classic debate. There is a rising critique especially coming from Marxist theorists towards domination of social sciences by naturalism since 1960s (Allmendinger, 2002a:5). Critical Theory by Frankfurt School and Critical Realism by Andrew Sayer are among the most influential attacks towards positivism and empiricism in social sciences. Critiques are not limited to methodological dimensions, but radically to social and political task of science. Positivism is seen as “*purely an*

instrument to legitimize socially and maintain intellectually the bourgeois society” (Adorno, 1977:59). Philosophy of science had significant progress in restoring social science by distinguishing its unique characteristics from natural sciences.

Some of those who have attacked social science for the alleged triviality of its findings and for lacking relevance to practical matters have argued that this is due to its failure to use the ‘proven’ methods of natural science. (Sayer, 2003:12)

To Sayer (2003:1) arguments about whether social science should be like natural science no longer take place on the basis of agreement about the nature and methods of the latter. Impediment to developing effective methods in social science is seen as a matter of causation:

So much that has been written on methods of explanation assumes that causation is a matter of regularities in relationships between events, and that without models of regularities we are left with allegedly inferior, ‘ad hoc’ narratives. But social science has been singularly unsuccessful in discovering law-like regularities. (Sayer, 2003:2)

Current literature in power research depends on normative prescriptions, hypothetical arguments and individual life experiences² or ‘ad hoc narratives’ in Sayer’s words, more than findings of empirical studies. This is due to the fact that formulating a working model for power studies is considered to be far from straightforward because of the contentious character of power (Few, 2002:30) and existing multiple approaches to define the concept (Şengül, 2012).

Against domination of social science by natural scientific methods, Flyvbjerg’s critical intervention to establish a relevant basis for social sciences by re-introducing phronesis and phronetic research is a breakthrough. Grounded on his empirical research in a city planning activity in Aalborg-Denmark³, philosophical and methodological framework that he developed generated a widespread interest and debate in planning research and theory (Yiftachel, 2001b). Regardless of early contributions made by Critical Theory and Critical Realism⁴, Flyvbjerg argues that (2004b:399) social and political science will remain weak vis-à-vis natural sciences if compared in terms of their epistemic qualities. In more concrete terms *“social science never has been, and probably never will be, able to develop the type of explanatory and predictive theory*

² See: Albrechts, 2003 for two of his personal experiences as a sample.

³ The results of this study have shown that the formally adapted plan (which is likely to be a result of bargaining and negotiation amongst the powerful stakeholders) had lost much of its rational coherence in time (Marris, 2001).

⁴ There is no reference to any work of Teodor Adorno, Max Horkheimer, or Andrew Sayer in Flyvbjerg’s entire research. Flyvbjerg writes Adorno’s and Horkheimer’s names only once in the same phrase while criticizing Jürgen Habermas (see: Flyvbjerg, 2000:4; 2001a:92).

that is ideal and hallmark of natural science” (Flyvbjerg, 2001a:4). Phronetic researchers argue that given their subject matter natural sciences are better at testing hypotheses to demonstrate abstract principles and law-like relationships, while social sciences are better at producing situated knowledge about how to understand and act in contextualized settings, based on deliberation about specific sets of values and interests (Flyvbjerg, Landman, and Schram, 2012b:2).

It is until early 21st century that critiques were transformed into a popular debate called ‘the science wars’ and had influence in the domain of planning⁵. The so-called Perestroika movement⁶ grew among political scientists seeking methodological plurality (Schram, 2004; Flyvbjerg, 2004b). Science wars emerged among political scientists especially in US and penetrated to social science. Theoretical and methodological background for restoring social sciences was introduced under the task ‘Making Social Science Matter’ (Flyvbjerg, 2001a) which captures the core elements of Perestroika movement (Laitin, 2003:164). For restoring political sciences it was introduced under the task ‘Making Political Science Matter’ (Schram and Caterino, 2006).

It is argued that there are two ways that social sciences can go. The first scenario is current mainstream (scientism) which leads social science to fail. The second scenario is phronesis which leads social science to contribute to society’s capacity for value-rational deliberation and action (Flyvbjerg, 2006:42). To do this:

1. Social science should avoid emulating natural sciences in producing cumulative and predictive theories; no predictive theory has arrived at social sciences yet.
2. Social sciences (value rationality) should be promoted where natural sciences (epistemic rationality) are weak that is reflexive analysis and deliberation about values and interests aimed at praxis.
3. Social and political science should have social and practical import. (Flyvbjerg, 2006)

However, phronetic research so far existed mostly theoretically (Schram, 2012) with only a few empirical researches employed in planning, policy, and management research (such as those of Flyvbjerg, 2002a; Flyvbjerg, 2004c; Schram, 2012). Lately, as empirical research based on this background accumulated, it is labeled as ‘Applied Phronesis’ (Flyvbjerg, Landman, and Schram, 2012a).

Phronetic planning research is constructed on several interrelated philosophical and methodological dimensions. It is based on the Aristotelian concept of phronesis

⁵ This happened after the wide spread of an e-mail with the title ‘On globalization of the APSA (American Political Science Association) and its official journal APSR (American Political Science Review): A Political Science Manifesto’ which was signed by a pen name (Mr. Perestroika) on 17 October 2000. For the original letter and response to the so-called Perestroika-Glasnost ‘revolt’ see: <http://www.apsanet.org/~new/NewsFeb01.htm>

⁶ The rise of perestroika movement created arguments which is called ‘the Flyvbjerg Debate’ (Schram and Caterino, 2006). Laitin (2003) claimed that perestroika movement resulted in abandoning the project of scientific discipline.

which is re-interpreted and articulated with a Nietzschean/Foucauldian notion of power by Bent Flyvbjerg. This interpretation and articulation focuses on analysis of a combination of value and power. Contrary to dominant Habermasian communicative rationality, it represents Machiavellian realrationalitat. Phronetic researcher is expected to have some kind of competency – expert level - as defined in Dreyfus and Dreyfus’ model of human learning process. Methodological inquiry of a phronetic research is a case study where appropriate case is selected by means of sample selection criteria in accordance with the research question. Research questions are critical in phronesis. The four value-laden typical questions are the starting point of a phronetic research. Phronetic research rejects the opposition between qualitative and quantitative methods and is operated with multiplicity of methods through which the research questions are best answered. Research is generally represented in the form of narratology. The goal of phronetic research is to produce input to the ongoing social dialogue and praxis in a society, rather than to generate ultimate, unequivocally verified knowledge. According to Flyvbjerg (2002b) the focus of modernity and of planning theory is on ‘what should be done’. He suggests a reorientation toward ‘what is actually done’. What should be done is the last question to be answered with direct intervention into the problem. The ultimate aim of a phronetic research is praxis in the Marxian sense of the concept (Schram, 2004). The main question is not how to eliminate power but how to constitute the forms of power that are compatible with democratic values (Hillier, 2002:129).

Phronesis is most recently defined as a “*socially relevant form of knowledge ... practical wisdom on how to address and act on social problems in a particular context*” (Flyvbjerg, Landman, and Schram, 2012b:1). It is based on the Aristotelian distinction between three intellectual virtues that are episteme, techne and phronesis.

Phronetic research focuses on values, by taking its point of departure in the Aristotelian three value-rational questions: Where are we going? Is it desirable? What should be done? (Flyvbjerg, 2001a:130). Flyvbjerg’s (2001a:60; 2002a:353-366) attempt to articulate the notion of value with the implication of power required a fourth research question: *‘Who gains and who loses by which mechanisms of power?’*

Phronetic research is against the opposition between qualitative versus quantitative methods. According to Flyvbjerg (2004a:432) good social science is problem-driven and not methodology-driven. Methodological plurality or mixed-methods research is a growing trend in social sciences (Schram, 2012:24). Main issue is

not the method but whether research responds to research questions (Landman, 2012:25).

According to Flyvbjerg (2004b: 409) scientists seldom clarify which roles they are practicing in doing research. The entire enterprise is simply called ‘science’ or ‘research’ even though each one deals with quite different activities. It is often the case that these activities are rationalized as episteme, even though they are actually *techne* or *phronesis*. Aristotelian distinction between the three intellectual virtues, namely episteme, *techne* and *phronesis*⁷ is the basis that defines the home domain of natural, technical and social sciences. However, *phronesis* is underrated and colonized by natural sciences:

Whereas episteme is found in the modern words ‘epistemology’ and ‘epistemic’, and ‘*techne*’ in ‘technology’ and ‘technical’, it is indicative of the degree to which thinking in the social sciences has allowed itself to be colonized by natural and technical science that there is not a corresponding term for the one intellectual virtue, *phronesis*. (Flyvbjerg, 2001a:3-4)

Phronesis is seen as the most important intellectual virtue for a social science because it is the activity by which instrumental rationality is balanced by value-rationality. In other words, it is that intellectual virtue that may ensure the ethical employment of science and technology (Flyvbjerg, 2004b:402). Such balancing is crucial to the sustained happiness of the citizens in any society according to Aristotle. The three virtues have their own qualifications and each one corresponds to a particular scientific domain.

Episteme corresponds to scientific knowledge as in natural sciences. It is universal, invariable and context-independent know-why activity. Episteme corresponds to the modern dominant scientific ideal as expressed in natural science since Socrates, Plato and Enlightenment (Flyvbjerg, 2001a:55-56). It is based on analytical rationality. The original concept is known today from the terms ‘epistemology’ and ‘epistemic’ (Flyvbjerg, 2001a:57).

Techne corresponds to craft and art. It is a concrete, pragmatic, variable, and context-dependent know-how activity. The objective of *techne* is application (production of things) of technical knowledge and skills. It is based on pragmatic instrumental rationality for which Foucault calls ‘a practical rationality governed by a conscious goal’. The original concept is known today from the terms ‘technique’, ‘technical’, and ‘technology’ (Flyvbjerg, 2001a: 57).

⁷ The three intellectual virtues are also translated into English as science, art, and prudence respectively (see: Aristotle, 1881 version).

Phronesis corresponds to ethics. It is pragmatic, variable and context-dependent practical knowledge. Phronesis is based on practical value-rationality and judgment. It focuses on deliberation about values with reference to praxis. The original concept has no analogous term in modern world (Flyvbjerg, 2001a:57), yet it is often translated as ‘prudence’⁸, ‘practical wisdom’ or ‘practical common sense’.

Apart from its theoretical and methodological framework, the philosophical background of phronesis is simply a wisdom that any individual possesses. The concept as ‘everyday phronesis’ coined by Frank (2012) clarifies the sociality of the word as understanding of life as a project-in-process. To some problems one is capable of practical judgment depending on experience, education, training, ability etc. In this sense phronesis is a resource or a stock of experiential knowledge any individual possesses to some degree, which involves a form of action. It is value-laden, contextually-sensitive action-oriented wisdom based on ‘situational ethics’ (H.Dreyfus in Flyvbjerg, 1991:101).

Because phronesis is not concerned with universals only and its sphere is in particular circumstances, it requires an interaction between the general and the concrete. To achieve compatibility in context-dependent problems, experience becomes important factor for phronetic researcher (Flyvbjerg, 2004b: 402-403). The level of expertise is a question of knowledge acquisition and skills. Dreyfus’ model is used in order to answer the question of how people acquire knowledge and skills (Flyvbjerg, 2001a:9). Dreyfus model operates with five levels in the human-learning process:

- (1) Novice
- (2) Advanced beginner
- (3) Competent performer
- (4) Proficient performer
- (5) Expert (Flyvbjerg, 2001a: 10)

Novices act on the basis of context-independent elements and rules. Advanced beginners use situational elements, which they have learned to identify and interpret on the basis of their own experience from similar situations. Competent performers are characterized by the involved choice of goals and plans as a basis for their actions.

⁸ According to Sharpe (2007) translation of phronesis as ‘prudence’ is deceptive. Firstly, phronesis involves a species of knowledge that enables one to ‘know what is going on’. Secondly, phronesis is a ‘political’ virtue where prudence has a more private connotation. Although what is ‘lost in translation’ is not a concern of this research, this critical interpretation is based on a limited understanding of Aristotelian concept of politics. In 1881 translation of *Nichomecian Ethics* (Aristotle, 1881), translator’s note explains that politics is a much wider term to Aristotle than to us. It covers the whole field of human life. Since man is essentially social; it has to determine what is good and what can law do to promote this good. This extent of Aristotelian politics has a broad meaning than critic assumes.

Proficient performers identify problems, goals, and plans intuitively from their own experientially based perspective. At final level, experts' behavior is intuitive, holistic, and synchronic, understood in the way that a given situation releases a picture of problem, goal, plan, decision, and action in one instant; no division into phases. This is the level of true human expertise. Experts are characterized by a flowing, effortless performance, unhindered by analytical deliberations (Flyvbjerg, 2001a:20-21).

The highest level - expertise - is characterized by effortless performance of the actor (Flyvbjerg, 2001a:170), a concept similar to Bourdieu's virtuosos or excellence (Flyvbjerg, 2001a:42; 2004a:421). Experts do not solve problems and do not make decisions in familiar situations. They just do what works:

This does not mean that experts never think consciously, nor that they always do the right thing. When there is time, and when much is at stake, experts will also deliberate before they act. Their deliberation, however, is not based on calculated problem solving but on critical reflection over the intuition, which the expert applies (Flyvbjerg, 2001a:17).

To Flyvbjerg (2001a:19-21) this intuitional act does not mean some kind of guesswork, irrationality or supernatural inspiration. It is a property that each individual uses in everyday life: *"Intuition is the ability to draw directly on one's own experience – bodily, emotional, intellectually – and to recognize similarities between these experiences and new situations. Intuition is internalized; it is part of the individual"*. As level of skill acquisition increase, level of analytical rationality decrease relatively. Competent performance is rational; proficiency is transitional; experts act arationally. Arationality should not be confused with irrationality:

Rationality in the West has become identical with analytical thinking, that is, with conscious separation of wholes into parts. Arational behavior, in contrast, connotes situational behavior without the conscious analytical division of situations into parts and evaluation according to context-independent rules. (Flyvbjerg, 2001a:22).

Phronetic research is based on interpretation. There are and might emerge other interpretations and other research:

But one interpretation is not just as good as another, which would be the case for relativism. Every interpretation must be built upon claims of validity, and the procedures ensuring validity are as demanding for phronetic research as for any other activity in the social and political sciences. (Flyvbjerg, 2001a:130)

However, this point of subjectivity is not problematic considering the nature of phronetic research especially in answering the third phronetic question:

What is a “gain” and a “loss” often depends on the perspective taken, and one person’s gain may be another’s loss (Flyvbjerg, 2004b: 406). The researcher is among the many others; included in a polyphony of voices with no one voice. Researcher is not the final authority. (Flyvbjerg, 2001a:139)

Phronetic researchers can see no neutral ground, no ‘view from nowhere’ for their work (Flyvbjerg, 2001a:61). The subject matter of social science is the human being as a social subject just like the researcher. There will always be a dialogical relationship (Schram, 2004) between the researcher (interpreter) and the researched (interpreted).

Flyvbjerg (1998:6) confronts formal rationality (conventional forms of analytical, instrumental, or communicative) with what he calls Machiavellian Realrationalitat; the latter called the Real Approach to understanding rationality and politics. Dark side of planning is where the realrationalitat or real-life rationality (Flyvbjerg, 1996) operates and the focus of analysis is shifted from what should be done to what is actually done (Flyvbjerg, 2002b). This antagonism between the Machiavellian real rationality and Habermasian communicative rationality is characterized by counter positions of strategic versus constitution thinking, struggle versus control, and conflict versus consensus which requires an elaborate version of power analysis. To this, a Nietzschean/Foucauldian understanding of power is articulated with phronesis.

Nietzschean view of power as strategies-and-tactics is combined with the central question of ‘how power is exercised’ in addition to who has power and why they have it (Flyvbjerg, 1998:5). Nietzschean–Foucauldian interpretation of power is characterized by six features (Flyvbjerg, 2001a: 131-132):

- (1) Power is productive and positive and not only restrictive and negative.
- (2) Power is a dense net of omnipresent relations and not only localized in ‘centers’ and institutions, or an entity one can possess.
- (3) Power is ultradynamic. It is not only something one appropriates, but also something one re-appropriates and exercises in a constant back-and-forth movement in relations of strength, tactics, and strategies.
- (4) Knowledge and power, truth and power, rationality and power are analytically inseparable from each other. Power produces knowledge, and knowledge produces power.
- (5) Central question is how power is exercised, and not only who has power, and why they have it; the focus is on process in addition to structure.
- (6) Power is studied with a point of departure in small questions, ‘flat and empirical’, not only nor primarily with a point of departure in ‘big questions’.

Flyvbjerg’s renowned Aalborg case was discussed by planning theorists (Forester, 2001; Peattie, 2001; Hooper, 2001, Marris, 2001; Yiftachel, 2001a) in the form of a planning theory symposium in a special issue of *Journal of International*

Planning Studies. In Faludi and Valk's (2001) words, Flyvbjerg confronts discursive ethics mercilessly by drawing on what really happens in practice. Daivid Laitin argues that phronetic research is built on misunderstandings of context, science, and value of phronesis. Capturing context (as various factors and interactions of factors) is an issue of analytical strength of scientific inquiry. In phronetic sense, context is seen as a 'cop-out' (Laitin, 2003:168). Second objection is on Flyvbjerg's interpretation of Aristotle's concept of science as an activity that can generate ultimate and unequivocally verified knowledge. Laitin argues that hardly anyone in natural sciences would agree this definition. Scientific findings to scientists are seen provisional, contingent, and subject to replication or rejection (Laitin, 2003: 168). Thirdly, use of phronesis is valuable as it focuses on normative questions, and experiences practices with few validity claims. But during making science, it must be balanced with statistical and formal analysis if the goal is valid social knowledge (Laitin, 2003: 169-170).

First of all we should clearly put that our research favors the Nietzschean view of power as strategies and tactics. It also adopts the Flyvbjergian question of "who gains and who loses by which mechanisms of power?" However, Flyvbjerg's research and methodology [despite the richness of its findings and theoretical reflections] have some drawbacks in terms of operational research activities.

Firstly, subjective interpretation of the researcher which is validated by other interpretations is fragile to bias and causation. Who defines the most accurate and valid explanation (as Flyvbjerg himself well-defines the relationship between power and knowledge) becomes a power-oriented research question. This is an eternal circle. Who puts greater power to validate his/her explanation is in fact a Flyvbjergian question to be investigated.

Jon Elster (1983: 17) distinguishes between three modes of explanation: the causal, the functional and the intentional. Additionally, he distinguishes between three domains of scientific research: physics, biology, and social sciences. According to him (1983: 69) intentional explanation is the feature that distinguishes social sciences from the natural sciences. This does not mean that intentionality and rationality are counterparts. To Elster (1983:72) there cannot be intentionality without rationality, and rationality without intentionality. Similarly:

The result of phronetic research is a pragmatically governed interpretation of the studied practices. The interpretation does not require the researcher to agree with the actors' everyday understanding nor to discover some deep, inner meaning of the practices. Phronetic research is in this way interpretive, but it is neither everyday nor deep hermeneutics. Phronetic research is

also not about nor does it try to develop, theory or universal method. Thus, phronetic research is an analytical project, but not a theoretical or methodological one. (Flyvbjerg, 2001a: 140; 2004b:410)

Because the three Aristotelian research questions are value-laden and researcher's perspective is free from any limits, there is the risk of relativism, researcher bias, causation. This point is in Giddens' terms a double hermeneutics regarding the subject and the object of research in social inquiry. We argue that Flyvbjergian powerful question is successively adequate for a power oriented research.

Secondly, Aristotelian value-rational questions remain normative and no matter Flyvbjerg tries to defend validity of questions they remain in Habermasian sphere.

Thirdly, we are not convinced whether carrying out phronetic research is radically different from existing case study research. Peattie (2001) calls phronetic research a dense data case study which is an already used method.

Fourthly, we see a theoretical weakness in Flyvbjerg's research that his philosophy and methodology does not refer to works of critical realism by Andrew Sayer and critical theory by Theodor Adorno and Max Horkheimer. Habermas' claims are not identical with these figures who have contributed to methodology of social sciences significantly.

We also do not totally agree when role of agents are downplayed. In phronetic research, what is actually done is the central question. Practices, practical activity and practical knowledge in everyday situations are central themes. Main focus is on power, and not the 'who' or 'where' of power, but on how power is exercised (Flyvbjerg, 1998:405-406). It was criticized that most of the literature in planning puts planners into the center of their studies (e.g. Albrechts, 2003) and examines positions of planners – as mediator, negotiator, mediating negotiator, facilitator, advisor or technician (e.g. Forester, 1987) - without considering the positions of other actors. Flyvbjerg, in contrast, looks at what is happening between actors.

This perspective of Flyvbjerg has been criticized for not having little consideration of how planners played the role assigned to them or of what they might have done differently (see: Peattie, 2001; Forester, 2001; Yiftachel, 2001a, 2001b). Flyvbjerg (2001a) responds this critique by asserting that planning research must see planning as simply a phenomenon to observe and engage with. The head of the king is cut (using the famous dictum of Foucault) in a phronetic research: "*the doer is removed from the deed*" (Flyvbjerg, 2001a:135). As stages, actual practices of politics,

administration, and planning are investigated before their rules. Emphasis is on what people actually do, not only they say they do, nor their stated reasons for doing it (Flyvbjerg, 1998:7-8). We see a contradiction with this dictum and the Dreyfuses' expert category. Flyvbjerg could have carried Aalborg research thanks to his expertise in city planning. When expert enters the picture one cannot explain his influence within a structural framework. The relationship between structure and agent is much more complicated. We argue that an expert is an influential actor with a head on his/her shoulders.

Consequently, this research extracts the powerful question of Flyvbjerg from the bunch of four typical phronetic questions and adopts the Nietzschean view of 'power as strategies and tactics' in the case study.

2.3.1.2. Techniques for Questioning The Hows and The Whys

A typology for selecting research strategies made by Yin (2003) point to three strategies (experiment, history, case study) to study how and why questions. These strategies do not represent sharp distinctions. They may overlap in certain conditions. According to Yin (2003: 6) how and why questions are more explanatory and likely to lead the use of case studies because such questions deal with operational links needing to be traced over time.

Table 2. Relevant situations for different research strategies
(Source: Yin, 2003:5)

Strategy	Form of Research Question	Requires Control of Behavioral Events?	Focuses on Contemporary Events?
Experiment	How, why?	Yes	Yes
Survey	Who, what, where, how many, how much?	No	Yes
Archival Analysis	Who, what, where, how many, how much?	No	Yes / No
History	How, why?	No	No
Case Study	How, why?	Yes	Yes

Research object of this dissertation is an ongoing process. Due to distinctive feature of history research which deals with "the dead past" that is no relevant persons are alive to report, even retrospectively, and that main sources of evidence is archival records (Yin, 2003: 7) our research does not fit in history research. When history

research is done about contemporary events, it overlaps with case study research. Experiments being the third strategy to investigate how and why questions require laboratory environment (in a wider sense such as social experiments in field) in which investigators treat whole groups in different ways (Yin, 2003: 8). Therefore an experiment strategy provides the investigator some degree of control over the variables.

There are critiques towards case study strategy which have their responsive critiques. Case study has an ever questioned status in the field of methodology (Gerring, 2006:7) and full of prejudices (Yin, 2003:10). Methodological critiques towards case study are in a wide range. Some arguments claim that case studies do not follow systematic procedures; they provide little basis for generalization; they result in massive and unreadable documents; results of a case study may not be 'representative' due to context and the contingent nature of concrete conjunctures (Sayer, 2003:248-249).

Among the proponents of case study research, Bent Flyvbjerg (2001a:66-67; 2004a:421) argues that there are five misunderstandings or oversimplifications about the nature of case study research.

Misunderstanding1. General, theoretical (context-independent) knowledge is more valuable than concrete, practical (context-dependent) knowledge. Instead, Flyvbjerg (2001a:73) claims that

Predictive theories and universals cannot be found in the study of human affairs. Concrete, context-dependent knowledge is therefore more valuable than the vain of search for predictive theories and universals.

Misunderstanding2. One cannot generalize on the basis of an individual case; therefore, the case study cannot contribute to scientific development. Instead, Flyvbjerg claims that carefully chosen experiments, cases and experience were also critical to the development of the physics of Newton, Einstein and Bohr, just as the case study occupied a central place in the works of Darwin, Marx and Freud. In social science, too, strategic choice of cases may add to the generalizability of a case study. Case study is ideal for generalization using the type of 'falsification' tests. Popper himself used the famous example of 'All swans are white', and proposes that just one observation of a single black swan would falsify this proposition. Finally, Flyvbjerg (2001a:77) removes this misunderstanding as follows:

One can often generalize on the basis of a single case, and the case study may be central to scientific development via generalization as supplement or alternative to other methods. But formal generalization is overvalued as a source of scientific development, whereas the power of good example is underestimated.

Misunderstanding3. The case study is most useful for generating hypotheses in the first stage of a research process, while other methods are more suitable for hypotheses testing and theory-building. Instead, Flyvbjerg (2001a:77) claims that

The case study is useful for both generating and testing of hypothesis, but is not limited to these research activities alone.

Misunderstanding4. The case study contains a bias towards verification which is a tendency to confirm the researcher's preconceived notions. Instead, Flyvbjerg (2001a:84) claims that

The case study contains no greater bias toward verification of the researcher's preconceived notions than other methods of inquiry. On the contrary, experience indicates that the case study contains a greater bias towards falsification of preconceived notions than toward verification.

Misunderstanding5. It is often difficult to summarize and develop general propositions and theories on the basis of specific case studies. Instead, Flyvbjerg (2001a:86) claims that

Summarizing case studies is often difficult, especially as concerns process. It is less correct as regards outcomes. The problems in summarizing case studies, however, are due more often to the properties of the reality studied than to the case study as a research method. Often, it is not desirable to summarize and generalize case studies. Good studies should be read in their entity.

This appreciation of case study does not mean that single case study research is always the most appropriate method or large samples are without value. Choice of method should clearly depend on the problem under study (Flyvbjerg, 2001a:75; 2004a:432). According to Yin (2003:9) case study has distinct advantages when a how and why question is asked about a contemporary set of events, over which the investigator has little or no control. Flyvbjerg's explanations and Yin's typology makes the case study strategy appropriate for carrying out this research.

2.3.2. Specific Features of Selected Case Study Type

A case is defined as a spatially delimited phenomenon (a unit) observed at a single point in time or over some period multiple times (Gerring, 2006:19). In terms of internal validity intensive study of a single unit may be one of the most appropriate ways to estimate causal effects within that unit (Gerring, 2006: 44).

Table 3. A typology of covariational research designs
(Source: Gerring, 2006: 28)

Cases	Spatial Variation	Temporal Variation	
		No	Yes
One	None	1. [Logically impossible]	2. Single-case study (diachronic)
	Within-case	3. Single-case study (synchronic)	4. Single-case study (synchronic + diachronic)
Several	Cross-case & within-case	5. Comparative method	6. Comparative-historical
	Cross-case	7. Cross-sectional	8. Time-series cross-sectional
Many	Cross-case & within-case	9. Hierarchical	10. Hierarchical time-series

Note: Shaded cells are case study research designs.

Gerring’s ‘typology of covariational research designs’ classifies research designs according to the number of cases that they encompass (one, several, many), the kind of spatial or temporal variation, and the location. Shaded cells spot the case study research designs. This dissertation basically corresponds to Type 2 model that is diachronic single-case. This type focuses on variation in a single case over time with at least two observations. For the sample case of this dissertation several retrospective and synchronous observations are made between the onset and outset of the history. The case of this dissertation is an ongoing process. The onset goes to almost thirty years back where retrospective observations are made via archival records. The outset despite its ongoing status is the year 2013. The last three years have facilitated the researcher to make synchronous observations both as outsider of the process and in some situations as a participant. So, the case is called as a diachronic (by observing the case or some subset of within-case units over time) and synchronic (by observing within-case variation at a single point in time) single case.

2.3.3. Case Selection Criteria

Carefully chosen case contributes to research success. Each type of sample in table below serves for specific purposes, and should be chosen according to research questions.

Table 4. Strategies for selection of samples and cases

(Source: Flyvbjerg, 2001a)

Type of selection	Purpose
A. Random selection	To avoid systematic biases in the sample. The sample's size is decisive for generalization.
1. Random sample	To achieve representative sample which allows for generalization for the entire population.
2. Stratified sample	To generalize for specially selected subgroups within the population.
B. Information-oriented selection	To maximize the utility of information from small samples and single cases. Cases are selected on the basis of expectations about their information content.
1. Extreme/deviant cases	To obtain information on unusual cases, which can be especially problematic or especially good in more closely defined sense
2. Maximum variation cases	To obtain information about the significance of various circumstances for case process and outcome; e.g. three to four cases which are very different on one dimension: size, form of organization, location, budget, etc.
3. Critical cases	To achieve information which permits logical deductions of the type, 'if this is (not) valid for this case, then it applies to all (no) cases.'
4. Paradigmatic cases	To develop metaphor or establish school for the domain which the case concerns.

There are two types of selection: random and information oriented selection. Our research requires selecting a case having certain features such as shift in ownership status and moderate amount of actions and modes of actions experienced in its history. Therefore, initial information about the case must be known. This fits with the cases selection strategies in information oriented criteria. Appropriate selection strategy is extreme-deviant case by which the utility of information from small samples and single cases are maximized. Our The Land case is an extreme/deviant case due to its characteristics as lengthy history, with various cases in case, including multiple actors and actions, and a change in property ownership during its history that changes overall context significantly.

2.3.4. Data Sources

Conventional and most commonly used data sources for a case study include six data sources of evidence: 'documentation, archival records, interviews, direct observations, participant-observation, and physical artifacts' yet a more extensive list may include films, photographs, life histories etc. (Yin, 2003:85) Documentation includes sources such as administrative documents (proposals, progress reports and other internal records); formal studies or evaluations; newspaper clippings, and other articles in the mass media or in community newsletters (Yin, 2003:86). Archival records

include such sources as service records, organizational records, maps and charts, lists of relevant items, survey data, personal records such as diaries, calendars etc. (Yin, 2003:89). Interviews generally have open-ended structure in case studies, though they may follow a corroboration with a certain set of questions as in ‘focused-interviews’ (Yin, 2003:90). Interviews are seen as ‘verbal reports’ only, as such they are subject to bias (Yin, 2003:92). Direct observation is used to obtain additional information and it is suggested to use multiple observations when resources permit (Yin, 2003:93). Participant observation also may take part in research, such as being a resident in the neighborhood under investigation, serving as a staff member in the organization under investigation etc. Additional physical artifacts include physical evidence which are collected or observed as part of the field visit (Yin, 2003:96).

Yin (2003:97-105) defines three principles of data collection in order to maximize benefits: (1) using multiple sources of evidence; (2) creating a case study data base; (3) maintaining a chain of evidence. First principle regards triangulation which increases validity claims. Second principle includes disposition of various material such as case study notes, documents, tabular materials and narratives in order to allow the reader to have some recourse about the distinction between raw data and case study’s conclusion, which increases the reliability of the research. Third principle is to allow an external observer to follow the derivation of evidence from initial research questions to conclusions which increases the reliability of the research.

Data sources of the case study is typical to intensive qualitative research methodology which are composed of interviews with key persons, archival records, media coverage, published articles, periodicals and bulletins, observation, and participation.

2.3.4.1. Interviews

Semi-structured retrospective interviews with top level authorities in charge during each local-political period are made. An additional interview was made with a project management expert in IDA. Total of seven and a half hours interviews were made, recorded, deciphered and translated into English by the researcher. Two of the interviewees wanted to remain anonymous. The list of interviewees is below.

‘Yüksel Çakmur’ was the IMM Mayor during 1989 - 1994. In his early political life, at the age of 29 he was the mayor of a district municipality in Izmir. He was Minister of Youth and Sports for two periods. He is the originator of the 2nd competition for Fair and Culturepark Area. He and his friends filed several lawsuits against several plans and projects including The Land.

‘Mr. I.T.’ is a city planner. He was the Manager of Planning Department, Deputy Head of Planning Department, and Deputy General Secretary of IMM when Burhan Özfatura was Mayor.

‘Mr. C.S.’ is a city planner. He was Head of Planning Department, Head of Technical Works Department, and Vice General Director of Water and Sewage Systems during Mayor Ahmet Piriştina and Mayor Aziz Kocaoğlu’s periods.

‘Mr. H.T.’ is an architect. He was the Head of Planning Department and Deputy General Secretary during Mayor Ahmet Piriştina’s period. Currently he is the Head of Chamber of Architects – Izmir chapter.

‘Mr. E.A.’ is a city planner. He is a municipal council member in IMM and KDM for the last fourteen years, including Mayor Ahmet Piriştina’s and Mayor Aziz Kocaoğlu’s periods. He was the Head of Planning Commission during Ahmet Piriştina’s period. He is still municipal council member in KDM. For the last three years he has been writing articles about city planning and urban politics in local newspapers.

‘Mr. M.A.’ is a civil engineer and the General Director of The Company. He is also the project manager of the WTC project.

‘Mr. X.X.’ is a city planner. He has been at upper bureaucratic cadres during Mayor Ahmet Piriştina and Mayor Aziz Kocaoğlu’s periods.

‘Mr. Y.Y.’ is a city planner. He is a project management expert in Izmir Development Agency (IDA).

2.3.4.2. Archival Records

A folder including official court documents, draft and approved plans with appendices and municipal council meeting minutes is composed. These are either provided by interviewees or found in chambers’ archives and publicized municipal records. Most of these texts are photographed (367 pages of court texts and approved plans) and some of them are photocopied or printed. Municipal archives were allowed

under supervision only to a limited account and no files were allowed to be copied despite a request letter from the university.

More than five hundred newspaper articles and news between 1980s and 2013 are scanned. Many errors and mismatches regarding dates, content and code of court rules and misinformation about several issues are found in these articles and news. They were corrected by cross-checking with relevant info in official and formal documents.

Journals, periodicals, and bulletins of economic, professional, technical associations, chambers, and institutions were scanned. TGNA minutes were also scanned and sessions during which The Land, SDIF processes, and The Holding were brought to national agenda were recorded.

Detailed information about The Company, The Holding, The Bank, and SDIF processes are found in open archives available in The Public Disclosure Platform⁹ of CMB, in BRSA press releases, in SDIF press releases, and in compulsory monthly and annual activity reports routinely prepared by public-held companies in stock-exchange market. Another source of information about the processes regarding The Land and these firms are found in independent audit reports (see: Lotus, 2011; ABC, 2012).

Several internet forums for stock exchange markets are also followed during research. www.haberborsa.com , www.hisse.net , www.borsazedeler.com are among those websites where thousands of threads about The Holding and its projects were opened, progress was monitored, current situation was discussed and commented by petty stock holders.

Internet technology brings real time news and other opportunities. Some sessions of IMM council meetings are broadcasted on internet, not by municipality but by online newspapers such as www.egedesonsoz.com and www.egeninsesi.com . Discussion in the latest session about The Land was watched and typed by the researcher.

2.3.4.3. Observation and Participation

Researcher was the Head of Chamber of City Planners – Izmir Chapter during 2010 – 2012. This position facilitated opportunities for discussing with several

⁹ Developed by joint efforts of CMB, the Scientific and Technical Research Council of Turkey (TUBITAK) and ISE, the Public Disclosure Platform (PDP) aims to gather financial statements and material events belonging to public companies and intermediary institutions that are in the scope of the platform, by utilizing electronic signature technology (CMB, 2009:103).

colleagues and other professionals somehow related to or interested in The Land. These unstructured and extemporized communications helped improve the basis of the research. They are not included in the research text directly, but their experiential feedbacks supported the researcher with insight. In addition, participation in several meetings with several organizations about various issues in the city gave the opportunity to develop an insight to the ongoing processes and the Geist of current decision making models in the city. The Land was in the agenda in only one of these meetings with Mayor. An interview with Mayor about The Land was requested in one of these meetings, but it could not be made. A second appointment request was also not arranged afterwards.

2.3.4.4. Data Recording, Analysis and Presentation: Narrative

According to Yin (2003:115) the best preparation for conducting case study analysis is to have a general analytic strategy in order to proceed easily. Generally narratives are structured, organized, and constructed for existing phonetic researches.

At the outset, practices are recorded and described simply as events... The researcher records what happened “on such a day, in such a place, in such circumstances... Data, events, and phenomena are presented together with their connections with other data, events, and phenomena. Discontinuities and changes in the meaning of concepts and discourses are documented. (Flyvbjerg, 2001a:134)

Narrative inquiries develop descriptions and interpretations of the phenomenon from the perspective of participants, researchers, and others (Flyvbjerg, 2001a:137). Narrative inquiries do not start from explicit theoretical assumptions. Instead, they begin with an interest in a particular phenomenon: a problematic. Landman (2012:30) defines four levels of analysis in narratology:

- 1) Linear level of the basic structure – the subject, the verb and object of a story which relates the basic facts as they are understood by the storyteller sequentially
- 2) Relational level in which contextual and spatial dimensions are related to event and the story can reveal relationships between the storyteller and other actors;
- 3) Emotional level which underpins the subjective understanding of events experienced by the storyteller
- 4) Analytical level which involves analysis of connections across different narratives of the same or similar events

Narratives are at a base level ‘stories’ that people tell about things that they have experienced directly or indirectly, as well as the evaluative impressions that those experiences carry with them (Landman, 2012:28-29). Narratives are composed of micro

or macro events and practices, not only discourses or sayings. Events carry some analytical features. The start and date time of an event is the onset. Time between the end and onset is the duration of event. An event has a magnitude and size; number of actors involved, type of actions actors do and type of things that happen to them (Landman, 2012).

Tension points which are characterized with a ‘versus’ are special foci of interest. A tension point is “a type of power relation which is particularly susceptible to problematization and thus to change, because it is fraught with dubious practices, contestable knowledge and potential conflict” (Flyvbjerg, 2012:97). Working with tension points has three steps. First is to actively identify dubious practices within policy and social action. Second is to undermine these practices through problematization, and finally to develop new and better practices (Flyvbjerg, Landman, and Schram, 2012c: 290).

To present The Land case, firstly events were put into a chronological order. Planning history, business groups’ history, local elections history, court rules history was listed separately. Then these separate stories were united in the narrative. Tension points, action strategies, and tactics were identified. Interviewee opinions were integrated and the story was restructured once more.

2.4. Limitations

This research limits itself within the privatization of urban land, and does not include assets of public enterprises such as TEKEL, EBK, Sümerbank. Privatization is generally understood as an act of Privatization Administration. We argue that flat-for-land agreements are among types of privatization. This model of privatization is based on shares allocation by which a public-private partnership is established.

Flyvbjerg, in the preface of his seminal work (1998) starts with his thanks to support and collaboration of several parties:

I received among all parties – government and private – that none of my requests for interviews or access to primary documents were ever refused, including internal or confidential documents.

His research had the opportunity to reach archival data in a well-equipped and relatively transparent local administration. This appreciation is a clear image of why his

Aalborg Study has characteristics of a critical case that allows generalization in terms of methodology.

With Denmark, being one of the oldest, and probably also one of the best functioning welfare state democracies in the world... (Flyvbjerg, 1998:4) I conceived of Aalborg as a 'most likely' critical case in the following manner: if rationality and urban planning were weak in the face of power in Aalborg, then, most likely, they would be weak anywhere, at least in Denmark, because in Aalborg the rational paradigm of planning stood stronger than anywhere else. (Flyvbjerg, 2004a: 426)

Denmark's local government system has open and tune archives like in most northern European planning organizations. For similar instances, especially Dutch planning system is considered to already have a more 'open' system for communicative planning interventions (Voogd and Woltjer, 1999). Hajer and Zonneveld (2000: 337-338) describe five conditions that provided success of this system: institutional comprehensiveness, vast numbers of full-time planning professionals, deep historical roots, institutional creativity, and active academics in discipline. This kind of an 'open' system has not been established in all countries yet. In a recent text (Flyvbjerg, Landman, Schram, 2012c:292-293), phronetic researchers warn that everywhere is not Aalborg:

Different cultures and political regimes have different tolerance levels for how scholars are allowed to go in identifying and problematizing tension points and dubious practices. In the relatively advanced democracies of northern Europe and North America, tolerance for such work is high and problematization and critique may even be encouraged as a way of improving democracy. In non-democratic societies and emerging democracies, tolerance is typically lower and critique may be seen as controversial or even criminal... Clearly, phronetic research must be adapted to such difference of context.

It is unfortunate that Turkish academic research suffers from closed-up archives. Turkish local and central governments are reluctant to keep archives and are not willingly to open them to public accessibility. Yet, this situation is itself an input, regarding the problematic of this study in relation to power/knowledge relation. Achievable and unachievable information is itself an indicator of transparency.

Mantysalo's (2008: 81-82) research points to a similar drawback:

This empirical study could have been carried out thanks to the conditions that the court processes have brought into the open crucial data (data sources are court case documents and newspaper articles) that otherwise would not have been available for the researcher: witness material on hidden agendas, secret contracts, manipulative maneuvers, uses of force behind closed doors, etc.

For this current research, most of the closed-up archival information became available by court case documents similar to Mantysalo's (2008) case study.

There are politically sensitive problems that are held in closed arenas with political advisors (Albrechts, 2003) or economically sensitive problems with specific power groups (Flyvbjerg, 2001a). Yet, this limitation due to closed arenas also contributes to the literature by proving that these modes of hidden communication/participation mechanisms do exist. To us, presence of closed doors is more important than what happened inside.

Despite these limitations of current research, researchers surely will be able to express their thanks to governments and public authorities for permitting access to archives, tolerating critiques and encouraging further researches in my country soon.

CHAPTER 3

THEORETICAL FRAMEWORK

3.1. Rise of Communicative Planning Theory

In social and political sciences, participation as a key policy has evolved over some key breaks in the 20th century: ‘1940s’ colonial community development; ‘1950s’ post-colonial community development; ‘1960s’ political participation; ‘1960s - 1970s’ emancipatory participation; ‘1970s - 1990s’ alternative development; ‘1980s – present’ populist participation in development; ‘mid 1990s – present’ social capital; ‘late 1990s – present’ participatory governance and citizenship participation (Hickey and Mohan, 2004b:6-8). Basic arguments supporting participation are in a wide range such that:

- interests and needs of stakeholders are better met through consensus;
- decisions based on local knowledge and experience are more likely to realize;
- home-grown policies are more sustainable;
- participation enables empowerment of citizenship (Kothari, 2001:139) and decentralized social democracy (Pennington, 2004:213);
- top-down approaches fail in implementation of local projects (Henkel and Stirrat, 2001:170-171);
- civil society is a better alternative to inefficient and unresponsive state institutions (Mohan and Stokke, 2000:264);
- government planning agencies are dependent upon other parties’ support for a plan (Voogd and Woltjer, 1999: 836)

Historical background, basic arguments and rise of critiques in relation to participatory approaches are similar in the field of spatial planning. Attacks from Jane Jacobs in 1960s towards modernist planning, and from Richard Sennett in 1970s towards expert planner; Lindblom’s incrementalist approach; Etzioni’s mixed scanning approach; Davidoff’s advocacy of plurality in planning; Krumholz’s equity approach; Friedmann’s transactive planning based on learning from people; Forester’s mediating participation and deliberative practitioner; Marxist critiques on technocratic and value-free process of planning are all early models of communicative planning. Among these

early steps, disjointed incrementalism promoted participation by ensuring that each and every interest has its own defending groups and organizations in planning process. Advocacy planning questioned the unitary interest notion of rational comprehensive planning and attempted to secure the voice of disadvantaged and weak groups in society (Sager, 2005). Some early policy implementations and actions were taken to include participatory precautions into planning; a typical one is the 1969 Skeffington Report in England aiming to bring people into planning process (Porat, 1999: 17).

Since the very first introduction of it into planning field, communicative planning has been modified in a wide range. Communicative planning, deliberative planning and argumentative planning by John Forester; transactive planning by John Friedmann; planning through debate, inclusionary discourse and collaborative planning by Patsy Healey; consensus building by Judith Innes and several others are terms that have been used extensively in planning theory literature over the last decade or so to describe and transform the concepts of Habermasian critical theory into planning (Allmendinger, 2002b:16). Communicative planning is referred to collaborative planning in the UK literature by Patsy Healey, while it is to deliberative planning in the US by John Forester (Tewdwr-Jones and Allmendinger, 2002b: 207).

Besides a number of influences upon the communicative turn (coined by Healey, 1992) in planning, principle theoretical source is Jürgen Habermas' theory of communicative action (Allmendinger, 2002b; Harris, 2002; Cardoso, 2005). Habermas' theories of discourse ethics and communicative rationality are the basis for communicative planning theory. Habermas defines four conditions for communication which represents the basis of an ideal speech situation: truth of external reality, rightness of interpersonal relations, truthfulness for internal subjective state, and comprehensibility of language.

Introduction of communicative planning theory is primarily based on Healey's and Forester's counts on Habermasian theory of communicative action which is assumed to fit best with the context¹⁰ and to overcome critiques:

A key challenge of our time is how to address common concerns about the qualities of local environments and the conditions of cities when there are so many different interests to consider and so many potential conflicts between them. (Healey, 1996: 207)

¹⁰ Similar arguments emerged in Turkish literature at the very same period by Tekeli (1997) focusing on spatial changes and the problems of representation. Tekeli points to the rise of communicative rationality, governance, consensus, institutional capacity and innovation as an urge to Turkish planning system.

According to Healey (1992) there were five directions that planning could go through to overcome challenges:

1. Principle of price: based on scientific rationalism, it aims to internalize external costs for issues that are not traded in market through price-ability of things.
2. Idealist fundamentalism: based on metaphysics (moral and aesthetics) it aims to balance dominancy of rationalism.
3. Aesthetic relativism: based on discursive reasoning, it aims to evaluate individual values and preferences that make sense together
4. Extending modernity's tolerance: based on critique of modernity's unifying character, capitalism and state socialism, it appreciates differences.
5. Communicative rationality: based on inter-subjective communication, it promotes knowledge for action, principles of action, and ways of acting that are actively reconstituted by members of an intercommunicating community.

At this moment of choice, Healey (1992) favors new planning to be a communicative enterprise and puts ten propositions to realize this model in city planning:

1. articulate formal techniques of analysis and procedures with moral and aesthetic dimensions
2. search for achievable levels of mutual understanding among various communities
3. create respectful discussions
4. create arenas and organizations for discourse
5. search for reasons
6. have reflexive and critical capacity
7. voice, ear and respect for interests
8. negotiate for altering fixed preferences
9. demystify -clarify ideas
10. aim at designing a program - start out and go along the route for action

Healey (1996:208-213) claims that it is only through fostering an interactive and collaborative capacity, building social capital of trust and the intellectual capital of understanding that an effective institutional capacity development is possible. Such a capacity would result in the institutionalization of planning for dissolution of conflict and tension among groups (Healey, 1996:214-215). This view leads to prospective adjustments for reforming planning process.

Similarly, deliberative planning approach by John Forester (1999a) inserted the concepts of mediation and negotiation into planning theory. Role of planners are at the core of inquiry. Forester (1987; 2006) determines strategic roles and positions of planners as mediator, negotiator, pre-mediator, advisor, deliberative practitioner, technician or resource. Forester's aim is to explore what skills planners need to maximize their effectiveness in planning for people 'in the face of power' (Taylor, 2001:125).

Having drawn on Altshuler's early critiques of comprehensive planning approach and on empirically supported findings Judith Innes coined the term consensus

building in planning. In most cases, findings revealed that by including representatives into planning process, groups could agree on principles, policies and plans (Innes, 1996:465). Consensus building, if appropriately designed, is considered to approximate the public interest in spite of the unitary version of comprehensive planning theories (Innes, 1996:469). Innes does not develop a general strategy and design of consensus building, but rather normatively calls for the need of 'explicit development and coordination of policies and priorities of stakeholders' (Innes, 1996:469). Scholars later on, pointed to the failure of citizen participation in planning and calls for a new paradigm coined as collaborative planning (see: Innes and Booher, 2000b:6) by dealing more with practical issues (Cardoso, 2005). It was favored for providing co-evolving opportunities for high diversity and high interdependence of interests in the society, in comparison to participation in technical bureaucratic planning, political influence planning, and social movements as participation (Innes and Booher, 2000b:13-19). According to some collaborative planning is a distinct approach but not a theory (Harris, 2002:23). Others called it the one theory that best fits the zeitgeist of 'global economic restructuring and local responses' (Tewdwr-Jones and Allmendinger, 2002b:207).

Significant theoretical literature has been constructed with special attention to communication, participation, citizenship and consensus in planning. Beginning from the preliminary versions of participatory and communicative planning theories, several modifications, revisions and restorations were made.

3.2. Rise of Critiques to Communicative Planning

For the late 20th century, it is considered that participation no longer has the radical connotations it once had (Clever, 2001:53; Mosse, 2001:17). Comparing the past and the current resulted similarly in planning field. Local people benefited from 'community development' and the participatory technique of 'Planning For Real' (Forester, 2008; Parkes, 2008) in an era that participation had the mentioned emancipatory roots. In a retrospective insight, according to Healey (2008) participatory planning might have lost in certain contexts, but there are gains in several places:

Back in the idealism of the late 1960s, this [public participation] was widely advocated as a way to transform urban politics. But it got taken up instead as a managerial strategy for 'regularising' urban conflicts, and turned into procedural requirements which... squeezed the

transformative energy out of the social movement. Or did it? Certainly that was the experience in many places. But if we look back into the planning histories of places which are now commended for the quality of their urban environments, the liveliness of their political communities and the energy of their civil societies with respect to local environments... we find the impact of the transformative effects of social and environmental movements of that period in changing the substance and process of urban policy. (Healey, 2008: 379-380)

This passage does not directly appreciate transformative effects of participation to have a stake at the mentioned success. The reason of achieving quality environments is not the existence of formal participation mechanisms. It was the power of social and environmental movements that change urban policy. These movements did not utilize conventional meetings in existing urban policy. They challenged these policies through external actions.

More or less, success stories about transformative energy of social movements remained in the past. For the last two decades 'managerial strategy for regularising urban conflicts, and its procedural requirements' is subject to serious and sharpened criticisms (Assche, 2007:106). Critiques towards Habermasian communicative rationality and participatory policies are in a wide range. The parameters within which debate and critique should take place and point to the appropriate form are also not clear. According to Harris (2002:29) communicative and collaborative planning are distinct approaches and critiques should distinguish between the two:

Critics have not always been clear on whether criticisms are being levelled at communicative planning theory or collaborative planning as a form of practice derived from that theory. In addition, critics have not always made clear whether they are engaged with Habermas's original concepts or their interpretation in the field of planning theory. ... use of Habermas and Foucault as surrogate warriors by planning theorists.

Despite this argument, this research prefers to use the term communicative planning theory as a general framework, since the sophistication from communicative planning theory to collaborative planning approach is still led by the Habermasian mechanics and dynamics of communication (Cardoso, 2005:7-8), and since the boundaries between planning as negotiation, mediation, collaboration, and consensus-building are not clear (see Innes and Booher, 2000a). For instance, although Allmendinger and Tewdwr-Jones' editorial book *Planning Futures* (2002a) takes collaborative planning as a focus (preface), only Harris (2002) investigates distinctive features of collaborative planning. Chapters by Allmendinger and Tewdwr-Jones indistinctively use communicative and collaborative planning.

Main problem is not whether one criticizes communicative planning theory or collaborative planning approach. It is also not whether critiques are oriented to origins

of communicative rationality and its versions in planning discipline. The question revolves around the merits. We propose to frame labels and content of these critiques in three classes:

- 1. conservative critique**
- 2. tyranny critique**
- 3. radical critique from power-oriented approaches**

Conservative critique is mostly from inside communicative planning theory which aims at restoration. It is based on theoretical advancements and procedural prescriptions. Tyranny critique emerges from a rather distinct field: participatory rural appraisal projects in local development policies. Tyranny critique observes practical applications in participatory decision making environments, methods and techniques. Power-oriented critique radically excavates theoretical and methodological background of communicative approaches.

3.2.1. Conservative Critique

Communicative planning theory is a dynamic field with revisions and modifications. It was assumed that undertaking a dialectical engagement with comprehensive critiques, collaborative planning theory would be strengthened and made more attractive to practitioners (Tewdwr-Jones and Allmendinger, 2002b:206).

Conservative critique emerges inside its home domain and deals with improving the procedures and applicability of communicative/collaborative planning. Emphasis is on citizen participation and formal participatory planning techniques such as committee meetings, public participation strategies such as search conferences, texts produced for and by these processes (Hillier, 2002:110) and new techniques in information technologies. They are conservative critiques because they ‘largely challenged or questioned specific aspects rather than criticizing the paradigm as a whole’ (Tewdwr-Jones and Allmendinger, 2002b:206).

A problem with handling participation process concerns the expansion of issues by involvement of multiple actors with their multiple agendas:

In operating open dialogue mechanisms, some other problems arose. A more ‘open’ approach may throw up a lot of information, opinions, facts, views etc. which need to be organised somehow. (Tewdwr-Jones and Allmendinger, 2002b: 211)

Contextual insensitivity and idealism of Habermasian approach is another target of critiques. Healey being one of the leading proponents of communicative and collaborative planning aims to restore communicative planning by paying more attention to context:

Realizing it in any particular circumstances would involve shaping it pragmatically to the social relations and political possibilities of particular situations. Every context will have distinctive power relations, domination, and exclusion which will have to be confronted and reduced through development of communicative practices. The result will inevitably be a locally specific process. (Healey, 2003:252-253)

New right approach also criticizes collaborative planning theory for not paying attention to practical concerns which is at the heart of new right literature and similar pragmatist approaches (Pennington, 2002:187; Harrison, 2002:157). In contrast, Allmendinger (2002:92-113) criticizes new right approaches to have theoretical contradictions in itself. Participatory planning advocates generally aim at developing the approach by introducing procedural obligatory formal meetings into law (see MPWS, 2009; Eke, 2001) or developing technical tools and procedural mechanisms. A web-based GIS module for public participation called PPGIS (Yaakup et al. 2001) and multi-agent simulation [MAS] with cellular automata [CA] (Ligtenberg et al. 2001) are among these. Models generally operate on intentions and related decisions of actors. According to Healey (2007:290) computer modeling helps planners to rationalize some of the factors that need to be considered during planning, but cannot replace the necessary co-operative relationships. Complexity of planning and limitations of model based decision making processes require further improvement.

A typical sample of the scope of conservative critique is necessary time for participation techniques. Innes and Booher (2000:2-3) claim that participatory methods discourage busy and thoughtful individuals from wasting time. Also, the opportunities for speech and representation of stakeholders are limited due to time or logistic availabilities. Flyvbjerg (2001a:91) ironically claims that the five processual requirements of discourse ethics (generality, autonomy, ideal role taking, power neutrality, and transparency) needs adding a sixth: 'unlimited time'.

3.2.2. Tyranny Critique

Tyranny Critique is rooted in the field of development theory. Critiques towards participation in the field of Development Theory go back to early 1980s (Cooke and

Kothari, 2001b). Early critiques were directed from two points of view: conservative analysis (Taylor, 2001:138; Henkel and Stirrat, 2001:171) which focuses on technical limitations of the approach stressing the need for a re-examination of methodological tools (Kothari, 2002:139), and critical radical approaches (Taylor, 2001:138) or progressive approaches (Henkel and Stirrat, 2001:171) which pay closer attention to theoretical and conceptual limitations (Kothari, 2001: 139).

Critiques in current form focus on the relationship between theory and practical applications, and on power relations. It is asserted that participation is translated into a managerial exercise based on procedures and techniques, and subsequently the once-radical and critical notion of participation is dissolved (Clever, 2001:53). Many claims saying that ‘participation is good’ have remained unproven, despite the two decades of participatory practices (Clever, 2001:54). “*More prominent in present discourse, however, are pragmatic policy interests such as greater productivity at lower cost and efficiency mechanisms for service delivery*” (Mosse, 2001:17) through people’s consent of using their labor and financial contributions to pre-determined projects (Masaki, 2004: 129).

These critiques were systematically brought together and supported with empirical studies mostly focusing on participation techniques. From a power-oriented viewpoint, Tyranny critique deals with project based methodologies, specifically ‘Participatory Rural Appraisal (PRA)’ in underdeveloped or developing countries and rural areas. Tyranny critique claims that participatory development’s tyrannical potential is systemic, and not merely a matter of how the practitioner operates or the specificities of the techniques and tools employed. Findings from various empirical studies in this field pointed to problems with participatory development approach, with special emphasis on depoliticization, power and local knowledge.

Tyranny is defined as “*the illegitimate and/or unjust exercise of power*” (Cooke and Kothari, 2001b:4). It is claimed that participatory development facilitates the

- 1) tyranny of decision making and control**
- 2) tyranny of the group**
- 3) tyranny of the method**

Tyranny of decision making means that what counts as knowledge and what is allowed to enter into conversation are already decided by the powerful. The problem is

associated with the question: *'Do participatory facilitators override existing legitimate decision-making processes?'*

Tyranny of the group means that competing knowledge and challenging ideas are repeatedly weakened through various tactics by the dominant group. The problem is associated with the question: *'Do group dynamics lead to participatory decisions that reinforce the interests of the already poor?'*

Tyranny of technique means that alternative options are excluded through strategic means and tools. The problem is associated with the question: *'How participatory methods driven out others which have advantages participation cannot provide?'*

As a result of tyrannical participation, pre-determined values, aims and goals are imposed upon local groups through coercive persuasion. An already decided program is legitimized by consent of the group and implemented with no or few modifications. Challenges and challenging ideas are removed strategically. In this sense, participation is clearly a form of power relations. For instance, Mosse's (2001) empirical study shows that local knowledge does not determine planning processes and outcomes. On the contrary this knowledge is often structured by these processes and outcomes. Shaping of knowledge by local relations of power, expression of outsider agendas as local knowledge, local collusion in planning consensus and direct manipulation of people's planning by external agents (Mosse, 2001: 18-19) have pointed to importance of power relations which are not considered adequately in participatory approaches.

Tyranny critique was responded from an optimistic point of view. Sam Hickey and Giles Mohan's response 'Participation from Tyranny to Transformation' (2004a) takes participation in a wider content than PRA. Having shared many insights of Tyranny view, especially in terms of inadequate attention paid to power and the process of depoliticization (Hickey and Mohan, 2004b, 2004c; Williams, 2004; Kelly, 2004; Mitlin, 2004) chapters advocate transformative force of participation.

Vincent's study (2004) reveals reasons as to why some locals may be hesitant about participatory methods. It is shown how outsiders (project companies, external experts, etc.) and outside processes (national or global economic situations) have come to overshadow the will of local people Florisbelo and Gujit (2004) discuss the relations between NGOs, the municipal administration and trade unions (excluding the private sector) in their case study of participatory municipal development plans. Results showed that negotiation is possible and consensus may be achieved among different

interest groups. However, local and unorganized people as well as the private sector interest groups are not included in the analysis; therefore it has limited explanatory power in terms of complexity of interests groups in other instances.

To Gaventa (2004:53) success stories in participatory local governance are limited to a few places in the world, and often reflect context and conditions. Gaventa (2008: 37-39) pays attention to positive aspects of power since it can open new entry points and possibilities for transformational change. In his case of Porto Alegre, which is widely-known with its innovative participatory budgeting system as one of the most successful participatory applications in the world, he comes to conclude that power analysis is critical in understanding the extent of possible participatory gains: Power relations shape the boundaries of participatory spaces such as deciding what is possible, who may enter with which identities, discourses and interests (Gaventa, 2004: 34). Gaventa describes three spaces for participation:

- 1) **closed spaces** where decisions are made by a set of actors behind closed doors, without any pretence of broadening the boundaries for inclusion
- 2) **invited spaces** where users, citizens or beneficiaries are invited by various kinds of authorities
- 3) **claimed/created spaces** where less powerful actors claim, and may form as a result of popular mobilization

Each space has its unique mode of participation and power relations which should be analyzed in participatory studies.

Tyranny critique empirically shows that participatory mechanisms are internally problematic and are a form of power relations of control, surveillance, domination, distortion, and manipulation.

3.2.3. Power-oriented Critique

While attempts to restore communicative planning are made in order to advance it to overcome critiques especially in the form of collaborative planning theory, power-oriented approach in planning is at the very beginning of building a counter theoretical framework. There is scarcity in empirical research in the field and insufficiency in analytical methodologies to observe actual planning practices.

Theoretical deliberation from the field of power oriented approach emerged mostly reactionary. Fundamentals of debate revolve around the Habermasian communicative rationality and Foucauldian power rationality. This philosophical and theoretical debate, however, is very limited in concrete empirical researches. On the communicative/participatory planning theory side, it is claimed that there are hundreds of collaborative planning experiences (Innes and Booher, 2000b:19-21). However, available empirical research in participatory planning mostly focused on LA21 processes, citizen empowerment programs, project based governance applications, round-table facilities, and issues of ‘political ecology’ (Few, 2002), or urban politics in relation with citizenship or interest group theory (Jeffrey et al, 2006). On the power rationality side, there are even less studies in spatial planning practices (Few, 2002; Flyvbjerg, 2002a).

Critiques of power-oriented approach are in a wide range. For analytical purpose we differentiate two categories: Theoretical / philosophical critique argues that communicative planning approach does not pay attention to power or even if it does it is not done properly. Methodological / empirical critique argues that existing modes of empirical research underestimates power.

3.2.3.1. Theoretical – Philosophical Critique

Several authors (including Flyvbjerg, Huxley, Yiftachel, Tewdwr-Jones, Allmendinger, and Harrison) criticized communicative planning for ignoring power in social interaction processes (Albrechts, 2003), and not properly and adequately explaining and acknowledging the importance of context and actual workings of power (Richardson, 1996; Cardoso, 2005). Theoretical critique can be classified into three main points of departure:

- 1) Context**
- 2) Concept**
- 3) Exercise of power**

Context-oriented critique argues that communicative planning is ‘imperialistic’ because it ignores different traditions and cultural differentiation, particularly for non-Western and non-Anglo-American societies (Allmendinger and Tewdwr-Jones, 2002b:14). It is not possible for analysts to uniform frames in decision settings since the

personal dynamic is determined by social, professional and political thoughts that vary across situations and scales (Tewdwr-Jones, 2002:88). Habermas is seen utopian because he seems to forget his own axiom that philosophical questions ought to be the subject to empirical verification (Flyvbjerg, 2002b). It is claimed that, as even Habermas himself recognizes, all participants to have equal opportunity to participate in dialogue, cannot be realized in real life (Harrison, 2002: 163). “...its high level of abstraction makes communicative rationality less useful when it comes to understanding the realities of specific contexts, or for turning prescriptive conclusions into practical proposals (Albrechts, 2003)”.

Conceptual critique argues that communicative theory has a specific conceptualization about power. Basic weakness of Habermas’s project was seen to lack an agreement between ideal and real, between intentions and their implementation, and being rooted in an insufficient conception of power (Flyvbjerg and Richardson, 2002:46; Flyvbjerg, 2000). Thus, communicative planning theory fails to capture the role of power in planning and is weak in understanding the real planning practices.

According to Harrison (2002:167) Habermasian rationality does not ignore power, but does treat power as something that is somehow external to communicative processes, and assumed to be eliminated in conditions of ideal speech situation.

The works of... communicative theorists talk about power. But because of their focus on Habermasian rationality they tend to remain strongly normative and procedural without the substantive understanding of Realpolitik and real rationality that characterizes studies of power... (Flyvbjerg, 2002a)

There have been several theoretical attempts to improve communicative planning with the notion of power. A clear example of such articulation is Alexander’s (2001) attempt to integrate consensus seeking collaborative planning and Machiavellian power-broker. The formal/abstract form of the former is united with the particular/contextual form of the latter by introducing six proposals. Each proposal revolves around a certain concept: interaction, conflict, interdependence (ontological, functional, and communal), goals (common, mutual), blend of strategic and communicative action, and finally power (coercive, enabling):

- 1) Individuals or social units are rarely independent from each other, they interact.
- 2) Conflict between individuals or social units depends on differences between their values, interests, aims, goals, needs and etc. According to Alexander, individuals act strategically rather than communicatively to pursue their own goals.

- 3) Goals and aims are linked to others through mechanisms of mutuality and trust due to their interdependency. Systematic social frameworks, institutions, communities, nations, international organizations are forms of this interdependency.
- 4) There are two kinds of goals: common and mutual. Common goals are collective goals of members of a certain group which is socialized. Mutual goals on the other hand represent particular self-interested aims in conditions that this self-interest requires group action and the goal is coherent to common goal of the group. Mutual goals are obvious whenever a heterogeneous group decides on collective action.
- 5) The blend of strategic and communicative action provides uniting of particular self-interests and group consensus.
- 6) There should be a balance between coercive and enabling power.

To Alexander (2001) it is the concept of interdependency that integrates both approaches (Habermasian and Foucauldian). Alexander describes three kinds of interdependence:

- 1) ontological (universal and abstract notions of identity),
- 2) functional (specific and real notions of division of labor)
- 3) communal (cultural notions of trust, shared values, reciprocity, and similar)

Ontological interdependence concerns with identity. While modernist perceptions distinguished between self and other, postmodernist perceptions argue against. Functional interdependence concerns interdependence of complex communities within a division of labor such as organizational networks. Communal interdependence, on the other hand, concerns with common goals of communities and unites the ontological and functional interdependences. To Alexander, concept of interdependence may contribute planner's decision making situations.

To us, there are three identifiable problems with this approach. Firstly, these six propositions clearly result in normative prescriptions for which Habermasian approach is criticized. The prescriptive solution and its ideal forms as institutional designs are related to the exercise of political power in law-making.

Secondly, establishing such organizations and institutional design is a power-problem and power-arena in itself. Debate during the first establishment of Local Agenda 21 organizations in Agenda 21 (which can be considered as one of the corresponding institutional designs) is a typical example in this respect. As notes in Emrealp's (2005) reports about the events during establishment, acceptance of Local Agenda 21 into Agenda 21 framework was not easily achieved. During the arrangements and meetings held by United Nations before the Rio World Summit, majority of national government representatives resisted against the content of section 28 which arranges empowerment of local administrations. A very short time before the

summit, defenders of section 28 met in Curitiba. Through their pressure and lobbying activities, Local Agenda 21 could have been inserted to the World Summit Program in the last session in the last days, while Agenda 21 draft text was taking its final form (Emrealp, 2005). Therefore, how these institutional designs will be established also requires taking power relations into account.

Thirdly, there is a fundamental problem about philosophical backgrounds of the two figures. Against similar attempts to articulate Habermasian and Foucauldian theories Flyvbjerg (2001a:88) strictly opposes by claiming that “*Habermas and Foucault are so profoundly different that it would be futile to envision any sort of theoretical or metatheoretical perspective within which these differences could be integrated into a common framework*”. Although Healey (2003:241) considers Flyvbjerg’s empirical research (1998) among those studies that search for ways of realizing Habermasian ideas of communicative process, Flyvbjerg (2001a) refuses any theoretical parallelism with Habermasian ideas.

Exercise of power, being the third critique, argues that all participants to have equal opportunity to participate in dialogue cannot be realized in real life (Harrison, 2002: 163). Communication among several actors is possible in the absence of domination, repression and ideology (Allmendinger, 2002a:207-208): As Flyvbjerg and Richardson (2002: 46) assert: “*Habermas’s utopian world is oriented towards an ideal speech situation where validity claims are based on consensus amongst equal participants, and the negative, distorting effects of power are removed*”. This consensus perspective of power (Shdaimah and Stahl, 2012:125) is based on the assumption that participants in a communicative process have equal resources. One of the leading figures of communicative and collaborative planning theory, Patsy Healey, is critical on this view:

For many academic critics of planning practice, the advocacy of collaborative practices seems more like a rhetorical smokescreen behind which powerful actors can continue to exert their influence within the context of special partnerships or expanded opportunities for consultation... it is time for planners, and for policy makers generally, to come out of the collaborative dreamworld, and to situate the search for inclusionary participation in the institutional landscapes of actual practices. (Healey, 2004a: 6¹¹)

Power oriented theoretical critique leads to the general conclusion that policy making developed from communicative planning theory is vulnerable to allowing

¹¹ Healey’s most recent studies are not on advancing collaborative planning, but rather on issues such as institutional capacity development (Healey and Gonzales, 2005) and governance (Healey, 2002; 2004b; 2006a; 2006b; Healey and Coaffee, 2003) with little reference to city planning theory field, but rather to urban theory.

manipulation and control, confusion and exclusion, and other distortions that disrupt the process (Harris, 2002:31) basically due to the misconception of power.

3.2.3.2. Methodological – Empirical Critique

Communicative and collaborative planning theories conclude that participation should be encouraged in order to perform democratic decision making processes and to empower citizenship. Power oriented approaches, on the other hand, conclude that the effects of negative power relations distort planning processes and their outcomes. Most claims of power-oriented approach are criticized for putting too much weight on the negative side of power. According to these critiques, power-oriented studies generally focus on and expose the cliental tendency of governance systems and the informal activities of actors, by underpinning the negative power they deploy (Hillier, 2002:115; Flyvbjerg, 2001; Albrechts, 2003; Gaventa, 2004.). However, to understand how planning relates to power it is not adequate merely to study the misuse of power that distort planning (Faludi and Valk, 2001). Despite general tendency, there are some studies which differentiate coercive and enabling power (Alexander, 2001) and focusing on positive aspects of power (Clegg and Pitsis, 2012).

A constructive critique of power-oriented studies offers integrating the question of power with the question of hegemony (see: Şengül, 2012). According to this view, Foucauldian analysis of power has some drawbacks besides its contributions. First is emphasis on the dictum of ‘power is everywhere’ which reduces the state to a simple moment of power relations. Secondly, the concept of productive power which is emphasized extensively overwhelms its oppressive side. It is supposed that integrating power relations into a hegemony-oriented approach would overcome the existing state-internal-central and state-external-decentral duality. Secondly it would also dissolve negative (force) and positive (consent) duality. Finally, this approach is expected to have the potential to improve normative dimension within the objective understanding of power relations (Şengül, 2012).

Complexity of social phenomenon is a significant challenge in social research. Although complexity in social systems is seen as a potential for dissolving social conflicts in social relations, it makes empirical research difficult to handle. The problem is controlling and theorizing these complexities. Complexity in society is not seen a

problem of social interaction; but it is the analysis of these complexities in methodology that matter. Actor network theory, conflict resolution, social network analysis and various models are employed to this task. An urban project research (M. Van Gils and E-H. Klijn, 2007) is a typical example of importance of complexity in planning process. Built on the network theory and its basic concepts (actors, arenas and interactions) research examines the complexity of decisions and the connections between various decisions. According to network theory, actors cannot achieve their objectives without resources, and these are divided among many actors who are dependent to each other (M. Van Gils and E-H. Klijn, 2007:141-142). Power issue, in this perspective is connected to resource division and asymmetry of dependency relations. Longitudinal research using participant observation, interviews, and detailed document analysis is operated by focusing on actors, their characterization, and moments of participation; focusing on arenas, central actors, organizations and linkages of interactions; and focusing on tasks and activities inside each organization. It is claimed that complexity allows for solutions which cannot be achieved without complexity, since it is only through the involvement of many actors and resources that a satisfactory solution becomes possible (M. Van Gils and E-H. Klijn, 2007:157).

Similarly, most of the research grounded on the framework of participation, actor networks and decision making processes misevaluate issues of power and conclude with complexities of social phenomena. Various models and techniques have been operated in order to analyze actors, actor networks and social relations. An inquiry (Hermans and Thissen, 2009) of such methods resulted in eighteen different models. 1.Social Network Analysis, 2.Configuration Analysis, 3.Multi-attribute assessment, 4.Stakeholder Analysis, 5.Analysis of Options, 6.Metagame analysis, 7.Graph model for conflict resolution, 8.Hypergame analysis, 9.Drama Theory, 10.Expected utility model, 11.Transaction process models, 12.Vote-exchange models, 13.Dynamic access models, 14.Argumentative analysis, 15.Narrative policy analysis, 16.Q-methodology, 17.Comparing causal maps, 18.Dynamic Actor Network Analysis. According to Hermans (2005:36) most of the models used in conflict analysis takes ‘the society as a close system’. These models lack identification of all relevant factors which is far from achieving in even the most advanced software technology. They are usually applied to conflict resolution that can be described in a limited number of actors and options. To Sayer (2003) mathematical modeling of society is itself an instrumentalist social science

effort. Society is an autonomous and asymmetric open system to which modeling by means of analytically soluble equations is difficult (Sayer, 2003: 184).

Understanding and framing potential complexities requires elaborate inquiry which is enriched by examining the origins of complexity and relations that maintain conflict. As an attempt to succeed this, a model based power-oriented analysis method was introduced. 'Dynamic Actor Network Analysis' is built-on theoretical assumptions of power oriented approaches with specific reference to Flyvbjerg's (2001a) methodology. This model is operationalized by software called DANA. Architect of the method, Pieter Bots (1999), claim that there is no lack of theoretical notions regarding inter-organizational networks and actors, but there is lack of practical aid for empirical research. The most apparent reason is that actor analysis focuses on the policy process and debates, which are characterized by the presence of ambiguous power structures and hidden agendas. Power structures and hidden agendas pose a difficult challenge to analysts and their presence may well limit the analytical potential of the actor analysis (Hermans, 2005:4). Model architects claim that by using advanced models hidden agendas and ambiguous power structures can be analyzed. To Bots (2007; 2008) basic rationale for analyzing actor networks is in finding out which actors are involved, what interests they have, and what actions they might take to achieve their objectives, to maximize their influence on the policy process, and/or to avoid becoming overly dependent from other actors in the policy arena.

DANA model is based on subjective perceptions of various actors about a policy issue. Policy making which is a multi-actor process involves a variety of actors trying to realize their own interests. To Bots (2007) how these actors decide and act largely depends on the way they perceive the policy problem. By using DANA, actor perceptions are represented as causal maps showing relations between goals, policy actions and external influences. According to Bots (2008) confrontation of perceptions and strategies can also reveal actor relations such as awareness, resource dependency, conflict and coalition potential. Combining formal rigor with graphic representations, DANA is expected to enhance the analyst's capacity for reflection on a policy issue as a subjective social construct. However, as its builders are aware model operates on perceptions and possible actions in certain cases, not on existing power relations in actual practices. On the other hand, model has algorithmic background where certain variables are transformed into nominal or ordinal scale by the interpretation of researcher. This dual intervention or double hermeneutics in Antony Giddens' terms

(firstly as interpretation of responses by the researcher, secondly by transforming results of interpretation to scales again by the researcher) is combined with perceptions of social phenomena which results in gradually increased bias on researcher's side.

Recently, some power-oriented studies and participatory decision making research based on discourse analysis emerged in urban policy and urban geography (Lees, 2004). However, discourse analysis in applied sciences lacks some basic dimensions in terms of methodology. Serious critiques emerged against discourse analysis such as the unclear conceptual suppositions and ways of operating the method; its limited utility in a practical context; reduction of all aspects of life to discourse; reducing complex phenomena to simplistic categories; researcher bias; and more fundamentally the possibility that manifold interpretations as to what 'discourse' actually entails (Jacobs, 2006).

According to Hermans (2005:329) discourse analytical research has caused some researchers to doubt the cost-effectiveness of using discourse analysis, questioning whether or not such an analysis yields any surprising insights beyond the qualitative picture that would emerge directly from interviews. Flyvbjerg (2001a:134) reacts against the famous dictum of discourse analysis (that 'there is nothing outside the text or discourse') in that discourse analysis must be disciplined by the analysis of practices.

To sum up, it is seen that existing methodological inquiry about examining power relations in planning has methodological problems. *"Unlike political science and sociology, the field of planning research still lacks a regular body of central monographs and articles which place power relations at their core"* (Flyvbjerg, 2002a). This lack is especially due to lack of appropriate methodological tools to study power empirically.

Existing body of empirical research with a substantial power-oriented approach has been accumulated recently. Findings of Flyvbjerg's (2001) Aalborg Research is fruitful. The case took a city planning project in the downtown Aalborg. In its initial and comprehensive phase, the project was composed of a new bus terminal, a new civic center and a new buses only street with forty one subprojects (Flyvbjerg, 1998:11). In the eleventh version of the project after years of modifications, 6/41 subprojects was fully implemented, 8/41 was partially implemented, and 27/41 was not implemented. However, it was not a classic implementation failure (Flyvbjerg, 1998:221). Case study revealed various strategies and tactics in the planning arena that manipulated, modified,

and distorted planning. For instance, it showed that the century-old and well-maintained relations of power enabled the Chamber of Commerce and Industry to influence planning decisions by positioning itself as a hidden advisory board to top officials in the municipal administration. Another influential actor became dominant in decision making depending on its sources of power (structural, organizational, individual). Various tactics and strategies were employed by various actors. Practicing empty exercises for rationalizing previously-decided issues, keeping decision processes on track in order to gain time and re-consider strategies, avoiding open and antagonistic confrontation, not documenting critical considerations, simply refusing to investigate counter arguments, over-rating advantageous and under-rating disadvantageous dimensions of any issue in accordance with interests of the powerful, ignorance, deception, self-deception, even lies despite all costs, introducing counter plans, dominating public sphere by majority of single group members, dominating interpretation, biased/leading questionnaires, manipulated results, non-activity, stroking counterpart when exposed to direct attack, attracting press and media support, discriminatory treatment, drawing on outside parties, discursive attacks like sunk-cost strategy are among various actions, strategies and tactics that took place in Aalborg. Research results put severe facts about the ongoing actual processes. Publication of results led to transparency, to public attentions and to accountability.

An empirical research study by Mantysalo (2008) employs a framework for power analysis which focuses on its negative and positive aspects. Mantysalo's analytics define a two dimensional field of power: explicit-implicit powers as form of existence, and control-ability powers as generative force. Empirical research case is a court case concerning the breach of a land purchase contract and treachery in the preparation of the detailed plan for the land during 1989-1993 (Mantysalo, 2008: 81). Based on a phenomenological description of the concept, power is basically seen an issue about someone or something (A) influencing an actor's (B) possibilities to act. This influence can be restrictive in the sense that A narrows down B's alternatives through control; or generative, in the sense that it widens the range of choices and opens up new ones (Mantysalo, 2008: 89). This negative - positive view of power contrasts those views that see power as distortion, corruption and so. It is found that partnerships and coalitions between investors, privileged access to local decision making and influenced planning (Mantysalo, 2008: 95). However;

The results of the Tulihta case analysis are not intended to be generalisable, especially as regards the extent of power used in land-use planning. But, in the vein of phronetic planning research the analysis of the Tulihta case is aimed at aiding our understanding of the different types of power and their interplay in planning processes. (Mantysalo, 2008: 82)

Few's (2002) research introduced one of the few analytical frameworks to study power which was considered to be difficult to turn into an operational research practice. It is asserted that if social power is the focus of research, analysis must rest on some working model of how power is exercised in human relations (Few, 2002:30). In his research on preservation site planning, Few separates *motives, resources and tactics of power*. Motives refer to an actor's reasons for intervening. They typically include strategic objectives based on interests. Power resources refer not only to personal skills and social connections but also to structural properties of social systems. Power tactics are strategic social actions that draw on resources. Results showed that several tactics such as enrolment, manipulation, compromise and exclusion to realize interests are employed during different phases.

Actions of the powerful and the powerless are distant. Not all actors choose to participate in formal meetings. Some actors do not involve in participatory mechanisms always, and some interests are not defined by the actors themselves. Actors may take up different positions, according to strategic situation (Assche, 2007:111); for instance, an observer may prefer viewing the process from outside in order to reduce political risks (Albrechts, 2003). Similar results are found in other researches. Since 1960s in the western world, formal processes of public participation in planning are utilized by written submissions, attending public meetings, through advocacy processes such as lobbying or intimidatory processes such as civil disobedience (Hillier, 2002:110). On the other hand, postmodern politics of resistance exercise some other forms of action including marches, demonstrations, sit-ins, refusal to pay taxes and other acts of civil disobedience (Hillier, 2002:118). Some actors may remain ignorant of the issue completely, some may deliberately choose not to participate in decision making or to enter official sessions (Voogd and Woltjer, 1999:845), some may be apathetic and unconcerned about the outcome, and others may be alienated by the process. Some participants may withdraw from the process before its completion, to retire into inactivity or, at the other extreme, to ferment revolution outside the formal process (Hillier, 2002:126). Action selection may be up to specific situations for which Gaventa (2004:37-39) distinguishes between closed spaces, invited spaces and claimed/created

spaces. It may also be voluntary or compulsory according to available means and resources.

There are contingent and dynamic networks of actors in the form of associations or coalitions emerging according to context (Hillier, 2002:112). These informal networking activities which include direct action or lobbying is seen far more effective in influencing planning outcome other than traditional forms and institutions. Key actors, formal decision makers and executive experts often do not take part in the plan making process. Influential actors who have easy and direct access to politicians [and socio-economic and political richness of the networks they involved (Hillier, 2003)] do not feel the need to become actively involved in time consuming planning process (Albrechts, 2003). Another point is structural and organizational representation of interests. A critical research (Jeffrey et al. 2006:21) showed that communicative practice resulted in non-participation of individual citizens with respect to organized interest groups. The case study in urban politics which examined eight municipalities has concluded that citizen participation opportunities in the cities are first and foremost used by interest groups and not individual citizens.

It is frequently observed that some formal decision makers do not necessarily involve in planning processes. This safe position allows them to develop further strategies to confront counter arguments. They rather take positions external to these processes (Albrechts, 2003). Some actors may withdraw from participation processes, and position themselves for direct action or lobbying strategies (Hillier, 2002). Relationship between various actors change according to context, and each relationship has its own dynamics and evolution (Florisbelo and Gujit, 2004). Albrechts (2003) defines three analytical dimensions in planning process: plan making as planners' proposals and recommendations; formal decision making as decisions of elected members of parliament or city council; and action as implementation. He then focuses on plan-making dimension in search for how power relations of intimidation, manipulation, persuasion and authority become manifest in the plan making process. Empirical research based on narrating two of his personal experiences show that each dimension in planning process is characterized by a specific composition of actors. Within each dimension one enters into a different world with new actors involved, different power relations, different rationales, different contexts and different time perspectives.

Policy proposals based on communicative planning tend to offer universal prescriptions for ‘design and techniques for participation’; thus ignore other types of actions taking place in practice. This view puts the stakeholders into a previously defined position (which is ‘participants in dialogue’) to represent and realize their interests. Empirical researches show that there are other modes of social action, communicative and participatory mechanisms, and various positions taken to represent and realize interests (Hillier, 2002; Tewdwr-Jones and Allmendinger, 2002b:207). Not all of these actions are illegal, illegitimate, distortional, corruptive or negative. They are also not static, but highly dynamic and changeable.

Interactions between actors and their adaptation to each other and to the situation in the planning game changes as a result of evolutionary adaptation to other players, and as a result of previous games played (Assche, 2007:111).

These tactics reveal that there are several actions that actors take to realize their interests. On the other side, communicative planning asserts that stakeholders will enjoy democratic decision making processes through participating in ideal speech situations. This multitude of actions revealed by empirical researches strongly opposes the theoretical claims of ideal speech situation and consensus seeking through open dialogue.

CHAPTER 4

LOCAL HISTORICAL FRAMEWORK

Early studies regarding participation, planning and power in Turkey date back to 1950s before the introduction of national development plans and comprehensive institutional regulations. At the Second Development and Urbanism Conference in 1957, in a period City Planning Law (6785) was introduced, it was claimed that “*development of our cities rests on the will of gecekondü owners and speculators*” (SBF, 1958:58). While public participation was not considered in this conference, incorporating different technical expertise to work collaboratively in planning was advocated (SBF, 1958: 117). Geray (1960) normatively asserted that in preparing and implementing plans, those who have interest and influence should be included. An effective city planning depends on the will of citizens in the commune (Geray, 1960: 16). However, early planning practice did not involve any public participation programs in Turkey (Geray, 1960:167) either in the form of public hearing or public inquiry. It is since 1990s that planning organizations took the communicative turn into their agenda as a political issue.

In fact 1960s approach was typically procedural and free from politics: “*Planning, in fact, just like technology, is neutral in ethical and political senses*” (Geray, 1960: 14). Participation was seen an issue of ‘public relations’ which could be achieved by employing tools and techniques for decision making processes. This early view puts planning in a technical and politically neutral position.

Comprehensive approach developed step by step after introduction of 5-year Development Plans. In the 1st 5-year Development Plan (SPI, 1963), community development which aims at utilizing collaboration with organizations, foundations and administrations in order to empower communities is introduced (MPWS, 2009: 15). In the 2nd 5-year Development Plan, community development technique is tried to be integrated into gecekondü areas, but could not be performed because of the politicization of gecekondü organizations (MPWS, 2009:15). 3rd 5-year Development Plan has no emphasis on participation or community development problems. 4th and 5th 5-year Development Plans also do not directly refer to public participation in decision

making processes, but calls for collaboration between private and public sector organizations in various issues (MPWS, 2009: 15). 6th 5-year Development Plan repeats this aim, and it is with the 7th and 8th 5-year Development Plans that public participation for sustainable development was put emphasis on (MPWS; 2009: 16). Lastly, 9th Development Plan carries the same task on national scale. One of the most directly related early studies directly addressing the power component in city planning was made by Bayazıt (1982):

...profession of planning and design is going through a serious crisis in the last two decades... relevant to information and value systems... that arise in the cooperation of professionals with the citizens in decision-making process on the basis of professional ethics and morality... decision making is a power issue in society, and who has the power has the opportunity to decide.

This theoretical critique ends up with proposing techniques in game theory such as formal planning meetings, advisory panels, publication by means of media, group argument techniques, forums, Group Play Technique depending on IMPASSE argument, dialectical scanning, delbecq technique, urbanista group play, scenario game, project comparison technique, action play, group deliberation with future groups technique, information systems based on problematic, goals and aims determination game of KEEPEP, Delphi technique, budget pie chart technique, traux technique, partial design participation technique etc. (see: Bayazıt, 1982: 141-184)

‘Participation’ was the theme of the annual World Town Planning Day and Colloquium in 1990 which was organized by CCP (Chamber of City Planners). Chamber also published a book (CCP, 1991) with the title “New Agenda in Urban Planning: Environment and Participation”. Opening speech draw the overall picture: in contrast to the achieved level of participation in western societies, the situation was not satisfactory in Turkey (Mehmet Çubuk quoted in Akbulut, 1990). In his thematic speech, İlhan Tekeli (1990) asserted that it was not only global trend but also contextual characteristics that gave rise to participation in Turkey. Accordingly, besides the global trend in planning theory towards a communicative approach, there were two other motives in the rise of participation as an idea regarding planning in Turkey. First one was the populist politics regarding gecekondu areas. Second one was the rise of critiques towards capitalism, but limited to a few intellectuals (Tekeli, 1990). Chamber of City Planners carried out several tasks to put participation into public agenda. The theme of 14th World Town Planning Day was participation to planning, and so was the theme of its official journal (CCP, 1990/3-4). During 1990s it was commonly believed

that participation is an effective means to achieve sustainable urban development (CCP, 1991; Çetinkaya and Görer, 1995).

Among the very first theoretical arguments in participatory practices in Turkish planning system is İlhan Tekeli's (1990:181-187) separation of modes of participation similar to Arnstein's (1969) ladder of citizen participation. Arnstein (1969) had defined 8 steps of participation, which is a simplified version of actual practices defined in correspondence to the extent of citizens' power in determining the end-product. These are namely:

- 1) manipulation
- 2) therapy (non-participation)
- 3) informing
- 4) consultation
- 5) placation (tokenism)
- 6) partnership
- 7) delegated power
- 8) citizen control (citizen power)

As steps of participation rise democratic decision making is achieved. Similarly, modes defined by Tekeli (1990) are:

- 1) imposing plan to citizens
- 2) informing citizens
- 3) citizens' participation in planner's decision making
- 4) planners' participation in citizen's decision-making
- 5) creative participation

To Tekeli, the first level which is a kind of plan-marketing strategy is a mystified participation practice. This imposing mode characterizes the type of participation in Turkey according to Tekeli.

Besides limited accounts of regulations in Turkey, there are international policy documents that define local governments. European Charter of Local Self-Government (ECLS, 1985) is the initial document that defines the principles of local governments in Europe. The document has been prepared in 1985 by the Council of Europe. Article 4 (Scope of local self-government) puts that public responsibilities shall generally be

exercised, in preference, by those authorities which are closest to the citizens. Article 5 (protection of local authority boundaries) puts that decision making in changing local authority boundaries shall be consulted to local communities. Document was signed by Turkey in 1985, approved by Turkish Grand National Assembly in 1991, approved in 1992 by the Council of Ministers, and has been on action since 1993 (MPWS, 2009). The fundamental precondition for the self-governance of local governments mentioned by the Charter is participation.

Millennium Development Goals based on the key policy documents of United Nations, such as Agenda 21 and The Habitat Agenda put in action on September 2000. Goal 8 (develop a global partnership for development) is a leading principle for improving local democracy (UN-HABITAT, 2003). In 2005, Turkey Millennium Development Goals Report which criticizes current situation due to insufficient empowerment of local governments was published (MPWS, 2009: 14).

Local Agenda 21 and City Councils were established worldwide with the 1992 World Summit in Rio by UN-HABITAT. Participation became an agenda in decision making processes in relation with Local Agenda 21 program (MPWS, 2009:14). Local Agenda 21 applications started in Turkey at two sub-sequential phases: in 1997 with a project by IULA-EMME and in 2000 by UNDP support. Throughout the applications, the project was transformed into a program (Emrealp, 2005: 30). Currently, covered by legal status under Municipal Law, LA21 applications and City Councils (to which LA21 has transformed into by time), have been developing in certain locations. However, it is claimed that although law defines the relationship between City Council and Municipal Council, it is on the Mayor to facilitate City Councils and realize their decisions (MPWS, 2009: 15).

Legal regulations regarding participation in Turkish planning system depend on the a-posteriori participation model via objection rights. Objection is a negative participation method (Keleş, 2002:329-330). Keleş (2002) reminds a regulation dated 1936 which is not in force today. A committee which was established in duty of organizing plan preparation process by the regulation should involve local experts and authors who had produced knowledge for the city (Keleş, 2002:329). Current regulations in force only define participation of public institutions, private sector organizations and non-governmental organizations during analysis and research stages of planning through asking opinions and information necessary for planning work. Laws regarding city planning do not rule and secure citizen participation in decision

making processes (Eke, 2001:144). Public participation is limited to “the right to select representatives who decide” and “individual objection rights against plans during proclamation period” (Eke, 2001:144). Eke suggests that law should include issues of participation as conditions of democratization such as informing public and defining various participation mechanisms. These might include obligations to arrange public hearing meetings, establishing advisory boards to voluntary organizations, providing urbanization trainings by local administrations and establishing city advisory boards, etc. (Eke, 2001:147).

Two most recent studies by The Ministry of Public Works and Settlements criticize current model of planning in terms of participatory mechanisms. MPWS (2009) organized a “Higher Council of Urbanism” composed of 300 experts in different fields of urbanization. Out of 10 Commissions one was responsible for “Local Government, Participation and Urban Management”. Final report of the commission showed a procedural and optimistic study based on procedural rationality with an idealist perspective. It was asserted that there is a three-fold change in the relationship between individual and society: philosophical, political and economic. Philosophically, there is a transition from instrumental rationality to rationality based on communication which asserts that the truth is not the best of rational solutions, but the one that is negotiated and agreed by various groups in the society. Politically, representative democracy is under criticism and instead of issues of class, group, ethnicity and identity; leadership, charisma and image has gained importance. Economically, there is a transition from mass production to flexible production; shift of industrial production from west to east; world economy to become vulnerable, and re-emergence of state intervention to economy. This change requires three-dimensional participation: public administration processes based on communication; responsibility of the state to utilize participatory infrastructure; and finally citizens taking voluntary roles. As a result, participation is evaluated within three contexts: organization, scale and principles (MPWS, 2009:9). Report criticizes that the planning system in Turkey does not include any well-functioning participatory mechanisms (MPWS, 2009:62). It is implemented only through announcements of plans for one month and informing people about the plan. Besides, this process is mostly influenced by the powerful groups in the society. However, this study does not question how these groups influence planning processes. The overall suggestion is to utilize communicatory and participatory techniques.

Another report is the “Renovation of Planning System Project” by the same public body (MPWS, 2008). It is claimed that planning discourse has witnessed three basic issues: strategic planning approach, participation; and environmental sustainability (MPWS, 2008:12-14). One of the most important drawbacks in planning system in Turkey is the participation dimension (MPWS, 2008:36). The study proposes institutionalization of participation (MPWS, 2009:56-57) through two steps in planning process. The first participation stage includes arguing for strategic goals, vision and mission to reach consensus, led by planning team (MPWS, 2009:95). The second participation stage includes the presentation of spatial landscape to various actors together with the same actors involved in the first meeting (MPWS, 2009:106). Having identified different planning systems in different countries, the study relies on modes and techniques of participation. Therefore it remains procedural and unclear as to who the participants are, how power issues may be overcome, how feedback is provided to participants, how hidden and invisible decision-making processes operate, and what happens when consensus is not possible.

Scientific, legal, and administrative inquiry in participatory mechanisms Turkish in planning system is parallel to the results of current theoretical/institutional debate. Patronage and clientel relations distort planning processes through informal political networks and their exploitation of urban land (Şahin, 2007). Although municipalities enjoying LA21 organization provide more satisfaction to its citizens in certain urban problems (Henden, 2007), we are not sure whether it is so in land use planning.

The most general regulation about city planning is City Planning Law (no.3194) which rules that citizens have the right to object to plans in thirty days after ratification. Law and related regulations also rule that planning authority should ask opinions and documents from institutions and organizations. Necessary survey and questionnaires should also be made. Organizing public hearings and public meetings are up to the planning authority. A municipality cannot be forced to organize public meetings and discuss plan decisions with citizens. As usual, municipalities and other planning authorities generally choose not to. Aalborg research had witnessed a public exhibition for four months, nine meetings with focus groups, printed planning materials, public orientation meetings, advertisements in press, posters, and distribution of ten thousand brochures (Flyvbjerg, 1998:56-57) although none of them were obligatory.

Policy documents, laws and regulations in Turkish planning system do not define any models, mechanisms or rules to ensure citizen participation. The only

exception was the two compulsory public meetings for plans regarding conservation sites. The law no.2863 on conservation defined in Article.17 that “in preparing Conservation Plans, responsible authority should arrange participatory meetings”. It was considered as the most developed participation applications in local administrations (MPWS, 2009: 49). However, this regulation has been removed in 2013.

Routine of local planning system in Turkey can be summarized as follows. Plans are prepared by the planning authority, inspected by related technical department, examined by planning committee members which is composed of some politicians in municipal council, proclaimed publicly for one month duration for objections, objections are decided by municipal council, and plans are put into force. If objection of someone is refused then the only choice to realize interest is to file a lawsuit against the plan. Enjoying participatory methods are left to preferences of authorities. Different local governments may have different approaches. For instance, a local government can operate participatory mechanisms further such as organizing panels, meetings, public hearings, public inquiry sessions, consultant groups, publishing related documents and such, while some other local government favors the bottom level written on law; another local government may favor less than this. Although it is consensually claimed that participation should be institutionalized “*its content and organization remain ambiguous*” (Şengül, 2001:188) in Turkish practice. Proposals are generally reduced to techniques and procedures for conventional participatory ‘meetings’. Next chapter presents the case study of this research which has been experienced under these local, national, and global circumstances.

CHAPTER 5

CASE STUDY

5.1. Introduction to Case Study

Case is presented as a narrative in a chronological order with a few flash backs and forwards. The onset of the case is 29.4.1984. After a brief introduction of the historical background, narrative proceeds to the outset in 2013. Events, tension points, strategies, tactics, actions, and important contextual factors are highlighted. Findings, discussion and answering research questions are made in the next chapter. Several abbreviations are used in the text therefore reader might need to check abbreviations list. A briefing and chronology to track events was provided in the introduction section. Some dates are given with annual coding, but most of them are given by the exact day, month and year on behalf of the importance of close and sub-sequential connections among several events in short time periods.

5.2. Early Era

The Land is a triangle shaped single lot with a size of 20.866m² in the CBD (Central Business District) of İzmir which is the 3rd biggest city in Turkey. Its location is known as The Basmane Square. For almost half a century, The Land was used as central transportation hub of the city. After the garage function was transferred outside the city, The Land question emerged.

The first modernist city plan of İzmir goes back to 1925. After ‘The Great İzmir Fire’ in 1922 which destroyed 300 hectares of urban land including CBD, Rene – Raymond Danger (in collaboration with Henri Prost) prepared a partial land use plan for destroyed city center (Bilsel, 1996; 2009). The Land which is the case of this dissertation is in the boundary of this first plan. For more than eight decades, several plans, revisions, amendments and modifications were adopted, but the geometrical shape and size of The Land was never changed.



Figure 4. The Land in 1932
(Source: Atay, 1998: 139)



Figure 5. The Land in 2013
(Source:www.egedesonsoz.com,12.2.2013)

The Land is adjacent to the circle shaped famous Culture Park (The Culturepark) zone. Constructing a culture park facility which would take The Gorki Park in Moscow as the model was decided by the city council in 1934 (Bilsel, 2009). The ground was broken on 1.1.1936 and ‘The Izmir International Fair’ (The Fair) started to be organized inside this Culturepark (Dönmez, 1970:43). Since its foundation, the idea of removing fair functions outside the city, and enjoying Culturepark with recreational and cultural activities has been widely advocated. Despite this early aim fair functions resided inside The Culturepark so far.

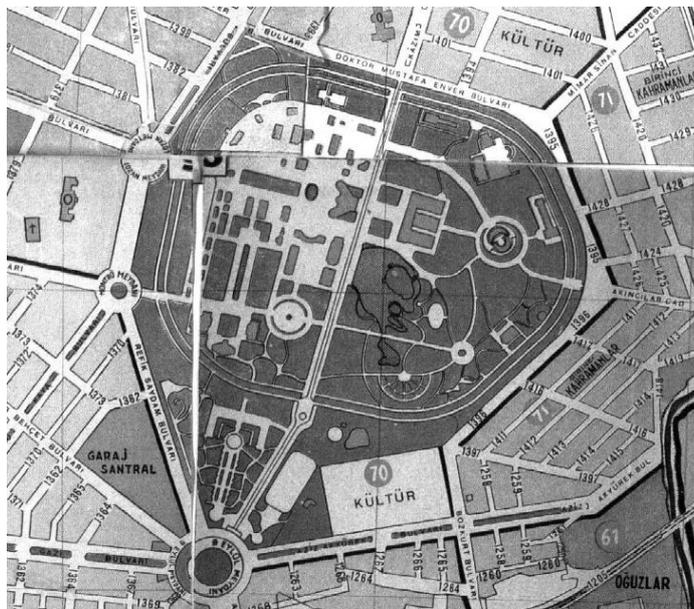


Figure 6. The Land (Garaj Santral) and Culturepark
(Source: Izmir, 1941)

The facility on The Land is one of the first accomplished planning tasks of the early Republican Era despite the existing economic constraints.

Some constructions were begun before the World War II, but most of them were not accomplished due to contextual deficits. Perhaps the only exception is the central garage. In an unplanned era, probably without comprehensive research, construction of this facility was started in 1936¹². On 1939, public transportation vehicles, intercity buses, trucks and vehicles of municipality were transferred there. In 1940, waiting hall, restaurant, telecommunication offices and motel construction were started; nevertheless the facility could not be finished for years due to equipment needs. In 1948, 14 out of 42 buses could operate due to lack of accessories. Municipality transformed trucks into buses in order to meet transportation demand. (Beyru, 1994)

The first¹³ land use plan (LuP) covering the entire city was adopted in 1955. This plan of 1/2000 scale was result of the 1951 Izmir City Development Plan Competition (IMM, 2009a). The Land and its surroundings was planned as Commercial Areas (IMM, 2009a:3), where transportation functions continued on it. 1955 plan was revised in 1962 and function of The Land as commercial areas was sustained.

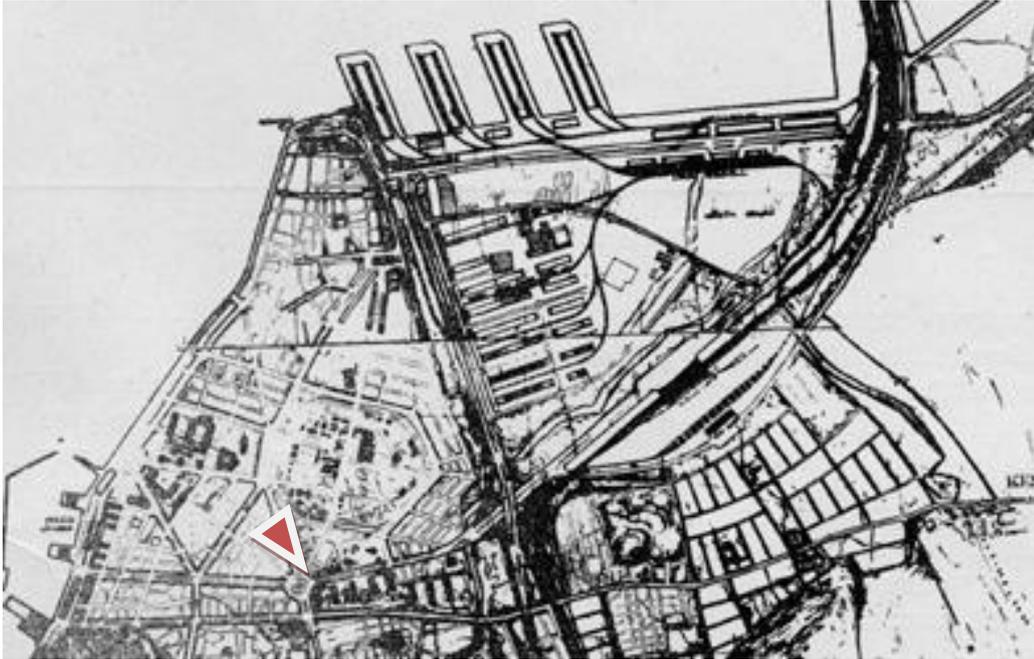


Figure 7. 1st prize winner project - 1951 Competition

(Source: İzmir, 1952)

¹² Besides the garage function, a municipal bread factory and milk production facility was also proposed, but not constructed (Atay, 1998: 190).

¹³ In postwar years, famous modernist architect Le Corbusier came to the city and prepared some sketches but these were not authorized official plans (Karaçorlu, 1995). Le Corbusier stayed only for two weeks which was in fact longer than expected (Tümer, 1993). Therefore 1955 plan is considered the first plan.

On 1973, first upper scale master plan of the city (at 1/25.000 scale) was prepared by Izmir Metropolitan Area Planning Bureau¹⁴ and was approved by the Ministry of Public Works and Settlements (MPWS). 1973 plan is considered as the first comprehensive plan in terms of its covered area and employed methodology (Arkon and Gülerman, 1995). The Land with its surroundings was designated as Regional – Urban Activities Center which includes multiple supportive functions for CBD. This comprehensive plan had two influential provisions regarding The Land:

- 1) Moving Central Garage functions to Halkapınar region.
- 2) Removing fair functions outside the Culturepark area for which aim approximately 300 hectares of Fair and Recreation area was planned in periphery (Çiğli region).

So, the two adjacent lands (Culturepark and transportation) would be transformed. The Land was serving with two transportation functions simultaneously: intercity bus terminal, and public transportation hub.

The first provision was partially realized in short time. Terminal functions were moved to Halkapınar in 1975. Its single function remained as a hub for municipal buses after some renewal and maintenance between 1.4.82-1.12.82. Meanwhile some engineering research¹⁵ was made in order to determine appropriate future functions.

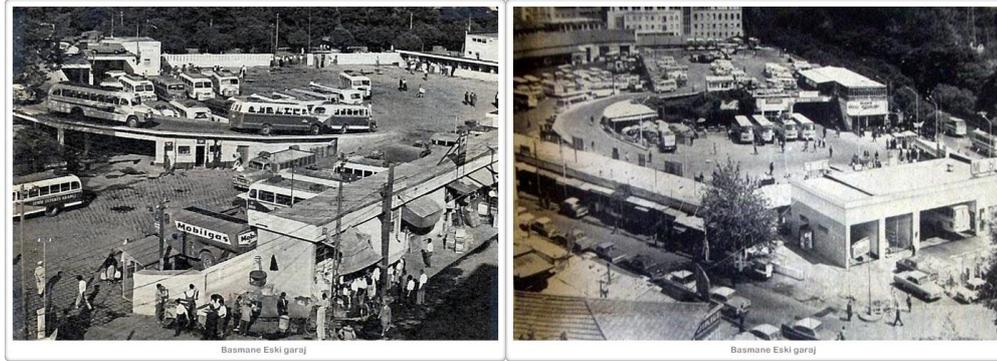


Figure 8. Two functions in 1970s¹⁶

Corresponding sub-scale land use (LuP) and implementation plans (ImP) compatible with 1973 master plan were not prepared subsequently.

¹⁴ Bureau was established in İzmir on 1965 under the supervision of MPWS.

¹⁵ A protocol specific to The Land was signed between municipality and General Directorate of Highways on 15.5.1981 to estimate ground qualifications (IMM, 1990).

¹⁶ www.ansaninsaat.com/tr/referanslarimiz/tadilat-ve-yenileme/tadilat-onarim-ve-renovasyon-isleri/izmir-basmane-otogari-onarim-ve-yenileme-isleri

Currently planning system was centralized and plans were approved by MPWS. Routine planning procedure was tendering each municipality's plans by the Bank of Province¹⁷. Izmir had 13 municipalities and plans of each municipality would be prepared separately. One of our interviewees was a city planner in the municipal planning team then:

Ihsan Alyanak (mayor of central district municipality) opposed this routine and offered to prepare plans with his own planning team in municipality. This is how we started working at the municipality. He held meetings with MPWS and Bank of Provinces in 1977. He believed in planning. I remember a conversation. They said him that 'you are demolishing the whole city down!' As a matter of fact mayor was famous with that. He responded: 'No, I am not demolishing it. I have this 1955 plan and I am implementing it. If we have had a better one, I would implement that'. (Mr.I.T.)

Mayor sought ways of avoiding any contingent consequences of fragmented planning. Municipal planning team was re-formed in order to prepare a unitary plan for the entire city. Enthusiasm of Mayor worked well and both MPWs and Bank of Provinces were convinced. Research, analysis and planning studies were initiated locally.

Suddenly an extraordinary incident happened on 12.9.1980: coup d'état (Military Act). Like every other mayor and municipal council in the country, Mayor Ihsan Alyanak was dismissed and municipal councils were abolished. Cahit Günay (current General Director of municipal public transportation unit - ESHOT) was appointed as Mayor by the military government. Municipal cadres were revised, some bureaucrats were appointed to key offices, and municipal council was replaced by municipal committee.

Planning team had already started working under supervision of a Consultancy Council which was composed of central government bureaucrats and planning experts. Planning team had to persuade The Council to accept its plan.

They would order us. They were suspicious whether 'these kids' - that is us - could prepare plans. A short time before the council came we had taken a meeting and revised the 1973 dated master plan. Before they arrived we hanged it on the wall of the meeting room. They saw this plan in the meeting. Then we made a presentation and they accepted that plan 'in principle'. This plan became the starting point of future studies. (Mr.I.T.)

So, municipality was awarded with plan making. Planning team prepared a LuP for the city center in 1982.

¹⁷ Bank of Provinces is a central government institution which was established to provide financial and technical support to local governments. Plan was prepared by Izmir Metropolitan Area Planning Bureau.

5.3. The Special Project Plan

1982 LuP (land use plan at 1/5000 scale) which was not signed by MPWS is known to local planning circle as ‘the paraph plan’. It had no official status. Its upper scale master plan also had no official status. As Mr.IT says 1/25000 scale metropolitan city plan was accepted ‘in principle’. Despite its unofficial status, it was used as a reference material. CBD of the third biggest city managed with this unofficial LuP until 2009. It is first time with this (unofficial) plan that The Land was designated with certain functions some of which would last until today with minor revisions.

The Land and its surroundings were designated as ‘Working Areas’ which lists a wide range of land use functions. A plan note peculiar to The Land reads as *‘Implementation will be made according to its Special Project’* which means there would be a special project for this single lot. There were no other provisions such as construction density, height limitation, minimum lot size or any other planning standards. Details would be decided in the special project phase.

Table 5. Provisions of the paraph plan

Paraph Plan	Type (unitary)	Ratification and approval
11.3.1982	1/5000 LuP	Paraph by MPWS
Plan Provisions for The Land		
Working Areas (any kind of whole sail and retail trade, multi-storey commerce, bureaus, trade center, local and regional public institutions, hotel, entertainment facilities, multi-storey car parks, etc.)		
Implementation will be made according to its Special Project		

Soon after moving central garage functions off The Land, an unintended consequence occurred rapidly. Trade and commerce in the city center started to decline. This interviewee was responsible for preparing plans for the central city. According to the planning team’s idea The Land which was a public property could be an opportunity to prevent the emerging urban decline.

After Mayor İhsan Alyanak moved the central garage to Halkapınar district, this area became obsolete. Once a center where all buses coming to Izmir arrived, a business place where car repairs and sales were made, where bureaus and trade were dense, which was at the same time adjacent to The Fair Area – an important commercial center - turned into a ghost town... There was this very precious land in our hands... Then we calculated the overall construction density around. It was about DC:7-8 which was too high. We reduced density for this lot to DC:5 and designated it with CBD functions by a plan modification during military era. (Mr.I.T.).

Actually, this modification is not found in any archive. Apparently, municipal council had not authority in plan approvals during this period and what our interviewee

tells is an unofficial modification on the paraph plan. This point is crucial because DC:5 will be a never-ending debate in the future of The Land.

Culturepark was a precious asset for the whole city, however fair functions dominated most of its space. Mayor Cahit Günay said that fair would be specialized in trade, but it was not possible to move fair functions to periphery in less than 15-20 years¹⁸. Despite previous projections, moving fair functions out of Culturepark would be a longer-term project.

On 19.04.1983, Cahit Günay resigned and Ceyhan Demir (current Vice Governor) was appointed as mayor by the military government. The Land was in the agenda and military municipality opened a competition to obtain its 'Special Project'.

5.4. 1st Competition and Its Mass Approval Plan

This first competition was specific to The Land. "İzmir Tourism and Trade Center Buildings – Architectural Competition" was promulgated on Official Gazette¹⁹ on 15.10.1983. Competition document provided to applicants was not in detail. Many points became clearer and some revisions were made as soon as questions came from applicants. Terms of competition contract were as follows:

'Size of The Land is 20.866m² (Izmir, 1983. Q&A²⁰:84). Total construction area will not exceed 97.006m². A Hotel, a Convention Center, a Trade Center with technical units, and a Garage (18.750m²) will be included. Installation volumes are not included in total construction area (Q&A:1). Set-backs are 5mt and 15mt from certain roads (Q&A:100). Maximum height is unlimited.'

Terms of contract are crucial for this 'İzmir Tourism and Commercial Center National Architectural Project Competition'. Firstly, Density Coefficient (DC) corresponds approximately to 5 ($97.006m^2/20.866m^2 = 4.64$). Installation units were not included, so the architectural project is expected to be around DC:5 adding these units. Secondly, maximum height (hmax) is unlimited. Although Chamber of Civil Engineers proposed maximum 15 floors (İzmir, 1983:24) hmax was finally decided to be unlimited (Q&A:10). Thirdly, main functions were hotel, trade center, garage (car park), and convention center which are mainly commercial. Fourthly and finally, there would

¹⁸ Milliyet, newspaper. 17.8.1982:12

¹⁹ OG. 18222: p:30-31. Deadline for submissions is on 16.4.1984. Election is on 29.4.1984.

²⁰ Q&A: Questions and Answers (İzmir, 1983)

not be terminal functions anymore. The half a century lifespan of The Land as transportation facility of the city would be replaced by hotel, convention and trade functions. For the next thirty years, construction density, inclusion of technical volumes, hmax, set-backs and land use types will remain in the ‘debates agenda’.



Figure 9. Panoramic picture of The Land
(Source: Izmir, 1983)

However another major event which changed the whole context had occurred between these dates. Turkish local government system was re-organized with radical changes. On 18.1.1984 İzmir Metropolitan Municipality was established by Law no.2972. Law and decree having force of law (no.268) ruled that legal status would be designed before local elections. It was only two weeks before local elections that another decree having force of law (no.195) designed the organizational structure of metropolitan municipalities. At first stage, Metropolitan Municipality Law (no.3030) was legislated. Three biggest cities in Turkey (Istanbul, Ankara, and Izmir) were appointed to metropolitan municipality status followed by thirteen more cities in the next years. These metropolitan municipalities gained superiority over district municipalities within their territory. Together with the Planning Law (no.3194) which was put in force one year later, municipalities gained authority to prepare and approve plans of 1/5000 (LuP) and 1/1000 (ImP) scale. Before this legislation, MPWS was the only planning authority in the entire country. This was the highest and longest leapfrog step of decentralization acts in Turkey.

After the introduction of metropolitan municipal system local elections were made. Motherland Party's candidate Burhan Özfatura became the first Mayor of İzmir Metropolitan Municipality on 25.3.1984 local elections. Motherland Party was also the ruling party in national parliament following the military era. It was the strongest

proponent of neo-liberalism, free market economy and privatization. It is with this economically-liberal and socially-conservative government that deregulation acts in Turkey would be fostered in the near future. These significant changes in 1980s were theorized and labeled as a shift from urbanization of labor power to urbanization of capital (see: Şengül, 2001).

5.5. Onset

The onset of the case is 29.4.1984. This date is when Jury elected the first prize winner project. We have a concrete project for The Land at hands. Military era was over. A new local administration model was legislated. Mayor was elected. There was a land use plan and an achieved project. It seemed that best conditions for implementation were ready.

Previous dates and events are not considered as the onset due to the extraordinary conditions of military era. In other words questioning democratic, rational, technical and scientific properties of city planning would be an empty work in such a situation that democratic, rational, technical and scientific concern is replaced by military concern. Following the ‘visible’ end of military era and start of neo-liberal restructuring, main concern of this research gains a traceable and internally logical framework.

5.5.1. 1st Prize Winner Architectural Project

Fortunately, competition timeline was not interrupted. The competition was completed right after the mentioned legal, administrative and statutory regulations and the elections. As finals, Zafer Koçak and M.Kemal İpek’s architectural team was awarded the 1st Prize on 29.4.1984²¹. Projects would be exhibited between 4th and 20th of May 1984.

²¹ OG. issue 18397. 10.5.1984

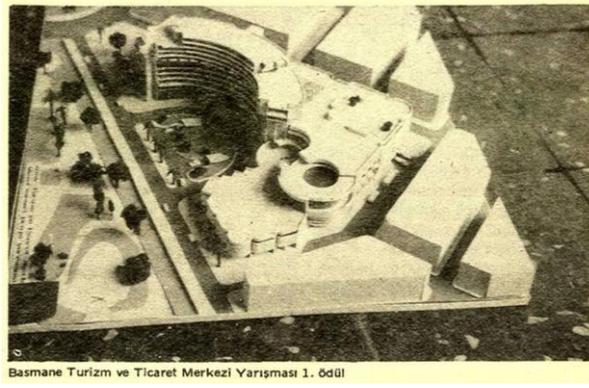


Figure 10. 1st prize project
(Source: Mimarlık, 1984/7-8 :5)



Figure 11. 1st prize project
(Source: Mimarlık, 1991:19)

The winning project was not a high rise building. Competition contract allowed unlimited height but winner team did not prefer a high rise building due to some technical reasons. According to the team, the flat structure of topography and existing high rise buildings in the coastal zone would hinder any silhouette effect of a high rise building in this region. Besides, a tower construction would not be economic and rational in terms of ground mechanics (Koçak and İpek, 1991:19). Jury appreciated the project especially for its integrity with the Fair Area which was succeeded by maximum set-backs from the Boulevard between The Land and The Fair²².

5.5.2. Mass Approval Plan

Terms of competition were compatible with the 1982 dated LuP. There was this architectural project but no ImP yet. So, an implementation plan should be prepared. Institutional organization of the new local administration model of metropolitan municipalities took some time. After achieving the competition project, a unitary ImP covering the entire CBD was approved. Design of the architectural project was inserted (mass approval) on this plan as a plan decision. Special Project was achieved and its layout became the provisions.

Meanwhile, Mayor Burhan Özfatura who was strong advocate of privatization²³ and neoliberal policies was negotiating with several investors about several other urban development projects. The Land was also in the list. Municipality announced a tender

²² Mimarlık, 1991:20

²³ For a short list of privatization acts by Burhan Özfatura, see: Milliyet, newspaper: 28.4.1994; 6.10.1994

on 5.9.1985²⁴ for the “Construction and Management of Tourism and Trade Center” of approximately 100.000m² construction area. Announcement reads that municipal shares would be determined by the offers. The model is obvious: constructor and manager would not be public sector; it would be private sector. Shares phrase meant that a flat-for-land agreement would be made.

Two companies competed for bids. Mr. Asil Nadir’s company was granted the contract. This auction was subjected to TGNA (Turkish Grand National Assembly) by a deputy of opponent party to investigate whether a municipal council member had relations with the granted group or not (See: TGNA, 1986). Deputy showed a newspaper as evidence which asserts that a municipal council member was at the same time the consultant and regional representative of the group. Ministry of Interior falsified the claim that investigation results did not find any relations (TGNA, 1986). This falsification was not supported with a written parliamentary investigation report. Minister of Interior only verbally responded to claims and falsified on 2.4.1986. News on 4.4.1986 wrote that Mayor had agreed with Mr. Asil Nadir.²⁵: “*We have pretty good ideas together with Mr. Asil Nadir about tourism*”. As we have mentioned above, Mayor is from the ruling Motherland Party. The power of ruling party in parliament provided a secure ground against criticisms. Depth and truthfulness of parliamentary investigations are up to the will and votes of ruling party which had majority of seats.

Despite that terms of tender were obvious and based on the existing architectural project capital was not keen on it in terms of international standards. Investors downgraded the hotel with 3 or 4 stars; it was not a 5-star hotel (Tuna, 2005). It seems that the project was onerous or in our terms investor-unfriendly:

Mr. Asil Nadir asked whether they could change the existing architectural project. Mayor Burhan Özfatura responded that it was up to the competition winner architects’ consent. Mr. Asil Nadir spoke to 1st prize winner architects and they allowed changes. (Mr. I.T.)

Although the achieved project was appreciated by a jury of technical specialists, and despite our interviewee (Mr. IT) who became the chief city planner at the municipality describes the project as “*a moon shaped project with a fantastic hotel facing the fair*”, investors did not agree. Technical jury’s 1st prize winner project was not awarded even an honorable mention by the jury of capital. Surprisingly, its architects were consent on requested changes.

²⁴ OG. Issue 18859. p:17. Deadline is 27.9.1985.

²⁵ Milliyet, newspaper. 4.4.1986. p:4

A revision of architectural project requires a modification in plans because the architectural project was inserted onto the plan as mass approval. So, it would be a partial plan modification in order to fulfill ‘investor requirements’. Rules of project and plan would be decided together with investors. Mr. IT explains the motive of their attitude which also reveals the content of an investor-friendly project:

Our approach was that some places could only be developed with some concessions. If this high rise building was built, the area would gain prestige. When you do not provide these concessions to land developer, you destroy the renewal process of the city.

Such concession was part of a wider project of liberal government. A clear example is the ‘Tourism Encouragement Law’ and its related regulations legislated during that era:

Minister of Tourism (Tınaz Titiz) was a politician in the Motherland Party. He was a visionary man. He put a circular to in order to encourage tourism investment. Those who want to build hotels would benefit from two extra storeys. It means if plan allows eight storeys, it can rise to ten storeys for a hotel. All the best hotels in city were realized thanks to this circular. (Mr. IT.)

Modifications will show what concessions ensure an investor-friendly project.

5.5.3. Modification for an Investor-friendly Project: DC:5 Plan

The investor group started working on a project proposal. Mayor was upset because they were not quick enough in completing procedures. ‘*They have one week to complete their project proposal before I cancel the tender*’²⁶ said Mayor²⁶ on media. Two weeks after this threat a contract was signed between IMM and the investor group (Sheraton – Voyager partnership)²⁷. Ideas turned into realities in just three months. The new tourism and hotel design was finalized by a foreign architectural team. The 1st competition winner project (İzmir Tourism and Trade Center) had proposed 97.006m² of construction area. Revised project proposed 110.000m².

The only procedure left was a plan modification. According to new regulations by introduction of The Metropolitan Municipality Law and The Planning Law, metropolitan municipalities are authorized in preparing and approving LuPs, and district municipalities are authorized to prepare and deem IMPs appropriate. Finally, ImPs are put in force after metropolitan municipal council’s approval.

²⁶ Cumhuriyet, newspaper. 3.7.1986. p:9

²⁷ Milliyet, newspaper. 19.7.1986

Project proposal was transmitted to district municipality ordering to prepare an ImP modification²⁸ for The Land. The aim of modification was ‘to realize Tourism and Trade Center in Basmane Square’ as written on the layout. KDM (Konak District Municipality) prepared and deemed the plan modification appropriate. Next month IMM Council approved the change. It was compliant with the 1982 dated LuP, therefore a LuP modification was not necessary.

Table 6. DC:5 plan provisions

DC:5 Plan	Type (partial)	Ratification and approval
15.10.1986	1/1000 ImP	KDM council (811/816)
20.11.1986	1/1000 ImP	IMM mayor (chg.no. 340)
Provisions		
DC:5, Hmax: unlimited		
Implementation will be made according to its Special Project		

This modification brought two changes. ‘Mass approval’ was removed, so 1st prize winner project was dropped. Also, it was the first plan with a density provision.

Beginning from the onset of the story several debates emerged. Some of these were dissolved in time and some remained persistent. They are collected in what we call ‘the debates agenda’. Debates agenda includes what Flyvbjerg (2012a:100) calls ‘tension points’ which are characterized with a ‘vs.’ and which Foucault calls ‘virtual fractures’. A tension point is defined as a type of power relation that is particularly susceptible to problematization and thus to change, because it is fraught with dubious practices, contestable knowledge and potential conflict (Flyvbjerg, 2012a:100).

Density provision is what we call a ‘hypertension point’ that is a major ‘fault line’ in Flyvbjerg’s terms with its minor fault lines like the branches of a tree. It has more than one ‘vs.’ embedded in it. At first sight, the question seems to be related to technical assessment of DC:5; whether it is high or low urban density level. This dimension is relatively less important compared to others. Besides this overall debate, density provision carried three other tension points in its bag. First tension point regards the origin of the decision. Second tension point regards the inconsistency between plan provisions and planning regulations. Third tension point is the contradiction between the two plan notes of density value and special project. All of these four tension points will be accumulated in the ‘debates agenda’.

²⁸ IMM communique. 20.7.1986 / no. 1609.

For now, the origin of DC: 5 will be clarified. According to our interviewee (Mr.I.T.), The Land was designated with DC: 5 with an ImP change before the competition. Also, according to Mayor Burhan Özfatura DC: 5 was coded during the military era before he was mayor²⁹. However, any plan or modification with DC:5 does not exist in archives. Moreover, one of the recent plan reports (see IMM, 2009a:3) which summarizes planning history of The Land notes that DC: 5 is first designated with a partial modification on 20.11.1986 which is when Burhan Özfatura was Mayor. It was the competition project's contract terms that designated a density value; not a plan. The 1st competition contract ruled that total construction should not exceed 97.006m². It was calculated without technical volumes. This construction area corresponds to a density coefficient of 4,64. When technical volumes included, it might rise to or exceed DC: 5. But it is first time with 'DC: 5 plan' which would be ratified on 1986 that a density level was coded as a plan decision. The 1986 plan with DC: 5 value allows 104.330m² of total construction area (20.866m² x 5 = 104.330m²).

This simple argument about the origin of DC: 5 is crucial because no one undertook the responsibility of it. '*We do not judge the past, we look ahead*' comes the future rhetoric as will be presented. '*There is the principle of administrative continuity*' will be another expression of this discursive tactic. In other words it is a reflection of the typical self-defensive phrase of '*It is not I who made it, it was already made*'.

A retrospective reading is likely to find out suspicious actions like these ones. However, similar potential questions do not come to surface 'in its real time' unless outsider critic parties interfere. In Gaventa's (2004) terms, neither 'closed spaces' of negotiation, nor 'invited spaces' implied any tension points in real time.

For now, municipal council members ratified DC:5 modification with unanimous votes. Deal was the outcome of negotiation between Mr. Asil Nadir and Mayor Burhan Özfatura; and project was the outcome of negotiation between Mr. Asil Nadir and the 1st prize winner architects. Architects of the project were consent with revision.

There were no visible tension points between the municipality, the architects, the jury, the investor or other public and private bodies. It seemed that consensus was achieved. While everything seemed ok and related sides were agreed, an objection came from the 'claimed/created space' which emerged outside these harmonious processes.

²⁹ Gözlem, newspaper. 28.8.2009

5.5.3.1. Architects' Objection from Claimed/Created Space

According to CA-IC (Chamber of Architects - Izmir Chapter) revision of the architectural design was improper. Winner project was revised and redesigned by a foreigner architect without even informing owners of the competition project (Özbay, 1988). In contrast, our interviewee says that winner architects were consent on revision. Despite this claim, CA-IC considered this revision an illegal act and filed a lawsuit against municipality. CA-IC's concern was two folded. First was the overall aim of the chamber as to secure the rights of its members and profession. Second was rather contextual. For more than two decades CA-IC was annoyed about foreign architects. In the meantime a special issue³⁰ on foreign architects in the country was published in CA's (Chamber of Architects Main Board) official periodical. Editor wrote that a large number of buildings were designed by foreign architects without chamber's approval which was illegal. To them, when and how the 'job' was given to those architects or on what criteria they were granted were unknown. The most recent example was 'Izmir Tourism and Trade Center Project' against which the current case was commenced. Editor made clear that the lawsuit did not question technical capacity or quality of the specific project, but did challenged annihilation of native architects, local architecture, and the chamber as a professional authority.

Despite the on-going case which is the first lawsuit in the history of The Land, investor group continued ground works and municipality started promoting. It was one of the most spectacular ground breaking ceremonies in the history of the city. Municipality published brochures and paid for pages of advertisements days before³¹ and days after³² the ground was symbolically broken on 27.3.1988. '*Gate to the World is opening from Izmir*' wrote papers. The Project was called 'Izmir International Tourism and Trade Center'. Minister of Culture and Tourism broke the ground together with several other politicians and explicit support of Prime Minister. Ceremony was spectacular but the ground could not be broken in real. Council of State cancelled the project revision in the case commenced by CA-IC. Court ordered implementing the competition project. Investor-friendly project had to be put aside.

³⁰ Mimarlık, 1998. Editorial.

³¹ Cumhuriyet, newspaper. 23.3.1988, p:13

³² Milliyet, newspaper. 31.3.1988, p:13

Despite that the architects of the winning project were consent to changes in their project, Council of State did not allow. So, Mr. Asil Nadir abandoned the project. (Mr. I.T.)

Confusingly, Mayor Burhan Özfatura wrote in an article years later that they cancelled the contract because its time limit was exceeded³³. IMM did not return to the 1st prize project which was not considered investor-friendly. Contract was cancelled and both projects were abandoned.

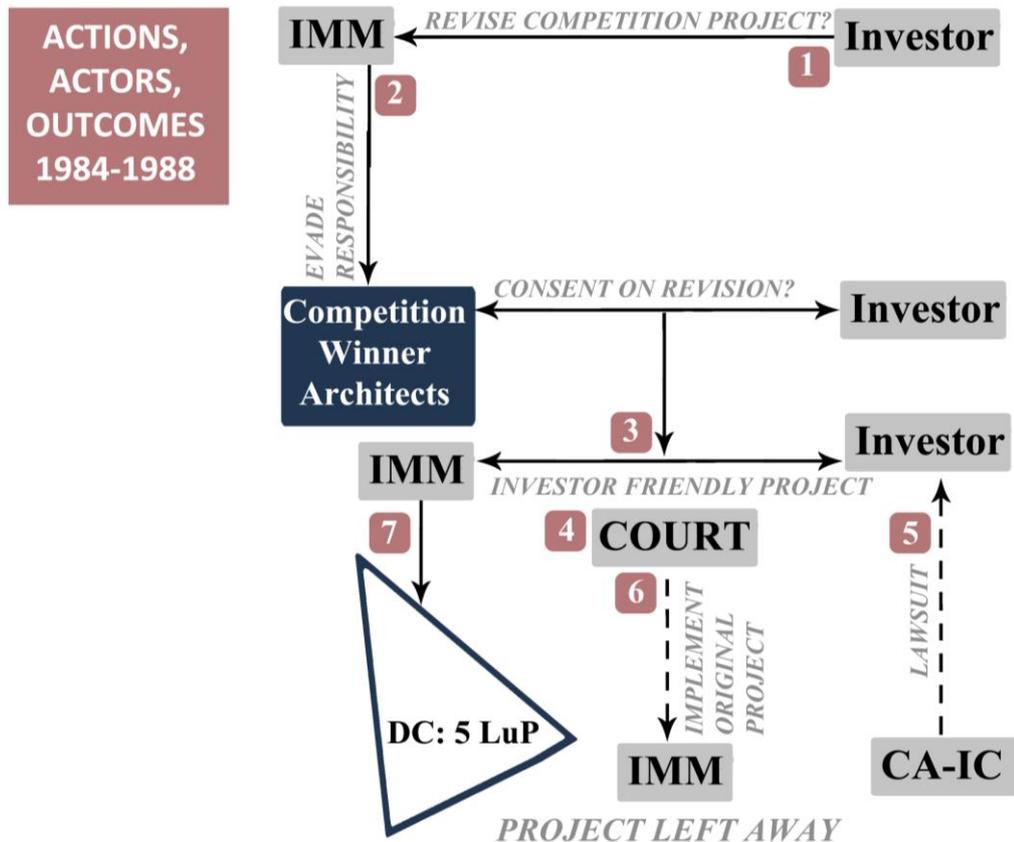


Figure 12. 1984 – 1988 summary graph

It will be experienced several times in the future that ‘court rules’. Filing a lawsuit, which is the most effective action whether succeeds its aim or not, will be considered almost a nightmare for any planning activity. One who opens a file against a project will be accused of treachery by proponents of the project. This is what we will call ‘the spirit of court’.

The first project was abandoned by the investors, the revised project was cancelled by the court, and the contract with the investor was cancelled by municipality.

³³ Burhan Özfatura’s article in Gözlem daily newspaper. Date:28.8.2009.

Although the contract and the two projects were abandoned, 1986 dated ImP was in force with provisions of density, hmax, and reference to a special project. A few months later local elections would arrive. Just before the local elections one of the most critical actions took place.

5.5.3.2. Critical Timing and The Fair Question

On 23.3.1989, only three days before the local elections, IMM council gathered and approved a master plan revision. The 1973 dated Master Plan of 1/25000 scale³⁴ was revised. This detail is crucial as Flyvbjerg (1998:4) paraphrases Nietzschean aphorism: “*Most particular also reveals itself to be the most general*”. Mostly seen exceptional at first glance, it will be experienced several times in the future that ‘critical timing actions’ is not an exception for The Land. This is the first one.

With critical timing action we mean that an immediate action is made consciously before a major event. Such action may be a minor one considering its scale, but its effect is most likely major. It may be a routine action in ordinary times, but timing makes it critical. In this case, local election is the major event, and approving a master plan revision is the critical timing action. A local election ends up with only two results: winning or losing the power. Motives and reasons of critical timing action will be discussed later, for now only consequences of this act will be presented.

Outcome of this ‘critical timing action’ (revising 1973 dated master plan) in relation to The Land is a land use change somewhere else. An area in Çiğli region (northern periphery of metropolitan city) which had been designated for The Fair and Recreation Facilities was transformed into housing and technical infrastructure facilities in the new plan. A substitutive location was not proposed, so the fair functions had nowhere to go but stay in the Culturepark zone.

Fair was a strategic tool since the proclamation of Turkish Republic. The founder of Turkish Republic (Atatürk) had ordered to “Establish Fairs, open exhibitions in this city” in the opening speech of Domestic Products Exhibition held in İzmir Economy Congress on 1923 (Karakaya, 2012). The idea of extracting fair functions out of Culturepark has a lengthy history. Since the first establishment of The Fair inside

³⁴ This plan was not considered as a revision in terms of planning methods and processes (Arkon and Gülerman, 1995). It was cancelled by MPWS in 2003 due to the fact that municipalities did not have the authority to approve 1/25000 scale plans. Nonetheless, some decisions of it (including transformation of Fair and Recreation Area in Çiğli) were implemented.

Culturepark zone many experts, politicians, and even businessmen agreed on preserving the Culturepark with cultural facilities and removing fair functions outside the city. Çiğli region which was approximately forty kilometers away from city center was consistent with the idea and it was planned in this way by the 1973 master plan.

As Gündüz (1991) notes, according to architects International Fair had already fulfilled its mission inside the park, and it is a threat for the existence of a Culturepark. Even the founder of The Fair (Behçet Uz) had said back in 1968 that main goal was not fair activities in Culturepark. Similarly, many experts and businessmen declared the necessity to relocate the fair outside of the city. *“The only reason to hold the Fair in the Culturepark area is that it does not require any infrastructure investment, because it is a ready and empty land”* (Gündüz, 1991:12). To CA Culturepark has always been a temporary solution for fair and more appropriate locations were sought several times³⁵.

Businessmen agreed. According to Chairman of Aegean Businessmen Association and Chairman of Chamber of Industry, despite its economic consequences, fair functions should be moved outside the city (cited in: Gündüz, 1991/2:12). Similarly, Chairman of Chamber of Commerce declared on several occasions that Fair and Culturepark should be separate³⁶. According to him fair was located in a dense urban area with traffic jam, and it should be moved outside the city in the long term. Chamber of Commerce’s alternative locations listed Çiğli region at the top.

Politicians agreed. Despite the fact that he approved this plan revision Mayor Burhan Özfatura aimed “to plan specialized fair functions outside the Culturepark Area, so that those areas will create attraction”³⁷.

Candidate politicians for the next local elections also agreed. To Motherland Party candidate Mrs. Işın Çelebi, fair should be extracted from the Culturepark and this land should be organized as a green area with social and cultural services³⁸. Democrat Party candidate Mr. Erdal Çırpanlı agreed saying that Culturepark and Fair are two distinct features. Fair should be made somewhere close to the airport. Unnecessary constructions in Culturepark should be demolished, and green areas should be increased³⁹.

The landscape architect (Öztan, 1993: 40-42) of a future project about The Land complains that harmonizing these two contradictory land uses is a real problem.

³⁵ Ege Mimarlık, 1991/1

³⁶ Milliyet, newspaper. 26.08.1998:2.

³⁷ Ege Mimarlık, 1994/1:18

³⁸ Ege Mimarlık, 1994/1:20

³⁹ Ege Mimarlık, 1994/1:21

The question continues today and it is repeatedly declared in such words: “Starting from the first establishment of Culturepark, fair functions were seen temporary” (Maruflu, 2012). For more than 70 years, fair functions could not be moved outside the city. Fair still resides in The Culturepark in 2013 despite this historical “common concrete idea”. With concrete idea we separate abstract discourses such as ‘developing the city, bringing wealth, maintaining justice, for the good of the city’ and all similar rhetorical sayings from action-oriented pragmatic ideas. A concrete idea has a responsive single pragmatic action. When we call ‘common concrete idea’ it means this single action is agreed by great majority (that there may always be opponents), without questioning and without even proposing minor revisions. In this case common concrete idea is removing fair functions outside Culturepark area. Where it will be relocated, its size, its content, its aim, motives and reasons defined by each body who share it are all secondary dimensions. One or more additional dimensions may also be agreed on, but at least there is this single common concrete idea that great majority is consent or willing. Reasons that bring actors to this common concrete idea may differ, but its form is the same for all. The term should not be confused with common denominator. A common denominator is generally an abstract concept. On the contrary, it is the action that characterizes a common concrete idea. Although majority agrees on common concrete idea, it may not be practiced⁴⁰.

For now, we should stress that this critical timing action (plan revision which abandons fair and recreation area in Çiğli region) left no other alternative fair locations to realize the common concrete idea. The Fair had nowhere else to go although it was agreed that it had to go. It has to stay in The Culturepark for a while.

5.5.4. 2nd Competition and A B C Plan

1989 master plan was approved in the last session of the last municipal council meeting three days before local elections. It was the end of Mayor Burhan Özfatura’s first period. This time Yüksel Çakmur of Social Democrat People’s Party (SPP) was elected for Metropolitan Municipality Mayor on 26.3.1989. Social democrats were local rulers, and neoliberals were national rulers.

⁴⁰ This is where another inquiry is worth exploring why an agreed single action is not practiced; which it is not the task of this research.

5.5.4.1. 2nd competition

IMM prepared for a second competition⁴¹ which would cover both The Land and The Fair:

This land was offered to Asil Nadir for a hotel or any similar investment without questioning what contributions it can make to Izmir; what it takes from her; without consulting experts; without examining the strategic importance of The Land; without a scientific study. We said no. We are not against individuals, but this land is not a commodity. We should not think in terms of profit maximization. We should make a scientific inquiry, with experts, scientists, through seminars and panels. We should collect information and decide what should be done and what should not be done. We should decide together. Finally we decided to open a competition, because opening a competition means opening to argument. Projects emerged. We spent big effort with engineers, architects, and urbanists. (Yüksel Çakmur)

At first place, municipality requested from CA-IC a list of persons who could be jury members of a project competition on 7.11.1989. Aim was to revitalize cultural activities and re-arrange fair activities in order to reach international quality⁴². This request was due to the ‘Architectural Competitions Regulation’ of CA to which any competition should be designed accordingly⁴³. Chamber’s regulation was a must. Chamber provided the names list⁴⁴. In the meantime, CNHCB (Cultural and Natural Heritage Conservation Board, 1st branch of Izmir) took a decision on 1.2.1990 (dec.no.1655) and assigned The Culturepark area 2nd degree natural conservation site status⁴⁵. On 16.02.1990 ‘Izmir Fair/Culturepark Landscape and Fair-Complex Architectural Project Competition Contract’ was announced. Submission deadline was 19.7.1990 and would definitely not be extended by any means (İzmir, 1990:8). Election by the jury would be on 2.8.1990.

Competition contract directly addressed the dilemma of Fair and Culturepark relation. The first aim was to physically unite and functionally separate The Land and The Culturepark area. The Land had the potential to govern fair functions and The Culturepark would be a real recreation field. Two separate zones were defined: Culturepark and Fair Complex. Refik Saydam Boulevard passing between The Land and Culturepark would be pedestrianized. Specialized fair functions would be moved to the Fair Complex (İzmir, 1990:11-13).

⁴¹ In fact, there are not so many project competitions in Turkey. A comparative research made by CA had shown that while 113 competitions were announced in Turkey, it was more than 3.000 in Germany between 1980-1992 (see: Mimarlık, 93/251:29).

⁴² EgeMimarlık, 1991/1: 10

⁴³ The first competition in military era was ruled by the Regulation of Ministry of Public Works.

⁴⁴ Meanwhile an institutional arrangement was made and İZFAŞ was established on 30.1.1990 (Gündüz, 1991).

⁴⁵ Culturepark was natural conservation site since 1985. CNHCB had assigned 2nd site status in response to a principle decision (28.6.1988 – 24) of Higher Council of Conservation.



Figure 13. The Land
(Source: Mimarlık, 90/2: 27)

5.5.4.2. 2nd competition revised: A B C Zones

CA-IC was not satisfied with the contract. According to Architectural Competitions Regulation, IMM should send the competition contract to CA, and if it was deemed appropriate by the Chamber, then municipality should make announcement⁴⁶. It was announced without their confirmation. Chamber reported this view in detail and sent to several institutions including IMM and CNHCB. In addition a press conference was made on 9.3.1990 to declare six controversies:

- 1-competition conditions are contradictory.
- 2-it is probable that green area will be decreased.
- 3-location choices and provisions are not suitable.
- 4-historical quality and character of Culturepark will be damaged.
- 5-Culturepark should include only recreation, sports and cultural activities.
- 6-Unless the 'contract' is revised, CA-IC will order architects not to enter the competition.

IMM did not respond. Announcement of the competition was already made. Then, CA-IC held a meeting with its main board (CA) on 28.3.1990⁴⁷ and prepared for commencing a case against the competition. CA-IC organized and headed allies. This coalition facilitated mass protests which grew in the form of marches and demonstrations against the competition. 'Green Party' members protested the competition by dancing at the city square⁴⁸. By the leadership of CA-IC (EMO, 1990:8-

⁴⁶ EgeMimarlık, 1991/1:10

⁴⁷ Mimarlık, 90/2:27

⁴⁸ Cumhuriyet, newspaper. 8.4.1990, p:18 (Dansla protesto)

9), all of the chambers in Izmir (those related to UCTEA) decided to build a ‘Human Chain’ in May 1990 against the Fair Project Competition⁴⁹. Chambers related to UCTEA wanted fair functions moved to Çiğli region. Obviously, they were not informed that 1989 plan revision had already abandoned the fair and recreation area in that region (Karaçorlu, 1995:34).

None of the weeks-long protests were affective. Then CA-IC filed the lawsuit on 10.4.1990⁵⁰ and declared it by a press release. Spirit of court was influential. Next day IMM requested CNHCB’s opinion about the project competition⁵¹. In just a week, CNHCB took a new decision⁵² listing the appropriate conditions for the competition. Competition area would be composed of three separate zones: A, B, C.

A Zone: Culture Park and Recreational Area (assigned to 2nd degree natural site status by decision no.1655 on 1.2.1990).

B Zone: Fair Complex (assigned to 2nd degree natural site status by decision no.1655 on 1.2.1990).

C Zone: Hotel and Convention Center (no site status). Commercial functions could be included. C Zone is The Land. CNHCB did not put any height limitation.

IMM should revise the contract accordingly, because CNHCB rules have the force equivalent to law.

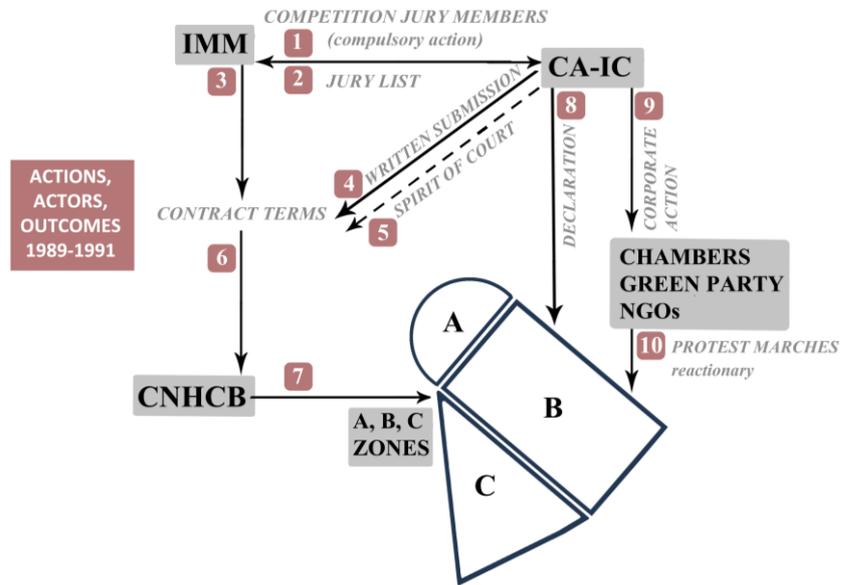


Figure 14. 1989 – 1991 summary graph

⁴⁹ Cumhuriyet, newspaper. 15.4.1990, p:18 (İzmir Fuarı Çiğli'ye taşınısın). Chambers soon made a press release and announced that the date of the human chain is 9th of June (Cumhuriyet, newspaper. 11.5.1990, p:20)

⁵⁰ EgeMimarlık, 1991/1:10

⁵¹ IMM communique, 11.4.1990 no.1382

⁵² CNHCB decision, 19.4.1990. no.1851

CA-IC was annoyed about this decision of CNHCB. To them, A, B, C zones was an expression of fragmenting the unity of Culturepark⁵³. For the B zone, calculated construction density was 42% which corresponds to an urban density. This high density would eventually result in decline of open areas in the Culturepark. According to Chamber, municipality “*surpasses the previous local government in acting a land developer manner*”⁵⁴. Chamber wanted that Culturepark should be cleared and transformed into an active green area; international fair should be moved outside the city center; specialty fairs should be moved to urban periphery; stock exchange should be located at CBD; Refik Saydam Boulevard should be closed to traffic; some part of hotel and convention center [The Land] should be allocated to car parking.

New demonstrations, protests, declarations and marches were organized in order to gain support and create pressure. In response, municipality organized a panel on 31.5.1990 in order to discuss the project and inform the public. Panelists were jury members, municipal bureaucrats, chairman of chamber of commerce, chairman of chamber of industry, chairman of a regional tourism association, vice director of CNHCB, head of CA-IC, head of Chamber of Civil Engineers Izmir Chapter and an academician.

At the start, Head of CA-IC protested the panel because other political parties and counter ideas were not invited. To him, the panel was ‘dominated’ by proponents. Due to this tyranny of the group, he withdrew from his panelist seat and followed the panel among spectators⁵⁵. He had a strategic support from the main chamber (CA) which could carry the objection to national scale. It was four days before the panel that CA Main Board had taken a decision (27.5.1990, no.4) unanimously which would be declared at the panel. Head of CA-IC was well prepared and had this support of Main Chamber. He declared this ‘main board decision’: “*Competition is deemed invalid by CA. Main board requests from jury members who were warned before to resign from jury membership*”⁵⁶. CA submitted this written decision directly to municipality and informed all of the architects in the country. Head of CA-IC put as much emphasis as possible on CA during the panel. It was the main board who took the decision, not the local branch. So, a local competition grew to an issue of national architectural circle.

⁵³ EgeMimarlık, 1991/1:12

⁵⁴ EgeMimarlık, 1991/1:12

⁵⁵ EgeMimarlık, 1991/1:10

⁵⁶ Ege Mimarlık, 1991/2:1 (27.5.1990, dec.no.4)

Opening an issue to discussion by a panel is a conventional means of participation. However, form of a discussion environment is as important as its existence. The protest of Head of CA-IC based on the critique that this panel was dominated by the proponents. They did not accept this discriminatory treatment. However, simple withdrawal or simply criticizing municipality would have no influence. So, CA-IC changed its strategy. First, CA-IC politicized the conflict by comparing municipality's attitude with the previous one as land developer. Second, they changed target and put pressure on its own members. To influence more, main board was put forward and the issue became a national question. If no architects would enter the competition as applicant or jury member, the competition would be cancelled.

However, there were some architects who did not agree with their chamber. Between 4-6.6.1990, 112 architects published press releases⁵⁷ against their chamber. Number of signers increased day by day. Chamber was divided into two camps. The rebellions declared that they appreciate the competition as an architectural contribution both to the city and architectural environment. They would not accept any impediments. Many colleagues were decisive in entering the competition. CA responded with the same tactic. Next and a few following days Chamber's counter declarations insisting that competition is invalid were published in the same newspaper⁵⁸.

Declarations, panels, protests, written submissions, threats and demonstrations were not influential. Head person and General Secretary of main board visited municipality hoping to convince them to revise the project but it did not work either. Next, CA-IC asked to postpone the competition until the case was adjudicated⁵⁹. IMM did not take responsibility of this decision and put it onto the jury. In a few days, jury decided to delay the competition and wait for the court decision. Municipality obeyed jury's decision and announced that competition was postponed on jury's will⁶⁰. CA-IC was informed with this postponement via press⁶¹ like any other newspaper reader. Two months later, case was adjudicated. Local court rejected the will of suspension. Court rule was in favor of IMM. Municipality re-started the competition on 27.9.1990⁶². Application deadline was two months ahead.

⁵⁷ Cumhuriyet, newspaper. 4-6 1990 (Mimarlardan Duyuru)

⁵⁸ Cumhuriyet, newspaper. 7-12.6.1990 (İzmir Kültürpark Proje Yarışması Geçersizdir)

⁵⁹ Mimarlık, 90/3:18

⁶⁰ Cumhuriyet, newspaper. 12.7.1990 (Duyuru)

⁶¹ Mimarlık, 90/3:18-19

⁶² Ege Mimarlık, 1991/1:11

Right after the re-start of competition, CA-IC confronted its own members once more by declaring a decision which was taken on 13-14.10.1990 together with its 13 sub-branches in the Aegean Region⁶³. This concerted decision wanted the Main Chamber to inform all of the architects in the country:

Ask from the Main Board to announce as a main board decision that any member who applies to this competition and continue jury membership will be sent to Honor (Discipline) Committee of the Chamber.

This decision was published in the same page with a reminder picture of the announcement poster of IMM's panel which remained in the past. Exhibiting the announcement poster was a means of threat. Names of jury members and panelists were explicated in the poster. Chamber had publishing-power through its own periodicals, press releases, and relations with other media, while individual architects are generally short of these means.

On 3.11.1990, that is two weeks after this concerted decision of 13 branches, CA-IC organized a Panel on Culturepark with participation of academicians and local government bureaucrats⁶⁴. Main emphasis was on environmental issues and the uniqueness of Culturepark as a green area for the city⁶⁵. Panelists were totally different from IMM's panel which was held six months ago. If IMM had scientists and experts, so did CA. This time it was CA-IC's discriminatory treatment and tyrannical group domination. However, panel and demonstrations – created massive support on public or not – had no influence on the court. Local court did not suspend the execution of the competition and stated that:

It is against the administrative continuity principle that current board of chamber is against a project which the former board had approved; it is not against law in terms of authority to open a competition; green area is not decreased, on the contrary increased; the existing 62,688m² of construction density in the area is decreased to 51,000m² by the project; local government cannot be forced to move the fair which became a symbol outside the city⁶⁶.

Court also stated that developments in Culturepark area are secured under the supervision of CNHCB (Karaçorlu, 1995), so there was no need to worry about potential risks. Court rule was based on calculations, technical assessment of outcomes of the competition terms and to regulations. CA-IC was not satisfied, but court is not a counter-side to challenge or negotiate. A court rule can only be formally objected or

⁶³ EgeMimarlık, 1990/1:13

⁶⁴ Mimarlık, 90/5-6:20

⁶⁵ Cumhuriyet, newspaper. 12.11.1990, p:17 (Kentsel Yeşil Alan ve Kültürpark)

⁶⁶ Mimarlık, 93/251:18

brought to Supreme Court. CA-IC made a declaration on 30.12.1992 challenging the court rule: CNHCB did not secure Culturepark because some additional constructions which did not exist in the project were made. They would appeal to Supreme Court⁶⁷. Final decision was given two years later and case was closed with rejection⁶⁸.

It will be shown in several instances in the history of The Land that local court rules have always been objected at the Supreme Court. It has no exception. Local court rule is always seen a first step by the opposing side. On 21.12.1990, competition results were announced with four months delay.

5.5.4.3. 2nd Competition Project Accomplished

Şükrü Kocagöz, Merih Karaaslan and Mürşit Günday's project won the competition. The awarded architectural project united The Land with Culturepark zone. Fair functions were moved to The Land together with some hotel and commercial facilities. The Boulevard was closed to traffic and pedestrian access to the Culturepark was maintained by platforms.



Figure 15. 1st prize winner project
(Source: Mimarlık, 93/254: 40)

⁶⁷ Mimarlık, 93/251:19

⁶⁸ Chamber of Architects had filed three other lawsuits. This time the 1989 plan revision which had abandoned the fair area in Çiğli; the CNHCB rule of A, B, C zone were sued besides the competition. All of these were rejected by local court. Although they objected at Supreme Court, they were rejected once more.

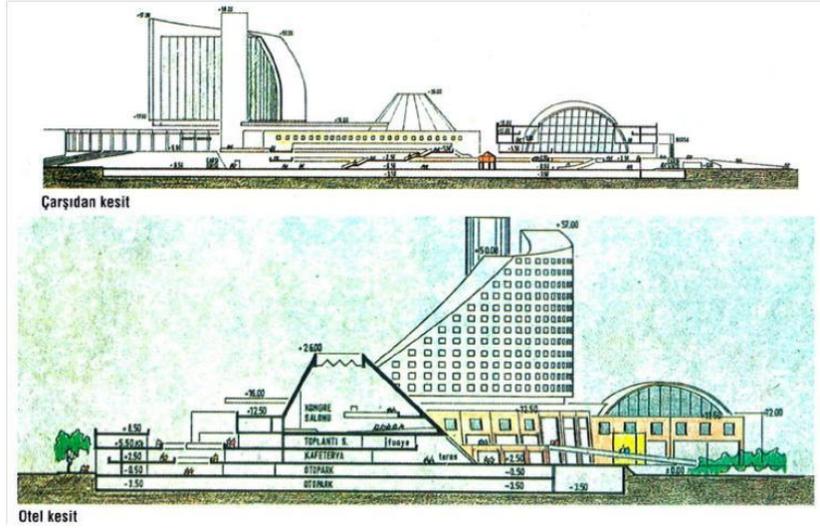


Figure 16. 1st prize winner project

(Source: Mimarlık, 93/254: 42)

After the announcement of results, internal struggle among architects continued. CA-IC published a Board Message in its official local periodical about a letter⁶⁹ sent by the winners. Winners wrote in response to chambers' threat of sending applicants to honor committee. They asserted that chamber should publish the projects and project reports so that members could decide on their own. CA-IC board replied in the same issue putting emphasis on principles:

We have always looked at the issue in the light of principles. The ultimate principle is not to transform Culturepark into an urban parcel; we are not interested in the winning project itself, be it successful or not.

Board increased its voice and accused the letter-writer competition-winners such that they were agents who were appointed by municipality to saw cancer seeds into Culturepark whom citizens of Izmir would remember. In fact, this confrontation among architects has also a political origin. One of the architects of the winning team (Şükrü Kocagöz) was the previous head of CA-IC between 1988 and 1990⁷⁰ when the competition was initiated. He resigned to enter the competition (Karaçorlu, 1995). Now, his team was awarded the first prize with unanimity of jury votes. Then he and his team wrote articles in favor of the competition and project, contrasting the view of the chamber.

⁶⁹ EgeMimarlık 1991/2:1.

⁷⁰ Mimarlık, 89/6:18

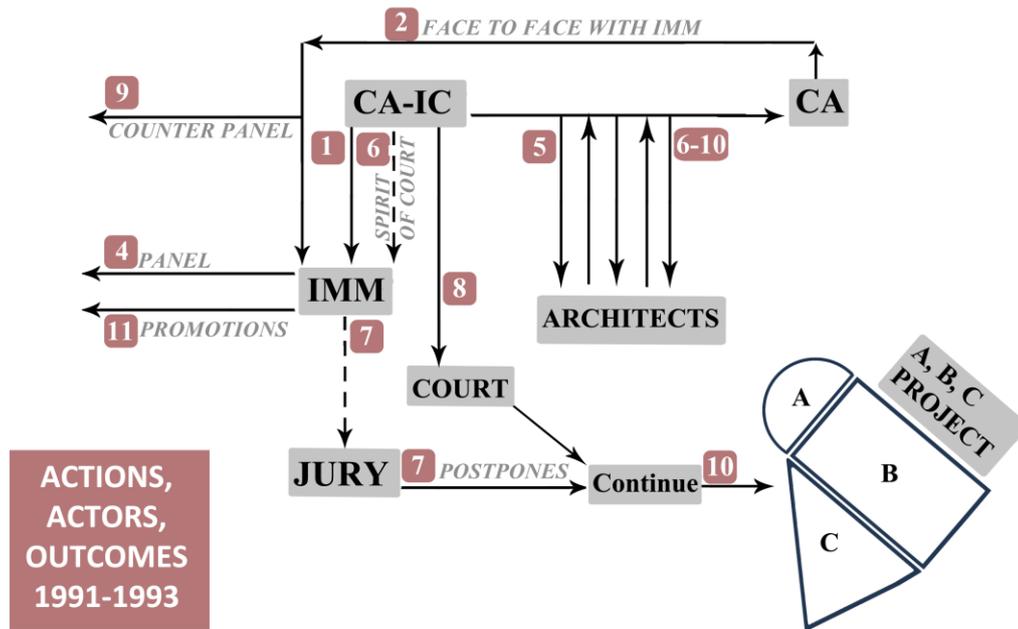


Figure 17. 1991 – 1993 summary graph

On the municipality’s side, everything was accomplished. Right after the announcement of results, municipality started promotions and made a counter attack to prove its environmental sensitivity. “12.000 saplings will be planted to Culturepark” in a planting campaign⁷¹ wrote papers. Every citizen was invited. Green areas in Culturepark would rise from 26% to 70%⁷². Following the project, land use and implementation plans should be amended accordingly. The emphasis in public releases and news was put on Culturepark zone, rather than The Land.

5.5.4.4. A B C Plan

Culturepark zone was the main concern of the competition. The Land was seen as a savior by housing fair functions. IMM firstly prepared a LuP for A, B, C zones, then an ImP for A and B zones. However, ImP for C zone compatible with competition project was not prepared because there was a problem with the C zone. The Land was in Tourism Center boundaries where local government had no planning authority.

⁷¹ Cumhuriyet, newspaper. 7.1.1991:20 (Fidan Dikme Kampanyası)

⁷² Milliyet, newspaper. 16.06.1991:5

Table 7. A, B, C Plan provisions

A,B,C Plan	Scale	Ratification and approval
20.8.1991	1/5000 land use plan (A,B,C)	IMM council (05/178)
10.9.1991	1/5000 land use plan (A,B,C)	IMM mayor
11.11.1991	1/1000 implementation plan (A,B)	KDM council (2780/2891)
20.5.1992	1/1000 implementation plan (A,B)	IMM mayor (chg.no. 941)
Provisions		
DC:5, Hmax: unlimited		
A: Culture Park		
B: Fair Complex		
C: Hotel and Convention Center		
1. The 19.4.1990 day and no.1851 decision of CNHCB decision is valid		
2. Implementation will be made according to its Special Project (Fair/Culture Park Competition Project)		

Municipality would re-gain the authority to make implementation plans for The Land a few years later. IMM requested from The Council of Ministers to cancel Tourism Center status. It took four years after its promulgation on Official Gazette as Tourism Center, The Land was extracted from the boundaries by a decision of The Council of Ministers on 17.10.1993⁷³. There was no explanation on the decision. With the LuP, The Land was again designated with DC:5 and unlimited height, with reference to a special project which is this time the winner project of the 2nd competition. It would be a Hotel and Convention Center.

The outcome of a competition is a draft project. A colloquium was prepared in order to exhibit and obtain critics and views about the projects. After a few months of project revision, final project was sent to supervision of CNHCB. As a legal obligation, final confirmation and approval should be taken from CNHCB.

Then the winning project was sent to CNHCB. CNHCB investigated the project and hollowed it out. Few of the project proposals remained. But, there was no approval of CNHCB. Plan was implemented within the Culturepark Area. All demolishing acts were made according to this project without the approval of the CNHCB. (Mr.I.T.)

IMM started implementing the Culturepark sections. Meanwhile 'local government elections' was approaching.

What was in the project? Green areas were given emphasis. Unfortunately, Culturepark had turned into a fairground since years. Culturepark had no cultural issues any more. It was filled with pubs and bars. Former mayors permitted pubs and bars to those of them through patronage relations. 90% of these was demolished by us. Fair was ready to be a real fair, so was Culturepark. However, 1994 local elections arrived. Votes were stolen. Many kinds of deception were made. (Yüksel Çakmur)

⁷³ Council of Ministers, decree no.21731.

IMM could not have time to start preparing the ImP for the C zone. Mayor Burhan Özfatura, for his second time and this time from another right wing party (DYP) was elected after a five year break, on 27.3.1994 local elections.

5.5.5. M Plan, Protocol, WTC Project, and Ownership

The political battle between Burhan Özfatura and Yüksel Çakmur is an endemic struggle. In his first week as mayor, Burhan Özfatura organized a press conference. In this first press conference, the first subject was municipal debt that previous local government left⁷⁴. According to Yüksel Çakmur this attack had a hidden agenda: Mayor Burhan Özfatura was preparing a legitimate background for his future privatization acts. To explicate this to public, Yüksel Çakmur wrote a letter to a popular journalist a few years later:

Firstly, he (Burhan Özfatura) attacked us through whatever media he conquered. He tried to convince people that we had left huge amount of debt. This aimed at providing justification and basis for privatization. He succeeded. As he sold, media and public remained silent. He sold a municipal store extremely cheap to Güçbirliği (The Company). We sued this action and court suspended the execution. He sold a precious land at an extremely cheap price to a gambler. Despite its existing project, he sold the central garage land to The Company. He sold 83ha of recreation land in Çiğli. He transferred a historical asset of İzmir - the chateau - to The Company. He sold gas stations of municipality extremely cheap. He said that they could sell even the municipality building for debt payment. (Quoted in article: Çölaşan, 1998)

For us, this letter has two crucial points to consider. Firstly, Yüksel Çakmur says that Mayor Burhan Özfatura prepared justification and background for privatization. Indeed, in every occasion Burhan Özfatura explicitly declared that he is fond of privatization at all costs. Secondly, most of the selling that Yüksel Çakmur addressed points to one particular company. Burhan Özfatura had transferred several publicly owned assets to this company which will be one of the main actors related to The Land.

5.5.5.1. M Plan

After municipal bureaucratic and technical cadres were rearranged according to new administration's perspective, a new plan modification was prepared for The Land.

⁷⁴ Miliyet, newspaper. 3.4.1994. p:9

Firstly, IMM⁷⁵ asked KDM to prepare an implementation plan for the C zone. Details of the expected plan were also provided: A LuP proposal, a project layout and detailed provisions were listed and attached to the communiqué. It was written that a hotel and convention center was projected. In order to maintain integrity with The Fair, the boulevard between The Fair and The Land would be redesigned with elevated pedestrian platforms. Traffic flow would be under ground. This LuP proposal designated The Land with an M code.

We should explain this communiqué in detail, because it represents an irregularity in rule making. Division of labor between metropolitan and district municipalities is clear in plan preparation. Metropolitan municipality is authorized in preparing and approving LuP, while district municipality is authorized in preparing ImP. After district municipality deems ImP appropriate, then it is transmitted to metropolitan municipality. Finally metropolitan municipal council approves ImP. This procedure takes some time which Mayor Burhan Özfatura did not favor. To accelerate the process, IMM sent LuP draft to KDM before its approval by IMM council so that KDM would not waste time to prepare a compatible ImP. When LuP was approved, ImP would have already been prepared by KDM. One of our interviewees, which will be a local politician in the future, is critical about this attitude:

I witnessed a TV show when Burhan Özfatura confronted Mayor Ahmet Piriştina about another project. Özfatura says: *“You cannot wait for law and procedures. You give a start, and steam follows you”*⁷⁶. In another plan sample he took an ImP into IMM council because local election was close and district municipal council would not come together again. (Mr.E.A.)

Right after sending the communiqué, IMM approved a LuP. They did not wait for procedures. This time C zone was designated with an M code. A and B zones were preserved, but C was erased with an eraser on the layout and M was written instead. Changing a plan was this simple: erase C and write M. The only difference between the 1991 plan and 1995 plan is C and M. ‘C’ corresponds to ‘Hotel and Convention Center with reference to CNHCB rules’, while ‘M’ refers to CBD functions together with housing. Provisions were the same. One will recognize at the table below that there is three-year time lag between the approval of LuP and ImP.

⁷⁵ IMM communiqué. 15.12.1994/ no. 3713

⁷⁶ For a similar critique to Mayor Burhan Özfatura with direct reference to The Land project, see: Nedim Budik. İzmirin keyfini kimse kaçırılmaz. Hürriyet, newspaper. 09.01.2007

Table 8. M Plan provisions

M Plan	Scale	Ratification and approval
26.12.1995	1/5000 LuP	IMM council (05/335)
14.5.1998	1/1000 ImP	KDM council (3892/4319)
25.8.1998	1/1000 ImP	IMM mayor (chg.no. 1728)
Provisions		
DC:5, Hmax: unlimited		
M: First and Second Degree Metropolitan Activity Centers: housing, market, bureau, trade center, any kind of trade, commercial storage, entertainment facilities, multi storey car park, service station, local and regional public institutions, hotels and motels can be constructed. Housing is not allowed at the base floor. One or more functions among these can be located at the same parcel.		
1. The 19.4.1990 day and no.1851 rule of Izmir 1 st CNHCB is valid;		
2. Implementation will be made according to its Special Project (Fair/Culture Park Competition Project)		

It was until 1998 that ImP of ‘M’ was approved. Despite the fact that Burhan Özfatura wanted to accelerate the planning process, approval of corresponding ImP took long time because some other process was put in action.

Mayor Burhan Özfatura was among the leading proponents of privatization. One will remind from his first term as mayor that he negotiates with investors in order to achieve investor-friendly projects. So, a typical question arises: who will be awarded with The Land and contract?

The same procedure with the 1st competition project is the model. Firstly, an investor should be found, and then an investor-friendly detailed plan would be prepared. IMM would first solve this problem and after that return to planning procedures. As mentioned above, draft of M Plan stood ready for a year, but IMM did not attempt further activities, because investor-search was on.

Note a side that one month ‘before’ the LuP of M was approved, a company was established. Within a year ‘after’ LuP was approved a holding and a bank were established. They were all founded by the same family. The composition is much more complex⁷⁷, but on purpose of a reader-friendly story, these will be called ‘The

⁷⁷ The Company is in fact a holding (Joint Forces - Güçbirliği Holding) composed of two construction companies (Güç Yapı and Güç İnşaat). It was established on November 1995 (SDIF, 2009), and was promoted as a new model of multi-sector multi-partner business formation. (www.mazharzorlu.com/holding_istirakler.html). Güç Yapı will be the contractor party for The Land. On 18.6.1996 EGS GYO (real estate development firm which is The Holding) was established. The Holding would be the accompanied contractor soon. On 24.12.1996, EGSBank (The Bank) obtained commercial bank certificate. With other several EGS firms they composed EGS Holding. The Bank soon became the majority shareholder of The Holding. All of these business bodies were participants of Mazhar Zorlu Holding which was established on 31.1.1996. Chairman of The Company is also delegated member and President of The Mazhar Zorlu Holding (see: Mazhar Zorlu, 2010).

Company, The Holding, and The Bank'. It was before the approval of M plan that news⁷⁸ read:

Finals for billion dollar Aegean company... Procedures about establishment and domain of interest have been finalized. The name of the company is thought to be Joint Forces (Güçbirliği), but final name will be given by partners. Some partners said that they were interested in a Petro Chemicals firm and a skyscraper business center on the vacant land at Basmane Square.

When this 'idea of interest' was on news, the C plan was still valid, The Land was still a municipally owned public property, and The Company was not yet established. However, partners of a not-yet-existing company were interested in building a skyscraper business center on The Land.

One year after The Company was established, IMM initiated the procedure. On 18.2.1997, Municipal Committee formulated a flat-for-land model of construction contract and offers were expected. Committee invited companies to enter negotiation on 20.5.1997. One week later The Company was granted with the tender. On 3.7.1997 a Protocol was signed. For now, we will not speculate about the establishment of The Company and its relation with The Land. It will be clarified by Mayor Burhan Özfatura in the future.

5.5.5.2. Protocol⁷⁹

During an undergraduate lecture in the Department of City and Regional Planning in METU, Prof.Dr.Raci Bademli said that "Planning has 5 Ps: Plan, Program, Project, Policy, and Pecuniary⁸⁰". In our case, there appears a sixth P: Protocol. It is a written and signed agreement between the sides (municipality and the company). Therefore a protocol has official validity and legal obligations. The Protocol was also a complimentary part of the plans with related codes among planning provisions.

The Protocol, at first sight is a typical in return for flats contract with these conditions:

⁷⁸ Milliyet, newspaper. 26.9.1995. p:9

⁷⁹ Calculations for the allocations have some differences between the original Protocol and Notary Text, such as while cinema halls and annexes cover 1.307m² at the original protocol, they are 2.934m² at the notary text; while Conference hall and annexes cover 2.384m², they are 2.712m² at the notary text etc. The protocol was signed by TheCompany; TheHolding; Demirer Construction and Deren Construction Firms.

⁸⁰ Money is Para in Turkish. Para fits with the 5 Ps in Turkish. Pecuniary is preferred here which is synonymous with Para and homonymous with Ps.

- 1) Contractor will construct conference hall, theatre hall, cinema halls, exhibition hall, multi-storey car park, trade center, hotel and tourism center, shopping mall, large store, transformers, generators, and supply units according to the project. Municipality's belongings will be submitted free from any charge.
- 2) Contractor will construct a multi storey car park (The Car Park) of approximately 35.000m² size in Kahramanlar area (another location in CBD). Contractor will run The Car Park for fifteen years and then submit it to IMM free from any charges.
- 3) Contractor will pay 1.701.000.000.000 TL to IMM in cash.
- 4) Ownership rights of independent units will be coded on title deeds.
- 5) Construction duration is 360 days.
- 6) Sub-division will be after project approvals and construction permits granted.

Shares count to 11/100 and 89/100 for each side. 11% of total construction area would be on municipality's account and 89% would be on The Company's. Protocol terms and technical calculations show that functions, volumes, and owner are quite different from the competition project. The 2nd competition project was abandoned.

A few months after the agreement on Protocol, The Company and The Holding signed a mutual trust contract specifically for the project on 23.2.1998 (EGS, 2004:6). So, The Company and The Holding became equal shareholders for the 89% of total construction area. A tripartite agreement was accomplished for The Land.

5.5.5.3. WTC Project

The Company started a new architectural design. The Competition Project was abandoned and a World Trade Center [WTC] Project⁸¹ was prepared by another team of architects (Mr. Ertem Ertunga and Cannon Architecture Co.). The Project was called 'Aegean World Trade Center' having 38 floors at a height of 153.50 meters. Because it was a skyscraper, it should be examined by The High Rise Buildings Committee [HRBC].⁸²

Among all the chamber representatives, Chamber of City Planners (CCP) did not join the committee meetings. CCP has always been critical about this 'HBRC and its Regulation' because it was after approval of plans that they were expected to examine

⁸¹ This 1998 WTC Project had almost 210.000m² closed space, 21.000m² shopping mall, 8.750m² restaurants and cinema hall. It had 30.000m² hotel in 18 floors, 27.000m² offices in 27 floors, and a 9.000m² opera hall. (<http://www.ertungamimarlik.com/tr/projects.php?cat=10&pid=87>)

⁸² It was established by IMM on 1995 which was the first pilot project in the country of its kind. HRBC consisted of experts from chambers of related professions. The reason to consult such a committee was due to insufficient technical capacity inside municipality to evaluate high rise projects. The aim of the Committee was to support municipality technically in cases of high rise projects.

the project. They had written to IMM several times that this regulation should be revised and examination should take place during planning phase. IMM never made any revisions and CCP did not join committee meetings. With this withdrawal strategy CCP positioned itself at the critical side.

On 3.4.1998, architectural project of WTC was submitted to IMM for construction permits⁸³. According to planning law and regulations, it is district municipality who has the authority to give construction permission, but there was an exception for municipally owned lands. Metropolitan mayor had the authority to give construction permit for municipally owned property. On 27.4.1998, Mayor Burhan Özfatura gave construction permits⁸⁴.

Actually, it was before the approval of ImP that Özfatura gave permits. ImP is the legal basis for construction permits; however permit was given without a corresponding ImP. We might call this another sample of his '*You cannot wait for laws and procedures. You give a start, steam follows you*' approach.

Two weeks after granting construction permits, KDM deemed ImP appropriate on 14.5.1998. It was a Thursday. On the weekend, ground was broken by the Prime Minister Süleyman Demirel with a ceremony⁸⁵. Project promotions and objections started. WTC architects published an article in one of the most popular architectural magazines (see:Yapı, 1998) presenting renders, 3D models, floor plans, and detailed sections.



Figure 18. 3D installation of WTC Project
(Source: Yapı, 1998: 119)

⁸³ Although it is an obligation, the construction permission date is (still) not written on the announcement board at the construction site.

⁸⁴ Milliyet, newspaper. 28.8.2009

⁸⁵ Hürriyet, newspaper. 18.5.1998. article by İsmet Solak. Halkın müthiş gücünü seyrederken; 20.5.1998. Cumhuriyet, newspaper, p:3



Figure 19. 3D render of WTC project
(Source: Yapı, 1998: 115)

“Sixty thousand daily visitors and two thousand employees will stop the decline of city center” wrote papers⁸⁶. Chairman of The Company was enthusiastic about the progress:⁸⁷ “40% of the offices were hired; next 30% is demanded by the most prestigious companies; hotel section is being negotiated with four companies. Infrastructural construction will end in the next month and it will open in 2001”.

While promotions and advertisements were covering large space in local media, Yüksel Çakmur and twelve of his friends⁸⁸ filed a lawsuit on 2.7.1998 against plan approval, selling the public land, and granting construction permits⁸⁹.

As soon as the case was commenced, Yüksel Çakmur wrote a letter to a popular journalist. He explicitly accused Mayor Burhan Özfatura for corruption and deception. The journalist paraphrased the letter which reads as:

In 1995, a corporation was established. It soon demanded electricity distribution in İzmir and Manisa provinces. It was a company on paper. It had no significant amount of capital. Among partners were Mayor Burhan Özfatura, Chairman of The Company, and Chairman of The Chamber of Commerce. Mayor Burhan Özfatura was appointed to chairmanship of the corporation and they got the electricity distribution rights of İzmir and Manisa. He threatened Prime Minister explicitly on media to grant the corporation with this business. (Çölaşan, E. 1998)

⁸⁶ Sabah, newspaper. 26.8.1998.

⁸⁷ Milliyet, newspaper. 21.1.1999; 29.1.1999.

⁸⁸ ‘Friends’ is the exact term used in these court documents.

⁸⁹ The Land is not the only case Yüksel Çakmur commenced. He filed various effective lawsuits against privatization of public properties, New İzmir Project (labeled as Manhattan Project or New CBD etc.), an urban development project in Buca, and several other plans and processes (for a few lists see: 23.7.2009 dated HT Egeli newspaper; 4.10.2007 dated Radikal newspaper.).

It is obvious from the intense and direct opposition in the passage above that the confrontation between Yüksel Çakmur and Burhan Özfatura is not implicit or hidden. These two figures openly confront each other in every occasion. According to Flyvbjerg (1998:322):

Antagonistic confrontations are actively avoided (in stable power relations). When such confrontations take place, they are quickly transformed into stable power relations... because confrontations often are more visible than stable power relations, confrontations tend to be frequent topics of research on power and of public debate and press coverage. Concentration of the most visible aspects of power, however, results in an incomplete and biased picture of power relations.

This warning for a power-oriented research might be valid for most cases. However The Land experience shows several times that if the origin of antagonism is political, ideological, and most importantly personal; then sides do not hesitate from any open confrontation. An indicator of this situation is the many cases filed by Yüksel Çakmur, Burhan Özfatura, Chairman of The Company, several politicians, and local media for insulting each other⁹⁰. Avoiding open confrontation and transforming it into stable power relations is valid for other actors in the power-game, but the situation is not the same for the protagonists of The Land case. The next Mayor (Aziz Kocaoğlu) in the history of The Land would claim that Yüksel Çakmur's aim was personal: "*His main goal is to fail me*"⁹¹. Yüksel Çakmur and Aziz Kocaoğlu were from the same political party, but they did not hesitate to antagonistically confront each other in front of public:

On a live TV program, I had to say that if he (Mayor Aziz Kocaoğlu) was a social democrat, then I cannot be. How is it possible that he insists on selling public asset?

Regarding The Land, personalized antagonism is impossible (or at least difficult for certain figures) to transform into stable relations of power.

As soon as this accusation was published, responses came in the same intensity two days later. Mr. Tuğrul Yemişçi (The Chairman of Stock Exchange Assembly and co-founder of The Company) and Mr. Cem Bakioğlu (current Chairman of The Company) said that they had created an important unity in the city, and they recognize Yüksel Çakmur's manner against private sector. Mr. Selami Gürgüç (current Chairman of The Holding) said that Yüksel Çakmur could not achieve anything by fighting people who work for their country. He also blamed the journalist for insufficient investigation.

⁹⁰ (for lists of examples, see: Hürriyet, 1.7.1998; Zaman, 5.12.2003; Yeniasır, 27.1.2012)

⁹¹ Yeniasır, newspaper. 24.12.2010.

Ekrem Demirtaş (Chairman of The Chamber of Commerce) said that their aim is to spread capital to grassroots: they had no interest relations with Burhan Özfatura; on the contrary they were only supported by him. He added that Yüksel Çakmur's period was a loss for the city. Kemal Zorlu (founder of The Company and Chairman of the mentioned energy sector company) said that it is evil to stand against social unities. Mayor Burhan Özfatura responded that he had no shares in these corporations or firms, but he had some in a municipally owned store. According to him this journalist behaves like a moralist, and Yüksel Çakmur shows up whenever he is not taken into account by public: it was ridiculous that the media holding the journalist works for criticizes privatization.

It seems that a concrete assertion was averted politically and manipulated discursively by patriotism and overt politicization. These strong allies simply did not respond to claims.

Promotions of the WTC Project continued: "The Most High and Enduring Building of Izmir"⁹². This article put emphasis on the resistance of the building. To show off the power of The Company, technical capabilities of the project was promoted:

Combined Loading Test at the skyscraper's construction site was accomplished. It was carried out under the supervision of Professor Mr. A.S. who is engineer of The Company and of A.T.G. from the international Instrumentation Services Ltd. It was the largest test of its kind ever made in Turkey. The test would carry 800-900 tons of pressure on the piles. The cost of the test exceeded 50,000 US dollars. A.T.G. explained details of the Pile Axial Compressive Loading Test. The skyscraper which is in an earthquake zone would be able to withstand tremors. It would be 49 stories high.

Previously, 1st prize winner project architects had preferred low rise because it was not economically feasible. Also it could create only moderate silhouette effect. However, these technical and financial arguments were not valid for private sector. The new project had already been imagined as a skyscraper before establishment of The Company, agreement on The Protocol, approval of the plans, and design of the project.

Beside the struggle on media, another struggle was going on at the court. Court is a unique arena of struggle. Various strategies, discourses, rhetorical convictions, scientific and non-scientific claims, legal procedures, objections, responses and counter responses take place. In the end, court rules. Our concern is not the rightness or wrongness of claims, but actions taken (not thought) to win in the court. Case was

⁹² Hürriyet, newspaper. Daily news. (English version) 16.8.1998

commenced on 2.7.1998. IMM submitted defensive arguments against the prosecutors' claims on 21.9.1998:

1. Plan modification aims only at providing elasticity to the architectural project
2. Plan modification is appropriate for the good of the city
3. Plan modification has no functional differentiations from the previous C plan
4. Prosecutors did not commence the case in legal time interval
5. Prosecutors do not have legal interests.

According to Law on Administrative Judgment Procedures (no.2577) court evaluates a case in two phases. First is the procedural appropriateness of filing a lawsuit, next is merits of the case. If the case was commenced appropriate to legal procedures, then merits are examined. IMM's defensive arguments were built mostly on procedures: Prosecutors do not have license to prosecute; they have no interest in the project; and they exceeded time interval. For the merits, plan modification was 'good' for the city.

The history of planning The Land has never included any technical, rational, scientific planning method or analysis even a bit. Flyvbjerg's (1998) Aalborg case has shown that some analytical models, techniques, quantitative methods were employed in certain stages. For instance a transportation decision was argued whether correspondence analysis or frequency analysis should be favored. A questionnaire survey to project transportation outcomes, an impact survey to assess environmental effects, and a consumer survey to assess user habits were employed. How the content and results of these techniques were manipulated or used were investigated. The Aalborg case showed that correct or true interpretation is not important, but who puts greater power is (Flyvbjerg, B. 1998: 117). It also showed that technical rationality and scientific argumentation is for the powerless. Yet, what Aalborg history ordinarily includes is missing in The Land case. Even one simple planning technique was not employed at any phase. The only approximation to technical terms is when sides talk about economic outcomes (based on no calculation in econometric means) or technical features of the design (height, number of storeys, resistance).

Prosecutors submitted additional responsive claims on 20.11.1998. Then, on 1.12.1998, The Company asked to be a joiner and submitted counter arguments. The allies united at the court once more. Similar to IMM's defense, The Company argued that prosecutors do not have any personal, legitimate and actual interest in the lawsuit; and planning processes are entirely legal. No one, be it prosecutor or defense, could put forward any scientific claims. There was a plan modification without any scientific

inquiry and impact assessment. Arguments were based on statements of law about filing a lawsuit.

Court decided to appoint experts to examine the case and informed the sides about the investigation date and place. Meanwhile, local elections were approaching.

5.5.5.4. Ownership: The Fundament

Just before experts' in-site investigation⁹³ on 18.3.1999 and local elections on 18.4.1999, the most critical act of the entire story was made. It would change the overall context significantly. Mayor Burhan Özfatura transferred the title deed to contractors on 11.3.1999 (see: Lotus, 2010 for title deed) exactly five weeks before local elections.

We have noted that The Protocol was prepared on the basis of flat-for-land agreement. In normal conditions, title deed is transferred after contractual terms were completed. One of our interviewees who would be appointed to a high level bureaucratic status after the election emphasizes the importance of this act:

This is the biggest cheat. In fact this is the main issue, the biggest mistake. You still wait for a building but you give the title deed. In normal situations, title deed is transferred after some stages. No one gives title deed immediately... Why do you give the title deed when the man does nothing? (Mr.C.S.)

The Land (actually 89% of it) was transformed from public property to private property. Municipality would have 11% of the entire construction. This act has four points for consideration. First is its timing of ownership transfer. Second is possibility for achieving consensus on an issue where there are redlines. Third is the problematic of this research that is participation in planning. Fourth is the question of construction density which is one of the tension points.

This act is the essence of Yüksel Çakmur's current and further objections:

Just thirty days before the local elections, property transformations... Is it possible? These are registered in files; cannot be hidden or burned. To whom do you give whose property? This land is a diamond⁹⁴. Check the price. How can you sell it at that price? (Yüksel Çakmur)

These two ideological counter positions can have no common ground. What communicative planning theory proposes is to truthfully and openly argue about the

⁹³ Generally expert reports are asked to be submitted in no more than thirty days after the in-site investigation. This period might be extended if necessary. This meant that court would decide after the local elections.

⁹⁴ Recently, an economy journal (Gökmen, 2012:15).listed The Land among the most valuable 88 lands having potential for real estate development in Turkey

subject matter in order to arrive at a consensus. Pros and cons of privatization are expected to have a common denominator in the eyes of theory. This naïve view is an underestimation of the so-called redlines.

Thirdly, property ownership has top level importance in planning. In Flyvbjerg's Aalborg study bus terminal in Nytorv was public property: City engineer of Aalborg had once said that

...things are much simpler with us since we deal with roads. We deal with publicly-owned land. It is the public sector which has the money. It is the public sector which decides. You have control over the whole affair (Flyvbjerg, 1998:40)

In our case the opportunity of having the control over the whole affair disappeared. IMM now has limited authority when it comes to privately owned land. IMM's attitude would turn into defending the part of the project belonging to municipality.

In Aalborg, when problems arose and contradictions emerged the city engineer added that "*you cannot go forward with such a case without participation*" (Flyvbjerg, 1998:55). When things get complicated, openness and participatory decision making processes can facilitate alternative solutions or can result in at least common denominator. One of our interviewees relates ownership with participation and concludes with a negative view of participation regarding private property:

I never believed in voluntary planning or participatory planning. Planning means ruling something; telling somebody where to stop. If you are liberal, you might say 'do whatever you want'. Socially speaking, plan is something that tells the landowner to stop. Does this sort of thing have a voluntary participation? It contradicts the idea of planning. When does participation occur? I think when all the land is publicly owned; it is only then participation is possible. It will be no one's property... It is possible when everybody makes judgment from the point of an individual in the society seeking for common good. But now, if it is individual property, it is not possible to decide objectively. Participation of individuals - to decide in the name of the society as an individual in this society - is the essence. One who has personal interest would not serve to good participation. (Mr.C.S.)

From this point of view, private ownership appears as an obstacle to enjoy participatory planning practices. However, there will always be communication among actors to decide something. In cases of difficulties in conventional participation mechanisms to operate, stakeholders will communicate this or that way. Until now The Land experienced several conventional participation mechanisms such as panels, regular meetings, communiques, two competitions, public hearings and meetings. There were also unconventional means such as protests of civil society, marches and demonstrations of organized groups, lobbying activities, agreements behind doors etc.

Once it became private property some of these kinds of mechanisms and some actors disappeared from the scene and some other mechanisms entered.

Fourthly, construction density turned into a tension point at this moment. It was the same DC:5 as before, but this time property was transferred from public to private.

Such an easily made and simple act in an ordinary day would soon become the main challenge for 'technical' provisions, for possible 'models' of participation, and for choices of 'strategies and tactics'.

After transferring title deeds to the company local elections arrived. This time Ahmet Piriştina of DLP (Democratic Leftist Party) won the elections and became the metropolitan mayor on 18.4.1999. A right wing liberal party was substituted by a left wing social democrat party.

5.5.5.5. M Plan: Construction Halted

Mayor Ahmet Piriştina was claimed to be one of the most sensitive politicians to protect public land and valuing science and planning.

Mayor Ahmet Piriştina once said (to another investor for a different project) this: Look. I understand you and I believe that you want to make contributions to the city. But those who want to contribute always develop projects for public land. No one called you to make any project for public land. You are a business man. If you want to contribute to İzmir, purchase your own land, and I will support you with anything I can. Stop developing projects on public land. (Mr.C.S.)

Mayor Ahmet Piriştina respected science and planning. As a city planner, I was appointed by him to Head of Planning Committee for six sequential times. Before me, no city planner was ever been even a municipal council member. He appointed the Head of CA-IC to the Head of Planning Department. Thus, he implied that he would respect professionals. (Mr.E.A.)

One might righteously think that these two interviewees advocate Mayor Ahmet Piriştina because they were employed during his period. They were employed by the latter mayor as well and it will be shown that they were also very critical about the latter periods. According to some others participation model in this period was simply tokenism⁹⁵.

M Plan was already approved, title deed was transferred, and the case was not yet adjudicated. It was soon that new municipal administration faced the court rule.

Two months after elections local court suspended execution of the M Plan on 16.6.1999. Since this date, construction halted. The Land stood still. Three months later,

⁹⁵ 11.10.2000 Hürriyet, newspaper.

plan was definitely cancelled⁹⁶. Suspension decision was based on the expert report.

Report concluded that:

1. Plan modification does not consider the integrating and complementary potential of The Land with Fair/Culture Park area, and did not establish necessary connections
2. Plan modification increases construction and building densities
3. Despite legal obligation construction started without permits of CNHCB
4. Plan modification is not rationalized by valid and scientific justifications
5. Implementation started before municipal construction permits were given

Experts sought for necessary scientific background and justification for such a plan modification, besides the legal and procedural issues. Plan modification did not meet these requirements. It was not scientific, not legal, and not rational. So, it was cancelled.

IMM and The Company looked for maneuvers to challenge rationale of court rules. Right after suspension, they developed counter arguments based on technical reports and official views. Firstly, during the trials a ‘Technical Report on the Ground Excavation of World Trade Center’ was prepared by a university’s Geo-technics department on 3.6.1999. Report concluded that construction must be finished in two years due to safety reasons. Actually the author of the report is Prof.Ahmet Sağlam who was in fact the engineer of groundwork.

Secondly, another expertise report⁹⁷ was prepared by one geophysics engineer (Zafer Akçığ) and two civil engineers (Recep Yılmaz, Ahmet Karaman). There were serious warnings regarding the ground conditions of construction site. Group warned that ‘construction work must not be stopped because it is environmentally hazardous. It should be finished’.

Thirdly, The Company requested views of the General Coordinator of IZFAS⁹⁸ about WTC Project’s capability of integration and completion with the Fair Zone. On 5.10.1999, this municipal company (IZFAS) forwarded the question to the 1st prize winner architect (Şükrü Kocagöz who was among the 112 rebellions against CA-IC) of the Competition Project⁹⁹. On 3.11.1999, architect responded that they had requested a briefing from The Company. In turn, WTC architects informed them about the new design with a briefing. After an evaluation period winner architects agreed that this new design surpasses their original project in all aspects. What they could not have

⁹⁶ Izmir 3rd Administrative Court, 22.9.1999. 1999/158E; 1999/784K.

⁹⁷ The same day of in-site investigation, defendants submitted a draft report to 3rd Appeal Court on 24.8.1999

⁹⁸ IZFAS is the Joint Company for Fair Affairs related to IMM.

⁹⁹ After the Project Competition ended, projects inside the Fair/CulturePark Area were implemented according to the winner project’s design and it’s architects authorship. The Land, which was a part of the competition however was planned apart from the inside.

succeeded due to spatial limitations was achieved by the new design¹⁰⁰. In short, new design was not only better than the Competition Project, but also was perfect. This view was produced to neutralize the court's critique that 'plan modification did not consider the integrating and complementary potential of The Land with The Fair/Culturepark area nearby'.

These three reports were submitted to the court immediately. Nevertheless, they were late. Local Court had already given its decision on 22.9.1999. These counter documents were reserved for latter cases.

Local court decisions - as seen previously in the CA-IC cases and will repeat in further cases - are not considered as final decisions by the losers. Losers always carried local court decisions up to Supreme Court. IMM and The Company first objected at the Regional Court, but it was rejected¹⁰¹ again. Then they objected at the Supreme Court.

Approximately two years later, decision turned upside down. Council of State (Supreme Court) negated local court's rule¹⁰². In other words, Supreme Court rejected cancellation due to legal procedures. According to Supreme Court, local court should not have attempted to examine the merits, because it failed in procedures of commencing a case. Prosecutors did not possess license to file a lawsuit, because:

1. Two of the prosecutors, who had joined the municipal council meeting of the plan approval session, had no rights to sue.
2. Prosecutors did not join tender, therefore they are not related to the issue.
3. Selling public land is not an illegal act.
4. Prosecutors do not possess rights to sue against construction permits.

This decision was sent to local court and local court finalized it on 18.10.2002. Unfortunate to defendants was that a new plan had already been approved when trials were proceeding. IMM and The Company did not wait for the final decision of Supreme Court. Therefore, M Plan remained null despite the fact that court validated it.

¹⁰⁰ 3.11.1999/2573 incoming paper, IZFAS AS

¹⁰¹ İzmir Regional Administrative Court, 7.7.1999, Obj.No.1999/266.

¹⁰² Council of State, 6th Office, 12.2.2001. 1999/6518E;2001/784K..

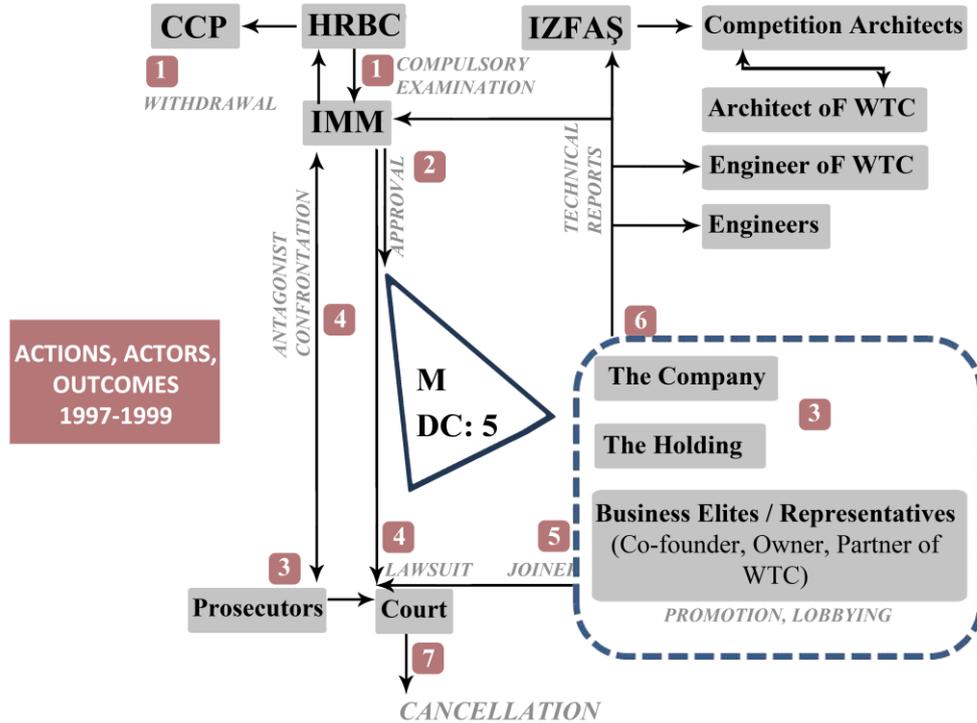


Figure 20. 1997 – 1999 summary graph

5.5.6. Opera Plan

According to ‘Law on Administrative Judgment Procedures’, municipality has to establish immediate processes according to court decisions. Therefore, after the cancellation of M Plan by local court, IMM had to prepare and approve a new plan in accordance with court rules. Context of the current planning process is important. Municipal budgets were limited due to economic drawbacks resulted from a natural disaster.

One year ago an earthquake¹⁰³ happened. The country was in terrible condition. There was (economic and social) national crisis. Many grants of municipalities from the Bank of Provinces were cut... This land had been sold, the money had been used for some projects, and we had no money. Law department of municipality explained that if we do not plan it this way, we would be in the position of selling defected goods. Otherwise, we had to pay all costs with legal interests accumulated over years. (Mr.E.A.)

Mr.E.A. and Mr.H.T. put emphasis on a double role of municipality. IMM might be accused of selling defected goods because plan decision before sales and after sales is different:

¹⁰³ It is the most destructive earthquake in the history of the country happened on 17.8.1999.

Municipality is a two-fold actor: firstly it is the ex-property owner and the seller, secondly it is the planning authority. These two identities should not be underestimated. So, it is not an ordinary situation and ordinary planning activity. You sell a land with certain conditions and later change these conditions. (Mr.H.T.)

Defected goods argument provides the basis of Mr.M.A.'s (General Directorate of The Company) standpoint:

Municipality sold us defected goods. We had made an agreement. Had this plan been cancelled? It makes another plan in a month. Right? Had it been cancelled? Another one... It is in the hands of the municipality. These are elected people. You gave authority to them. If they cheat, you should sue. I am angry with those who make this an issue of The Company.

IMM is both the seller and the planning authority. It means the land owner sells a something to a customer with some quantity, but changes quantity after sale.

It was possible to increase the share of public from 11% to upper level and integrate it with some public functions. So an equilibrium point could be achieved. However, it does not eliminate the very position that The Land was not public property anymore. Then as a second solution we discussed how to re-gain The Land. If it was just the cash investor had given to IMM and the construction costs of The Car Park they had built, we were ready to pay back. But, there were piles, groundwork, interest rate etc. They count to 3-4 times higher price. So, this is another no-solution issue. (Mr.H.T.)

IMM was stuck in economic calculations. Two weeks before approval session, The Company Board and the WTC Architect held a meeting with municipal council's Planning Committee members, technical department, and mayor. They discussed the two alternatives. The second alternative which is repurchasing was simply left aside. Then they turned back to the first option without decreasing DC:5.

Repurchasing The Land was impossible. We made calculations and it was too costly. Investor's attitude about repurchasing was also quite negative. They insisted on DC:5. Then we integrated an Opera Hall to the project. (Mr.C.S.)

Mayor Ahmet Piriştina held meetings with the Regional Director of State Opera and Ballet Affairs, The Chairman of The Company and The WTC architect. These meetings were made one by one and separately. Finally, sides agreed on constructing an Opera Hall instead of municipality's commercial utilities.

“At least we would have a perfect Opera Hall said Mayor Ahmet Piriştina” (Mr.E.A.).

After this decision, promotions about the project were given start. Vice Chairman of The Company declared on newspapers that “*they had made necessary adjustments in line with the court rules*”. WTC Architect added that they wanted to use the 5m set-backs too, and if they were allowed, traffic problem would be solved¹⁰⁴. The

¹⁰⁴ Hürriyet, newspaper, 13.2.2000

Company was pulling the strings and they wanted more. It seemed that IMM was stuck by the high cost of repurchasing.

A new LuP and corresponding ImP was approved by IMM unanimously. This time M code was removed, but similar functions and density values were preserved¹⁰⁵. Constructing an Opera Hall was agreed between IMM and the investor. It was not written in plan provisions that an Opera Hall would be constructed, but it was allowed with a broad land use function of Culture and Arts facilities. Opera Hall was decided by sides but not reflected on the plan.

Mayor Ahmet Piriştina always said that such privatization or selling would not happen in his period. But this one fell into our arms. One day he asked me about this problem and I said that it was not acceptable in terms of planning. Even remained as a hole it would be better. Density of the plan was terribly high. Unfortunately, all selling that had been done was legal. Money that The Company gave was spent by municipality. We had to approve plans unwillingly. (Mr.E.A.)

Table 9. Opera Plan provisions

Opera Plan	Scale	Ratification and approval
29.12.1999	1/5000 LuP	IMM council (05/290)
29.2.2000	1/1000 ImP	KDM council (4356/4689)
16.5.2000	1/1000 ImP	IMM mayor (chg.no.589/5435)
Provisions		
DC:5, Hmax: unlimited		
Culture, Arts, Hotel and Trade Center		

It should be noted that codes referencing to CNHCB decisions and to Special Project in the previous M Plan were removed with this Opera Plan. After the approval of ImP, a new construction permit (nr.5/8203) was granted on 29.8.2000. Total construction area of the project in this permission corresponds to 184.131m².

Mayor Ahmet Piriştina made certain statements about the plan at the approval session. He said that they had always been against using municipally owned land for anything other than public uses. However, there were previously made plans, a contract, a protocol, and a construction permit signed by the ex-mayor. They had to follow on the basis of '*administrative continuity principle*'. They should either change the plan or the contract. Changing contract was not upon the municipality's authority alone. It was a mutual agreement and the contractor had completed some terms listed in The Protocol. The Car Park was constructed and cash was paid to municipality. On the other hand, court ruled that project had exceeded construction density. According to Mayor Ahmet Piriştina, it was a matter of contradiction between plan notes and regulations. Plans

¹⁰⁵ To CSCE (2000) the two plans have no differences in merits.

were always DC:5 since 1985. The control of the architectural project in case of exceeding DC:5 and the height limitations would be under strict control of KDM during construction. It means that district municipality would not allow exceeding the construction density.

We had noted long before that DC:5 is a hypertension point carrying three more tension points in its bag. We had explained the first tension point regards the origin of the density levels. This time it is the second tension point regarding the inconsistency between plan provisions and general planning regulations. Third tension point is the contradiction between the two plan notes of density value and special project.

I have prepared the project exactly according to the regulations. If there was some kind of irregularity, its responsibility is on technical department of the municipality. There is no irregularity. DC:5 counts to 104.000m² construction area. The Regulation for Car Parks allows 70.000m² parking area. This is municipality's own regulation. 10.000m² technical volumes makes approximately 190.000m². We informed the court experts about this, but they did not read it. (Mr.M.A.)

Approval of Opera Hall ImP by KDM council created the first conflict in municipal political atmosphere. While the opposition party (RPP) objected unanimously, there was also objection within the ruling party (DLP). Prof. Orhan Süren of the ruling party criticized density codes and infrastructure inadequacy with technical arguments¹⁰⁶. He left municipal council meeting before the voting session. Withdrawal from decision making environments is a strategy for reducing political risks.

This was the first internal conflict within the ruling party. A council member (M.K.¹⁰⁷) of opposition party who will join the prosecutors in future cases opposed approvals and argued that The Land should be integrated to the Fair Area.

Despite objections, ImP was approved with majority of votes. Note a side that previous plans and changes were all approved with unanimous votes. Starting from this one no other plan regarding The Land will be approved unanimously.

Prof.Dr. Orhan Süren' withdrawal from arena is the third one so far. The others were Head of CA-IC from the panel and Chamber of City Planners from the meetings of HRBC. Withdrawal has no influence on the outcome: panels are made, decisions are taken and plans are approve with or without you. On the other hand, withdrawal provides a secure political position for future actions.

¹⁰⁶ Hürriyet, newspaper, 2.3.2000

¹⁰⁷This council member criticized the municipality in a council meeting for giving construction permits inappropriately (Hürriyet, newspaper. 4.10.2000).

5.5.6.1. Opera Plan Case: Court Rules

After the approval of ImP, new cases were on the way. A few days after Opera Plan was approved, Yüksel Çakmur implied that they would appeal to court again¹⁰⁸. This time a series of other actors (the total of which represent a coalition formation) also filed lawsuits: Izmir Bar, Chamber of Pharmacists, Chamber of Doctors, and Chamber of Survey and Cadaster Engineers.

The option to engage in conflict is part of freedom says Flyvbjerg (1998:6). The result for the first three bodies was disappointing. Chamber of Survey and Cadaster Engineers was different because their profession was related to city planning. Based on stipulations of the Law on Administrative Judgment Procedures, court ruled that chambers of Pharmacists, Doctors, and The Bar were not certified to commence cases against city plans. Their interest in plans turned into a fight for survival in court as an unintended consequence of action. These public actors are not recognized as stakeholders in city planning by the court.

5.5.6.1.1. Court Defines Stakeholders

Bar's case was rejected by local court on 15.6.2000 based on reasons that Bar does not have any ownership relations with The Land, and approval process does not create negative consequences in the domain of Bar. Consequently, there was no interest violation. Court decision was taken with 2/3 majority votes of lawyers. Opposing lawyer stated that Bar was a professional institution in the city and should have the right to prosecute. This minority vote did not change the result. Then Bar took the decision to Supreme Court¹⁰⁹. Bar insisted:

- Rejection is contrary to established doctrines and laws of Constitutional State. Interpretation of 'interest violation' had been argued years ago, and the issue had been clarified by recent legal regulations. Bar had commenced several cases against plans so far such as 'Kordon Highway' and 'Ege Palas Hotel' either as prosecutor or joiner, and they had been recognized by the courts.
- Bar audits the actions of administrations in terms of legal rules. Therefore, any plan is subject to lawfulness.
- In modern urban life, every individual and institution has the responsibility to act with citizen consciousness.

¹⁰⁸ Hürriyet, newspaper, 3.3.2000

¹⁰⁹ Application file for Supreme Court on 7.7.2000

These claims did not change the result and Bar's case was rejected definitely¹¹⁰. Bar lost its room in planning cases.

Same route was followed for The Chamber of Doctors case. Local court rejected Chamber's case on 5.7.2000. Chamber insisted:

- Interest violation is not a narrow concept and should be interpreted with established doctrines and scientific insights¹¹¹.
- 'Preserving health of people' is the duty of Chamber of Doctors. The case is not merely related to land use planning, but also is a public health issue. Inadequate infrastructure precautions and lack of basic researches would create serious threat against public health. Traffic congestion and similar problems will create noise and air pollution. Increased stress factors will negatively influence public health. As a result, plans physically and mentally would create negative effects on public health, which is clearly an issue in the domain of Chamber of Doctors.

These claims did not change the result and Chamber of Doctor's case was rejected definitely¹¹².

Same route was followed for the Chamber of Pharmacists case. Local court rejected Chamber's case on 17.7.2000. This is the date when Bar took its decision to Supreme Court. When one actor seems to lose, another ally intervened. Chamber of Pharmacists was the last try in this coordinated act. Chamber did not file the lawsuit in its time, but noted that they had been informed by media on 16.5.2000 which is an experience gained from past mistakes. Pharmacists firstly proposed counter arguments against which Bar's and Doctors' cases were refused: license to prosecute. Chamber presented a brief history of previous plans; noted sample cases of Kordon Highway and Ege Palas Hotel; attached scientific reports to application file and claimed that:

- Local plan modifications which bring over-density to built environments are risky and contrary to urbanism principles.
- Existing technical infrastructure (sewer, water, roads) is not adequate for high density environment which creates unnecessary maintenance costs.
- Unlimited height privilege creates economic rent inequality compared to lower height buildings in the surrounding.
- Municipality does not have the right to approve local plan modifications in the city center of a city having two millions of population.

These claims however, did not change the result and Chamber of Pharmacists' case was also rejected definitely¹¹³. Chamber of Pharmacists did not possess the right to prosecute against development plans due to lack of direct interest, like the other two.

¹¹⁰ Council of State rejected Bar's argument on 15.8.2000; rejected the decision correction on 7.11.2001, and the local court approved Supreme Court's decision on 6.4.2005. Case was closed.

¹¹¹ These arguments were almost in the same phrases with The Bar's arguments.

¹¹² Council of State rejected the case of Chamber of Doctors on 16.10.2000. The highest Court of Administrative Law Suits General Committee also rejected the case on 17.11.2000. Decision correction will was also rejected on 27.2.2003. Local Court approved Supreme Court's decision on 6.4.2005. Case was closed.

Chamber of Survey and Cadaster Engineers' (CSCE) situation was different. CSCE filed its lawsuit on 18.8.2000, right after the rejection of other chambers' and The Bar's cases by local court. Phrases and arguments of CSCE were almost the same with the Case of Pharmacists. Court did not reject CSCE's case, but it remained null because plans were already suspended on 10.7.2001 in another case¹¹⁴.

These professional chambers became allies and worked together. They had historical relations with each other and common aims. They had benefited from previous experiences with those cases they referred to in court texts (Kordon Highway and Ege Palas cases). However, this time they were out of the game. Court decided who the stakeholders are in planning arena. Neither sampling previous cases nor persuasive discourse about the relationship between their profession and city planning had influence on court rules. Procedures of commencing a case written on the law disabled them to become stakeholders. So, court did not consider the merits of case.

5.5.6.1.2. Effective Case: Court Rules

This effective case is the one that Yüksel Çakmur and his 12 friends filed¹¹⁵. We will go in details of this case, because court rules will define certain principles that affect further actions.

Prosecutors claimed that case is related to development of the city and as citizens they have the right to prosecute. Their license to prosecute case was based on citizenship rights of any individual. They argued that:

- Despite the fact that there exists a competition project and its corresponding plan, municipality insists on the cancelled WTC project.
- Although M condition was removed, "Culture, Arts, Hotel and Commercial Center" code serve the same goal. Culture and Arts terms are only illusory; the real goal of constructing WTC is hidden behind these functions.
- According to the constitution, administrations should obey court decisions; however, municipality did not recognize any court rule.
- Plan is prepared improperly to technical regulations.
- Plan modification eliminates the integration of A, B, C regions, therefore problems mentioned in previous court decisions and expert reports are still valid.

The Company had not joined Chambers' and Bar's previous cases. This time it intervened as contractor and construction permit holder, and put counter arguments:

¹¹³ Izmir Court on Duty rejected the case of Chamber of Pharmacists on 25.7.2000. Chamber took the decision to Supreme Court of Council of State with almost the same phrases that Chamber of Doctors and Bar used in their files, but Supreme Court rejected the case on 24.4.2001, and finalized the decision on 15.5.2002.

¹¹⁴ Local court informed CSCE on 16.7.2001.

¹¹⁵ Izmir 2nd Administrative Court, 2000/403E; 2001/732K

- Two municipal council members are among the prosecutors (EA and MK) and they did not object plans at municipal council, so, the case should be rejected¹¹⁶.
- The case was not commenced in time, so it should be rejected.
- Similar cases were rejected by the court rules (Bar, Pharmacists, Doctors, CSCE); this one should be rejected, too.
- M code was removed, so court rule was fulfilled.
- Implementing the competition project is not compulsory, because it was not approved by CNHCB which is a must.
- The project is compatible with The Competition Project as proved by the written statement of the awarded architect.
- An ImP for the competition project does not exist; so competition remains intentional.
- The Land is external to conservation site boundaries, and proposed functions are possible.
- Case was opened for political reasons. Previous four land use plans had the same planning codes with DC:5, hmax: unlimited (1986, 1991, 1995, 1999).
- Plan modification is consistent with the upper scale master plan where hierarchically lower scale plans should be consistent with.
- Construction permits were given by KDM appropriately. Although there is unlimited height permission, the project was revised. In order not to destroy the unity of the Basmane Square main block was limited to 24.80mt height (in order not to destroy phrase is originally written in the text). Project revisions resulted in 60.000m³ volume reduction.
- Additional expert reports warn that existing situation about the open hole and diaphragm walls is a threat for public health. In case of any earthquake or flood, huge damage will emerge. In case of suspension, any collapse or replacement will result destruction, and entire city will be affected.
- Expenditures on court and additional compensations will be on municipality which means public loss.

Defensive claims include procedures of commencing a case, sampling other rejected cases, emphasizing the political background of prosecutors, pointing to appropriateness of plan to laws and regulations. What requires attention is the attitude towards competition project. They first claim that competition project has no legal validity because it was not approved by CNHCB. In case this claim fails, then they put forward the compatibility argument. This argument is supported with the attached report of competition project's architect. Reports which were late for the M plan case were in charge now. Another attached report is used to convince the court that The Land was at emergency situation and measures should be taken. The third claim pointed to the possible outcome of purchasing. Compensations would be a public loss.

IMM also opposed claims by arguing that:

- It is a legal obligation to prepare a new plan after cancellation.
- M code was removed and previous conditions of DC: 5, hmax: unlimited were preserved; Culture, Arts, Hotel and Commercial Center functions were proposed.
- The code 'Implementation will be made according to Special Project' was removed. Opera/Ballet Hall which is a necessity for the city was gained.
- Only functional integration with The Fair Area was projected. Physical unity was avoided consciously.

¹¹⁶ On 28.9.2000 Ertan Avkiran, on 24.10.2000 B.G. had withdrawn from the law suit on their will: court decision 26.9.2001, K2001/732.

- Although The Land was planned as Hotel and Convention Center according to Competition Project, The Land had no implementation plan. The 20.5.1992 dated ImP includes A and B zones but not C zone.

Claims of IMM similarly point to the invalidity of competition project based on the fact that an approved ImP does not exist. Secondly IMM put forward the Opera/Ballet Hall as a necessary function. This necessity was not supported by any technical facts. Actually, plan documents included no explanation about an Opera/Ballet Hall.

Following the submission of claims, local court appointed experts for the case. In-site investigation was made on 10.5.2001 and report was submitted to court on 9.7.2001. Report notes that The Land was owned by IMM. There were 5 plans in the last 20 years. Expert report firstly evaluated M plan which was cancelled previously:

- It is not clear on what necessity land use was changed from Hotel and Convention Center to Commercial Center.
- It is not clear how the Plan modification maintains the already established integration between Fair-Culturepark area and The Land.
- Codes of 'implementation will be made according to competition project' and 'M condition with a WTC project' are contradictory.
- The Land was promulgated as 'Tourism Center'. Therefore, planning authority is Ministry of Tourism, but it is not included in planning process¹¹⁷.

Next, expert report evaluated whether the previous court rules were fulfilled:

- Previous expert report of M plan case criticized missing necessary connections with the Fair-Culture Park. New plan was also not prepared accordingly.
- Previous expert report is mistaken because there is a clear reason for planning which is to fulfill court rules.
- Previous expert report is mistaken because The Land is out of conservation site and is not registered. So, CNHCB approval is not an obligation.

Then, expert report evaluated the Opera Plan:

- Plan is hierarchically consistent with upper scale plan's CBD functions.
- Partial Plan modifications of this kind are not appropriate, thus may result in distrust in institutionalized structure of planning and local governments
- Plan modification has legal reasons, but there is no planning report that explains scientific reasons.
- License of planners were not included in the file, although it was asked before.
- Planning authority for Tourism Centers is Ministry of Tourism, but it is not included in the planning process.
- DC:5 corresponds to 100.000m². According to joiner defendant's claim main building will be 24.80m high, and high-rise building will be constructed on it. This may create problems in terms of urban aesthetics. Hilton Hotel is the most obvious sample.

¹¹⁷ This was a wrong info: on 17.9.1993, İzmir Alsancak Tourism Center decision was cancelled by Council of Ministers and promulgated on Official Gazette

- Unlimited height for one single building is not appropriate in terms of equality/justice principles of planning. In case of a will to build another high-rise building, how will the municipality respond? If all parcels are allowed high-rise construction, the quality of the Square will be questioned.

Finally, expert report concluded that:

- Plan modification is not essentially different than the previously cancelled plan.
- Analysis, justification and rationalization of decisions are not supported with a planning report.
- Planning license of city planner is not in the file.
- Although The Land is Tourism Center, authority of Ministry of Tourism was not considered in the process.
- Plan codes are likely to affect the aesthetical quality of the region negatively.
- Plan modification brings privileges to a single lot with unlimited height.

As result, expert report concluded that plan modification is not appropriate to law, public interest, and planning principles. Beside appropriateness to procedures and regulations, expert report put emphasis on scientific rationality of planning. Expert report missed a point though: Tourism Center decision was removed on 1993. Pay attention that experts use Hilton Hotel as a bad example for what we call a sampling strategy.

Local court suspended the execution of Opera Plans on the next day expert report was submitted. Two months later plans were cancelled¹¹⁸. Defendants objected local court's suspension decision at Supreme Court as usual, but they lost again¹¹⁹.

What is of notice during trials and court processes is fruitful. The bigger the problem grows, the more information is clarified. It is with the expert's examination that misinformation regarding the authority of CNHCB was recognized. Expert report on M plan case had concluded that there was no CNHCB permission on the M plan. According to Mr.IT, this was a mistake:

I wrote defense for the trial. I noted that construction density was decreased when compared to previous plans. CNHCB decision is so clear but the experts know it wrong. It is not adjacent to conservation site. It is not under CNHCB's authority. It is still not. I attached construction permits. Because the building licenses exceeded timeline, they were not added in the file. Experts said that they had found another building's license in court file. It was the previous case's appendix. When judges united the files, this nonsense emerged. (Mr.I.T.)

Similarly, cancellation of Tourism Center decision was not included in the files. Experts wrote that planning procedures lacked necessary approval of Ministry of

¹¹⁸ Izmir 2nd Administrative Court, E:2000/403, K: 2001/732. 26.9.2001

¹¹⁹ Objection was first rejected by Court on Duty on 14.8.2001. Then they objected at the Council of State. Again, it was rejected on 22.4.2003 with majority votes. Counter opinion of one lawyer argued that prosecutors did not have the license to prosecute. The last insist was the will to decision correction. Court also rejected this will on 26.12.2003, and finalized the cancellation of the Opera Plan on 12.02.2004.

Tourism. In fact the tourism center status was cancelled in 1993. Tune archiving in institutions seems to be a real problem.

Although expert reports and court rules ordered to make scientific research and technical justifications, plan modifications still lack a comprehensive planning report and research. In The Land case, planning techniques, analysis and synthesis are not employed properly. It is discourse and ‘political budget’ (see: Flyvbjerg, Bruzelius, Rothengatter, 2003) that constructs the rational basis of planning. In case of no scientific and rational arguments, merits of the plan are secondary to legal procedures.

Sampling strategy was used several times. Hilton Hotel, Ege Palas Hotel, Kordon Highway are used this time which are previous urban development projects with complex histories. Sampling is a manipulative strategy. Whenever a direct question arises on a single issue, other samples which are in favor of the respondent are appealed to. We have already seen this tactic when Yüksel Çakmur accused Burhan Özfatura for selling various assets of municipality. Özfatura and business elites used other examples such as Galleria Mall that Yüksel Çakmur attempted to realize, but was cancelled by court rule. Sampling strategy has a discursive tactic, and in most cases is transformed into personal attack. Selection of samples is two folded. Firstly, the sample should have at least a minor relevance, and secondly the sample should be an act of the counter side. For now, Hilton Hotel appears as the most frequently used sample manipulated as a good or bad example by the strategist. It was realized by Mayor Burhan Özfatura. While allies of WTC project sampled this Hilton Hotel case as a good example, counter sides sampled it as a bad example.

Besides the trials at court, there were three other battlefields outside: in the financial sphere; in the National Parliament; and in the media.

5.5.6.2. SDIF Joins

Trials took considerably long time. During trials, situation was not bright for The Company and it was getting worse. So far the sides were municipality, The Holding, The Company, and prosecutors. In the meantime, another actor emerged. SDIF entered the picture. Subsequently, thousands of other actors came to surface. The day expert report which was not in favor of the project was submitted to local court, SDIF became a stakeholder.

SDIF is a national institution which was established to ensure the stability of national banking system. SDIF intervened with many banks upon crises experienced in 1998 and the following years by rehabilitating, selling or liquidation (SDIF, 2002). Currently, there was a systemic banking sector problem.

What is the relation of banking crises with land developers? This part of the story and its relation to a single piece of urban land is a contextual and rather complex one. Therefore, we should present a brief historical background of this critical event and continue the ‘transforming’ battle afterwards.

The Bank was established in 1995 as an investment bank by a total of 122 real persons and legal personalities who were ready-made producers in Izmir and Denizli provinces. By the end of 1996, it gained commercial bank certificate. Several ‘Group Companies’ (off-shore, real estate development, factoring, leasing, machinery, consultancy, retail, insurance, finance, tourism, investment, transportation ...) were established and became associates or subsidiaries. The Holding owned 0.78% shares of The Bank in 1997. Its share rose to 62% in 1998 and to 88% on the date it was transferred to SDIF. The Holding became the majority shareholder of The Bank.

The Bank’s aim was to create resources for The Holding’s associates and subsidiaries. For this role, significant resource had been transferred to The Holding’s group companies. Due to problems in returning these loans granted to other subsidiaries, The Bank lost operational consistency (SDIF, 2009). According to Banking Law, this situation is a public issue. None of the rehabilitation activities succeeded any fiscal improvement regarding The Bank¹²⁰. So, SDIF took control.

On 9.7.2001, The Bank was transferred to SDIF. It was a shock for The Holding and The Company. The Holding was majority shareholder of The Bank; therefore it was indirectly transferred to SDIF. The Holding’s all belongings were transferred to this state institution. The Company was also partner with The Holding bounded by the terms of mutual trust contract regarding WTC Project. Consequently, this state institution became a shareholder.

SDIF intervention proceeded by revoking The Bank’s banking license, transferring all of the group companies to SDIF, dismissing boards and appointing new outsider members to board for better management, and merging The Bank with another bank which had been transferred to SDIF earlier. Solution was debt liquidation or

¹²⁰ From 12.6.2000 when EGS Bank was taken under effective monitoring to 9.7.2001 when it was transferred to SDIF, several precautions were made which had no influence.

bankruptcy. The Bank's 49 branch offices and 918 personnel were reduced to 16 banks and 446 personnel in five months. Debt would be liquidated either by selling its assets or completing its projects for future earnings.

At the moment, many of The Holding's group companies were public in the stock exchange market. Firstly, ISE (Istanbul Stock Exchange) moved The Holding to the De-listed Market. Later on, The Holding was allowed to operate in the Watch List Market. Transfer of The Bank revealed a group of actors who were not visible before. In this case, there are more than 90.000 stockholder shareholders of The Holding in stock exchange market. Now, this might seem a unique case that can destroy the methodological validity for generalization. However, there are some reasons showing that research is valid.

1994 and 2001 economic crises were the biggest in the history of Turkish economy. Due to the congestion of economic policies started after 1980 several crisis emerged. The 1994 crisis was mostly due to implementation of fixed exchange rate policies. Government proposed disinflation and economic stability programs but it was only a temporary solution which grew to higher level in a short period. In 2001, budget deficits, high inflation and unlimited capital movements resulted in contrasting schemes in growth and inflation (Ardıç, 2004: 125).

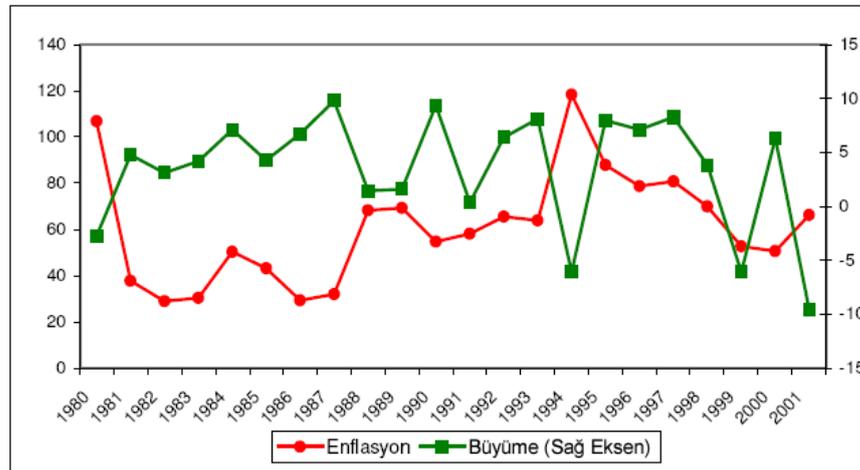


Figure 21. Inflation and growth

(Source: Ardıç, 2004:125)

2001 crisis which lead to collapse, bankruptcy and transformation of several banks to SDIF was due to the growing deficit between assets and credits.

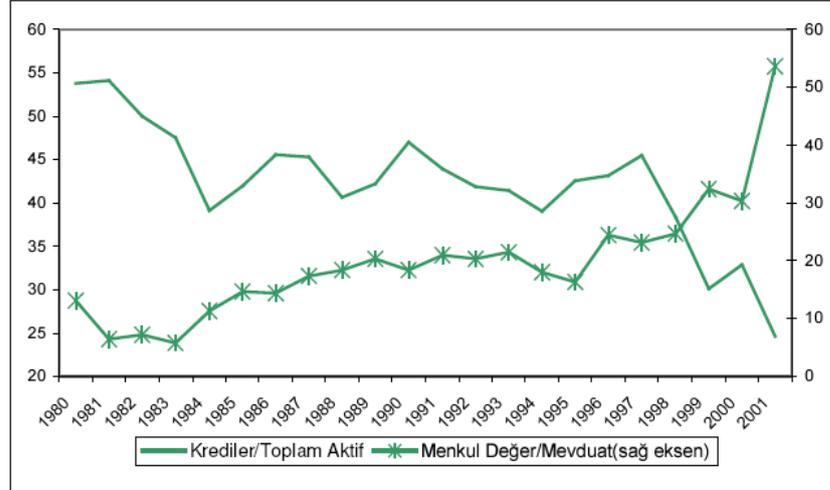


Figure 22. Credits and assets

(Source: Ardıç, 2004: 137)

Interest rates rose up to 436% and net profit of private banks per capital decreased to -81% in February 2001 (Ardıç, 2004: 252):

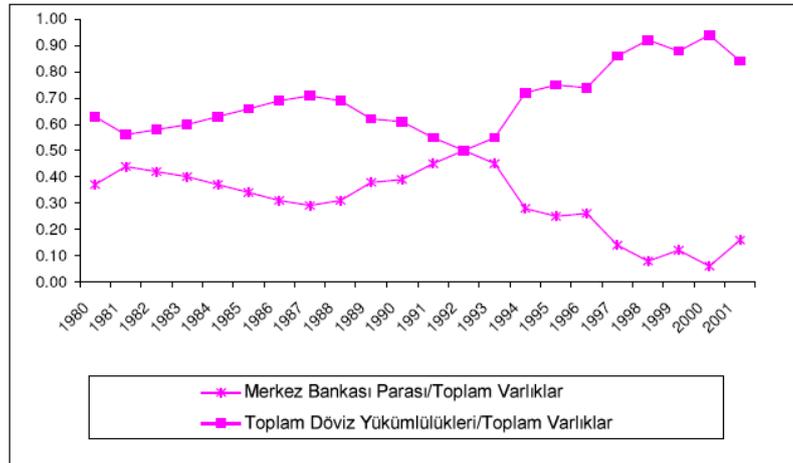


Figure 23. Assets and debts

(Source: Ardıç, 2005: 252)

Regarding the methodological validity, one should accept that economic crisis is a contextual dimension; not contingent. Firstly, aside The Bank, 25 other banks were transferred to SDIF between 1997 and 2003 (BRSA, 2009) in the entire country. 2001 was the final of a series of national economic crisis in Turkey. The country had been struggling with severe and frequent economic crisis starting from 1990s (1991, 1994, 1998) which reached the top level by 2001 crisis. Financial crisis in February 2001, called the Black Wednesday, turned into a banking system crisis. Credits in banking

sector decreased from 47% in 1990 to 33% in 2000. Credit/securities ratio decreased from 84% to 51% in the same time interval (BRSA, 2009). Transfer of The Bank, therefore, is not a unique case but a contextual fact with several other examples. There were three other local banks (Yaşarbank, Egebank, Tarişbank) in İzmir, and they were all transferred to SDIF one by one. After The Bank was transferred to SDIF, there remained no local banks which were originally founded in İzmir¹²¹.

Secondly, this situation represents typical characteristics of investment trusts in real estate development sector in the form of corporations and holdings. Uncontrolled credit (and credit risks) transfers among partners is an indicator of non-institutionalized forms and existence of patron-client relations. What happened to The Bank is not exceptional; it was due to internal relations within such corporations.

Thirdly, The Company was public-held; it was in stock exchange market where there are always risks vulnerable to dynamics of financial sector.

In brief, we know that The Company had signed mutual trust agreement with The Holding. The Holding due to its connection with The Bank (in crisis) as majority shareholder was transferred to SDIF. Indirectly, SDIF became the stakeholder in WTC Project besides The Company and IMM. So far, The Company was more active in planning processes either in courts or through-media wars. The Holding mostly remained aside. From now on SDIF would show up frequently. SDIF seeks ways for debt liquidation and there is a big real estate development project in which it became shareholder.

5.5.6.3. 2nd Time on TGNA

Project was brought to national agenda by parliamentary deputies for the second time. Most of these deputies were municipal council members during Yüksel Çakmur's period in IMM and among prosecutors. Mrs. Canan Arıtman (a parliamentary deputy and ally of Yüksel Çakmur) and 24 parliamentary deputies of the same party requested an investigation for WTC process (TGNA, 2003¹²²). Proposal read almost the same arguments with prosecutor's claims against plans.

The Land had firstly been questioned at TGNA for the tender that was granted to Asil Nadir. Remember that The Minister of Interior had verbally falsified the claims.

¹²¹ Milliyet, newspaper. 11.7.2001. p:8

¹²² TGNA, Records, 1.Legislative Year, 22nd sitting, 36.Session. 25.2.2003

We had seen the power of ruling party to open deep and thorough investigation. This first investigation was at least responded. This second time however the question was even not answered. These deputies were members of the opposition party in the national parliament and ruling party did not take the quest into account. No one responded claims and quest for investigation stood void ever since. It still waits in TGNA files unanswered.

Project was also issued to TGNA by individuals. Individual shareholders wrote several petitions to SDIF, ISE, and TGNA. Petitions Committee of TGNA had forwarded petitions to ISE. For instance, TGNA Petitions Commission responded to a typical petition from an individual who had purchased The Holding's stocks with all of her deposits, but became a victim in her words. TGNA responded that the act was determined by ISE laws and regulations; therefore she may monitor progress on website and may commence a case against the responsible company managers (TGNA, 2002).

It seemed that TGNA which is the supreme law-maker had nothing to do. So shareholders became victims of stock exchange market. Petition did not work, because ISE's laws and regulations were in force. Everything was legal and victims could monitor the progress on internet and on published reports. The highest legislative body and political ruler in national politics could not solve their problem.

5.5.6.4. Opera Plan Outside the Court

In 1960s, during the golden age of planning in Turkey that is when State Planning Organization was established, separation of powers was under discussion. Geray (1960:39) had proposed an idea that planning should be the fourth power. Nevertheless, it is the mass media which became the fourth power. Some goes to court for judicial power, some goes to prime minister being the head of executive power, and some goes to Grand National Assembly being the legislative power. Common for all is going to mass media power.

As usual, following the approval of Opera Plan promotions and objections took place. On municipality's side, Mayor Ahmet Piriştina started promoting a *specific part* of the project. It was the Opera Hall which belonged to municipality. The Company also started similar promotion putting emphasis on *public uses* of the project.

Chairman of The Company said that Opera Hall and Arts Center were their first task¹²³: WTC construction would start right after finishing the public uses. Chairman was also promoting the power of The Company model. According to him, the multi-partner company model was taken as a role model in the whole country with eighty more similar establishments.

It was actually the heydays of multi-partner companies. However, problems with this model were not in sight yet. General Director of The Company said that they would integrate WTC with other 300 WTCs established in 100 countries¹²⁴. It would employ 2500-3000 employees. The city would enjoy a highly prestigious project according to him: the project was a global one.

Usually media reporters seek for news. This time news was seeking media to appear. General Director of The Company started a media tour in order to promote the project and eliminate any possible counter arguments from the very beginning. He visited a newspaper¹²⁵ which has identical views with the conservative party (JDP) in power. He asserted that The Company had 4045 partners and 50% of it was public on stock exchange market. General Director confronted: *“IMM put 35.000m² of additional construction which was not in the contract. IMM had also forced us to construct a 3,5million dollar costly car park in an economically disadvantageous section of the city”*. They were victims in his words.

In turn, Yüksel Çakmur invited media representatives for a press conference. He was currently the deputy president of opposition party (RPP) in national parliament. Meeting was held at the party’s central office in İzmir. He declared that¹²⁶ new plan had no significant differences from M plan, and they had filed a lawsuit again.

Right after the suspension of Opera Plan by local court, a reporter whom we will call ‘WTC journalist’ was handed several documents of the project by The Company. Similar to the relationship between Yüksel Çakmur and Emin Çölaşan who was a key contact on media, this WTC Journalist is a key contact for The Company. According to WTC journalist this ‘unfinished symphony’¹²⁷ gives harm to the city. Following the cancellation decision, WTC journalist wrote that although competition project’s

¹²³ Hürriyet, newspaper, 9.9.2000

¹²⁴ Hürriyet, newspaper, 6.3.2000

¹²⁵ Zaman, newspaper, 21.3.2000

¹²⁶ Hürriyet, newspaper, 4.7.2000

¹²⁷ Hürriyet, newspaper, 9.8.2000

awarded architect deemed the new project appropriate, court experts did not agree¹²⁸. He said that this case would last long, and he was right.

Critiques towards court rules always emerge from the loser side. The General Director of The Company puts direct criticisms towards court:

We passed the project to high rise buildings committee; chambers approved it technically. We did ground etudes, earthquake tests, and geophysical etudes. Then we started piling. However, in 1999, some people - I do not blame Yüksel Çakmur - came and brought it to court. Which plan? 95 plan. With a political decision, the 95 plan was suspended in 99. What have we done in this period? We spent 35 million dollars. Court says, 'I do not care; you would not'. Therefore, Yüksel Çakmur is right; I wish I had not entered the tender. You missed all investors. (Mr.M.A)

According to our interviewee technical approval of chambers and etudes provide scientific basis and justification for the project, but court ruled politically. One of the technical justifications he addresses is chambers' approval. It was a legal obligation coming from the High Rise Buildings Regulation. As mentioned before, this regulation technically analyses the architectural and engineering capacities of a high rise building project. Bar, Chamber of Doctors, Chamber of Pharmacists, and CSCE were not in this committee. CCP had already chosen not to attend committee meetings. In fact, court did not rule on the basis of architectural project's compatibility with high rise techniques, or ground resistance. Court ruled on plan decisions and criticized that there were no scientific research and technical analysis to justify a plan modification; the project exceeds construction limits; and integrity with fair zone is lost.

Businessmen associations joined the debate and supported The Company. Their motives are worth considering. The two figures are among the founders and partners of The Company. Chairman of Chamber of Industry and Chairman of Chamber of Commerce said that "*they had put money in the project*" with a belief and trust in municipality¹²⁹. Businessmen repeated that IMM had sold defective goods to The Company. On a live TV show¹³⁰ Chairman of The Company claimed that there were campaigns against The Company. He implied the cases of CSCE, The Bar, Chamber of Pharmacists and Chamber of Doctors as counter sides in this campaign. He complained: "*they did not visit us even once*". Court experts were also on target: "*they lied on purpose*" he said explicitly. Head of Chamber of Industry (Aegean region branch) and Speaker of Chamber of Commerce made phone calls on live and said that delays and

¹²⁸ Yenisir, newspaper. 12.12.2001

¹²⁹ Yenisir, newspaper. 13.12.2001

¹³⁰ Yenisir, newspaper. 3.2.2003. Derin Bakış.

obstacles on The Project was a ‘bad reputation’ for the city and ‘investors were running away’.

Speaker of Chamber of Commerce (Mr.Tuğrul Yemişçi) has two connections to The Company. Firstly, his appearing title represents businessmen. Secondly, he has personal interest in the project. He is one of the co-founders of The Company. He is the ‘same person’ who had said they were projecting a skyscraper for the vacant land in Basmane Square. He had said this before the establishment of The Company, auction, protocol, and approval of M plan. With which identity one enters the debate and which titles allow what actions are crucial.

Although these associations represent typical organizational responsibility at first sight and title of institutional-speakers represents entire businessmen in the city, individual speakers have personal interest as shareholders of The Company. The allies do not only defend the rights of economic circles in the city, they have organic relationships with the project. Some of these are the co-founders of The Company or shareholders. Their interest is twofold and no one can tell which interest weighs more.

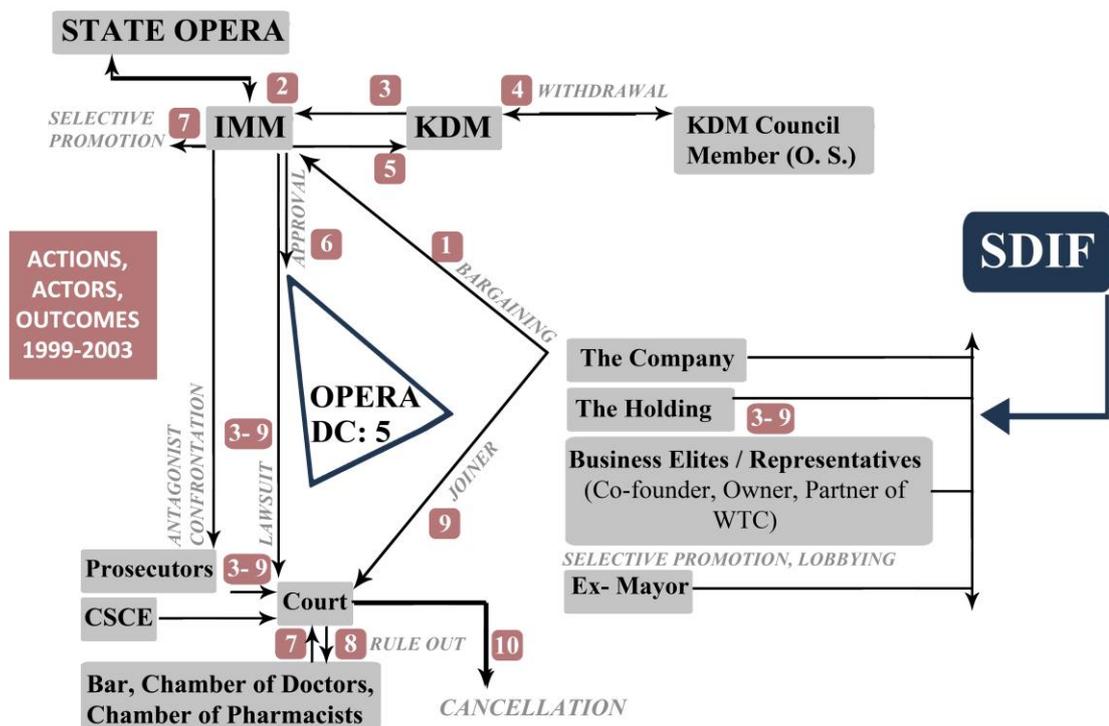


Figure 24. 1999 – 2003 summary graph

5.5.7. DC:4,5 Plan

After Supreme Court rejected the objections, IMM started preparing a new LuP. Planning codes and notes were in much detail and longer. In the beginning there was only a C written on plans. Then it turned into M. Then it included a longer phrase: Culture, Arts, Hotel and Trade Center. Now, provisions present a much longer and detailed list than previous plans. Some modifications in set-back dimensions were made. Density was decreased by 10%. Culture, Arts, Hotel and Trade Center was removed and CBD functions and Cultural Facilities Area was added. Mr.H.T. says that plan provisions were result of the bargaining process and IMM could not compete with the investors in decreasing density to a significant level.

Ideal solution was to re-purchase, but it was not possible. Moderate solution was to balance with public uses and decrease density levels. This time we offered Mayor Ahmet Piriştina to radically decrease density to DC: 2,5. Unfortunately, we could only reach to DC: 4,5.

Table 10. DC:4,5 plan provisions

DC:4,5 Plan	Scale	Ratification and approval
6.10.2003	1/5000 LuP	IMM council (05/209)
20.2.2004	1/1000 ImP	KDM council (4765/5267)
24.3.2004	1/1000 ImP	IMM mayor (chg.no. 2268)
Provisions		
DC:4,5 Hmax: unlimited		
CBD – Cultural Facilities		
Implementation will be made according to the project without land subdivision		
Required car park and emergency shelter for the Cultural Facilities Area will be covered within the entire lot		
All lot facades will have 5mt. set-backs		
Except for the Sofito height, take backs will be 80mt at Square façade and 10mt at other facades, above 24.80m		
Law no.3194 and Regulation Regarding Planning are valid		
Izmir Planning Regulation is valid		
Principles regarding preparation of ground and soil etude reports by MPWS and conditions of ‘The Regulation Regarding Buildings in Disaster Zones’ are obligatory.		

Promotions started with enthusiasm once more. Chairman of The Company was giving optimist messages with certain level of precaution: “*We were knocked out. No one had any hope, but with the new plan approval we rose up again*” he said¹³¹.

An immediate objection came from the Chamber of City Planners Izmir Chapter (CCP) two days after the approval of LuP. This was also the first and the only written statement of The Chamber concerning the case. CCP stated that “*new plan decision is a*

¹³¹ Yeniasir, newspaper. 4.11.2003.

re-approval of the wrong and unjust planning decisions since 1986". 1986 plan is the one which brought DC:5 codes. According to CCP, The Land should be considered as a complementary part of the Culturepark. Due to its character as public property, this land should be planned as a public use in a way that it would not attract traffic, would not affect transportation system, would not require infrastructure loads, and would satisfy open area requirements of citizens (CCP, 2003). Note that CCP writes in the press release this phrase: "due to its character as public property..." Transfer of title deed is not explicated to public sphere for long time. Such acts are not promulgated on official boards and are secured in archives.

Silence of The Chamber of City Planners so far is because of its organizational structure. Izmir Chapter of the Chamber was established in 1994 which means that it was not institutionally well organized during the competition era. The first individual lawsuit of the Chamber's local branch would be in the future, in 2006. They rather preferred joining lawsuits of other chambers due to budgetary limits. The profession was little known by people. Total number of city planners was less than 3.000 in the entire country by the year 2003.

CCP's objection did not create any effect. Following the LuP, KDM council deemed the ImP appropriate. Municipal council members of each minority group supported the project: "*It will create employment opportunity for thousands of people*". "*People need jobs more than green areas*". "*Construction zone became a threat for citizens, and the project will be the savior*"¹³². It was only one month before the local elections that district municipal council members enthusiastically approved DC:4,5 plan. When Mayor Ahmet Piriştina signed ImP modification and it was put in force, there were only four days to local elections. It was once more a critical timing action before the local elections.

The Holding's transfer to SDIF was a big problem. A few months earlier, one of the biggest national holdings [KOÇ] in the country had attempted to purchase the 50% share which belonged to The Holding¹³³. It was refused by The Holding Board then¹³⁴, but now circumstances changed. New partnerships were possible. Problems within multi-partner company model were recognized. Similar associations were facing similar problems. The new model should base on gathering around a responsible body which

¹³² Yeniasir, newspaper. 21.2.2004

¹³³ Yeniasir, newspaper. 24.2.2003

¹³⁴ Yeniasir, newspaper, 12.8.2003

holds majority shares¹³⁵. Project would be revised and reduced by 15% in construction. The construction area was reduced so twin towers were not possible to construct. This time the state institution (SDIF) was used as a tactical force. “SDIF will make profit, too” said The Chairman of The Company.

5.5.7.1. DC:4,5 Case: Court Rules and Re-Rules

On 8.12.2003, Yüksel Çakmur and friends filed a lawsuit against LuP with almost the same previous arguments. After the approval of implementation plan by KDM on 20.2.2004, they filed a second lawsuit against ImP.

Yüksel Çakmur criticized the project in detail after commencing the case. He put emphasis on two issues: ownership and timing¹³⁶. It was only one month before the local elections that ImP was ratified, and only four days before the local elections that Mayor signed it.

Cases were proceeding and local elections were made. Mayor Ahmet Piriştina was elected for his second time on 28.3.2004. During elections, the two leftist parties in the national parliament (DPP and RPP) agreed on uniting under RPP against the conservative ruling party (JDP). Mayor Ahmet Piriştina was elected from RPP. So Ahmet Piriştina and Yüksel Çakmur became allies in party politics, but counter sides on The Land politics.

It is not an obstacle for construction procedures until a suspension or cancellation decision was given by court. Ground clearance restarted after several years. General Director of The Company said that they had fulfilled every requirements of court rule¹³⁷. The project would be changed significantly; there would be no twin towers. They would need some time for necessary revisions. According to him, the new case could not be an obstacle. After several cases, spirit of court became a threat after each plan approval.

Not everyone was quite sure whether the case would be an obstacle or not. Vice Chairman of The Company (who was also Speaker of Chamber of Commerce) called Mayor and Governor on duty¹³⁸. He said, although they made revisions in accordance

¹³⁵ Yeniasır, newspaper. 4.11.2003. Years later, Chairman would say that under one condition multi-partner model works. That was the existence of a locomotive management team. To him, Turkey needs to transform its capital into investment, therefore multi-partner companies are needed more than ever (3.2.2008, Milliyet newspaper).

¹³⁶ Yeniasır, newspaper. 2.3.2004.

¹³⁷ Milliyet, newspaper. 12.4.2004

¹³⁸ Akşam, newspaper. 25.5.2004 (İzmir’de DTM ayıbı)

with the court rules, Yüksel Çakmur filed a case again. A few days earlier, a summit about urban problems was held in the city, but *'The Hole of Shame'* was not put into agenda by governor. According to Vice Chairman Governor and Mayor should intervene. He said either the municipality would repurchase The Land and pay their costs back or current Mayor Ahmet Piriştina would convince prosecutors.

Suddenly Ahmet Piriştina passed away due to a heart attack on 15.6.2004. Mayor of a district municipality was appointed to metropolitan municipality (Aziz Kocaoğlu). He would be the fourth metropolitan mayor to face The Land.

Court case of DC:4,5 plan has a lengthy story. In the beginning local court rejected the case based on experts' view. Business elites welcomed this decision. The Company was cautious and aware of the routine that there might be a Supreme Court¹³⁹.

The expected happened. Yüksel Çakmur and friends objected at the Supreme Court. Council of State appointed new experts and this time cancelled the plans based on new experts' report. Now, we should go in details of this court case.

Yüksel Çakmur and 13 friends filed two separate lawsuits against 1/5000 and 1/1000 plans¹⁴⁰ with political, technical and procedural claims:

- Plan is contrary to previous court decisions. The only aim is to save the WTC project. Planning notes include so much detail in order to realize WTC project that such details are peculiar to implementation plans or construction projects.
- Plan modification fragments the Fair/Culture Park unity as did previous plans.
- A LuP modification should be consistent with the hierarchically upper scale plan. In this case, 1989 dated 1/25000 scale master plan was cancelled on 27.5.2003. Absence of master plan is a weird situation and shows that modification has no background.
- There is a proceeding case at local court for the LuP. Any decision about this LuP case would affect the ImP case, so the two cases should be united.

Defendant municipalities responded that

- plans are appropriate to court rules, expert reports, and requirements of recent spatial developments in the surroundings;
- prosecutors do not have actual interest in the planning process therefore they do not possess license to prosecute;
- it is not possible to propose any other land use to the region.

The Company as joiner responded that

- each and every critique of expert reports was taken into consideration;
- density was reduced;
- about 10 million dollars of expense had been made up to day;
- project's contribution to economic development was unquestionable.

¹³⁹ Yeniasır, newspaper. 22.7.2004

¹⁴⁰ İzmir 2nd Administrative Court. E2003/1530; K2004/1279

Court assigned three city planning experts. On 2.7.2004, the first expert report was submitted with opinions that:

- Plan modification is appropriate to hierarchically upper scale plans. Absence of upper scale plans is not an extraordinary situation.
- Since the competition project in 1990's, The Land remained obsolete; hotel and convention center buildings could not have been constructed.
- Examinations and evaluations so far had started from design criteria, laws and regulations; however land use plans are the most important means to achieve local economic development, rather than to achieve high architectural quality.
- Aside public interest criterion, it should be examined also by Pareto Optimality.
- Planning a lot that is unplanned should not be considered as a local plan change. A modification aims to change a situation. In this case, The Land is unplanned.
- DC:4,5 is not an extremely high density, on the contrary it is a medium density relative to the surroundings.
- Hotels in the surroundings are sufficient; therefore hotel and convention functions are not compulsory.
- Proposed cultural facilities increase the public interest.
- Plan note of "cultural facilities area, emergency shelter and car park will be maintained within the lot" is positive.
- Some detailed technical notes to restrict construction are positive for creating smaller mass, but such details should be evaluated during architectural project preparation phases. Such evaluations can be made by participatory processes with Chamber of Architects.
- Plan contributes to solution of this big hole in the city center which will contribute to economy of the city.

Expert report deemed DC:4,5 plan appropriate in all means. Pareto optimality worked. On 20.10.2004, local court rejected LuP case. Subsequently, on 15.12.2004, it rejected ImP case due to the reason that LuP was not cancelled. ImP was compatible with LuP. Yüksel Çakmur lost the case and there were no obstacles for WTC Project.

It was celebration time. General Director of The Company said they had already cleaned the ground and they would finish the construction in approximately two years¹⁴¹. The Company had also succeeded in finding an international credit finance support and they would now renew the construction permits¹⁴².

As mentioned before, local court decisions have no value in our case. Yüksel Çakmur and friends objected at Supreme Court with reasons based on critiques of expert report: "*With the decision of local court, a company's interest is taken superior to public interest which is the supreme principle of administrative law*". The expert report should be reconsidered because:

- It did not consider previous court decisions.
- Pareto Optimality is taken superior to public interest criteria by experts.
- Expert report makes it clear that modification is made to fulfill the aims of investors rather than public interest.

¹⁴¹ Milliyet, newspaper. 1.12.2004

¹⁴² Zaman, newspaper. 1.12.2004

Things turned upside down. This time objection was successful. It was a shock when Supreme Court invalidated local court's decision. Council of State appointed another expert group of three other city planners, and based on the new expert report suspended the execution of LuP on 18.4.2005. New expert report concluded that DC:4,5 Plan was almost the same with the previously cancelled plans. Decreasing construction density from 5 to 4,5 does not result in decrease in urban density. LuP was suspended by 2/3 of judge votes.

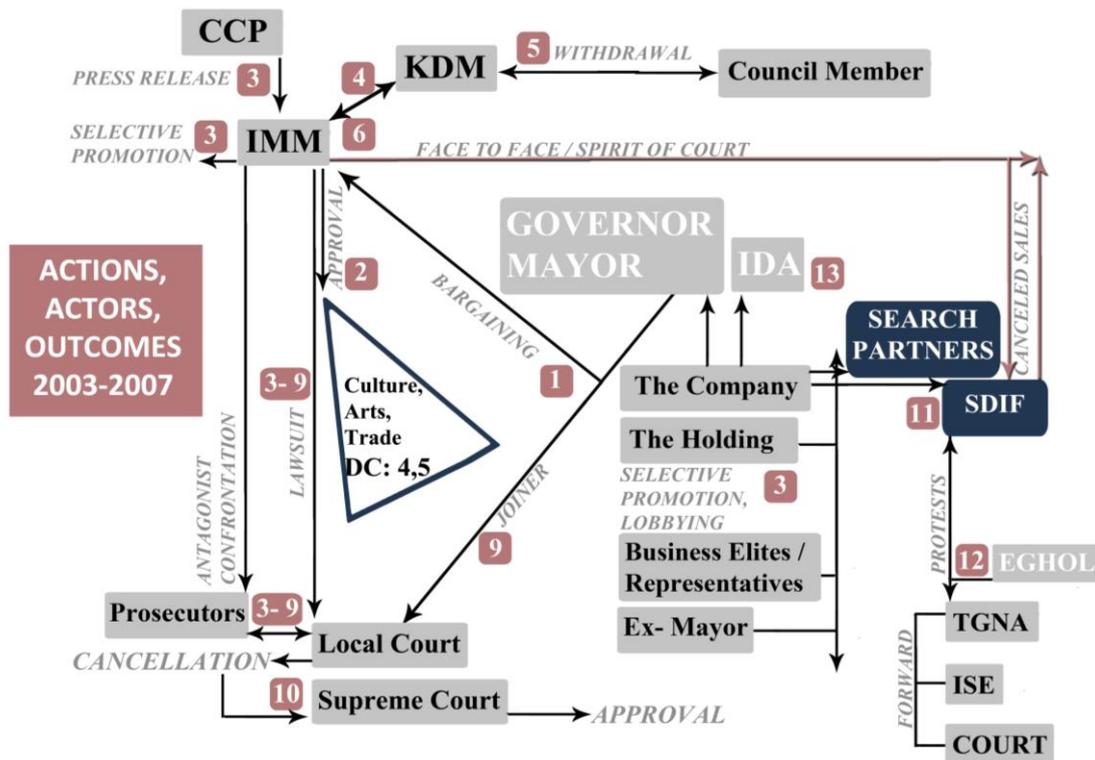


Figure 25. 2003 – 2007 summary graph

“WTC for another spring: Yüksel Çakmur won again” wrote papers¹⁴³. The Company was not in the same idea though. They published a comment that “The decision of Council of State is not a suspension. Decision is not about the merits of the plan but for clarifying a technical detail”¹⁴⁴. However, they were wrong. Supreme Court also cancelled ImP on 16.12.2005, which should be hierarchically compatible with LuP. According to procedures, Council of State does not suspend or cancel the plans directly when a file is appealed by objecting the local court decision. Supreme Court breaks or

¹⁴³ Yeniasır, newspaper. 10.9.2005

¹⁴⁴ Milliyet, newspaper. 21.9.2005

approves the rule of local court. Then local court re-evaluates its decision according to Supreme Court rule. Thus, paperwork takes considerable time for the final decision. Finally, local court obeyed the rule of Supreme Court and cancelled LuP on 22.3.2006¹⁴⁵ and ImP on 14.2.2007¹⁴⁶. Defendants tried a few more attempts, but these were also rejected¹⁴⁷. Loser and winner turned upside down by this decision. DC:4,5 plans were cancelled like previous plans.

5.5.7.2. Outsiders and ally seeking

In the meantime during trials Development Agencies were established in Turkey¹⁴⁸. IDA (Development Agency Izmir Unit¹⁴⁹) was the first established pilot project in the country. Model proposed a corporate body of business groups and governments.

The Company was seeking ways to gain support and realize the project. This new organization was an opportunity for businessmen. Head of Development Agency Board was also a businessman (Mr.N.K.) who explicitly supported WTC project in every occasion. On 18.9.2006 Chairman of The Company wrote to Development Committee of IDA to take WTC Project as a theme into its agenda. This was only two months after the establishment. News wrote that the first subject of the first meeting on 21.9.2006 would be The WTC Project¹⁵⁰. Development Agency was not organized yet, so the meeting was held at the Headquarter of Chamber of Commerce. In this first meeting, one of the solution proposals regarding WTC project was to complete the construction with financial support of IDA. In fact IDA is funded by national treasury which is a public resource¹⁵¹. Such a financial support was not possible, but the issue remained in the agenda. According to one of our interviewees (expert at development agency) this appeal was due to the existing ambiguous structure of development agencies:

¹⁴⁵ Izmir 2nd administrative court, 2006/625E; 2007/522K

¹⁴⁶ Izmir 2nd administrative court, 2007/203K

¹⁴⁷ IMM asked for decision correction but Council of State rejected this will on 19.12.2006. Also KDM objected the rule of council of State, but it was rejected on 27.4.2009. On 15.9.2009 local court closed the case. The Holding was Joiner in the case but their objection was not taken into consideration due to procedural requirements that they did not follow.

¹⁴⁸ 25.1.2006. Law no. 5449. The execution of Development Agencies was suspended by the rule of Council of State on 16.3.2009 at a lawsuit by UCTEA. Later on, amendments were made and it started re-functioning.

¹⁴⁹ Ida was established on 2.7.2006 (OG.26220)

¹⁵⁰ Yenisür, newspaper. 18.9.2006.

¹⁵¹ Yerel Siyaset, newspaper. 23.7.2007. Süleyman Gençel. (www.suleymangencel.com)

In fact, IDA has no direct contact with urban problems. IDA was newly established. In the first days, no one exactly knew what a development agency does. Everyone had a model in mind. But now they know what IDA does... Such appeals have no responsive institutional action in departments. They could only benefit from personal connections. Top level bureaucrats here have personal relations with ministers, governors and business circles. But, these bureaucrats do not want to involve agency to such problems. (Mr.YY)

While local businessmen attempted to gain support of outsider parties or put pressure on counter-sides, there were some other people trying to access local businessmen. In the first days of 2007 a very unique protest was made on The Land. These people whose existence was not recognized before made a press release on The Land. They were those stockholder stakeholders for whom Bent Flyvbjerg calls aneu logou (voiceless in the Aristotelian sense of the word). 120 out of 90.000 stockholders were organized¹⁵² on the internet. They called themselves EGHOL Solution Platform. They were monitoring the progress about The Holding in online forums. A few of them had previously written petittons to TGNA, but they were merely forwarded to monitoring ISE or suing The Holding. The only way they could make a voice was protesting. Their attorney who was specialized in stock exchange cases had established the website: www.borsazedeler.com (read as: stock exchange victims).The attorney and spokesman of the platform, who was also a petty stockholder of The Holding, declared that for 5.5 years they were the real victims. Transfer action of SDIF was irregular. It was conspiracy of IMF directives. Any information was hidden from public. CMB, ISE and SDIF should act with responsibility. Finally, he explicitly threatened that they would appeal to ECHR which could result in high indemnity costs¹⁵³. These protests, press releases and declarations had no impact on any sides.

Second shock came a few months after Supreme Court's cancellation decision: Debt Reminder. The Holding and The Company were both debtors. SDIF decided to sell the WTC Project for debt¹⁵⁴ liquidation on 28.6.2007¹⁵⁵. SDIF constituted "The Aegean World Trade Center Commercial and Economic Integrity". Economic Integrity is a routine method to ensure that the activities of commercial enterprises under sale process continue so that they are sold at higher prices¹⁵⁶. The sale comprised of 225 independent units through taking bids equal or above their estimated values in an

¹⁵² Vatan, newspaper. 29.1.2007.

¹⁵³ Hurriyet, newspaper. 29.1.2007

¹⁵⁴ OG, 20.7.2007.vol.26588.

¹⁵⁵ SDIF, resolution nr..2007/283

¹⁵⁶ SDIF, 2009. Annual Report. p:51. published in March 2010.

auction at an initial price of 77.000.000TL¹⁵⁷. Deadline for applications was 7.9.2007, and the bidding would be on 11.9.2007¹⁵⁸.

In fact this was not an extraordinary act. Recently, SDIF had sold 18 independent units of The Holding's another project (business park in Denizli) one by one via auction for the same reason of debt liquidation. This time The Holding's belongings in Izmir were on stage.

Chairman of The Company opposed selling and claimed that no one could buy it without their permission; they were partners¹⁵⁹. He said that they did not suppose anyone even applies due to current problems in planning The Land. He put emphasis on 2.500 shareholders that he had to defend rights of. He claimed that it was The Company if one had the rights to purchase. They had the necessary resources, made an agreement with a new global investment group (GIH) and would finish construction in 18 months after Christmas¹⁶⁰. Representative of The Holding said that 77.000.000TL was too low, and they expect it to rise above 150.000.000TL. The Holding had other belongings and it should liquidate its debts either by selling or realizing the project. It is obvious that comment was different on The Holding's side. Holding's attitude changed. This Representative was appointed to Chairmanship by SDIF therefore he was confused between the interests of SDIF and The Holding.

Sides were waiting for the auction. Suddenly, only one day before the application deadline, SDIF made an announcement: Sales is cancelled¹⁶¹.

It was on the appeal of Mayor Aziz Kocaoğlu. IMM was still a shareholder of the construction contract in return for flats agreement¹⁶². Mayor created a space to meet his ends. He visited SDIF at the capital city. He warned SDIF and convinced President of SDIF that The Land was municipal property and there was an ongoing case. He used two means: a face-to-face meeting and a threat of lawsuit. One or both of these tactics worked well. A few months later, a debt liquidation protocol between The Holding and SDIF was signed. Management of The Holding was taken over by another company and a Representative¹⁶³ was appointed. Condition was reconsidered and arrangements on The Protocol should be made.

¹⁵⁷ Six zeros were dropped from TL recently.

¹⁵⁸ Official Gazette, 20.7.2007. vol.26588

¹⁵⁹ Milliyet, newspaper. 16.8.2007.

¹⁶⁰ Milliyet, newspaper. 29.8.2007, Hürriyet, newspaper, 29.8.2007.

¹⁶¹ Ihlas News Agency, 6.9.2007.

¹⁶² SDIF, 2007. Board Resolution no.2007/454, date: 6.9.2007.

¹⁶³ An external Ltd.Co. signed the protocol. The person appointed as Representative is the Chairman of this Ltd.Co. Protocol was put in action on 16.9.2008. On 25.1.2008, Ltd.Co. signed debt payment protocol (207million USD to be

5.5.7.3. Back to the Beginning: Episode 1

WTC journalist made an interview with Mayor Aziz Kocaoğlu¹⁶⁴ a few days after Council of State's cancellation decision was transmitted to IMM. Mayor said:

The situation in 2007 is exactly the same with the situation in 1997. In terms of planning and jurisdiction it stuck. We decided to determine the economic value of it just before filing the lawsuit against SDIF's selling decision. After these calculations (costs of The Car Park, cash with interest and ground work) we will draw a road map.

There might be several instances of going back to the beginning. Aalborg and İzmir experienced Nietzschean 'single drama' within the same duration: "*Back to the very beginning idea ten years before* (Flyvbjerg, 1998:208)...*the endlessly repeated play of dominations* (Flyvbjerg, 1998: 218). Context, problems and consequences for these two cities are different. 'Going back to ten years' differs in purpose. This time it is a 'tactical threat'. In the next years, there would be other new plans. In fact, Mayor Aziz Kocaoğlu did not prefer going back. His ideal solution proposal was finishing the construction. For this, even the ten year old¹⁶⁵ Opera Hall Project might be relinquished:

There is no need to argue about previous mistakes. There is a deal... Courts criticized high density, but density in the surroundings is around 7-8. Prosecutors' aim is in fact to give damage to public. They claim that this land is integrated with the fair. We will remove the Fair out of Culturepark... If we cannot do anything else, we will try going back to 1997 plans. The ideal solution for us is that: let there be no lawsuits and The Company finishes its construction... If necessary, we may construct the Opera Hall somewhere else.

We had asserted before that ownership is practically more influential in substance of city planning that is land use functions than technical and spatial necessities. The location for Opera Hall and the problem of ownership was compared and ownership weighed heavier. Here we do not speculate whether this location is suitable for Opera Hall or not. But the point here is that be it best location or not, it is ownership problems that decide. Mayor continued that without an absolute consensus, a solution would be impossible. His model of consensus is meeting face-to-face with individuals:

paid in 12 years) with SDIF. (SDIF, 2009). Total financial loss in 2002 was 725million TL that is 65% of its total budget (SDIF, 2009). On 9.7.2001, equity requirement was 652million YTL. (SDIF, 2009). On 2007 it reduced to 315million USD. (SDIF, 2010). Total revenue was 35milyon USD by the end of 2010 (SDIF, 2010). On 9.1.2009, according to expertise report, in case there would be no legal problems, Aegean World Trade Center Project's existing turnover price was 23.235.000TL.

¹⁶⁴ Milliyet, newspaper. 28.10.2007.

¹⁶⁵ An architectural project competition for an Opera Hall was accomplished in 1983. It could not have been constructed. Later on, following the termination of Opera Hall on The Land, another architectural project competition was opened in 2010 and Opera Hall was decided to be constructed in somewhere else (See: IMM, 2010).

I talked to Yüksel Çakmur. His view is important because he is among the prosecutors. Our meeting was positive. I also talked with representatives SDIF and The Company. My aim is to bring related sides together. All sides, the prosecutors, contractors and municipality should act together.

All sides include the prosecutors, contractors, SDIF, and municipality according to Mayor. His aim is to bring them together, but is it possible? Bringing all sides together has never been realized. Once the antagonist positions are fixed, this typical model of Habermasian “communicative ideology”¹⁶⁶ stays practically impossible. Instead, Mayor’s model operates on face to face dialogue with each party but separately.

WTC journalist’s next interview was with The Chairman of The Company¹⁶⁷:

If we were to build this project in Istanbul, we were constructing the sixth Akmerkez¹⁶⁸. Izmir argues this project for ten years. 15-16 cases were commenced. Even the most irrelevant organizations sued. There are contradictory expert reports. Is it possible? Is it normal that a case lasts for eight years? We are fighting for DC:4,5 for The Land, but the municipality building is DC:8...I will give a conference at Harvard. Even a scholar holding ten master’s degrees cannot understand this accident we had.

Chairman was also critical about the multi-partner company model. However, in the beginning of the story multi-sector multi-partner model was promoted with a great success. ‘Joint Forces’ model was considered a brilliant idea in its early phases. The model was studied as a master thesis in USA¹⁶⁹. It was presented to academic circles¹⁷⁰, and taught as a course in a business school in North Alabama University (see: Crawford, G. 2000). Multi sector multi owner model based on mutual trust was considered a real potential for developing countries¹⁷¹. Now Chairman says that managing 2000 partners in a company was more difficult than managing a political party. Years later, a businessman would declare that “*The Age of Multi-Partner Companies is over*” (Çolakoğlu, 2009:15). Enthusiasm in the beginning turned out a disappointment. Three days later, WTC journalist wrote that “*I am on ‘The Chairman’s side...till the end’*”¹⁷². We will evaluate the position of this WTC journalist soon.

According to our interviewees single capital holders in Turkey always figured out ways to reach certain decision making environments and manipulate the processes. Multi partner model, in spite of this, has drawbacks.

¹⁶⁶ Voogd and Woltjer (1999:835)

¹⁶⁷ Milliyet, newspaper. 3.2.2008.

¹⁶⁸ One of the first trade centers in Turkey which was built in 2000.

¹⁶⁹ Hurriyet, newspaper. 20.7.1997

¹⁷⁰ See: Crawford, G. 2000.

¹⁷¹ Turkish Daily News, 23.8.1998

¹⁷² Milliyet, newspaper. 6.2.2008

They started fast, but courts slowed them down. In the beginning it was because of the court cases. Later, however, I guess they faced with financial problems regarding transfers from partners. Otherwise, they could finish this. I have not seen an exceptional case (Mr.C.S.).

Well, I believe that it was delayed because of multi partner model. If it were a single capital like many others they could figure out to influence legal procedures (Mr. E.A.).

5.5.8. CBD – MSA Plan: The Salvation Formula

After cancellation of DC:4,5 Plan, a new formula was put into agendas. Mayor Aziz Kocaoğlu explained this ‘salvation formula’¹⁷³. Share of municipality would increase from 11% to 30%. ‘Opera Hall’ would be relinquished. A Municipal Service Area (MSA) would be included. It was supposed that this change would meet the public interest criterion. Metropolitan municipality building in Konak Square would also move in to the new project.

The decades-long question of fair location was also in agenda recently. Fair functions were going to be moved to periphery (Gaziemir area), so the problem of integration with fair would disappear. Mayor Aziz Kocaoğlu added that they had agreed with Chairman of The Company, Representative of The Holding and President of SDIF in the formula, but Yüksel Çakmur did not make any comments. He said he had also talked to chambers and had taken approval from all of them. This unique communication model is an endemic one. Among many urban issues, WTC also takes place for a few minutes. No documents, no technical reports, minutes and records are available in these non-technical meetings.

5.5.8.1. Negotiations For Salvation

Yüksel Çakmur spoke to WTC journalist. He used Hyde Park and Central Park samples: “It is not possible that businessmen in London would ask municipality to sell The Hyde Park for a commercial building which would create employment”. He said, in spite of filing a lawsuit in order to cancel the title deed transfer, Mayor Aziz Kocaoğlu removes the fair in order to complete the selling procedure. Yüksel Çakmur also strictly objects annexing a municipality building inside a commercial center.

¹⁷³ Milliyet, newspaper. 10.2.2008.

Chairman of The Company said that public interest was paid excessively¹⁷⁴. Proposal was disadvantageous for them, but they made great sacrifice. There was not enough space for a WTC anymore due to change in shares which dropped from 89% to 70%. They would construct a shopping mall instead.

Yüksel Çakmur continued his critiques through media. Repurchasing The Land would not cost as much as they claimed he said¹⁷⁵. According to him, basis of abandoning the contract is court rules. The Company would be paid by minimum construction costs. There would be no more indemnities. Also, he refused Mayor Aziz Kocaoğlu's proposal of going back to 1997 dated plans. They should turn back to the competition plans of 1991. Regarding the shares shift, Yüksel Çakmur asked a deadly question:

It means, if we had not sued, public share would remain 11%. Who would enjoy this difference?¹⁷⁶

Several claims were replied directly or indirectly. Many claims were manipulated by several tactics; yet this question was left unanswered. It was simply ignored.

Press became a battlefield over years, and it covered a large area of the public sphere. Any move was on headlines¹⁷⁷. This mode of communication became the most favored form of dialogue. Within a two weeks period, four letters were sent to press. The first one was written by Yüksel Çakmur¹⁷⁸ to Mayor Aziz Kocaoğlu. In turn, Mayor wrote¹⁷⁹. Then, The Company and PCC (Provincial Coordination Committee) also wrote letters.

Mayor Aziz Kocaoğlu had written that they had agreed with all relevant chambers (of engineers, architects and city planners) about their proposal regarding The Land. PCC did not agree:

¹⁷⁴ Dünya Online, economy portal. 4.3.2008. www.dunya.com/mazhar-zorlu-holding.-ticaret-degil-alisveris-merkezi-yapacak-2141h.htm

¹⁷⁵ Cumhuriyet, newspaper. 29.2.2008.

¹⁷⁶ Milliyet, newspaper. 28.2.2008.

¹⁷⁷ Meanwhile, one of the strangest events appeared and disappeared quickly. It might not be such an important event in normal conditions and cover some space in news if The Land was not so popular. A family filed a lawsuit in quest for the ownership of The Land and said that The Land belongs to them. This Yugoslavian family of 80 members claimed that their grandfather had used The Land like many other lands belonged to him in Izmir long time ago. He had paid taxes. When Fair and Culturepark were expropriated, some money was put into their grandfather's bank account. When authorities could not find their grandfather, they announced that money was put in trustee. Family asserted that they had checked title deed registers and The Land belongs to them. They filed a lawsuit and lost. No one responded their claims.

¹⁷⁸ Milliyet, newspaper. 3.3.2008

¹⁷⁹ Milliyet, newspaper. 10.3.2008. Later on, Mayor sent extra notes to the same paper on 31.3.2008.

The attempt of Mayor Aziz Kocaoğlu to solve this problem is deemed positive by our council. We think that this attempt is given start with good intentions and should be supported. However, more information is necessary to evaluate it.

The journalist wrote that PCC's view was not linear with Mayor's agreement claim¹⁸⁰. Chambers deemed 'the attempt' positive, not 'the project'.

Despite PCC's disagreement or partial agreement, a new project was prepared. Drafts were submitted to municipality¹⁸¹, and The Company was in search for financial partners. Their economic situation was not adequate to realize the construction themselves any more. Chairman of The Company said that their partnership with global investment holding was over. "*There are time, space, and place dimensions in business. I had 11:00 flight; I was late and missed the flight. Circumstances changed. We agreed to break up*"¹⁸².

The Holding was in debt to SDIF. New partners were required and SDIF was pushing The Company. The Holding should be activated. The Representative of The Holding said that SDIF should appoint an executive board; an action which they were expecting to be made in a few days. Then The Holding would sell its shares to The Company and its partners, or to four other companies that they were currently negotiating. Chairman of The Company said that they constituted mutual trust with three new investors¹⁸³.

The corporate relation among SDIF, The Holding and The Company was unbalanced. SDIF and The Holding agreed on certain conditions, but it was The Company to deal with the project. Main aim of The Holding was not realizing the project, but to pay its debt. SDIF's aim was also being paid; therefore it reacted authoritarian over The Company. A visit made these changing positions and shifting balance visible.

SDIF board visited Izmir and held a meeting with The Holding board¹⁸⁴. A new holding executive board was appointed at the meeting. According to SDIF, solution had two phases. First phase is approving the new plan which was the duty of IMM. They expected this approval before Christmas. Second phase is finishing the construction which depends on financial situation of partners. After the meeting, President of SDIF ordered The Company to do something with those partners immediately: "*The Company*

¹⁸⁰ Milliyet, newspaper. 23.3.2008

¹⁸¹ Milliyet, newspaper. 16.6.2008

¹⁸² Dünya Online, economy portal. 4.3.2008. www.dunya.com/mazhar-zorlu-holding,-ticaret-degil-alisveris-merkezi-yapacak-2141h.htm

¹⁸³ Yenisür, newspaper. 7.8.2008

¹⁸⁴ Yenisür, newspaper. 18.12.2008

should do something, or we will force them to do”. Chairman of The Company responded kindly that they had been waiting for a new executive board. There were no problems with SDIF.

This time The Chairman of The Company was directly attacked by an ally (SDIF) and this attack should be “*either downplayed or avoided by simply yielding to the opponent*” (Flyvbjerg, 1998:161). Being receptive and constructive rather than critical and aggressive is what Flyvbjerg (1998:115) calls “stroking strategy”. Coined in Aalborg research, it aims at maintaining an air for someone in order to avoid open confrontation (Flyvbjerg, 1998:74). Aalborg case revealed that any possible open confrontation should definitely be avoided and stable power relations should substitute. However, this is valid to a limited extent in case of The Land. Regarding the allies it is valid, but for the counterparts open confrontation and direct attacking is never avoided. Ally and enemy naturally differ from each other in choice of tactics. Regarding the allies, stroking strategy works well. Regarding the enemy, no one steps back.

A few days later Mayor Aziz Kocaoğlu, The Chairman of The Company, and The Representative of The Holding¹⁸⁵ came together. WTC Journalist announced this meeting the day before it was held¹⁸⁶ and wrote about it the same day as well¹⁸⁷. Mayor told that he had talked to every chamber, foundation, association and non-governmental organization in the city besides Yüksel Çakmur. He did not provide a list of these every bodies. So, we do not know yet the coverage of everybody. Public interest would be preserved and the city would gain a prestigious project. Chairman of The Company told that thousands of investors and financiers hesitate about investing in Izmir. Finding investors during such economic crisis was difficult. Due to increased construction costs project might require revision. He hopes the meeting next day would be the last one.

5.5.8.2. Hole Summit, Salvation Formula, Final Protocol

Internet technology brought real-time news. A few minutes after this negotiation summit its results were published on local media: “*Sides agreed at the Hole Summit*”¹⁸⁸. Mayor Aziz Kocaoğlu said that they agreed on every single point: The symbol of no-solution now becomes the source of positive energy.

¹⁸⁵ Who was appointed as The Chairman of The Holding.

¹⁸⁶ Milliyet, newspaper. 21.12.2008

¹⁸⁷ Milliyet, newspaper. 22.12.2008

¹⁸⁸ Milliyet, newspaper. 22.12.2008



Chairman, Mayor, Representative



Chairman, Mayor, Representative

This top level meeting is called The Hole Summit. Next day, IMM published a press release with photos on its official website about the meeting. The ‘summiteers’ were the three in photos above¹⁸⁹. Representative of The Holding said that project was delayed because of the opponents (istemezukcular¹⁹⁰) in the city: What the city achieved was not just a building; it was the unity of a city.

Photograph above represents the unity of city. Opponents were excluded from this unity. WTC journalist commented on The Hole Summit immediately: “*11 years is a long time for cities and people*”¹⁹¹: Since 1997, significant changes happened in the world, but the hole stood still, together with many other projects in Izmir. He claimed that chambers, associations and nongovernmental organizations do not bring any project proposals; they just criticize. The next day he wrote for another newspaper of the same media group¹⁹². He wondered whether chambers and NGOs with whom Mayor Aziz Kocaoğlu spoken would keep their word. Who are these chambers and NGOs that give word was not mentioned. If PCC was implied, they had falsified agreement claims.

As usual, Chairman of The Company and The Representative of The Holding started promoting the project. Chairman repeated that they made such a great sacrifice no commercial company could ever make¹⁹³. He said they hear rumors about lawsuit preparations, but they believed there were no more reasons for cancellation: Each and every requirement of court rule was fulfilled. Project was changed significantly. Contract terms, investment size, concept of project and shares would change. He said he could not have the opportunity to discuss with investors yet. New project proposals might be evaluated, shopping mall or any other function could be planned. The

¹⁸⁹ www.izmir.bel.tr/Details.asp?textID=5808 Press Release. 23.12.2008

¹⁹⁰ This term refers to some rebellions in Ottoman military which objected at reforms and revisions. According to some journalists this popular term was coined by Mayor Burhan Özfatura to identify those who opposed urban projects. It means ‘people who do not want’. See: Milliyet, newspaper. Mustafa Yılmaz’s article: Istemezukculer ve Isteruzuckuler. 14.4.2012; Deniz Sipahi’s article: Çürük dişleri çekeceğiz. 28.10.2007.

¹⁹¹ Hürriyet, newspaper. 24.12.2008

¹⁹² Milliyet, newspaper. 25.12.2008.

¹⁹³ AA, Anadolu news agency. 26.12.2008

Representative was more confident: “*if there would be a lawsuit, prosecutors will certainly lose*”¹⁹⁴. We see that there is no plan or project yet. It is the shares allocation agreed on. In fact, problems and conflicts so far were not about this dimension. It was the ownership of The Land for Yüksel Çakmur and technical codes of plans for court. However, public was informed and misinformed that every problem was over.

Following the summit, a new project was being prepared. After Christmas, good news spread: “*10 year old problem is over*”¹⁹⁵. Representative of The Holding provided details: An underground car park having greater capacity than the total car park areas in the entire city would be constructed. Municipal share would rise to 30% and municipality could move into one of the two towers on its will. Rise of municipal share would meet the public interest criterion ruled by the court. Integration with The Fair was not necessary anymore because fair was being moved to Gaziemir region. Gross total construction would be 115.000m² including a municipal hall, shopping mall, residence and car park. Plan would be approved in March, and construction was aimed to be finished by the end of 2011.

There are two points to consider in this explanation. Firstly, we are informed by The Representative of The Holding, not by the municipal authority. Plan was not approved yet by municipal council. It was only Mayor Aziz Kocaoğlu who agreed the shares formula. Municipal council meetings approving the last two plans were on majority votes. Who guarantees the approval? Actually, this is one of the drawbacks of metropolitan municipality system in Turkey. Mayor rules, municipal council obeys. This system is criticized by Yüksel Çakmur as follows:

Metropolitan municipality system is a kingdom. I speak as a person who experienced this position. It is an uncontrollable system. Mayor sells anything he wants. No one can say a word.

Secondly, an act of what we call “selective promoting strategy” which orients attentions to a particular aspect is employed. The Representative of The Holding puts emphasis on the public uses of the project rather than details of shopping mall or the residence. For instance, car park is highlighted¹⁹⁶. According to The Representative citizens would benefit from the high capacity car park in the project. Existing municipality building in Konak Square which has weak resistance to earthquake could

¹⁹⁴ AA, Anadolu news agency. 26.12.2008

¹⁹⁵ Yeniasır, newspaper. 9.1.2009

¹⁹⁶ Indeed, car parks are great problems in metropolitan areas and this strategic selection hit the spot. Izmir suffers from it so much that an underground car park in the precious Culturepark area was proposed and constructed. PCC filed two lawsuits and made several press releases, but they failed to stop construction (CSCE. 2006:39; EMO. 2006:21-23).

be moved in, so another problem of the city would be solved. Organizing Fair inside the Culturepark was questioned for years. Now it was removed, so integration problem was not valid. Rise of public share in municipality's account rose up to 30%, so public interest increased.

Is there a room for any objections?

These changes required revision on The Protocol. The Final Protocol (whose overall frame was shaped in the Hole Summit) re-allocated the shares and features of project exactly the way Representative explained. Ownership of The Land for which Yüksel Çakmur opposes is crucial in the protocol. 8th article of The Final Protocol ruled that “*following the contract, easement rights will be established on title deed according to new project*”. However, this Final Protocol was not processed on title deed; an information which would appear long after.

5.5.9. CBD – MSA Plan: The Salvation Plan

Four days after Final Protocol was signed IMM approved LuP for CBD-MSA¹⁹⁷. It was only 15 days before the local elections. It was the last municipal council meeting before the elections. A critical timing action was put in action once again. It was also a municipal council meeting that Mayor Aziz Kocaoğlu did not join.

Table 11. CBD – MSA Plan provisions

CBD – MSA Plan	Scale	Ratification and approval
13.3.2009	1/5000 LuP	IMM council (01/259)
6.8.2009	1/1000 ImP	KDM council (146/2009)
9.11.2009	1/1000 ImP	IMM <u>Reject</u> (chg.no.952/35)
Provisions		
Total Construction Area: 104.000m ² , hmax: unlimited		
CBD (Regional Central Business District), MSA (Municipal Service Area)		
In CBD and Municipal Service Areas, implementation will be made entirely according to the project to be prepared without seeking any parceling out procedure		
Total Construction Area will be applied totally in the area. (30% of Total Construction Area will be used in MSA, 70% will be used in CBD)		
Required car park and emergency shelter area for MSA will be covered within the lot		
Set-backs:		
-Up to 15.80mt height, min 5mt from road frontiers, min 20mt from 9 September Square		
-Between 15.80mt – 24.80 mt height, min 10mt from road frontiers, min 20mt from 9 September Square		
-After 24.80mt, min 15mt from road frontiers, min 150mt from 9 September Square		
-Using as car park and shelter for the 2 nd , 3 rd , and 4 th cellar floor, set-backs will not be required		
-Principles about preparation of ground and soil reports by MPWS and conditions of Regulation about Disaster Zones are obligatory		

¹⁹⁷ IMM. Municipal Council meeting. 13.03.2009 (01/259)

Cultural Facilities was removed and Municipal Service Area was inserted. The new metropolitan municipality building would be constructed on The Land. For the first time of the entire planning history of The Land, a planning report of fourteen pages accompanied the layouts. CBD-MSA Plan was supported with a comprehensive planning report enriched by some site analysis and terms to justify the modification:

- Aim and reason of modification is due to cancellation. The Land is unplanned and it is an obligation to prepare a new plan.
- A new fair ground was planned in Gaziemir area. Culturepark was cleared from this activity and transformed into its original use. Therefore, Hotel and Convention Center are not necessary functions anymore.
- Due to recent amendments in metropolitan municipality law (no.5216 put in power in 2005) duties and responsibilities of metropolitan municipality increased. Existing metropolitan municipality building has enforcement problems. Therefore, a new municipal building is necessary. The Land is suitable for this use with advantages such as its central location, accessibility, and other utilities.

This time there was no DC values, but total construction area of 104.000m² was coded. The Land was 20.866m² which corresponds approximately to DC:5 (exactly to 4,98). Actually, nothing was changed about density.

CBD-MSA plan was approved 15 days before the local elections on 29.3.2009. Mayor Aziz Kocaoğlu who was appointed after the sudden death of Ahmet Piriştina was re-elected with great majority of votes.

This time, the salvation formula was close to victory. Usual opponents were silent for some time. However, expected news came from another actor. Izmir Governorship filed a lawsuit¹⁹⁸ against the CBD-MSA plan¹⁹⁹. Claims were based on the technical report of MPWS Provincial Head Office. It was stated that plan had similar problems with the former ones; coding total construction area instead of DC was not appropriate; and there was density increase in the project. IMM, The Company and The Holding were upset about the emergent case²⁰⁰. A newspaper editor criticized these claims²⁰¹. She coined the term “Holehattan” for The Land; a term covering the Manhattan Dream of business elites. Nevertheless, The Manhattan Dream was turned out to be a Holehattan nightmare due to WTC fail²⁰².

¹⁹⁸ Izmir 1st Administrative Court, E2009/656

¹⁹⁹ In Turkish administrative system, governorship has authority to examine municipal council decisions and file lawsuits against, in case of irregularities. Previously, Governor was authorized to warn the municipal council after the approvals. However, in 2005 a new law regulated that Governorship could only object plans during announcement and file lawsuit subsequently.

²⁰⁰ Yenisür, newspaper. 15.6.2009.

²⁰¹ Yenisür, newspaper. 19.6.2009. (Çukurhattan)

²⁰² Indeed, Izmir is a ‘wannabe world city’ (Saygın, 2006) meaning ‘the widespread mania for being or becoming a world city’. WTC is listed among typical elements for a wannabe city. Manhattan dream is a signifier of this mania.

Following the case of Governorship, Yüksel Çakmur and his friends commenced their awaited case on 2.7.2009²⁰³. There were direct phrases from the governorship report in their claims: only convention and exhibition center was removed and all remaining decisions were the same with former cases²⁰⁴.

Governorship's case was adjudicated in short time. On 9.7.2009, local court suspended the execution of the plan. On 11.9.2009, court ruled the same for Yüksel Çakmur's case, based on the fact that plan was suspended by the other case (implying Governorship's case). It was until 7.11.2009 that decision was notified to the sides and published in news²⁰⁵. Court ruled that

- 104.000m² construction area for a single block in a large lot without height limitation would likely create negative silhouette effect aesthetically;
- construction density was not compatible with previous rules of Supreme Court;
- plan modification in a single lot was not appropriate to dynamism of planning processes;
- CNHCB's approval should be taken due to 2nd degree registered site status of The Land.

On 6.8.2009²⁰⁶, before the case was adjudicated, KDM deemed the corresponding ImP appropriate with majority of votes. At municipal council meeting, KDM Mayor declared that they had taken a historical decision: The Land became a rubbish-heap for years. From now on, municipal council would support developing The Land with whatever function decided by IMM either green area or trade center.

A council member explicated on what ground municipal councils decide. According to him, municipal council members had little information about The Land:

Maybe you do not know. There was an important project made by IMM and Chamber of Architects during 1989-1994...This project is not argued and no one knows what happened to it. I remember from newspapers. Unfortunately, this information cannot be reached. No one including council members talk about it.

In fact, this information was widely known but weakly discussed. Yüksel Çakmur referred to competition project several times. Despite this fact, a municipal council member was not informed about the project. Moreover, he was not sure whether KDM mayor and other municipal council members were aware of it. In addition, we might say that they were not informed about the first project competition. With this limited information about the plan they were to approve, council simply ignored investigation. Refusing investigation was experienced at TGNA twice. The rule maker does not want extra information. 'Knowledge kills action' in Nietzsche's words.

²⁰³ Izmir 1st Administrative Court, E2009/898

²⁰⁴ Yeniasır, newspaper. 20.7.2009.

²⁰⁵ Yeniasır, newspaper. 7.11.2009.

²⁰⁶ KDM, municipal council meeting, 2nd session. 6.8.2009

Meanwhile, court suspended the execution of LuP. As a result, IMM rejected the approval of implementation plan due to suspension of hierarchically upper scale plan²⁰⁷. Yüksel Çakmur and friends had also filed a lawsuit against this ImP although it was not approved by IMM²⁰⁸.

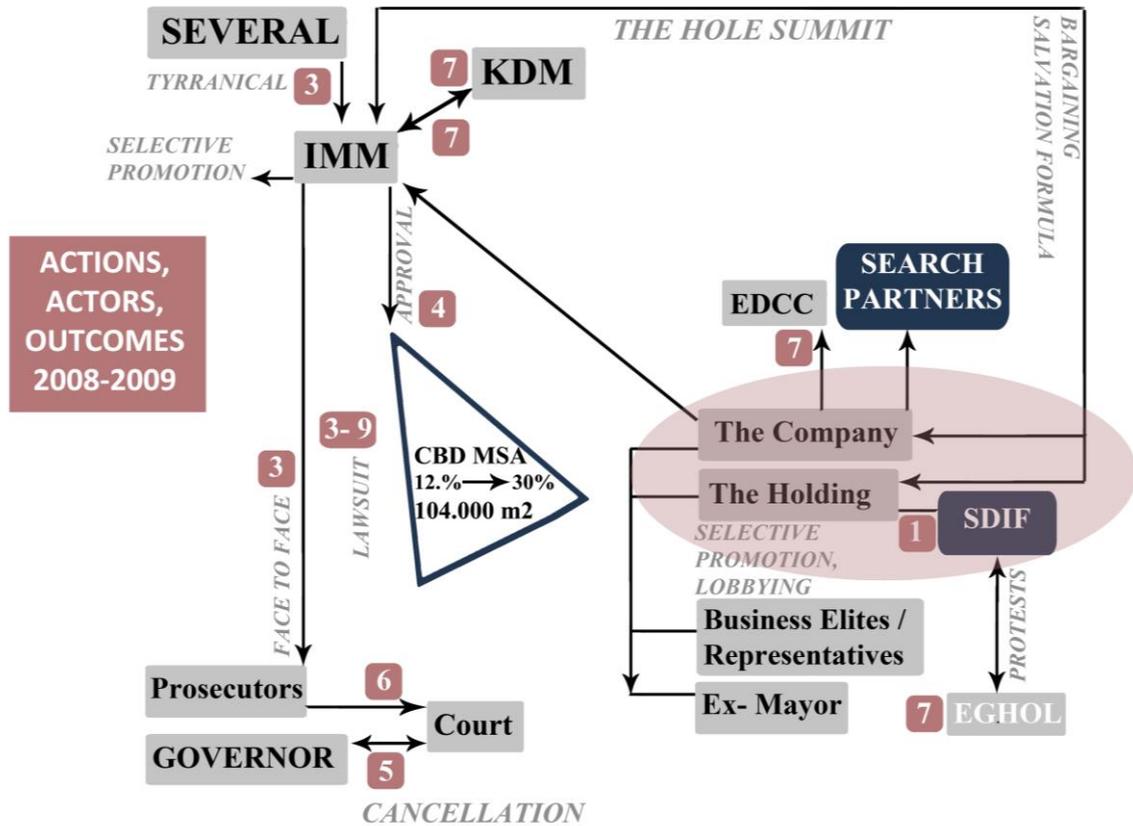


Figure 26. 2008 – 2009 summary graph

Before and after the court decision was notified to sides, debate took place in press as usual. A sector-leader businessman (one of whose real estate investments in Izmir was recently cancelled by court) criticized objections: “*Investors should not be offended. Everyone should meet on the least common denominator... The most urgent case is the WTC project... it alienates investors*”. According to him the biggest problem in the city was lack of coordination²⁰⁹.

²⁰⁷ IMM. Municipal Council Meeting. 09.11.2009. no.952/35 (Nz.Pl.7567)

²⁰⁸ They also requested uniting the two cases. Local court sent the file to regional court on 10.11.2009, but regional court rejected uniting. Finally court rejected the case because plan was not approved.

²⁰⁹ Yeniasir, newspaper. 7.7.2009.

5.5.9.1. Scapegoat: City Planning

Anyone, who is appointed to municipal committee or planning commission membership for even one single year, becomes a city planning expert. Planning is in the hands of politicians. (Mr.E.A.)

Mayor Aziz Kocaoğlu looked for a scapegoat and found. After the suspension decision, he became suspicious about the profession of planning²¹⁰:

Planning is such a thing that... you are making a plan with consensus of mayor, municipal bureaucracy, and citizens. Our plans are made this way; discussed and negotiated. But, there is no plan that cannot be cancelled. Because; what one city planner says is opposed by another city planner. They are both city planners. Which is true? This one is true for me, that one is true for you. Maybe both, maybe none... Planning is like this. Every decision; density, land use, road width, principles... all of them are arguable. Planning is possible if it is constituted on a general consensus and everyone obeys.

This idea stemmed from the DC:4,5 case during which two contradictory expert reports ended with opposite conclusions.

Mayor was quite disappointed about the cases. He continued “*Each and every plan we had prepared to attract investors became a case. Every piece of land in the city is problematic*”. The Land is the most obvious one. To him, all of the chambers were convinced, but Yüksel Çakmur opposed. Yüksel Çakmur’s proposal was re-purchasing, but this proposal had no advantages according to Mayor Aziz Kocaoğlu.

Previously, Mayor had once (during the selling decision of SDIF in 2007) said that they would draw a road map after calculating costs. He would later say that ‘*court will decide the costs*’. He never presented any calculations of the cost for re-purchasing but The Holding did. Representative of The Holding, who likes to speak with numbers, put a counter threat by presenting a 3D render of the project²¹¹. According to their calculations, construction costs would be around 150million dollars, and project’s outcome value would be around 300million dollars. Since 1997 they had made 37million dollar cost which accounts to 150-200million dollars of indemnity adding interest rates over years. Representative was decisive: “*we will never give up the project*”.

This calculation means that in case of a re-purchasing attempt, municipality had to pay them 150-200 million dollars. If the project will be completed, it would worth 300 million dollars. Against this threat no other responses were put. Municipality never presented any financial calculations about The Land’s value.

²¹⁰ Milliyet, newspaper. 17.8.2009

²¹¹ Yenisür, newspaper. 8.2.2010

“Design by Deception” is what Flyvbjerg (2005) calls to a Machiavellian formula for convincing others to appreciate the idea. It is based on creating discourse on ‘underestimating costs, overestimating revenues, overvaluing local development effects, under-estimating environmental impacts’ (Flyvbjerg, 2005:50). When numbers are not challenged with other numbers, this strategy succeeds. Annually, The Holding submits ‘special condition reports’ to ISE where results of holding assessments were presented. Equivalent marketing price of the Aegean World Trade Center Project was assessed 41million TL (not USD) by the year 2012 (see: EGS, 2012).

In the absence of municipalities’ calculations, re-purchasing requires at least 41 million TL. This amount would be added to construction costs of The Car Park, the ground work and piles, and the cash with interest rates over years. In addition, it seems that a 300million dollar worthy project would be abandoned. This is the calculations of the Holding, where municipality did not or could not respond. Instead, Mayor Aziz Kocaoğlu said that everyone who opposes is mistaken²¹²:

Planning is a flexible science. It has certain criterion. Planner has a view of the city; the reflection of this view on projects. Consensus is a must from P of Planning to the end. There is no planning without consensus... I used to ask my friends the same question everyone asks. Why do not investors come to Izmir? When I became mayor, I understood. We could not have planned the city to create good investment environment. We planned only one sample of this: World Trade Center and it is called The Hole. Who files lawsuits and cancels, who says ‘do not sue and let it pass’, and who says ‘I will sue every project’; these all make mistake.

Is planning really so much guilty? Fourteen years ago, the chief of planning department at the municipality had said to this practicing student that “*It is not something about planning. It is complicated*”. Our interviewees’ opinions are parallel to this view:

Looking at the whole story... these have nothing to do with planning. These are not planning decisions. This is generally offering a public land on which investment-attraction has been created. I see it that way. (Mr.C.S.)

My final point is that I think this is the shame of İzmir. This has nothing to do with city planning. According to my point of view, the rightness or wrongness of planning is not the case. I am not the person to discuss whether it is legally appropriate or not. The case is violation of my rights. If this plan had been canceled in 95, there would be no point of my objection. You change the plan. Then, how could I defend my rights? (Mr.M.A.)

This is some kind of a struggle between Yüksel Çakmur and Burhan Özfatura. If Çakmur was so sensitive in these issues, he would not attempt that Galleria Project in Konak Square. (Mr.E.A.)

²¹² WTC project was one of Mayor Aziz Kocaoğlu’s favorite problems. Once he said that ‘this file was never taken away from our desk’ (Yeniasır, newspaper. 17.7.2011).

Mayor Aziz Kocaoğlu continued his comments about the profession of planning several other times. Among these he once said²¹³:

City planning has a wide scope. There are planning principles. On the other hand there is the situation of the city; conditions that vary according to local people's, planners' and municipality's perspective... Any plan can be cancelled, even for very flimsy points... The Hole is either a rough, wrong or mistake. It could be fixed as much as we could do. No way can it be better. There have been mistakes before. We are trying to fix it; but court cancels.

The same day of this interview with Mayor Aziz Kocaoğlu, a weeklong full page interview series about The Land started in another newspaper²¹⁴ during WTC journalist also wrote three more articles in the same paper²¹⁵. Serial interviews included Yüksel Çakmur, Chairman of The Company, Representative of The Holding, and Burhan Özfatura.

Arguments include personal attacks, sampling strategy, technical arguments, political and ideological confrontations, and accusation for deception and lying. Yüksel Çakmur proposed a public referendum. The Chairman accused municipality for selling defected goods. The Representative likes to speak with numbers: There were 94.000 petty investors who were getting nervous. 37million dollar cash was paid long before, which would exceed 200 million dollars in current price. 4.500 people would be employed by the project. Density around The Land was about DC:10-11, but the project was limited to 5. Burhan Özfatura, the originator of the WTC project, explicitly and antagonistically accused Yüksel Çakmur. A parliamentary deputy said he would take the issue to TGNA, appoint experts, listen to both sides and prepare a report²¹⁶, but he did not.

There were no planning processes about The Land after the final cancellation, but its popularity in the media was growing. As years passed, The Land became a lagoon with a mother duck and two baby ducklings on it²¹⁷. Yüksel Çakmur repeated his comparative sample of Hyde Park and Culturepark: *"They call me traitor. I wish there were more traitors like me. Those who challenge me, in fact challenge jurisdiction"*²¹⁸. In the same paper and the same day this interview was published, another one with a fresh local politician was also on papers. This politician was the city

²¹³ Egedesonsoz, online newspaper. 21.8.2009. (Herkes birbirine fes giydiriyor) www.egedesonsoz.com

²¹⁴ Milliyet, newspaper. 21-28.8.2009.

²¹⁵ Milliyet, newspaper. 24/25/27.8.2009. WTC journalist was on Chairman's side as he explicitly asserted before. He continued critiques against Yüksel Çakmur. In the next two months, he continuously wrote about the project: 27.10.2009 (Hürriyet, newspaper), 3.11.2009 (Hürriyet, newspaper)

²¹⁶ Milliyet, newspaper. 27.8.2009.

²¹⁷ There were several images and videos about The Land as lagoon. (for a comic/tragic sample see: HT Egeli, newspaper, 10.10.2011)

²¹⁸ Yenisür, newspaper. 16.1.2010

leader of a newly established rightist party. Media likes to confront ideas and feed open confrontations. Burhan Özfatura, Chairman of The Company, and Democrat Party's Provincial Chief reacted against Yüksel Çakmur. "*This is his political survival strategy*" said Burhan Özfatura: "*This project is the disgrace of the 'city of the terminated projects'. Unless this project is completed, no one will ever come to invest in Izmir*".

Two days later Chairman posed a controversial hypothesis: "*In serious legal issues, it is a legal phenomenon that those above 65 years old should be questioned for their legal abilities*"²¹⁹. This rhetorical act was in response to the claim of Yüksel Çakmur about the size of The Land and the quality of WTC project. We had discussed the tension point about the size of The Land before. This time quality of WTC project was added. Yüksel Çakmur always claimed that this would not be a WTC but an ordinary commercial building. Chairman opposed that they were the only one who had applied and been accepted by the WTCO in 2.4.1998. Chairman promised not to respond Yüksel Çakmur anymore, because he uses the project as a political serum.

Two newspapers of the same media group, which had published the weeklong interview series before, wrote directly against Yüksel Çakmur. The other wrote "*I wish we could send Yüksel Çakmur to Dubai, Manhattan or Qatar in order him not to oppose other projects*"²²⁰. Another one wrote²²¹: "*I am sure the god, who protects America from Yüksel Çakmur, will one day protect this city from him, too*". WTC journalist said that he totally disagrees with Yüksel Çakmur in WTC and new town center projects²²².

WTC project was an opportunity for politicians to show up, especially for newcomers. The Land is instrumentalized as a basis for any critique. Like the provincial chief of the newly established party did previously, new appointed provincial chief of the ruling party (JDP) enters debate: "*Yüksel Çakmur fights for his belief, municipality should have acted correctly*"²²³. Political competition between JDP and RPP made this politician take Çakmur's side no matter how contrary their viewpoints were.

Sunk-cost strategy (Flyvbjerg, 1998:198) is a general discursive defense against opponents. It was used multiple times in The Land case. This time sunk-cost strategy is articulated with direct open and antagonistic confrontation against a single actor. Theoretical body of literature in power studies generally takes organized groups, corporations, actor networks, social structures or their agents as foci of power relations.

²¹⁹ Yenisür, newspaper. 24.1.2010.

²²⁰ Milliyet and Hürriyet, 11.2.2010

²²¹ Yenisür, newspaper. 27.12.2010

²²² Hürriyet, newspaper. 12.2.2010

²²³ Yenisür, newspaper. 15.2.2010

In Foucauldian analysis, the head of the king is cut and replaced by a de-centered understanding of power (Flyvbjerg, 2001a: 92). We should reconsider this analytical directive by examining the sources of power of Yüksel Çakmur.

Flyvbjerg's (1998: 41) Aalborg case argued that a company emerged as a powerful actor due to three capacities: structural, organizational, individual. Structural capacity of this bus company was up to conjuncture regarding public transportation sector. As one sector grows, actors and institutions in this sector become more powerful. Organizational capacity was defined in terms of budgeting and size of the establishment. Individual capacity was derived from the personal charisma and political strength of mayor being the chairman of this company at the same time.

Yüksel Çakmur in this categorical position can be considered to have structural capacity. It is due to his political position in the ruling party in local, as well as his position in the opposing party in national politics. His organizational capacity may be rooted in relations with other politicians and having a team of virtuoso lawyers that one of our interviewees says:

Yüksel Çakmur has a very qualified group of lawyers and retired judges. His law team is strong... You might file a lawsuit but who do you know, how can you follow the process? They are both masters of techniques and procedures in law. You might prepare some technical claims, but they do follow its technique, too. He is strong in legal processes. Mr.E.A.

One might resemble Yüksel Çakmur with a protagonist in an action movie. For The Land case, however, everything is real and concrete. On one side, what he practiced is usual actions embedded in power games. Therefore his personal existence is not important. However, no other persons or bodies acted similar to him. He has ontological integrity with The Land case. No one can remove Yüksel Çakmur from the story and replace by any other political group, civil or political body or any other single figure. His actions are not any ex-mayor, any social democrat, or a Don Quixote usually does. Yüksel Çakmur evolved to what we conceptualize as a "contingent actor" position by taking roots with each action he made, in a specific situation, context, duration and relations with the object.

From a marxist point of view Alex Callinicos' (2004:96-97) adapted concept of structural capacity refers to any capacity which derives from an agent's position within the relations of production:

"If structural capacities consist in the powers agents have by virtue of their position in the relations of production, then organisational capacities are those 'which are constituted by the conscious organisation of the members of that class'. It is on agents' structural capacities and

not their organisational capacities that the realisation of their wants fundamentally depends” (Callinicos, A. 2004:150)... ‘the position of an actor within production relations that provide the means to realize their objective’ (Callinicos, 2004:214).

Each time municipality proposed plans for The Land, Yüksel Çakmur filed lawsuits. Consequently he won. There are many other actors sharing the same ideal against privatization of public land or selling public assets who stand within leftist ideology; possessing technical capacity; having random or institutional relations with high qualified experts; enjoying professional experience; being supported by allies; and act together with a large number of common members. Chamber of Architects was one of these actors. Yet, they lost Culturepark Competition cases.

Yüksel Çakmur did not win all of his files regarding other projects, but for The Land he seems to have some other sort of capacity to exercise his highly influential actions. His source of power does not derive from structural capacity originated in class-positions in the marxist sense of the concept or from structural capacity originated in contextual circumstances (like the rise of sector-company’s power following the rise of public transportation sector in Denmark). His source of power does not also derive from organizational capacity of budget opportunities or collective and conscious class members.

A rising-sector holding, a metropolitan municipality, and a powerful state institution (SDIF) could also possess this sort of power in terms of a strong law consultancy team, technical departments’ high capacities and advanced knowledge, large budgetary opportunities, and easy access to certain decision making environments. Individual capacity on the other hand is only a complementary part of other capacities.

An explanation derived from the single individual capacity is a limited and voluntary explanation. What characterizes Yüksel Çakmur’s source of power are not his structural position in class relations; not organizational capacity he operates inside of; and not his individual skills and qualifications alone. Otherwise, The Land would easily be privatized and constructed in a short time as happens in numerous once-publicly-owned lands. His source of power is embedded in a unique position which improved gradually in a series of situations and transformed relatively to other actors’ positions.

We will term this type of capacity as ‘contingent capacity’. Sayer (2000) defines a two-fold and two-dimensional model of relations:

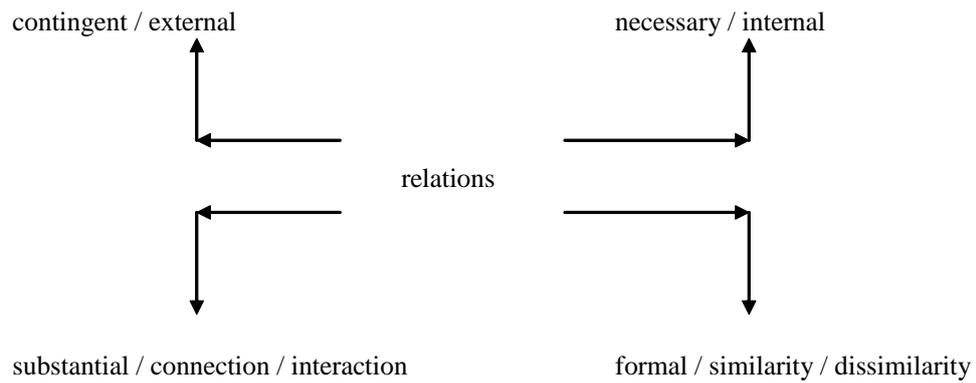


Figure 27. Structural and contingent relations

(Source: adapted from Sayer, 2000)

“Contingency is the type of contact and interaction relation between two or more objects in the sense that each could exist without the other” (Sayer, 2000:16). External / contingent relations separation is ontologically based on independent existence of two objects. Existence of one object depends on another object for internal / necessary (structural) relations. Master-slave, capital-labour relations are samples of structural relations. The category of asymmetric structural relations refers to relations where the existence of one of the objects depends on the other but not vice versa. Objects of contingent relations are not structurally and internally linked to each other. The Land case indicates contingent relations that theory cannot ignore or simply outstand it. Contingency, despite its widespread use in literature, is externalized to theory-making. A contingent factor is seen as an obstacle to generalization. However “exhibiting the contingency of a practice or identity provides a vital inroad into its critique and evaluation” (Griggs and Howarth, 2012: 175). We argue that scientific research should pay more attention to ‘many’ and ‘effective’ contingent relations and reserve a seat for contingencies in theory as a complementary part of contextual and structural relations.

5.5.9.2. Symbolism

This time it was Governor’s case at the scene. The Governor is the highest centrally appointed authority in a province in Turkish administrative system. Therefore, actions and decisions of a governor tend to reflect the political choice of party in power.

Local government was leftist in the city and central government was rightist in the country. Case commenced by the governorship against the CBD-MSA plan was not extraordinary in any means, but governor's list of entire lawsuits was unique. There were currently 159 on-going cases against municipal council decisions. There were only 3 in Istanbul and 2 in Ankara²²⁴, where local government was ruled by the same party in power in national politics (JDP). In a business sector meeting where The Minister of MPWS was invited, Mayor Aziz Kocaoğlu complained about this situation. Governor defended himself that they act according to technical reports.

Minister's visit was an opportunity and several businessmen would have the chance to complain about. Chairman of Chamber of Industry complained about the so-called 'bleeding scars'²²⁵ of the city including WTC at the top of the list²²⁶. Investors were running away from the city. Many real estate sector investors (F, EK, M, G, E, and S²²⁷) were planning to move their investments to other cities²²⁸.

Another article presented the three gigantic holes in the city which stood still for at least fifteen years²²⁹. Two of the projects (Municipal Cultural Center in Bornova District and Police Station project) were terminated because of inadequate public finance. Third one was the WTC project as expected.

City's economic decline and 'runaway investors' or what Flyvbjerg calls 'investment strike' are political threats to governments. On several occasions, economic decline was associated with cancelled, abandoned or terminated big scale projects. WTC is the symbol of this so-called decline: "*Those who ask why Izmir has not been developed should look at WTC Project*"²³⁰. Is this a real decline and if it is so, do WTC and similar terminations really cause it?

Real causes and the size of the so-called decline are never investigated, documented or presented by the critics. Minister was in the city, and investor-friendly media should attract Minister's attention. Unfortunately, Minister did not respond to any claims. He was from the party in power (JDP), and Izmir was called the castle of republicans. Appointed Governor replied these complaints instead. He said '*do not*

²²⁴ Hürriyet, newspaper. 3.11.2009

²²⁵ The number one bleeding scar is WTC project according to the chairman of one of the biggest holdings in Turkey (Milliyet, newspaper. 7.3.2010).

²²⁶ Hürriyet, newspaper. 26/27.2.2010.

²²⁷ Actually, the reason EK searches investment opportunities outside the city is due to its capital accumulation. It was their own board decision for extension, nothing to do with problematic projects. What is on the news does not represent the actual reason for S. This is due to a revision in the general public health regulations that forced wine companies to relocate at appropriate locations.

²²⁸ Yenisır, newspaper. 27.2.2010.

²²⁹ Milliyet, newspaper. 28.2.2010

²³⁰ Tunç, 2008. İzmir Dünya Ticaret Merkezi İçin Karar Günü. Star Gazete. 4.10.2008

leave'. That was all he said. The investors appreciated, but "*action is required more than words*"²³¹ they added.

We see that those who filed lawsuits against plans are accused of betrayal by business elites and municipality. Our interviewee is among the minority who has reason to file lawsuits. According to him court is the only way to prevent the city from inappropriate urbanization processes.

If someone files a lawsuit against an inappropriate plan, then it might be cancelled. If no one files, then it proceeds. No municipal council member is put into jail for approving an inappropriate plan. What happens is only cancellation. Approving an inappropriate plan is not accountable. Mr.E.A.

Meanwhile, EGHOL re-appeared²³². Their demonstrations were much creative than before. These stockholder shareholders firstly went fishing for responsible in The Lagoon. Then they made yoghurt in The Lagoon²³³. Then they made paper ships and sailed on water. Platform's representative attorney made a public release on The Land: "*90.000 shareholders are victims. Do you hear us?*" These 'aneu logou' actors were structurally weak. There were approximately 93.700 shareholders of The Holding²³⁴ in stock exchange market. Nevertheless, only eight of them appeared in the protest. These stockholder shareholders were too weak to meet their demands. The Chairman recalled the existence of thousands of stockholders each time to show the size of the company and gain public support: There were 90.000 shareholders whose rights he should advocate. We see that there are two groups of allies: powerful and powerless. Powerful allies are asked to give support. Powerless allies are instrumentalized for mass support. EGHOL appeared in the latter group.

Mayor Aziz Kocaoğlu outlined WTC process to Economic Development Coordination Committee's (EDCC) 11th meeting²³⁵. This Committee was established only a few months before²³⁶. It shines as another opportunity like IDA was before²³⁷. WTC journalist wrote that this Committee should take WTC into its agenda in the first meeting. Actually, it was until the 19th meeting of the Committee that WTC project was discussed. Session chief said that they were almost achieved constituting a consensus

²³¹ Yenasır, newspaper. 3.3.2010

²³² Milliyet, newspaper. 7.3.2010

²³³ Making yoghurt in the lagoon is a famous folk story of Nasreddin Hodja.

²³⁴ Milliyet, newspaper. 8.3.2010

²³⁵ Hürriyet, newspaper. 15.5.2010.

²³⁶ On 6.7.2009 EDCC was established by IMM, economic organizations, professional chambers and NGOs.

²³⁷ WTC project became a fixed issue in their agenda in latter meetings, but the only result obtained was being informed by IMM that nothing had changed. Milliyet, newspaper. 12.2.2011

platform. However, Yüksel Çakmur and Aziz Kocaoğlu both denied: nothing changed they said²³⁸.

Several other authors wrote about WTC or mentioned it in articles. Even a fashion's-journalist complained about the rats rolling around the hole²³⁹. However, there is no one else than the WTC Journalist (as we call him throughout the text) so frequently wrote about The Land. The reason can be summarized in his own words: *“There are some people who follow these cases, try to be mediatic and have a seat in city's agenda”*²⁴⁰.

5.5.10. SPA Plan

SDIF processes were proceeding. A new debt liquidation (of 280 million dollars) protocol was signed. Chairman of The Company said they have been negotiating with several partnership applicants²⁴¹.

On 12.3.2010 a comprehensive LuP covering the entire CBD was approved. This plan is the first LuP of CBD since the 1982 dated unofficial ‘paraph plan’. So far, regarding The Land, there were only partial LuPs and ImPs all of which were cancelled, but now it was included in this broad plan titled Konak 1st Stage LuP. If this plan would succeed, then the next step would be preparing an ImP. Strategically, The Land was coded with Special Project Area. Plan did not designate particular land use functions. Special Project Area is a strategic plan provision widely used. It means ‘there will be a special project for this land’ just like the very early plans coded. Its strategic benefit is a leapfrog maneuver over a necessary procedure.

Table 12. SPA plan provisions

SPA Plan	Scale	Ratification and approval
12.3.2010	1/5000 LuP	IMM council (205)
Provisions		
DC:5, Hmax: unlimited		
SPA: Special Project Area		

Chamber of City Planners Izmir Chapter, and Yüksel Çakmur (and his friends) filed lawsuits against this plan²⁴². Besides objections about the entire plan, Chamber

²³⁸ (Milliyet, newspaper. 11.2.2011)

²³⁹ Hürriyet, newspaper. 9.2.2011

²⁴⁰ Hürriyet, newspaper. 4.8.2010

²⁴¹ Referans, newspaper. 6.7.2010.

objected specifically for The Land: A plan should put definite decisions; should not create ambiguous situations with reference to undefined special projects. They caught the frog on air. On 2.3.2011²⁴³, local court first suspended this SPA Plan (Konak 1st Stage LuP), and then cancelled entirely on 28.11.2011. As usual local court decision was objected at the Supreme Court by municipality.

5.5.10.1. Back to the Beginning: Episode 2

As soon as suspension decision was notified to IMM, Mayor Aziz Kocaoğlu brought a radical proposal in a press conference:

This became a longwinded story. I offered The Company to implement Yüksel Çakmur's plan. If he objects his own plan too, then there is nothing else to do. The Company wants to wait for the final rule of Supreme Court. I also prefer to continue with the contract. We are not playing puzzle. It is a different issue whether I would give The Land or not. If the situation continues this way, I will cut the knot like I did in Aşık Veysel Park (where the municipality had expropriated)²⁴⁴.

Chairman of The Company did not respond to this offer quickly. He said they would make a press release soon, because there were 2500 shareholders and it would not be right to express his own thoughts²⁴⁵. They needed time to reconsider strategies.

WTC journalist called out: '*cut this knot mayor*'²⁴⁶: This 'symbol project' and 'symbol case' should end in a way. He repeated the investment strike as a strategic threat: '*Investors were running away*'²⁴⁷. Chairman of The Company said that none of their future projects will be in İzmir any more²⁴⁸: "*investor leaves the city*".

Yüksel Çakmur clarified his point²⁴⁹: the competition project was not the issue; it was ownership of The Land. What Mayor Aziz Kocaoğlu should do was expropriating The Land. Then, any project, be it the competition project or any better one could be implemented. This was the condition that Yüksel Çakmur would not commence a case.

Common interest in this popular project has been accumulated for several years. Soon, media became some kind of expert in WTC case and brought proposals. An

²⁴² Hürriyet, newspaper. 29.11.2010

²⁴³ İzmir 4th Administrative Office. (2010/2024E; 2011/1772K)

²⁴⁴ Milliyet, newspaper. 6.4.2011.

²⁴⁵ Milliyet, newspaper. 7.4.2011

²⁴⁶ Hürriyet, newspaper. 7.4.2011

²⁴⁷ There is a folks saying in Turkey as 'tell it forty times and it happens'. WTC journalist's case fits with it. A few weeks later he wrote: "*I am tired of telling the situation of WTC to our guests*" (Hürriyet, 28.6.2011).

²⁴⁸ Zaman, newspaper. 11.2.2011

²⁴⁹ Cumhuriyet Ege, newspaper. 8.4.2011.

ironic consensus model called “Habemus IZUP” (Consensus Platform for Izmir) was proposed by a journalist²⁵⁰. It was adapted from recent arguments about Papa elections in Vatican, which was originally called Habemus Papam. This hypothetical model should include Burhan Özfatura, Yüksel Çakmur, Aziz Kocaoğlu, lawyers, engineers, architects, doctors, universities, chambers, etc. The formula was simple: close everyone to a room until they agree on a solution. This proposal, as expected, had no response. We might say that Habemus IZUP had the same faith like Habermas’ ideal speech situation: it cannot be exercised.

Unusually, there was no action for a few weeks. It should be stimulated. Catalyst was environmental and health problems. People were complaining about flies, mosquitoes, insects, bad smell and poor vista around The Land²⁵¹. Next day “*People almost normalized the hole*” wrote a newspaper²⁵² in a considerably long article. Stimulation proceeded intensely²⁵³. A series of interviews was published during the following four days. Burhan Özfatura, Yüksel Çakmur, Aziz Kocaoğlu, Representative of the Holding, and Chairman of The Company were interviewees as usual. Arguments and thesis were almost the same with those present for years, except for a few additional points. Burhan Özfatura explained his personal relation with Chairman of The Company for the first time:

His father was a very old friend of mine since 1966. I was very close with him, too. They paid more than the real value of The Land in the auction. Everything was legal. I used my relationship like an uncle. They constructed a car park as a bonus. A considerable amount of the project would be municipal property. We could have finished the Grand Canal Project thanks to cash they paid.

We know that LuP of M Plan was approved in 1995 but its corresponding ImP was approved in 1998. The Company, The Holding, The Bank was established in the meantime. The Company was awarded with the invited auction. The Protocol was signed in 1997. Plans were designed according to The Protocol. 30 years of friendship is the basis of planning process. Outcome of this friendship is the plan provisions and granting public land to friends.

²⁵⁰ Hürriyet, newspaper. 27.5.2011

²⁵¹ Yenisür, newspaper. 13.7.2011.

²⁵² Yenisür, newspaper. 14.7.2011.

²⁵³ Yenisür, newspaper. 16/17/18/19.7.2011.

Table 13. A brief chronology of events during WTC project

Day	Month	Year	Event
20	8	1991	A B C LuP compatible with 2 nd competition plan exists
26	9	1995	Skyscraper idea on The Land: A projection expressed by one of the founders of The Company before establishing
	11	1995	The Company established
29	12	1995	M LuP modification
31	1	1996	Mazhar Zorlu Holding established
18	6	1996	The Holding established
24	12	1996	The Bank gained commercial certificate
18	2	1997	in return for flats contract terms are determined by municipal council
20	5	1997	Companies invited for offers
27	5	1997	The Company is granted the contract
3	7	1997	The Protocol is signed
23	2	1998	The Company and The Holding signed mutual trust contract for WTC Project
3	4	1998	WTC project layout submitted for construction permits
27	4	1998	construction permits granted by IMM
14	5	1998	M ImP modification
16	5	1998	Ceremony
11	3	1999	Ownership transfer
18	4	1999	Local elections

Yüksel Çakmur repeated his view on the essence: ownership. Representative who had once formulated that ‘the higher the municipal share, the higher the public interest’ this time said that public interest was an ambiguous concept. He proposed a solution which was spoken frequently by business elites for other problematic projects in the city: “There must be a Special Law for İzmir”. Such arguments were spoken by business elites for some time. They wanted İzmir to be a ‘free-city’ in economic terms like free-zones of trade. It is obvious that capital does not want any obstacles such as plans and planning attempts.

According to Mayor Aziz Kocaoğlu, Yüksel Çakmur’s idea of expropriation was neither sufficient nor necessary to solve problems. In addition he had found the way to integrate The Land with The Culturepark:

“The only difference between 1997 plan and current project is a ladder between The Project Area and The Fair Area”.

It was this simple. Mayor easily downgraded the integration problem to a ladder. Chairman of The Company reacted²⁵⁴:

No, I want DC:5,5. We had many losses so far. If I would sell this place to municipality, do they know how much they have to pay us? But I do not want to file a case, I want consensus. I do not look 20 years backwards. I look 20 years ahead. I will not do this to satisfy Yüksel Çakmur.

He threatened for commencing counter-cases against municipality. Probably, the newspaper's stimulation tactic achieved its goal.

Mayor Aziz Kocaoğlu was invited to a routine meeting of PCC on 3.8.2011. Most of the heads of chambers (related to UCTEA) were present. There were no other municipal technical personnel, but only Mayor Aziz Kocaoğlu himself. Among many issues The Land was also spoken about for a few minutes. This conversation was nothing but a friendly chat on dinner. Although chambers requested technical meetings with municipal staff about specific issues, it did not happen. Mayor also repeated his integrating ladder formula during this meeting. In fact the integration was sought between The Land and The Culturepark Area. It was not The Fair that required integration. The 2nd competition's aim was to remove fair functions off The Culturepark create a recreational area inside. Once The Fair functions were established, then these two zones would work together. In short The Culturepark and The Land would be integrated, not commercial facilities and fair functions.



Figure 28. Meeting with PCC and Mayor on 3.8.2011

²⁵⁴ Yenisür, newspaper. 19.7.2011

Mayor repeated going back to Yüksel Çakmur's plans²⁵⁵: Municipality could start planning as soon as investors asked. Municipality was waiting for an agreement between investors and The Company. According to Chairman of The Company local, political, and public bodies, also the citizens want completing the project. He said that they were negotiating with four groups from four regions: Izmir, Istanbul, Dubai and Europe, among which he preferred The Izmir Group. Following the approval of new plan, they would start construction.

A businessman of Izmir Group²⁵⁶ stated that they were aware of the problems, but they were also decisive in completing this fourteen year old project. They had had meetings with all sides; with everyone in the project. They had built a consortium, agreed with SDIF, and were supported by the municipality, parliamentary deputies and The Minister of Transportation²⁵⁷.

Agreements and arrangements take time of course, but statement of İzmir Group spokesman is just next day that Chairman informed about existing negotiations. İzmir Group which was favored by The Company, as it is asserted, had already made some arrangements. News on papers may read misinformation, but it was not falsified ever. As soon as cancellation of SPA Plan was notified and spread, editor of another newspaper asked: *Whose fault is this?*²⁵⁸ According to her, CCP proved their rightness. Meanwhile CCP did not make a press release because they were in election period. Editor asked a few more questions:

Is it so much impossible to prepare plans together? Why are 'big scale urban projects' not planned together with chambers and related institutions? Is it because of economic rent that everything goes a fait accompli?

5.5.10.2. SDIF Joins for the 2nd Time

Meanwhile, SDIF processes rose to critical level. SDIF had already decided to sell another project of The Holding in Denizli city, which was experiencing almost the same faith with The Land²⁵⁹. Finally, it was sold for debt liquidation²⁶⁰.

²⁵⁵ Yeniasır, newspaper. 27.1.2012

²⁵⁶ Yeniasır, newspaper. 28.1.2012

²⁵⁷ A parliamentary deputy from ruling party who was also the minister of transportation for three consequential times

²⁵⁸ Milliyet, newspaper. 23.2.2012

²⁵⁹ Hürriyet, newspaper. 8.4.2011

²⁶⁰ Hürriyet, newspaper. 2.2.2012

This troubled situation was experienced about five years ago for The Land, but Mayor Aziz Kocaoğlu had interfered and SDIF cancelled only one day before the deadline of applications.

No one thought that it would happen again. It did, however. SDIF decided to sell The Land again (Aegean World Trade Center Commercial and Economic Integrity) on 4.10.2012 (dec.no.269) right after the selling of Denizli project was accomplished. On 23.1.2013 SDIF asked municipality about their opinion on the conditions of sales. SDIF's question (nr.2013/197) was not whether it would be sold or not. It asked opinions on terms of the sales contract. Something had to be done.

This time The Company had a plan prepared to the planner who is one of our interviewees and was chief planner during Burhan Özfatura's period. So far, it was IMM's planning department who had prepared plans. The Company was not concerned with the question of ownership. They concentrated on technical arrangements to fulfill court rules:

Lastly I prepared a new plan. What municipality did wrong was that when you locate MSA, subdivision becomes necessary. When subdivision is made, take backs become problematic. When take-backs are adjusted, car park gets smaller. We tried to solve this with some additional planning notes. (Mr.I.T.)

5.5.11. TT Plan: New Hope

A counter attack to SDIF's sales decision was initiated by The Company. "*New hope for the hole of shame after fourteen years*"²⁶¹! Many detailed information was on papers before the plan was approved. Chairman of The Company said that they had considered court rules and removed all of the reasons. In other terms we got used to 'every court requirement was fulfilled'.

"*It seems we are getting rid of the hole of shame*" wrote another journalist concluding that "*there should be no more obstacles for this good solution*"²⁶². Chairman said that an architectural project was not prepared yet, because it would be decided by partners. On the other hand, plan provisions were specified. Total construction area was reduced from 200.000m² to 104.000m². 30% of total construction area would be municipal property according to The Final Protocol. Municipality's car park area was

²⁶¹ Yeniasır, newspaper. 10.12.2012. The news wrote that it was the fourth modification, but they were wrong. M Plan, Opera Plan, DC:4,5 Plan, CBD-MSA plan, and this one counts to five. We may also add the 1/5000 scale plan of Konak 1st stage LuP by which The Land was planned as SPA and the first C zone LuP as well.

²⁶² HT Egeli, newspaper. 26.12.2012

increased from 7.500m² to 8.500m². Set-backs for the tower would be longer than before. Mayor Aziz Kocaoğlu said that they had not received the proposal yet. They could consider it as soon as it was submitted to IMM.

‘Selective promotion strategy’ is employed once more by putting emphasis on 1.000m² increase in car park area and increased share of municipality. Fulfilling court rule is represented by reduction from 200.000m² to 104.000m² of construction area. In fact it was not reduced as seen. This reduction corresponds to a decrease from DC:10 to DC:5. DC was 5 for a long time. This is the draft plan that we are informed by media. No one knows what will happen inside the municipal council meeting yet.

Planning procedure of the ‘New Hope Plan’ was significantly different than previous plans. This time, a plan proposal²⁶³ was prepared by a private planning bureau and submitted to KDM. Now, planning procedures were turned upside down. Firstly, an Imp was submitted to municipality. At the municipal council meeting, KDM Mayor said that LuP had to be prepared by IMM before the approval of Imp. It was also necessary to evaluate the opinions of chambers and other institutions. KDM council transmitted this plan proposal to Planning Committee, and The Committee deemed it appropriate with majority of votes. However, plan was not approved in the council meeting and postponed, because District Municipality Mayor was ill. Council especially wanted mayor to lead the session²⁶⁴. In fact it is not obligatory that mayor leads the meeting, but the issue was crucial, so council members wanted him. Plan would be approved at the next meeting. Unfortunately, district mayor was absent again²⁶⁵.

An unusual meeting took place before ratification session. In the morning, municipal council members were given a briefing by The Company²⁶⁶. According to a de-facto agreement between The Holding, The Company and KDM, there would be a municipal hall of 3000m² for district municipality. Municipal council members and personnel could enjoy car park free from charge on council meeting days. These bonuses were not written anywhere, but they were decided in this briefing.

This informative meeting is crucial regarding its timing. How would municipal council members be sufficiently informed about a 14 year old project with a briefing a few hours before the council meeting? If they were handed briefing notes about the

²⁶³ KDM, Planning Commission nr.193/2012

²⁶⁴ Yeniasır, newspaper.10.12.2012.

²⁶⁵ Ege Postası, newspaper. 7.1.2013.

²⁶⁶ Yeniasır, newspaper. 7.1.2013

project, did they have time to evaluate them in the early morning? Were they really informed about the project?

Most of the municipal council members must have been informed sufficiently, because plan was ratified with majority. All opposition votes were from inside the ruling party. Some additional arrangements which were not present in plan documents were included. There would be an underground passage that connects the project with The Fair. The previous ladder formula was transformed into an underground passage to solve the integration question.

Table 14. TT Plan (New Hope) provisions

TT Plan	Scale	Ratification and approval
14.6.2013	1/5000 LuP Konak 1 st stage revision	IMM council (05/869)
7.1.2013	1/1000 ImP	KDM council TT Plan (12/2013)
15.2.2013	1/1000 ImP	IMM council TT Plan
11.7.2013	1/1000 ImP	IMM council (revised TT Plan)
Provisions		
DC:5, hmax: unlimited		
Tourism – Trade Area: Shopping malls, recreation activities, any kind of tourism and trade activities (accommodation, hotel, motel, etc.), housing and single administrative facility of a firm or corporation, and municipal service areas can be located. Housing cannot exceed 1/3 of total construction area.		
Total construction area: 104.000m ² , hmax: unlimited.		
30% of total construction area will be used as Municipality Building; 70% will be used in Tourism – Trade Area		
Architectural project of Tourism-Trade Area will include a 31.200m ² of municipal service building at the corner of the lot.		
Emergency shelter and car park for IMM building will be constructed within the parcel. 8.500m ² of underground car park will be municipally owned.		
Set-backs		
<ul style="list-style-type: none"> - min 5mt for 15.80m height and 20mt for 9 Eylül square, - min 10mt between 15.80mt – 24.80mt height and 20mt for 9 Eylül Square - min 15mt from above 24.80mt height, and 150mt for 9 Eylül Square - There will be no take backs in the 2nd basement and lower storey for car park and emergency shelter.²⁶⁷ 		
Law no.3194 and Regulation about Preparation of Development Plans and their Changing Procedures are valid.		

As soon as plan was approved by KDM, WTC journalist was on stage. He sent his best wishes for the new plan²⁶⁸. Proponents started creating pressure on opponents²⁶⁹ and promoting the project.

ImP was deemed appropriate by KDM, but it should be approved by IMM. SDIF's shock decision was in the emergency list. Plan was based on a Final Protocol

²⁶⁷ KDM. 7.1.2013. Council decree. 12/2013. Take-back codes were suggestion to IMM.

²⁶⁸ Hürriyet, newspaper. 9.1.3013

²⁶⁹ For samples of proponent views see: Gazete Yenigün, newspaper. 24.1.2013; Hürriyet, newspaper. 29.1.2013 (WTC journalist)

which allocates 30% to IMM, 35% to The Company, and 35% to The Holding, but this allocation was not processed onto title deeds²⁷⁰.

‘Everyone’ waited for IMM council meeting. A few days before the council meeting, Mayor Aziz Kocaoğlu said that ‘*if this last plan would be cancelled too, I will repurchase The Land with all interest rates over years*’²⁷¹. Headlines were ready: “*Radical decision is on the way*”. He would cut this knot.

Mayor was not leading municipal council meetings for some time. He headed this important session²⁷². There were two headlines: the ‘new hope plan’ and SDIF’s sales order. Mayor handed an information note to council members and he said he would provide a more comprehensive folder two days later.

Note wrote that terms of contract were not fulfilled by the contractor; project was not completed yet; there were no plans; so sale was impossible. It was prepared in order to persuade SDIF. Opposing party spokesman (JDP) wanted additional information. He listed necessary documents for a detailed evaluation: KDM’s plan proposal, KDM’s council meeting notes, opinion of KDM’s planning unit, opinion of Planning Committee, and finally the council decision including all other council meeting topics. These documents were missing in the folder.

Draft plan was transmitted to IMM Planning Committee, and SDIF file was sent to IMM Law Committee for technical inspection. IMM council would decide these two issues three days later on 15.2.2013.

Yüksel Çakmur, Chairman of The Company, and several authors including WTC journalist repeated their views via press. Positions and arguments became HD quality over years. Yüksel Çakmur refused the idea that he always opposed projects; in contrast they presented proposals each time they objected²⁷³. He added that they would express their views about the selling process after working on SDIF’s decision. Chairman of The Company said that they had found resources and investors, and also clients for SDIF. They were ready for construction. SDIF could only sell The Holding’s share, but The Company owns the title deed.

WTC journalist had already chosen his side for a long time. He opposed the ideas of selling or repurchasing The Land. It was a symbol, pretense, obstinacy, and

²⁷⁰ Mayor Aziz Kocaoğlu revealed at council meeting on 12.2.2013 that Final Protocol was not preceded in title deed.

²⁷¹ DHA, Doğan News Agency. 12.3.2013

²⁷² IMM, 12.2.2013. council meeting. February. 1st session, 6th issue.

²⁷³ Egedesonsoz.com. internet news portal. 12.2.2013

obstacle for the city: “*Victim is The Company*”²⁷⁴. Another journalist named the situation ‘an urban tragedy’ and put a proposal:

In other cities, there is dirt and rust under privatization of public assets. In Izmir, there is only hastiness, incapability, heading strong, and a feeling of being free from law... Solution is coordinating everyone around a referee²⁷⁵.

Finally, IMM council approved The Tourism-Trade Plan of 1/1000 scale²⁷⁶ based on Planning Committee report. Some revisions were made in technical codes. For the other issue (SDIF response), Law Committee prepared another report. Based on Law Committee’s report SDIF’s selling decision was rejected by unanimous votes.

Opposing party (JDP) was quite critical. Spokesman of JDP requested some time to investigate the issue. They had been provided a brief information note on Monday and a folder on Thursday. On Friday, they were expected to decide a twenty year old problem. They requested a participatory process like in KDM meeting where investors presented the project and informed council members. They would like to decide after detailed briefing and examination was provided in a meeting to which municipal council members and bureaucrats, as well as interested sides committed. They were suspicious whether plan fulfills previous court rules or not. There was no need to rush. Opposing party requested reasonable time to evaluate the issue in the next month’s council meeting, but the ruling party (RPP) insisted on approving and they did.

‘*Time pressure*’ said spokesman of ruling party. There was time pressure because SDIF waits for an urgent response:

This is a simple plan like those we had approved several times. Necessary investigation has been made. We do not judge the past, because there is the principle of administrative continuity.

We see that the safe house of ‘administrative continuity principle’ together with ‘not judging the past’ and the discursive tactic of ‘time pressure’ worked again. Under this ‘safe house’ all counter arguments are averted easily. Justifying by ‘time pressure’ and ‘not-judging the past’ are two tactical actions. Time pressure is an overall tactic. Any work can be subjected to time pressure. To Landman (2012: 37) learning lessons from the past is a must because ignoring such past wrongs is to leave open the possibility of them happening again. Opposing party reacted against downplaying the

²⁷⁴ Hürriyet, newspaper. 13.2.2013

²⁷⁵ HT Egeli, newspaper. 14.2.2013. It is the same paper Habemus IZUP model of consensus was published before.

²⁷⁶ IMM, municipal council meeting, 3rd session. 15.2.2013. dec.no:443

plan. It was not an ordinary plan. They should approve a plan compatible with court rules accumulated since 1995.

Unless this reaction emerged, municipal council members other than municipal committee members would not be provided with adequate information. Head of Law Committee explained details of their report. There were two alternatives²⁷⁷:

- 1) in case there were no objections and no law suits, an additional protocol would be made by revising The Final Protocol.
- 2) in case plan could not be implemented, protocols and contract would be cancelled by appealing to court. Municipality would pay back all the costs which will be calculated by a court rule. Then, title deeds would be taken back.

Opposing party reacted again. 30% shares were too low where the actual ratio for any owner is not less than 60-70% in the region. It was not advantageous for municipality. Two council members re-defined participatory democracy in the session. According to one, despite the fact that he was authorized in similar decisions, Mayor shared his authority with the council. This situation was a very good sample of participatory democracy. This understanding of participatory democracy, which is formulated as the shared authority of the decision-maker is not questioned in terms of functions of a municipal council.

Finally, SDIF's selling decision was rejected. A communiqué would be written in order to stop this action. Spokesman of the opposing party pointed to the contradiction: "*We are objecting SDIF that there is no valid plan for The Land. Then we are approving the plan*"²⁷⁸. This conflict was simply ignored and not responded. Session closed. Then ImP was sent to CNHCB²⁷⁹ and approved.

WTC journalist was on duty again. He claimed that although opponents were prepared for objection, they would fail, because each and every court decision was fulfilled²⁸⁰. He did not write how they were fulfilled though. In contrast, one of our interviewees (city planner, journalist and municipal council member) wrote how they were not fulfilled²⁸¹:

WTC is such an issue which emerges whenever the urban agenda is empty and journalists are short of news... It seems there is no significant change in plans. The Land is still not part of Culturepark. Therefore, a court is in sight.

²⁷⁷ IMM, council meeting. 15.2.2013. dec.no:453. Law Committee Report.

²⁷⁸ IMM, council meeting, 3rd session on 15.2.2013. dec.no:443

²⁷⁹ CNHCB, folder no:35.00/4842. 26.4.2013. (The Land faces The Culturepark which is a listed preservation site, so CNHCB approval is obligatory)

²⁸⁰ Hürriyet, newspaper. 15.2.2013.

²⁸¹ Gazete Yenigün newspaper, 19.2.2013. author of the article is our interviewee.

SDIF insisted on selling The Land. Another communiqué sent to IMM wrote that selling The Land as a commercial and economic integrity was in favor of public interest. Mayor put an ideological stand point: “*We have never sold any public property. We might sue this sales act*”²⁸². But first, he would seek consensus with a face to face meeting²⁸³. This combined tactic of face-to-face meeting and lawsuit threat had worked once in 2007. It could succeed once more. Mayor was abroad for some time. As soon as he returned he met with The President of SDIF in Istanbul. Agreement was achieved on certain conditions: in case no lawsuits were filed and plan was not cancelled, SDIF would make an agreement with The Company and the financiers. SDIF would initiate debt liquidation from those investors²⁸⁴. This formula meant that project would be completed; 30% share of municipality would be preserved; 70% of the completed project would be transferred to SDIF in return for debts...if there would not be cases.

5.6. Outset

A few days after meeting, previously cancelled Konak 1st stage LuP was revised and approved by IMM with majority of votes²⁸⁵. So, the problem with LuP was over.

In the previously cancelled LuP, The Land was planned as SPA (Special Project Area). Now it is planned as “Tourism – Trade Center”. At first sight it seemed a general land use function, but the plan note explicitly points to The Land:

- Shopping malls, recreation activities, any kind of tourism and trade activities (accommodation, hotel, motel, etc.), housing and single administrative facility of a firm or corporation, and municipal service areas can be located in this area. Housing cannot exceed 1/3 of total construction area. Municipal Service Area cannot exceed 30% of total construction area.

At the voting session, spokesman of the opposition party objected that council should not deal with the ownership of certain properties: Obviously this new plan insisted on the completing the WTC project.

Journalists became experts in reading plans after years of experience: “*Plan decisions were prepared in accordance with the latest ImP which enabled World Trade Center*” wrote several newspapers the next day.

²⁸² Yenisür, newspaper. 5.5.2013.

²⁸³ Milliyet, newspaper. 5.5.2013

²⁸⁴ Sabah, newspaper. 9.6.2013

²⁸⁵ Egepostası, newspaper. 15.6.2013. Case was commenced by Yüksel Çakmur and CCP at the 4th Administrative Court. It was cancelled due to lack of geological studies.

On 14.6.2013 Konak 1st Stage LuP was approved. On 11.7.2013, revised ImP was approved. Chamber of City Planners, Chamber of Architects, Konak District Municipality, Directorate of Railways, and several individuals objected to LuP with written statements. Chamber of Architects also published a report of their objections and wanted IMM to revise the plans accordingly²⁸⁶.

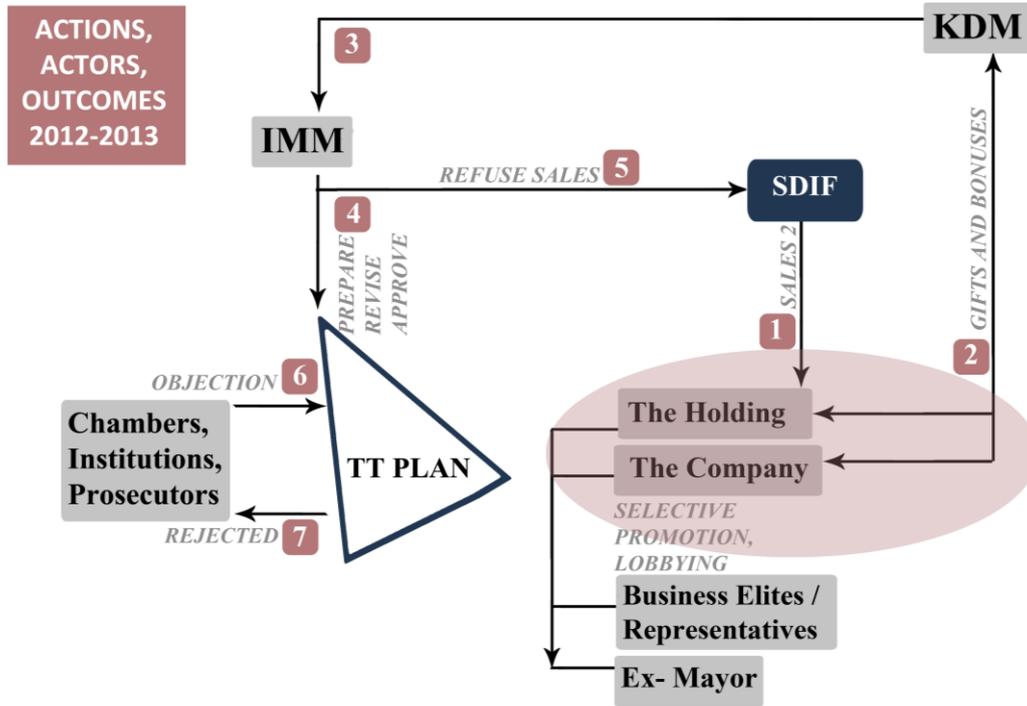


Figure 29. 2012 – 2013 summary graph

“In case their objections were rejected, they will appeal to court” wrote papers²⁸⁷. Their objections were rejected by IMM council on 11.9.2013.

This day is the outset of this research.

²⁸⁶ CA-IC. 22.7.2013. İzmir Konak 1.Etap (Alsancak – Kahramanlar Bölgesi) 1/5000 ölçekli Nazım İmar Planı Hakkında Rapor.

²⁸⁷ Haber ekspres, newspaper. 22.8.2013

CHAPTER 6

FINDINGS AND DISCUSSIONS

In this section outcomes of case study will be discussed with reference to research questions. Firstly, a list of actions in the entire history of The Land will be provided to answer the first sub-question. Secondly, whether there have been differentiations in actions according to ownership status will be discussed with reference to second question. Thirdly, strategies and tactics as mechanisms of exertion of power will be analytically presented. Finally, outcomes will be elaborated with reference to main research question: “Do, [if yes, how and why] rules of planning game change according to conditions of ownership?”

Following chapter will present final concluding remarks.

6.1. What Actions Are Taken By Actors To Realize Their Interests?

The first research sub-question aims at exploring the deeds in planning game. First of all, any communicative action took place throughout the history of The Land will be presented in an analytical framework.

Each action is a step aiming to realize ends. At the same time, each action is - in a sense - a communicative practice. Any face to face meeting, filing a lawsuit against someone, submitting written statements, protesting, promoting a project, writing a report, lobbying, ally seeking are all communicative actions oriented towards responsive actors. We propose that communicative actions in the history of The Land can be classified in four categories:

- 1. Corporate communicative actions**
- 2. Tyrannical communicative actions**
- 3. Compulsory communicative actions**
- 4. Reactionary communicative actions**

A corporate communication starts with this question: We have an idea / a draft plan. Will you make any suggestions / modifications?

A tyrannical communication starts with this question: We have taken a decision / approval. Will you agree with us?

A compulsory communication starts with this question: According to laws and regulations your opinion is required. Will you send us your opinion within the boundaries of laws and regulations?

A reactionary communication starts with this question: We do not accept your decision / plan. Will you change it on our will?

Arenas in which actions and communications take place are also variable. We found Gaventa's (2004: 35) tripartite distinction for spaces of participation as an appropriate analytical categorization:

1. **closed spaces** where decisions are made by a set of actors behind closed doors, without any pretence of broadening the boundaries for inclusion
2. **invited spaces** where users, citizens or beneficiaries are invited by various kinds of authorities
3. **claimed / created spaces** where less powerful actors claim, and may form as a result of popular mobilization

The Land case has shown that most of actions take place in a corresponding space. Because actors are conscious and can generate several strategies and tactics to realize their ends, they may articulate different actions. In these situations, actions and spaces of action may overlap.

We will identify each communicative action and locate in in the corresponding positions which we call a typology of space-action in planning.

Table 15. A typology of space-action in planning

		Modes of communicative action			
		Corporate	Tyrannical	Compulsory	Reactionary
Spaces of action	Closed				
	Invited				
	Claimed / created				

6.1.1. Corporate Communicative Actions

A corporate communication is a negotiation/bargaining among actors where proposals from all sides are taken into consideration and mutual agreement is sought. This type of action is open to modifying the initial idea / draft plan. Sides have opportunity to propose changes in the idea, but the outcome is not necessarily an agreed final decision. A distinctive feature of corporate communicative action is that sides do not take antagonist positions if they do not agree on the outcome. Their corporate relations may continue or end. For instance, several face to face meetings between IMM and The Company could not achieve ends on both sides or one of the sides was not totally satisfied with the result. Still they continued further negotiations.

All of the negotiations between IMM and investors, The Company, The Holding or SDIF are in this category. Plan provisions, project details, protocol terms, share allocations are all decided together. No other actors are included in these face to face meetings. These are corporate communicative actions because the idea / proposal are likely to change through negotiation.

We had seen that after abandoning the second competition project, Mayor Özfatura felt free to re-create an architectural project with investors. This type of negotiation is a corporate one when there are no limits to proposing ideas.

Negotiation between IMM and State Opera and Ballet Administration is also a corporate action. This negotiation is different from compulsory communication because there was no approval before this negotiation and also no necessity to take permission from this public body. The motive of IMM was to learn technical details, prepare basic components, and gain potential support of this public institution.

Negotiation between investor and competition winner architects is not compulsory because according to terms of competition, municipality is free to make changes in implementation projects in case conditions change (İzmir, 1984: 9). Face to face meeting between investor and architects is a corporate one because architects have opportunity to accept or refuse certain changes.

Briefing to KDM council members by The Company is a corporate action because their proposal has changed during this briefing. In the beginning they had presented the New Hope Plan, but a de-facto agreement was made during the briefing. 3.000m² extra space was allocated to district municipality. Municipal council members

and personnel could enjoy car park free from charge on council meeting days. We see that plan provisions changed altogether.

All of the communications listed above took place in closed space where a limited set of actors entered the room and no one else was invited or allowed. Some corporate actions, on the other hand took place in invited spaces where outsiders are invited to decision making processes. For instance, when CA-IC threatened by commencing a case IMM forwarded the question to the competition jury. Without any necessity IMM invited jury to decide postponing the competition or not. They mutually agreed to postpone until court rules.

During the trials for the M Plan case The Company sought ways for eliminating prosecutors' claims. They asked İZFAŞ to evaluate the compatibility of WTC project with the competition project. İZFAŞ transmitted this question to architects. Architect of the competition project requested a briefing from the architects of WTC project. The outcome of this face to face meeting ended up with appreciation of WTC project. The architect of competition project had freedom in his evaluation. Again, this was not a compulsory communication but was advanced in order to gain potential support.

Another similar attempt was to gain technical support for the WTC project and submit to court. The Company had some engineers' prepared two reports. The background of this negotiation is not clear. So, we do not know what was expected from them and to what extent they prepared their reports. Yet their technical knowledge provides them which arguments should be highlighted.

Another group of corporate actions was in created / claimed space where The Company sought for support from outsider bodies. This is not an invited space because it was The Company who asked for support. First one of these attempts was appealing to IDA which was a newly established public body. The Company asked IDA to take The WTC Project into its agenda. The Company also sought financial support of IDA which implies that certain decision making authority could be given to IDA. In fact, the organizational structure of IDA was not related to such issues, so a positive outcome was not achieved on The Company's side. A second attempt was made with Economic Development and Coordination Committee (EDCC) to gain external support but this committee did not act as it was expected. This opportunist search for potential allies did not work. These two appeals were made by face to face meetings with key persons and submitting written statements. We put these corporate communications under the category of claimed / created spaces because The Company attempted to gain support

by mobilizing external actors. The Company also sought support from minister and governor but they provided no visible support other than a few supportive words.

External support seeking also took place in the media in the form of strategic partnerships. For instance, Yüksel Çakmur wrote letters to an investigator journalist twice. Keeping in touch with key contacts in media provides access to public debate. On the other side, The Chairman of The Company and The Representative of The Holding were obviously supported by The WTC Journalist and certain newspapers. Editors and authors in these newspapers criticized Yüksel Çakmur and other opponents several times. Having a hand in media is a strategic means to take place in public debate and manipulate public perception. In brief, many corporate communicative corporate actions took place among actors most of which were face to face meetings with limited number of actors involved. In this type, sides have authority to influence the idea / draft plan to large extent.

6.1.2. Tyrannical Communicative Actions

Second type of communicative actions is what we have adapted from ‘the participation as a new tyranny’ critique from development theory. Tyrannical communication takes place when there is an existing project or already given decision and the owner of this project/decision imposes it on other actors. This type of action is unidirectional. An actor / group of actors take a decision and impose on others.

Tyranny is defined as “*the illegitimate and/or unjust exercise of power*” (Cooke and Kothari, 2001b:4). These actions may be compatible with laws, but may not be legitimate. Typical tyrannical actions taken behind doors are the decisions of legally authorized bodies. These formal institutions have absolute power to take decisions. Municipalities are authorized with plan approvals, CNHCB is authorized with approving decisions about conservation sites, HRBC is authorized with examining and approving high rise building projects, court rules are absolute. They are legal actions, but they are also open to distortion of powerful groups rather than accountability to citizens. All of these decisions are taken by the authority itself. The distinctive feature of tyrannical actions in closed spaces is that they can only be changed by the authority itself or by a/another court rule.

Another tyrannical actions set takes place in invited spaces. Municipality opened an auction with certain conditions listed in the contract terms. Those who accept these conditions are free to appeal or not. They cannot change terms of contract. It is exactly the same with competitions. A panel discussion, once formed, is a tyrannical action because the issue to be held, the panelists, duration, design and method of panel is up to the organizer. The events in the panel, on the other hand, are other modes of communication. Two panels were organized during the first competition; one by the municipality and one by the CA-IC as a counter panel. Head of CA-IC protested the first panel because according to him selection of panelists was a discriminatory treatment. To him, opposing ideas were not invited. Then he left his seat among panelists and monitored the panel among spectators. This type of meetings is frequently criticized in existing literature. ‘Tyranny of the group and technique’ (Cooke and Kothari, 2001b:4) or ‘domination of a meeting / work with excessive members joined’ (Flyvbjerg, 1998: 60) represent a tyrannical communication. The counter panel organized by CA-IC was also a tyrannical discriminatory action where panelists were totally different from the first one.

Generally, panels and competitions are considered to be open platforms for public debates. However, how a panel is designed and what happens inside should not be under estimated. When municipality decided organizing a panel, one might easily claim that this is a conventional and beneficial participation environment. Selection of panelists, moderation, and consideration of ideas should be organized accordingly. It is the same for competitions. IMM only asked about the jury members from CA-IC not the contract terms. Setting the rules and imposing on others is a typical tyranny of decision making and control.

Mayor Aziz Kocaoğlu talked to Yüksel Çakmur only twice. Each time Yüksel Çakmur was invited Mayor proposed his new formula, but Yüksel Çakmur either did not make comment or refused. In fact Yüksel Çakmur had his own proposal but it was not taken into consideration. These were face to face meetings with no agreement. In tyrannical communication and face to face meetings we have seen that sides take counter parts if agreement was not achieved. The draft idea is not open to modification.

Some of the negotiations between Mayor Özfatura and several investors in the early era is a tyrannical communication which did not result positively. Mayor invited several investors separately to negotiate about urban development projects one of which was the competition project. Investors simply downgraded the hotel with three or four

stars and refused contracting. Later on, Mayor forwarded the contracted investors to negotiate with the architects of the original project. This type of negotiation with investors is different from those negotiations when there was no draft plan to discuss.

Mayor Aziz Kocaoğlu's two meetings with PCC are also tyrannical actions. In the first meeting Mayor shared his salvation formula with PCC. Afterwards, he declared that PCC is consent with the salvation formula. In turn, PCC falsified Mayor and declared that they deem the attempt positive, not the salvation plan and project. In the second meeting with PCC Mayor asked about the idea of expropriation, but no other proposals were put forward. In fact, PCC was not prepared for this kind of a question. They were not given any documents and technical data to evaluate the question. They had not studied the issue. In turn, they asked Mayor to organize a technical meeting with planning department, discuss and propose their alternative solutions. However, this meeting was not realized.

Tyrannical communication is frequently exercised in claimed / created spaces. Tension of this type of communication is high. When previous actions of CA-IC to cancel the first competition failed to succeed, they changed target and put pressure on architects. CA-IC directly threatened its members (applicants and jury members) to leave the competition. They had taken board decision and imposed it upon members. In turn, those who did not accept imposition reacted against. A tyrannical communication may result in consent, reaction, or retirement into inactivity from the communication on the imposed side. From the imposer side it may result in gaining support, agreement or cutting further relations.

When IMM did not respond to formal appeals of CA-IC, CA-IC threatened IMM with lawsuit and asked to postpone the competition. CA-IC was already authorized by CA main board with filing the lawsuit. This already taken decision was effective and IMM firstly forwarded the decision to jury, and jury postponed the competition until court rules. CA-IC created a space for itself by taking appealing to court and used this as a threat for negotiation.

The Land case has witnessed extensive utilization of mass media power. Not necessarily in cases that face to face debate is possible, actors communicated over press frequently. Mayor Özfatura threatened the contractor of the investor-friendly project over media to speed up. Otherwise he would cancel the contract. We do not know whether it was a sincere threat; yet, in two weeks investor submitted the project.

Division of labor in terms of planning scales rules that metropolitan municipalities are authorized with upper scale plans and district municipalities are authorized with implementation plans. This division of labor provides no room for district municipalities. In terms of details of plans there has never been any difference between LuPs and ImPs. District municipality simply completes legal procedures by preparing the necessary ImP without any modifications. This situation is an asymmetric relation embedded in Turkish administration system.

Media is an arena of debate. This arena however does not include any opportunities for negotiation. Actors do not make agreements on media but declare and dictate their opinions. For instance mayors, representative of the holding or chairman of the company explains some details of their projections. These projections are promoted over media, but were never open to modifications. Plans were approved exactly the same with the initial idea. In some cases firstly plans were approved and corresponding project was promoted on media. Warnings and counter declarations did not result in any modifications. This uni-linear condition makes press a tyrannical action-space for communication in order to impose existing project / decision to persuade others.

6.1.3. Compulsory Communicative Actions

The third set of actions is compulsory communicative actions. Distinctive feature of this mode is its legal background. This communication is institutional and obligatory. Actors to enter to this communication are also defined by laws or regulations. HRBC's examinations about WTC project, CNHCB's examination about competition project, IMM's request about jury list from CA-IC are legal obligations. The crucial point is that these actions are presented by actors as good participatory practices.

All of the compulsory actions are made behind doors. As we have briefly explained planning system in Turkey, there are only two compulsory public participation opportunities. First one is the a-posteriori objection opportunity after approvals. Plans are announced so that citizens can make objection by written statements. The second is the two obligatory public participation meetings which is limited to conservation plans. In fact, this last model of public participation meetings has been abrogated recently. Currently, there is no legal obligation that forces planning

authorities to exercise public participation processes. In the absence of legal obligations to utilize public participation in planning, it is up to local administrations to organize public participation. In The Land case a public participation has never been exercised, despite the very fact that dominant planning theory is concerned with inclusion of citizens into planning processes.

A compulsory communication is ontologically not possible in invited spaces and created / claimed spaces; they are mutually exclusive.

6.1.4. Reactionary Communicative Actions

The fourth set of actions is the reactionary communicative actions by which an actor attempts to influence an ongoing process out of its reach. These actions naturally follow a previously initiated action by others. CA-IC board decisions are taken as a reaction after IMM did not respond their claims. CA-IC's threats against its own members are also reactionary when architects did not leave the competition. Board decisions are closed to external actors and board is responsible only to its members.

Several actors had withdrawn from certain environments as a reaction. Prof.O.S. had withdrawn from voting session of Opera Plan at KDM council. One of our interviewees had withdrawn from several voting sessions including other problematic planning incidences besides The Land case. CCP had withdrawn from HRBC meetings long before, not especially at the Land case. These reaction are made when a decision that an actor cannot prevent. The motives and aims of a withdrawal will be discussed as a strategy in the fourth research question. These were the reactionary communicative actions in closed spaces.

There may be reactions in invited spaces. The head of CA-IC had withdrawn from his seat due to discriminatory treatment and protested the panel. This reaction aimed to avoid from dissolving in agreements.

A relatively ineffective mode of reactionary communications took place in created/claimed spaces. These reactions used several means such as press releases, press conferences, reports, articles, declarations and written submissions to ruling actors. Protests, demonstrations and marches were exercised. "Drawing on outside parties to use their muscle" as Flyvbjerg (1998: 193) says is another way of reacting from outside. Parliamentary investigation request for the auction, parliamentary investigation request

for WTC project, parliamentary petitions about SDIF processes are aim to influence already given decision / started process with help of external parties.

The most influential mode of reactionary communication is filing a lawsuit against a previously made decision. Several cases were commenced against plans and processes by various actors. Some of these succeeded and some did not, but the spirit of court has always been in the agenda of several actors be it realized or used as a threat. What is most obvious in The Land case is that local court has always been considered a first step. Losers always carry the case to Supreme Court.

Table 16. Summary table of space-actions in planning The Land

	Corporate: Negotiation open to modification	Tyrannical: Impose existing project / decision and persuade the other; not open to modification	Compulsory: Ask other in order to fulfill legal obligations	Reactionary: Act to change ongoing process / existing decision from outside
Closed spaces: where decisions are made by a <u>set of actors</u> behind closed doors, without any pretence of broadening the boundaries for inclusion	Negotiations among IMM, The Company, The Holding, SDIF, investors	Plan approvals in municipal councils	IMM sends project to HRBC for examination	CA and CA-IC board decisions imposed upon members, IMM, and CNHCB
	Negotiation between investor and competition winner architects	SDIF's sales decisions	IMM sends projects & plans to CNHCB for examination	Withdrawal from voting sessions; municipal council members
	Summit meetings (top level decision makers)			
	Negotiation between IMM and State Opera and Ballet Administration	CNHCB decisions	IMM requests jury list for competition from CA-IC	Withdrawal from HRBC: CCP
	Gifts and bonuses KDM council members	Court rules on any action		
	Concessions to potential investors			
Invited spaces: where users, citizens or beneficiaries are invited by various kinds of authorities	IMM asks jury's opinion about postponing the competition	Auction by IMM		Withdrawal from panel: head of CA-IC
	The Company asks İZFAŞ's opinion about WTC project	Competition by IMM		
		Panel discussions		
	The Company asks engineers' views about WTC project	Competition colloquium		
		Mayor invites prosecutors		
		Negotiations among IMM and potential investors		
		Mayor meets with PCC		

(cont. on next page)

Table.16. (cont.)

Created/ claimed spaces: where less powerful actors claim, and may form as a result of popular mobilization	Seek support of external bodies (IDA, EDCC, minister, governor)	CA-IC threatens own members to leave competition		Filing lawsuits	
		CA-IC threatens IMM to postpone competition		Press release, press conference, letters to newspapers, articles to journals	
	Establish and seek strategic allies	Mayor threatens investor to speed up		Petty stockholders organize via internet	
		IMM orders KDM to prepare ImPs		Protests, marches, demonstrations	
		Promotions on media			Parliamentary investigation, petition
					Parliamentary petition

6.2. Do Actions Differ When Ownership Differ?

This question aims at identifying whether strategies, tactics, discourses and techniques change according to the ownership status.

A major breaking point in the history of The Land is transformation from public property to private property. Although it was a partial privatization in the form of flat-for-land contracting which allocated the shares, we argue that this model of construction is typical privatization.

We have identified three moments of shifts/differentiations in actions after privatization. When it is public property, municipality has to set up a contract, announce auction, invite for tenders or take bidding according to laws regulating local administrations. These actions are open to public and require some level of transparency. When it is private property, owner is free to agree with any other contractor and does not have to inform anyone. In private property, an urban land is simple a traded goods subject to commercial laws and regulations, not the laws and regulations regarding public administrations. The Company established mutual trust partnership, made its shares public on stock exchange market, negotiated with outsider investor groups without seeking any permission from external bodies. Once it is private property, any owner has freedom to make trade with others. For instance, after The Holding was transferred to SDIF directly (and therefore its shares in The WTC Project) SDIF announced auctions twice to sell the Land as an economic integrity. SDIF's auction announcement was different from municipality's auction because it covers only The Holding's shares. This is the reason why SDIF cancelled sales. Municipality was

not in debt to SDIF; therefore The Land cannot be sold entirely. It shows that if The Land was entirely privatized (not by allocated shares) then SDIF would have the rights to sell it as an entity. We see that auctions for a public property, mixed property, and private property differ at this significant dimension.

Second one is the opportunity of opening a competition. During public property status two competitions were organized. Competition model opens up other decision making opportunities such as authorizing a jury for decisions, determining the terms of contract with external actors, opening the debate widely through panel discussions, exhibitions and colloquiums which are forms of conventional participation and discussion platforms. In The Land case, municipality obeyed the rules of competition regulations to form the jury. The first competition was regulated by rules of MPWS, while the second one was regulated by rules of CA. Panel discussions were tyrannical in their formation. Exhibitions and colloquiums facilitated citizens to be informed about the outcome of the competitions. These models created internal disagreements and conflicts. Yet, one should not miss the point that they existed and were practiced to some extent. When it is private property, competition opportunity and its corresponding and additional communicative mechanisms are absent.

Third one is the change in the set of involved actors. When it is public property, public bodies, non-governmental organizations, individual citizens, professional chambers interfered to decision making processes either by formal or informal ways such as marches, demonstrations and protests. In fact, a definite shift cannot be described due to the varying nature of the competition and the Land question. Most of the protests were oriented to protect The Culturepark area with little or no concern about The Land during the second competition. Some of these actors disappeared when The Land was planned by partial modifications. In private property period individual citizens and non-governmental organizations were absent. Only a few chambers preserved their relationship with The Land. Some of these actors were pushed away from stakeholder positions by the court and some have been alienated by the process. We have seen that new actors emerged with different motives and relations. EGHOL which is an organization formed by stockholder stakeholders, which means that they are shareholders of The Land, protested a few times. They were not supported by any other public body. They did not criticize plans or projects, but their target was SDIF processes which devaluated their securities on the stock exchange market. Citizenship based popular protests turned into ownership based protests.

Only CA-IC commenced a case before privatization, and they had not commenced any cases after privatization. The motive of their withdrawal from the court scene is speculative. The relationship of head of chamber with the municipality as an employee or the signature on the project by the chamber in HRBC examination may have explanatory force. Whatever the reason of alienation is, CA-IC published a few reports but did not commence any cases against plan modifications. They had commenced several cases against other plans in the city but not for The Land.

Other ways of communication remained almost the same in their forms such as face to face meetings, negotiations, meetings behind doors with limited number of invited actors. Difference was that public is informed about details of the plans only through newspapers or by legally defined ways of announcing a plan. During public property period, some public bodies such as CA-IC who had entered meetings behind doors could have the opportunity to give information about what happened inside. After privatization only the municipality and investors provided public some limited information on their will. There were no open panel discussions or publicized information documents. IMM published many documents of other projects in the city, but none about The Land after privatization.

Table 17. Changes in actors-actions after privatization

Before privatization	Common	After privatization
Public Auction by IMM regulated by administrative laws	Face to face meetings with actors behind doors, lobbying	Auction for privately owned shares by SDIF; trading shares is possible among commercial bodies
Mass protests and marches based on citizenship rights (chambers, political parties, NGOs, individuals)	Open antagonist confrontations on media	Protests and marches based on ownership rights with a few individuals (EGHOL)
Information obtained from municipality and organizations who entered meetings	Press releases, articles, interviews, declarations, written submissions	Information obtained from municipality and investors (external bodies produce speculative discourses)
Open panel discussions	Filing lawsuits, withdrawals, press conferences	Selective promotion of public uses, sunk cost strategy, investor strike as strategies
Exhibition and colloquium as complementary discussion environments related to competition	Threats, personalized attacks, sampling strategy, strategic ally seeking	

6.3. Who Gains And Who Loses By Which Mechanisms Of Power?

Power is viewed as strategies and tactics in this research with reference to Flyvbjerg's Nietzschean/Foucauldian perspective. The Land case has experienced several strategies and tactics throughout its history.

The Land case has shown that some actions are specific to certain actors while some are used by many actors. Promotions, selective promotions, sampling strategy, discursive manipulations, open confrontations, accusations, threats and undocumented assertions are frequently used to manipulate masses. It is seen that court defines the rules of game to a significant level. Spirit of the court that is a hearing about someone commencing a case can easily activate certain actors to prepare for and elaborate future strategies. Court defines who enters the planning game and who does not. The Bar, Chamber of Doctors, Chamber of Pharmacists do not possess license to prosecute. If one does not possess this right they are not accounted as stakeholders. Protests, demonstrations, marches, controversial press releases had no or few influence on decision making processes. They might mobilize masses to some extent but for The Land case they had no visible effect on decisions. Neither protests of petty stockholders against SDIF nor marches and human chains by chambers related to UCTEA forced counter sides to revise their decisions. Written submissions, press releases, articles, objections were not influential either. Only de-jure written submissions were taken into consideration because they were official and legal obligations. Most of these written statements were responded with reference to law statements claiming that everything was appropriate to existing laws and regulations. Withdrawal strategy provides certain actors to preserve their current and future positions. This way, actors can generate further strategies. Ignoring counter arguments, maintaining contact with media by key persons, using professional titles, personalization of arguments are also among strategic maneuvers.

We propose that it is possible to classify these highly variable actions in accordance with the aims they are exercised. Strategies do not necessarily overlap with the space-action correlation because some strategies may be utilized in several instances. We framed these strategies and tactics in four analytical categories according to motives that they are employed: Protective strategies, Coalition strategies, Manipulative strategies, and Planning tactics.

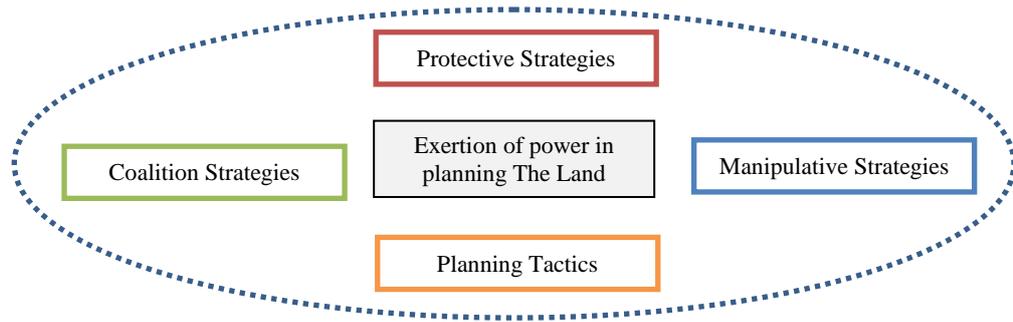


Figure 30. Groups of power as strategies and tactics in planning The Land

6.3.1. Protective Strategies

Protective Strategies provide some sort of a safe house for actors. Actors appeal to protective strategies when they do not want to take on risks. Evasion from responsibility, withdrawal from voting sessions, and ignoring or refusing to investigate counter arguments are most general forms of protective strategies experienced in The Land's history. An actor may evade responsibility of taking a critical decision by putting responsibility on other actors or on previous processes. When CA-IC asked from municipality to postpone the competition, municipality forwarded this responsibility to the competition jury. Mayor Özfatura forwarded the investor to the architects of competition winner project to ask allowing modifications on their projects. During the M Plan case trials, The Company asked the architect of the competition winner project to evaluate whether The WTC project is compatible with their competition winner project. This provided them some sort of technical report to remove the claims of prosecutors about integration to Culturepark zone and convince the judges. So, municipality not only does not appear as the responsible one who makes technical evaluations, but also obtains technical support.

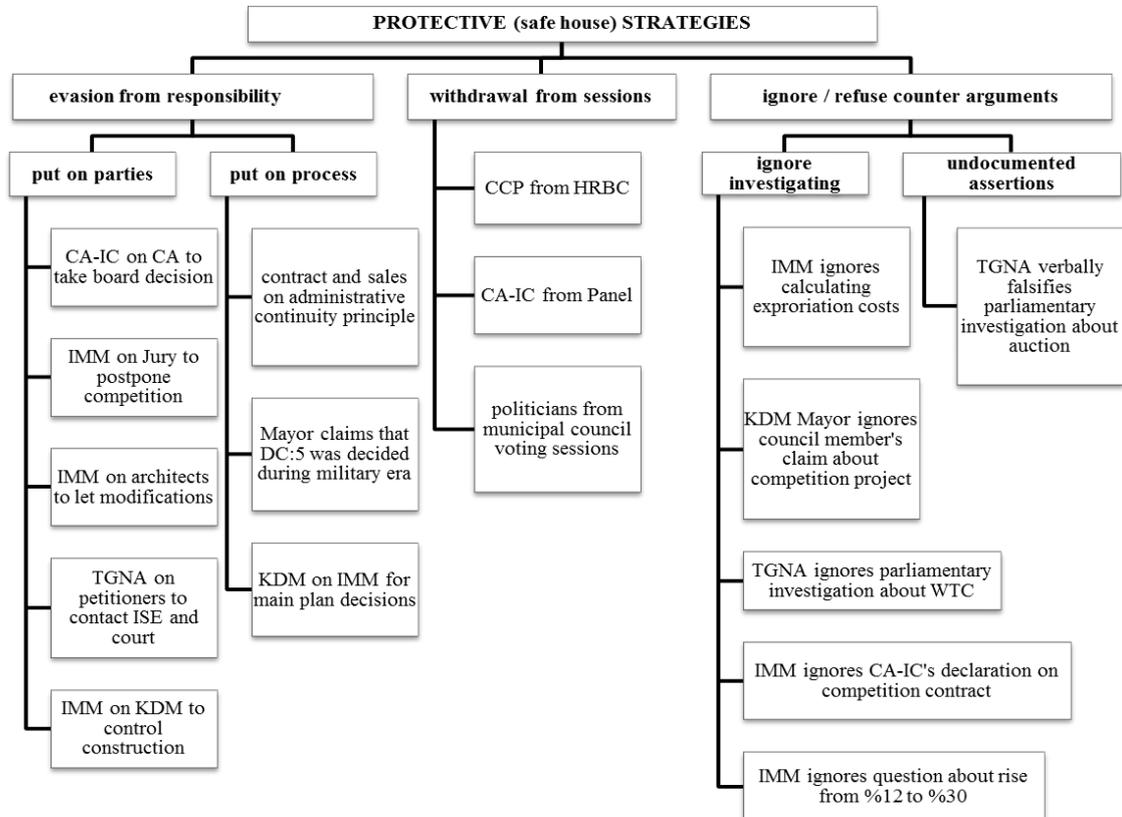
The use of administrative continuity principle by politicians is a typical sample of evading from responsibility by dissolving the conflict in history. By using this discursive tactic the debate around the high construction density is forwarded to previous decision making processes by municipality. *'It is not I who did it; it was already made'* is the exact phrase for this strategy.

Withdrawal from sessions is also a protective strategy. We have seen three different moments of withdrawal. Chamber of City Planners had withdrawn from High Rise Buildings Committee meetings because examining a high rise project was after

approval of plans. Head of Chamber of Architects – İzmir Chapter had withdrawn from panel discussion by protesting the panel in order to avoid dissolving in the process. Some politicians did not attend municipal council meetings because they had to act together with their political group. It is seen that if a politician does not agree with his/her political party, then he/she does not attend meetings in order not to create an internal political conflict. Withdrawal has also a hidden agenda which provides a safe house for further actions. Two of the prosecutors in the early cases who were at the same time municipal council members were refused by court because they had attended the voting session and approved plan modification. After this experience, potential prosecutors did not enter voting sessions.

Ignoring or refusing counter arguments is also a protective strategy specifically utilized by the powerful. Producing scientific knowledge or information is considered as putting a limit to decisions. In Nietzsche’s words “knowledge kills action”. Besides these samples of protective strategies, The Land case had witnessed several others.

Table 18. Protective Strategies



6.3.2. Coalition Strategies

Coalition strategies are actions generally made for gaining support from external bodies. Three types of coalition strategies can be identified in The Land case. An actor may attempt to mobilize existing allies, and actor may attempt to establish new coalitions, and actor may attempt to challenge other actors' actions and coalitions.

Protests, marches and demonstrations during the first competition phase are organized by coalition of chambers, political parties, citizens and non-governmental organizations. In contrast, during the private ownership of The Land EGHOL could not make any coalitions with other bodies because their motive was based on their private economic interest. Before privatization, CA-IC, chambers of UCTEA, green party members, some NGOs and civil people protested the competition by marches and demonstrations. The Land was not the focus but a secondary issue besides The Culturepark. Their target was IMM and CNHCB who opened up a competition with unacceptable conditions according to them. Their motive was to prevent Culturepark from construction. Their relationship with The Land was based on citizen rights. Protests were massive and weeks-long. After privatization, EGHOL appeared as the only actor making demonstrations and marches. Their target, motive and relation to The Land are very different. They targeted SDIF, CMB and ISE to cancel transferring The Holding to SDIF. They have ownership relations with The Land, because they are stockholder shareholders of The Holding. Protestors were few in numbers and protests were only a few-hours long. Their ultimate aim was to benefit from their property.

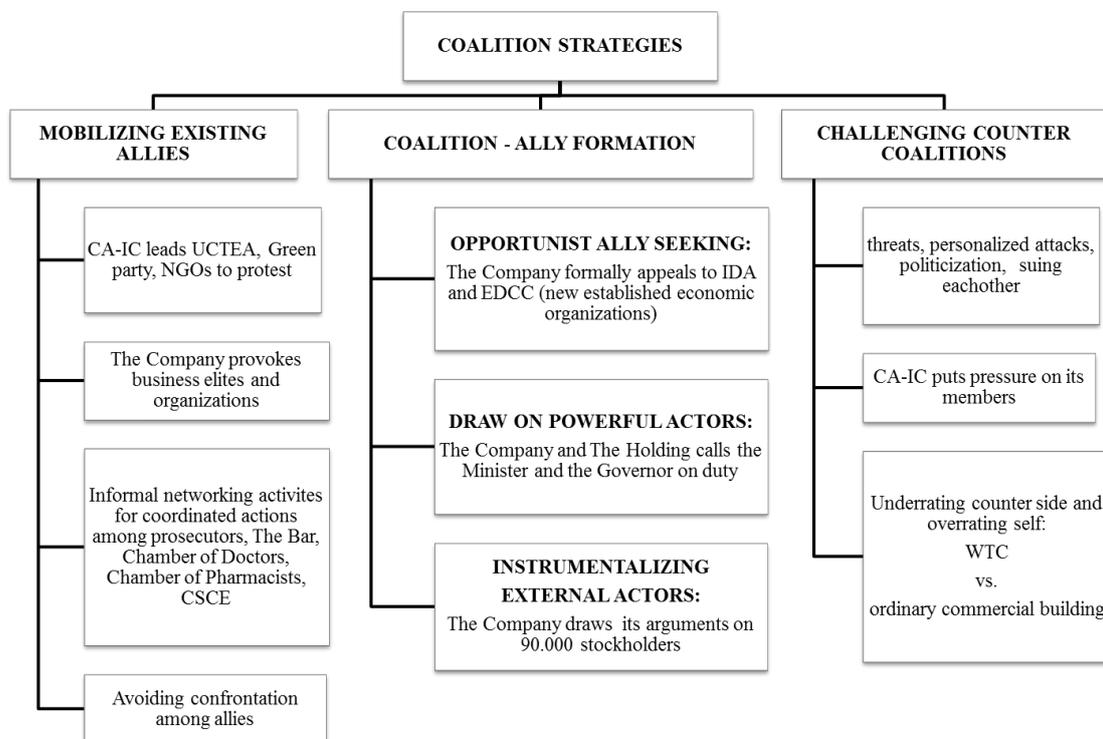
Coalition strategies are not always visible. It is implied in The Land case that there is a hidden network among chambers and prosecutors when they appeal to court. It is understood from the organization and content of their separate cases as well as the harmonious timing of commencing cases that Bar, CSCS, Chamber of Pharmacists, Chamber of Doctors, and other prosecutors had communicated progressively.

Coalition – formation and ally seeking is a strategic action to gain support by any means. A distinctive strategic ally seeking is what we call opportunist ally seeking. The Company appealed to newly established İzmir Development Agency and İzmir Economic Development Coordination Committee to gain support. Drawing on powerful actors to gain support is an overall strategy where these powerful actors are generally deputies, governors, politicians, and mayors. Another coalition strategy is

instrumentalizing masses. The Company did not collaborate with or hear the voice of petty stockholders. When the company was attacked, they used these 90.000 stockholders to show that it is not the bosses who lose but people.

Challenging counter parties has several modes of actions mostly discursive such as threats, putting pressure on others, personalized attacks, politicizing the subject matter. Besides these samples of coalition strategies, The Land case had witnessed several others.

Table 19. Coalition Strategies



6.3.3. Manipulative Strategies

Manipulation of facts, distortion of truth, disorienting arguments, dominating public sphere are typical strategies of power game.

Some actors dominate spaces to appear in media. They use several sources to access media. For instance, we have seen that a co-founder of the company who was also partner of the project could instrumentalize his title in an economic organization to appear in the media but declare his personal ideas about the project. In order to appear in media key contacts are found by parties. Reader might have noticed that certain

newspapers favor certain sides despite the general belief in neutral position of media. The Land case shows opposite that there is no neutral and independent media. Besides appearing in media frequently, dominating existing public sphere is also a strategic action assisted with mechanisms of tyranny of method, tyranny of group and tyranny of decision making and control.

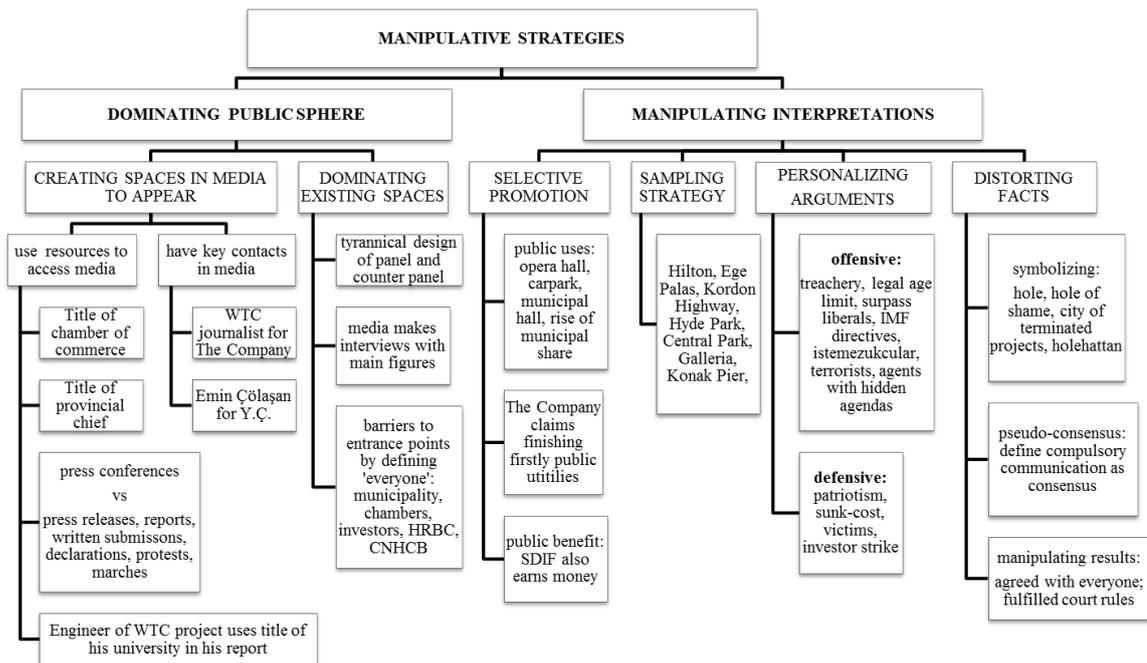
The second set of manipulative strategies is oriented towards manipulating interpretations. Selective promotion, sampling strategy, personalizing arguments, distorting facts are appealed several times.

A selective promotion is a strategy highlights specific public uses of a project or idea. This way, realization of private interests is hidden behind the realization of public interest. Each time a project is proposed or a plan is approved, The Company, The Holding and IMM started promoting specifically the public uses of the project. When Opera Plan was approved, Chairman of The Company said that they would first build the Opera Hall and public functions; they would start commercial uses later. When DC:4,5 plan was approved, they put emphasis on this sacrifice. When CBD-MSA plan was approved, they stressed the bad condition of the existing municipality building and the opportunity to move municipal hall on The Land. They also promoted several times the capacity of car park which would contribute to solving traffic problems in the city center. When The Final Protocol was agreed, they put emphasis on the rise of public share from 11% to 30%. After SDIF interfered as debt reminder and put pressure on The Company and The Holding, The Chairman of The Company declared that SDIF will also earn money and this public institution will benefit from the project.

Many discursive tactics were exercised such as sampling strategy. Our interviewees also used several samples to explicate their views. Actually, sampling is a subjective, distractive and manipulative action. It disorients the other from closer look at the issue. The most frequently used samples were Hilton Hotel, Ege Palas Hotel, Kordon Highway, Galleria Shopping Mall, Karşıyaka multi-storey carpark, Aşık Veysel Recreation Area, Hyde Park, Central Park, Özdilek Hotel. Hilton Hotel sample is the one that almost each and every actor mentioned once. Chairman of The Company says: “We are fighting for DC:4,5 for The Land, but municipality building is DC:8”. Whenever an actor is not willing to respond a question related directly to The Land or wants to criticize the other side simply, a sample is favored. This case is carefully selected and reflected upon the opponent.

Another tactic on media is the overall discourse on investment strike and sunk-cost which are put forward by business elites. The Land was symbolized for the economic decline of the city. The Land is called The Hole, The Hole of Shame, The Bleeding Scar, The Hole, The Holehattan, The Lagoon, an urban tragedy, symbol of no-solution, and the most urgent case in the city.

Table 20. Manipulative Strategies



6.3.4. Planning Tactics

We have noted several times that scientific inquiry or technical reports were absent or lacked the necessary database. Early plans did not have explanatory planning reports. It was until 2009 that plans were annexed a planning report. Two reports were prepared with insignificant technical capacity. One was for the CBD-MSA plan on 2009 and the other one was prepared for the 2nd SDIF intervention on 2013 which was provided to municipal council members. Most of the pages of these reports covered the historical background of The Land with no or very few amount of technical analysis. However, this report remained non-scientific. Construction density of the surroundings were not calculated and presented; instead overall and varying assumptions were noted. It was DC:7-8 for some, DC:10-11 for others. Traffic load has not been technically

estimated in a traffic simulation model. Even the WTC architects explicitly warned that project would create traffic jam and necessary arrangements should be made in the surroundings (Yapı, 1998:118). Despite this insufficient technical and analytical background, overall assertions were made. Although Mayor said they would calculate costs of expropriation, these calculations were not presented. Later on he said that calculations would be made by courts. One of our interviewees (Mr.C.S.) said that they had made some overall calculations but no one can calculate the cost of piles. The Holding, on the other hand, presented some calculations none of which are confronted by other calculations. Yüksel Çakmur only mentioned that expropriation would not cost as much as IMM supposes. Undocumented assertions seem to be safety precautions by which controversial calculations are avoided.

Gifts and bonuses to municipal council are strategic means to convince council members to approve the project. Before The Land became problematic, that is when municipality was seeking investors to make contract, a similar strategy was employed in the opposite direction. According to our interviewee (Mr.I.T.) investors should be provided some concessions in order to attract investors. Mayor Özfatura declared several times that they would support investors as much as he can. Increase in construction area is among the most favored concessions.

The history of research revealed a distinct phenomenon for which we call Critical Timing Action. It designates a critical action made before a major event. With critical timing action we mean that an immediate action is made consciously before a major event. Such action may be a minor one considering its scale, but its effect is most likely major. It may be a routine action in ordinary times, but timing makes it critical.

The major event in this case is the local elections. We argue that Critical Timing Actions are not contingent or exceptional to certain actors. Five Critical Timing Actions were explored specifically for The Land. A deeper research with larger opportunity to access relevant data may reveal more. We suggest scholars to investigate empirically the motives, strategies, tactics and outcomes of this political action and its relationships with city planning practices. Hidden agenda behind a critical timing action is expressed by one of our interviewees as follows.

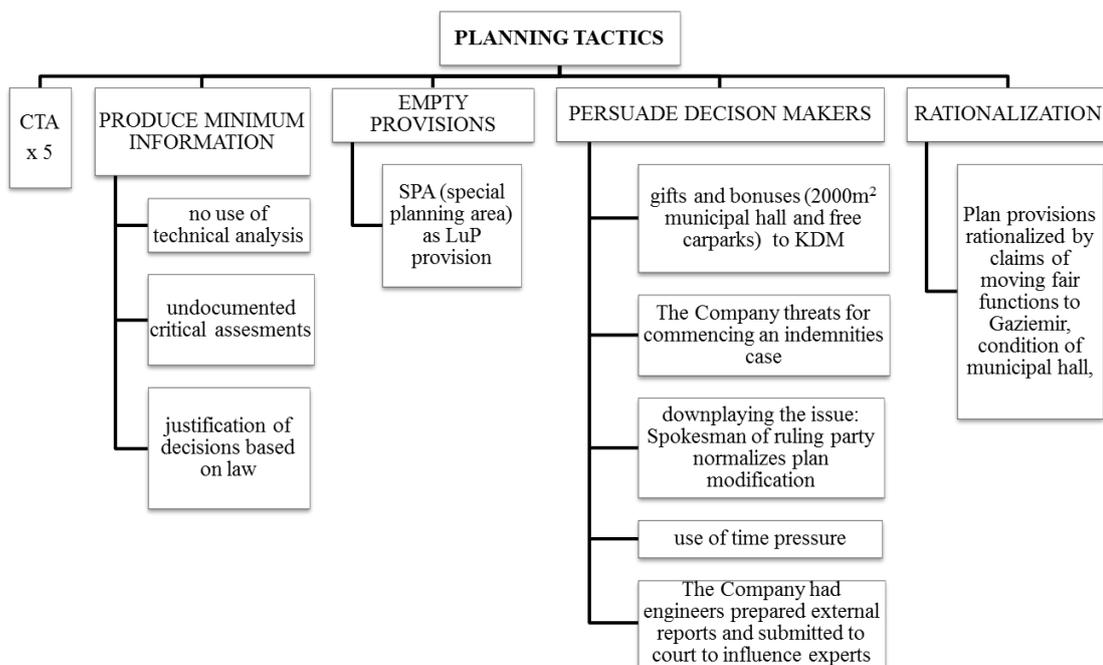
Interestingly, these court processes started when legal responsibilities were over. Local elections ended. I mean there is no one that you can ask accountability for this public damage. This is another problem.” (Mr.H.T.)

Table 21. Critical Timing Actions

Date of Critical Timing Action	Action	Date of Major Event (Local Elections)	Intensity
23.3.1989	Revise 1989 master plan	26.3.1989	3 days
11.3.1999	Transfer title deed	18.4.1999	37 days
24.3.2004	Approve DC:4,5 plan	28.3.2004	4 days
9.3.2009	Sign The Final Protocol	29.3.2009	20 days
13.3.2009	Approve CBD-MSA plan	29.3.2009	15 days

Producing minimum information, making empty provisions, persuading decision makers, rationalization, and critical timing actions are tactics employed frequently in planning The Land.

Table 22. Planning Tactics



Question of gains and losses by specific mechanisms of power are not clear if one considers the ultimate aim of actors. There is no winner or loser yet. One might rightfully argue that a symbolized urban question with decades-long history is a lost artifact for the citizens and planning profession. Recently two competing aims are in the agenda: constructing a WTC project or repurchasing the Land for any public purpose. Since the story of The Land continues, the question of achieving ultimate aim is not

possible to answer. The overall question appears as ‘will the investors will be able to construct the WTC project or a similar construction?’ Our interviewees speculate about the possible outcome as follows:

They will finish it of course. I have never seen an unfinished one. This money and power is not an empty vacuum. After 3-5 court decisions, a ten years of delay or so they figure out a way. Mr.C.S.

It was delayed because of the multi-partner company model. If it were a single investor, it would be easily constructed long before. Mr.E.A.

I will construct what DC:5 makes no matter who cries. Problem will be solved. There is no other possibility. Mr.M.A.

Sooner or later that building will be constructed with or without delays and obstacles. This is how it works. Mr.XX

Generally it is assumed that such problems are solved in favor of investors. If it was only about construction, it would be easier to solve. The essence is loss in public property. Expropriation cannot solve the issue as well. Mr. H.T.

There is no authority in the project now. Mr.Özfatura was a visionary man. Such a mayor can solve the issue. Mr.I.T.

I am not concerned with the project. Ownership right is the important issue. Once you transfer these rights to individuals, you cannot enter any more. This land must be immediately taken back to the home of public property. Otherwise it will be too late. Mr.Y.Ç.

Since no one’s aim has yet been established on The Land as a land use function, the ultimate aim of any one has not been succeeded yet. Certainly, we are more concerned with outcomes of specific actions in the planning game. The Land is just a case for us to monitor what happens inside the planning game.

Empirical research questions have revealed that there are several actions that actors take in planning game. These actions are significantly different from those ideal prescriptions proposed by communicative planning theory. Each action is a power game between actors accompanied with various strategies and tactics to realize ends. Hidden, informal and corporate actions are more valuable and effective than reports, written submissions and declarations in influencing decision makers. Protests, marches, demonstrations are weak vis-à-vis commencing a case. An open ideal speech situation environment has never been exercised therefore we cannot predict the outcome of this Habermasian proposal as to who gains and who loses from such a decision making environment. It is likely that such environments are fragile to tyranny of group and tyranny of method.

Despite the fact that communicative planning theory covers huge portion in political and academic discourse in Turkey, its theoretical prescriptions have not been exercised to a significant level. History of The Land has not experienced any open participatory exercises. Most communication took place behind doors. In spite of truthfulness and open dialogue, manipulation, distortion of facts, making undocumented assertions, threats and personal confrontations were on scene.

To sum up, the three empirical research sub-questions can be answered briefly as follows.

In spite of open participatory communicative actions, corporate, tyrannical, compulsory, and reactionary communicative actions are exercised.

Communicative planning theory puts emphasis on citizen participation. However, when object of planning is a privately owned land individual citizens do not appear among those who have stake. Actors, motives of actors and their mechanisms of exertion of power are significantly different in case a privately owned land is of concern. Briefly, rules of planning game change for publicly owned areas and privately owned areas.

The Land case continues, therefore the ultimate aim of actors have not accomplished yet. However, a thirty years old urban problem is a loss for users of the city who are citizens. Regarding specific strategies and tactics, The Land case has shown that open dialogue, written submissions, call for scientific inquiry, protests, marches do not work. Face to face meetings with counter sides do not succeed an agreement. Spirit of court and court rules are influential.

In the next chapter, main research question will be elaborated with reference to theoretical discussions, empirical findings of research and analytical frameworks developed so far.

6.4. Do, (if yes) How and Why Rules of Planning Game Change according To Conditions of Ownership?

You are going to buy a land. You look at the title deed, the development rights and buy it. You had started a construction with DC: 5, made calculations and paid for it. After 3 years, someone will bring plans to court. By the time you were proceeding. Some people say that “sorry, stop!”... Now they draw a line and say “make another plan”. Whose shame is this? Mr.M.A.

Our interviewee questions how a plan could be cancelled many years after its approval. He says plan provisions never changed since 1995. In fact one single condition was changed: Ownership of The Land. According to another interviewee when ownership changes substantive changes occur. Tension point regarding integration with the Culturepark is seen such a substantive shift in this respect.

From the eyes of a city planner I would say that even if you look from outer space you cannot recognize its relation with The Culturepark area. Its ownership creates this relation, not its adjacent location. If it was private property since the beginning, no one would claim any integration. Mr.E.A.

One of our interviewees explains a differentiated perception regarding publicly and privately owned lands:

Regarding public authorities and chambers, we have generally some kind of sympathy about public projects. I use the word sympathy thus; DC:5 did not annoy us when it was publicly owned. We looked at the issue as a public function. We even know that public authorities do not push to the limits. It rather constructs the necessary spaces and leaves the rest of construction rights unfilled. Mr.H.T.

So far we had discussed mostly the procedural dimension regarding ownership. Debate above is about a substantive dimension. Two of the tension points were integration with The Culturepark area and DC:5 levels. These tension points emerged after privatization. Essence of integration is the ownership of The Culturepark and The Land. Court rules shared the same perception and cancelled plans several times. It is seen that perception about the object of planning changes according to ownership. Below an air view of the two areas is presented.



Figure 31. Air view of The Land and The Culturepark

When The Land was privatized its relationship with The Culturepark and its construction density were questioned although there was no shift in their locations and no change in construction density. This brings us to the first argumentative statement of this research: *“Property ownership is the fundament of city planning processes in capitalist societies. Deciding land use provisions for a single land piece, depends largely on the ownership of that land; even more than spatial necessities and technical requirements”*.

Regarding procedural changes we have seen that several modes of decision making processes and actors appeared or disappeared in private ownership period. Reasons are multiple. Some actors are pushed away by court decisions due to the rule of court that they do not possess license to prosecute. Some actors such as politicians had chosen to locate in safer positions by withdrawing from decision making processes. Municipality also changed its attitude towards The Land. Before privatization it was entirely public property, so municipality was the sole body to determine plan provisions. After privatization, municipality had to face with proposals of The Company, The Holding and SDIF. How these shifts happened can be explained by a substitution of use value by exchange value. Mayor Yüksel Çakmur’s point - yet highly populist – puts it the right way:

One might use his/her own property anyway he/she likes. But this is a property of citizens. What is essential in public property is the public interest. Who are the sides? People are the sides; directly. Not even the municipality alone. Mayor is exactly not. Municipal council is to some extent. Public’s rights should be discussed in public sphere. Profit maximization should not be sought. This land is not a commercial one.

Regarding The Land case it is found that rules of planning game changes according to ownership. Firstly, perception about the object of plan changes substantially. Secondly, rules of game changes in procedures. Hows and whys of this change are related to the list of involved actors (stakeholders), positions and interests of these actors with the planning object, arenas of decision making, modes of communicating, strategies and tactics, and finally accumulation of experiences in time.

After privatization, a new set of actors entered the picture. EGHOL is an example of these groups. The relation of these stockholder stakeholders with The Land is based on their shares in stock exchange market. Before the act, citizens were concerned on the basis of citizenship rights. When new actors enter picture, they bring their interests and means to realize these interests. SDIF entered with the power of law.

The second attempt of SDIF to sell WTC Economic Integrity forced municipality to prepare plans immediately. New arenas of decision making emerged. For instance, investors informed KDM council members before approval session and granted some gifts and bonuses. New strategies and tactics emerged which were absent when it was public property. The Company and The Holding lobbied with and sought for support from certain economic corporations and foundations such as EDCC and IDA. Sunk-cost strategy, investor strike, political budgeting became usual discourses. No one discussed the projects in terms of economic profitability when it was public property. Court rules played effective role in the history of The Land. As cases accumulated, the rules court decided accumulated and fixed. Court never ruled that commercial functions could not be constructed, but court ruled that integration with The Culturepark should not be missed. To overcome court rules several maneuvers and rationalizations were tried such as establishing the integration by introducing a ladder platform or moving fair outside.

Consequently, the three parts (do, how and why) of our main research question can be answered as follows:

- 1- Yes, significantly.
- 2- By the entrance of new actors with interests based on private ownership
- 3- Because of various strategies and tactics specifically designed for benefiting from exchange value

CHAPTER 7

CONCLUSIONS

It is 'probably' better opening planning to public debate until problems with ownership are over: Planning procedures and activities are better secured in hidden rather than open processes in existence of ownership problems (Tekeli, 2009: 190).

For The Land case, hidden processes could not solve the problem as well.

An inevitable question arises: so what? History of a single land piece showed that planning process is distorted by powerful groups in society. It also showed that ownership status influences substantive and procedural dimensions of planning significantly. What should be done with this empirical evidence? Should we hide planning processes until ownership problems are over? Should we start up open and transparent planning processes by unlimited access?

Public city is the city perception of mainstream planning approach. It is a common living unit where citizens agree on common ideals, harmoniously come together, truthfully discuss urban problems, try to understand each other when conflicts appear, and achieve consensus in the end. Public city is where common interest is superior to particular interests. We do not know whether there are such cities and citizens in the capitalist world, but we know that Habermasian communicative rationality and communicative planning literature is based on hope for its existence.

Academic curriculum and political discourse is overloaded with this fraudulent, pseudo, naïve and illusory conception of participation and communication. For the last thirty years Turkish cities suffer from privatization of public assets, reallocation of resources, a planning routine based on plan modifications which exceeds annually hundreds and even thousands for medium size cities, mediation of land use decisions by powerful groups, urban protests, dubious tenders, corruptions, plan suspensions, cancellations, project terminations, etc. Public city dream world is destroyed by private interest. None of privatizations, resource allocations, plan modifications, redevelopment projects, big scale urban transformation projects such as shopping malls, residences, trade centers, business halls were decided together with citizens in open discussion platforms and in ideal speech situations. Not a single land piece was consensually privatized on the will of citizens. At least we have not come across such news on media

or empirical research that proves so. These actions are not adequately cited by planning theory. Communicative planning theory perfectly secured itself in more hygienic pages of the entire story.

Research started from this gap between theory and practice. Communicative planning theory prescribed normative schemes, but actual planning practices were significantly different. On the one side there is a theoretical debate around consensus building for conflict resolution, and on the other side there are consequences of the daily practices in planning. This research faced these two phrases: “this is how you should do” and “this is how it works”.

One may argue that communicative planning theory has nothing to do with explanation, so these two phrases should not be confronted with each other. Examining social interaction processes in planning requires elaborate analysis of actual practices and power relations among social actors. Without a strong relation between theory and practice; and without an understanding of actual relations of power in decision making processes city planning is likely to (and does) fail. Effect of this failure is not oriented towards city planning profession only. It is a matter of democratic and socially just urban living. Turkish city planning practices fail. Prescriptions of communicative planning theory could not be carried out or did not work for many cases.

For instance, it did not work for a single urban land in the central business district of İzmir for the last thirty years. If a theory would not work for a single urban land in the central business district of a developed city, what would it work for?

Planning theory no matter how advanced and sophisticated, fails to grasp key themes and problems in planning especially in recent era of rapid privatization, de-regularization, and decentralization. Neo-liberalization processes in Turkey have significant transformative effect in everyday life, academic sphere, political discourse and physical environment. Mediating land use decisions by forcing local governments to make plan modifications is simplified by easy access of powerful groups to local decision making environments. Privatization has accelerated and several public assets have been privatized through various models. Integration of privatization and decentralization of power created a double distortion in planning. Once a public land is privatized, public control of that land piece becomes limited. When it is privately owned land, planners and other actors act, cooperate, communicate and decide in specific ways. Our research explored these specific ways and dynamics that create differentiation from dealing with privately-owned land.

We argued that planning differentiates in both substantive and procedural dimensions when one faces with private property and public property.

Putting forward the integrated problematic of “rapid privatization of public resources” and “simplified plan modifications”, and adopting the “critical view of power oriented approach” we argued that an appropriate planning system is possible only by a deep understanding of actual planning practices which vary according to the ownership status. Power oriented empirical research in planning found that ‘actions other than conventional participatory actions’ cover significant portion of all actions in the planning game. Still, these researches do not acknowledge the influence of ownership variations effectively. Ownership defines the rules of game to a significant level. With the rules of game phrase the modes of decision making is implied. Modes of decision making point to any action either in the form of conventional participatory actions that communicative planning theory proposes or in the form of insidious, hidden, strategic and tactical actions that power oriented studies explored.

We asked **whether [if yes, how and why] rules of planning game change according to conditions of ownership?** To answer this main question of research a few operational steps are defined. Firstly, all actions [deeds] in the planning game are listed. Secondly, these actions are linked to ownership status. Finally, consequences of each action are elaborated in terms of their capacities to influence the planning game; in other words their performance in setting up the rules of power game. Three operational sub-questions are asked.

SQ. 1. What actions are taken by actors to realize their interests?

SQ. 2. Do actions differ when ownership differ?

SQ. 3. Who gains and who loses by which mechanisms of power?

Operational sub-questions required analyzing what types of actions exist in city planning processes; how actors act in order to meet their ends; how and why actions differ according to ownership status of the subject matter. These questions are related to power relations among actors and require elaborate analysis of actual practices in planning. The third operational sub-question is extracted among typical research questions of a phronetic research which is introduced by Bent Flyvbjerg.

Research questions are analyzed by a single case study which is the best method for answering how and why questions in certain conditions. Research is designed as a diachronic and synchronic single case. Case object is a single urban land which was once public property, but was indirectly and partially privatized in order to construct a

World Trade Center Project. This land is called The Land throughout the text. Duration of case is 27 years. Onset is 1984 and outset is 2013. Case is presented in the form of a narrative. Research design overlaps with some components of a phronetic planning research. The powerful research question among four phronetic research questions is extracted and adopted. Actually this powerful research question was inserted by Flyvbjerg into the three Aristotelian questions. We argued that Flyvbjerg's question is perfectly adequate for a power oriented research. The Nietzschean-Foucauldian power as strategies and tactics view is and adopted narratology technique for presentation are also adopted from phronetic research design by Bent Flyvbjerg. Four overlapping stories are integrated in the narrative: planning history, events in the financial sphere, local government elections, and court trials. This qualitative and extensive research designed aimed at identifying the actual practices in planning game and observing whether ownership status has influence on substance and procedures of planning practices. Results are discussed with reference to analytical means. The Land case has shown that actions in planning differ when ownership conditions differ, by entrance of new actors with private interests based on property rights, aiming to maximize economic profit, and having various strategies and tactics specifically designed for benefiting from exchange value. Empirical findings confront communicative planning theory as expected.

Habermas defines four conditions for communication which represent the basis of an ideal speech situation: truth of external reality, rightness of interpersonal relations, truthfulness for internal subjective state, and comprehensibility of language. These conditions were adapted to planning field by Healey (1992) as ten propositions in order to advance planning as a communicative enterprise. However, The Land case never experienced the Habermasian ideal speech communicative situation or Healey's propositional guidelines in its entire history. Instead, story of The Land revealed co-existence of various communicative actions and participatory practices through both conventional and unconventional means. We had most frequently witnessed critical timing actions, open antagonist confrontations, undocumented assertions, manipulation of facts, politicization, putting pressure on parties, dominating meetings, threats, discriminatory treatment, tyrannical actions, dubious and suspicious practices. Negotiation over an idea took place behind doors and only with certain actors. None of these succeeded in achieving an agreed end for this single urban land piece. In contrast to the ideal communicative actions, actions existed in real can be classified in four modes:

- 1) **Corporate communicative actions**
- 2) **Tyrannical communicative actions**
- 3) **Compulsory communicative actions**
- 4) **Reactionary communicative actions**

A corporate communication is a negotiation/bargaining among actors where proposals from all sides are taken into consideration and mutual agreement is sought. This type of action is open to modifying the initial idea / draft plan. Sides have opportunity to propose changes in the idea, but the outcome is not necessarily an agreed final decision. A distinctive feature of corporate communicative action is that sides do not take antagonist positions if they do not agree on the outcome.

Tyrannical communication is the second type of communicative actions that we have adapted from ‘the participation as a new tyranny’ critique from development theory. In the theoretical framework, we had proposed to frame critiques in three levels:

- 1) **conservative critique**
- 2) **tyranny critique**
- 3) **radical critique from power-oriented approaches**

Conservative critique is mostly from inside communicative planning theory which aims at restoration. It is based on theoretical advancements and procedural prescriptions. Significant theoretical literature has been constructed with special attention to communication, participation, citizenship and consensus in planning. Radical critique comes from power oriented empirical research in the field of planning. According to Harrison (2002:167) Habermasian rationality does not ignore power, but does treat power as something that is somehow external to communicative processes, and assumed to be eliminated in conditions of ideal speech situation.

Tyranny critique emerges from a rather distinct field: participatory rural appraisal projects in local development policies. Tyranny critique observes practical applications in participatory decision making environments, methods and techniques. Tyranny is defined as “*the illegitimate and/or unjust exercise of power*” (Cooke and Kothari, 2001b:4). These actions may be compatible with laws, but may not be exercised legitimately. The distinctive feature of tyrannical actions in closed spaces is that they can only be changed by the authority itself or by a/another court rule.

Tyranny of decision making means that what counts as knowledge and what is allowed to enter into conversation are already decided by the powerful. Tyranny of the group means that competing knowledge and challenging ideas are repeatedly weakened

through various tactics by the dominant group. Tyranny of technique means that alternative options are excluded through strategic means and tools. As a result of tyrannical participation, pre-determined values, aims and goals are imposed upon local groups through coercive persuasion. An already decided program is legitimized by consent of the group and implemented with no or few modifications. Challenges and challenging ideas are removed strategically. In this sense, participation is clearly a form of power relations. Tyrannical communication takes place when there is an existing project or already given decision and the owner of this project/decision imposes it on other actors. This type of action is unidirectional. An actor / group of actors take a decision and impose on others.

The third set of actions is compulsory communicative actions. Distinctive feature of this mode is its legal background. This communication is institutional and obligatory. Actors to enter to this communication are also defined by laws or regulations. The crucial point is that these actions are presented by actors as good participatory practices. In the absence of legal obligations to utilize public participation in planning, it is up to local administrations to organize public participation. In The Land case a public participation has never been exercised, despite the very fact that dominant planning theory is concerned with inclusion of citizens into planning processes. A compulsory communication is ontologically not possible in invited spaces and created / claimed spaces; they are mutually exclusive.

The fourth set of actions is the reactionary communicative actions by which an actor attempts to influence an ongoing process out of its reach. These actions naturally follow a previously initiated action by others. The most influential mode of reactionary communication is filing a lawsuit against a previously made decision. Several cases were commenced against plans and processes by various actors. Some of these succeeded and some did not, but the spirit of court has always been in the agenda of several actors be it realized or used as a threat. What is most obvious in The Land case is that local court has always been considered a first step. The losers always carry the case to Supreme Court.

Having identified that there are corporate, tyrannical, compulsory, and reactionary actions in planning processes, each action also takes place in a specific arena well defined by Gaventa as closed spaces, invited spaces, and claimed/created spaces. The Land case has shown that most of actions took place in a corresponding

space. We found Gaventa's (2004: 35) tripartite distinction for spaces of participation as an appropriate analytical categorization:

1. **closed spaces** where decisions are made by a set of actors behind closed doors, without any pretence of broadening the boundaries for inclusion
2. **invited spaces** where users, citizens or beneficiaries are invited by various kinds of authorities
3. **claimed / created spaces** where less powerful actors claim, and may form as a result of popular mobilization.

Because of the fact that actors are conscious and can generate several strategies and tactics to realize their ends, they may articulate different actions. In these situations, actions and spaces of action may overlap. Each mode of action and space are identified and corresponded with each other by a **typology of space-action in planning**.

A major break point in history of The Land is transformation from public to private property indirectly via a flat-for-land contract. For the second research question it is found that actions, modes of actions, actors and motives of actors, substantive and procedural dimensions of planning have changed significantly after this shift.

Third research sub-question is extracted from the four typical research questions of a phronetic research developed by Bent Flyvbjerg. Research favors the Nietzschean view of power as strategies and tactics. It also adopts the Flyvbjergian question of "who gains and who loses by which mechanisms of power?" But research is not a typical phronetic planning research in the Flyvbjergian sense of the analytics. We have argued that methodological contributions from critical theory and critical realist approach which are not referred to by Flyvbjerg have potential contributions to power oriented research adequately. In addition, we have argued that Flyvbjergian powerful question is adequate for a power oriented research more than value-laden questions of Aristotelian phronesis. Therefore, research extracted the powerful question of Flyvbjerg from the bunch of four typical phronetic questions and adopted the Nietzschean view of 'power as strategies and tactics' in the case study.

One may conceive a city as a public entity to live in harmony. To others urban land is rather commercial goods for profit making. Any urban land piece is subject to exchange. In terms of planning practices, we have seen that if a land is private property or once it is privatized, particular interests that aim to maximize exchange value act in specific ways. Actors, motives of actors, actions and arenas are highly variable. Each action is an exercise of power and a form of power relations. Several strategies and

tactics are exercised. We had framed these as protective strategies, coalition strategies, manipulative strategies, and planning tactics. We framed these strategies and tactics in four analytical categories according to motives that they are employed:

- 1. Protective strategies**
- 2. Coalition strategies**
- 3. Manipulative strategies**
- 4. Planning tactics**

Protective Strategies provide some sort of a safe house for actors. Actors appeal to protective strategies when they do not want to take on risks. Evasion from responsibility, withdrawal from voting sessions, and ignoring or refusing to investigate counter arguments are most general forms of protective strategies experienced in The Land's history. An actor may evade responsibility of taking a critical decision by putting responsibility on other actors or on previous processes.

Coalition strategies are actions generally made for gaining support from external bodies. Three types of coalition strategies can be identified in The Land case. An actor may attempt to mobilize existing allies, and actor may attempt to establish new coalitions, and actor may attempt to challenge other actors' actions and coalitions. Coalition strategies are not always visible. It is implied in The Land case that there are a hidden networks.

Planning tactics surpass planning techniques. Manipulation of facts, distortion of truth, disorienting arguments, dominating public sphere are typical strategies of power game. Some actors dominate spaces to appear and manipulate interpretations. Producing minimum information, making empty provisions, persuading decision makers by gifts and bonuses, rationalization in Flyvbjergian meaning of the term, and critical timing actions are tactics employed frequently in planning The Land. Participation without rational argument is fragile to dominancy of powerful. Therefore, Flyvbjerg uses the term 'rationalization' which is exercised by powerful in order to determine what counts as knowledge. In fact, there were no rational decision making processes in the form of conventional techniques of city planning. It was a 'free from reason' field for which Flyvbjerg (1998:34) quotes the famous aphorism of Nietzsche 'Knowledge kills action'.

Empirical research questions have revealed that there are several actions that actors take in planning game. These actions are significantly different from those ideal prescriptions proposed by communicative planning theory. Each action is a power game between actors accompanied with various strategies and tactics to realize ends. Hidden,

informal and corporate actions are more valuable and effective than reports, written submissions and declarations in influencing decision makers. Protests, marches, demonstrations are weak vis-à-vis commencing a case. An open ideal speech situation environment has never been exercised therefore we cannot predict the outcome of this Habermasian proposal as to who gains and who loses from such a decision making environment. It is likely that such environments are fragile to tyranny of group and tyranny of method. Despite the fact that communicative planning theory covers huge portion in political and academic discourse in Turkey, its theoretical prescriptions have not been exercised to a significant level. History of The Land has not experienced any open participatory exercises. Most communication took place behind doors. In spite of truthfulness and open dialogue, manipulation, distortion of facts, making undocumented assertions, threats and personal confrontations were on scene. To sum up, the three empirical research sub-questions can be answered briefly as follows.

In spite of open participatory communicative actions, corporate, tyrannical, compulsory, and reactionary communicative actions are exercised. Respect among key actors is a lost artifact in The Land case. Story has revealed that sides never avoid open confrontations and left antagonistic positions. Dichotomous relations grew to personalized antagonism and became normalized. For instance, reason of a court rule in a case between the two mayors (Burhan Özfatura and Yüksel Çakmur) stated that *“The dialog between sides [these two persons] came to this situation since years; therefore indemnity is reduced to a moderate level”*. Nevertheless, communicative planning theory remains silent in case ideological redlines are drawn and there is no common ground for a consensus.

Communicative planning theory puts emphasis on citizen participation. However, when object of planning is a privately owned land individual citizens do not appear among those who have stake. Actors, motives of actors and their mechanisms of exertion of power are significantly different in case a privately owned land is of concern. Briefly, rules of planning game change for publicly and privately owned areas.

The Land case continues, therefore ultimate interests of actors have not accomplished yet. However, a thirty years old urban problem is a loss for users of the city who are citizens. Regarding specific strategies and tactics, The Land case has shown that open dialogue, written submissions, call for scientific inquiry, protests, marches do not work. Face to face meetings with counter sides do not succeed an agreement. Spirit of court and court rules are the most influential means of action. When

one has private interest in the subject matter of planning, antagonist relations grow easily; highly variable strategies and tactics are used frequently to achieve ends.

Some might argue that The Land case represents several unique patterns for which any generalization cannot be validated scientifically. Author agrees that findings of research can be generalized to a limited extent. However, no one yet knows limits to this extension. Design of The Land case is built on a diachronic and synchronic single case. Other ways of analyzing the relationship between exertion of power and the question of ownership can be carried out by comparative analysis. During studying The Land case, a quick scan found that re-functioning old garage areas in several cities are experiencing the same faith with The Land. Transformation of old garages appears as an extensive problem. For instance old garage / terminal areas in Afyonkarahisar, Aksaray, Antalya, Bandırma, Burdur, Bursa, Diyarbakır, İstanbul Levent IETT, Konya, Kütahya, Manisa, Muğla, Samsun, Seydişehir, Sivas, Tokat, Urla, and Van have been transformed into or projected as shopping malls, hotels, commercial centers either by privatization or flat-for-land contracts. We argue that flat-for-land agreements are among types of privatization. This model of privatization is based on shares allocation by which a public-private partnership is established. Similar problems with The Land are recognized in other cities. We suggest scholars that what happens to old garage areas are worth studying in research fields such as urban morphology, urban economies and city planning comparatively or intensively. For sure, these researches will not be limited only to old garage areas.

Individual life experiences and many stories in planning have told us about negative effects of power relations. Planning scholars are aware that power relations distort planning. This research took one step further to investigate power relations revolving around the fundamental component of capitalist city which is property ownership. The idea of public city as an entity is fragmented by particular interests. Plan modifications and privatization of public assets are perfectly integrated in this battle. Research examined one sample. The Land is a typical battlefield among others that one could see in any city. Terminated projects, unfinished constructions, decades old urban problems, revised projects are not extraordinary in Turkish cities. How and why an urban problem cannot be solved for years [despite the hopeful manner of planning theories] shines as a fruitful excavation area for planning scholars.

The Land's history witnessed several conflicts. Two of these are related to court processes that require further investigation. Firstly, we have seen that local court has no

value for the losers. Efficacy and validity of court rules in planning problems can be subjected to a research in the field of law schools. The second is the conflictual expert reports. We have seen that Supreme Court negated local court's rule twice by appointing another team of experts composed of city planners. The world views of city planners naturally change, but professional examination of a single issue should have some scientific, technical and disciplinary background which should not vary extensively. Such conflictual expert reports are widespread and we suggest that this instability and loose background of technical evaluation is worth examining.

Academic and political circles are in search for revising Turkish planning system which suffers from problems 'in' and problems 'with' planning. Majority of policy proposals are typical versions of idealist and contextually-insensitive prescriptions of communicative planning approaches. We claim that although communicative planning and its fundament [participation] theoretically dominate academic field and political discourse, city planning practices frequently experience unjust and non-participatory decision making processes in real. Power oriented planning researches so far have accumulated limited literature based on empirical findings that 'actions other than conventional participatory actions' cover a significant portion of all actions in the planning game. Methodological aim of this research is to put a brick on the existing body of power oriented empirical research.

It is the communicative/collaborative planning approach that reins planning theory. From planners to politicians, from citizens to land developers, each single actor in the city appreciates collaboration and participation. A fraudulent, illusory and pseudo participation is practiced. To us, it is power relations that shape planning practice. Research revealed that communicative planning theory does not match with actual planning practices which is dominated and manipulated by power relations. Power approaches to planning has not yet successfully constructed an alternative theory of 'power in planning' yet. A major impediment for such a research is the lack of appropriate empirical and methodological tools. It is possible only through studying actual planning practices that methodological tools can develop and lead us to better theory making. Without a strong relation between theory and practice; and without an understanding of actual relations of power in decision making processes city planning is likely to (and does) fail.

It is unfortunate that Turkish academic research suffers from closed-up archives. Turkish local and central governments are reluctant to keep archives and are not

willingly to open them to public accessibility. Yet, this situation is itself an input, regarding the problematic of this study in relation to power/knowledge relation. Achievable and unachievable information is itself an indicator of transparency. Yet, this limitation due to closed arenas also contributes to the literature by proving that these modes of hidden communication/participation mechanisms do exist. To us, presence of closed doors is more important than what happened inside.

Theory mostly focused on citizen participation; however our case has shown that besides citizen participation, participation of organized groups, professional chambers, NGOs and related institutions are also problematic. Unless a legal obligation is introduced decision makers cannot facilitate participatory environments voluntarily. Legal obligations on the other hand may not be performed appropriately.

Throughout the history of planning The Land, rational and scientific arguments occupied no volume. The only procedure followed was compatibility with laws and regulations. The constituent of city planning became law and regulations, not doctrines and techniques of the profession. Instead of '*institutionalization of planning for dissolution of conflict and tension among groups*' (Healey, 1992) a series of law-oriented, antagonistic, personalized, non-participatory power game was practiced in the history of The Land. What are called as consensus and participatory practices for The Land case are the compulsory communicative actions that are defined by law. Such actions are not pure and free from power relations. Public discussion platforms and meetings are also distorted by tyranny of the group and tyranny of method.

For the last decades, planning theory is in crisis, planning research methodologies are mostly irrelevant to social phenomena, planning practice is under distortion, and policy proposals are carbon copies of universal prescriptions. A substitute is missing. Despite the failure of dominant planning theory in, critiques are only reflexive. A theoretical body of evidence to falsify claims of communicative theorists is lacking. Power oriented approach and philosophy had limited literature and methodological means to carry out empirical research about exertion of power. There is scarcity in empirical research in the field and insufficiency in analytical methodologies to observe actual planning practices. Ultimate aim of this research is to help understanding and deciphering actual practices with a power-oriented approach so that planning framework leaves less room for injustice.

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