

British Journal of Criminology

2005

Disaster by design: corruption, construction and catastrophe

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Subject: Penology and criminology

Keywords: Construction industry; Corruption; Earthquakes; Organised crime; Turkey

**Brit. J. Criminol. 528* An underlying assumption of this paper is that many 'natural' disasters are the direct outcome of 'deviant' political and economic decisions and actions by states. While focusing on three recent major earthquakes in Turkey, the paper explores the dynamic relationship between state power, corruption, corporate power and, to a limited extent, organized crime in the context of examining responsibility for earthquake-precipitated catastrophe. It documents the 'network of responsibilities, opportunities and pressures' which combine as state crime to create earthquake disasters involving mass human rights violations. The paper argues for a reinterpretation of natural disasters in terms of human rights violations, while developing themes around state culpability which first emerged in an Economic and Social Research Council-funded study undertaken by the author (with Al Hussaini and Curry) on the 1999 Marmara earthquake in Turkey.

This paper explores the dynamic relationship between state power, corruption, corporate power and, to a limited extent, organized crime in the context of examining responsibility for earthquake-precipitated catastrophe. In doing so, it charts the 'network of responsibilities, opportunities and pressures',¹ which combine as state crime to create earthquake disasters involving mass human rights violations. The paper argues for a reinterpretation of natural disasters as human rights violations while developing themes around state culpability which first emerged in an Economic and Social Research Council-funded study undertaken by the author (with Al Hussaini and Curry) on the 1999 Marmara earthquake in Turkey. These themes were later identified in Green and Ward (2004), where we developed a criminological rationale for understanding the impact of many natural disasters as state crime. Employing the theoretical criteria derived by Green and Ward (2000; 2004) to determine 'organisational state deviance' with Olson *et al.*'s notion of the politics of 'life safety' (Olsen *et al.* 1999), this paper argues that the Turkish earthquake disasters of 1999 and 2003 were less the products of violent seismic events and much more the result of corrupt political decisions and negligent government. Sixty-six per cent of the Turkish population lives in high-risk earthquake-prone regions (Gulkan and Ergünay 1999) and Istanbul's 12 million citizens face a 65 per cent chance of a major earthquake shattering their city in the next three decades (Parsons *et al.* 2000). Understanding the fundamental causes of the catastrophes which follow earthquakes and the political allocation apportioned by states to life-safety therefore matters a great deal.

**Brit. J. Criminol. 529* Organizational Deviance

In August and November of 1999 two major earthquakes struck the Marmara and Düzce regions of Turkey's north-west. The most devastating of these was the Marmara earthquake with a moment magnitude of 7.4. Three years later Bingöl in the east of the country experienced another major earthquake (magnitude 7.2). Combined these disasters claimed over 40,000² lives and destroyed over 300,000 homes.³ The human catastrophe which followed each of these earthquakes can, it is argued be attributed in large part to government and industry corruption, gross negligence and state links to organized crime, or in other words, to state-orchestrated organizational deviance. As Olson and his colleagues have argued:

When all is said and done ... it is a community's political system that decides authoritatively through the public policy process who will get how much life safety and who will pay for it. In the end, that is all that matters. (Olson *et al.* 1999: 169)

While Olsen *et al.* examined the rational decision-making processes of a relatively transparent local democracy in Oakland, California, a similar methodology can be usefully applied to the political decision-making process in Turkey. What this paper argues, however, is that many of the decisions, actions and inactions on the part of the Turkish state amount to organizational deviance which, when combined with human rights violations, amounts to state crime.

Green and Ward (2004) identified six types of state organizational deviance relevant to understanding natural disasters as state crimes: systemic corruption; state collusion with corporate crime; government collusion in the illegal activities of its own elites; war crimes; negligence; and post-disaster cover-ups. These will be explored in the context of the Turkish earthquakes under study.

Political Economy

In order to understand the poverty of contemporary construction practice in Turkey, the prevalence of corruption and the roots of the organizational deviance we are concerned with here, it is necessary to briefly examine the role of central government in liberalizing the Turkish economy in the 1980s. Following the 1980s coup d'etat, prime minister Turgut Özal opened the door to the liberalization and globalization of the Turkish economy, including the lifting of protectionist trade practices and the privatization of public lands. According to Keyder, 'Liberalization in the economy and the grudging and incomplete repudiation of populist intervention by the state elite were necessary preconditions for the imposition of a self-regulating market this condition translated to land being made available for legal development, which, in turn, made possible the increasing impact of capitalist enterprise in housing and, interdependently, the emergence of large construction firms' (Keyder 1999: 153).

According to Aybar and Lapavitsas (2001), 'Corruption in the form of privileged access to public procurement, unwarranted loans and bribes for politicians ... blossomed during liberalisation' (2001: 302). They suggest that while all layers of the Turkish **Brit. J. Criminol. 530* ruling class participate in corruption, it is those 'most closely connected with the state' that are the most corrupt.

In addition to public lands being made available for privatization, various enterprising firms and individuals, relying on populist government practice, were able to build on undeveloped public land before it became available for sale. Developers learnt to rely on the fact that these illegal housing developments would be pardoned on the eve of elections, when governments would pass building amnesties which allowed either more storeys to be built on existing developments, or allowed public lands, already home to vast unlicensed housing developments, to be sold to individuals or companies.

Hundreds of restrictive rules and regulations were repealed to encourage Turkish entrepreneurs and in these circumstances:

What sort of business could an unschooled and capital-poor Turk launch that would put him on the road to wealth? Hundreds chose to start construction companies, relying on the help of friends in local politics to win contracts. (Kinzer 2001: 190)

If there was one exemplar of this process of deregulation, it was Veli Göçer,⁴ a contractor who became the state's primary scapegoat following the 1999 Marmara earthquake:

There's no reason for me to have a guilty conscience.... Naturally I sympathize with the victims and their families. But I don't understand why they are making me into a scapegoat. I started building the Bahçeket complex in Yalova about six years ago. Naturally I didn't have any idea about construction. I studied literature in school. I'm a poet not a structural engineer. I remember visiting my first construction site. I saw workers using beach sand for making concrete. When I asked about it the architects told me that this was completely normal. Only later did I learn that this is a completely wrong and dangerous practice. So I ordered a stop to this disgusting practice. Unfortunately half the complex was already finished.⁵

This culture of *laissez faire* in which it was possible to build wherever and whatever one liked, with no adequate regulatory control, was to grow more prevalent over the next 15 years. A notable finding of the post-earthquake engineering teams was that a disproportionate number of newly built structures failed in the 1999 disasters (EQE 1999). This finding suggests a direct link between the liberalization and deregulation strategies employed by the Özal regime in the 1980s and the poor-quality housing stock which flourished from that period.

It is widely understood that around 65 per cent of Istanbul's housing stock is illegal, by which is meant it has not been subjected to legal regulation. Many of the illegal dwellings are *gece kondu*⁶ --houses literally built overnight in response to a lack of affordable social housing. Keyder usefully summarizes the wide range of illegality afflicting Turkey's construction industry:

In some cases the dwellings have been constructed on public land or on land belonging to private owners, and defacto squatting is the result; in others construction has violated zoning regulation,

building on farmland or what has been reserved as park space (green area); or construction has been carried out without regard to municipal ordinances, without the proper inspection and permits, and disregarding the engineering, sanitary, aesthetic or habitation norms set by the authorities. (Keyder 1999: 144)

Around 70-80 per cent of Turkey's land mass is under state ownership (in the cities, however, private ownership exceeds state ownership)⁷ --a legacy both of the Ottoman empire and of the republican nationalist conception of modern Turkey.

In the Ottoman empire, all land, unless it was explicitly recognized as private or belonging to a foundation, was considered to belong to the state. The land under cultivation, as long as taxes were paid on it, was held in possession (usufruct rights) by the cultivators themselves. From the point of view of the subjects, real property was something that had to be carved out of the realm possessed by the state, that had to be defended from the state and that could at any time be lost back to the state. Its security depended on the balance of power and on the ingenuity of the usurper (Keyder 1999: 144).

In 1956, large portions of land which had been left uninhabited following the genocide of the Armenians⁸ and the exodus of other minority group landowners--the Jews and Greeks--remained unclaimed. Ottoman titles were converted to the modern Turkish titles, but large swathes of land, as a result of absentee landholders or individuals who did not visit the registry on a certain day, were put into the name of the Turkish Treasury. The commodification of land was seen as ideologically anathema to the principle of authoritarian statism, particularly as private appropriation of state land was popularly understood as a right of citizens.

The existence of clientelist relations of exchange provided, as Keyder argues, 'a baser motive, appealing to the political logic of those in decision-making positions. If patronage were to remain an effective mechanism, the rules of allocation of public land, and the dispensation of public services to new settlements, had to be left deliberately vague. A simple distribution or allocation on the basis of an advertised rule would preclude the striking of particularist deals through which a politician could emerge as the patron of a newly urbanised group' (Keyder 1999: 147).

A perfect illustration of this emerges from the author's collaborative research on the Marmara earthquake. Between 1989 and 1999, the Mayor of Esenyurt, Gürbüz Çapan, ensured that his friends and family won lucrative construction tenders. Land was confiscated from individuals under the pretext of the 'Law for Prevention of Unlicensed Housing' and then sold on to developers; unlicensed construction was actively encouraged for the purpose of eliciting bribes; intimidation gangs were employed to threaten those who challenged these practices and 'foundations' such as the Esenyurt Public Works and Development Foundation were established to encourage 'donations' from individuals who required municipal services (Green and Ward 2004).

Illegal construction is clearly indexed to the political mood so that an indication by a local authority that zoning regulations may not be enforced in the run-up to an election will presage a rash of extra-storey building. As Keyder notes, 'Politically it is much less likely that a house with people in it (even if only half finished) will be torn down by the police, with cameras capturing heart-rending scenes' (Keyder 1999: 148).

Thus, state ownership of land, coupled with the customary practice of the unregulated informal appropriation of it, has suited Turkish politicians operating within a context of **Brit. J. Criminol. 532* populist clientelism. For their own electoral purposes, these politicians, through the arbitrary allocation of services, licences, permissions, the regular turning of a blind eye and the granting of other privileges to those building illegally, have been able to secure popular support while, at the same time, ensuring an increased risk to the life safety of those forced to live in the dangerous housing which emanates from those decisions. In this sense, the relationship between the construction industry and the Turkish state falls within Kramer and Michalowski's definition of state-facilitated state-corporate crime, where government fails to 'restrain the deviant business activities' because of shared organizational goals (discussed below) (Kramer and Michalowski 1990).

Corruption Kills

The existence and intransigence of corruption in the construction industry is widely and publicly acknowledged: 'Everything ultimately depends on local authorities and municipalities and most are corrupt.' There are three types of permission granted by the municipalities: design permission,

foundations permission and occupancy permission --there is therefore much scope for corruption (earthquake engineer, Professor Nuray Adinoglu, personal communication, 18 December 2000).

One of Turkey's leading earth scientists, the late Professor Aykut Barka, described the social network underpinning clientelism in the construction industry in the following terms: 'Municipal controls ... I mean when you go to government as a contractor you need to be hem#ire (hem#ire means they come from the same town so they look after each other). So you have to be hem#ire or from the same political party to get the job. Your quality is a second or third priority' (personal communication, December 1999).

In November 2000, the highly regarded Turkish research institute, TESEV, conducted a nationwide study into perceptions of and attitudes to corruption. Over 3,000 people were interviewed, 25 per cent of whom reported that either they or a relative or friend had been offered bribes or gifts in return for the promise of a vote by a political party in the 1999 national elections (TESEV 2002).

As one leading architect reported, 'When the municipality is corrupt there are lots of ways I can go and buy a Mayor. State corruption is from the bottom to the top' (personal communication, 13 November 2001).

The advisor to the Mayor in one of the worst hit areas of the 1999 Marmara earthquake commented that 'the project managers, they take bribes, we do it ourselves. There is no project inspection ... the project engineer, the inspector and the technical plan approver who signs the project off is all the same person' (personal communication, July 2001, Degirmendere).

Evidence of this was observed during fieldwork; while on a building-inspection tour in one of the municipalities badly affected by the earthquake, the municipal engineer carrying out the inspection reported that a house we had passed had not been approved but was built 'because the Ba#kan [Mayor] wanted it'--an architect would later post-approve it (personal communication, 2001).

Construction Amnesties

One of the most conspicuous pieces of state-facilitated deviance that contributed to the magnitude of the earthquake disaster and, indeed, many of the previous natural disasters **Brit. J. Criminol. 533* in Turkey is the construction amnesty (Green *et al.* 2002; Green and Ward 2004). Despite strong opposition from professional groups such as the Turkish Chamber of Architects and Engineers, there were 12 construction amnesties in Turkey between 1948 and 2001 (*Cumhuriyet*, 17 August 2001). A further construction amnesty was proposed by the government in 2001, but failed to secure the support of the municipalities, professional groups and the general public. In an unusual move, the President, Ahmet Sezer, vetoed the Bill, declaring: 'How shameful, development amnesties and those who see fit to commit crimes of procedure against construction laws, are creating large wounds to our way of life that are difficult to close' (Ahmet Necet Sezer, quoted in *Cumhuriyet*, 8 November 2001).

The regularity of building amnesties removes many of the formal constraints which might normally act upon less scrupulous or untrained contractors and ensures that there is no compulsion to build on safe land. To build on alluvial soil, on reclaimed land, in river beds, flood plains, landslip zones and in areas subject to liquefaction in earthquake conditions brings no appreciable penalty. Illegal constructions acquire legitimacy with the passing of an amnesty and developers are rewarded with large profits made from the sale of homes built without the extra costs required by building regulators, such as appropriate building materials or adequate earthquake-resistant designs (Keyder 1999; Aydinoglu 1998; 2001; IMO 2001).

The impact on the building industry is such that 'Developers don't look for better architects or design firms but for those who can cope with or orient their firm to the expectations of the developer, mainly in terms of profit. The developer has an understanding of construction costs according to a pro-forma from previous projects, and he insists that designs are made that are feasible with this type of pro-forma--a kind of reversal of the process'.⁹

In addition to illegal land amnesties, there are amnesties for illegal buildings on legally owned land. According to one well respected architect,

'The system works like this. You can build the building on a block of land for which you don't have permission. If you pay the municipality the appropriate amount, they won't notice the building, and you can construct it. But if someone complains, they're required to investigate, and then, as the owner, you've got a problem. Sometimes you can get around the problem by paying off the person--usually a

neighbour--who has made the complaint' (personal communication, December 2001).

There are also the amnesties relating specifically to the illegal building of extra storeys on licensed housing. According to Noray Aydinoglu 'During the 1967 earthquake [in Adapazari] less than 100 people were killed. At the time, there were only several four- or five-storey buildings in the city', referring to a prohibition on buildings of more than two storeys in Adapazari. The 1967 quake measured 7.2 on the Richter scale, killing 89 people and injuring 235. With the industrial boom of the early 1980s, Adapazari became one of the main cities receiving immigrants from poorer regions of the country. There was considerable pressure to develop new housing to accommodate the new arrivals. Eager to meet this need, the contractors increasingly built apartment blocks over the two-storey limit. According to one earthquake survivor, 'At the time we called "crazy" those who were building these houses and those who were buying or renting them. We all forgot the past. Even **Brit. J. Criminol. 534* me. I lived through the 1967 earthquake and despite that I built an additional, fourth storey on my apartment'.¹⁰

One of Turkey's most senior and well respected earthquake engineers reported that unoccupied public land, forest and water catchments were sometimes for sale or rent at a cheap price prior to an amnesty being passed. Individuals who had illegally developed this land could then purchase it for a nominal sum before legally selling it on to buyers in the open market. This land appropriation was alleged to be systematic, with the involvement of organized crime elements close to the state. One municipal urban planning manager suggested that this practice was now being met with some disapproval because the recently privatized utilities were legally liable for any 'connection' accidents. In 2002, however, the government legally provided for the connection of utilities to publicly owned land and to unlicensed housing.¹¹

Following the 1999 earthquakes, survivors reported corrupt practice in the distribution of housing to the thousands made homeless. One survivor described the processes she had observed:

There's a lot of *torpil* ('who you know'). The Municipality has taken the best houses for their technical staff and left all the ground floor housing for the earthquake survivors. How can earthquake survivors live on the ground floor? Most people who lived on the ground floor stayed under the wreckage.... There was a lottery for the post-earthquake housing, but I don't know anyone who didn't get a ground floor apartment. There must be some injustice in the system. The best houses all went to people who knew people in the Ministry or the Valilik.¹² And a lot of people paid to get their housing reports changed from *orta hasarli* (medium damage) to *az hasarli* (minor damage). There are no trustworthy houses in Yalova¹³

Clientelism, Corruption and Earthquake Disaster

The literature on corruption and policy making in Turkey suggests the importance of distinguishing between central and local government (Adaman and Çarko%3Fglu 2001; Mardin 1973; Gune#-Ayata 1994) and provides a useful analytical framework for understanding the impact of corrupt patron-client allegiances on the processes which led to the 1999 Marmara disaster and those of Bolu/Duzce in 1999 and Bingöl in 2003.

In a comparison of both levels of government, a nationwide survey of Turkish urban dwellers revealed that while all layers of government were perceived as seriously corrupted, central government practices were perceived as more corrupt than those conducted at local government (Adaman and Çarko%3Fglu 2001). This finding is consistent with the tensions that have always existed between the modern central state (defined by the military and the bureaucracy) and the historically rural periphery (Gune#-Ayata 1994).

[T]here was on the one hand the oppressive, indifferent, distant bureaucratic elite, which failed to understand local problems and wished to extend Westernized, nation-state ideology and citizenship but lacked adequate means of communication. On the other hand, there was the village *gemeinschaft*, which was apathetic to the state and society. Thus despite ideological contradictions and reluctance, **Brit. J. Criminol. 535* the only way to integrate the periphery with the centre was to use the existing notables, to coopt them into the political system and the Republican People's Party. (Gune#-Ayata 1994: 50)

From this perspective, corruption may be seen as an intrinsic component of government tying local political networks to the national government framework. Corruption is thus an integral feature of the Turkish polity.

Adaman and Çarko%3Fglu argue that even though the introduction of multiparty elections significantly encouraged and developed political participation in Turkey, it 'failed to create the dynamics for civic engagement in policy-making processes' (2003: 3). A range of Turkish commentators describe the intransigent nature of clientelist relations and the power of kinship, religious, ethnic and small group investor networks in undermining wider participation and political transparency (Heper 1987; Adaman and Çarko%3Fglu 2001; Özcan 2000: 253).

Adaman and Çarko%3Fglu also found that the urban population of Turkey had, to a high degree, internalized the corrupt nature of government and operated accordingly. In terms of illegal housing, this internalization is accompanied by a strong emotional commitment to the *gece kondu* by those who built and dwell in them (Erman 1997). The corrupt practices which sustain dangerous and illegal housing are therefore less likely to be challenged even by those who face tremendous risk in the event of an earthquake.

In September 2001, it was revealed that local politicians in one of the most heavily earthquake-damaged areas, Yalova, had 'plundered' state contracts for the repair of damaged buildings. The MHP's Yalova Provincial Chair, Erol Tatar, the Deputy Mayor, Birol Aslan, (ANAP) and the MHP's former mayoral candidate, Turgut Yuksel, were awarded construction contracts without going to tender.¹⁴

Negligence, Building Failure and the Absence of Government Regulation

Earthquakes themselves are only natural energy releases. An earthquake will not be a disaster unless it strikes a populated area. (Coburn and Spence 1992: 1)

Coburn and Spence highlight the relationship between earthquakes and unsafe building structures as *the* defining feature of earthquake disaster--a relationship borne out by the comments of one leading Turkish earthquake engineer, 'If we had decent buildings maybe only 200-300 would have died and not the thousands that we have seen'.¹⁵

The reasons for the extensive construction of dangerous buildings need to be explored politically and not simply in terms of the failings of the construction industry:

In confronting earthquakes or other risk from natural or technological disaster, a political system allocates--by action as well as inaction in a variety of channels--a very important value: *life safety*. We can say that despite their apparently mundane nature, decisions on building codes are at the heart of life safety allocations, for such decisions determine, at least in probabilistic terms, who dies in an eventual disaster, and where, when and how. (Olson *et al.* 1999: 32)

Olson *et al.* argue that the Loma Prieta earthquake in Oakland California was less a straightforward issue of building code violations but much more oriented around **Brit. J. Criminol. 536* 'trade-offs' between the 'core values' of the major players--professional groups, government and industry (Olson *et al.* 1999: 5). In Turkey, building code violations were part of a well entrenched political process of give and take between the same key players--professional groups, government and industry. But, in Turkey, the role of central government has been crucial in sanctioning the excessive trade-offs witnessed against the value of life-safety, in pursuit of state organizational goals. Clientelism and the corruption which it nurtures institutionalizes and legitimizes those trade-offs. The advantage for the state is twofold: clientelism creates the climate which allows local corruption to flourish; corruption, in turn, ensures the provision of cheap mass housing. Corruption is thus a cheap and devolved means by which the Turkish state 'addresses' social housing provision. In this sense, it can be said to foster state organizational goals and may explain why it is tolerated. Corruption may also be seen to service another primary organizational goal--that of maintaining the integrity of the Turkish state. The political stability which clientelism brings (Clapham 1982) and from which corruption flows may also thus be seen as an intrinsic goal.

Everybody asks me 'when is the next earthquake?' ... we can't predict the earthquake, forget the idea, if people have reliable safe housing no-one would ask that question of me. (Professor Aykut Barka, seismologist, Istanbul Technical University, December 1999)

The findings of international engineering research teams investigating the Marmara earthquake established that the scale of destruction was attributable to a lack of adequate engineering, a lack of industry inspection and quality assurance, and state laxity. More specifically, they reported that the very heavy damage suffered in the regions of Adapazari, Izmit and Yalova could be attributed to soil profiles--loose silt and sand layers, soft organic clay layers--inadequate engineering design, the

weakening effects of the removal of walls in many buildings, the poor-quality cement used, inadequate reinforcing members and the proximity of building structures to the Izmit Bay shore (EEFIT 1999; MCEER 2000; EERI 1999). The most suitable foundations for the type of poor ground condition identified as causal by these teams is deep basement or pile (for major structures) and rigorous checks of the proposed designs should have been carried out. Most of the observed damaged structures were, however, designed with only shallow foundations and little demonstrable care for earthquake loading.

Soil-structure interactions (SSIs) also contributed significantly to the destruction of structures in the earthquake region. Adapazari, Gölçük, Avcilar and Sapanca were particularly affected by soil liquefaction,¹⁶ which occurs when saturated alluvial materials behave like liquid as a result of seismic shaking, and cause settling of buildings. In Adapazari, for example, which is sited on an alluvial plain with the water table very close to the surface, some buildings sank to a depth of up to 1.5 metres, and liquefaction affected a majority of buildings on many city blocks. Multi-storey buildings sank to a greater depth than adjacent single-story buildings (USGS Circular 2000), making it evident that SSIs and liquefaction influences had not been considered in the design of buildings in the region. One geophysics expert stated: 'You can't build anything in these regions. They should relocate all these buildings on the high ground nearby' (Professor Roger Bilham, New Civil Engineer, 16 September 1999). And while local and **Brit. J. Criminol. 537* national government officials acknowledged that the only safe strategy was the re-siting of the city, and the Mayor of Adapazari¹⁷ reported that plans were under way for new settlement districts; Green *et al.* observed that reconstruction in the old Adapazari has continued unabated¹⁸ (Green *et al.* 2002).

The civil engineering practice of deep bore hole investigations would have revealed to contractors, consultant engineers and the municipal authority the dangers inherent in the soil conditions. It was clear from fieldwork¹⁹ that these tests were either not being carried out, not being carried out to an appropriate standard or that test results were ignored in favour of more profitable construction methods. One geologist working for the Adapazari municipality revealed 'Before the earthquake we didn't carry out any soil tests in Adapazari but we knew there was a liquefaction problem, a soil problem here. I knew because I'm a geological engineer, I had information, but with regard to the buildings the municipality had no information ... before the earthquake they didn't know if the soil was safe or not.'²⁰

The international investigative teams suggested that it would be crucial in the future to ensure adequate zoning for housing construction, enforced by building controls, which take into account ground conditions and potential hazards (EEFIT Preliminary Report 2000).

Many buildings were also built unacceptably close to the coastline. On the Gölçük coastline, which was built on reclaimed land, earthquake-related phenomena such as land lowering due to liquefaction caused the engulfing of rows of cafes and flats on the waterfront in a 30-metre-wide swathe, resulting in the death by drowning of between 150 and 500 people. Reclaimed shoreline is unequivocally unsafe for building residential structures in the absence of deep pile foundations, which were not observed in structures. Additionally, many buildings were built either on, or unacceptably close to, the fault trace. Some buildings were torn apart by the rupture of the fault, which had an average lateral offset of about 3 metres (EERI Special Earthquake Report, October 1999). The architect commissioned to rebuild the earthquake-destroyed offices of the De%3Fgirmendere mayor lamented that the mayor wished to have his office built away from the Marmara shoreline and in the heart of the community.²¹ Sea views were considered more desirable by the architect, despite the inherent and proven dangers of shoreline construction in the region.

Despite persistent scientific warnings from seismologists, earthquake engineers, architects and urban planners, the national government has demonstrated a wilful disinterest in the implementation of laws to protect life-safety: 'The body that creates the codes and the development law is the Ministry of Public Works and Housing. However, the implementation of these codes and regulations is not the responsibility of this ministry but of the local governments, and the local governments are not responsible to the ministry ... so there is a dichotomy between who's responsible and who makes the rules. That's the primary reason they are enforced in a shoddy way (Professor **Brit. J. Criminol. 538* Polat Gulkan, METU, quoted in the *TDN*, 17 September 1999). According to a report by the President of the Chamber of City Planners, the 1998 Development Act (3194) has no mechanism for the inclusion of public participation. The report makes clear that local interest groups (private developers and contractors) have had a stranglehold on the urban planning process, including decisions on what land will be developed, when and how, and on raising urban land rents.²² This is reinforced by General Secretary of the Architects Association and Associate Professor at Ankara's Middle East

Technical University, Abdi Guzer, in his analysis of what has been termed 'partial planning', where responsibility for planning has been transferred from government to individual developers. In this situation, urban planning, rather than developing on the basis of population need, proceeds on the basis of 'the technical capabilities and the profitability of a project for a developer' (Abdi Guzer, cited in *TDN*, 17 September 1999).

According to Abdi Guzer, the failure by central government to plan land usage is at the heart of the problem: 'If we are going to build housing in the earthquake area, either temporary or permanent, we don't know where to build it. We don't have proper plans for these areas ...' (cited in *TDN*, 17 September 1999). The voice from the professions is united: 'We knew that this fault runs through this area. There were many past earthquakes in this area with the last one in 1967 in Adapazari. So this is very obvious. Geologically we know that the area has such a risk, but the outcome shows that the development was totally unplanned' (Haluk Sugo%3Fglu, Director of Earthquake Engineering Research Centre, METU).²³

Despite the high quality of the 1997 Turkish Earthquake Resistant Design Code for Buildings (equivalent to that of earthquake-prone San Fransisco), it offered little protection in 1999 and 2003. According to Turkish earthquake engineers, less than 25 per cent of all buildings in Turkey conform to the 1997 Code. The Turkish state has failed to introduce a regulation authority, maintained at the level of local authority, 'capable of assessing drawings and calculations, capable of visiting buildings under construction and with powers to penalize non-compliance and to prevent unsatisfactory structure being completed' (Coburn 1995: 84). The failure of the central administration to assume responsibility for the implementation and enforcement of its codes was expressed by many earthquake engineers, architects and urban planners:

[The Ministry] want to stay away from earthquake problems in Istanbul. What is under their jurisdiction is reconstruction. It is under no-one's jurisdiction to prepare the city for an earthquake. (Nuray Aydino%3Fglu, Professor of Earthquake Engineering, Kandilli Rasathane Bosphorus University)²⁴

As has been argued, the failures of construction and planning are much more than the result of greedy, ill trained, corrupt or lazy functionaries. It is the failure of government, the *criminal* failure of government--the wilful avoidance of adequate urban and disaster planning, of regulation and enforcement motivated by an entrenched culture of clientelism which favours corrupt exchange--that created the conditions for disaster.

***Brit. J. Criminol. 539 Poor Training--State Negligence**

Another feature of state inaction or negligence which has an impact on 'life safety' is the state's approach to training qualified engineers. In distinct contrast to the 16th-century Ottoman Empire, where the high quality and standard of buildings has been attributed to the education of a qualified workforce (Aktüre 1987: 105), the Turkish construction industry of the late twentieth century was poorly trained, under-supervised and unregulated. Inadequate training of engineers and builders played a significant role in the earthquake disaster. Training for engineers in Turkey is a four-year undergraduate programme. At the end of the programme, a civil engineering graduate immediately acquires the legal right to assume technical responsibility for a construction of any size. This is something of great concern to the academic earthquake engineers interviewed in this research:

Turkish and international graduates, the same day they put a diploma in their pocket, have the authority, according to [Development Code 3158] to do any type of project, and to be any type of *fenni mesul* (technical expert, or project manager) on any construction.... No-one will say to you, 'stop my friend, to be a project engineer is not such an easy job, you need to be well-versed in earthquake engineering and construction technology, and have your work assessed', or anything like that. Finding the city's district registration office, registering yourself at the Chamber of Construction Engineering, and obtaining a number from the city council, is sufficient'. (Aydino%3Fglu 1998)

There was no evidence of a professional culture within the industry to ensure safe practice. The *feni mesul*, for example, was under no obligation to visit the building site s/he was project managing and attended a site only in those instances when a worker had been killed.

In Turkey any engineer who holds a current diploma, without regard for the (theoretical) degree of difficulty of the project, can put his/her signature to any project. Expert status in engineering has not been established. This in effect equips engineers and other experts, like [government] officials, with an iron-plated immunity. (Gülkan 2001)

Training deficits were also apparent in the wake of the earthquake. More than 500 architects applied to work in the Consulting and Inspection Bureau (CCE) that was temporarily set up to establish the level of damage to earthquake-affected housing. The head of the Istanbul CCE, Cemal Gökçe, stated 'But I know that most of these colleagues of mine have never drafted a project in their lives. They should not give permission to these people to open a bureau just because they are politically close to the Ministry of Public Works and Housing (quoted in *TDN*, 29 October 1999).

The quality of university training varies considerably between institutions. There is a growing body of non-government organizations, consisting of academics and others who are increasingly critical of the role taken by the Higher Education Directorate (Yüksek Öğretim Kurulu, or YÖK) in overseeing the promotion of academics who are not qualified to hold the posts they do; or, at least, do not receive posts based on academic merit.²⁵ YÖK was initially set up in the wake of the military-structured 1982 convention, one of its objectives being the protection of 'the welfare of the Turkish **Brit. J. Criminol. 540* state as a whole, conducive to national and territorial indivisibility' (Turkish Higher Education Law, Article 4). With the suppression of academic debate and the dismissal of academics critical of the regime, patronage rather than merit came to determine academic appointments.

For many years we've had a need for qualified construction engineers, of these a large majority can be said to remain unemployed, but every year hundreds of young people with the promise of becoming construction engineers are enrolled in the universities of our large cities. As if this is not enough, our irresponsible politicians, for electoral purposes ... continue to open construction engineering departments. In these departments, the fields of specialization are not important, to find one or two distinguished academics is sufficient ... a few senior engineers are found at lesson times and essentially do 'teaching duty' and students pass their education thus. In this haphazard fashion universities define education and spread diplomas around. (Aydinoglu 1998)

Repression, Forced Migration and Vulnerability

Green and Ward (2004) have located the authoritarian nature of a state (along with corruption and poverty) as central in predicting and assessing vulnerability to catastrophe which may follow an extreme geophysical event. In 1999, repression, forced migration and dangerous housing converged to create disaster.

The impact of the Turkish state's devastating war with Kurdish separatists in the south-east must be acknowledged in the complex matrix of causality here.

Turkey's campaign of terror in the south-eastern provinces forced hundreds of thousands to seek a better quality of life elsewhere in the country. The people of Bingöl, Elazığ, Mardin, Siirt, Van, Adiyaman, Batman, Bitlis, Muş, Diyarbakir, Hakkari, Sırnak and Tunceli had lived under a state of emergency rule from at least as far back as 1987²⁶ (Amnesty International 2002). Repression, intimidation and violence, economic deprivation and limitations on a range of freedoms, defined daily life under emergency rule.

The 2003 Bingöl earthquake tragedy, in which 85 children died while sleeping in a state school dormitory, graphically illustrates this point. This catastrophe was a stark consequence of the impact of the war and political dispossession of the largely Kurdish population in the south-east of Turkey. Bingöl is an impoverished region which had existed for some 15 years under emergency rule. The diversion of national funds into prosecuting the war against Kurdish insurgents and maintaining institutions of state repression has ensured the impoverishment of the region's infrastructure. Most of the children sleeping in the school lived in villages without local schools and were forced to board because of the failure of the Turkish government to invest in regional infrastructure and services in the region. As an uncle of one of the victims told a *Guardian* journalist, 'I am angry at the dishonest builders who built this trap for our children and their political allies who let them get away with it' (*Guardian*, 3 May 2003).

Hundreds of thousands of internal immigrants, many displaced by the Turkish state's 'scorched earth policy', left the south-east to find economic and social security in the economic centres of Istanbul, the Marmara region, Izmir and Ankara.

The prosperous industrial centres around Izmit Bay were a natural magnet for Kurdish migrants from the south-east, desperate to find a reprieve from the economic, political **Brit. J. Criminol. 541* and social misery from which they had fled. The cheap, illegal and shabbily built mass housing available to those forced migrants was, in one sense, a symbol of a new freedom and security. In reality,

however, it was to provide a graveyard for people twice victimized by a willfully negligent state.

The Land Mafia: Government, Construction and Organized Crime

'Criminals wield considerable influence among politicians and the "Istanbul bourgeoisie", indeed all sections of Turkish society' (Aybar and Lapavitsas 2001: 303). The construction industry, because of its reliance on state approvals and permissions, lends itself to forms of political corruption and organized crime.

Tom Behan has written on the relationship between organized crime and illegal housing in southern Italy. He argues that illegal building not only diminishes quality of life, but also, importantly, provides an economic basis for social and political support for organized gangs--particularly Camorra gangs, who had invested heavily in concrete and construction in the late 1970s. Following an earthquake outside Naples in 1980, in which 300,000 people were made homeless, 'corrupt administrators quickly understood that they could ride the wave of a national disaster fund and concomitant funding by classifying many buildings as being damaged by the earthquake' (2001: 274).

There are many parallels between Italy and Turkey--politically, both are characterized by clientelism, endemic corruption, unstable government and organized crime. They also share a seismological predisposition for major earthquakes.

It was a car crash near Susurluk in western Turkey in November 1996 which was to reveal the nature and extent of organized crime's integration into the Turkish state. Here, political killers, narcotics smugglers and ultra right-wing gangsters were exposed as having intimate political and social connections with both leading politicians and state security service personnel (Green and Ward 2004: 100-4).

These organized criminals, having conducted a shadow war of terror against the Kurds in Turkey's south-east (supported by key government officials, as Susurluk demonstrated), were then afforded state protection which enabled the development of a range of illicit business enterprises, including drugs, extortion debt collecting and kidnapping (Turkey Update 1998). Illegal land acquisition was one such enterprise.

When there is a high demand for land and a high demand for building, the land is provided partly illegally and then the land mafia sell it to others'.²⁷ The relatives of major politicians, such as former president Süleyman Demirel²⁸ and former prime minister Tansu Çiller, have long been implicated in the operation of the land mafia in Turkey. It is alleged that the 'land mafia' are at the root of the *gece kondu* system and their entrenched links with local and national politicians suggest that until the wider problems of political corruption and organized crime are structurally addressed reforms within planning and construction will have only minimal impact on the lifesafety of the Turkish population.

****Brit. J. Criminol. 542 The Case of Koray Aydın***

On 22 August 2001, the public prosecutor for the Ankara State Security Court launched an investigation, 'Operation Plunder', into the right-wing nationalist Milliyetçi Hareket Partisi (MHP) Ministry of Public Works and Housing for alleged corruption in state tenders, specifically tenders for state housing contracts for Marmara earthquake survivors. Koray Aydın, the Minister for Public Works and Housing, had been a frequent target of media criticism for alleged misuse of public funding in rebuilding housing in the affected region. Five months after the earthquake, Aydın and his father created a company selling construction equipment and, it was alleged, forced companies submitting construction tenders for the building of permanent housing for earthquake survivors to buy materials from this company. Initially, branch managers of the General Housing Directorate were being questioned for allegations that they had favoured certain companies and disqualified rivals from bidding by removing key documents from their files (*Turkish Daily News*, 23 August). Immediately following the earthquake, the minister in charge of housing had a public and heated argument with Aydın over Aydın's decision to provide pre-fabricated housing initially instead of permanent housing to earthquake survivors, despite evidence provided by foreign experts that prefabricated housing would be substandard and cost-inefficient. In March 2002, the Ankara Higher Court launched the first hearing of the corruption probe which had led to Aydın's resignation a month earlier. At the time, the Turkish Parliament, however, decided not to prosecute Koray Aydın²⁹ but 361 suspects from the Ministry (13 of whom were in jail at the commencement of the trial) faced criminal charges on 27 March 2002 (*Turkish Daily News*, 28 March 2002).

In November 2004, however, following a lengthy and far-reaching parliamentary inquiry into corruption in the allocation of tenders, banking reforms and energy projects, the Turkish parliament voted in favour of putting Koray Aydin on trial on charges of corruption in the tender process of his ministry, failing to investigate allegations of fraud in the tender process and of accumulating unjustified personal wealth (*Agence France Presse*, 9 November 2004).

Central Government

One of the challenges of this paper has been to draw out the lines of culpability extending beyond the obvious guilt of greedy contractors and their slipshod and illegal practices. The clear identification of systemic political corruption, state-corporate crime, gross negligence in the pursuit of publicly stated goals and post-disaster cover-up (Green and Ward 2004) demonstrates state criminality as the fundamental cause of the disaster.

There is a fundamental problem relating to responsibility for earthquake preparedness. According to Kandilli earthquake engineer, Professor Mustafa Erdick (personal communication, 30 November 2001), 'The Ministry for Public Works and Housing want to stay away from earthquake problems in Istanbul. What is under their jurisdiction is reconstruction. It's under no-one's jurisdiction to prepare the city for an earthquake'.

***Brit. J. Criminol. 543** The Yalova Public Defender, Abdullah Çakir, who issued law suits against each of the major construction companies responsible for the buildings which collapsed in Yalova (Yuksel Insaat, Veli Göçer and Ceylan), declared 'After the earthquake the outcome that appears to us shows that the real criminals are the government and the system. Every government administration and ministry' (*Milliyet*, 11 October 1999). His conviction may well have been drawn from the fact that Ceylan Insaat, a major building corporation whose collapsed buildings killed at least 260 people in the holiday resort of Yalova, was granted a contract to build permanent housing for earthquake survivors by the Ministry for Public Works and Housing. The contract was granted while Ceylan Insaat awaited trial at the Yalova Aggravated Felony Court for reasons of causing the deaths of 260 people'.³⁰

A Ministry in Denial: Cover-up and Concealment

Ninety-five percent of Turkey is located in an earthquake region and the Turkish government has shown itself to be the most successful of any government in the world at managing disaster.³¹

This declaration by the Minister of Housing and Public Works, Abdulkadir Akcan, is a technique of 'interpretive denial' *par excellence* (Cohen 1993). The Minister's focus on recovery and relief represents not only a denial of responsibility for the disaster but suggests both that earthquake disasters are inevitable in Turkey and that the government has developed exemplary disaster management strategies. The crisis management and relief efforts of the Turkish government were in fact heavily criticized in the weeks following the August earthquake. Paradoxically, however, this may have worked to the state's advantage, over-shadowing, as it did, the failures, negligence and corruption which lay at the causal heart of the disaster.

Scapegoating was another technique of neutralization which was employed with vigour immediately following the Marmara earthquake. The state, with the ready support of the mass media, was quick to attribute blame for building failure to the undeniably shoddy practices of construction and development firms. Isolating the failures and corrupt practices of one such company--a company with the well known and public face of Veli Göçer--was a strategy which elicited considerable public support. However, civil society was in little doubt that state deviance was at the root of the problem of dangerous housing. As the Head of Istanbul's Chamber of Architects declared:

To blame the gecekondu and unlicensed buildings is for the state to disown its own responsibility. (Eyüp Muhçu, 5 October 2004)

Another crucial component in the state's bank of neutralization strategies was the consistent refusal to acknowledge the true earthquake death toll. This refusal centred on what appeared to be an official policy not to acknowledge those missing as a result of the earthquake. Only bodies were declared--those unaccounted for remained invisible. Just days following the Marmara earthquake, government officials reported that more than 35,000 people were estimated to be dead, given the enormous loss of residential ***Brit. J. Criminol. 544** housing (*Turkish Daily News*, 21 August 1999). Two days later, the United Nations (based on information supplied by the Turkish government)

estimated that the death toll was over 40,000 (*Turkish Daily News*, 23 August 1999). Eventually, the government declared the official death toll to be 17,840 while, at the same time, refusing to issue a list of the missing.

Conclusion

As Turkey moves falteringly toward EU accession with a number of significant but operationally ambiguous human rights reforms behind it,³² it is important to draw the lessons of the earthquake and to remind ourselves that the loss of life in the Marmara, Duzce and Bingöl earthquakes represents a gross violation of human rights. Without addressing fundamental questions of political and social organization, wider authoritarianism, clientelism and the corruption which flourishes within it, legislative reform cannot hope to have an impact on the protection of fundamental human rights.

The disaster emanating from the Turkish state's complex combination of deviance and gross negligence has not found a champion in the human rights movement. Nor has the Council of Europe seen disaster mitigation as an arena in which they might apply pressure for reform. Why this is so probably lies in the dominant conception of natural disasters as geophysical hazards which are *responded to* rather than approached preventively. While Turkey is 'locked into a process' which requires a serious commitment to the Copenhagen criteria of developing 'stability of institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities' (Sugden 2004: 250), addressing the prevention of earthquake catastrophe is overlooked. There is no mention of building code enforcement, no critique of construction amnesties, no demand for life-safety risk minimization in the Copenhagen criteria and the human rights agenda has so far not attempted to embrace the risks to life-safety that these very unnatural disasters present.

The ideological reconstruction of earthquake disaster in human rights terms may be a necessary condition for such recognition and, in part, that is one of the functions of this article. But perhaps more important is the development of a political criminology of natural disasters and specifically one which involves an acknowledgement of, and confrontation with, state organizational deviance as central to future mitigation strategies.

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1. Barbara Hudson (2003: 211), writing on the impact of the El Salvadorian truth commission.
 2. The official figure of 17,840 for the Marmara earthquake excludes the approximately 20,000 declared missing. The official death toll in Bolu/Duzce was 845. For a discussion on the controversy surrounding the death toll, see Green (2002), *Al Hussaini and Curry*.
 3. Figures provided by the Ministry of Housing and Public Works personal communication, Ankara, December 2001.
 4. Sentenced, with his son and business partner, Can Göçer and Zafer Koskun, in October 2004 to 25 years' imprisonment for having caused the deaths of 195 people in a complex he built in Yalova (*Radikal*, 23 Octobr 2004).
 5. Veli Göçer, in an interview with a German newspaper, cited in Kinzer 2001: 187).
 6. *Gece kondu* are dwellings built on land that the builder does not own, is without the owner's permission and is constructed without regard to building codes and regulations. They are built without any permissions and in non-residential zones or in violation of city development plans. The *gece kondu* was a post-war response to increasing land prices and the lack of affordable housing in the cities (Kocasoy 1995).
 7. Minister for Housing and Public Works, Ankara, personal communication, December 2001. 8
 8. Between 1915 and 1925, over two million Armenians and Greeks were 'killed, expelled exchanged or departed of their own free will' (Keyder 1999: 145).
 9. Ankara's Middle East Technical University, Abdi Guzer, *Turkish Daily News*, 7 October 1999).
 10. *Turkish Daily News*, 4 September 1999.
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 16. For an explanation of liquefaction, see the Soil Liquefaction website at: <http://maximus.ce.washington.edu/%EBliquefaction/html/main.html>.
 17. Personal communication, Adapazari Belediye, 15 December 2000.
 18. Mustafa Taymaz, Director of the General Directorate of Disaster Affairs, in the MOHPW reported. 'In Sakarya [Adapazari] there have been two major earthquakes, 300,000 people live there. They need to be moved to a safer place. We are doing this', personal communication, Ankara, December 2001.
 19. Conducted with earthquake engineer, Dr Abbas Al Hussaini.
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 22. V. Senihi Kitapai, <http://www.ceu-ectp.org/en/98turkey.html>.
 23. Cited in the *Turkish Daily News*, 17 September 1999.
 24. Personal communication, December 2000.

25. See, e.g. the critique of YÖK by the union Eğitim-Sen (Education-You), www.egitimsen.org.tr (Basin aciklamari, Bir 6 Kasim daha, 6 November 2001).
26. Emergency rule was finally ended in Turkey's south-east in November 2002, when it was lifted from the two remaining provinces of Diyarbakir and Sirnak.
27. Teymur, Middle East Technical University, BBC Online, 16 November 1999, available online at: http://news.bbc.co.uk/hi/english/sci/tech/newsid_422000/422669.stm.
28. Demirel's brother-in-law, Ali Sener, *Washington Post*, January-February 2001, available online at: <http://www.washingtonreport.org/backissues/010201/0101037.html>; Tansu Çiller, *New Internationalist*, 256, June 1994. Ciller made no secret of her involvement with mafia elements: 'Those who shoot, as well as those who are shot, for the sake of a nation, a people, a state, are always remembered with honour' (her public address at Abdullah Çatli (an alleged mafia member)'s funeral).
29. *Turkish Probe*, 3 March 2002.
30. Cumhuriyet, 1 November 2000, 'The Ceyhan Group fed by the government'.
31. Minister of Housing and Public Works, personal communication, Ankara, December 2001.
32. Including the abolition of the death penalty in peace time, the repeal of the ban on minority languages in education and the repeal of the ban on broadcasting in languages other than Turkish and more recently the abolition of the State Security Courts.

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