FEBRUARY 6 EARTHQUAKE REPORT:



Institutions, Irregularities and Transparency



February 6 Earthquake Report: Institutions, Irregularities and Transparency

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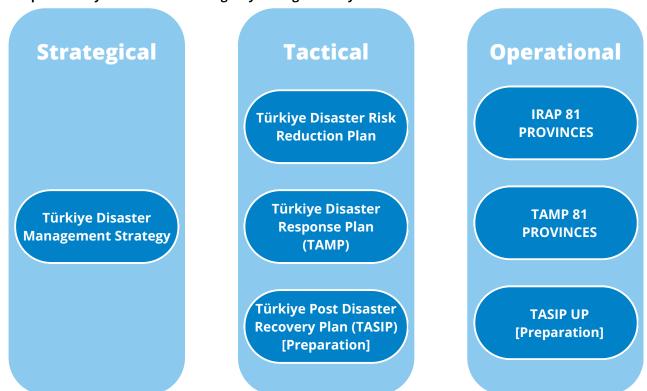
Introduction

February 6, 2024, marks one year since the Kahramanmaraş Earthquakes. While the process leading to such massive destruction and immediate irregularities after the earthquake has not yet been fully documented, reconstruction activities continue in the region. Without a clear understanding of the missteps taken before and after the earthquakes, it seems complicated to implement a wholesome system change and be prepared for earthquakes in Türkiye, an earthquake-prone zone. The following report aims to document the irregularities before and after the earthquake and reveal their causes. The link between corruption and the devastation caused by natural disasters has been demonstrated before[i]. Preventing the recurrence of such irregularities depends on strengthening oversight and transparency of the processes involved.

Before the Earthquake: Turkey's Disaster Management Strategy and Failures

Türkiye Disaster Management Strategy (TAYS) is the guiding and binding policy disaster management issues, and its relevant documents are open to the public. TAYS aims to bring together crisis and risk management in the fight against earthquakes and provide an integrated approach to earthquakes. Provincial Disaster Risk Reduction Plans (IRAP) and Türkiye Disaster Response Plan (TAMP) were established for the operational side of the tactics established within the scope of TAYS.

Graph 1: Türkiye Disaster and Emergency Management System



Source: Presidency of the Republic of Türkiye Strategy and Budget Directorate, 2023 Kahramanmaraş Earthquakes Report

In IRAPs, the natural, socio-demographic, economic, transportation and infrastructure conditions of the cities were described, and the disasters were evaluated under the headlines of earthquake, flood, landslide, rockfall, avalanche and other disasters. Within the scope of the earthquake, hazard and risk assessment and vulnerability analysis of the provinces have been carried out. A current situation analysis of the provinces, detailed action plans with objectives and targets, and plan monitoring and evaluation processes were defined. Provincial targets were listed every year, and responsible and supporting institutions in charge of realizing the targets were defined. Table 1 shows the targets listed under the heading of red actions in IRAPs and developed in the provinces in the earthquake zone.

Table 1: Number of Earthquake-Related Actions of the Provinces in the Earthquake Impact Area in IRAPs

Province	Number of First Priority Actions for Risk Mitigation	Contents of Actions		
Adana	3	Establishing teams to control the compliance of buildings with earthquake regulations, determining the building stock, and determining the number of illegal buildings		
Adıyaman	4	Identification and strengthening of historical infrastructure and superstructures with insufficient earthquake resistance, completion of microzonation studies		
Diyarbakır	2	Demolition of abandoned buildings, control of dams		
Elazığ	6	Conducting risk analyzes and determinations, taking the measures specified in risk assessment reports	69	
Gaziantep	9	Initiation of urban transformation, inventory and risk analysis studies, retrofitting and transformation studies, reconstruction, earthquake performance analysis	45	
Hatay	3	Building stock inventory, demolition of unlicensed and unauthorized houses, completion of urban transformation	41	
Malatya	31	Completion of urban transformation, building demolition, determination of earthquake resistance, determination of seismicity of faults, preparation of earthquake risk maps, determination of urban transformation needs, creation of liquefaction potential maps, the establishment of earthquake warning systems, determination of the risk of public buildings, earthquake trainings and establishment of Disaster and Risk Reduction Unit	89	
K.Maraş	9	Prioritization, retrofitting and transformation of public buildings, reconstruction, urban transformation	85	
Şanlıurfa	3	Construction following the zoning plan and law, determination of the status of public buildings and their strengthening or demolition, building stock inventory	15	
Kilis	4	Disaster awareness training, determination of building stock		
Osmaniye	2	Detection and demolition of derelict buildings, demolition of buildings for which an Area Subject to Disaster (AMB) Decision has been taken		

Source: AFAD (Presidency of Disaster and Emergency Management), Presidency of the Republic of Türkiye, Strategy and Budget Directorate 2023 Kahramanmaraş and Hatay Earthquakes Report²

The IRAP plans, which were developed and put into effect before the earthquake for the cities most damaged by the earthquake, include urban transformation projects, the realization of retrofitting and transformation works in the light of inventory and risk analysis studies, especially in public buildings, and the demolition of unlicensed and unauthorized buildings.

IRAP monitoring and review meetings are held regularly, but detailed information on the target realization rates is inaccessible to the public. The IRAP Monitoring and Evaluation System Software can only be accessed by provincial administrators and directorates.

Zoning Reconciliation, Law on Land Development Planning and Control, and Unhealthy Buildings

Within the scope of the zoning reconciliation regulation numbered 7143, "Law on Restructuring of Taxes and Some Other Receivables and Amendments to Certain Laws," enacted in 2018, 3 million 152 thousand 94 illegal and unzoned buildings with uncertain health and safety conditions received building registration certificates (Table 2). 43% of the buildings in Hatay, 38% of the buildings in Kahramanmaraş, and 21% of the buildings in Adıyaman had residence permits within the scope of the zoning reconciliation. Factors such as not providing technical inspection and engineering services to the buildings before the building registration certificate is issued and leaving the safe reports and retrofitting processes until after the zoning reconciliation process make these buildings, which are allowed to be inhabited, a risk factor³.

Precise data on how many of the buildings destroyed in the earthquake were amnestied through zoning reconciliation. The province-based distribution of this number has not been shared with the public. However, it is known that in some of the provinces affected by the earthquake, most destroyed buildings were licensed with zoning reconciliation⁴.

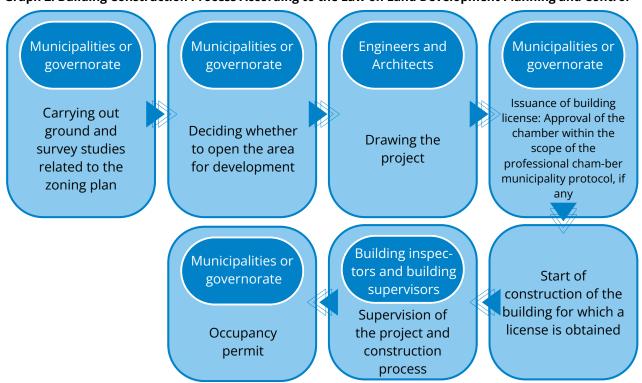
Table 2: Number of Building Registration Certificates Obtained within the Scope of Zoning Reconciliation by Provinces Most Affected by the Earthquake

Province Name	Approximate Number of Registered Buildings in the Province	Number of Building Registration Certificates Obtained within the Scope of Zoning Reconciliation (2018)	Number of Building Registration Certificates Canceled	Ratio of Building Registration Certificate Received within the Scope of Zoning Reconciliation (Building Registration Certificate/ Approximate Number of Buildings)	Number of Buildings Destroyed in Earthquake
Adıyama n	51.020	10.629	54	%21	2.349
Hatay	130.000	56.464	431	%43	5.696
K.Maraş	103.000	39.058	1.263	%38	3.752

Source: Mecliste.org⁵

Notably, the IRAPs prepared between 2019 and 2021 in these provinces do not comply with the zoning plans. In the preparation workshops for the IRAP reports, it was stated that there is uncertainty about the earthquake resistance of the buildings that received residence permits because of the zoning reconciliation. In Hatay, issues such as unlicensed buildings and the lack of a transportation master plan were highlighted⁶.

Graph 2: Building Construction Process According to the Law on Land Development Planning and Control



Source: Based on the graph created by Esra Özgür on Teyit.org⁷.

In the current system, professional chambers are only involved in the process during the supervision of the project and the construction process. Building inspection officers working on projects are obliged to be members of the professional chambers, but project workers work under the administration, not the chambers. In 2013, with the amendment to the Law on Land Development Planning and Control, the approval requirement for building permits from professional chambers was abolished. With this, the way for professional supervision of construction was shut. Only in cases where there is a protocol between the municipality and the chambers is the approval of the chambers required. It is difficult to say whether there was communication between the chambers and municipalities before the regulation. Professional chambers are not included in any process until the issue of licenses⁸.

Building inspection companies and professional chambers are not granted any authority in the inspection process. Until 2019, contractors could work with any building inspection company that had obtained its license from the ministry. With the regulation made on this date, a more transparent system of pooled appointments was introduced. Whether the contractor-building inspection company relationship before 2019 created uncertainty or shortcomings is still being determined⁹.

As a result of the investigations conducted in the earthquake zone, similar problems were underlined in the expert reports: Construction of buildings without permits and projects, lack of occupancy permits, failure to follow earthquake regulations, inadequate materials and artistry errors, and differences between static and architectural projects. The expert reports state that the source of these problems is

the landowner, building contractor, and municipalities¹⁰. The lack of supervision throughout the entire process, the failure or inability to prevent unlicensed construction projects that did not pass the necessary inspections, and the exemption of these buildings from retrofitting incentives and demolition through the zoning reconciliation are the causes of the significant damage. According to the statements of Ahmet Çelikkol, Chief Public Prosecutor of Hatay, 975 out of 1759 buildings that collapsed in Antakya and Defne districts during the earthquakes were found to be unlicensed¹¹.

The collapse of unlicensed buildings, which have become a symbol of unplanned urbanization, and unsafe housing¹², public buildings and large-scale construction projects built after 2010 and marketed as safe after the earthquake points to the weakness of control mechanisms. The Hatay Airport was constructed despite court decisions, expert reports¹³ and the opposing opinions of the Air Force Command¹⁴. The "Earthquake Resilience Test" conducted in 2012 on Block A of Antakya State Hospital was negative and no action was taken¹⁵. Necip Fazil City Hospital in Kahramanmaraş, which was heavily damaged, was built on the Eastern Anatolian Fault Line¹⁶.

While according to the Earthquake Regulation, the building importance coefficient of public buildings is 50% higher than that of average residences¹⁷, it is noteworthy that many public buildings¹⁸ collapsed or were damaged in the earthquake in the region. According to the latest data released by the Defend Your Rights Association lawyers, 54 of the 58 damaged public buildings are state buildings. Of these 54 buildings, 22 were demolished and 24 were heavily damaged. According to the Regulation on Public Building Inspection Services, the building inspection of public buildings is supervised by the institutions' own departments; the inspector is selected and appointed by the administration¹⁹. This situation undermines the transparency of the inspection process and makes it difficult to access the inspectors and inspection reports of these buildings²⁰.

In addition to the audit process, procurement transactions undermining public procurement processes' transparency were also identified. Factors observed in procurement processes, such as a large number of public tenders being awarded to a single person, low price advantages granted to the public, and the small number of tender participants, indicate that tenders are distributed to specific names or institutions²¹.

Furthermore, apart from the land development process itself, information on how many of the public buildings in the earthquake zone where health and education services were provided up to the date of the earthquake were scanned, decided for demolition, retrofitting or utilization, demolished, reconstructed or retrofitted is not publicly available²². According to TMMOB's (Union of Chambers of Engineers and Architects of Türkiye) earthquake report, there is also no systematic approach to how

inventory and risky building identification studies will be carried out²³.

Earthquake: Moment of Crisis and Aftermath

AFAD and Kızılay

According to the Turkish Disaster Response Plan (TAMP), AFAD (Presidency of Disaster and Emergency Management) is responsible for search and rescue activities and coordination in case of possible disasters in Turkey. AFAD carries out its activities under the Presidency of Interior.

AFAD was criticized for not establishing a crisis center in any region during the first two days after the earthquake, not starting search and rescue operations, and not carrying out an organized response plan²⁴. The late response problem, which was also noticeable in the Van and Elazığ earthquakes, manifested here. It is thought that this problem is due to AFAD's inability to act autonomously²⁵. Among the problems seen in the first 72 hours, the lack of public authority for an effective and coordinated response, mobilization of insufficient personnel in terms of both number and skill, insufficient excavation equipment, and early start of debris works²⁶ were documented.

These problems were already documented in the 2022 AFAD Administrative Activity Report²⁷ published before the earthquake. Other factors underlying the coordination problem include the need for more precise definitions of duties, authorities, and responsibilities of the AFAD personnel and poor communication between the institution's central and provincial branches.

It should be noted that some of AFAD's management staff do not have any experience in disaster management in their resumes²⁸. Among the findings of various audits conducted prior to the earthquake were the failure to keep records of relief materials, donations from various national or international organizations, materials received, held and sent to foreign countries, as well as the lack of a standard practice regarding the distribution of relief goods and materials²⁹. These raise questions about the transparency of AFAD's functioning.

Problems related to coordination were also experienced in registering the earthquake casualties. It was observed that the exhumation operations were started before the burial procedures were completed³⁰. The number of identified and unidentified dead in the earthquake was not disclosed for long. According to the figures announced by AFAD, the death toll was 50,096, the number of injured was 115,000 and the number of people evacuated from the earthquake zone was 528,146. On February 2, 2024, Ali Yerlikaya, Minister of Interior, announced that 53,537 people lost their lives and 107,213 people were injured in the earthquakes³¹.

The number of missing children is not known³². There is a need for disaggregated, systematic and reliable data on earthquake casualties³³.

In addition, the sale of tents and food by the Red Crescent (Kızılay) to the AHBAP Association³⁴ raised questions about the credibility and working principles of Kızılay and was met with a public outcry. AHBAP Association confirmed its cooperation with Kızılay Çadır ve Tekstil A.Ş., a subsidiary of Kızılay, to provide tents to help the earthquake-affected areas. AHBAP announced that it sent 2,050 tents to the earthquake zone³⁵. Kerem Kınık, the President of the Kızılay, stated that the tents were sold to AHBAP at cost and that the Kızılay immediately delivered its own stock of tents and gave AHBAP 2,050 tents at cost³⁶. Aid organizations are responsible for publicizing their operational decisions through more transparent communication. Organizations such as the Kızılay are responsible for effectively managing public resources and donations and ensuring that these resources are delivered to disaster victims in the fastest and fairest way possible.

Earthquake Donations and Campaigns

After the 1999 earthquake, earthquake taxes were enacted to support the regions economically. As of 2022, the taxes collected within the scope of earthquake taxes amounted to approximately 90 billion TL³⁷. It is not known where the earthquake taxes were spent.

There is also a lack of transparency in the follow-up of the money collected as part of the "Türkiye-One Heart" campaign organized after the earthquake. The fact that campaign donations were collected as general donations and not conditional donations or aid and that no legal provision stated that the money³⁸ would be spent on the earthquake reparations made it challenging to track the money. It was stated that as of December 2023, 85 billion of the 115 billion liras donated under the campaign had been collected; 56 billion liras of the collected donations were used for the needs of disaster victims in the earthquake zone through AFAD³⁹.

On February 2, 2024, Ali Yerlikaya, Minister of Interior, announced that a total of 106 billion 728 million Turkish Liras had been transferred to the earthquake zone after the disaster and 128 billion 949 million Turkish Liras had been collected as part of the "Türkiye-One Heart" campaign. Stating that 79 billion 263 million liras of these donations were spent, Mr. Yerlikaya said that the donation accounts are monitored transparently and shared every 15 days on AFAD's corporate website and social media accounts. He stated that some donors built container cities, some undertook the construction of permanent housing, while others sent trucks full of humanitarian aid materials. In this context, it was stated that some benefactors distributed "ESEN CARDS" loaded with 4,500 Turkish Liras every month to those in need in container cities in cooperation with AFAD-Kızılay. 69,289 ESEN CARDS were distributed and 1 billion 8 million 141 thousand Turkish Liras were loaded on these cards for five

months. It was also stated that, in addition to cash aids, 1 million 979 thousand households received 10 thousand TL support payments, 557 thousand households received 15 thousand TL relocation assistance and 41 thousand relatives received 100 thousand TL death benefit each⁴⁰.

However, the fact that the money collected as part of the campaign was taken as general donations and the lack of clear legal regulation on how it would be used made it difficult to track the donations. More detailed information on how donations were spent and a transparent monitoring mechanism are needed.

In addition, promised aid in the form of furniture for earthquake victims in the early days of the earthquake did not materialize. Applications for this aid were received, but the aid was not delivered to the earthquake victims⁴¹. There are also allegations of aid corruption in various municipalities, such as aid being stolen and sold to markets during the election period⁴².

Reconstruction, Urban Transformation and On-site Transformation

After the earthquake, rapid and illegal construction in line with urgent housing needs observed in some earthquake zones⁴³. The lack of a difference between the city center zoning plans before and after the earthquake⁴⁴ is an element of concern.

In less damaged provinces such as Kilis, medium-damaged buildings that should have been demolished were converted into low-damaged buildings upon objection without follow-up⁴⁵, and settlement in dangerous buildings and shops continues⁴⁶.

Moreover, the reconstruction process is closed to the public. Within the scope of the reconstruction plans, some of the housing projects, which were put forward before the ground surveys were completed and while the aftershocks continued, were signed early and the construction processes started immediately⁴⁷. The conditions agreed upon with the companies that will realize these projects are undisclosed to the public⁴⁸.

Between February 21-24, 2023, 8 negotiated tenders were held by TOKI for new permanent earthquake housing. The approximate cost of these tenders was estimated at 6 billion TL and the total number of housing units was 3770. It is known that not all companies have equal access to information about the tenders; invitations are sent to certain institutions and the winning institutions are announced after the process is completed. Information about the tenders, the participating companies, and for how much the companies will realize the projects for were not disclosed to the public by the public authorities throughout the tender process. This situation makes tender audits difficult⁵⁰ The political connections of the invited and the winning organizations also increase the need for audits⁵¹.

Legal Process

Following the earthquake, many lawsuits have been filed in Criminal, Administrative and Civil Courts in the relevant cities, none of which have been finalized. Interviews show that factors such as frequent changes of prosecutors in the relevant cases, late and inconsistent expert reports, as in the cases of the Ebrar and Palmiye estates, as well as the lack of permission to investigate various public officials (even though they were found to be primarily at fault in the expert report), presents the possibility of the trial process taking too long and a decision of non-prosecution⁵². According to the report organized by the Families of We Seek Justice, the loss of license file documents and in some cases whole files, and the inconclusiveness of arrest warrants during the legal processes in the February 6 Earthquakes have the potential to affect the course of the cases negatively⁵³.

Ahmet Çelikkol, Chief Public Prosecutor of Hatay, announced that 113 people were arrested concerning construction defects in buildings that collapsed in the city's Antakya and Defne districts during the February 6 Earthquakes. He also stated that 22,581 investigation files were opened in connection with the earthquakes, which were converted into 3,522 files. It was emphasized that the material quality of the concrete and iron of the samples taken from the collapsed buildings within the scope of the earthquake-related investigations were examined in laboratories and that, in cooperation with 14 universities, the investigation files and the core and iron samples taken by the expert committees of the relevant buildings were sent to the universities for examination⁵⁴. However, the public, especially the earthquake victims, have concerns about the transparency of the expert reports, judicial proceedings and the reconstruction of the cities.

Recommendations and Demands

- AFAD and other crisis management organizations should be prepared to respond quickly and effectively in a disaster. Coordination and communication mechanisms should be strengthened and roles, authorities and responsibilities among different institution branches should be clearly defined.
- Progress, changes and implementation practices in disaster management strategies, plans and actions should be shared with the public. Web-based platforms or reports should be created for public accessibility. Details of all relevant information should be publicly and transparently accessible.
- Building inspection processes should be transparent. There should be closer cooperation and communication between professional chambers, building inspection companies and municipalities. It is important to inform the public and report transparently during licensing.
- A more transparent and accountable system for tender processes and the use of public resources should be created. The number of participants in procurement processes should be increased, independent audit mechanisms should be strengthened and corruption should be combated through strict regulations.
- Reconstruction and urban transformation processes should encourage participation. More attention should be paid to the views and needs of different segments of society. Transparent planning, implementation and monitoring of reconstruction projects should be ensured.
- The collection, distribution and spending of donations should be transparent.
 Campaign participants should be given confidence in how donations will be used.
 Mechanisms should be established to monitor donations and ensure accountability.
- Necessary steps should be taken to ensure transparency of legal processes and access to justice after the earthquake. It should be ensured that files are not lost given due importance and that the progress of the cases is followed openly to the public.
- The management of reserve areas by institutions such as TOKİ and Emlak Konut and the processes of awarding these areas to contractors should be examined transparently. It is essential that these processes are open to the public and carried out under the principle of transparency. Detailed reporting and accountability mechanisms should be established for reserve area allocation, functioning and outcomes.

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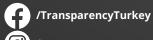
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