

Conservation Approach to Cultural Assets in Turkey

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Conservation Potentials of Turkey

The excavations carried out in Anatolia revealed that civilizations of great significance flourished in Anatolia in the prehistoric age. In the Antalya region, cave sites at Karain, Belbaşı and Beldibi date back to the Upper Palaeolithic era. The next most ancient settlements in Anatolia at Çayönü, Hacilar and Çatalhöyük, (8000-5500 B.C.) stand out as an incomparable prehistoric centre of culture. Troy (3000- 2500) is notable as one of the oldest centers of culture in Anatolia.¹

The written history of Anatolia began around 2000 B.C. In the period between 2000-1500 B.C. in the Bronz Age, the City-States emerged and flourished. The Aegean Migration started around 1200 B.C. when Anatolia went under the hegemonies of the Urartus in the East between 900-600 B.C., the Phrygians between 750-300 B.C. and the Lycian's, the Carian's and Lydian's in the West between 700-300 B.C.

In the 6th Century B.C., the Ionian Cities of Miletos, Ephesus, Priene and Pergamon entered their "Golden Age" in Western Anatolia and played a leading role in the art and architecture.

During the Roman Age, between 30 B.C.-395 A.D., Anatolia became one of the most prosperous lands in the world. The cities of Western Anatolia in this period had reached a level which was by no means less sophisticated than Rome. Transportation across Anatolia was realised for the first time in the Roman age by means of good and well-maintained roads and stone bridges. Many of these ancient cities in Anatolia have now been designated as archaeological sites. Byzantine art and architecture was born in Anatolia in 4th and 5th

Centuries A. D. As an interpretation of the Hellenistic and Roman cultures and was then centralised in Constantinople until the year 1453.

Around 1045, the first Turkish tribes, the Seljuk's, appeared in Eastern Anatolia and later occupied the whole of Anatolian land after having defeated the Byzantines at Malazgirt in 1071. They brought in a high level of humanistic culture within the tradition of the Islamic Rules. Seljuk's were the most advanced representatives of the Medieval World, including Europe with their good and well-maintained roads, stone bridges, aqueducts, mosques, madrasahs, observatories, caravanserais, baths, and palaces.

The Ottoman Principality was established by the end of the 13th Century in the Sacaria region, spreading its hegemony, Islamic Culture, art and architecture throughout the three continents. The Ottomans (1299-1923) further developed the high level cultural and artistic endeavours of the Seljuk's, creating exquisite works of tiles, miniatures and buildings¹.

Development of Conservation Concept for Cultural Assets in Turkey

The beginning and the evolution of the conservation concept of cultural assets in Turkey is not as old and comprehensive as that seen in Europe. At the beginning of the 19th Century, the voices of a few enlightened people, apparently influenced by the trends in Europe, started to come out. These people, however, did not receive enough attention and thus remained ineffective².

1. For Further Information on Conservation Potential of Turkey See: AKURGAL, E., (1985), Ancient Civilisations and Ruins of Turkey, Ankara, Turk Tarih Kurumu.
Williams, G., (1972), Eastern Turkey A Guide and History, London, Faber and Faber.
Bean, G., (1966), Aegean Turkey, Bern, London, 1966.
Turkish Ministry Culture and Tourism, (1983), The Anatolian Civilisations, The Council of Europe, XVIII th European Art Exhibition, Istanbul.
2. For Further Information on Development Of Conservation Concept For Cultural Assets In Turkey See:

ZEREN GÜLERSOY Nuran, TEZER, Azime, YİĞİTER, Reyhan; (2001); Zeyrek: A Study in Conservation, Istanbul Technical University Faculty of Architecture, Cenkler Publishing Company, Istanbul. ZEREN, Nuran, (1990); Evolution of the Historic Value Conservation Concept in Turkey, Occasional Paper, ITU, Faculty of Architecture, Urban and Regional Planning Department, Istanbul.
ZEREN. Nuran, (1981); Kentsel Alanlarda Alınan Koruma Kararlarının Uygulanabilirliği (Applicability of Conservation Decisions on Urban Conservation Sites), Ph (D) Thesis, Istanbul Technical University, Istanbul.

After the New Turkish Republic had been founded in 1923, Turkey entered a period of rapid change. The efforts to modernize and westernize the country on the one hand, and the desire to erase the traces of the Ottoman culture on the other, influenced the approach taken towards conservation quite significantly. In this period, the new approach involved some efforts to determine and clarify the roots of Turkish history and the Anatolian civilisations apart from those of the Ottoman Empire. Parallel to the efforts for clarifying the roots of Turkish history, the scope of the historic conservation movement was enlarged to encompass the ancient civilizations were searched for, found and taken into museums³.

In the 1950s, the rapid change in the socio-economic structure of the country led to considerable unplanned urbanization and uncontrollable destruction not only in the urban texture but also and particularly its natural and historic environment.

With the aim of preventing the destruction of historical buildings and of safeguarding them, "The Supreme Board on Immovable Ancient Works and Monuments (SBIAM)" was established by "Law on the Formation and Duties of the Supreme Board on Immovable Ancient Woks and Monuments" No. 5805 dated July, 2, 1951 (Official Gazette, 9.7.1951). This Board tried to follow and adopt the international developments and decisions in this field, such as the 1963 Venetian By-Law. The efforts of this Board remained for a long time restricted to individual historical monumental buildings. The conservation decisions are taken by this Board, however, always remained ineffective owing to the lack of funds, efficient conservation policy and organization.

After the 1960s, Turkey entered a period of planned development. In this period the most important event affecting the approaches to conservation was the fact that the 1961 Constitution, which had been adopted before the first plan, assigned the State, with its Clause No.50, the task of protecting the historical and cultural values. This attempt should be considered a significant step forward for Turkey on the conceptual level.

In the 1970s, when Turkey was trying to catch up with the international developments in the field of conservation, efforts for defining the legal framework were also speeded up: The "Law on Ancient Works No. 1710", which came into force on May 6, 1973 (Official Gazette, 6.5.1973), brought new definitions for and new limitations to the values to be conserved. With this law, building complexes and natural or natural/manmade sites were also brought under conservation in addition to the monuments of architectural value.

In mid-1970s Turkey, actively joined the "1975 European Architectural Heritage Year Campaign" and Antalya, Gorne, and Istanbul were listed as some of the European Pilot Projects.

In 1979 a new attempt was made by the related institutions to establish the goals, the objectives and the criteria for selecting items to be conserved as well as to determine the rights and duties of the owners and responsibilities of the authorities. The Ministry of Tourism and Information, parallel to its efforts to provide financial and technical aid for the conservation and maintenance of the listed buildings which cannot be repaired by their owners due to the lack of necessary finances started to issue credits to be invested for the adaptation of the listed buildings for touristic purposes.

In the late 1970s and 1980s, SBIAM naturally acknowledged that historical urban areas were being destroyed because of the economic value created by the increase in building height and density allowed by the development plans. Therefore, it began to designate urban sites in historical cities and to cancel those development plans adverse to protection in specific areas.

As an urgent solution, SBIAM then proposed that a decision be taken on the principles and the method of a conservation plan in cooperation with the related institutions.

In spite of all these undertakings, after the 1980s, a large number of court cases were opened as a result of the clash between conservation regulations, building permissions and personal interests. Thus, it was decided that the "Law on Ancient Works, No. 1710" and the

³ For further information on planning procedures adopted for the conservation of cultural assets in Turkey see:

other regulations related to conservation should all be rearranged since they were found to contain clauses adverse to the Constitution, the Civil law and the Expropriation Law. Thus, it was decided that the "Act for Antiquities No. 1710" and the other regulations related to conservation should all be rearranged since they were found to contain clauses adverse to the Constitution, the Civil Law and the Expropriation Law.

Therefore, the "Law on the Protection of Cultural and Natural Assets No. 2863/21.6.1983" came into force, replacing the two previous laws, "Law on Ancient Works, No. 1710" and "Law on the Formation and Duties of the Supreme Board on Immovable Ancient Works and Monuments" Law No. 5805 " (Official Gazette, 30.3.1979). With this new law, "The Supreme Board on Immovable Ancient Works and Monuments (SBIAM)" was abolished and a new organization, "The Supreme Board of Protection for Cultural and Natural Assets " and its regional sub-committees, i.e. "Regional Boards on Immovable Ancient Works and Monuments" were established.

With "Law on the Protection of Cultural and Natural Assets", No. 2863/21.6.1983, some points of the following were clarified in detail and the term "site" was redefined to cover the following: "the products of various civilizations from ancient times up to the present; those cities or city remains to represent the social, economic, architectural etc. characteristics of their times; those places where significant events had taken place and some other areas to be protected because of certain natural characteristics".

Another important step forward was taken with law No. 2863 regarding conservation development planning. This law adopted and made legal the concept of conservation plan as a new type of planning by its Clause No. 17.

In 1987, "Law on the Protection of Cultural and Natural Assets No. 2863/21.6.1983" was amended. Two significant improvements have been brought on by Law No. 3386/24.6.1987 (i.e. Law Concerning the Alterations of Some Clauses of Law No. 2863 for the Law on the Protection of Cultural and Natural Assets and Adding Some New Clauses to the Said Law);

first conservation organizations have been abolished, and their replacement by the new Supreme Board of Protection for Cultural and Natural Assets and by the 15 local Board of Protection for Cultural and Natural Assets; and, secondly, local administrations have been included in the conservation process (Official Gazette, 24.6.1987).

Today, the total number of sites designated in Turkey, as archaeological, natural, historical and urban can at most places have, a dual a triple as well as a quadruple characteristic.

Turkey signed the World Heritage Convention in 1983 and through the work carried out under the responsibility of the Ministry of Culture has so far registered seven cultural, and two mixed: total 9 locations on the World Heritage list. Among these Istanbul, Safranbolu, Boğazköy-Hattushash, Mt. Nemrut Remains, Xanthos-Lethoon, Divriği Great Mosque and Hospital and Troy are registered both as cultural and natural heritage (<http://www.kultur.gov.tr>).

Registered Sites:	number
Archaeological Sites	3997
Natural Sites	646
Urban Sites	157
Historical Sites	116
Other Sites	311
TOTAL	5432

Registered Buildings:	
Samples of Civic Architecture	34 857
Religious Buildings	5 661
Cultural Buildings	5 609
Administrative Buildings	1498
Military Buildings	652
Industrial and Commercial Buildings	1455
Cemeteries	1752
Cemeteries of Martyred	177
Monuments	263
Natural Assets	1960
Ruins	915
Protected Streets	34
TOTAL	54837

Registered Immobile Cultural and Natural Heritage at National Scale As of May 11, 1998 (<http://www.kultur.gov.tr>):

Planning Procedures Adopted for the Conservation of Cultural Assets in Turkey

In the Constitution of Turkey, Clause No. 63 states that: "The State will ensure the conservation of the historic, cultural and natural assets and values and will take supporting and promoting measures towards this end. Any limitations to be imposed on such assets and values privately owned, and the compensation and exemptions to be accorded to the owners of such as a result of these limitations, will be regulated by law".

Urban conservation in Turkey is theoretically considered within the scheme of development planning. All legal actions to be taken on the conservation of urban sites are regulated by the "Law on the Protection of Cultural and Natural Assets No. 2863/21.6.1983" (amended as Law, No 3386/ 17.6. 1987) and Construction Law, No 3194/3.5.1985 and their related regulations³.

According to Law No. 2863 (amended as Law No. 3386) for the conservation of cultural and natural assets, the Ministry of Culture is the institution directly responsible for the conservation work. Under this Ministry, the Supreme and sub-boards for the Conservation of Immoveable Cultural and Natural Assets, which are attached to the General Directorate for the Conservation of Cultural and Natural Assets, exercise the authority for deciding and approving the type of conservation work to be carried out.

The Ministry of Culture, its related bodies and the city council have the responsibility and the authority of taking the final decision when the conservation plan is being drawn. The implementation of those decisions and plans is carried out by the city planning office under the supervision of the Supreme and the Sub-Boards.

The first step in conservation is the designation and listing work. For an entity to be considered worthy of conservation, it should first be designated as such, classified, approved and listed by the related Sub-Board and then registered. The Ministry of Culture informs the

other related Ministries, Provincial Authorities, Municipalities, Museums, Cadastral offices and the owners through its related bodies about the registration. Those registered properties or areas are taken as planning data in the various physical planning studies of different scales at different stages.

Upon the declaration of an area by the related conservation board as a conservation site, the implementation of the development plan in the same area is automatically stopped. In those sites which had previously been planned but in which wrong or incomprehensive decisions had been taken as to the conservation of cultural and natural assets, the current development plan is cancelled, and a new "Conservation Plan" is proposed in cases where the plan decisions need to be changed. Until the new conservation plan has been completed, temporary building regulations have to be applied thus the related conservation board, regulations to meet the needs for conservation activities and to take under control the construction of the buildings.

In those areas where temporary building regulations are being applied, the related conservation board examines the proposed project for the construction of the new building or the restoration of the historic building, and its implementation is carried out under municipal supervision. The Provincial Authority or the Municipality has to submit the said proposed plan for conservation to the related conservation board within a minimum period of one year. The plan, after having been accepted by the conservation board, is approved by the city board and thus becomes ready for implementation.

When the related institution has found it necessary to make partial changes in the conservation plan and/or when the conservation board itself has decided to this effect, it is the task of the conservation board to inform the related local authority the related institutions and bodies of the changes with a formal letter. Within one month of this letter, the city council has to come to a decision on the proposal for change. If no decision has been taken within the allocated period, the proposal for change, having been approved by the conservation board can now be

carried out without the decision of the city council.

Rights and Responsibilities: Financial Aid, Exceptions, Exemptions and Expropriations

According to "Law on the Protection of Cultural and Natural Assets", the Ministry of Culture provides real cash and technical assistance and loans for the protection, maintenance and repair of cultural and natural assets that should be protected, owned by real and corporate persons subject to special legislation. "Fund for Contributing in the Repair of Fixed Cultural Assets That Should be Protected" is established in a special account to be opened in a State Bank and under the order of the Ministry of Culture (Official Gazette, 24.6.1985)⁴.

In some touristic conservation areas, the owners of registered buildings provide loans from the Ministry of Tourism according to special legislation "Loans Provided for the Investment in the use of Ancient Buildings for Touristic Purpose" if they use their buildings for touristic purposes.

Immovable cultural assets registered that should be conserved in the land registry log and grouped as a group I and II, and the plots that are immovable cultural and natural assets with absolute building prohibition as they are archaeological conservation sites and natural conservation sites are exempt from all taxes, duties and charges.

Immovable cultural and natural assets and the protection areas owned by real and corporate persons may be expropriated by the schedules to be prepared by the Ministry of Culture if necessary. The registered buildings reserved for cultural purposes in the conservation plans may be expropriated by the municipalities upon the decision of the boards and the approval of the Ministry.

Plots on which registered cultural and natural assets with absolute construction prohibition may be replaced with other treasury lands upon the application of the owner.

The Present Situation of Conservation of Cultural Assets in Turkey

The following section of this paper gives a summary of some of the findings in the observations and surveys carried out in listed urban sites. In this study, the improvement in the practice of conservation and planning in listed sites was studied. The study also aimed at finding out the difficulties encountered by the related institutions and especially by the local authorities⁵.

The results obtained were compared to those of another research carried out on the same subject in 1980; an evaluation of the conservation practices was undertaken to find out positive and negative practices.

According to the findings of the research, the local authorities, in which conservation decisions had been taken, either stated that they could not put into practice a major part of the conservation regulations and conservation plans. In the research made in 1980, the main reason for not having carried out the regulations was that there were no practicable plans. For in that period, (1980) there existed no development plans of conservation for any sites. In 1996, it was determined that 88 conservation sites happened to have an approved development plan while 55 sites the conservation plan was in the process of preparation.

Local authorities are still complaining today, as they did in 1980, about the fact that the preparation of the plans for practice takes up too much time after the designation decision has been taken and that only a designation and/or listing decision is not enough to guarantee the conservation practices.

4. For the rights and responsibilities: Financial aid, exceptions, exemptions and expropriations see:

"Real Estate Tax Law No: 1610", (1610 Sayılı Emlak Vergisi Yasası", 27.7.1972).

"Law for Conservation of Cultural and Natural Assets, No: 2863", (2863 Sayılı Kültür ve Tabiat Varlıklarını Koruma Kanunu), Official Gazette, 21.6.1983.

"Law Concerning the Alterations of Some Clauses of Law No: 2863 for the Conservation of Cultural and Natural Assets and Adding Some New Clauses to Mentioned Law, No: 3386", (3386 Sayılı 2863 Sayılı Kültür ve Tabiat Varlıklarını Koruma Kanunu'nun Bazı Maddelerinin Değiştirilmesi ve Bu Kanuna Bazı Maddeler Eklmesi Hakkında Kanun), Official Gazette, 24.6.1987.

Fund for the Contribution to the Restoration of Immobile Cultural Assets", (Özel Hukuka Tabi Gerçek ve Tüzel Kişilerin Mülkiyetinde Bulunan Korunması Gerekli Kültür Varlıklarının Onarımına Katkı Fonu Yönetmeliği), Official Gazette, 24.6.1985.

5. For further information on the present situation of conservation of cultural assets in Turkey see:

GÜLERSOY-ZEREN, Nuran (1999) Site Conservation Lecture Notes, ITU Faculty of Architecture, Urban and Regional Planning Department; Istanbul

.ZEREN, Nuran (1991); Koruma Amaçlı İmar Planı Yapım ve Uygulama Sorunları, (Planning and Implementation Problems on Urban Conservation Development Plans), ITU Environment and Urban Planning Application and Research Center, Istanbul.

In the survey made in 1980, it was seen that, apart from the unavailability of practicable plans, facts like lack of support on the part of the public, and also lack of money, technical information and qualified technical staff were among the main reasons for the failure of the practice. Local authorities still complain today that they cannot carry out the conservation decisions for similar reasons or, that they can only partially carry them out.

One local authority, confessing that they could only partially realise the conservation practice, said, "according to some decisions taken under the pressures of the property owners and contractors, some listing decisions have been cancelled, and building regulations have been changed".

When conservation decisions and development plans are studied together, it can be seen that conservation decisions usually clash with the building conditions in their immediate surroundings. For instance, while the building height is restricted with two to three storeys within the conservation area, in the immediate surroundings up to five to six storeys and sometimes up to seven to eight storeys can be allowed. This leads to dissatisfaction in the owners of listed buildings who cannot help comparing their cases with the surrounding practices.

Local authorities gave the following as an important reason preventing practice: "Urban sites were, at the beginning, defined as quite large areas; they were then narrowed down to smaller areas; this led to a feeling of distrust in people and gave them the impression that the boundaries of the site could be changed at any time and that the listing decisions could be cancelled".

As in 1980, local authorities still claim that the most important reason for the decisions not to be put into practice is that the said decisions not to be put into practice is that the said decisions and plans are not sufficiently detailed for proper application, that the public does not believe in the necessity and the benefit of conservation, that it reacts to conservation.

It has been observed that the site to be conserved either decayed or dilapidated after the decisions had been taken or they were consciously destroyed by their owners. This observation also corresponds to the results obtained in 1980.

Most of the listed buildings are rendered vulnerable to the adverse environmental conditions by making holes in the roof or by breaking the windows; thus, it is hoped that the listed building would soon collapse.

In spite of the conservation decisions, illegal practices like demolishing and erecting new building instead are being continued; this situation is clearly observed and stated by the local authorities themselves. However, in cases where conservation is combined with that kind of activities that provide income, the desired goal can more easily be attained.

Owners of the listed buildings, seeing and envying the multistorey buildings rising nearby, try to abolish the conservation decision and want their old buildings to be replaced by "apartment blocks". In the research made in 1980, it was found that very few owners whose buildings had been listed approved of the conservation decision and that the great majority were either indifferent to or disapproved of the decision. And today, most owners of listed buildings tend to appeal for a removal decision.

Local authorities claim that the owners want their "listed" buildings to be demolished because they are not given any financial support or compensation for their economic losses; they also say that the regulations of "The Fund for the Restoration of Immovable Cultural Entities Owned by Real and Legal Bodies Subject to Private Law" are not being applied actively enough to that effect and that only in touristic areas the owners of the listed buildings can, to a certain extent, benefit from "The Loans Provided for the Investment in the Use of Ancient Buildings for Touristic Purposes".

The owners of listed buildings who want either to evacuate or to demolish them, cite the following as the most important reasons for this:

- The profit they will make as a result of rebuilding the house,
- The temptation of the increasing value of the building land,
- Problems created by multi-ownership resulting from an inheritance,
- Lack of infrastructure, bath-room, toilets and plumbing,
- Difficulties encountered in fighting insects and rodents,
- Difficulties in heating.
- Very few owners of buildings to be conserved accept the conservation decisions; most of them either react negatively or remain indifferent;
- The majority of the owners of the buildings to be conserved tend to demolish and re build, to let or to exchange their buildings with a "modern flat"

The results of the research show that there has not been a considerable positive development in Turkey except for a few cases, in implementation of the conservation plans and conservation decisions.

- The aims, goals and objectives of conservation, the standards for the selection and the planning of cultural assets are not clearly defined;
- Conservation decisions do not clearly define the application of conservation implementation to be done; thus the majority of the decisions cannot be realised, or they can partly be realised;
- It takes too much time to prepare the conservation development plan after the decisions have been taken;
- Conservation decisions usually contradict current planning decisions for such requirement as building height, building intensity, new roads and transportation facilities and also for land use;
- Conservation areas and their boundaries and conservation decisions are not based on sufficient investigation;
- Historic areas usually deteriorate due to lack of inattention even after they have been taken under conservation decision; a large majority of the listed buildings were deliberately destroyed by the owners;
- There is a lack of public support; scarcity of funds, expertise and technical staff;
- There is a lack of cadres specialised in planning and conservation work;
- There is confusion of authority among the institutions related to conservation, and there is ambiguity as to the authority and responsibility of the local administrations.
- Local administrations have no special funds to be used in the conservation of historic environments;