

INVESTIGATING THE LEGISLATIVE STATUS OF GREEK TRADITIONAL SETTLEMENTS FOR ENSURING ACCESSIBILITY FOR PEOPLE WITH DISABILITIES (1140)

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Abstract. Although urban centres are becoming more inclusive for people with disabilities, rural areas have been overlooked. Greece's traditional settlements, mountain and island, constitute the main resource of tourism revenues. Protected by the "Traditional Settlements Protection Act", since 1978, the historic identity of these settlements impede, and in some cases forbid, the establishment of such infrastructures. However, in spite of the existing regulations for ensuring an inclusive public environment, the necessary modifications are yet to be made, as they are blocked by governmental mechanisms that protect cultural heritages at all cost.

The existing barriers of the built environment are causing the exclusion of people with mental and physical impairments. Despite the peculiar Greek topography and the identity of historic settlements, rural areas can reach the values of an inclusive and accessible environment.

To this purpose, this paper addresses the lack of coherence among spatial governance and law planning. In this framework, a comparative analysis of both legislations in force is presented and new approaches that correspond to current challenges of urban, regional and law planning are proposed.

Keywords: Accessibility for All, traditional settlements, preservation legislations, adaptable architecture, built heritage protection

1. Introduction

Accessibility and inclusiveness for people with disabilities constitute a fundamental prerequisite for sustainable development. According to WHO & The World Bank (2011), disability is an integral part of human life, as most of the human beings may, at some point, find themselves temporarily or permanently physically impaired. In Greece, people with disabilities are estimated at 24% of the total population (Bourgia, 2021).

At the same time, according to the Hellenic Statistical Authority (ELSTAT 2021), the average life expectancy rate has increased to 81 years, while the number of births has decreased. By 2050, it is estimated that the elderly will be 40.8% of the population.

Moreover, the lack of the necessary standards for accessibility in rural areas does not only concern people with disabilities, but the increasing ageing population as well. More specifically, the 2030 Agenda for Sustainable Development, sets out to achieve sustainable development by seeking to serve the human rights of all people, thus leaving no one behind. Acknowledging that the world demography is shifting to an era of population ageing, UNDP (2018) stresses that it is vital to face this emerging social challenge in order to achieve truly transformative, inclusive and sustainable development outcomes. It is crucial to go beyond treating older persons as a vulnerable group but instead as active members of our societies in order to achieve truly transformative, inclusive and sustainable development outcomes.

Traditional settlements constitute an important and famous subcategory of rural areas. Regardless of their geographical distribution in mountains or in islands, they constitute an important part of modern Greek cultural heritage. These rural complexes are mostly small-scale villages that present special architectural characteristics, distinct urban form and unique social and historical features. In general, these settlements form a network of small and large built complexes that covers the entire geographical space of the country (Desyllas & Philippides, 2007), constituting the main resource of its tourism revenues. In this framework, the preservation of their cultural heritage is directly related to sustainability, as the focus turns towards the adaptive reuse of cultural heritage buildings and traditional settlements. However, most of them are located in unwelcoming terrain, where they lack the necessary technological infrastructures and policy provisions for people with disabilities (Tomou, Rodi, 2021).

Taking into consideration the contribution of these historic settlements in the country's evolution and financial growth, while recognizing the importance of an equal right in tourism for people with disabilities, there is an imperative need to regenerate and reform them. As David Gissen (2022) highlights, the current situation demonstrates the shallowness of contemporary engagements with disability relative to historic sites, dealing with it as a technical problem to be solved, rather than as an integral aspect of both cultural and architectural history.

To this purpose, our research argues that the perception of accessibility in the traditional settlements should be reconsidered regarding the existing legislations.

2. Greek traditional settlements and the protective legislation

The notion of protecting the historic areas and traditional settlements as part of Greek cultural heritage was imported for the first time in the national legislative system with the 1975s Constitution enactment (art.24, §6). In particular, the State is obligated to protect all elements of the natural and cultural environment, as well as to adopt special

preventive or repressive measures for the preservation of the environment in the context of the principle of sustainable development (art.24, §1). It is important to acknowledge that the cultural environment includes any man made formation of cultural heritage that appears to be monumental, traditional or architectural.

For this reason, the Greek State implemented the “Traditional Settlements Protection Act” (1978), which aimed to protect the historic identity of rural settlements by categorising and naming them as “traditional” based on their tangible and intangible cultural heritage (historical monuments, rural constructions, human practices and traditions). Following Granada’s Convention in 1985, the Greek State officially adopted the first definition of “traditional settlements” by issuing Law 2039/1992. Hence, the traditional settlements are considered as “a homogenous set of urban or rural constructions that have special architectural, structural, social or historical features which are unique, valuable and need to be protected”. In general, the competent body for the protection of the traditional settlements is the Ministry of Culture and Sports. However, according to Chapter 8 of the Archeological Law (2002), the Minister introduced specific collective bodies for a better division of tasks. In particular, the Local Councils of Monuments (Article 49) were established at the headquarters of each administrative region in order to give opinions on all issues concerning monuments, public spaces and places in their region. Also, in Article 50 (§1) the Central Archaeological Council (KAS) and the Central Council of Newer Monuments (CSNM) (§2) were formed. On the one hand, KAS is related to matters of protection of ancient monuments, archaeological sites and historical places that were the site of outstanding historical or mythical events up to 1830. On the other hand, KSNM works on matters related to the protection of newer monuments and other historical places. As it appears from the study of this specific law, traditional settlements can be characterised as cultural goods (article 2) as *"witnesses of existence and collective of human activity"* (Metallinou 2013, pp. 34). At the same time, traditional settlements can also belong to the category of “historical places” that are considered *“as historic sites either on land or on seaside or lake areas or on riversides that form ro used to form areas of outstanding historical or mythical events, or lands containing monuments later than 1830, which constitute characteristic and homogeneous spaces, which are possible to demarcated topographically, and whose protection is required because of it folklore, ethnological, social, technical architecture, industrial or of their historical, artistic or scientific importance”* (Article 2 d).

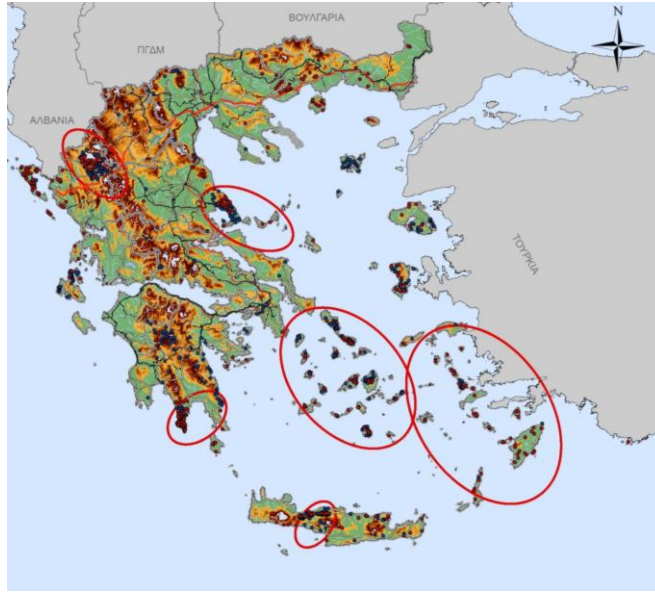


Figure 1. Map of Greek traditional settlements

Source: Metallinou, A (2013).

3. The traditional public space

3.1 The evolution of the urban fabric

Strolling in the “Choras” and the old citadels, climbing to the highest points for panoramic views and exploring the labyrinth of cobbled streets, are important examples of experiencing these historic complexes. The majority of Greek traditional settlements followed the same historic evolution, as the primary concern of the settlers was to find a location for survival, socialisation and protection from natural phenomena or invaders, thus evolving a kind of defensive architecture. The houses, until today, are developed organically, following the landscape’s slopes (Figure 2).

During the 19th century, the acceleration of urbanisation, the settlements’ houses spread without a predetermined plan (Figure 3), causing several unforeseen problems, such as steep ascents or steps with uneven ridges and narrow widths, making it difficult to move and transfer the goods for the households.

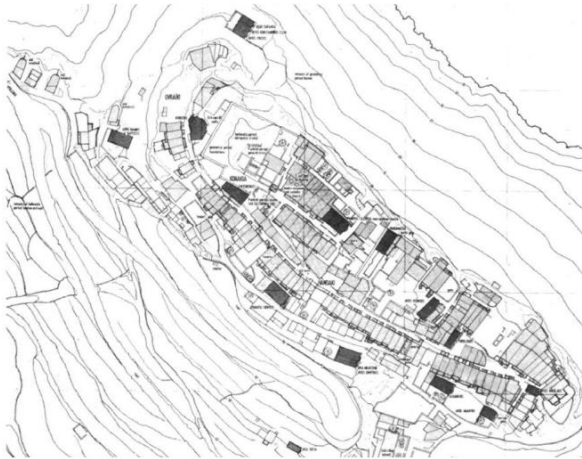


Figure 2. Traditional settlement of Lesvos, from M. Papageorgiou & G. Pozoukidou, 2014 Figure 3. Traditional settlement of Symi, from N. Tomou and A. Rodi, 2021

3.2 Mobility

Consequently, the mountainous morphology and the dense urban fabric of the settlements, shaped the impressive aesthetics of the place. The adaptation to the rugged topography created the need for stepping passages, which up to today constitute the main mobility arteries in every case. Concurrently, the desire to save space and consequently the construction materials, contributed as well in the suffocating layout of the dwellings. Both public and private stairs are placed on the narrow alleys, reducing their width even more. In other cases, such as in Zagorochoria, instead of steps the inhabitants created the so-called “kalderimia”, cobblestone-paved pathways built for inclined traffic. Historically, *Kalderimia* are described as cobbled or paved mule tracks or trails.

The residents were forced to use these sloppy arteries daily, carrying the merchandise either on the shoulders or with donkeys (Figures 5 and 6). Thus, they improvised small ways and tricks to face this unfavourable landscape. Such a solution was to add large landings in the public steps as a resting area in their ascent or descent. It is astonishing how a construction that once played a major role in the social life of the islanders, as a place of gathering and decision-making, is now hindering social participation.

Other important typo-morphological elements of these settlements that hinder social participation of people with disabilities are the outdoor stairs, the yards, the terraces and the pergolas. Moreover, parts of public space are illegally occupied by residents’ for everyday activities. Additional disadvantage is the overall use of materials for the pavings. Most of them, since they're made out of stone, are considered inaccessible for wheelchair users or visually impaired people.



Figure 5. Merchandiser in Symi.



Figure 6. Carrying a person with disability in Kalymnos.

4. The existing regulations for an inclusive public environment

In Greece, the first legislative framework concerning the inclusion and accessibility of disabled people, came into force with the "New Building Regulation" Law 4067/2012 (Government Gazette 79/A/09-04-2012). In accordance with Articles 26 and 27, special arrangements were introduced in order to ensure the accessibility for people with disabilities. Two days later, the introduction of the Law 4074/2012 "Ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of Persons with Disabilities" (Government Gazette 88 , v. A') followed. The purpose of the Convention was *"to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities and to promote respect for their inherent dignity"*. Therefore, as stated on Article 4.1 of the ratification, Greece as a member state, has the obligation to ensure all human rights and for all people with disabilities without any discrimination, including the guarantee of accessibility (Article 9) in order to be able to live independently and participate fully in all aspects of life.

"New Building Regulation" Law 4067/2012 (Government Gazette 79/A/09-04-2012)			
Article 26: Special arrangements for serving people with disability		Article 27: Special provisions	
par.1	Access to spaces of new residential buildings	par.1	In buildings, building infrastructures and facilities which are characterized as special public buildings concerning following a decision of the Minister to under which the competent body for approving the license is subordinate let's build, deviations from the present are allowed of law granted after reasoned technique report and approval of the Central Council of Architecture.
par.2	Autonomous and safe circulation on pavements	par.2	In legally existing buildings that do not have an elevator from the time of their construction, it is allowed, by way of derogation from the classes of the present and the special building conditions of the area, construction of an elevator or other machinery means of covering altitude differences and the access space to them with a necessary condition the drafting or updating of the Building Identity. For preserved buildings and traditional settlements, the consent of the Council of Architecture is required.
par.3	Formation of accessible outdoor spaces in the buildings of par.1		
par.4	Ensuring accessibility to all public or recreational buildings before the applicable law		
par.6	During the configuration or reconstruction of public spaces of settlements (particularly areas for pedestrian traffic, squares/sidewalks/sidewalks/islands, green areas/groves, stops/docks, etc.), it is obligatory to ensure the accessibility for people with disabilities with pedestrian walkways/ blind walkways/ inclined levels (ramps) without steps and with a slope of up to 5% / accessible mechanical means of covering height differences, appropriate placement of urban equipment, such as canopies, seating areas, light poles, waste bins, signage, etc., as well as 5% of the parking spaces or at least one for the use of cars, according to the Guidelines, standards and regulations referred to in paragraph 1 above.		
par.7	In the case there is need for an opinion on special accessibility matters, the competent advisory / auditing bodies, such as YDOM, Building Inspectors, Architecture Councils, can appeal to the "Accessibility Committee", which is appointed by decision of the Minister of Environment, Energy and Climate Change and is based in the Ministry of Environment , Energy and Climate Change.		

Figure 7. Presentation of Articles 26 and 27 from the "New Building Law"

Later on, the Ministerial Decision on "Technical instructions for adapting existing buildings and infrastructures for the inclusion of people with disabilities in accordance with the applicable legislation" (Government Gazette 2998/B/20-7-2020) was introduced, which aimed to provide technical guidelines for adapting existing buildings and infrastructures to the needs of disabled people based on the values of universal design (Figure 8). The latest provision in force was "Modernization of Spatial and Urban Planning Legislation and other provisions" (Law 4759/2020, Official Gazette 245/A/9-12-2020), a correction of the "New Building Regulation".

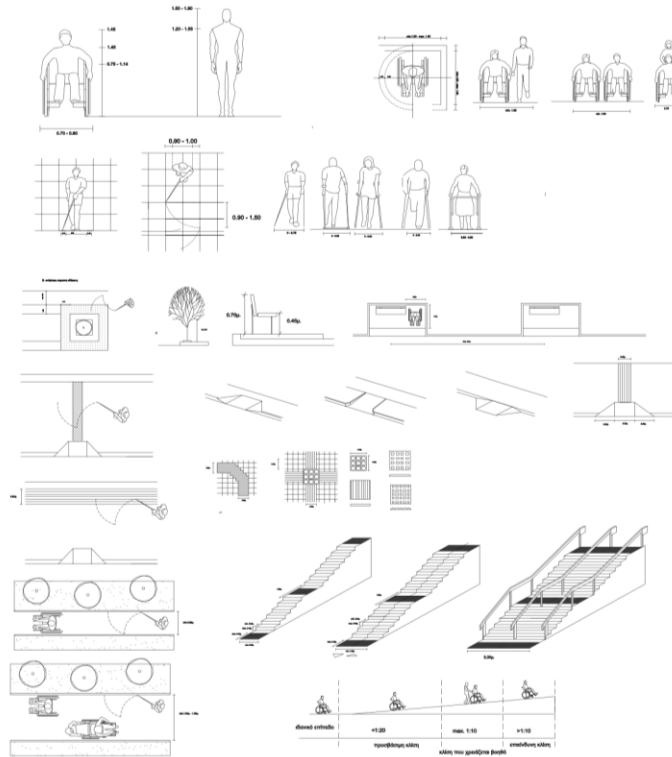


Figure 8. Example of technical guidelines based on Universal Design. Personal record.

5. Conclusions

This research aimed to highlight the importance of reconsidering the intersection between inclusive mobility, spatial planning, architecture, protection of cultural heritage and legislation, in order to ensure a more inclusive and sustainable built environment in the traditional settlement. As literature shows, disability is indeed an integral part of human life. At the same time, traditional settlements, whether island or mainland, are an integral cultural element of our country and an important part for future sustainable development. However, they continue to be inhospitable destinations creating strong discrimination among citizens.

The prevailing Interactional model supports that “disability arises *from the negative interaction between health conditions and contextual factors – environmental and personal factors*” (WHO & The World Bank, 2011). Consequently, an impairment alone does not lead to disability, if there is a completely inclusive and comprehensible environment (Al Ju’beh K., 2015). Spatial components of public space are major determinants that either enable or restrict the mobility of people with temporary or permanent disabilities; and, as demonstrated by this research, through their flexibility, adaptability and provisional qualities, can become inclusive environments (Figure 9).

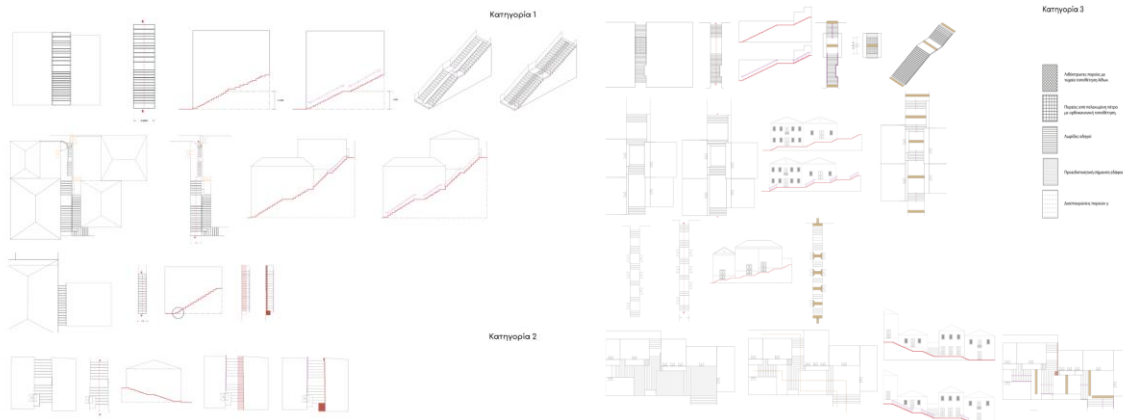


Figure 9. Analysis of the spatial components of traditional settlements' public space. Proof they can become inclusive environments (Tomou and Rodi, 2021).

So far, the provisions create an intense oxymoron since there is no coherence among them. On the one hand there are policies that support accessible public spaces or conventions that promote sustainable development, but on the other hand existing reservation Laws prohibit any intervention in the traditional and touristic settlements. Simultaneously, the same provisions concern exclusively morphological elements of the settlements, historical monuments and churches, but none regards the issue of mobility in the built public spaces. The protection and preservation of the traditional element has become an end in itself, ignoring the existence of any possible middle solution. Facilitating accessibility does not necessarily dissolve the identity of a place. As David Gissen pinpoints, the contemporary management of the situation pits historical integrity against demands for accessibility and human integrity.

Therefore, this research proves that there is a strong need to revise existing laws of architecture and urban planning intervention in order to include the need for an inclusive environment. Accessibility for people with disabilities and generally for all, should not be treated as an afterthought to building design or as a technocratic issue that cannot be adapted to the local architecture. As seen in Figures 10 and 11, in Matera, a UNESCO World Heritage Site, the need for inclusive mobility was faced as a creative opportunity and challenge, rather than an obstacle.



Figures 10 and 11. Adjustments on stairs for inclusive mobility, Matera, southern Italy. Personal archive.

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