

CURRENT CHALLENGES OF MANAGING URBAN HERITAGE IN TURKEY

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Abstract

Turkey acquires a remarkable wealth of historic and cultural heritage. Yet, changing economic, political, legal and social conditions often turn this legacy into a liability. Since the mid-1980s, along with the neo-liberal policies, the widening of market mechanism and a competitive real-estate market were followed by the rapid privatization of public lands and other assets, the expansion of local governments' jurisdictions, and the growing presence of global capital especially in big cities. Together with the neo-liberal urbanism, heritage has been recognized more and more as a physical asset with its economic and symbolic contributions to the cities' competitiveness within the global market. This understanding of heritage has not only commodified and commercialized it, but it has also been undermined its social and cultural significance and values. In Turkey, heritage, like in many other countries, has become a city-marketing and branding instrument and a catalyst for urban regeneration schemes. Likewise, the rapid urbanization in Turkish cities has also acted as a growing threat against the historic and cultural heritage. This paper aims to underline and discuss a variety of current challenges and threats on the conservation of cultural and historic heritage in Turkey. It will examine these challenges and threats regarding political, legal, financial, economic and social dimensions, as well as the new planning priorities.

1. Introduction

Turkey acquires a remarkable wealth of historic and cultural heritage, but changing economic, political, legal and social conditions often turn this legacy into a liability. Since the mid-1980s, along with the neo-liberal policies, the widening of market mechanism and a competitive real-estate market were followed by the privatization of public lands and other assets, the expansion of local governments' jurisdictions, and the growing presence of global capital especially in big cities. Together with the neo-liberal urbanism, heritage has been recognized more and more as a physical asset with its economic and symbolic contributions to the cities' competitiveness within the global market. This understanding of heritage has not only commodified

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and commercialized it, but it has also been undermined its social and cultural values. In Turkey, heritage, like in many other countries, has become a city-marketing and branding instrument and a catalyst for urban regeneration schemes. Likewise, the rapid urbanization in Turkish cities has also acted as a growing threat against the historic and cultural heritage.

This paper aims to underline and discuss a variety of current challenges and threats on the conservation of cultural and historic heritage in Turkey. It summarizes the evolving legal, institutional and financial background of urban conservation from the mid-19th century to the 1980s. Second, it focuses on the changes in the legal, institutional, organizational and financial dimension of heritage conservation over the last 30 years, and third, it examines the current planning system on historic heritage sites. Within these three sections, the paper seeks to underline the challenges and threats against the historic heritage sites regarding political, legal, financial, economic and social dimensions, as well as the new planning priorities.

2. Evolving legal, institutional, organizational and financial background of urban conservation from the mid-19th century to the 1980s

The early conservation policies started to be shaped in the second half of the 19th century due to the demands of European archaeologists to undertake excavations within the territory of Ottoman Empire. A series of legislations - *The Ancient Monument Regulations (AMR) of 1869, the AMR of 1874, the AMR of 1884, the AMR of 1906, and Conservation Regulations of Monuments of 1912-* were subsequently enacted to establish the legal and institutional frameworks for the protection of historic monuments and artifacts, particularly those that were discovered throughout these excavations and to found an imperial museum in order to exhibit these discovered historic artifacts (Table 1). The central government was the sole authority responsible for the conservation of historic monuments and artifacts. While the Ministry of Foundations (*Nezaret-i Evkaf-ı Hümayun*) was the major authority for the preservation and regular maintenance of historic artifacts owned by the Foundations, Conservation Committee of Ancient Artifacts (*Muhafaza-i Asarı Atika Encümeni*) was the agency responsible for the implementation of conservation laws. The urban conservation approach of this period was based on the idea of preserving historic assets individually. The major historic artifacts to be preserved were seen as the historic artifacts of state and foundations, such as castles, city walls, palaces, theatres, bridges, churches, monasteries, synagogues, rather than urban fabrics and neighborhoods with historic and cultural characteristics.

After the foundation of Turkish Republic, all the legal and institutional organization of the state was renewed to create a secular nation-state. The Directorate of Turkish Ancient Artifacts (*Türk Asarı Atıkası Müdürlüğü*) was established in 1920 within the organization of the Ministry of Education (MoE) to be responsible for all issues of museums and archaeological excavations. A year later, it was renamed the Directorate of Culture (*Hars Müdürlüğü*). This was followed by the establishment of the Directorate General for Foundations (*Evkaf Umum Müdürlüğü*) responsible for

the regular maintenance of historic buildings belonged to the foundations in 1935, the establishment of Conservation Commission of Monument (*Anıtları Koruma Komisyonu*) in 1933 to document the historic heritage of the country and the establishment of the Directorate General for Ancient Artifacts and Museums (*Eski Eserler ve Müzeler Umum Müdürlüğü*) in 1944. During the period of 1920 and 1950, the central government was the only authority responsible for the conservation of the majority of historic heritage, while municipalities were only responsible for the conservation and regular maintenance of castles, towers and graveyards. State-funds for conservation of historic heritage were very limited. The total budget of the Parliament, MoE, Directorate General for Foundations and the Ministry of Public Works that were allocated for the conservation of historic heritage was only 0.12 % of the total national budget (Madran and Özgönül, 2005). There was no subsidy to help support the restoration costs of private individuals / agencies, although they were legally obliged to restore or carry out the regular maintenance of historic properties (Madran and Özgönül, 2005).

The conservation policy of the early years of the Republic was more or less the same with the Ottoman era (Table 1). Although preserving historic artifacts individually were the dominant conservation approach of this period, the *Municipality Law of 1930* enforced municipalities to prepare development plans of cities and to be responsible for the conservation of historic monumental artifacts. Likewise, the *Building and Road Law of 1933* claims that “monuments within the boundaries of these plans (*urban development plans*) were to be ‘marked’ and a ten-meter strip of open space was to be designated around them” (Şahin Güçhan and Kurul, 2009, p. 27, *italics added*). Despite the responsibilities given to municipalities in the field of conservation by the *Municipality Law of 1930* and the *Building and Roads Law of 1933*, their power, experience and financial resources were too limited to take necessary actions for the restoration and regular maintenance of historic artifacts in cities. Besides, the implementation of the development plans through the *Building and Roads Law of 1933* to build ‘modern’ Turkish cities led to the severe destruction of historic fabrics of cities, especially those in Istanbul throughout the 1950s (Şahin Güçhan and Kurul, 2009, p. 27).

The *High Council for the Historic Real Estates, Artifacts and Monuments* (HCHRAM) (*Gayrimenkul Eski Eserler ve Anıtlar Yüksek Kurulu*) that was founded in 1951 was seminal in the field of urban conservation. The High Council was the absolutely autonomous agency which was primarily responsible for determining the principles on the restoration, maintenance and management of historic heritage and monitoring and auditing of the implementation of the conservation projects according these principles. One of the major contributions of the High Council was their attempt to introduce the understanding of conserving historic urban areas, rather than individual historic artifacts or monuments (Şahin Güçhan and Kurul, 2009, p. 28). Despite the establishment of the High Council, historic heritage conservation continued to be seen primarily as the major responsibility of the central government agencies between the 1950s and 1980s. As a part of this centralized state

organization, local departments of the *Directorate General for Ancient Artifacts and Museums* were established in cities.

The period of 1950-1980 was also characterized by the enactment of the first conservation law, namely *The 1973 Law of Historic Artifacts No. 1710*. The law introduced the understanding of conserving 'areas' rather than 'individual artifacts', defined 'conservation sites' as 'historic', 'archaeological' and 'natural', expanded the responsibilities and power of the HCHRAM, and introduced the technical and financial supports from the state to private individuals for the restoration of their historic properties. In the 1970s, following the designation of archaeological and historic conservation sites in cities, the development plan decisions for these sites became ineffective and this revealed the need for preparing 'conservation plans' for the designated areas within two years (Şahin Güçhan and Kurul, 2009, p. 29). The notion of 'conservation plans' which emerged in these years became a subject of discussion among planners, conservationists and experts in the field (Şahin Güçhan and Kurul, 2009, p. 29). Despite this progress, the legal requirements for conservation sites were mostly seen as obstacles against urban development by municipalities and private property owners (Şahin Güçhan and Kurul, 2009, p. 29). Also, municipalities were inadequate in preparing conservation plans and conserving historic areas of cities due to their limited power, funding and experts in the field of conservation. Beside such hindrances, moving out of wealthy dwellers of historic neighborhoods to newly developed modern apartments and their replacement with the poor migrants or citizens as the tenants or new owners also led to the deterioration of these historic quarters of cities and their continuous decline in the 1960s and 1970s.

The legal, institutional and financial framework of conservation has significantly evolved since the 1980s. The Law No. 2893 of 1983 and the enactment of subsequent legislations that have made amendments on this law (*The Law No. 3386 of 1987, The Law No. 5226 of 2004, The Law No. 5571 of 2006, The Law No. 5728 of 2008, The Law No. 5835 of 2009 and The Decree Law No. 648*) provided the legal bases for urban conservation. The next section discusses the changes in the conservation field since the 1980s to today.

3. The conservation policies between the 1980s and 2010s

The neo-liberal policies came to the political agenda in Turkey following the 1980 military coup. Since the early-1980s, the policies seeking to establish a free market economy have gone hand in hand with the privatization, deregulation and liberalization policies. Since the 1980s to today, a number of legislations which came into effect have provided two parallel planning systems for historic sites in Turkey (Table 1). The Law No. 2863 (The Conservation Law of Cultural and Natural Assets) of 1983, and the legislations and regulations which have come into force to make some amendments on this law have brought about a planning procedure with a 'conservation' emphasis. That is to say, the Law No. 2863 replaced the concept of 'historic artifacts' with the concepts of 'cultural assets' and 'natural assets' into the

conservation planning in Turkey. Besides being historic, it underlined the importance of having qualitative merits (such as their architectural, economic or social qualities which represented the historic period in which they were built) of historic buildings, monuments or sites to be designated and listed as cultural assets. It also emphasized the importance of conserving the historic sites within an urban context, instead of conserving historic buildings or monuments individually. The Law No. 2863 was also a pioneering legislation in terms of introducing the concept of 'conservation-led development plans' as a new type of plan specific to conservation areas. Although the planning approach behind this law is not based on an integrated conservation approach, it is still important with its decentralization and localization policies by empowering local authorities to prepare approve and implement conservation-led development plans. The Law also brought a two-tier control mechanism for the planning procedures and actions taken for conservation sites: '*Higher Conservation Council of Cultural and Natural Assets*' (HCCCNA) that was set up within the organization of the Ministry of Culture and Tourism and '*Regional Conservation Councils*' (RCCs) that were established locally for the designated conservation sites with listed buildings and monuments.

The most important legislation, which complemented the Law No. 2863, is the Law No. 5226 (The Law of Conserving Cultural and Natural Assets) enacted in 2004. The law broadened the content of 'conservation-led development plans', making extensive studies on conservation sites compulsory, prior to plan preparation (Dinçer, 2009a). These studies were to regard conservation sites not only their archaeological, historic, natural, architectural and demographic dimensions, but also their cultural, social and economic dimensions (Dinçer, 2009a). The expected outcomes of such studies, therefore, were to be conservation plans integrating multi-dimensional problems of localities; that is to say, plans addressing not only the problems of conservation of physical environments, but also responding to the needs of communities living and working and providing collaborative planning models, financial, organization and management models for the planning process (Dinçer, 2009a). The law also introduced new financial devices for private owners (10% of the total property taxes allocated to be used for the conservation of historic heritage sites), as well as the new concepts, such as 'management area' and 'management plan' into the conservation agenda of the country (Dinçer, 2009b). It also introduced a new planning tool, transfer of development rights, into the Turkish planning legislative system. Additionally, it became compulsory to establish new specialist offices called 'Conservation, Implementation and Control Bureau (KUDEB)', employing experts in the areas of art history, architecture, city planning, archaeology and engineering sciences, were to be responsible for managing and controlling the implementation of conservation-led development plans (Dinçer, 2009b). The law suggests the identification of the 'action areas' and 'priorities' as the major requirements of the conservation-led development plans. It also emphasizes on the importance of the participation of all the stakeholders in the planning process. By suggesting a participatory management plan for conservation sites, a new financial resource and organization models, planning phases, determining the actors

responsible for the implementation of the plans, the law introduced a sustainable conservation approach to Turkish conservation policy agenda.

Parallel to this conservation-led planning procedure, a series of legislations (especially the Law No. 5393 and the Law No. 5366) were enacted to create alternative planning procedures for conservation sites to be designated either as 'urban transformation and development sites (UTDS)' or as 'urban renewal sites (URS)'. The Law No. 5393 (The Municipality Law) of 2005 defined the conditions for local authorities to designate UTDS. The article No. 73 of the Law claims that municipalities are authorized to designate UTDS on the deteriorated urban areas through municipal council decisions. The article empowers municipalities to implement 'urban transformation and development projects (UTDP)' (rather than development or conservation plans) to redevelop deteriorated urban areas, or to restore historic and cultural fabrics of a city, or to take precautions against earthquake. The Law has also given local authorities a wide range of powers to implement these projects, such as to identify the monetary values of properties on the designated UTDS and to redistribute the raising urban rents to property owners based on these values. Yet, contrary to the general planning principle of hierarchical integrity of different levels of plans, it has not enforced local authorities to integrate UTDPs with the upper-scale development plans or to prepare projects with a comprehensive planning approach. Consequently, it has opened up the way of making piecemeal and area-based projects, independent from the vision or upper-scale development plans of the city or region. For the UTDS, the Law has primarily promoted a physical and economic regeneration. Although the Law claims that mutual agreement between property owners and municipalities are compulsory to clear out and knock down the buildings and to expropriate private properties within the UTDS, it has provided a legal basis for the displacement of the poor communities living in such areas. According to the law, municipalities are required to provide new properties in the URDS only for the title holders who have had the privileged legal rights because of the amnesty laws. For the title holders other than these privileged ones, municipalities have the authority to offer alternative housing solutions in exchange to their properties in URDS, such as selling houses or lands on urban lands outside these project sites or by selling houses developed by TOKI. The law however has not had any regulation for tenants living in UTDS. Thus, local inhabitants (both property owners and tenants) who are provided such housing solutions by the UTDPs will be deprived of their homes and their rights to live in their neighborhoods and localities. The Law No. 5393 has not only provided a legal basis to violate the property rights of private owners, but it has also opened up the project implementations with a strong emphasis on physical and economic regeneration by displacing local poor dwellers and replacing with the potential wealthy incomers.

From 2005 onwards, the new legal arrangements emphasized the exchange value rather than the use value of the conservation areas. The Law No. 5366 (The Conservation Law of Deteriorated Immovable Historic and Cultural Assets by Renewal and their Utilization), which was enacted in 2005, enabled local authorities to undertake 'urban renewal projects (URPs)' which can bypass legislation on urban

planning and conservation within designated 'urban renewal sites (URS)'. It has enabled the Council of Ministers to designate URS, while giving local authorities a great deal of planning and implementation powers on these sites by making them responsible for preparing 'urban renewal projects (URPs)' outside the conventional planning system without looking for any reference to vision or strategy plans of cities. Thus, it has also given local authorities the power of preparing piecemeal and area-based projects on conservation sites. Only architectural preliminary draft projects and implementation projects would be sufficient to initiate an URP in a designated historic site. The renewal of the historic environment has been the major motivation of the law that has not included any article about social and economic dimensions of designated URSs. Thus, the law has mainly envisaged and promoted a physical renewal approach for historic sites rather than an integrated and comprehensive conservation and regeneration approach. Behind this physical renewal approach that will be put into action as quick as possible through URPs, it is possible to note the intention to reveal primarily economic exchange value of historic heritage sites, rather than their cultural and historic values. Against all possible interventions from the existing regional conservation councils of a conservation site where URS are designated, the law has given the local authorities to establish regional conservation councils for the smooth operation of URPs. On the other hand, the law has failed in providing financial support to private owners to repair their houses. Yet, aiming to accelerate the renewal process, it has eased the process of expropriation and bureaucratic issues at the expense of jeopardizing individual property rights. In case private owners were not able to afford the restoration costs of their properties, or they did not accept the agreement conditions put forth by the local authority, the law enabled local authorities to expropriate the historic buildings and even to sell them to the third parties. In this sense, it has brought about not only a high risk of violation of property rights for the owners of historic buildings, but also the rise of gentrification (Dinçer, 2009a). Finally, according to the law, local authorities are only required to inform the interested parties about the URPs when necessary, rather than facilitating effective participation of all the actual stakeholders of such projects.

The Decree Law No. 648 which was enacted in 2011 to establish the Ministry of Environment and Urbanization has made significant changes in the Law No. 2863. The article No. 42 which enforced local authorities to prepare conservation-led development plans within two years following the designation of conservation sites was changed by the Decree Law and this time period was extended to three years. According to the law, when necessary, this time period can be extended as long as possible by the RCCs. This amendment creates the possibility of not only turning the temporary conservation and use conditions during the transition period (the period when the plans are prepared) into permanent ones, but also the possibility of taking some actions in designated conservation sites without conservation-led development plans. The Decree has also narrowed down the jurisdiction of RCCs. For the issues that cannot be resolved at local levels, the Decree has given the authority of resolving these problems to HCCCNA which are to be made up of professionals and experts appointed by the Ministry of

Culture and Tourism. The Decree Law also changed all the members of RCCs and appointed new ones. Thus, by removing the autonomy of RCCs, it has shown the government's intention towards the centralization of planning power on such sites. The Decree has also limited the opportunities for NGOs and professional chambers to participate to the RCCs' meetings. All in all, the recent legislations have represented a radical move away from the decentralization which has evolved until the mid-2000s, and they therefore have brought forward the centralization of control power on conservation sites in cities.

4. Current challenges of planning conservation sites

Heritage conservation, first and foremost, requires a carefully constructed legal framework that clarifies responsibilities of public authorities, rights of private owners, types of plans in heritages and control mechanisms. There are currently two levels of development plans in Turkey which create significant conflicts and challenges against effective heritage conservation: 'Environmental plans' (*çevre düzeni planları*) which are the upper-scale strategy and vision plans at the regional or provincial scales, and 'development plans' (*imar planları*) which focus on the city level development strategies and planning actions.

Regarding the upper level spatial plans, the authorities responsible for preparing general spatial plans are the Ministry of Environment and Urbanization, Provincial Special Administrations and/or Greater Municipalities. They are prepared at the scales of 1/100 000, 1/50 000 and 1/25 000 depending on the size of the settlement. While the Ministry is responsible for the preparation of 'strategic spatial plans' and 'environmental plans'; provincial special administrations and greater municipalities are in charge of preparing 'provincial environmental plans' (*il çevre düzeni planı*) (Ersoy, 2011).

Theoretically speaking, the plans at these scales are *structure plans* where general strategic lines for spatial development are indicated. Nevertheless, the distinctions between the mentioned plan types are not clarified in the legislation. The Urban Development Law defines 'environmental plan' as "the plan that determines housing, industry, agriculture, tourism, transportation, etc with respect to national and regional planning decisions". As one can note, this definition does not include any statement on the conservation of cultural and natural heritage. Moreover, the law on the provincial environmental plan only defines the responsible authorities for the preparation of this plan, and does not describe *what a provincial environmental plan is* and *what it should contain*. Regarding heritage conservation, 1) the multiplicity of responsible institutions with contradicting jurisdictions, 2) more than one plan type with similar aims, and 3) negligence of the conservation dimension in upper level planning lead to contradictions and inefficiencies in practice. Unlike other territories, heritage sites (cultural or natural) are places for which even further authorities are responsible and further laws are employed, contributing to the inefficiencies of conservation efforts. (Ersoy, 2011)

As far as local territorial development plans are concerned, municipalities are responsible for preparing settlement plans in accordance with the upper level plans. Settlement plans can also be accepted as strategic land-use plans that guide the preparation of the implementation plans (at the scale of 1/1000). How it is differentiated from the above group lies in its language: 1/5000 plan displays land-uses with proper forms, densities and coordinates.

As far as urban heritage sites are concerned, there are three more plan/project types, namely *conservation-led development plans*, *urban transformation and development projects (UTDP)* and *urban renewal projects (URP)* generally prepared at the scales of 1/5000 and 1/1000. The very name of the conservation plan in the Turkish context implies the urban development aspect in these areas together with their conservation. The Law No. 5226 defines the conservation-led development plan as the one "...prepared to improve the socio-economic conditions of households and shopkeepers; to create employment and surplus; to define conservation principles, conditions for use and limitations for construction; to show open space system, pedestrian and vehicle circulation, densities, financial aspects; to include a participatory land management model, with respect to the archaeological, historical, natural, architectural, demographical, cultural, socio-economic, ownership and building data". The Laws No. 5393 and No. 5366 however enable municipalities to prepare, approve and implement UTDPs or URPs on the designated historic conservation sites with no reference to either upper-scale plans or conservation-led development plans. The lack of hierarchical integration between these plans and projects is another factor for the inefficiencies and ineffectiveness of conservation efforts.

European Urban Charter necessitates a carefully constructed legal framework for an effective conservation strategy. In the Turkish context, the legislation defines numerous plan types that directly or indirectly related to heritage sites together with multiple authorities. An inner city urban heritage is under the jurisdiction of the Ministry of Environment and Urbanization, Ministry of Culture and Tourism, the relevant municipality; and is bound to many territorial laws and regulations. If the heritage site is a coastal one, the contradictions become even more serious since the number of authorities and laws increase.

The impracticalities caused by this situation can only be overcome through a careful revision of legislation: Under the leadership of public sector, one single upper level strategic spatial plan (the scale would be central to the settlement's particular conditions) and one single strategic conservation plan should be prepared (which should be followed by the detailed implementation plan) through the collaboration of relevant stakeholders. The three intervention types mentioned above (1) no-go areas, 2) sensitive areas, and 3) opportunity areas) should be carefully defined in these two plans. Principles for planning and design, and conservation strategies in these areas should be clarified together with the duties of relevant stakeholders. Otherwise they would not have the power to guide the implementation plans and lead to conflicting situations in practice.

5. Conclusions

The legal, institutional and organizational structure of urban conservation which was evolved over the last century has created a very complicated, patchy and messy system which includes conflicts between the legislations, agencies and jurisdictions of authorities. Especially the legislative and institutional arrangements which have come into effect over the last 30 years have not only increased the number of state agencies with planning and control powers on historic heritage sites, but they also have exacerbated the conflicting jurisdictions among these authorized public agencies at both central and local governments' levels. There is no collaborative and cooperative organization among these agencies, neither is there working attitude between them. This inevitably leads to the development of contradictory policy decisions on conservation sites.

Unfortunately there is no integrated and comprehensive strategy for the conservation of historic and cultural heritage at the national level, either. This also causes the development of piecemeal decisions on the historic heritage sites, depending on the level of knowledge and awareness of political authority in power towards cultural and historic heritage conservation. At local level, despite the legal regulations which set up new specialist offices (KUDEB) within local authorities' organizations, professionals and experts employed by municipalities with insufficient knowledge and experience in urban conservation still put further obstacles against the conservation efforts of heritage sites. Likewise, at local levels, with their diminishing autonomy, RCCs have become to be operated under the control of central government. Especially those that are set up for the designated renewal areas have been turned into the councils which approve the market-driven and profit-oriented URPs of the municipalities. The participation of NGOs to the planning process of conservation sites through the recent legislations has been limited, as well. Inadequate financial resources, grant and funding programs from public and private sectors for the conservation and regular maintenance of historic heritage is another field of challenge against the conservation of historic heritage. Despite the new state-funds and grants, and tax exemptions, high cost of restoration and conservation projects is still one of the major challenges for private property owners of historic buildings and local authorities. Rather than expecting property owners of historic properties and local authorities to pay the cost of conservation of historic and cultural heritage, all society should contribute to finance conservation projects. This requires the invention of new financial models and means for urban conservation.

Any attempt for the conservation of urban heritage is multi-faceted: Many practical cases all around the world prove that conservation is not simply a question of defining the boundaries of a historically significant area. Nor can it be limited to the restoration/rehabilitation of the historical beings within a defined area. Conservation of cultural heritage—ranging from archaeological beings to the 20th-century modern architectural/urban settings—is a rather complicated field with its physical, social, economic, environmental and political dimensions. When the heritage area under

concern is a living urban environment, it becomes even more complicated, since the area to be intervened is an integral part of the contemporary urban life. People live, work, go to school, use public spaces and have their leisure activities there. An integrated and sustainable conservation approach that reconciles the conservation and regeneration policies with community policies is indispensable in Turkey.

The legislative regulations which have come into effect over the last three decades brought about two parallel planning processes for historic sites, one of which has developed on the integrated and sustainable conservation planning approaches. This conservation-led planning system seeks to focus on the multi-dimensional aspects of conservation sites, while introducing the collaborative and participatory planning into the conservation planning, underlining the need for financial, organizational and management models for the planning process of conservation sites. It introduces the concepts of 'management area' and 'management plan' for conservation sites, suggests the identification of the 'action areas' and 'priorities' of the conservation-led development plans, and puts local community and stakeholders participation at the forefront of the conservation planning process.

The other planning system has been developed on either an 'urban renewal model or an 'urban transformation and development' model. Along with the neo-liberal policies which have increasingly promoted historic heritage sites as means of capital accumulation and instruments of maximizing urban rents, both models have put solely a strong emphasis on the economic exchange value of historic heritage rather than its cultural and heritage values. Within this understanding of urban conservation, historic heritage sites have not only been recognized as the assets to be protected for future generation, but as the spaces to be 'transformed and developed' or 'renewed' for their short-term economic benefits. This understanding has not only been significantly threatening historic sites in cities, but it has also resulted in planning actions conflicting with the public interests, as well as the interests of local communities of such historic sites.

The property-led transformation and renewal model shaped by this planning system has brought about a physical and economic renewal and transformation while undermining historic, cultural, social, environmental and ecological aspects of renewal and transformation. In recently launched urban renewal projects (such as Tarlabası, Sulukule), it is possible to trace the deliberate intention to protect the historic atmosphere of such sites, although the major motivation behind these projects unfortunately has not been a sensitive conservation of historic and cultural values that these places have possessed. In some projects, the facades of historic buildings were kept while the rest of the buildings were knocked down and were rebuilt to be used for residential, office or tourism purposes. In some projects, all historic buildings were torn down and their replicas were reconstructed (such as Tarlabası URP). This newly proliferating approach in Turkey has not only led to de-contextualize the historic sites by stripping off their historic, cultural, political and social values and contexts they have been embedded, it has also turned them into

mere 'commodities' to be sold and bought in property markets and 'commercialized entities'. It is currently crucial to realize that cultural and historic heritage is not a renewable resource. To conserve and protect them for the present and future generations are one of the major challenges of not only the government agencies but also all members of the society.

The planning system based on 'urban renewal' or 'urban transformation and development' models brought about piecemeal and area-based project planning which has replaced integrated and comprehensive conservation approach to historic sites. This planning system, based on 'project development', has resulted in a new and flexible planning model to be easily developed, redeveloped or revised according to the demands and needs of private sectors and capitals. The legislations on 'urban renewal' or 'urban transformation and development' have not only provided the legal basis for the violation of the property rights of private owners, but they have also empowered local authorities and TOKI to restructure historic conservation sites in physical, economical and social terms. In this sense, the displacement of local communities living in these areas and their replacement with prosperous social groups are generally the inevitable and expected outcomes of these legislations. The relocation of poor vulnerable communities from their localities without addressing their problems and needs does not only strengthen gentrification, social segregation and exclusion in Turkish cities, but also raises significant concerns on how sustainable urban conservation and regeneration can be achieved in such historic heritage sites. Therefore, one of the major challenges for the local government appears to find ways of carrying out a sensitive historic conservation and sustainable community developments for the long-term success of these historic quarters of Turkish cities (such as, maintaining civil peace, raising standards in education, offering alternative affordable housing opportunities for poor dwellers, ensuring cooperative working between health and social services, providing permanent employment opportunities and improving environmental quality).

6. References

Dinçer, İ. 2009a. Kentsel koruma ve yenileme sorunlarını örnekler üzerinden tartışmak: Süleymaniye ve Tarlabası. [Online] Available at <http://www.planlama.org/new/planlama.org-yazilari/kentsel-koruma-veyenileme-sorunlarini-ornekler-uzerinden-tartismak-suleymaniye-ve-tarlabasi.html> [Accessed 6 March 2009].

Dinçer, İ. 2009b. Koruma ve yenilemede 2009 için ders çıkardık mı?, *Yeni Mimar*, (69), pp. 8–10.

Şahin Güçhan, N. and Kurul, E. 2009. A history of the development of conservation measures in Turkey: From the mid-19th century until 2004. *Journal of Faculty of Architecture*. 26(2): 19-44.

Ersoy, M. 2011. Some observations and recommendations on the practice of upper level urban plans in Turkey. Paper presented at the 11th AmaPSA Congress. Tokyo. [Online] Available at <http://www.melihersoy.com>

Madran, E. Ve Özgönül, N. 2005. Kültürel ve Doğal Değerlerin Korunması. Mimarlar Odası: Ankara.



Table 1 Evolution of legal, institutional, organizational and financial aspects of urban conservation in Turkey from the mid-19th century to 2012

<i>Period of time</i>	<i>Legislations related to conservation</i>	<i>Institutional structure</i>	<i>Conservation authorities and responsibilities</i>	<i>Finance for conservation</i>	<i>Conservation approach (attitudes towards conservation)</i>
<i>Ottoman Period</i> <i>1850 – 1920</i>	<p><i>Ancient Monument Regulations of 1869, 1874, 1884, 1906:</i></p> <ul style="list-style-type: none"> defined historic artifacts to be preserved established rules and regulations for archaeological excavations banned the export of archeological artifacts discovered throughout the archaeological excavations set the regulations for the archaeological artifacts which were to be found through excavations to be registered as state property. 	<ul style="list-style-type: none"> ▪ Opening of the first imperial archaeological museum (<i>Müze-i Hümayun</i>) ▪ Establishment of the <i>Ministry of Foundations</i> to preserve and carry out the regular maintenance of historic artifacts owned by the foundations ▪ Establishment of the <i>Conservation Committee of Ancient Artifacts</i> as the agency responsible for the implementation of conservation laws. 	<p>Conservation of all historic artifacts and monuments were under the control of central government agencies</p>	<ul style="list-style-type: none"> ▪ Self-funding for the excavation undertaken with the Sultan’s permission by the private agencies / archaeologists ▪ State funding for the excavation undertaken by the Ottoman government 	<ul style="list-style-type: none"> ▪ Preserving historic artifacts individually ▪ Preservation of the historic artifacts of state and foundations, such as castles, city walls, palaces, theatres, bridges, churches, monasteries, synagogues, rather than urban fabrics and neighborhoods with historic characteristics ▪ Both the public and local governments had a low level of awareness towards historic and cultural heritage

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1920 -1950	<ul style="list-style-type: none"> ▪ <i>Ancient Monument Regulations of 1906</i> ▪ <i>1930 Municipality Law</i> ▪ <i>1933 Building and Roads Law</i> 	<ul style="list-style-type: none"> ▪ <i>Conservation Committee of Ancient Artifacts</i> as the major state agency responsible for conservation ▪ Establishment of the <i>Directorate of Turkish Ancient Artifacts</i> in 1920 (named the <i>Directorate of Culture</i> in 1921) within the organization of the Ministry of Education ▪ Establishment of Conservation Commission of Monument in 1933 to document the historic heritage of the country ▪ Establishment of the <i>Directorate General for Foundations</i> responsible for the regular maintenance of historic buildings belonged to the foundations in 1935 ▪ Establishment of the <i>Directorate General for Ancient Artifacts and Museums</i> in 1944 	<ul style="list-style-type: none"> ▪ Conservation of the majority of historic heritage was the responsibility of the central government agencies (<i>MoE, Directorate General for Foundations, Turkish Parliament</i>) ▪ Municipalities were responsible for the conservation and regular maintenance of castles, towers and graveyards 	<ul style="list-style-type: none"> ▪ Self-funding for the excavation undertaken with the Sultan's permission by the private agencies / archaeologists ▪ State funding for the excavation undertaken by the Ottoman government ▪ Public funds allocated for the conservation of historic heritage within the total budget of the Parliament, MoE, Directorate General for Foundations and the Ministry of Public Works was 0.12% of the total national budget ▪ No subsidy for the conservation costs of historic buildings owned by private individuals/agencies (although this was a compulsory legal duty of private individuals / agencies) 	<ul style="list-style-type: none"> ▪ Preserving historic artifacts individually ▪ Preservation of the historic artifacts of state and foundations, such as castles, city walls, palaces, theatres, bridges, churches, monasteries, synagogues, rather than urban fabrics and neighborhoods with historic characteristics ▪ Both the public and local governments had a low level of awareness towards historic and cultural heritage

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1950 -1980	<ul style="list-style-type: none"> ▪ <i>The 1957 Development Law No. 6785</i> ▪ <i>The 1972 Development Law No. 1605</i> ▪ <i>The 1973 Law of Historic Artifacts No. 1710</i> 	<ul style="list-style-type: none"> ▪ The establishment of the <i>High Council for the Historic Real-Estates, Artifacts and Monuments</i> in 1951 ▪ The establishment of local departments of the <i>Directorate General for Ancient Artifacts and Museums</i> in cities 	<ul style="list-style-type: none"> ▪ Conservation of the majority of historic heritage was the responsibility of the central government agencies (<i>MoE, Directorate General for Foundations, Turkish Parliament</i>) ▪ Limited power, funding and experts of municipalities in the field of conservation 	<ul style="list-style-type: none"> ▪ Tax exemptions for private property owners of historic listed buildings to a limited extent ▪ Technical and financial supports from the state to private individuals for the restoration of their historic properties (<i>by the Law No. 1710</i>) 	<ul style="list-style-type: none"> ▪ Introduction of the notion of '<i>conservation sites</i>' defined as '<i>historic</i>', '<i>archaeological</i>' and '<i>natural</i>' ▪ Preparing conservation plans by local authorities for the designated historic and archaeological sites became a legal requirement ▪ Legal requirements for conservation sites were mostly seen as obstacles against urban development by municipalities and private property owners

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<p>1980 - 2012</p>	<ul style="list-style-type: none"> ▪ <i>The 1982 Constitution</i> ▪ <i>The Law No. 2863 (The Conservation Law of Cultural and Natural Assets) of 1983</i> ▪ <i>The laws which have made amendments on the Law No. 2863:</i> <i>The Law No. 3386 of 1987</i> <i>The Law No. 5226 of 2004</i> <i>The Law No. 5571 of 2006</i> <i>The Law No. 5728 of 2008</i> <i>The Law No. 5835 of 2099</i> <i>The Decree Law No. 648 of 2011</i> ▪ <i>The Law no. 5216 (The Metropolitan Municipality Law) of 2004</i> ▪ <i>The Law No. 5391 (The Provincial Administration Law) of 2004</i> ▪ <i>The Law No. 5393 (The Municipality Law) of 2005</i> ▪ <i>The Law No 5366 (The Conservation Law of Deteriorated Immovable Historic and Cultural Assets by Renewal and their Utilization) of 2005</i> 	<ul style="list-style-type: none"> ▪ <i>The abolishment of High Council for the Historic Real-Estates, Artifacts and Monuments and its replacement with Higher Conservation Council of Cultural and Natural Assets and Regional Conservation Councils within the organization of the Ministry of Culture and Tourism</i> ▪ <i>The Directorate General for Ancient Artifacts and Museums within the organization of the Prime Ministry between 1972 and 1989 was replaced by the Directorate General of Scheduled Monuments and Museums and the Directorate General of Cultural and Natural Artifacts under the Ministry of Culture in 1989</i> ▪ <i>Increasing number of state agencies with the planning control on historic heritage sites (TOKI, Privatization Authority, Ministry of Culture and Tourism, Ministry of Urban Development and Settlements, Directorate General of State Railway, etc.)</i> ▪ <i>Establishment of the Ministry of Environment and Urbanism by replacing the Ministry of Urban Development and Settlement</i> 	<ul style="list-style-type: none"> ▪ <i>Decentralization of power on conservation from the central government agencies to local authorities throughout the 1980s and 2000s</i> ▪ <i>Increasing jurisdictions of local governments on conservation planning, as well as the planning of UTDS and URS</i> ▪ <i>Beside the decentralization policies, some intentions towards the centralization of planning power on conservation sites, UTDS and URS throughout the 2000s by increasing jurisdiction of TOKI, Privatization Authority, Ministry of Culture and Tourism, Ministry of Environment and Urbanism</i> ▪ <i>Increasing central government control on the Higher Conservation Council of Cultural and Natural Assets and Regional Conservation Councils by the Decree Law No. 648 of 2011</i> 	<ul style="list-style-type: none"> ▪ <i>New funding by the Law No. 5226 - 10% of total property tax allocated only for the conservation of historic environments in cities</i> ▪ <i>New credit options of TOKI for private property owners with low interest rates</i> ▪ <i>Trade-offs</i> ▪ <i>Grants provided by the Ministry of Culture and Tourism</i> ▪ <i>Tax exemptions for private property owners of historic listed buildings</i> ▪ <i>Despite the new funding means for conservation projects, they are still inadequate</i> 	<ul style="list-style-type: none"> ▪ <i>Introduction of ‘conservation-led development planning’ which has become the compulsory duty of local governments</i> ▪ <i>Increasing awareness towards historic and cultural heritage among society</i> ▪ <i>Rising importance of historic areas in cities because of their economic exchange value rather than their heritage values</i> ▪ <i>Two parallel planning systems being in effect on conservation sites: a conservation-led planning procedure (under the control of the Laws No. 2863 and 5226) developed on the integrated and sustainable conservation planning approaches and the planning procedures for urban transformation and development sites and urban renewal sites under the Laws No. 5393 and 5366)</i> ▪ <i>Centralized control on urban conservation sites (by the Decree Law No. 648)</i>

