

## A HISTORY OF THE DEVELOPMENT OF CONSERVATION MEASURES IN TURKEY: FROM THE MID 19TH CENTURY UNTIL 2004

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Received: 05.09.2008, Final Text: 31.08.2009

**Keywords:** conservation; conservation legislation; conservation history; urban/heritage conservation; Turkey.

### INTRODUCTION

The Amsterdam Declaration (Congress on the European Architectural Heritage, 1975) and the Granada Convention (Council of Europe, 1985) placed legal and administrative frameworks among the four pillars of integrated conservation, i.e. legal, administrative, financial and technical support. Legal and administrative frameworks are also instrumental in the institutionalisation of urban and architectural conservation for they structure “the invention of new practices” (Healey et al., 2002a, 213).

A number of publications have detailed the evolution of these frameworks, and thus the institutionalisation of urban and architectural conservation field, in a number of European countries, e.g. UK (Pickard, 1994; Jokilehto, 1998; Pickard, 2001a; Pickard, 2001b; Strange and Whitney, 2003). Pickard (2002) comparatively analysed the emergent policies and emergent practices in some European states. No such reference is currently available for Turkey (1).

The main aim of this article is to close this gap by setting the pre-2004 political context of urban and architectural conservation in Turkey, critically analysing the evolution of the legal and administrative frameworks which relate to these areas and evaluating this context in terms of its level of institutionalisation and of its proximity to integrated conservation as outlined in the Amsterdam Declaration (1975).

In addition, this evaluation provides the background to the Government’s attempts to ‘Europeanise’ its conservation policy in the advent of EU accession. Hence, it becomes the basis of our thorough empirical evaluation of these attempts (Kurul and Şahin Güçhan 2009), prior to the ensuing comparison of Turkey’s experiences of conservation with other European states. Moreover, it provides, for the first time, a contextual and overarching evaluation of politics of conservation in Turkey throughout its

1. Akçura (1987) conducted the first comprehensive study of the evolution of legislative framework of conservation in Turkey. It covers the period between the Ottoman Empire and the 1980s. This study, in Turkish and yet to be published, includes the complete legislation during this period in its original language and the author's short review on related sections. Madran (2004) describes and discusses in detail the developments during the Ottoman era and from the Tanzimat (2002) to the first fifty years of the Turkish Republic, while Madran (1996) and Madran (1997) investigate the conservation activities from 1920 to 1950. This article complements these studies by extending the study period to cover the two decades from 1983-2003 and provides an extensive evaluation for the duration of the institutionalisation process until 2004. These references, which are in Turkish, are part of our data source. Complete texts of acts complement this data.

In addition to the above mentioned sources, the papers published in XXIV'th volume of *Muqarnas* annual in 2007, which are the revised version of the essays presented at the symposium "Historiography and Ideology: Architectural heritage in the 'Lands of Rum'" held in 2006, focused on the themes, actors and case studies in detail, are complementary for the readers dealing with specific problems of heritage conservation in Turkey. Among them: for the articles focusing on the architectural culture during *Tanzimat* Period, see Necipoğlu (2007), Shaw (2007) and Ersoy (2007); for the relationship of ideology with architecture and actors having different attitudes in the Early Republican Period, see Bozdoğan (2007) and Redford (2007); and for the implementation process of heritage conservation in Istanbul, see Altınyıldız (2007).

2. We adopt Goodin's (1996) and McAnnula's (2002) definitions of institutions, of agency and of structure; and Scott and Meyer's (1994), De Magalhaes et al. (2002) and Gualini's (2002) discussions on conceptualising and operationalising research on institutions and institutional capacity.

institutionalisation process, and thus a reference for foreign scholars and investors.

Providing this reference now is critical as the 'Europeanisation' process resulted in substantial increases in the resources that are allocated to conservation. These increases have in turn increased the foreign investors' interest in Turkey as a new market for entrepreneurial conservation activities. Within this context, it is important that foreign investors are familiar with the Turkish system. We believe this is an important contribution to knowledge at a time when Turkey has started her accession talks with the European Union (EU) and when she has attracted increased attention of scholars and investors with its burgeoning economy and its rich cultural and architectural heritage.

Given the above context, our main research questions are:

- To what extent had the field of urban and architectural conservation in Turkey institutionalised until 2004?
- To what extent had the principles of integrated conservation, as outlined in the Amsterdam Declaration, been implemented?

### Conceptual Framework

Our conceptual framework is drawn from the 'new institutionalist' genre and international decrees which establish the principles of integrated conservation because both fields relate to our research questions. The 'new institutionalist' genre acknowledges the "recursive relationship" (Clark, 1998) between structure and agency as the facilitator of the institutionalisation process. 'New practices' are invented through this interplay in the urban policy discourse (Healey et al., 2002b). Hence, our conceptual framework is based on this interplay (2), and has three main components:

1. structure,
2. meaning systems, behaviour patterns, rules, norms and regulations, and
3. agency, constituting of actors, their networks and abilities.

This institutionalisation process is heavily influenced by the international decrees that Turkey undersigned for they are the bases of the meaning systems, rules and regulations. Among them, the Amsterdam Declaration (Congress on the European Architectural Heritage, 1975) is singled out for the purposes of our paper as it sets out the principles of integrated conservation. It states that "the conservation of the architectural heritage should become an integral part of urban and regional planning, instead of being treated as a secondary consideration". It calls for the following factors to put this principle into operation:

- responsibility of local authorities and citizen participation;
- taking social factors into consideration;
- adaptation of legislative and administrative measures;
- provision of appropriate financial resources; and
- promotion of methods and technical skills for restoration and rehabilitation.

In the first section, we describe the structure which refers to the context, in other words, the material conditions which define the range of actions available to actors (McAnnula, 2002) or the framework for action (Gualini, 2002). We argue that meaning systems, behaviour patterns, rules, norms and regulations emanate from this structure, and therefore cannot be considered in isolation. As a result, our analysis of the structure also covers the meaning systems that it yields, with particular reference to the principles of integrated conservation. This analysis provides the background to discussing in the second section the agencies in terms of their ability to interact with the structure and thus to enact the rules, norms and regulations; and thus put the principles of integrated conservation into practice.

urban AND architectural conservation:

structure AND emergent meaning systems

The evolution of the structure of architectural conservation in Turkey, and the emergent meaning systems, can be understood in six distinctive phases according to their scope and focus:

- origins: mid-nineteenth century to the beginnings of the Republic (1920);
- the building of a secular nation: 1920-1951;
- raising the profile: 1951-1973;
- from artefacts to sites: 1973-1983;
- towards localisation: 1983-2003; and
- an era of change: 2003 to the present.

3. Imperial Guard of Architects was responsible for building the civil and religious buildings that were funded by the *Sultans* and the *Royal Family*, for controlling development in cities, and for constructing defence structures and buildings (Turan, 1963).

4. Refer to Madran (2004) for a critical analysis of these approaches.

5. According to Madran (2002, 2004) the most important aspect of the pious foundation institution is the regular maintenance and repair of buildings (Madran (2002, 35-41 and 2004, 37). Ertas (2000) gives additional examples such as the Emeviye Mosque in Damascus. It includes a detailed description, which is based on Ottoman manuscripts, of the compatible interventions to this mosque after the 1789 earthquake.

Searching the historical causes behind the ruinous state of the waqf buildings, Akar (2009) discusses how the autonomous and local structure of the foundation system in the classical Ottoman period lost all its advantages when the foundations were gathered under the central authority of the newly established Ministry of Pious Foundations (*Nezaret-i Evkaf-ı Hümayun*) in 1826 during the period of Mahmud the second. For the establishment of this organisation, see İnal (Hicri 1335); for the implementations of this central authority through its İstanbul Directorate (İstanbul Evkaf Müdürlüğü) around 1906, see Altınyıldız (2007, 283-8); and for the organisation of this authority in the provinces, see Alkan (2006, 13-30).

### ORIGINS: FROM MID-19TH CENTURY TO THE BEGINNINGS OF THE REPUBLIC (1920)

Conservation of monuments became systematised as a result of both the institutionalisation of the foundation system and the increasing influence of the Imperial Guard of Architects (3)(Öztürk, 1983; Turan, 1963; Madran, 2004) during the Ottoman Era (1299-1920). Attempts to conserving buildings due to their economic and functional values were present alongside developmental approaches which resulted in the destruction of heritage (4)(Madran, 2004). Foundations, which had always kept religiously significant buildings in good condition through interventions that *happened* to conserve the building character, played a pivotal role in conserving buildings (5)(Akar, 2009).

However, contemporary attempts for institutionalising the conservation and planning fields effectively have their roots in the latter years of the Ottoman Era, namely the *Tanzimat* period (1839-1876) when extensive political reforms in the state institutions were undertaken (Table 1) (İnal, 1335 (H); Tekeli, 2001a, 2; Madran, 2002). These fields institutionalised concurrently, but in opposition. As a result, conservation came to be regarded as an obstacle to development, which at the time mainly aimed at providing transport infrastructure, leaving the solution of the intensifying problems of rapidly changing cities to be resolved.

Extensive re-structuring of local administration was initiated in order to solve these problems. The first step was to establish a municipality in large cities, e.g. a municipality was set up in İstanbul in 1854 (Altınyıldız,

Period/ Year	Institutionalisation Attempts	Influence
Pre-1839	Systemising conservation of monuments through: the institutionalisation of the foundation system the increasing influence of the Imperial Guard of Architects.	The economic and functional values of buildings are conserved
1846	Old Armoury and Artefacts Collection Museum established	Artefact-focussed conservation activities begin
1869	First Ancient Monument Regulations	Particular focus on archaeological matters
1874	Second Ancient Monument Regulations	The term "historic artefact" is defined to cover moveable, and immoveable of disused artefacts of the pre-Ottoman Period.
1884	Third Ancient Monument Regulations	Fundamental principles of conservation introduced The definition of "historic artefact" extended to include all pre-Ottoman moveable, and immoveable artefacts of the pre-Ottoman Period User rights on artefacts were limited Export of artefacts banned Ministry of Education (MoE) emerged as the main agency for implementing regulations
1906	Fourth Ancient Monument Regulations	The definition of 'historic artefact' extended to cover Turkish-Islamic heritage and non-Islamic heritage. MoE resumes responsibility for conserving heritage
1912	Conservation of Monuments Act	First reference to permissible interventions Attempt to localise decision-making power
1915	Ancient City Walls and Castles to be left to Municipalities and to Governor's Offices Act (no. 578, 1915)	Delegation of some authority to local institutions Transfer of the ownership of some monuments to municipalities
1917	Ancient Monument Conservation Council established	Heritage artefacts in Istanbul to be included in a register Interventions to registered buildings and museums to be supervised

**Table 1.** Milestones between the mid-19th century and 1917.

2007, 284-). The second step was the establishment of boroughs in cities and municipalities in rural towns during the remainder of the nineteenth century (Ortaylı, 1985, 111-218). These re-structuring efforts could not be coupled with the implementation of development projects due to scarce resources (Madran, 2002, 8). The institutionalisation attempts in the

6. For the scope of these regulations, see the mimeograph compiled by Akçura, 1987, 115-8, 120-4, 126-33.

7. Foreigners needed the Sultan's permission to undertake any excavations, while Ottoman subjects were obliged to seek permission from the Ministry of Education for such works (Madran, 1996, 61; 2002, 188). It was forbidden to export any excavated artefacts. Holders of excavation permits could sell the artefacts within the Empire and the Ottoman State had the initial right to purchase them.

8. This Act stated that castles, *burç*, city walls, and heritage defined in AMR 1906 should not be damaged. It also defined the procedure to be followed in order to make decisions about dilapidated historic artefacts.

9. Ancient City Walls and Castles to be left to the Municipalities and to Governor's Offices (Act no. 578, 1915). This Act stated that ownership of dilapidated heritage, with its land, would be transferred to municipalities where they had been established, and to Provincial Administration in places where municipalities had not yet been established or which lay outside municipal boundaries. This Act, which was also used during the republican era, resulted in a situation where municipalities demolished dilapidated heritage and thus gained development lots instead of conserving them (Akçura, 1987, 15).

10. This Council was the last conservation related institution established during the Ottoman era. It was later renamed as the İstanbul Ancient Monument Conservation Council, and sustained its responsibility for the İstanbul register and the listing of monuments after the establishment of the Republic in 1923.

conservation field were focused on establishing monument and artefact conservation principles, and the structural framework for conservation activities (6)(Madran, 2002: 188; Akçura, 1987, 115-8, 120-4, 126-33) This was achieved by publishing conservation legislation, i.e. the first (1869), the second (1874), the third (1884) and the fourth (1906) Ancient Monument Regulations (AMR, *Asar-ı Atika Nizamnamesi*).

The first AMR (1869) only included articles on archaeological excavations and artefacts uncovered (7). The second AMR (1874) brought about some innovation by including the definition of "historic artefacts" and by defining the State as their owner (Akçura, 1987, 115-8). Here 'the past' referred to the pre-Ottoman, pre-Islamic, and the Classical Period. Artefacts of the post-Ottoman period were excluded from this definition probably because they still housed important functions of civil life, and thus were still used and maintained by the foundations.

The third AMR (1884) introduced the fundamental principles of conservation, which later became the basis of the Turkish Republic's legislative framework (Akçura, 1987, 120-4). It expanded the definition of historic artefact to include all pre-Ottoman moveable decorated artefacts and immovable artefacts, such as palaces, theatres, bridges; and reiterated the State ownership of artefacts. The regulation limited for the first time the owners' user rights on artefacts, as well as banning their export. While Ministry of Pious Foundations (*Nezaret-i Evkaf-ı Hümayun*) was continuing to institutionalize in the provinces since its foundation in 1826 (İnal, 1335(H)), the Ministry of Education (MoE) became the agency responsible for the implementation of these conservation rules.

The 1906 AMR, which was the last Ottoman regulation, further extended the definition of 'historic artefact' to cover Turkish-Islamic heritage and non-Islamic heritage, e.g. churches, monasteries, synagogues (Akçura, 1987, 126-33). It suggested the establishment of a museum commission under the MoE (Önder, 1999; Shaw, 2007, 253-279). The regulation obliged people who discovered immovables and moveables to inform the responsible agency. The Turkish Republic relied on this legislation for conservation matters until 1973, when the first legislative arrangement of the republican era was made.

Although they are the founding blocks of the conservation field, none of the AMRs included decrees on the type of interventions. Conservation of Monuments Act (1912)(8) was the first document that referred to such issues. It was specifically concerned about interventions to castles, bastions and defence walls, which should be based on reports of commissions that would be established under the auspices of local museums. This decision could have been the beginning of the localisation of the decision-making power in the conservation field. However, these commissions could only be established in three cities which had museums at the time. As a result, this Act became detrimental to defence heritage by introducing obligations which could not be adhered to as agencies with adequate capability were not present (Madran, 2002, 73, 1996, 62-3). Some limited localisation of power took place in 1915 by the delegation of some authority to local institutions and transfer of the ownership of some monuments to municipalities (Akçura, 1987, 6, 134-5, 136; Madran: 1996, 61; Madran, 2002, 72-3)(9).

Preparation of a register of heritage artefacts in İstanbul and supervision of activities that related to these buildings and museums started in 1917 with the establishment of the Ancient Monument Conservation Council (10)

(Önder, 1999; Shaw, 2007, 253-279). The Council also had decision-making responsibility in that it had to advise the MoE, Municipality of İstanbul (*İstanbul Şehremaneti*) and İstanbul Pious Foundations Head Office on conservation matters (Madran, 2002, 75-6; 1996, 79-80).

As a result of the above evolution, the scope of the 1874 regulation was extended from archaeological heritage to Turkish-Islamic heritage in the 1906 regulation. Like in France, the 1906 Building Regulations gave the MoE the responsibility for conserving heritage, and it defined the roles and responsibilities of local officials (Akçura, 1987, 126-33)(11). We argue that the Turkish Republic inherited a comprehensive legislative framework and some weak institutions from the late-Ottoman period.

While such institutionalisation moves were made, historic quarters were becoming alienated from the emerging new urban structure. Changes in commercial and production practices, which emanated from the rapidly industrialisation of Europe, fundamentally disturbed the socio-economic and political structure in Ottoman cities that had remained largely unchanged between the seventeenth and mid-nineteenth centuries (Aktüre, 1981, 34-102; Denel, 1982). In the case of İstanbul, the city became catastrophic due to problems of being a capital. The population increased more than twice reaching to 873,575 in 1882. In addition to housing problems due to immigration, the frequent fires caused a rapid increase in the number of the houseless. As a result of more than 100 fires happened only in the second half of 19<sup>th</sup> century created large urban slums; nearly 1/3 of the population started to be sheltered in public buildings (Altınyıldız, 2007, 282-287).

The meaning system of this period developed in these circumstances can be summarised as one which concentrates on the *preservation* of archaeological artefacts and the resolution of emerging urban problems by developing sanitised, new quarters away from historic centres.

1848 and 1849 Building Regulations, 1864 Road and Building Regulations, and 1883 Building Act (Denel, 1982), were the first acts and regulations that were published to deal with these emerging urban problems. The resultant interventions were not compatible with the Ottoman cities' organic pattern and the socio-cultural relationships within the society because they were based on Western planning principles, which aimed at solving the problems in industrial cities in Europe. Mainly as a result of their remoteness from the existing urban and social conditions, and of the scarcity of financial resources, the principles that were put forward by building acts and regulations were not extensively implemented with the exception of some neighbourhoods in İstanbul, and new development areas and quarters destroyed by fire in the provinces (12).

11. The structural and regulatory frameworks are heavily inspired by the French. This probably emanated from the fact that the majority of the elite and bureaucrats were Francophone, the language of education in some of the classes in higher education, including architecture and medicine, and some of the teachers in these schools were French (Tekeli and İlkin, 1993, 70, 124, 131-4, 189).

12. See Altınyıldız, 2007; Aktüre, 1981; Denel, 1982; Çelik, 1998; Ortaylı, 1985 for different approaches to implementation during the Ottoman Era.

13. See the following acts for further information, regarding the transfer of buildings that symbolise the Ottoman State to different institutions: *Hilafetin ilgasına ve Hanedanı Osmaninin Türkiye Cumhuriyeti memaliki haricine çıkarılmasına dair Kanun* (No:431, Date: H. 3 March 1340, 26 Recep 1342; Items: 5-11); *Şose ve Köprüler Kanunu* (No: 1525, Date:2.6.1929, Publ. Date 12.6.1929, No: 1214); *Tekaya ve Zevaya Hakkında Kararname* (Akçura, N., 1987, 168).

## THE BUILDING OF A SECULAR NATION: 1920-1951

The secular Turkish Republic founded in 1923, aimed at establishing a cultural policy based on the principle of 'creating a nation state from a civilised society'. Transforming all the Ottoman institutions to secular institutions of the new Republic was an integral element of this strategy, which was implemented by legislative changes between 1924 and 1929 (13). These activities strongly associated with the desire to evaluate the Ottoman heritage from a new, secular, independent and scientific perspective.

On the one hand, they delivered ‘progressive’ organisations that could take the revolutions forward, e.g. Turkish History Association, Turkish Linguistic Association. Hence, the earlier searches aiming to define the origins of Ottoman architectural culture started in Tanzimat Period (Ersoy, 2007; Necipoğlu, 2007), continued with the Turcology studies by supporting “especially those foreign scholars close to our [Turkish Republic’s] national thesis” (Redford, 2007, 244, 250). As a reflection of the global ideology dominating at the beginning of the 20th century, this nationalist policy complemented with European modernism and created the so-called *New Architecture* after 1930 (Bozdoğan, 2007, 202-3; 2008, 122-211).

On the other hand, they abolished the Ottoman organisations that were considered to ‘threaten the secular Republic’. For example, the mature Ottoman pious institution remained largely intact within the Ministry of Religion and Foundation Affairs (*Evkaf ve Şeriye Vekaleti*) that was founded in 1924. However, it remained dormant until 1935, when it was replaced by the General Directorate of Pious Foundations. Also, some buildings that symbolised the Ottoman state, e.g. palaces, madrasas, tombs, rapidly deteriorated during the institutional transition period between 1924-1935 as a result of being left vacant (Akçura, 1973).

Although the MoE, with its responsibility for cultural matters (14), and the Ministry of Religion and Foundation Affairs were founded soon after 1920, effective conservation activities could not be undertaken during the War of Independence which dominated the 1920-1923 period. The pious institution, took on the responsibility for the repair of buildings, which belonged to pious foundations (15). The Standing Council of Ancient Monuments was reactivated to become the Council of Historic Artefacts, with specific responsibility for Istanbul’s heritage. This institution remained to be the first expert agency with decision-making power on interventions to historic buildings until the establishment of The High Council for the Historical Real Estate and Monuments in 1951 (Madran, 1996, 64). As a matter of fact, focused on building a nation and its new capital and having limited financial sources, the Republic reluctantly left the architectural heritage of the past in a state of decay. The pioneers of the Ottoman revivalist *National Style*, who were in charge of conservation of waqf estates, were not able to change the ruined condition of Ottoman building legacy in İstanbul despite their high- ranking authority and responsibility (Altınyıldız, 2007, 287-93).

The Republic did not follow many examples in history in its quest to establish a secular state in that it did not demolish or destroy symbols of the Ottoman system (16). Having said this, the abolishment of some Ottoman institutions, resulted in some problems in conserving this heritage during the transition period. All moveable and immovable Royal heritage, was given to the Nation through the transfer of their ownership to different institutions of the new Republic (17). Similarly, madrasahs and their associated land were transferred to the MoE, while schools and their associated land were transferred to Special Provincial Administration with the right of sale (18). As a result, the ownership of both institutions rapidly changed (Madran, 1996, 65).

Changes to the legal framework in order to secularise the state during the first decade of the Republic, the uncertainty that prevailed the structural conditioning period of institutionalisation and sometimes the hasty implementation of projects, resulted in deterioration of heritage. Moreover, the transfer of responsibility for conservation to different institutions,

14. The Ministry of Education was also responsible for cultural matters until 1972. It thus housed the Directorate of Antiquity and Museums, which became part of the Prime Minister’s Office in 1972 (Official Gazette No: 14208, OGD: 7th June 1972, “Kültür İşlerinin Başbakanlığa Bağlanması konulu Cumhurbaşkanlığı Tezkeresi”).

15. See Madran (1996, 64) for further information on the repairs that were undertaken by the General Directorate from 1922 to 1932.

16. Akçura (1987, 7, 138) states that the only act which could be argued to aim for a complete removal of the symbols of the Ottoman Era is Act no: 1057 which was published in 1927, and stresses that the monograms and eulogies were not removed but they were moved to museums.

17. Abolishment of the Caliphate and the Relocation of the Ottoman Royal Family outside the Turkish Republic Act (No: 431, Date: 1924). Regulation no 1371 in 1925 was published to ensure the conservation of this heritage. It gave this responsibility to the General Directorate of National Palaces, which was a directorate of the Ministry of Finance until 1933, when it became part of the Turkish Grand National Assembly.

18. Unification of Education Act (no: 430, date: 3rd March 1924).

Period/ Year	Institutionalisation Attempts	Influence on the Conservation Field
1924- 1935	Legislative changes to transform all the Ottoman institutions to secular institutions of the new Republic Transfer of Ottoman State buildings to secular institutions	Abolishment of some Ottoman institutions, resulted with problems in conserving heritage
1924-1949	The Standing Council of Ancient Monuments reactivated to become the Culture Department, then the Directorate of Museums in 1933, and then the Council of Historic Artefacts after 1951	The first expert agency with decision-making power on interventions to historic buildings emerged
1930	Organisational structure, and responsibilities of municipalities defined	
1933	Commission for Conservation of Monuments (CCM) established Planning framework defined	National listing - documentation started Town planning responsibility given to municipalities
1935	General Directorate of Pious Foundations established	Took on the responsibility for repair of buildings owned by foundations in 1936

Table 2. Milestones during the secularisation period.

which did not necessarily have the required expertise lead to incompatible interventions to historic buildings. We argue that this condition was a natural outcome of the secularisation process and it was swiftly attended to. A 1931 report published by a high profile commission that had been established under the auspices of Mustafa Kemal Atatürk, the founder and the first President of the Turkish Republic, expressed concern, and lead to the establishment of the national Commission for Conservation of Monuments (CCM) in 1933 (19)(Madran, 1996, 66).

In 1933, these activities to institutionalise together with activities that related to the preparation of a register of historic buildings, to documentation and repairs, ended the period of uncertainty during the first decade of the republic. Madran (1996, 71-5) states that 3500 monument registers, buildings at risk registers, and detailed condition reports for monuments and archaeological remains were prepared under the directorship of CCM. Furthermore, information activities to increase public awareness of conservation started during this period.

The second decade of the Republic witnessed a renewed interest in Ottoman buildings, which were taken under the care of the General Directorate of Pious Foundations (Şahin, 1995, 3-4). This interest could be interpreted as the new Turkish Republic's attempt to "legitimate itself through the creation and propagation of a national heritage" (Phelps et al., 2002) after establishing a nation-state through weakening cultural links with the Empire in its first decade.

However, the General Directorate of Pious Foundations, a significant agency for architectural conservation, was not effective in fulfilling

19. The report also included important suggestions such as the centralisation of the responsibility for conservation of heritage, the listing of monuments, the provision of funding for the implementation of conservation projects, the vacation of historic buildings that were used by the Ministry of Defence, and the preparation of publications by the Ministry of Culture in order to develop public awareness of conservation. As a result of these suggestions, a national Commission for Conservation of Monuments (CCM) was established in 1933. This marked the start of listing, documentation, repair and publication activities in conservation (Madran, 1996, 70).

20. Foundations Act (no: 2762).

21. Some departments of the Directorate were renamed with the 1984 Organisation and Responsibilities of the General Directorate of Pious Foundations Decree (no. 227).

22. Turkish Foundations Bank Act (no: 6219, Official Gazette No: 8608, date: 15th January 1954).

23. 1970 Act (no: 1262). For further details: <http://www.vgm.gov.tr/menu/tarihce.asp>.

24. Municipality Act (no: 1580, OGN: 1471, OGD: 14.04.1930).

25. Municipality Highways/Roads and Buildings Act (no: 2290, date: 10.6.1933).

26. Building conservation was contextualised with the introduction of conservation area concept in 1973.

its responsibilities (Madran, 1996, 78-9). The transfer of ownership of foundation property to different agencies exacerbated the problem as they prevented the conservation of buildings as an entity. In 1936, the General Directorate was given the responsibility of conserving all property, which belonged to foundations that were established before 1926 (20). Hence, a legal framework for the conservation of these buildings under the authority of a central agency was created (Akçura, 1987, 175-84; Madran, 1996, 78). After numerous revisions of the legal framework, the General Directorate became responsible for conserving property under its ownership in accordance with the register and documentation procedures of the CCM (21). As it had very limited funds in comparison to the number of property which fell under its responsibility, it was given authority to establish a bank in 1954 (22) and to make industrial, commercial and agricultural investment in 1970 in order to raise funds (23).

The legislative and structural framework of planning and development control, which was also a legacy of the Ottoman Empire, remained in force after the foundation of the Turkish Republic (Table 2). They were slightly changed only after the 1930s. The organisational structure and responsibilities of municipalities in Turkey were defined in 1930, and they remained largely unchanged until 2005 (24) (Kurul and Şahin Güçhan, 2009). The municipalities' conservation responsibilities were limited to approving development plans and repairing historically significant dilapidated civic buildings.

The planning framework was defined in 1933 (25). All municipalities were to commission 'an expert' in order to prepare "town plans" in accordance with the procedures. Monuments within the boundaries of these plans were to be "marked" and a ten metre strip of open space was to be designated around them. This designation remained in force until 1984. In practice, it was the only enforced decree about historic buildings until 1973 (26).

This principle, accompanied with opening new avenues and roads which complied with the 'health' standards, and with forming building plots of regular geometry were the main design principles (Akçura and Çapar, 1973, 8-10). Based on these principles, the clearance implementations around the monuments and fragmentation and destruction of the historic urban fabrics in the name of improvement were started in the former Capital. Vatan and Millet Avenues, opened by tearing the historic urban tissue of Istanbul, which was left in favour of the new capital, were the precedents of this "development attitude" sparked in 1950'ies (Altınyıldız, 2007, 291, 295-299).

Hence, master planning approach of this period, which continued until the 1970s, delivered an urban form which starkly contrasted the existing form. This phenomenon illustrates the gap between planning and conservation which is in stark contrast with the principles of integrated conservation.

Despite this gap, some attempts to conserve the character of cities and towns were present in some development plans. As an example, the Development Plan for Ankara prepared by Jansen designated the Citadel area as a 'protocol area' mainly to reflect the monumental and historical character of this area. It is important to note this sensitivity shown by a architect planner at a time when the conservation area concept was present in neither the national nor the international planning discourse.

27. The “Presidential Official Communication for the Transfer of Cultural Affairs to the Prime Ministry” (no. 1/1-3809, OGN: 14208, OGD: 7.6.1972).

28. Act no: 5805 (publ. date: 2.7.1951). The High Council from hereon.

29. The High Council categorised historic buildings into three groups according to the types of interventions. According to this categorisation, Group 1 Buildings were monumental buildings and they had to be conserved intact with all their features. Group 2 Buildings were non-monumental buildings. Buildings in this group were mainly grand residential buildings and they had to be conserved intact with all their features. Group 3 Buildings were significant because of their architectural characteristics and of their mass which influenced the character of the areas that they were located in. It was technically difficult to conserve Group 3 Buildings. Unfortunately, this categorisation was interpreted to be the High Council’s declaration about the significance of buildings. Thus, buildings that were not in Group 3 were considered to be unimportant. This categorisation was abolished in 1983 mainly because of this interpretation.

### THE RAISING PROFILE: 1951-1973

On the whole, the institutional context of documentation and register of historic buildings, and conservation remained unchanged from the 1950s to the 1970s. During this period, under-resourcing and the resultant financial and staffing problems became acute (Table 3).

Against this background, General Directorate of Historic Artefacts and Museums became localised through the establishment of departments in cities. It became part of the Prime Ministry in 1972 (27), which thus accrued responsibility for cultural affairs until 1989, when the Ministry of Culture was established.

The principal development during the 1950s was the establishment of the High Council for Historic Real Estate and Monuments (28). The High Council (HC) was completely autonomous, and had the sole decision-making power above and beyond all central and local authority. Its establishment is significant for raising the profile of conservation in Turkey. It also helped increasing the level of conservation activity at a time when the country was rapidly urbanising. The primary contribution of the HC to architectural conservation was to initiate discussions on the need to conserve areas, as well as individual buildings. These discussions culminated in the introduction of the concept of conservation area in 1973. The HC also developed the main principles of conservation and identified interventions that are compatible with different categories of listed buildings (29).

Despite these developments, conservation and planning were still considered to be separate entities, and conservation was deemed to inhibit urbanisation and development. This condition is evidenced in the absence of urban planners in the HC (Çeçener, 1982, 263). Given this perspective, it is perhaps not surprising that the HC found itself under immense pressure to narrow down the ten meter strip of open space around monuments.

Period/ Year	Institutionalisation Attempts	Influence on the Conservation Field
1950s- 1970s	The institutional context of documentation, and register of historic buildings, and conservation remained largely unchanged	Under-resourcing and the resultant financial and staff problems, became acute
1944-	General Directorate of Historic Artefacts and Museums set up departments in cities	Localisation
1951	The High Council for the Historical Real Estate and Monuments established	Profile of conservation raised Conservation activity increased at a time of rapid urbanisation Discussions on the need to conserve areas as well as individual buildings started Three listing categories, ‘appropriate’ interventions defined

Table 3. Milestones from 1951 to 1973.

30. Historic Artefacts Act (no: 1710, date: 25.4.1973).

31. The term 'site' corresponds to conservation areas in the UK.

### FROM ARTEFACTS TO SITES: 1973-1983

This period was characterised by the publication of the first act (no.1710), after the 1906 AMR, concerned with conservation of cultural heritage (30). For the first time, the following terms were defined: 'Site (31), Historic Site, Archaeological Site and Natural Site'. Moreover, the HC's authority was extended to cover decisions with regards to conservation areas as well as individual buildings. Thus, the most important development during this period was the introduction of the notion of 'sites', and hence a holistic approach to architectural conservation to replace one that only valued individual buildings and monuments. This introduction was two years ahead of the 1975 Amsterdam Declaration which instituted the conservation area concept at the international level.

The HC subsequently started designating archaeological sites and conservation areas in existing settlements. The approved development plans for these settlements became invalid once an area was designated. According to this new arrangement, 'conservation master plans' for these areas were to be prepared within two years of designation. The High Council was responsible for defining the 'temporary development conditions' for these areas. Consequently, planners found themselves in charge of some conservation issues. The concept of 'Conservation Master Plan' emerged and for the first time became a subject of discussion among experts.

The 1975 Amsterdam Declaration significantly augmented the emerging Turkish framework. Moreover, its principles lead to the establishment of departments of 'Documentation and Designation' and 'Conservation Planning' within the General Directorate of Historic Artefacts and Museums and to the commencement of debates on conservation and planning. Hence, the Amsterdam Declaration, an international keystone, and Act no. 1710, a national keystone, became the founding blocks of the transformation of architectural conservation in Turkey.

However, both private and public sectors showed significant resistance against these developments mainly because the society had not yet embraced 'conservation' as a necessity. Neither the municipalities nor the planners nor the affected property owners considered to be feasible the conservation-planning models that the High Council and/or conservationists advocated. Despite all the legal requirements, it had taken a long while for the municipalities to prepare conservation master plans as planners in municipalities deemed Act no.1710 to be an obstacle to development. Private owners of historic buildings considered it to be a limitation to their ownership rights (Şahin, 1995). Further analysis of some urban problems would help understanding this period.

Like in many European countries, rapid urbanisation continued to be the main problem in Turkey during the 1960s and 1970s. This problem was eventually solved by increasing property rent, instead of developing policies to open new development areas due to the lack of political will and financial resources. This eventuality dictated a master planning approach which was based

*"on building new, wide traffic arteries within the urban macro-form, on increasing the rent in areas flanking these arteries, and on extending the development rights -in effect the building heights- of existing buildings. A natural outcome of this strategy was the emergence of speculative developers with small investment capacity, whose main activity was to*

replace existing buildings with new, high(er) ones. Their demands and values dominated the urbanisation process in Turkey" (Günay, 1992).

As the populist culture of the middle and upper classes did not consider conservation of historic buildings to be a prestigious or economically feasible activity, existing urban tissue was replaced through higher density building activity during the 1960s and 1970s. A natural outcome of this approach was an increase in the demolition and destruction of historic districts. Wholesale demolition of historic quarters became the norm in many cities.

Meanwhile, the residential requirements and preferences of the middle and upper classes had changed. These groups preferred living in 'new flats' which arguably fulfilled their contemporary needs and demands. The 'modern' and 'western' images were becoming a reality in their new flats, which were considered to be a status symbol. As a result, historic buildings in old quarters of cities were either abandoned or sold. Old quarters became the territory of poor migrants. Their density increased through division of historic buildings to several households, and through building in the courtyards. Such poor quality alterations accelerated the deterioration of historic buildings, and resulted in the loss of many original building features. Irreversible changes to original spatial layouts, structural weakening and replacement of original materials and building techniques were other inevitable consequences of higher density use (Şahin, 1995, 9-10).

Consequently, historic quarters of cities which had become slums turned into 'transition areas' for migrants until they were in a position to provide themselves with better living conditions. The main ambition of this social group was to leave these 'transition areas' when they had the financial resources to build themselves a squatter in shanty towns in the peripheries of cities (Şahin, 1995, 9-10). As a result, peripheries of all large cities had turned into shanty towns of *gecekondu*s by the 1970s.

### TOWARDS LOCALISATION: 1983-2003

Despite all the protests and reactions which we detailed in the previous section, the High Council continued to be the only institution which had the decision making power between 1973 and 1983. Even if it was not under direct pressure from any political perspective as an autonomous entity (32), it was portrayed as a practical obstacle to development by those who wished to remain outside its autonomy. This portrayal resulted in friction between the Council and the public.

Even so, the 1980s were marked by listing and documentation activities and implementation of some conservation projects within the bounds of limited resources. The General Directorate of Cities Bank, municipalities and Land Registry Offices in cities were informed of conservation area designations and listings so that this information could be used in preparing development plans. However, the planning and conservation mechanisms for conservation areas had not yet been developed even if this concept was introduced in 1973. Likewise, the first terms of contract for the preparation of 'Conservation Development Plans' were issued in the 1990s. Therefore, development plans did not pay regard to conservation areas or listed buildings until the 1990s.

The HC was replaced with Regional Councils for Conservation of Cultural and Natural Heritage (33), and the High Council for Conservation of

32. For related problems, Alsaç,1983; Akçura and Çapar, 1973; Zeren, 1982.

33. Regional councils from hereon.

34. The High Council from hereon stands for the High Council for Conservation of Cultural and Natural Heritage.

35. 1983 Cultural and Natural Heritage Conservation Act (no: 2863).

36. The changes that were made in 2005 by the Act 5366, propose increasing the number of regional councils by establishing new councils for each renewal area. Number of new Conservation Regional Councils still continues to increase. Currently there are thirty three councils. For latest information and for the list of the councils visit: <http://www.kulturvarliklari.gov.tr/Genel/BelgeGoster.aspx?F6E10F8892433CFF03077CA1048A18343C1A5398CDEBDC8> or <http://www.kulturvarliklari.gov.tr/>

37. Unfortunately, the majority of the academic and non-academic members of the regional councils are not specialised in conservation. Neither do they have the required knowledge of the law or implementation issues. Two main reasons lead to this condition. First, the number of experts with appropriate knowledge and skills is very limited. Second, the procedure for the selection of council members dictates that academic members are appointed by the Higher Education Council while the Ministry of Culture appoints non-academic members which are in the majority. Thus, many council members were discharged in the past because of political reasons which resulted from changes to the Government.

Cultural and Natural Heritage (34) in 1983 (35). The HC had the decision making power and it was to act as an adjudicator for resolving disputes between the regional councils (RCs) and applicants. The RCs provided opportunities for delegating some of the decision making power to local agencies, and for the representation of municipalities in the conservation process.

Although it is desirable in the conservation context, delegation of decision making power to the regions exposed the regional councils to local pressure. Today there are about 33 conservation councils (36). However, the number of experts who could become members is very limited. Existing experts prefer not to be involved due to the limited opportunities to implement the decisions taken by the councils, to the absence of local institutions which would direct, control and make conservation a reality and to the susceptibility of councils to local pressure against conservation. Consequently, these councils have not yet started to function properly despite the fact that they offer practical advantages and empower the regions. This condition mainly emanates from the inappropriateness of the elected members (37), and results in inconsistent decision making between different regions, despite the HC's decision-making principles established to ensure consistency of decisions made by different councils. The malfunctioning of the councils may also stem from the vertical "scalar expansion" which may result in a "loss in coherence and efficacy of policies and governance" (Herschel and Newman, 2002, 22).

Despite the absence of policies which would encourage the public to embrace conservation, both the municipalities and the public have come to internalise- involuntarily in some cases- the significance of conservation between 1983 and 2003. Because of the very limited financial resources, it was very difficult to implement the key decisions although there was a comprehensive legal structure, as described above. Thus, exemplary conservation/regeneration projects remained very limited. One such example is the Citadel Area in Antalya. Extensive conservation/regeneration projects are yet to be implemented in areas such as the Historic Peninsula in İstanbul and the Citadel Area in Ankara, even if these districts have long been designated conservation areas.

Specifically after the 1980s the legal framework of conservation has evolved, in tandem with contemporary discourse. As a result, a structure which defined the agencies responsible for conservation of cultural heritage emerged. These developments were despite contradictions and deficiencies in terms of implementation that we discussed above. The General Directorate of Historic Artefacts and Museums, which was under the Prime Ministry between 1972 and 1989, was replaced by the general directorates of Scheduled Monuments and Museums, and Cultural and Natural Artefacts under the Ministry of Culture, established in 1989 (Figure 1).

Henceforth, the Ministry became the principal agency with conservation responsibility. It worked in collaboration with city directorates of Culture under the Governor's Offices and (if present) with city directorates of Museums. It also accrued, through the Regional Councils, the decision making responsibility for cultural property under the ownership of public bodies (Figure 1). All conservation master plans for conservation areas and all projects for interventions to cultural heritage had to comply with relevant regulations published by the Ministry of Culture. These plans and projects were also subject to approval by the Regional Conservation Councils (please refer to Figure 1 for such procedures). Within this context,

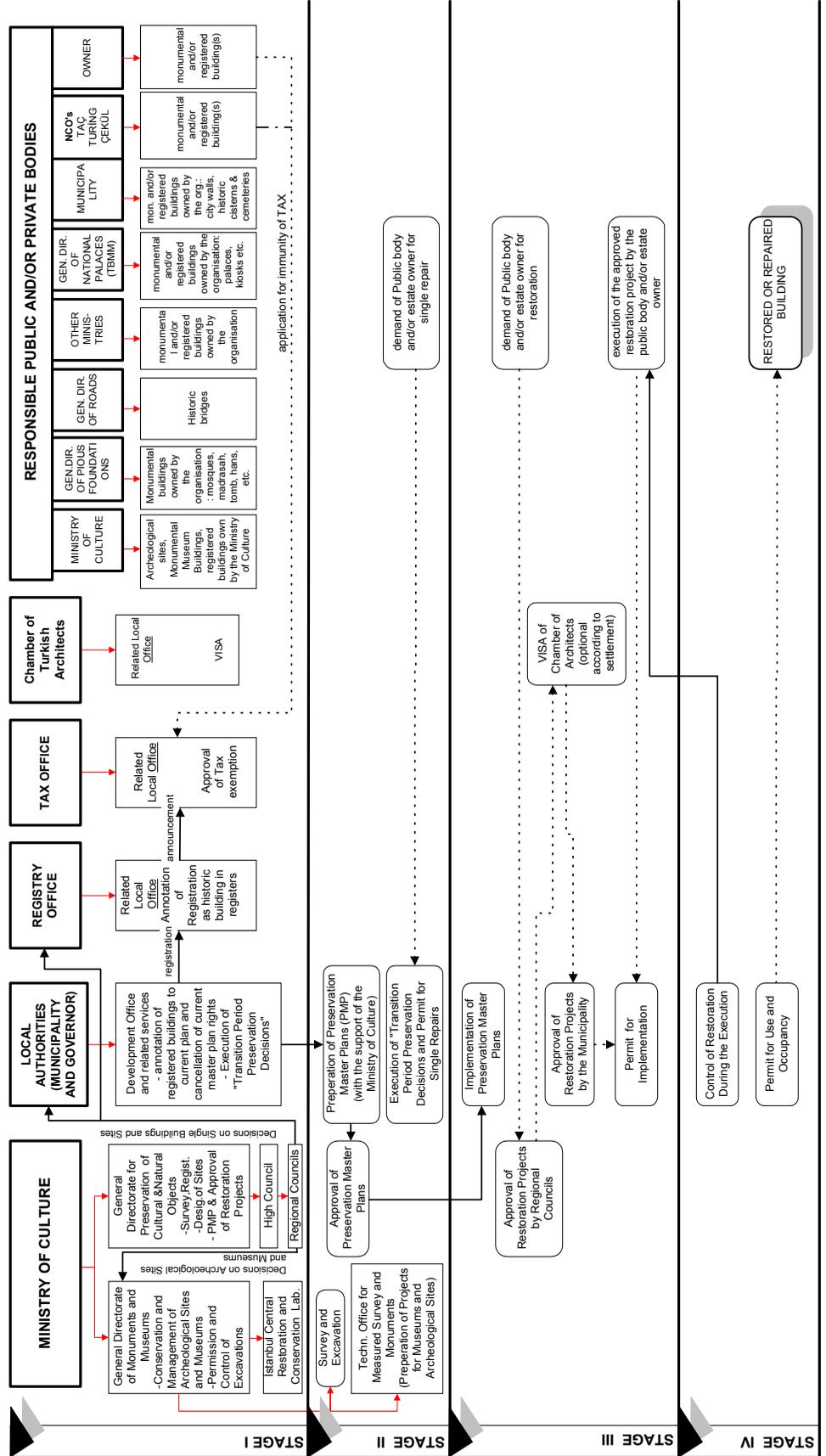


Figure 1. The organisation of architectural conservation (before 16/04/2003, redrawn after Şahin, 1995, 286).

municipalities were responsible for procuring “Conservation Master Plans” if they resided over a conservation area, for getting these plans approved by the Regional Council, and for implementing them. This structural framework and the emergent procedures (Figure 1) remained valid until 2003 when fundamental changes were made.

### AN ERA OF CHANGE: 2003 TO THE PRESENT

Post-2003 legislative arrangements fundamentally changed the institution of architectural conservation by introducing new vehicles for implementing conservation projects. We discuss these changes in detail in another article (Kurul and Şahin Güçhan, 2009), for which this article forms the background. Here we will suffice by giving a brief overview.

One of the fundamental changes was that the municipalities were given important conservation responsibility. In addition, tools for implementation were introduced and more importantly new resources for conservation were created. Municipalities have begun to support and engage in conservation as they have realised the role of historic values in enriching the cityscape. Despite this, conservation remains to be the concern and interest of intellectuals and the middle class.

2004 was truly an important turning point for Turkey, which had adopted the EU perspective and hence started making the institutional changes that were necessary to become a member. Extensive changes were made in conservation legislation and its institutional framework after 2004. These changes can be categorised under three main groups (38):

- Changes that relate to the re-structuring of public administration (39),
- Changes that indirectly relate to architectural conservation, and
- Changes to the structural and legislative framework of architectural conservation.

#### *The re-structuring of public administration*

The fundamental aim of these changes is to align the Turkish administrative structure with the governance principles of the European Union (EU). The fundamental conservation related change was to give the municipalities responsibilities ‘for the conservation and repair of cultural and natural heritage’, for ‘defining the scope of urban regeneration and development projects, for the provision of development land and housing, for the conservation of urban history and cultural heritage’, and for the utilisation of ‘special planning tools’ in these areas. Municipalities of settlements with populations above 50,000 and/or their Special Provincial Administration (SPA) were authorised (40) to designate ‘deteriorating conservation areas which began to lose their character’ as ‘renewal areas’. Procedures for the procurement of plans for these areas and their implementation; and for organisation, management, control, participation and use within their boundaries have also been defined. These procedures will be instrumental in implementing conservation plans which have so far remained to be ‘academic’ due to issues associated with ownership (Kurul and Şahin Güçhan, 2009).

#### *Changes that indirectly relate to architectural conservation*

Further comprehensive changes were made in the field of tourism (41). They influence conservation areas in a number of ways. First, they introduced concepts such as Culture and Tourism Conservation and

38. Full texts of all acts to which we refer to in this article can be accessed at the Official Gazette’s web-site at: <http://rega.basbakanlik.gov.tr/>. Act numbers are required.

39. The acts which could be considered within this context are: no: 5302 and no: 5391 *Special Provincial Administration* acts, no: 5216 and no: 5393 *Metropolitan Municipality* acts and no: 5390 *Greater Municipality* Act, and no: 5366 *Conservation of Deteriorating Historic and Cultural Property through Renewal and Re-use* Act (OGD: 5th July.2005, OGN: 25866).

40. Act no: 5366.

41. Act on Changes to Tourism Promotion Act (no: 4957), which was published in 2003 (OGN: 25186, OGD: 1st August 2003).

42. The Council of Ministers has already decided to designate a number of areas as *Culture and Tourism Conservation and Development Areas* (Council of Ministers Decision no: 2004/8321), and to transfer to the Ministry of Culture and Tourism all authority regarding decisions in these areas.

43. Structure and Functions of Ministry of Culture and Tourism Act (no: 4848, OGD: 29.4.2003, OGN: 25093), Cultural and Natural Heritage Conservation and Revision Act (no: 5226, OGD: 27.7.2004; OGN: 25535), Cultural Investment and Entrepreneurship Promotion Act (no: 5225, OGD: 21.07.2004, OGN: 25529), Changes to Some Acts and Governmental Decree no: 178 Act (no: 5228, OGD: 16.07.2004), and Act on Changes to Certain Acts (i.e. no. 213, 6183, 3065, 4691, 193, 5422, 2978, 197), no: 5035.

44. Act no: 4848.

45. Act no: 5226.

46. Statute on Exchange of Cultural Property in Conservation Areas where building is impermissible with Property of the Treasury (OGD: 8.2.1990, OGN: 20427).

Development Areas, Culture and Tourism Conservation and Development Sub-Areas, and Tourism Centres. Mixed-use including cultural, educational, entertainment, commercial and residential uses, is envisaged in these areas. Second, transfer of rights of access, including leasehold on property within Conservation and Development Areas (42), to Turkish or foreign individual or corporate investors have now become possible (Kurul and Şahin Güçhan, 2009). The proposed model is similar to the 'build, operate, transfer' model which was proposed during the 1980s.

#### *Changes to the institutional and legislative framework of architectural conservation*

A number of legislative changes have been made in this field (43). One of the main changes is the re-structuring of the ministry with conservation portfolio. The ministries of Culture and Tourism have been amalgamated to form the Ministry of Culture and Tourism (MoCT)(44). Other important developments to note are the changes to the principal conservation act (no: 2863)(45). Important innovations in terms of conservation planning and implementation of conservation projects are made. For example, novel concepts such as Conservation Development Plan (CDP), Management Plan, Nexus Point and Participatory Area Management, are introduced. The new structure, which was defined by the introduction of these concepts, inaugurated a new approach to conservation. It is regarded as a 'process' together with implementation. Thus, the preceding attitude that was mainly confined to the preparation of unimplemented master plans is replaced (Kurul and Şahin Güçhan, 2009).

The agencies which could invent new practices within this structure are also introduced. For example, municipalities and local governor's offices could set up 'conservation, implementation and control offices', while the Special Provincial Administrations (SPAs) could set up 'project offices' and 'training offices'. We interpret these changes as a step towards closing the gap between planning and conservation.

Agencies would not be in a position to take action and thus invent new practices without allocated resources. Fortunately, recent changes made resources available, for example, by allocating 10% of the property tax for expenditure on cultural property. Cumulatively such allocations increase the financial resources that were available by 200-fold. The arrangements for the exchange of privately owned cultural property (46) has potential to further augment the resources and thus to contribute to solving the acute resource problems which have continued during the Republican Era.

These changes strengthened the organisational structure of architectural conservation, aligned the Turkish conservation legislation with international norms, created specific resources for conservation of cultural heritage, and introduced new concepts and organisational models for implementation and for speeding up the decision-making process.

#### **CONTEMPORARY AGENCIES: AGENTS AND ABILITIES**

We have so far discussed the evolution of the structure of architectural conservation, and the emergent meaning systems. We will now turn to the agencies which operate within the constraints that have emerged from this structure, and their responsibilities. The Ministry of Culture and Tourism (MoCT) is the main body responsible for organising the conservation field. Ministries of Public Works and Housing, Environment and Forestry, and

47. Council of Ministers Decree (no: 384, OGD: 02.03.1989, OGN: 20096).

48. Act no: 4848.

49. Here we only present the departments which were part of the Ministry of Culture and which had conservation related functions until 2003. Departments of the Ministry which have responsibilities in the 'cultural' context have been excluded. These two directorates were unified in 2003 under Act no: 4848 to become the General Directorate of Cultural Heritage and Museums. One of these directorates was the General Directorate of Cultural and Natural Artefacts. It incorporated the regional conservation councils. Its main responsibilities were: to undertake all listing related activities in collaboration with its local units, to ensure that all decisions that relate to the definition and conservation of sites, to the preparation of conservation development plans and to the conservation of listed buildings were appropriately made and that these were dutifully implemented. Despite its clear responsibility, this Directorate was not in a position to spare adequate levels of funding, or specialised human resources for preparing conservation development plans or conservation projects. The second directorate was the General Directorate of Scheduled Monuments and Museums. Its main responsibilities were: to enable the conservation and management of museums and natural heritage, to follow all procedures that relate to archaeological excavations and to provide funding for excavations, to establish and sustain local museums and cultural centres, and to collaborate with the other directorate in conservation related matters. This directorate faced similar problems, e.g. scarcity of funding, difficulties faced in inspection and supervision of archaeological excavations. Appropriate preservation and exhibition of artefacts in museums has been another challenge, which is accentuated by the lack of resources.

\* These figures are taken from the following web-site:

<http://www.kultur.gov.tr/TR/BelgeGoster.aspx?F6E10F8892433CFFAAF6AA849816B2EF499B69D61D44A960>.

\*\* This total does not include the number of listed buildings in İstanbul because the Ministry of Culture and Tourism started a new listing process for İstanbul after the 1999 earthquake, and thus providing separate information for İstanbul. The total cited on the Ministry's web-site is incorrect.

**Table 4.** Number of registered immovable objects and designated Sites in Turkey.

Defence, General Directorate of Pious Foundations, General Directorate of Highways, and Department of National Palaces (Grand National Assembly of Turkey); local governments, i.e. municipalities and governors also have important functions (**Figure 1**).

## MINISTRY OF CULTURE AND TOURISM

The Ministry of Culture, which was founded in 1989 (47), became the MoCT in 2003 (48). Main conservation duties of the Ministry are

“... to nurture, develop, disseminate, introduce, evaluate, cultural values, to lead the public institutions and organisations in the cultural arena and to collaborate with these institutions, to protect historic and cultural heritage from destruction and extinction”. Two general directorates, which operated at central and local levels, fulfilled these responsibilities until 2003 (49).

It has been acknowledged by the Ministry officials and extensively published by experts that the MoCT cannot appropriately fulfil its responsibilities due to its structure and organisation; that there are significant problems in implementation and enforcement due to lack of coordination between agencies and to limited financial and human resources that are at this Ministry's disposal (Şahin Güçhan, 2003; Şahin Güçhan et al., 2001). The following data provides some insight to the fundamental cause of these problems:

This Ministry is trying to fulfil the above defined responsibilities in collaboration with Culture and Museum directorates in each city, through

Type:	March 1995	December 1999	August 2005 (*)
<b>Number of registered immovable objects in TURKEY</b>			
Residential Buildings	30084	35464	26914
Religious Buildings	5009	5796	5667
Cultural Buildings	4754	5774	5569
Administrative Buildings	632	1533	1438
Military Buildings	561	665	767
Industrial and Commercial	382	1560	1978
Cemeteries	1582	793	1790
Martyrium	179	178	192
Monuments	155	268	269
Natural objects	907	2352	2911
Ruins	676	959	984
Streets to be preserved	-	-	40
Total	44921	56376	48519 (**)
Registered immovable objects in İstanbul	-	-	19512
<b>Grand Total</b>	44921	56376	<b>68095</b>
<b>Number of designated SITES in TURKEY</b>			
Archaeological Sites	2768	4273	6019
Natural Sites	310	717	942
Urban Sites	116	164	204
Historical Sites	51	118	128
Others	147	334	399
Total:	3392	5606	7692

50. Act no: 971. Publication year: 1913 (Hicri 13/03/1329 in Lunar Calendar); Ottoman OGD: 15/03/1321; Ottoman OGD:1414, source: <http://www.icisleri.gov.tr/>)

51. Villages Act (no: 442, publ. year: 1924); Municipalities Act (no: 1580, publ. year: 1930).

52. General Directorate of Provincial Administrations was established in 1930 by The Structure and Responsibilities of the Ministry of Internal Affairs Act (no: 1624, date: 24.5.1930). Its current structure and responsibilities were defined by the Structure and Responsibilities of the Ministry of Internal Affairs Act (no: 3152, date: 23.2.1985).

53. Please refer to <http://www.mahallidareler.gov.tr/> for further information on Special Provincial Administrations.

54. Special Provincial Administration Act (no: 3360).

55. The Special Provincial Administration Law of 1987 (no: 3360).

the 33 regional conservation councils. It had a total of 449 positions, including short-term contract staff, as of August 1999. Only 290 positions were full in 1999 (Şahin Güçhan et. al., 2001). A comparison of this data to the amount of architectural heritage in Turkey; **Table 4** clearly demonstrates that the Ministry of Culture and Tourism cannot possibly fulfil its responsibilities with its existing staffing levels.

We discussed elsewhere (Kurul and Şahin Güçhan, 2009) the amalgamation of ministries of Culture and Tourism, and the allocation of new positions for specialised personnel have resulted in a slight increase in the staffing levels. Moreover, the transfer of some of the Ministry's responsibilities to the municipalities, and the establishment of new units within the municipalities are expected to result in an increase in the number of personnel working in conservation.

It is also envisaged that the recent legal changes and promotions will result in an increase in the proportion of the conservation budget. In 2003 the Ministry of Culture's budget had reached its lowest level as a percentage of the National Budget (only 0.23%). Hence, the Ministry could only afford to cover its staff costs and compulsory expenses.

## LOCAL GOVERNMENT: MUNICIPALITIES AND SPECIAL PROVINCIAL ADMINISTRATION

Origin of local government in Turkey dates back to the final years of the Ottoman Empire (50). Its institutionalisation started during the early years of the Republic (51). These acts envisaged that local public services would be provided by the local government. Municipalities and Special Provincial Administration (SPAs) in each city form the local government with the responsibility for providing local services. These agencies are located within and supervised by the General Directorate of Provincial Administrations (52) under the Ministry of Internal Affairs.

### SPAs (53)

Public Assemblies which were founded in 1913, sustained during the Republican Era. They were renamed as SPAs in 1987 (54), and undertook the provision of public services in rural areas. This responsibility was transferred to some ministries and central administrative bodies in due course (55). Today, SPAs support central administration in the delivery of public services.

Specifically after the 1987 Act, SPAs started to take part in the preparation of projects for conservation of cultural and natural heritage which fell under the responsibility of local governors. Over the last ten years, they have also been involved in the implementation of such projects. However, serious problems emerge during the implementation of such projects as the SPAs do not have specialist units that could undertake these activities. We argued that such problems could be avoided in the future if SPAs establish 'project offices' as envisaged the recent legal changes (Kurul and Şahin Güçhan, 2009).

### MUNICIPALITIES

The Turkish administrative structure gives the municipality significant power to intervene in the natural and built environment. It can therefore be argued that municipalities are the second most important actors in the conservation field after the MoCT (Şahin Güçhan, 2002a, 57-9; Şahin

Güçhan, 2002b, 55-63). Despite their significant role in shaping the built environment, municipalities have not shown the necessary competence in using their powers in order to deliver economically and socially buoyant places. Such incompetence was revealed, once again, during the aftermath of the 1999 earthquake and subsequent natural disasters. Administrative bodies and academicians argued that the majority of these problems emanated from the municipal legal framework (Şengül, 2001, 95-114; Tekeli, 2001b, 101-22; TBD, 1993). Legal and structural changes, specifically after 1980, reformed the role of municipalities which were originally defined in 1930 (56). Transfer of some decision making power and some functions from the central administration to the municipalities can be argued to be the most important change after the 1980s.

Municipalities had very limited conservation responsibility until 2004. Hence, they did not directly or actively concern themselves with conservation. Despite this, they had some conservation functions because of their role in planning. These functions included: the production, authorisation and implementation of conservation development plans in accordance with the regional conservation councils' decisions; implementation of the temporary development regulations in conservation areas; enabling the conservation of listed buildings in collaboration with museums and RCs; authorising the implementation of planning and / or listed building consents given by the regional councils; authorising occupancy / use on completion; and representation at regional conservation council.

The main repercussion of these functions was observed in the context of conservation areas. Once an area was designated as a conservation area, the municipality had to prepare or procure a conservation development plan within a year. Until this plan was prepared, all decision making power regarding development within such areas, was transferred to RCs which had to define the temporary development conditions for such areas. Municipalities were responsible for enforcing these conditions through their development control function. They were also represented at the RCs and they had a vote. As a result, they had the decision making and implementation power. The common problem that emerged during this stage was that municipalities were responsible for the implementation of some decisions in favour of conservation which they did not necessarily support (**Figure 1**). Another problem was that municipalities were responsible for implementing and controlling conservation projects but they did not have specialist staff. Municipalities were not obliged to employ such staff until 2004. Therefore, experts such as (conservation) architects, planners, civil engineers, were not present in municipalities.

## OTHER AGENTS

Ministries of Public Works and Settlement (MoPWS), of Environment and Forestry, and of Defence indirectly accrue conservation responsibility through their duty of care for all buildings, including listed buildings, under their ownership. The MoPWS is responsible for preparing and implementing projects in order to solve problems related to planning and infrastructure investment that are brought to their attention by the local governors. Despite such a responsibility, it does not have a department which specialises on conservation. It incorporates the General Directorate of Cities Bank (57), which finances municipalities to procure development plans.

56. Municipality Law (no: 1510, OGD: 14/04/1930; OGN: 1471).

57. This institution is mainly responsible for financing the developmental activities of municipalities. Please refer to: <http://www.ilbank.gov.tr/> for further information.

58. Experts have frequently criticised the Directorate's projects and their implementation. The fundamental issue of criticism is that contemporary materials and techniques which are incompatible with the existing buildings are extensively used in repairs, instead of traditional materials and techniques. For example, Cinci Han in Safranbolu had a vault-dome roof structure which was earth filled. During a 'repair' the earth filling was replaced by rigid concrete filling. Another example is the use of concrete mortar for the repair of stone masonry walls in Amasya Gök Medrese, which led to extensive deterioration of rare Seljukid carved stones.

59. Act no: 431 (publ. date: 3 Mart 1924) was published upon Atatürk's suggestion. It was agreed that such property would be inherited by the Turkish Nation.

60. The Turkish History Association was given a charity status by a Council of Ministers Decree (no: 2/14556, date: 21.10.1940). It became part of the T.R. Atatürk Culture, Language and History High Council, and thus the Turkish Republic, by Act no: 2876 (date: 11th August 1983). Please see: <http://www.ttk.gov.tr/tarihce/index.htm> for further information.

61. Those NGOs that had been actively involved in conservation until the 1990s include: the Assembly of Istanbul Advocates (1911), İzmir Assembly of Advocates of Ancient Monuments (1927) (Madran, 1997:83-84), Turkish Touring and Automobile Association (TURING, 1923), Edirne Regional Association of Advocates of Ancient Monuments (1935, Madran, 1997: 84), UNESCO (1946, Act no: 4895, OGN: 6316, OGD: 25.05.1946), Association for the Conservation and Repair of Monuments in Turkey (1946, Madran, 1997, 84), Association for Conservation of Historic Houses (1976), Foundation for Conservation of Monuments and Natural Heritage (TAÇ Foundation, 1976), Foundation for Conservation of Natural and Cultural Heritage (ÇEKÜL Foundation, 1990).

62. Society of Conservation and Restoration Specialists (KORDER, 1998), Foundation of Ankaraites (1999), Foundation of Beypazarı Culture and Solidarity Society (after 1999), Amasya Foundation for Education and Conservation of Cultural and Natural Heritage; and Troia- Foundation at the Tübingen University (2001) are some examples.

General Directorate of Pious Foundations was founded in 1935 with the remit of conserving religious and public buildings that date back to the Seljuk and Ottoman eras. Turkey Bank of Pious Foundations was established in 1954 in order to provide funding to the Directorate. Even if it is one of the oldest agents with conservation remit, the Directorate has not yet established an infrastructure that will enable the conservation of its buildings. It sub-contracts projects. The majority of its repairs are not compatible with contemporary conservation principles and they damage listed buildings (58).

Department of National Palaces, which is part of the Grand National Assembly, is responsible for the conservation of artefacts and properties that belonged to the Ottoman Sultans (59). Dolmabahçe, Beylerbeyi Palaces are examples of the buildings under its responsibility.

Turkish History Research Association is another agency which has some role in the conservation field. It was one of the agencies that the young Republic founded in order to create a nation-state. It was established in 1931 and was renamed as Turkish History Association in 1935 (60). The Association particularly conducted research on and undertook documentation of archaeological sites after 1935 under the auspices of President Mustafa Kemal Atatürk. It also pioneered the determination of conservation principles for these sites. Nevertheless, Madran (1996, 75-6) states that the Association's conservation activities were limited to "publication of introductory pieces of monography on history of art and architecture; and providing limited funds to Turkish archaeological excavation teams" after the 1940s.

## NON-GOVERNMENTAL ORGANISATIONS (NGOs)

In addition to the agents that we introduced above, there are private or semi-public organizations and NGOs which are active in the field of conservation. The number of such organisations were limited until the Republican Era. It could be argued that the Assembly of the Ottoman Engineers and Architects, which was established in 1908 ( Tekeli and İlkin, 1993, 100) and the Assembly of Istanbul Advocates (Madran, 1997, 84) were among the first conservation related NGOs.

A comparison with countries such as the UK, France and the Netherlands reveals that the establishment of NGOs was much delayed in Turkey. Since the 1990s, their number has quickly and significantly increased (61). In addition to NGOs, some organizations that were originally established to provide educational services have since the 1980s become involved in conservation. These include the Vehbi Koç Foundation (1969) and the Sabancı Foundation (VAKSA, 1974). Also, a number of associations and societies which aimed at promoting local character and culture, and their conservation were established in the recent years. The number of similar organisations has rapidly increased since the 1990s (62).

## DISCUSSION, AND CONCLUSIONS

Our analysis has shown that there is a well developed structure which is based on an extensive legal framework. Despite some shortcomings, conservation legislation has developed in tandem with the international conservation principles. Legislation on certain conservation issues was published earlier in Turkey than it was in developed European countries.

Therefore, we argue that the structure of the conservation field, as a framework for action, is soundly built.

However, the field is yet to be institutionalised as appropriate agencies and meaning systems that would enable the emergence of appropriate 'new practices' are yet to be developed. One of the reasons behind this condition is that conservation phenomena had been regarded as a central government imposed set of prohibitions and obstacles to development until the 1990s. The second reason was the lack of political will to use the extensive legislative powers, of adequate levels of funds, and of expert staff in agencies with conservation responsibility. As a result, only one of the principles of integrated conservation, i.e. adaptation of legislative and administrative measures, had been implemented in Turkey by the early 1990s, whilst the remaining four principles had not. This was mainly due to lack of resources which inhibited the interplay between the structure and the agencies with conservation responsibility.

From the 1990s, some promising developments have augmented the likelihood of the conservation field to become institutionalised because more opportunities for the "recursive relationship" (Clark, 1998) to be established emerged. For example, the public perception of 'old' and 'historic' has started changing. Personal initiatives that were taken by municipal leaders who believe in conservation, the spill-over effects of projects that they undertook in collaboration with an increasing number of NGOs and the media's indirect contribution to publicising conservation, contributed to this change. The 1990s also witnessed a change in the way tourism is perceived. It is no longer regarded as a sector that can be assessed only by accommodation capacity. It has recognised its reliance on local character that emanates from built and natural heritage. This transformation has also contributed to the positive change in the public and political perception of conservation.

The legal changes since the early 2000s, specifically those brought in 2004, resulted in significant structural changes in the conservation field. As we argue elsewhere (reference withheld not to reveal identity), new tools, institutionalisation arrangements and significant resource increases of the post-2004 re-structuring period will result in an increase in conservation activities in the near future, enabling the emergence of new practices. However, these recent arrangements could also lead to further damage to cultural heritage due to the limited number of experts and to low quality service provided by contractors. We argue that the post-2004 period offers both risks and opportunities. Henceforth, the biggest challenge is to ensure that the new institutional framework will be fully developed into one that would safeguard heritage. Numerous layers of culture and history in Turkey and their significance for the global culture, transforms this challenge into a critical one.

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Alındı: 05.09.2008, Son Metin: 31.08.2009

**Anahtar Sözcükler:** koruma; koruma mevzuatı; koruma tarihi; kentsel/miras koruma; Türkiye.

## TÜRKİYE’DE KORUMA ÖLÇÜTLERİNİN TARİHİ GELİŞİMİ: 19. YÜZYIL SONUNDAN 2004’E

Bu makale, Avrupa Birliği’ne uyum sürecinde kapsamlı yasal ve yapısal dönüşümlere sahne olan Türkiye’de, özellikle 2004 yılındaki değişimlerin eşiğinde, Osmanlı’nın son döneminde gündeme gelen ve 2004 yılına kadarki süreçte evrilerek gelişen mimari ve kentsel koruma alanının yasal ve idari kurumlaşma çerçevesinin gelişimini tanımlamak ve mevcut duruma ilişkin bir ön değerlendirme yapmayı amaçlar.

Kurumsallaşmanın, mevcut örgütlenme yapısı ile onu kullanarak, uygulayan tarafların karşılıklı etkileşimi sonucunda gerçekleştiği düşüncesiyle, makalenin kavramsal çerçevesi “yeni kurumsalcılık” kuramı ile “bütünleşik korumaya” ilişkin uluslararası ilkeler gözetilerek belirlenmiştir. Bu bağlamda makale, Türkiye’de koruma alanına ilişkin olarak kurumsal yapı, anlam sistemleri, davranış kalıpları, kurallar, standartlar ve yasalar, uygulamayı gerçekleştiren taraflarla, bunlar arasındaki karşılıklı ilişkileri irdelenecek şekilde kurgulanmıştır. Bu yaklaşımla okuyucu, Türkiye’de, bütünleşik korumanın sağlanıp sağlanmadığı, koruma alanının eriştiği örgütlenme düzeyi ve Avrupa Birliği uyum sürecindeki değişimlerle yasa koyucunun, yerli ve yabancı yatırımcılara taahhütleri konularında bilgilendirilmektedir. Böylece 2004 sonrasında özellikle büyük kentlerdeki sit alanlarında gündeme gelen düzenlemelerin arka planı tanımlanmış ve ülkemizdeki koruma politikalarına ilişkin bazı ön değerlendirmeler yapılmıştır.

Bu çerçevede makalenin ilk bölümü Türkiye’de yasalar, normlar ve bunların dayandığı anlamlar sisteminden oluşan örgütlenme yapısının ortaya çıkışını aktarır. Bu yapı, tarihi gelişim sürecine koşut kronolojik bir düzen içinde, altı dönem olarak tanımlanmıştır. Bunlar, Başlangıç:

19. Yüzyıl ortalarından Cumhuriyet'e (1920); Seküler bir ülkenin inşası: 1920-1951; Profilin yükseltilmesi: 1951-1973; Tek eserden alan korumasına: 1973-1983; Yerleşmeye doğru: 1983-2003 ve Değişim dönemi: 2003'den sonra, başlıkları altında aktararak, koruma alanının gelişimine ilişkin yorumlar sunulmuştur. Böylece Osmanlı'da Tanzimat'la başlayan reformlar sürecinde eski eser tanımından, Cumhuriyetle oluşan yeni düzen içindeki koruma tanım ve örgütlenmeleri tanımlanmış, anlamlar sistemindeki değişimlerin 1973'den sonraki değişimi aktarılmıştır. 1983'den sonra ise mevzuatla gelen sınırlı değişikliklere rağmen, kurumsal yapıdaki değişimlerin koruma alanının nasıl etkilediği irdelenmiştir. 2003'den sonra AB sürecinde pek çok yapısal değişim geçiren Türkiye'de, gündeme gelen pek çok mevzuat değişikliği pratiğe başarılı şekilde aktarılamasa koruma alanını da etkilemiştir. Bu tür mevzuat değişiklikleri makalede üç alt grupta irdelenmiştir:

- Kamunun yeniden yapılandırılmasını öngören yasal değişiklikler,
- Koruma alanının dolaylı olarak etkileyen yasal değişiklikler,
- Koruma alanının doğrudan etkileyen yasal değişiklikler.

Henüz pratiğe yeterince yansımamış olmakla birlikte 2004 yılından itibaren yoğun şekilde artan mevzuat değişikliklerinin olumlu nitelikleri yanı sıra pek çok tehdit de içermektedir.

Makalenin ikinci bölümünde, koruma alanındaki aktörlerin rollerini sürekli olarak yeniden biçimlendirerek, karşılıklı etkileşimle kurumsallaşmasını sağlayan farklı taraflar ve kurumlar kısaca tanımlanmıştır. Bunlar içinde, Kültür ve Turizm Bakanlığı, Vakıflar Genel Müdürlüğü, Karayolları Genel Müdürlüğü ve TBMM Milli Saraylar Daire Başkanlığı, İl Özel İdareleri ve Belediyeler gibi resmi kurumların yanı sıra, kültür varlıkları ile ilgili çalışan sivil toplum örgütleri yer almaktadır. Bu kurumların mevcut kurumsallaşma düzeyine ilişkin bilgi ve değerlendirmelerin yanı sıra, koruma alanındaki rolleri tanımlanmaya çalışılmıştır.

Çalışmanın sonuç bölümünde, Türkiye'de koruma alanının örgütlenmesinin özellikle mevzuat ve kaynak üretimi anlamında batı Avrupa'daki koruma değerleri ile örtüşerek, görece olarak gelişkin yapıya kavuştuğu değerlendirilmiştir. Ancak bu güçlü ve gelişmiş koruma mevzuatı ve oluşturulan kaynaklar; siyasi irade eksikliği ya da koruma alanındaki tarafların uzmanlıklarına ilişkin eksiklikler nedeni ile başarılı koruma uygulamalarının gerçekleştirilmesini, dolayısıyla erişilen yasal ve idari çerçeveye rağmen, bu eksikliklere bağlı sorunlar, Türkiye'de mimari ve kültürel mirasın korunmasını sağlama konusunda başarılı, 'bütünleşik uygulamaların' gerçekleştirilmesini engellemektedir.