

# HISTORICAL DEVELOPMENT OF CONSERVATION OF CULTURAL HERITAGE IN TURKEY

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## ABSTRACT

*The main argument of this paper is to present a general perspective for the development of the Turkish conservation notion, starting from the 19th century. The legislative regulations on the movable and immovable cultural assets is explained regarding the important developments and breaking points of the periods. Both direct and indirect legal regulations and developments will be presented and utilized chronologically in the scope of the study. This study is a part of the unpublished Ph.D. thesis of the author named as "Conservation History of Cultural Heritage in Kaleiçi District in Antalya (From the 20th Century to Present Day) submitted to the METU, Conservation of Cultural Heritage Program in 2016.*

**Keywords:** *Conservation History, Cultural Heritage, Late Ottoman Period, Republican Period, Turkey*

## 1. INTRODUCTION

Throughout history, concern about the conservation of cultural assets has always come to the fore with various purposes and reasons. Madran discloses that, beginning of the history of restoration starts with the demolition of the civilization assets. (Madran, 1988) Yerasimos also states, endeavors for conservation of cultural assets have emerged as a response to their destruction. (Yerasimos, 2005). Today, conversation of cultural and natural heritage is one of the subjects, which at most draw attention of governments and societies. It is also a field on which Council of Europe, European Union and NGO's (Non-Governmental Organization) are focusing their studies.

Turkey is a foremost country as regards to having universal responsibilities about conservation of cultural heritage of humankind with prosperous civilizations. (Tuncer, 1999). This article embraces to peruse history of Turkish conservation in parallel with the developments in the country and their global relations. Within scope of this study; while the development of Turkish conservation notion is observed, the duration is approached in two different time frames as Ottoman and Republican Periods. Turkish conversation process is explained as a summary associated with legislative regulations in all periods, applications, institutions and names, which come to the front in

whole these studies. Briefly, it is targeted to mention most important developments of these periods chronologically with restraining this comprehensive subject. In parallel with the impossibility of gathering such an extensive and complicated content together, this article limits its scope with practicing the break points in Turkish Conversation History since the 19th century.

## 2. CONSERVATION INTERVENTIONS IN LATE OTTOMAN PERIOD

Until the beginning of the 17th century, Ottoman Empire had been a successful bureaucratic system in turn of the institutional functionality. But after this period several institutions of the government have failed to fulfil the requirements of the era. Ultimately, by the end of this century, the country started to wane and decline. The question for the initiation and reason of decline has been associated with the corruption of governmental and military administration. Some reforms were embarked until the reorganizations period. However, as they have not been planned and programmed acts, they have only been identified with the life of the statesman who initiated it. These westernization expanses, which started from the 18th century, have been conducted in a more systematically manner from the 19th century on and

have caused Ottoman Government to follow a new organization.

After declaration of the Tanzimat Edict in 1838, Ottoman Government has made extensive reforms including administrative, judiciary and military systems. The reforms also include the regulations on the Ottoman construction system regarding the planning and design processes. The institutionalization, specifically the new institution Ebniye Müdürlüğü was the focal point for these changes<sup>1</sup>. (Katipoğlu 2013) One of the two most important aspects of Administrative Reforms, has brought new regulations and showed its effect in preservation as well. During this process, new legal and administrative regulations have been made which are directly or indirectly related with the preservation of cultural heritage. According to Madran, many legal regulations, which establish the fundamentals of zoning, and preservation law and urban figuration, have been brought with Administrative Reforms. Direct and indirect legal regulations, developments and organizations will be presented and utilized chronologically in the scope of this study.

Values which are today determined as movable and immovable cultural assets were approached based on the Fıkıh (hereinafter fiqh). Fıkıh books mention the cultural assets only if they are movable waqf goods. Immovable cultural assets belonged only to foundations, private persons and government. Under these circumstances, due to the distinctive provisions of the foundations, foundation originated immovables were under certain protections, had unlimited authorization of usage on their own property.

The Ottoman administrative elite class has started to show interest against historical artifacts and took action against this pillage only in the Administrative Reforms period. Nevertheless, it is known that, it was acted evoked responsibly about the preservation of movable and immovable cultural heritages. Paksoy gives examples about preservation of money, historical remains, and prevention of sales to aliens based on the provisions mentioned in the 'mühimme defterleri' which belongs to the 15th and 16th centuries (Paksoy, 220-221). Different from those, a document which is dated in 8 September 1805, presents Ottoman administration's policy about understanding of historical artifacts. In Kütahya a Bayramoğlu named person has been arrested as it was

discovered he found 559 Genoese coins during his secret treasure search. (Simşek & Güven, 2009)

The first historical artifact-oriented organization is seen as museology activity. The beginning of the Turkish museology is known as Aya İrini Church 's organization by Tophane Müşir Fethi Ahmet Paşa and opening to visit in 1846, which was used as an armory since the 16th century. In 1873, the museum has been moved to Çinili Köşk from Aya İrini. Thus, the 'collector' period has ended and the 'exhibiting/research' period has started. (Madran, 1996)

As far as known from the existing documents, first legal regulation in Ottoman legal system in which it is mentioned about the cultural heritages was 1858-dated "Arazi Kanunnamesi"<sup>2</sup> (Land Code). As the fıkıh books see the cultural heritages as movable goods "with undefined possessors and owners", the legal code considers only movable cultural heritage. 107th provision of the legal code says that, the movable historical artifacts found incidentally belong to the finder. The land law book contains these notions as it targets arrangement of the "sharing" and "ownership" facts and considers only movable historical artifacts about preservation.

Another indirect legal regulation is 1858 dated Ceza Kanunnamesi (Penalty Code). It is understood from 133th provision of the code, this predication only involves charity buildings and ornamented (monumental featured) buildings. This general provision, which can change depending on the explication, is very insufficient. In the 3rd part 254th provision of the law, a penalty provision exists about the individuals who don't repair the ruined buildings despite of notifications. (Ortaylı, 2000, 202) As it seen here the law does not reflect the understanding of preservation and contains enforcements for avoiding the dangers.

An important part of the indirect legislative regulations is Ebniye Nizannamesi (building code) which was published, in different dates. These are the first legislative regulations regarding the

<sup>1</sup> For more information on the developments in the construction system during 19<sup>th</sup> century, see Katipoğlu, 2013: 70-83.

<sup>2</sup> Code (kanunname); is legislation enacted by the Sultan in penalty, administration and finance fields according to the religious law. Land code (arazi kanunnamesi); until the announcement of the land code, separate codes were enacted for each province. Land code has the feature be a constitutive law, which takes all its principals from the Ottoman Law and gathers all provisions about land, which were found in various rescripts, legislations and fetwas disorderly. In this code; land organization from the foundation to the collapse of The Ottoman Empire was put in order in a detailed and collective way and land system was affiliated to new principles. (Kenanoğlu, 2006, p. 107-109)

urbanization organization, which were published in 1848, 1849 and 1864.

First Nizamname (herinafter regulation) which was published in 1848 has targeted bringing contemporary definitions and applications about transportation, new structuring, etc. in the big cities and also contained some provisions about the historical buildings in the build-up areas. The 4th provision of the Nizamname foresees drawing back of the repairable buildings for widening the roads, in other words pulling them down and re-constructing. In this way it is encountered with the first legal defeat of “preservation” against “development planning”. In the 16th provision it is foreseen that, in the khan timber structures should not be constructed adjacent to yard. (Madran, 2002, 17)

In the 2nd Ebniye Kanunu (herinafter Building Code) published in 1849 articles also exist some provisions mentioning the preservation. For example, 32th provision of the Regulation is about the prohibition of the structuring. It is one of the characteristics of the administrative reforms to prepare regulations in order to replace the renewals to a base. Accordingly, Asar-ı Atika Nizamnamesi (hereinafter Ancient Monument Regulations) which was prepared for exposure and preservation of the historical artifacts in a specific center was published 14th February 1869 dated Takvim-i Vekayi newspaper. (Karaduman, 2004, p. 79) A 29th January 1869 dated document, which was written during the preparation period of this first regulation contains interesting details about what kind of an understanding the Ottoman administrators have about the historical artifacts. As it was mentioned in this document if the found artifact was twosome, one of them was left to the government and the other one was left to the finder (who are mostly foreigners). (Simşek & Güven, 2009, p 105)

Ebniye ve Turuk Nizamnamesi (Building and Street Regulation) that was published in 1864 also contains various provisions about fire prevention and the existing buildings. 36th provision of the nizamname has prohibited usage of timber in the repair of facades of the existing buildings. The same provision also prohibits the repair of any stage in case it is considered the building to be pulled back in the future. 48th provision of the nizamname foresees that the decayed and dangerous buildings should be destroyed by the owner or the municipality immediately. (Madran, 2002, 17)

These precautions ensure protection from fire and collapsing but causes loss of originality of the buildings and annihilation, as they are not repaired.

This regulation also contains an article defining the new settlement layouts for the areas affected by fire. According to 12th article of the regulation, it is stated that “the new building parcels on such areas would be rectangular -if possible- or in regular geometry”. This defined in simple terms a grid-iron patterned settlement plan layout for the areas affected by fire. Ebniye ve Turuk Nizamnamesi was declared off after the announcement of 1882 dated Ebniye Kanunu, which was the improved version of it. (Onge, 2011 refers: Ergin, 1995)

The first legal document of the Empire related to conservation is the Asar-ı Atika Nizamnamesi published in 1869. This document contains seven articles, which are related to archeological excavations and it brings measures for excavation permissions and prohibition for the export of excavation finds. The most important provision of this nizamname states that, the artifacts which are found during excavations are prohibited to be taken out of the country, sales of them is allowed only domestically and government is privileged in buying. In the second important provision it is mentioned that, the excavations are effective only for the materials under the ground and the artifacts on the ground should not be handled. In the first excavation licenses, it is seen that the government waives from the right to take one of the pair artifacts and leaves the found artifacts completely to the persons. On the contrary it is seen that the government imposes an important restriction like prohibiting taking out the artifacts out of the country.

In this nizamname first time artifact is defined and limited, moreover, it is condemned that the artifacts are government properties which is a notion which continues to the present date. In spite of these positive provisions, allowance to take out of the artifacts under definite conditions can be considered as a step backwards. (Madran, 1996)

According to Mumcu a legal regime was not established, and preservation measures were not taken which incorporates both movable and immovable artifacts. However, the regarding nizamname relieves the disadvantages of the fikh provisions which was in force until that time and be an inception for the establishment of Eski Eser Hukuku. (Mumcu, 1969)

After a few years this 1869 dated Nizamname has come into effect it was understood that, it was inadequate and therefore a second Asar-ı Atika Nizamnamesi was made in 7th April 1874. This Nizamname is more complicated when compared with the 1869 dated one. In the first two provisions

of this Nizamname, which comprises of thirty-six provisions, the definition of “artifacts” is made. Thus for the first time the “artifact” definition was made. (Madran 2002, p.24) Excluding the 1st and 2nd provisions, all provisions are about the excavation. Among these, especially the 3rd provision should be considered. According to this provision, one third of the artifacts found during the excavation was left to the land owner while the rest two third was shared between the government and the excavator equally. The excavators were allowed to take their part out of the country. When compared with the 1869-dated Regulation Nizamname, it was stepped backwards. Halit Çal has commented this step back as a pressure of the European Governments, which have almost practiced stealing artifacts from the Ottoman soil as a foreign policy. (Cal, 1997)

In this Nizamname only 3 provisions are about immovable artifacts. The 6th provision is about the protection of the monumental buildings by guards. In the 14th provision it is mentioned that excavation in temples, lodges, madrasas, tombs and waterways is not allowed and in the 35th provision it is mentioned persons who destroy the historical edifices would be punished. Inherently protection of thousands of artifacts within the borders of Ottoman Government was not possible with these 3 provisions.

The first action Osman Hamdi Bey has taken after being appointed as museum director was changing the Asar-ı Atika Nizamnamesi. Meclis-i Maarif-i Kebir, which Osman Hamdi Bey was also, a member and the press wanted especially the 3rd provision of the Nizamname to be changed. Nizamname prepared by Osman Hamdi Bey whose idea was supported has come into force on 21st of February 1884. Artifact notion has been clarified in this Nizamname, which consisted of 5 sections and 37 provisions. It was defined what was meant by the phrase “every kind of artifacts” in 1874-dated Nizamname.

The most important deficiency of the 1874-dated Nizamname was not explanation of what is meant by the notion historical artifact with tangible examples. In this situation what is understood from âsâr-ı atika in front of law was substantially commentary. In practical terms it is obvious that, this is extremely harmful for the historical artifacts. Hence, in his 1884-dated Nizamname, Osman Hamdi Bey has tried to explain what historical artifacts with tangible examples mean.

Building and Street Regulation (Ebniye ve Turuk Nizamnamesi), which was briefly defined above,

has aimed to bring contemporary definitions and applications about new structuring as well as including some provisions about the ancient buildings in the built-up areas. 1882 dated Ebniye Kanunu contained similar issues with Ebniye ve Turuk Nizamnamesi, but it seemed to have more detailed definitions for more precise application processes. In the 5th article of the 1st section, which partially related to the cultural heritage is stated that “construction of buildings on the courtyards of the shrines, public open areas and docks were prohibited”. (Ergin, 1995, p.1716. Also see Alsaç, 1992, p.20). This article is significant in terms of protecting architectural heritage and historic cityscapes from uncontrolled development. Building Code (Ebniye Kanunu) was valid till the announcement of its newer version in 1891. (Ongel, 2011)

Upon the deficiencies seen in the application of the 1884-dated nizamname Osman Hamdi Bey has brought the 24th April 1906 dated new nizamname, which did not tamper the main principals of the existing nizamname but cleared some expressions. (Cal, 1997) 1906 dated Ancient Asar-ı Atika Nizamnamesi has an enhanced content when compared with the previous nizamnames. In spite of that, it is clearly seen that the notion about the preservation of the immovable and approaches related with this have not been developed adequately as 26 of the total 35 provisions have been resigned to the movable historical artifacts and to the archeological excavations.

In the previous nizamname, it is understood that, especially the historical artifact definition has caused lots of problems legally. As a very simple description in the 1874 dated nizamname, has failed to respond the needs we have seen that the historical artifact notion has been tried to be clarified more. (Cal, 1997) In the 5th provision it is seen that the houses are also taken to the scope of historical artifact.

An important deficiency, which was resolved with this nizamname, is statement about Müzeler Umum Müdürlüğü’s liability of conducting the duties about the historical artifacts.

Finally, with this nizamname, it was stated that the individuals who deal with the trade of historical artifacts can continue their activities on condition that obtaining a license and accordingly the deficiency in this area has been filled with the 26th provision.

Another important feature of the nizamname, is affecting especially the sections related with the

movable artifacts and the archeological excavations of the 1710 numbered law, which came into force in 1973, which was the first legislation about the preservation.

In 1912 Ottoman government published Muhâfaza-i Abidât Hakkında Nizamname (hereinafter Regulation for Conservation of the Monuments) as the first legal legislation of the Ottoman Government, which contains provisions about only the immovable cultural heritages. (Madran (2002) refers to: Düstur, 2. Tertip, 4. Cilt p: 599-600)

In the “Muhafaza-i Abidat Nizamnamesi” which is the last legal legislation which came into force in 28th July 1912 and aimed destroying more than preservation provisions about preservation which details were not specified in the previous nizamnames were determined and Municipalities were entitled to destroy the unused buildings such as city walls and bastions providing the documentation about their ornaments and inscriptions. Afterwards, with an additional provision which was enacted in 31. 01.1915 it was envisioned to leave the monuments and their lands, which were decided to be destroyed to the municipality or to the governorate. This nizamname has stayed in force until 1936 and during the periods which awareness about the preservation did not exist, it caused a lot of monuments to be destroyed in order to obtain profit to the municipalities. (Zeren, 1981)

According to Madran, it is understood that this regulation has lots of inconveniences. The inadequacy of this nizamname can easily be understood in the country where no Museum Organization existed except İstanbul, Konya, Bursa and the Turkish Islamic Period artifacts were accepted as artifacts, which should be preserved only with the provisions of the 1906, dated Asar-ı Atika Nizamnamesi. With these characteristics, nizamname has legitimized destruction by ignoring the principles about preservation and restoration of a cultural heritage.

### 3. PRELIMINARIES OF CONSERVATION INTERVENTIONS IN TURKEY (1923– 1955)

In the beginning of republic period; as government which has lost its' qualified and educated manpower in the wars was obliged to generate its' corporate structure which was compulsory for the new polity couldn't give priority to conservation understanding which highbrow movement is while at the same time progressing in many other fields (Madran, 2002).

In the first years of republic, while the period of 'nation formation' was lived, Turkish Identity was emphasized considering the fact that, historical cities comprise not only Islamic or Ottoman but also older civilizations. In communities which Islamic life is dominant, renovation of not religious buildings has always prevailed instead of keeping them permanent. Public buildings which their permanence was maintained with the foundation system have lost their functions during the republic period. Therefore, demolition of buildings such as madrasa, bath, hospital hasn't attracted reaction of the community (Altınyıldız, 1997).

Republic period has been in a struggle for raising the community to the level of contemporary countries in social, economic and cultural fields. Culture policy of the country takes shape pursuant to this modernist point of view.

In the beginning of the Republic Period, while the new institutions were being founded, new education branches were generated which would evolve conservation awareness and a large number of staff have been sent to foreign countries for educational purposes. Thereafter, it was benefited from obtained information and experiences. (Demirel, 1993).

Sözen (1984), determines the period of time in the Republic Period which continue until 1930s' as a period during which new versions of Seljuk-Ottoman architecture were examined with the concern of 'building national identity'. Bozdoğan (2002, 23) discloses that, mission of early republic is based on establishing a totally transformed future which is substantially disconnected from context and history. Şahin Güçhan and Kurul (2009) mention that, strategy followed during the period of transforming Ottoman Foundations to Secular Foundations of Republic with the legislations between 1924-1929 intends to evaluate the Ottoman Heritage with a new, secular, independent and scientific perspective.

Restoration of the historical artifacts and establishment of museums have started in Atatürk period due to his interest against historical artifacts.

After the resignation of the free republican party on 16th November 1930, Atatürk has gone on a trip with a crowded group of specialists on 17th November 1931 in order to conduct a versatile research and on 22nd March 1931, he has sent a telegram to Prime Minister İsmet İnönü which emphasized the necessity of conservation of Seljukian Heritage and Archeological Artifacts by

favor of specialists and support of Anatolian archeology. (Madran, 2002 and Kayın, 2008).

Referring to this telegram, Altınyıldız (1998) comments that, 1931 is the beginning of a progress in conservation. This telegram and the developments followed by enable actions to be taken about repair, maintenance and conservation of the historical artifacts which have relatively been ignored. Commission which was established on 1st November 1931 prepares a report which emphasizes points such as; the necessity about management of conservation of monuments from the headquarters, their registration and importance of the studies about raising awareness of public about conservation of cultural heritage and presents the report to the approval of Council of Ministers. (Madran, 2002, 107).

Newly established republican administration has strengthened the current foundations in conservation and initiated the studies about spreading them countrywide. The first government of The Turkish republic has proposed establishment of a 'Turkish Directorate of Ancient Monuments' bounded to The Ministry of Education (Maarif Vekaleti) (Gülersoy, 1983). An important characteristic of 1923-1955 period is establishment of great number of foundations which today still exist.

Between 1930-1931, 'Turkish History' thesis was propounding and 4 volumned and 'Essential of Turkish History' named publication which explains the thesis has been taught in high schools between 1931-1939. With the claim of Atatürk, students were started to be sent to Europe in order to educate specialists who would research Seljukian and Ottoman history. (Akurgal, 1992) Kayın (2008) discloses that, Turkish identity problem minded by nation-state, effects conservation. Following the foundation of Turkish History Investigation Association, new excavation sites were opened such as; Alacahöyük, Çankırıkapı, Karatepe and it was decided to take inventory about Turkish-Islam period inscriptions.

It is seen that, today's Ministry of Culture which has been institutionalized Culture and Cultivation Department in 1922 has been named as Directorate of Museums in 1933, Directorate of Öntürkler and Museums in 1935, Directorate of Antiquity and Museums in 1941 and General Directorate of Historical Artifacts and Museums in 1944. Establishment of new museums, authorization of new excavations and restoration of historical artifacts were among the duties of the organization. (Çal 1990) Güçhan and Kurul (2009) see General

Directorate of Historical Artifacts and Museums as the first professional organization in Turkey who had authorization of taking decisions about intervention to the historical buildings

On 28th June 1933 'Commission of Ancient Monuments' (Committee of Conservation of Monuments) was established. (Madran, 1996, 66) Arık states the method for restoration of monuments which was adopted by the Commission in that period as, 'strengthening, preserving, giving possibility for existence without damaging the authentic character, in this respect combining the authentic and the appropriate material' (Arık, 1953, 35). On the other hand, commission has underlined the fact that, preparation of drawings of the monuments is an action which can't be considered separately from restoration. Drawings is the only tool to be referred during reconstruction of an annihilated building. (Madran, 2002, 108).

In the list of the works conducted by the commission in 1933, it is seen that, transactions about the monuments which were mentioned in 1931 dated telegram have started and among these transactions, restorations of Seljukian and Ottoman artifacts are in majority. In another document, it is seen that, pictured filling cards of 3500 monuments were prepared with the filling cards which were sent to the provinces and filled there. (Akçura, 1972, 40 and Madran, 1996, 71-75). Karaduman mentions that, approximately 700 of the monuments in Istanbul were registered (Karaduman, 2004). According to Özden, Board of Education has published the list of 'historical buildings which require urgent repair' most probably according to these information (Özden, 2005, 47)

1938-1950 is a period during which the single party system of 'Cumhuriyet Halk Partisi' was predominate. In this context in Community Centers, departments called 'History and Museum Division' were opened and guidebooks were prepared by the people who work in these divisions in order to maintain history, artifact, and museum taste and to enlighten the public. Brochures and books printed about the historical artifacts have mainly been published by Community Centers. Articles in the monthly magazines which introduce historical artifacts in a city and in its' surrounding are important. (Çetintaş, 2007).

In 1943, Ali Sami Ülgen (1913-1963) published his book named 'Conservation and Restoration of Monuments I' which is considered as the first book in its' category. Ülgen's book which has the characteristics to be the first Turkish source to give information on European Conservation History is

important in the sense of reflecting Ülgen's experience; application and theory knowledge.

In 1944, General Directorate of Historical Artifacts and Museums was established. In 1946, Eski Abideleri Koruma ve Onarma Cemiyeti (Charity for Conservation and Restoration of Turkish Monuments) was established by ten businessmen for the purpose of restoration of monumental mosques. (Alsaç, 2003 and Binan, 2005)

Between 1930 and 1950, new and contemporary principles about conservation were adopted. These were legitimated with the 1580 numbered Municipality Legislation which brought obligation to prepare plan to all municipalities and 1593 numbered 'Public Health Law in Turkey' which was introduced the same year and 2033 numbered Municipal Bank Establishment Law'. With these laws, modernization of the cities where the Anatolian Governmental Establishments are founded and the other settlements have been initiated. For this purpose, 1/500 scaled application plans were made with the thought that, opening the main transportation artery and the areas where this artery is connected and where at the same time historical artifacts are located would make them visible to everyone and enabling their conservation. (Dinçer, Akın, 1994).

Within scope of the period between the establishment of the Republic and 1951, despite of all these institutionalization efforts, it was not clearly determined how to make applications to the buildings which are at the same time cultural assets. Some technical officials who felt discomfort with the specialization mistakes occurred during repairs and restorations of historical artifacts with monumental feature have suggested that, the problem can be solved with the permission and inspection of an authorized proficient commission and as a result of these remarks, 5805 dated ' Law Regarding Duties and Organization of The High Council for The Historical Real Estate and Monuments has been prepared and came into force on 2nd July 1951 (Çeçener, 1995).

Thus, The High Council for The Historical Real Estate and Monuments which is the first mechanism in Turkey that investigates and inspects the conservation plans was officially established under the structure of General Directorate of Historical Artifacts and Museums in 1951. 'The High Council for The Historical Real Estate and Monuments has undertaken contemporary duties such as; determining the basics and application methods

about conservation and taking decisions on project base.

#### **4. LEGAL ARRANGEMENTS, ORGANIZATIONAL DEVELOPMENTS AND OTHER SIGNIFICANT EVENTS RELATING HERITAGE CONSERVATION AFTER 1950'S**

Sey (1998), discloses that, a disengagement occurs between the first and second 25 years of the Republic and associates this with, Turkey's deem of seeing itself as a part of the western world after the Marshall aids which started in the last years of Second World War between 1947-1950 and starting collaboration with the allied powers. (Sey, s. 33)

1950s is a period during which, Turkey passed to the multi-party system from the single party regime, a rapid economic, social, cultural transformations were lived in the country and newly established institutions worked neatly. Plans of the present cities were prepared with the urban planning activities.

After the 1950s, especially in the large cities, rapid structuring changed and damaged the historical city fabrics and in consequence of this, necessity for taking precautions was revealed. The High Council for The Historical Real Estate and came to the decision that, conservation and surrounding arrangement works don't comprise of absolute determination and therefore, suggested designating principles and methods for preparing conservation plans with the cooperation of the institutions in order to bring an exact solution to the problem (Zeren, 1991).

The High Council of Monuments (Anıtlar Yüksek Kurulu) which had a strong legal basis was obliged to work without support of an organization to inspect and implement its' decisions. In 1956, council took a decision for avoiding demolition of historical buildings for the reason of "collapsing possibility" (maili inhidam) like the ordinary buildings. Period's Prime Minister Menderes who preferred to ignore the council decisions attributed demolition of the steady historical buildings to "collapsing possibility" motive as well (Altınyıldız, 1997).

"Legislation about transferring back the foundation artifacts to the General Directorate of Foundations which was prepared for The General Directorate of Foundations was brought into force during this period. With the 27.06.1956 dated and 6760 numbered legislation, "Directorate of Construction and Repairs (İnşaat ve Tamirat Müdürlüğü) was renamed as "General Directorate

of Monuments and Construction (Abide ve Yapı İşleri Daire Başkanlığı) (Durukan, 2004).

In 1973, Historic Artifacts Act (Eski Eserler Kanunu no: 1710) was accepted in the National Assembly. According to Madran (2000, 233). The introduction following the terms was defined as: "Historic site", "archaeological site" and "natural site". Kurul and Güçhan indicate that, "... this introduction was two years ahead of the 1975 Amsterdam declaration which instituted the conservation site concept at the international level". (Güçhan & Kurul, 2009)

This regulation, which is the first conservation legislation of the republican period, comprises of 10 chapters and 55 clauses. Legislation brings detailed provisions about repair and maintenance of movable and immovable cultural assets (Akozan, 1977 and Ahunbay, 1997, 1370).

Being conscious about the economical income provided by the height and intensity increase in 1979, The High Council for The Historical Real Estate and Monuments disannulled the provisions of the zoning plan, which contradicts with conservation in the urban conservation sites. In the end of 1970's, the council took conservation site decisions in 30 cities, stopped zoning plan implementations in these areas however, until the preparation of the conservation oriented zoning plan, the Municipalities and the property owners were confronted and undesired implementations were actualized. The High Council for The Historical Real Estate and Monuments which was in search of a solution to the problem and prepared a temporary code named "Transitional Period Structuring Conditions (Geçiş Dönemi Yapılanma Koşulları)" until the preparation of the conservation-oriented zoning plan. Projects, which were prepared for obtaining licenses according to the transitional period structuring conditions, were implemented with the consent of The Ministry of Culture and under the supervision of The Municipality (Zeren, 1983).

Period between 1970-80 has witnessed important developments in terms of external affairs and legislations. Some important legislations which determined actual tendencies were during this period. Agreement regarding the Conservation of World Cultural and Natural Heritage which was accepted by UNESCO in the 1972 dated meeting is determining the provisions for the constitution of 'World Cultural Heritage Lists' focusing on the 'World Heritage' concept with liabilities such as; the definition of 'heritage', 'conservation policies', 'commissions', 'funds' etc. (Kanadoğlu, 1998, s.

648) However Turkey did not manage to be a part of this agreement in that period, it has detailed historical artifact, monument, and historical site concept by renewing the 1973 dated and 1710 numbered legislation about the Historical Artifacts Regulation. (Akozan, 1977, s. 50-59) Consequently, with this regulation, improvements have been provided for the process about acceptance of the historical fabrics as "historical sites".

1710 numbered Historical Artifacts Legislation has clarified the conservation process which started with inventory and registration. Institutions responsible from maintenance and repair were determined and enabled government to provide financial, material and technical assistance to the historical artifacts owners through various mechanisms. 1710 numbered legislation has been regulated by mostly archeologist-oriented specialists with archaeological excavation and museum experiences. Accordingly, as during Ottoman Empire period, in 1710 numbered legislation, activities related with conservation of cultural artifacts have been in the shadow of museology activities as well. (Madran, 2002, 85)

With the acceptance of Historical Artifacts Legislation in 1973, numerous determination and registration studies have been conducted. Within course of ten years from the acceptance of the legislation, 100 urban conservation site, 3442 monumental structure in 417 in conservation site and 6815 examples of civil architecture have been registered (Ahunbay, 1997, 1370). However, it is a fact that, these registration transactions haven't guaranteed the conservation of these structures.

Tayla (1982) discloses that, due to the deficiency in staff quantity of General Directorate of Foundations, documentation and restoration projects weren't in sufficient quantity and level; in most of the repairs attachment books weren't kept properly and works of contractors weren't controlled on time. He also mentions that, in restorations, more importance was given to the repair of ornaments instead of seeking for solutions to the structural problems.

In Europe, 'Architectural Heritage' concept has been accepted as a new concept coherent with its' surrounding and which concreted with urban planning policies. Concordantly a new concept has come in sight which is called 'Integrated Conservation'. With the 'Integrated Conservation' concept, without making apriority on prestige priority, all types of fabrics which reflected history, landscape, and life style were evaluated in architectural heritage concept and subjects such as;



utilization styles which integrate architectural heritage with economic and communal life and its' sustainability started to be discussed as a whole during this period.

Another important development of this period is; '1975 Europe Heritage Year' studies which constituted under the motto 'A Future for Our Past'. Studies which concretized with the same dated Amsterdam Proclamation emphasizes national, regional and local politics developed about the common architectural heritage of Europe. (Ahunbay, 1996, p: 152-156)

However, the short term consequences of the European Architectural Heritage Year which was also embraced in Turkey by the Chamber of Architects were limited, this activity is important as it activated a base about association with the international environment and initiated a civil tendency about spreading the conservation idea to the public. (Kayın, 2008)

Until this period, conservation specialist-architects were being trained with master-apprentice relationship. Conservation has started to be an area of specialization with the opening of two years post graduate program in METU Faculty of Architecture in 1966-1967 academic year under the leadership of Prof. Dr. Cevat Erder.

In 1974, Institute of History of Architecture and Restoration (MTRE) which made important contributions to the hypothetic studies has been established within the body of İTÜ. Institute has subsisted correlatively with the department of History of Architecture and Restoration of Faculty of Architecture and realized important studies. Institute also had a journal named, 'MTRE Bülteni' which was published between 1975-1981 and contained current conservation discussions of the period. In 1974, General Directorate of Foundations has started to publish another journal named 'Rölöve ve Restorasyon' (Journal of Documentation and Restoration) in addition to the 'Vakıflar Dergisi' which was the first specialist journal in the area in Turkey when it was published in 1938. In this journal, as well as news about the restoration, current discussions from panels and seminars also took place. Unfortunately, Institute was closed pursuant to Law of Higher Education which came into force in 1981.

Another civil constitution which started to act in conservation field is "Monument, Environment Tourism Values Conservation Foundation" which was founded in 1976.

In 1978, 'Tarihsel Alanları ve Surları Koruma (TASK) Bürosu' was established within the body of Istanbul Metropolitan Municipality with the contribution of UNESCO. Bureau has continued its studies in conservation field until 1989 (Alsaç, 2003, 37).

Similarly, in this period, restoration of Maltese Mansion which was realized is 1980 won European Nostra Prize. In the same year, General Directorate of Foundations has been granted the 'Aga Khan Award for Architecture' in conservation field with restoration realized in Edirne Rüstempaşa Caravansary (Alsaç, 2003, 38).

In 1982, '1st Restoration Seminar' was conducted by the General Directorate of Foundations. During the meeting, as well as hypothetic discussions, staff studying on application have gathered and discussed about their experiences and current problems about architectural conservation (Alsaç, 1992).

Turkey has signed the Agreement Regarding Conservation of World Natural and Cultural Heritage (1972) and has been affiliated with international conservation organizations like ICOMOS (International Council on Monuments and Sites) and ICOM (International Council of Museums). Membership of Turkey to ICCROM has been in an earlier date in 1969 (Alsaç,1992, 33). ICOMOS Turkey National Committee has been founded on 22.04.1974 (Durukan, 2004, 66).

1961 Constitution has been invalidated and a new Constitution has been adopted in 1982. Provision about the Cultural Assets in 1961 Constitution has been expanded in the new Constitution. In the 63th provision of the 'Social and Economic Rights and Duties' titled, third section of the 1982 dated Constitution which is in force in present day, Conservation of Historical, Cultural and Natural assets have been handled accordingly;

"Government maintains conservation of historical, cultural and natural assets and for this purpose takes supportive and promotive measures.

Limitations which would be brought to these assets and values which are subject to private ownership and also supports and immunities granted to the beneficiaries are regulated with law." (<http://www.anayasa.gen.tr/1982ay.htm>.)

In Turkey, between the years 1970-80 years, while conservation was facing the distortion thread which constituted as a result of the fast-unrestrained urbanization, at the same time, it attempted to be articulated with the universal conservation

approaches and also tried to find a direction accepting the resistance attitude.

Government of the period has seen the solution of the squatting problem as changing the zoning plan and left the planning authority in the centralized management majorly to the local administrations with the 03.05.1985 dated 3194 numbered new "Development Plan Law". (Türksoy, 2008)

'High Council for the Preservation of Historical Artifacts and Monuments' which was the first official council which was founded in Republic Period in 1951 was obliged to discontinue its studies as a result of military intervention in 1980. Nevertheless, during the period which passed until 1983, registry decisions have also been interrupted.

According to Dinçer (2012) 1980 year as a breaking point in the community, planning has started to become a multipartite state. Hence, 1982 dated 'The Law for the Encouragement of Tourism' which was accepted in a period which was not transparent in the communal sense and which also affected the historical structures was followed by 'The Privatization Law' which was introduced in 1984.

The most significant development in terms of legal arrangements is the approval of Cultural and Natural Heritage Conservation Act no: 2863, in 1983. This act had brought some positive innovations as the definition of Conservation Development Plan. (Madran, 2000, p.236). In accordance with act 2863, a central council named High Council for the Preservation of Unmovable Cultural Properties and the regional councils would be established. With this act the authorities of the High Council were rearranged and continued to be the only institution, it was transformed, Regional Councils for Conservation of Cultural and Natural Heritage, and the High Council for Conservation of Cultural and Natural Heritage. Then, in 1987, the act no: 3386 was approved in the National Assembly. The authority of taking decisions on the implementations of conservation activities was completely left to the Regional Conservation Councils. (Madran, 2000, p.237).

Until the early 1990's, nine regional conservation councils were established in the cities of Ankara, İstanbul, İzmir, Konya, Adana, Kayseri, Diyarbakır, Erzurum and Antalya (Alsaç, 1992, p.49-50). In 1984 a file was prepared by İstanbul Conservation Center for submitting to UNESCO with the purpose of having historical sites of İstanbul included to the World Heritage List (Ahunbay, 2012). In this

period some national scaled studies were seen such as; S.O.S. 'İstanbul-Göreme (Campaign for Conservation of Historical Sites and Monuments of İstanbul and Göreme, 1984) which was organized jointly with UNESCO and 'Historical İstanbul Fountains Should Be Saved' campaign (1984-1985) which was conducted by Metropolitan Municipality of İstanbul and Güneş newspaper (Alsaç, 2003, 36). As a result of these studies, in 1985, as well as historical sites of İstanbul, Kapadokya and Göreme National Park and Divriği Ulucami (Grand Mosque) and Darüşşifa (Hospital) were accepted to World Heritage List.

After 1980's Turkey has started to get involved with some conservation agreements which were accepted in International level. According to this, in 1983, Agreement Regarding Conservation of World Cultural and Natural Heritage and in 1989 Agreement Regarding Conservation of European Architectural Heritage (Granada, 1985) were signed; been a party to the European Agreement (Valetta, 1992) regarding Conservation of Archaeological Heritage.

In 1990s, while conservation of cultural heritage was conducted mainly by the Ministry of Culture, with the 1983 dated and 2873 numbered National Parks Legislation and pursuant to 1991 dated and 383 numbered Legislative Decree regarding the foundation of Environmental Protection Agency for special areas (Özel Çevre Koruma Kurumu Başkanlığı), a part of the heritage was located in the territory of national parks and special environmental protection areas and accordingly, Ministry of Forestry and Ministry of Environment were authorized for their conservation. Besides, General Directorate of Foundations was responsible from the cultural heritages which belonged to the foundations and various trade associations also contributed and acted in this area. (Dağıstan Özdemir, 2005)

Towards to the end of 1990's actions about creating awareness has increased sensitiveness of civil organizations and local authorities. For example, in 1996, Agios Georgios Church which was located in Kocatepe Street in Kaleiçi was restored and in its place, Suna-İnan Kıraç Museum was established. Besides, the historical dwelling against the building was restored and, in its place, 'Suna and İnan Kıraç Institute of Mediterranean Civilizations' was opened.

It is seen that, during the period between 1990-2004, legal regulations regarding resolving the troubles borned by the authority intricacy and conservation was sustained with the plan

cancellations shaped by the judicial decisions and personal building conservation actions. (Eskici, 2012)

While the conservation notion in Turkey came up to the urban conservation from the single monument conservation in a long-time period, bringing it to a standard, convenient to international conservation models was tried to be provided with 5226 dated “Legislation About Amendments in Legislation of Conservation of Cultural and Natural Heritages and Various Legislations” which was announced in 14th July 2004. With this legislation, new definitions such as, administrative domain and administrative plan, which were not previously mentioned were constituted, determination of place of action and priorities was tried to make possible within scope of conservation planning.

With this legislation, in conservation studies, it was tried to obtain a sustainable administration model with providing participant attendance and new resources; generating organizational models; determining planning stages and responsible who will be assigned in applications with ‘participant field management model’. From this point, this legislation differs from conservation legislations, which were announced until today. Therefore, this legislation seems to have the feature to provide conservation sufficient to international standards. (Kejanlı, Akın, Yılmaz, 2007)

Also, with the 5216 dated ‘Metropolitan Municipality Legislation’ which came into force in 2004, authority to maintain and renovation of historical sites and reconstruction of the structures, which are not possible to conserve has been given to local governments. (Madran, E., (2013).

With the 5366 numbered “Legislation about Renovation, Conservation and Sustainable Utilization of the Historical and Cultural Immovable Assets” which entered into force in 2005, not only the upper scale plans but also the previously approved zoning plans have been rescinded. Determining the conservation sites as renovation sites and authorizing municipalities to devise projects with the 5366 dated “Renovation Legislation” is the last point arrived at. This situation procured privileged structuring right to the precious immovables in the city centers. In addition to this, it also caused deterioration in jurisdiction of planning institution. (Duyguluer, F. (2006).

Majority of the implementations committed within scope of the legislation comprised of facade renovation and street rehabilitation projects which remain inadequate for conservation when the

problem of the historical fabric is considered. This situation causes loss in historical and cultural value of the buildings, leads to physical destruction and damages the integrity of the historical fabric.

In 2006, Turkey ratified the 2003 Convention for the Safeguarding of Intangible Cultural Heritage. But the national legal regulations in the area conservation of intangible cultural heritage have not been arranged according to it yet.

In 2011, The Ministry of Environment and Urban Planning is granted with high-level important authorities once again, with the 644 numbered “Delegated Legislation about the Organization and Duties of the Ministry of Environment and Urban Planning”. With the 648 numbered, “Delegated Legislation about the Organization and Duties of the Ministry of Environment and Urban Planning”, delegation legislation about modification of some delegation legislations has entered into force. With this legislation, authority of making, procurement and approval of plans, which originally belonged to the local governments and authority of project approval, construction permit and occupancy permit have been granted to The Ministry of Environment and Urban Planning and in a privileged manner, power of confiscation in parcel scale is provided. (TMMOB, (2005).

## 5. CONCLUSION

When the period of change in understanding of conservation in Turkey is comparatively evaluated, the below listed findings are attained. In Ottoman Period, first conservation studies, which were conducted in a conscious and institutional manner, have started after Tanzimat Reforms. In 1970’s, with necessity to conserve the historical site as a whole, understanding of site conservation is embarked and during the following years, within scope of the effective conservation understanding and with evolution of social and economic inputs as a part of conservation, understanding of integrated conservation is put into practice. As per 1983, it was strived to attain World standards in conservation/planning applications. However, after 2004, in terms of conservation/planning, substantial confusions have been faced about authorization.

In Turkey, a cumulative interest and consciousness regarding conservation draws attention. Approach to conservation has grown not only in structure scale and became a planned organization aimed at conservation and sustenance of the historical surrounding with conservation-

oriented zoning plans and transferring them to the next generations. On the other hand, perspective, which accepted the cultural heritage only as physical structures and structure groups has been extended and idea about conservation of intangible cultural heritages and transferring them to the next generations has been embraced as a principle.

## REFERENCES:

1. Ahunbay, Z. (1996). Tarihi Çevre Koruma ve Restorasyon. İstanbul: YEM.
2. Akçura, N. (1973). Yabancı Ülkelerde Eski Eserlerin Korunması. Mimarlık, 8, 13-17.
3. Akozan, F. (1977). Türkiye'de Tarihi Anıtları Koruma Teşkilatı ve Kanunlar. İstanbul: DGSA Publication.
4. Altınyıldız, N. (1997). Tarihsel Çevreyi Korumanın Türkiye'ye Özgü Koşulları (İstanbul 1923-1973). İstanbul: İTÜ Fen Bilimleri Enstitüsü, Unpublished Master Thesis.
5. Alsaç, Ü., (1992), Türkiye'de Restorasyon, İstanbul: İletişim Yayınları
6. Cal, H. (1997). Osmanlı Devletinde Asar\_1 Atika Nizamnameleri. Vakıflar Dergisi, 26, 387-396.
7. Çeçener, B., & Danişman, G. (1973). Kültür Değeri Olan Yapı Korunması ve İngiltere Mevzuatı. Mimarlık, 8, 18.
8. Çelik Başok, G. (2016). Conservation History of Cultural Heritage in Kaleiçi District in Antalya (From the 20th Century to Present Day, Ankara, METU, unpublished PhD Thesis
9. Dağıstan Özdemir, M. (2005). Türkiye'de Kültürel Mirasın Korunmasına Kısa Bir Bakış. TMMOB Şehir Plancıları Odası .
10. Duyguluer, F. (2006). "İmar Mevzuatının Kayıpları", Planlama Dergisi, Sayı. 2006/4, 27-30
11. Eskici Özten, A. (2012). Tarihi Konut Yapılarını ve Alanlarını Korumanın Ekonomik Etkilerinin Değerlendirilmesi-Galata Örneği, İstanbul: İTÜ, unpublished PhD Thesis.
12. Ergin, O. N., (1995), Mecelle-i Umûr-i Belediye, İstanbul: İstanbul Büyükşehir
13. Belediyesi Kültür İşleri Dairesi Başkanlığı
14. Ergin, O. N., (1934), Beledî Bilgiler, İstanbul: İstanbul Matbaası
15. Güçhan, N. Ş., & Kurul, E. (2009). A History of the Development of Conservation Measures in Turkey: From the Mid-19th Century Until 2004. METU Journal of Faculty of Architecture, 2.2, 19-44.
16. Kanadoğlu, S. (1998). Kültür ve Tabiat Varlıklarını Koruma Hukuku. Ankara: Turhan Kitabevi.
17. Karaduman, H. (2004). Belgelerle İlk Türk Asar-ı Atika Nizamnamesi,. Türk Tarih Belgeleri Dergisi, XXV (29), 73-92.
18. Katipoğlu, C. (2013). Rethinking Construction and Planning Processes in the Ottoman Provinces. International Journal of Science Culture and Sport (IntJSCS), 1(4), pp.70-83.
19. Kayın, E. (2008). Türkiye'de Koruma Tarihindeki Kırılmalar. Mimarlık Dergisi, 343.
20. Kenanoğlu, M. M. (2006). 1858 Arazi Kanunnâmesi ve Uygulanması. Türk Hukuk Tarihi Araştırmaları.
21. Madran, E. (1988). 16. Yüzyılda Osmanlı Devletinde Restorasyon Etkinlikleri. Uluslararası Mimar Sinan Sempozyumu, (s. 24-27). Ankara.
22. Madran, E. (1996). Cumhuriyetin İlk Otuz Yılında (1920-1950) Koruma Alanının Örgütlenmesi-1. METU Journal of Faculty of Architecture, 16, 56-97.
23. Madran, E., (2002), Tanzimat'tan Cumhuriyet'e Kültür Varlıklarının Korunmasına
24. İlişkin Düzenlemeler: 1800-1950, Ankara: ODTÜ Mimarlık Fakültesi
25. Madran, E., (2000), "Türkiye Cumhuriyeti'nin 75. Yılında Kültürel Varlıkların
26. Korunması", Türkiye Cumhuriyeti'nin 75. Yılında Bilim 'Bilanço 1923-1998' Ulusal
27. Toplantısı, Ankara: Türkiye Bilimler Akademisi, ss.223-252.
28. Madran, E., (2013). " Kültürel Mirası Koruma Mevzuatının Ülkemizdeki Gelişimi, Melih Ersoy (Der.), Kentsel Planlama Ansiklopedik Sözlük, 303, Ninova Yayınları, İstanbul.
29. Mumcu, A. (1969). Eski Eserler Hukuku.
30. Ortaylı, İ. (2006). Türkiye Teşkilatı ve İdare Tarihi. Ankara: Cedit Yayın.
31. Ortaylı, İ. (2007). Batılılaşma Yolunda. İstanbul: Merkez Kitapçılık Publications.
32. Ortaylı, İ. (1974). Türkiye: Teşkilat ve İdare Tarihi. Ankara: Cedit Publication.
33. Ortaylı, İ. (2007). Tanzimattan Sonra Milli İdareler(1840-1878). Ankara: TODAİE Publications.

- 34.** Önge, M., (2011), Conservation of cultural heritage on Alaeddin Hill in Konya from the 19th century to present day, Ankara, METU, unpublished PhD Thesis.
- 35.** Paksoy, İsmail Günay; “Bazı Belgeler Işığında Osmanlı Devleti’nin Kültür Mirası Politikası Üzerine Düşünceler”, Osman Hamdi Bey ve Dönemi, Tarih Vakfı Yurt Pub., İstanbul, 1993, p:201-221.
- 36.** Sey, Y. Cumhuriyet Döneminde Türkiye’de Mimarlık ve Yapı Üretimi. 75 Yılda Değişen Kent ve Mimarlık (p: 25-38). içinde İstanbul: Tarih Vakfı Yayınları.
- 37.** Simşek, F., & Güven, D. (2009). XIX: Yüzyılda Osmanlı İmparatorluğunda Eski Eser Anlayışının Doğuşu ve Bu Alanda Uygulanan Politikalar. Uludağ Üniversitesi Fen Edebiyat Fakültesi Sosyal Bilimler Dergisi, 16, 101-127.
- 38.** Tuncer, Mehmet, 1999, “Türkiye’de Tarihsel ve Kültürel Çevreleri Koruma Olgusu, Kentsel Kültür Mirası’nın Korunması : Sürdürülebilirlik (Devamlılığın Sağlanması) ve Koruma Bağlamında Politikalar”, Mimar Sinan Üniversitesi, “7. Kentsel Koruma-Yenileme ve Uygulamalar Semineri” Presentation, İstanbul.
- 39.** TMMOB, (2005). Yasal Düzenlemelerde Taşınmaz Kültür Varlıklarının Korunması ve Yerel Yönetimler, Koruma Mevzuatı, TMMOB Mimarlar Odası Ankara Şubesi, Türkiye Cumhuriyeti Kültür ve Turizm Bakanlığı Yayınları/3035, Ankara.
- 40.** Yerasimos, S. (2005). Tanzimat’tan Günümüze Türkiye’de Kültürel Mirası Koruma Söylemi. İstanbul: Türk Tarih Vakfı Yayınları.
- 41.** Zeren, N. (1981). Kentsel Alanlarda Alınan Koruma Kararlarının Uygulanabilirliği. İstanbul: Unpublished PhD Thesis, İTÜ.
- 42.** Akın, Can Tuncay; Yılmaz, Aysel, Türkiye’de Koruma Yasalarının Tarihsel Gelişimi Üzerine Bir İnceleme, Elektronik Sosyal Bilimler Dergisi, 2007,6(19): 179-196