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M M G A R O N

Article

The effectiveness of status conflict in the conservation of Sultanahmet urban archaeological site

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ABSTRACT

Protecting and transferring the historical, cultural, and natural environment to future generations are recognised as one of the primary responsibilities of humanity. The immediate result of such a responsibility is to replace individual efforts and initiatives with joint ownership of the heritage and gradually with systems and policies with national and international dimensions and common language and concepts. The policies countries pursue in this direction are one of the critical factors determining the level of development in conservation policies. On the other hand, cultural and natural assets and historical environments are considered as a record that sheds light on the urban and architectural design, construction techniques, and social life of a certain period, and thus, in a sense, they undertake an instructive task. Therefore, today it is aimed to protect the underground, aboveground or underwater values, called “cultural heritage”, as a component of local and universal culture and a record of civilisation with the help of the laws, international agreements, conventions, and regulations. However, behaviours and policies that are not based on scientific data and are not objective and universal cause destruction because they fail to exhibit a comprehensive approach that can integrate cultural heritage into social, economic, social, and cultural life. They also create interruptions and result in indefinite periods in the maintenance of urban identity and urban culture. The research area of this article is in the Historical Peninsula of Istanbul, where all the changes in the conservation policies of Turkey can be observed. This study examined the different conservation statuses attributed to the area over time and the spatial outcomes of these statuses. As a result, this study aims to discuss, despite all the laws, international agreements, and conflicts of status, and why we have not achieved the desired success in the conservation of urban archaeological conservation sites.

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INTRODUCTION

When the Ottoman Empire, which laid the foundations of Turkey’s cultural heritage (especially in terms of architecture), entered the westernisation period, the legal

regulations that were made in terms of conservation, in a sense, initiated the process of establishing conservation policies. The Asar-ı Atika Nizamnamesi of 1869, 1874, and 1884 adopted the principle that ancient artefacts were state property and covered the pre-Ottoman period. Additionally,

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in this period, museology studies were initiated under the leadership of Osman Hamdi Bey. While the last *Asar-ı Atika Nizamnamesi* (1906) remained in force for 67 years, with the establishment of the *Asar-ı Atika Encümen-i Daimisi* organisation in 1917, conservation efforts began legally and institutionally before the establishment of the Republic of Turkey. Established in 1951 with Law No. 5805, the Supreme Council of Immovable Artefacts and Monuments became a key institution that has made critical decisions in heritage conservation with minimal means and brought many conservation principles that are still valid today. While conservation efforts accelerated at the national level, the La Haye Convention of 1954 and the European Cultural Convention were signed internationally, and organisations such as the Council of Europe and UNESCO became active. One of the most important economic and political development in terms of conservation in the 1960s was the transition to the planned development period. Following that transition, another critical development that affected the conservation efforts was the adoption of the principle that stresses that cultural development should be holistic and planned according to the following statement that found its way to the constitution (Article 41): “It is the duty of the state to realise economic, social and cultural development through democratic means, to increase national savings for this purpose, to direct investments to the priorities required by the public interest and to make development plans” (Gözler, 2021).

In the international arena, the Venice Charter (1964) and the Convention Concerning the Protection of the World Cultural and Natural Heritage (1972) stand out, while institutions such as ICOMOS (International Council on Monuments and Sites) and ICOM (International Council of Museums) have been established. Turkey became a party to such international developments and enacted the Antiquities Act No. 1710 (1973), which was the first conservation law of the Republic that could be considered ahead of its time. The law shifted the conservation approach from a single building to area conservation, laid out the conservation principles in accordance with definitions such as monuments, complexes, sites, historical sites, archaeological sites, and natural sites, and emphasised that the historical artefacts were state property. It also assigned the Supreme Council of Immovable Artefacts and Monuments and the Ministry of National Education to decide on the conditions of conservation and use (Kejanlı et al., 2007). The 1980s marked the beginning of a new era that strengthened from the 1970s onwards for Turkey, in which the country started to adopt neoliberal policies in every sense, and efforts for integration with global capitalism accelerated. The era also witnessed a new understanding of governance; and significant changes in urban, urbanisation, planning, and conservation issues were made (Örnek Özden, 2005).

Article 63 of the new Constitution of this period (1982) stipulated that “The State shall ensure the protection of the historical, cultural and natural assets and wealth, and shall take supportive and promotive measures towards that end. Any limitations to be imposed on such privately owned assets and wealth and the compensation and exemptions to be accorded to the owners of such, because of these limitations, shall be regulated by law.” (Gözler, 2021). Within the scope of this article, Law No. 2863 on the Protection of Cultural and Natural Assets was enacted in 1983. The most fundamental change in the law, similar to the Antiquities Act, is that the Ministry of Culture is authorised and responsible instead of the Ministry of National Education. “The Ministry of Culture and Tourism shall provide aid in kind, in cash and technical assistance for the conservation, maintenance and repair of cultural and natural property to be protected and owned by real and legal persons subject to civil law.” On the other hand, Article 17 references to a comprehensive conservation approach as it stresses that conservation should be ensured through a conservation plan. However, in contrast with these positive developments, this period was also a harbinger of the emergence of problems in conserving both natural and cultural heritage. Especially the acceleration of the number of investments in coastal areas in line with tourism incentives and fragmented plans that include demand-based construction rights in cities, especially in Istanbul, can be considered an indicator of future urbanisation problems.

The 2000s followed a similar trajectory to the post-1980s period and were criticised for being far from comprehensive, as a series of new legal regulations were made in addition to many radical administrative changes, especially in the past decade. The most important of these regulations in terms of conservation were the amendments made to Law No. 2863 on the Protection of Cultural and Natural Assets with Law No. 5226 dated July 14, 2004. These amendments, in addition to the effort to formulate a policy on conservation, also included concepts that have long existed in some international documents on the conservation of cultural heritage but are new to conservation legislation in Turkey; such as archaeological sites, landscaping projects, management area, management plan, junction point (Çolak, 2015). During this period, “Law No. 5366 on the Conservation by Renovation and Use by Revitalisation of the Deteriorated Historical and Cultural Immovable Property” enacted in 2005 came into force. Article 1 of the Law defines the purpose of the Law as “. . . the areas registered and announced as conservation areas by the cultural and natural heritage conservation boards and protection zones of such areas which have been dilapidated and are about to lose their characteristics, create zones of housing, business, culture, tourism and social facilities in such areas, take measures against risks of natural disasters, renovate, conserve and actively use historical and cultural

immovable assets” (Çolak, 2015). With Law No. 5366, the concept of “renewal” was used for the first time in urban conservation areas. A second conservation board was established under the name of the renewal board to review and decide on planning and execution in these areas.

When approaching the 100th anniversary of the Republic of Turkey, it is thought-provoking that despite some positive efforts summarised here, an increasing number of construction projects and the destruction of our natural, historical, and cultural heritage unabatedly continue. The reasons for that could be as follows: the lack of awareness and the insufficiency and long durations of conservation plans, problems arising from decision-makers and implementers, the shortcomings of the economic situation of property owners, the inability to develop financing models, and the confusion of powers and duties regarding conservation areas in legal regulations. However, the main problem is the failure of all stakeholders to accept and internalise the necessity and universal responsibility of protecting our natural, historical, and cultural heritage and creating a conservation policy.

SULTANAHMET URBAN AND ARCHAEOLOGICAL CONSERVATION AREA

The areas that reflect the social, economic, cultural, and physical features and lifestyle of the period that show urban and rural features of that specific period, contain architectural examples and artefacts, and have a consistent urban fabric are defined as urban conservation areas. The importance of cultural assets and traditional housing that constitute the building stock in the city does not solely stem from the fact that they reflect the characteristics of the period they belong to. Throughout history, settlements have been built on top of each other. The archaeological assets that constitute the elements of urban layers and their accumulation produce the cultural continuity of that settlement. From this point of view, this archaeological data accumulation facilitates a multi-layered reading of urban history (Özcan, 2006). While archaeological sites are our memories below ground, urban conservation areas form our memories above ground. Urban archaeological sites, on the other hand, are areas that contain both above and underground values that need protection and, in this respect, require a particular form of planning (Yenen, Örnek Özden, 2007).

Today, according to 2022 data, 119,263 cultural assets in Istanbul need to be protected. When we look at the immovable cultural assets of Istanbul, civic buildings stand out (Republic of Türkiye Ministry of Culture and Tourism, 2022-a).

The Urban Archaeological Site in the Historical Peninsula of Istanbul was chosen as the research location that constitutes

the article’s subject and scope. This location provides a perfect opportunity to observe all the reflections of the changes in the conservation policies of Turkey (UNESCO World Heritage Site, Conservation Plan, Tourism Incentives, Site Management Plan, Renewal Area, etc.) Sultanahmet Urban Archaeological Site is the only place in Istanbul where the World Heritage, Urban Site, Tourism Site and Renewal Site decisions, which are the subject of the article, overlap. A similar area to this area is the Süleymaniye World Heritage Site. However, the decision of this area to become a tourism centre was cancelled in 2007 by the decision of the Council of Ministers.

As a result, Sultanahmet Urban Archaeological Site has been chosen as the research location, as it is the only representative of four crucial and opposing decisions that also have an impact on physical space (Figure 1).

Other reasons for this selection are explained below:

- Looking at the distribution of conservation sites throughout Istanbul, the Ministry of Culture’s data shows that archaeological sites (52%) account for the highest proportion (Republic of Türkiye Ministry of Culture and Tourism, 2022-b). According to the Ministry’s data, out of the 32,854 cultural assets that need to be protected in Istanbul, 10,385 are in the Historical Peninsula, again showing the richness of the Historical Peninsula despite all its losses. However, the fact that only 20% of the approximately 55,000 buildings in Fatih District are registered buildings shows that all subsequent planning efforts, starting with the Prost Plan in 1936, have failed to achieve the desired success in protecting the cultural and historical richness of this area called the “Historical Peninsula.”
- In this specific area called the “Historical Peninsula,” which has been included in the World Heritage List since 1985, all the planning efforts that started with the Prost Plan in 1936 and all subsequent plans have not achieved the desired success in the goal of protecting its

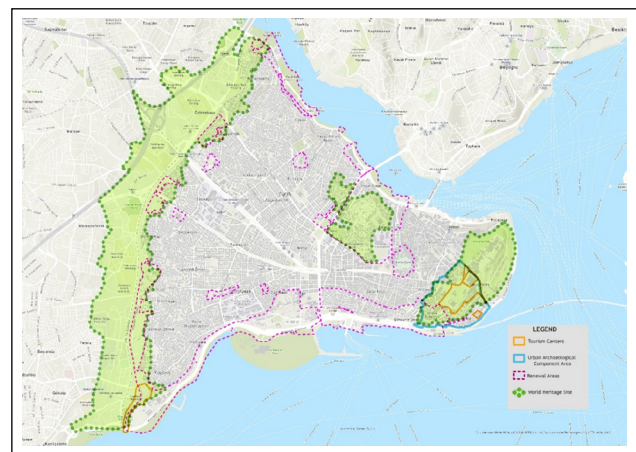


Figure 1. Status layers in the historical peninsula.

cultural and historical richness. The area has different conservation statuses; however, the same problems are voiced in almost all studies, even though the area has been the subject of all prominent studies, academic discussions, and examinations for many years. In this sense, discussing and evaluating conservation policies once again constitutes the aims and objectives of this article.

As a technique for the review, the plans that were implemented as a result of the various statuses brought to the region have been analysed. The decisions that have been made in order to provide the region with long-term protection have been assessed in light of the status provided. Which choices were made in the management and conservation plans were investigated.

The impacts of the tourism function on the current land use were questioned once the plan was carried with the decision of the tourism centre. Possible risks are highlighted since there is currently no plan in place for the failure area. The relationship between the choice, the plan, and the current situation in the direction of protection was therefore attempted to be ascertained. The study's findings opened up discussion over the main issue, which is whether or not the field's statuses are adequate.

CONFLICTS IN LEGAL STATUS AFFECTING THE SULTANAHMET URBAN ARCHAEOLOGICAL SITE

Sultanahmet Urban and Archaeological Conservation Area (part of Alemdar, Binbirdirek, Cankurtaran, Küçükayasofya neighbourhoods, and the entire Sultanahmet neighbourhood) is one of the oldest settlements in Istanbul. In addition to many architectural monuments of historical importance, such as the Sultan Ahmed Complex and the Sultan Ahmed Mosque, public spaces such as Sultanahmet Square and Park continue to maintain their importance from the past to the present¹ (Figure 2).

When we look at this area today, where there used to be single-family housing units, we see that the accommodation function decreased, and/or urban fabric deteriorated, and the scale was disrupted. Today, there are boutique hotels and hostels in high demand by tourists for their historical and archaeological values. The historical Arasta bazaar displays commercial use on the ground floors, most shops sell souvenirs and food and beverage serving tourism. Another land use form is Sultanahmet Square, an important open space for this area and the whole of Istanbul. The area is surrounded by public and educational institutions such as Marmara University, Suphi Paşa Trade and Vocational Technical Anatolian High School, Provincial Directorate of National Education, etc.

The study of the Historical Peninsula shows that the public uses in the area (open spaces and mosques, and museums)

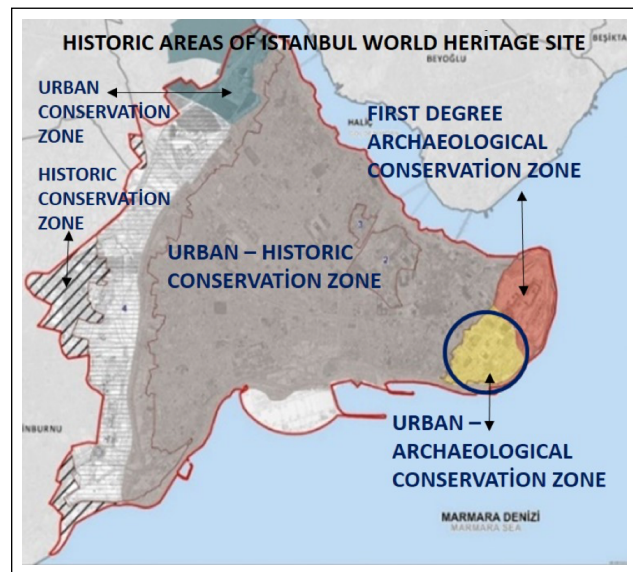


Figure 2. Historical peninsula site diversification. (Historical areas of İstanbul site directorate, 2018).

are protected in all plans because of their importance to the city. Sultanahmet Urban and Archaeological Conservation Area are highly accessible due to their central location. Public transportation is available from other parts of the city by sea and rail. The exit point of the Istanbul Strait Road Tube Crossing Project (Eurasia Tunnel Project) on the European side is south of the study area. When we look at the users, a significant portion of the resident population in the Cankurtaran Neighbourhood consists of low-income Roma. In Küçük Ayasofya Neighbourhood, Central and Eastern Anatolian families belonging to the middle and middle-lower income groups live. Most of the inhabitants of the Sultan Ahmet Neighbourhood are those who operate or work in small-scale trades in the neighbourhood (Historic Peninsula Management Plan, 2018, p.132). "Sultanahmet Urban and Archaeological Conservation Area consist of two different regions, namely Sur-i Sultani Region, where Topkapı Palace is located, and Sultanahmet Region. Sur-i Sultani Region, where museums such as Topkapı Palace Museum, Istanbul Archaeological Museums, and Hagia Irene Museum are located, was declared a Grade I Archaeological Site with the decision of Istanbul Cultural and Natural Heritage Conservation Board No. 1 dated July 12, 1995 and numbered 6848. Sultanahmet Region was declared an Urban Archaeological Site with its monumental buildings and partly residential, commercial, and tourism functions. Sultanahmet Urban and Archaeological Conservation Area represent a special quarter within the Historical Peninsula with outstanding cultural and historical value on a national and international scale in terms of the monumental buildings, above-ground ruins, and underground artefacts it hosts today. The Sultanahmet

Urban and Archaeological Conservation Area covers 140 hectares and has 992 registered monuments. 354 of the 992 monuments are monumental buildings. Of the 354 monuments, 347 exist, and seven are missing monuments. There are 505 examples of civil architecture, 446 of which are existing and 59 of which are missing” (Istanbul Management Plan Report, 2018, p: 44).

This study focuses on the Sultanahmet District and its multiple conservation statuses. The statuses attributed to the area over time are; Tourism Centre (1982), World Heritage Site (1985), Urban, Historical, Archaeological Site (1995), and Renewal Area (2005).

1. Tourism centre (1982): In the 1982 Law for the Encouragement of Tourism No. 2634, the tourism centres designated by the first wave of neoliberal economic policy interventions are among the most prominent examples of the fragmented and privileged zoning rights granted to increase the tourism activity of the Historical Peninsula. Two tourism centres are determined within the framework of Law for the Encouragement of Tourism No. 2634 and declared by the Cabinet. These are Sultanahmet Square Tourism Centre and Eminönü Barbaros Houses Tourism Centre. Sultanahmet Square Tourism Centre (17.74 ha) and Eminönü Barbaros Houses Tourism Centre (0.84 ha) are located within the Sultanahmet Urban and Archaeological Conservation Area (Figure 3).

Sultanahmet Square Tourism Centre is one of the first tourism centres announced in the Official Gazette of the Republic of Turkey dated 06.09.1982 and numbered 17804, together with the Çırağan Palace, Blue Mosque, Hagia Sophia Museum, and Sultanahmet Square form the majority of the area (Dinçer et al., 2011). **Eminönü Barbaros Houses Tourism Centre** was declared with the decision of the Cabinet dated 23.03.1989 and numbered 13900. Approved in 2005, the Conservation Plan



Figure 3. Tourism centres in the historical peninsula.

proposed a “touristic facility area” for the part where the Armada Hotel is currently located and a housing function of 500 people/hectare for the other areas. In 2nd-degree conservation areas, the maximum height is 12.50 meters (Dinçer et al., 2011).

2. World heritage area (1985): The 17th General Conference of UNESCO convened in Paris between 17 October and 21 November 1972 and accepted the UNESCO Convention on the Protection of the World Cultural and Natural Heritage on 16 November 1972. Turkey decided to become a party to the Convention with Law No. 2658 dated 14.04.1982. The Law was ratified by the Cabinet with Decision No. 8/4788 dated 23.05.1982 and entered into force after being published in the Official Gazette No. 17959 dated 14.02.1983. With the submission of the necessary documents to UNESCO Headquarters, Turkey officially became a party to the Convention on 16.03.1983. According to the 1972 Convention for the Protection of the World Cultural and Natural Heritage and determined by the World Heritage Committee, Turkey has 19 heritage sites on the World Heritage List, 17 of which are cultural, and 2 are mixed (UNESCO Turkish National Commission, 2022). In 1985, Divriği Great Mosque and Darüşşifa (Sivas), Göreme National Park and Cappadocia (Nevşehir-Mixed Heritage Site), and the Historic Sites of Istanbul were also included in the UNESCO World Heritage List (Figure 4).

3. Urban, historical, archaeological site (1995): From 1983 onwards, legislative changes and new laws were introduced. This are the Law No. 2863 on the Protection of Cultural and Natural Assets. While the annulment and appeal against the 1/5.000 Conservation Plan for the Historical Peninsula (Suriçi) region were approved

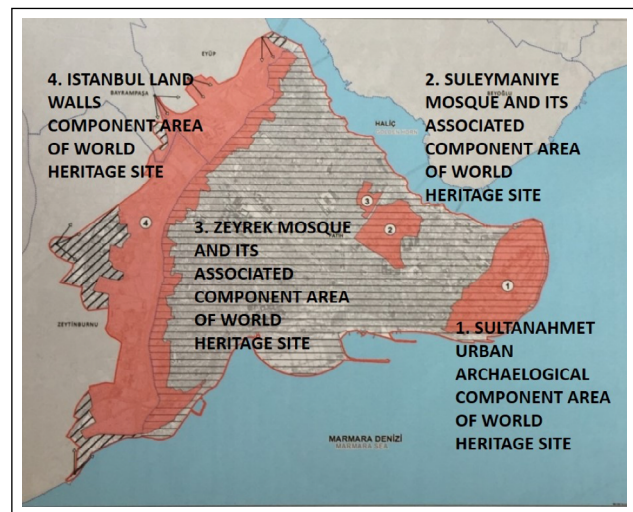


Figure 4. Istanbul historical peninsula management plan boundary (historical areas of İstanbul site directorate, 2018).

on 2.11.1990, which includes the districts of Istanbul-Eminönü-Fatih, were still pending, decision no. 6848 of Istanbul Cultural and Natural Heritage Conservation Board No. 1 dated 12. 7.1995, “The Historical Peninsula (Suriçi Region) was declared an Urban and Historical Site, Urban and Archaeological Site and First-Degree Archaeological Site within Sur-u Sultanî” as indicated on the attached 1/10.000 scale map. (see Figure 1)

4. **Renewal area (2005):** While the planning efforts in the Historical Peninsula continued, a new concept related to conservation areas, renewal areas entered the planning agenda: Law No. 5366, adopted on 16.06.2005 on “Renewal, Protection and Use of Worn Historical and Cultural Immovable Assets”.²

The declaration of renovation areas by the Cabinet in areas declared as conservation areas under the Law on the Protection of Cultural and Natural Assets raises concerns about the conservation of these heritage sites. In an area such as the Historical Peninsula, which needs to be protected holistically, renewal areas have been declared, and the authority has been left to the “Renewal Boards.” The decision-making process of the Renewal Boards, which were established when the Conservation Plan was being prepared, but lawsuits were initiated for its annulment, and the compatibility and relationship between the projects produced for the conservation plan/renewal area were discussed for a long time. The concept of “renewal” in the field of conservation has been at the centre of the debate. The projects prepared in these areas and the procedures related to their implementation have been the subject of discussions on different axes, such as protecting historical urban fabric, the social problems they will create, and the participation process.

While preparing the plan for the Historical Peninsula (currently called Fatih District), the preliminary projects approved within the scope of Law No. 5366 by the Istanbul Renewal Areas Regional Board of Cultural Properties Conservation were examined and transferred into plans. It was accepted as the basic norm that the foreseen functions in the Master Plans for Conservation Purposes and the integrity of the plan are preserved in the renewal areas, and various functions such as residential-commercial-tourism-accommodation and medical-education-social, cultural areas, municipality service areas, management area, parks, and playgrounds could also be included provided that these are not against the conservation criteria. (Historic Peninsula Management Plan, 2018, p 73). The results of the Hatice Sultan-Neslişah Neighbourhoods Renewal Project, the first implementation of the renewal areas, also added fuel to the ongoing discussions. Another implementation is the Atik Mustafa Paşa Neighbourhood Renewal Project (Figure 5).

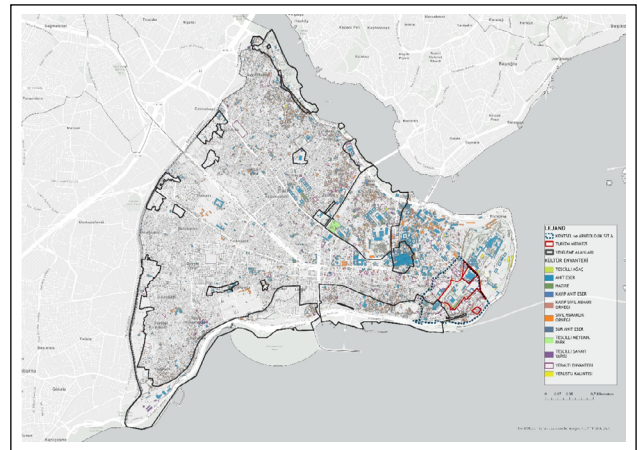


Figure 5. Historical peninsula renewal areas (historical areas of İstanbul site directorate, 2018).

ASSESSING THE EFFECTS OF STATUS CONFLICTS

The Historical Peninsula has been planned with the concepts of tourism, conservation, and renewal, which sometimes compete and often conflict with each other. In almost all studies, problems that underscore common points have been defined at the spatial, institutional, and legal levels regarding these aspects. In line with the decision of the Center of Tourism; the parcels (parcels no. 1-2 in the Sultanahmet District of Fatih District, section 67, block 58), which were registered as “cultural assets” by the Supreme Council of Immovable Artefacts and Monuments in 1981, are located within the boundaries of the first palace complex of Byzantium, where significant historic buildings such as the Blue Mosque, Hagia Sophia Topkapı Palace and Sultanahmet Prison were built. Sultanahmet Prison was closed in 1969, after the opening of Bayrampaşa Prison. It is known that important names such as Necip Fazıl, Nâzım Hikmet, Can Yücel, Aziz Nesin, Orhan Kemal, Kemal Tahir, Vedat Türkali wrote their works here during the period of its activity. Sultanahmet Prison was turned into a prison again at the request of the Martial Law Command in 1980 due to the tightness in the prisons in Istanbul. It functioned as a military prison until 1986, when martial law was lifted in Istanbul. The ownership of the building was then transferred to the Ministry of Tourism, which allocated the building to the investor company Sultanahmet Turizm AŞ in 1992 for 49 years. Sultanahmet Prison was reopened as a hotel in 1996 (Büyükdöğün, Çavuş, 2016). The decision of the Supreme Council of Immovable Artefacts and Monuments was that the interior of the building could be modified according to the needs of the building provided as long as the façade is preserved (decision dated 11.06.1967 and numbered 3514) and that turning it into an accommodation facility posing no harm (decision dated 10.11.1981 and numbered 13012). In 2000, the Ministry of Culture and Tourism requested that the area be given

the function of “Archaeological Park, Tourism and Culture Area,” and the plans prepared for this purpose were sent to the Istanbul Metropolitan Municipality for public scrutiny.

As a result of the lawsuit filed due to the ongoing construction of the archaeological remains that were uncovered during the excavations financed by the investor company, the project was cancelled by the court decision, and the construction of the additional hotel building was stopped. However, the excavations in the area that were planned to become an archaeological park after the suspension of the additional construction could not be completed due to the lack of funds. Although board decisions have taken measures to protect the archaeological artefacts, the area remains unprotected against all natural conditions. In the 2005 plan, the former Sultanahmet Prison was designated as a “tourism facility area”, and the Cankurtaran area was designated as a “housing-accommodation” area. Then in the 2012 plan, the area was designated as a tourism centre; however, no planning decisions were made for it (Yıldırım Burma, 2017). Law No. 4957, enacted on 24.07.2003, attempted to change the “tourism centre” concept that was popular throughout the 1980s. With this amendment, in addition to tourism centres, the concepts of “culture and tourism conservation and development region” and “culture and tourism conservation and development sub-region” were introduced. Within the enactment of this law, no tourism zones were declared in conservation areas in Istanbul (Dinçer et al., 2011).

In conclusion, although the Conservation Board approved the function change and modernising the interiors of the Sultanahmet Prison, it is a controversial decision, and the risk of damaging the heritage value is evident.

Although the prison is divided into two distinct sections, a connecting glass bridge was created during the restoration process to allow access back to the accommodation facility. The function necessitated interior modifications, which were made. Archaeological artefacts were discovered during the construction of the new structure as the building began to lose its original character. It was anticipated that the two structures that would be added to the hotel would be built on the remnants of the “Great Palace,” which dates back to the Byzantine era. The renovation, which generated a lot of controversy while it was being built, took three years to complete and was then made available for hotel use.

The destruction of the archaeological site during the construction of the additional building is also a wrong decision according to national and international regulations and practices. These wrong decisions have caused irreversible damage to the building and the archaeological site (See <https://tr.foursquare.com/v/four-seasons-hotel-istanbul-at-sultanahmet/4be2bf92ee0062b5c659b3c8/> photos).

Following the declaration of the site as a World Heritage

Area, conservation zones were identified in the planning preparation carried out in the area, but due to the plans’ annulment, essential conservation steps could not be taken. The “Convention for the Protection of the World Cultural and Natural Heritage” emerged in 1972 as a document in which the “management of heritage sites” came to the fore for the first time. As areas, “area management” has been important in terms of the formation process.

The concept of management planning started to develop as a strategic spatial planning approach applied in cultural heritage places in the 1980s as a result of the paradigm shifts in the axis of neoliberalism, environmentalism and postmodernism. It was legalised in the international protection legislation in the early 2000s, and accordingly in Türkiye in 2005, upon the amendment made in the Law on the Protection of Cultural and Natural Assets No 2863. With the Annex-2a article added to Law No. 2863 on the Protection of Cultural and Natural Heritage in 2005 with Law No. 5226 and the definitions added to Article 3, the concepts of “management area” and “management plan” were included in the national legislation for the first time. Following this decision, it has become obligatory to prepare management plans for “World Heritage Sites” and all conservation areas in Turkey. In 2005, the “Regulation on the Procedures and Principles regarding the Establishment and Duties of the Site Management and Monuments Board and the Determination of Management Areas” entered into force. With the decision of the Istanbul Metropolitan Municipality Council dated September 15, 2006, and numbered 1675, the Istanbul Cultural and Natural Sites Management Directorate was established and became the responsible institution for the management of conservation areas in Istanbul. The “Site Management Plan” prepared by this institution was finalised in October 2011. The vision of the approved 2011 Istanbul Historical Peninsula Management Plan is defined as “For the Historical Peninsula which protects its rich historical background, preserve its liveliness, produces and passing on its socio-economic spatial and cultural identity to the future; a site management plan that protects the outstanding universal value of the Historical Peninsula and is executed by all related institutions and establishments in coordination and transparency by also the participation of users and inhabitants.” The main principles and policies of the Management Plan include the concepts of cultural heritage, conservation, and utilisation, planning, and participation.

In time, there have been changes in the boundaries of the Istanbul Historical Peninsula Management Plan. First, the boundaries of the Management Plan Area increased from 2110 hectares to 2168 hectares with the addition of the Yenikapı fill area constructed between 2013 and 2014. 1615 hectares of the Management Plan Area consist of the Historical Peninsula, and 553 hectares are located west of the Land Walls. During the revision process, the boundaries

of the World Heritage Site of the Historic Areas of Istanbul, approved by UNESCO in 1985, were also partially expanded, and the Management Plan boundary was changed. In 2018, the Management Plan was revised and finalised. The vision set out in the 2011 Istanbul Historical Peninsula Management Plan, which is based on some core values, was not changed during the revision process. This vision is defined as “For a Historic Peninsula which protects its rich historical background, preserves its liveliness, produces and passing on its socio-economic spatial and cultural identity to the future; a site management plan that protects the outstanding universal value of the Historical Peninsula and is executed by all related institutions and establishments in coordination and transparency by also the participation of users and inhabitants” (Historic Peninsula Management Plan, 2018,256).

When the first Management Plan for the area was approved in October 2011, the Historical Peninsula’s Conservation Master Plans were in the making, which later became one of the reasons to update the Management Plan in 2018. The integration problem of the Management Plan into the Master Plan for Conservation Purposes (approved in 2011) and the Implementation Plan (approved in 2012) was discussed during the planning process in 2018, and the revisions were made in line with these discussions. The action areas were identified in the Management Plan accordingly. However, despite all good intentions, the effectiveness of the Site Management Directorate in terms of conservation has been a matter of debate since its establishment. The main reasons for this situation are as follows: the ill-defined roles of the Conservation Plan and the Management Plan in the planning process, the lack of clarity of the project packages and their execution methods, as well as their financing (there is no budget for the Site Management Directorate). Although the Site Management Directorate is given a managerial role, the coordination between the Municipality, the Regional Conservation Board, and the Site Management Directorate was not well defined.

After the announcement of a site as an Urban Archaeological And Historical Conservation Area, according to the law, Conservation Plans should be prepared, and principles for comprehensive conservation should be determined. However, although the entire district was declared a conservation area in 1995, the 2005 plan, which was the first plan and had a comprehensive approach, was cancelled due to litigation processes. Throughout this process, transition period construction rules were applied. Two plans are in force today: the 1/5000 Conservation Master Plan approved in 2011 and the 1/1000 Conservation Master Plan approved in 2012. The decisions introduced in the plan specific to the study area are regarding the 1st and 2nd-degree conservation zones. While these decisions require the preparation of urban design projects that should be designed in a way to make the urban fabric visible in a three-dimensional way,

the Fatih Urban Design Guide made for the area is far from being a document that will guide the designer and determine the principles of the execution since it was based on the road map, that is only two dimensional. As a result, it was identified as an issue that the design projects to be developed included different details.

In the Cankurtaran–Sultanahmet Urban Area, the plan notes state that “In order to build a basement floor, if no archaeological remains are found as a result of a survey conducted by a university with archaeogeophysical methods (georadar, geomagnetic and geoelectric), the application shall be made according to the decision of the relevant conservation board. The altitude of new buildings should be a maximum of 9.50 and only those practices that respect the traditional architectural character of the area and that would not give any damage to the fabric integrity of the area will be allowed”. The fact that the basement floor, which was not allowed in the 2005 plan, is allowed in the 2012 plan and that the compliance report is required from the planner may create conflicting situations. All the research required in such areas with special status should be already completed and recorded in the inventories by the local administration.

Similarly, in the Gedikpaşa-Nişanca-Küçükmustafapaşa-Zeyrek-Balat-Ayvansaray-Yalı-Samatya-Yedikule Area, the planner is responsible to provide the necessary reports. However, the maximum height was set as 12.50 m. The 2005 plan note states, “Basement floors cannot be built within the boundaries of the First-Degree Archaeological Site and Urban + Archaeological Site and on the building blocks adjacent to this area. More than one basement floor cannot be built within the boundaries of the Historic and Urban Conservation Area. In case more than one basement floor is exposed due to elevation difference in the First- and Second-Degree Conservation Areas within the boundaries of the Historic and Urban Conservation Area, Istanbul No.1 Cultural And Natural Heritage Protection Board decision will be applied” has been removed.

The Renewal Area is located in the south of the Sultanahmet Urban and Archaeological Conservation Area and consists of a part of the Little Hagia Sophia Neighbourhood and the entire Nişanca and Sultanahmet Regions Urban Renewal Area. It was announced on 20.07.2007 in the Official Gazette No. 26588 (see Figure 6). However, there is no approved project yet.

The law appears as an example of neoliberal policies that dominate cities, especially with globalisation that results in the commercialisation of conservation areas. Historic environments are particular areas that contribute to urban life, as long as they are sustainable and harmonious with the development and transformation of the urban environment. Interventions in these areas may result in irreversible losses that cannot be replaced. For this reason, every intervention

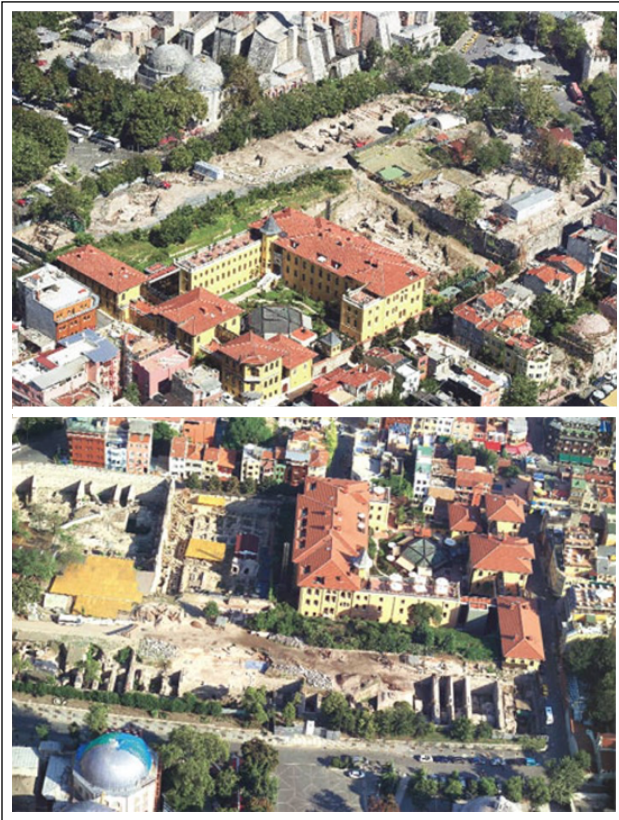


Figure 6. Relationship between archaeological site and accommodation facility. (The Archaeological Settlements of Turkey, 2007).

made in conservation areas should be handled multi-dimensionally. It has been a source of discussion that the comprehensive approach to conservation planning is being replaced with a fragmented and project-based approach in the renewal areas. As mentioned above, the purpose of the law is as follows: “The reconstruction and restoration of areas that have been worn out and are about to lose their characteristics, which are registered and declared as protected areas by the conservation boards of cultural and natural assets, and the protection areas belonging to these areas, in accordance with the development of the region”. It is inevitable that the urban fabric will deteriorate over time. It should be essential to ensure that registered buildings are used with as little intervention as possible through maintenance and simple repair. However, if restoration or under some circumstances, reconstruction is needed, the materials used should be in accordance with the original building. According to the article above, the rebuilding of the registered parcels should be planned as “reconstruction” and not be interpreted as “demolition and construction in a way that is not in accordance with the original.”

- “Create zones of housing, business, culture, tourism and social facilities in such areas”. The execution area of the law is the conservation area. Therefore, the

conservation plan is the legal document that directs the implementation and decides on the density and functions. In the study area, there is the Nişanca Renewal Area, which was announced in the absence of a conservation plan. When projects are being developed for the area, they should be based on a conservation plan. The aim of regeneration projects should not be to generate land rent but to eliminate the situations causing urban deterioration.

- “Take measures against risks of natural disasters, renovate, conserve and actively use historical and cultural immovable assets”. (Art. 1). As a result, Law No. 5366 on the “Conservation by Renovation and Use by Revitalisation of the Deteriorated Historical and Cultural Immovable Property,” which has been an object of debate since it was first proposed, including the proposed name of the law, should be seen as a facilitator when conservation plans are being executed.

The conservation plan defines how interventions such as sanitisation, revitalisation, and reconstruction would be implemented in conservation areas. Renewal areas should also be designed as sub-regions whose renewal principles will be determined in conservation plans, and the contradicting situation between conservation and renewal should be eliminated.

CONCLUSION

The policies implemented to reduce or eliminate irreversible and irreplaceable loss in cultural heritage areas must be structured differently regarding the system, functions, and how the policies are formulated. In other words, success in conserving cultural heritage is synonymous with the harmony facilitated between concepts such as collective consciousness, resource generation, and public interest in policy-making. The examples given above were intended to illustrate the perspective of and policies in the area of conservation.

Today, where neoliberal policies regard the city as a commercial commodity, it is crucial not only to plan the Historical Peninsula within itself but also to consider it as a whole with historically prominent areas such as Bosphorus, Beyoğlu, Eyüp, Golden Horn, and Üsküdar, to create a comprehensive approach and preventing further construction in these areas.

When the study area is evaluated in terms of effective management elements determined in the World Heritage Convention;

- Perception of cultural heritage in the same way by all stakeholders: There is a diversity of laws as well as stakeholder diversity in the area examined in the Historic Peninsula. For this reason, it is important and

necessary to eliminate the contradictions in the laws and direct them toward the same goal.

- Planning – implementation – monitoring – evaluation – running the feedback loop: In an area such as the Historical Peninsula, which is a centre of attraction for cultural tourism, conservation should be a priority, and the act of limiting, supervising, and controlling tourism activities should be incentivised. The promotion of cultural assets is an essential source of tourism income. However, it should not be at the expense of the historical artefacts and also not be damaging “the spirit of the place.”

The activities that support accommodation and tourism, particularly eating and drinking, have expanded when seen from a spatial perspective; prioritising the tourism function in the planning studies after it was originally designated a tourism hub. Following the establishment of the tourism centre, the area underwent rapid change, with the residential character being replaced by tourist attractions, boutique hotels, hostels, and regular commercial uses, all of which

benefited from tourism incentives, the effects of the zoning plans’ assigned roles, and investor pressure.

The housing, housing-trade, trade, and tourism sectors contribute to the study area’s diversity of land uses. In addition to residential uses, there are hotel uses, food-and-beverage businesses, souvenir shops, travel agents, and other daily-use commercial enterprises that support the tourism function. Yet, compared to the region’s business uses for tourism, the commercial uses that support the use of housing continue to be quite little. The residential user finds it challenging to stay in the region because of this condition. All of these issues result in the area’s registered structures being neglected and abandoned (Figure 7).

In railway transportation, the Cankurtaran Train Station of the suburban line serving between Sirkeci-Halkalı, which is adjacent to Cankurtaran Square, and the permanent closure of the area in 2013 due to the Marmaray Project made the accessibility of the area difficult for the residential user.

The tourism accommodation function for Historical



Figure 7. Tourism and tourism-related functions in the study area.

Peninsula should be suspended, and the registered buildings that have been allocated and transformed for tourism should be inspected. Additionally, sanctions should be imposed as a disincentive for those who have modified the original structure of the registered building's original form. Then a monitoring mechanism should be developed to control and supervise future function changes. The problem of the gradual destruction of the residential fabric and the loss of inhabitants should also be addressed.

- Allocating the necessary resources: While the region where the study area is located was a sub-region where the housing function continued in the past, it has lost its use of housing today. It is evident that the housing stock it owns is being slowly destroyed, and the issue of user loss needs to be addressed (Figure 8).

One of the primary purposes of the renewal is to improve the building stock in the designated area. The registered building stock, concentrated predominantly in Nişanca Renewal Area, should be renewed with a focus on health and safety. Decisions should be made after detailed examinations of parcels but without missing the whole. The building stock in the area is rapidly deteriorating, resulting in the loss of inhabitants and eventually its urban vitality. A solution could be to allocate finances for a certain period for restoration only for the restoration of the Historical Peninsula.

- Ensuring the participation of actors and stakeholders: The plan should first be implemented with the understanding that it is essential for success.

Protected areas are particular geographic areas where interdisciplinary and multi-actor conservation activities should be set up and maintained in terms of the law, administration, and finances. A kind of coordination platform that will permit communication between the institutions in charge of the cultural heritage places, the locals who live there, and the temporary beneficiaries of the region must be established due to the study area's unique position.

Assigning different statuses to a conservation area and turning it into a "zone of conflict for authorities and institutions" has been detrimental to conservation efforts. There is no need for more institutions or policies to protect our cultural assets. Instead, a system should be implemented that is sustainable and modern, redefines the duties and the jurisdiction of the existing authorities, allocates financial resources correctly, and ensures coordination.

It is vital to use the principles of international agreements as the basis of Turkey's conservation policy-making process. Adapting and revising existing international policies according to our local needs should not be disregarded. Last but not least, it is crucial that national conservation policies and plans and the institutions responsible for executing them work together to ensure harmony and stability.

'Sultanahmet Square became a center where the heart of the city beat until the end of the 12th century when the chariot races held in and around the Hippodrome during the Byzantine period gained significant importance. It became a square



Figure 8. Deteriorations in the housing stock in the study area.

not only for races but also for the coronation ceremonies of emperors, grand celebrations, and victory parades. After the Ottoman conquest of the city in 1453, the Hippodrome and its surroundings became known as *Atmeydanı*, and during this period, as in the past, it was the scene of royal weddings, grand ceremonies, and at the same time, riots and brutal events. *Sultanahmet Square* is the largest square in the district and was the scene of the famous *Sultanahmet rallies* in 1919-1920. The neighborhood's residential areas are located on the slope towards *Cankurtaran*, south of *Kabasakal Street*, and below *Sultanahmet Square* and the *Ibrahim Pasha Palace*, which is today the *Museum of Turkish and Islamic Arts*, extending towards *Kadirga*. There are two-story wooden residential buildings (Arlı, 1994).

²Article 1 of the Law No. 5366 on the Renovating, Conserving and Actively Using Dilapidated Historical and Cultural Immovable Assets adopted on 16.6.2005 defines the purpose and scope as follows: "The purpose of this Law is to ensure that metropolitan municipalities, district and first-tier municipalities within boundaries of metropolitan municipalities, provincial municipalities and district municipalities, and municipalities with populations above 50,000, and special provincial administrations for the areas outside the purview of such municipalities, reconstruct and restore, in a manner consistent with area development, the areas registered and announced as protected areas by the cultural and natural heritage conservation boards and protection zones of such areas which have been dilapidated and are about to lose their characteristics, create zones of housing, business, culture, tourism and social facilities in such areas, take measures against risks of natural disasters, renovate, conserve and actively use historical and cultural immovable assets. This Law covers the procedures and principles relating to the designation of renovation areas which shall be formed according to the purposes specified above, the determination of technical infrastructure and structural standards, the design, implementation, organization, management, supervision, participation, and utilization of the projects." (Çolak, 2015).

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