

AN ASSESSMENT OF SHIFTING THE RESPONSIBILITIES AND APPLICATION OF THE REGULATIONS IN URBAN CONSERVATION PROJECTS - THE CASE OF MARDIN TURKEY

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ABSTRACT

In Turkey, the late 20th century was the period when need was felt for proper legal measures, required in the conservation of cultural and natural entities. It was realized that the conservation of traditional architecture is a fundamental issue as it is in developed countries.

This has resulted in setting up policies, organizations and legal arrangements in accordance with our national conditions, to transfer our cultural and natural wealth to coming generations through conserving, revitalizing and renewing them.

The law of 1973 marks the beginning of contemporary and scientific conservation activities, which is quite late when compared to European countries. But since that period due to increasing awareness of issues to do with conservation and the renewal of the historic / traditional environment, with the implementation of law 2863 and article about the execution of the Conservation and renewal plans, the Ministry of Culture accelerated the planning process by commissioning the preparation of conservation and renewal plans for traditional urban sites, to be prepared by multi disciplinary teams.

Since then about thirty conservation and renewal plans have been realised by the Ministry of Culture. One of these is the Mardin Conservation Plan approved by the relevant regional committee in 1993.

This paper discusses the legal and organisational aspects of conservation and the renewal of cultural and natural entities in Turkey, the related responsible bodies and the approaches to the application of building regulations of the Mardin Conservation and Development Plan.

Key words: Building Regulations, Shifting Responsibilities, Urban Renewal, Urban Conservation.

1. BACKGROUND TO THE LEGAL ARRANGEMENTS AND ORGANISATIONS

The first decision mechanism / authority in the conservation of permanent cultural entities is the Supreme Committee for Permanent Historic Works of Art and Monuments, which was established in 1951. This committee is responsible for the conservation, repair and maintenance of historic monuments and for establishing principles and making scientific decisions for their restoration.

The central administration established in 1960, guarantees the conservation of cultural properties at the constitutional level as a matter of state policy.

In 1973 awareness began to increase regarding the preservation of the historic environment and in the same year the first definition of the term 'site' was given in the Law for Historic Works of Art. With this law the conservation issue shifted from a single building approach to an environmental scale. The responsibilities, authority and mission of the supreme committee increased as a result of this law. This fact also increased the kind and number of sites with the result that the effective measures in place for conservation and renewal of urban areas were not efficient.

Conservation of Cultural and Natural Property was drawn up in 1983 with the aims of defining movable and immovable cultural and natural property to be conserved, regulating relevant procedures and activities, instituting and defining responsibilities for the organization that would be in charge of setting essential principles and taking

operational decisions.

With this law a new structural formation was established and power shifted from centralised authority to local authority. The central authority was represented by the Superior Committee for Permanent Historic and Natural Property answering to the Ministry of Culture. The local authority is represented by the Regional Council of Permanent Cultural and Natural Property based in various regions in Anatolia designated by the Ministry of Culture and established to scientifically guide the interventions in permanent cultural and natural property, that take place within the country as per the scope of the above mentioned Legislation.

This legislation was clearly insufficient and new legislative articles were introduced in 1987.

All the cultural properties in cities are protected by this law and by various other laws (municipal law, building codes) and regulations concerning monuments, civil architectural buildings and archaeological sites. Unregistered buildings and empty plots that are not adjacent to registered buildings fall under the municipal regulations.

A number of codes in municipal law number 1580 of 1930 and the management code of the Greater Municipality address authority in the renewal, rehabilitation and expropriation of the buildings, license new buildings in empty lots and give authority to approve plans and as well as the projects.

The South East Anatolia Project (GAP), that came into force in 1990, has been influential and a source of expertise in management techniques in the region as the state entity responsible for co-ordinating all regional development activities, including the promotion of tourism.

The relevant written decree, applied only in the south east region, gives the rights and responsibilities in the municipal and building laws to the municipalities in the GAP-RDA (Regional Development Administration).

In 2003 a reorganisation of the Law of Municipalities and the Legislation for the Conservation of Cultural and Natural Property was initiated and proposals were prepared for both of these laws. In the proposal of the new Municipal Law the conservation and renewal rights and responsibilities shifted to the municipalities. In the proposal for the updating of the Legislation for the Conservation of Cultural and Natural Property, only the Conservation of Cultural Property was addressed. In this proposal besides the existing responsibilities of the municipality, supervision of simple repair and renewal of buildings was given to the municipalities.

1.1 Agencies with Management Authority

In constitutional terms the central administration is primarily responsible for the conservation of cultural properties. When the body of current legislation regarding the environment is analysed it is that conservation action is the responsibility of many institutions and foundations. The Ministry of Culture is the representative of the central administration. The principle decisions concerning the means of conservation are the shared responsibility of the Ministry of Culture. Besides, the Ministry of the Environment, the Ministry of Tourism, the Ministry of Forestry and the Ministry of Public Works and Housing as representatives work of the central administration. The Directorate of Pious Foundations is responsible for the conservation, revitalization and maintenance of historic monuments.

The Mayor and, especially, the Municipality are the local administration in control and responsible for cultural properties.

Since 1990 Non-Governmental organizations have played an active role in raising consciousness of conservation issues and renewal of the architectural heritage, maintaining means of financial aid, etc. Owners and architects individually have responsibilities for maintenance, conservation and renewal of historic entities as well.

2. INTRODUCTION TO THE CHARACTERISTICS OF THE CITY

Mardin is situated on the plateau at the top of the Syrian plain in the south east of Anatolia and is at the crossroad of historical routes. Those roads were used for trade purposes between the east and west and between the south and north for centuries.

The entire old city, which is surrounded by the State Highway adjacent to the old city walls to the South and the archaeological site to the North, is nominated for preservation. This designated area is 97 hectares. The proposed buffer zone is the archaeological site and the surrounding military zone on the North and the cemetery expanding to the South of the city.

The buffer zone, which is 35 hectares, protects the old city, as it is impossible to settle either in the military zone, in the cemetery or in the archaeological site.

According to the census of 2000, Mardin's population is 65,789 (44,106 people live in the historic urban centre and 5,300 people within the buffer zone).

2.1 Historical Background

Numerous civilizations including the Chaldean, Assyrian, Hittite, Old-Persian, Hellenistic and Roman, which sought their wealth from the "fertile crescent" of Mesopotamia between the Tigris and Euphrates Rivers, settled in Mardin, the legendary city of upper Mesopotamia.

It was under Byzantine rule until 692 AD. with the Omayyads and Abbasids; Mardin became a Muslim city with an important Christian presence. Being on the Silk Road, the city prospered both culturally and commercially between 885-990 AD. The Seljuks conquered the city in 1089. In 1105, Mardin became the capital of the Artukids. During this period, which lasted for 304 years, a great number of monumental buildings were constructed and a number of them were restored.

During the Turkish Principalities Period, and after the Ottoman conquest in 1516, the city became an important fortress and commercial centre. In the Republican Period, Mardin became a provincial centre and an important frontier city (Alioglu F., 2000).

Christians and Muslims were the most recent



Figure 1: Historic Centre of the Mardin city
Source: I. Nural, I. Aksulu

settlers of Mardin. Mardin's history and heritage are therefore inseparable from the cultures of migrants, herders, traders and armies.

Having embodied all those civilizations throughout history, Mardin displays very rich architectural, ethnographical, archaeological and historical values. The city has a distinctive silhouette with fine churches and minarets. The current social structure of Mardin reflects this multicultural heritage.

2.2 Authenticity

The Mardin cultural pattern meets the requirements of authenticity in setting, architectural style and outstanding stone artwork. The old city, with its traditional religious and vernacular stone architecture and its terraced urban pattern, houses

some of the best-preserved examples of upper Mesopotamian Art.

Mardin has been able to retain its unique character to date; it has been continuously inhabited without intervals and continues to have a traditional lifestyle. Given this continuous inhabitation, the city has a high degree of authenticity. Although the residents of the old buildings have made some unattractive modifications to meet their needs, the urban structure can be considered as intact. These unacceptable alterations can be restored and replaced with original materials.

The urban, architectural and archaeological texture of Mardin, which is perfectly harmonized with the landscape, is a very good example of the interaction of humans with nature over the centuries.

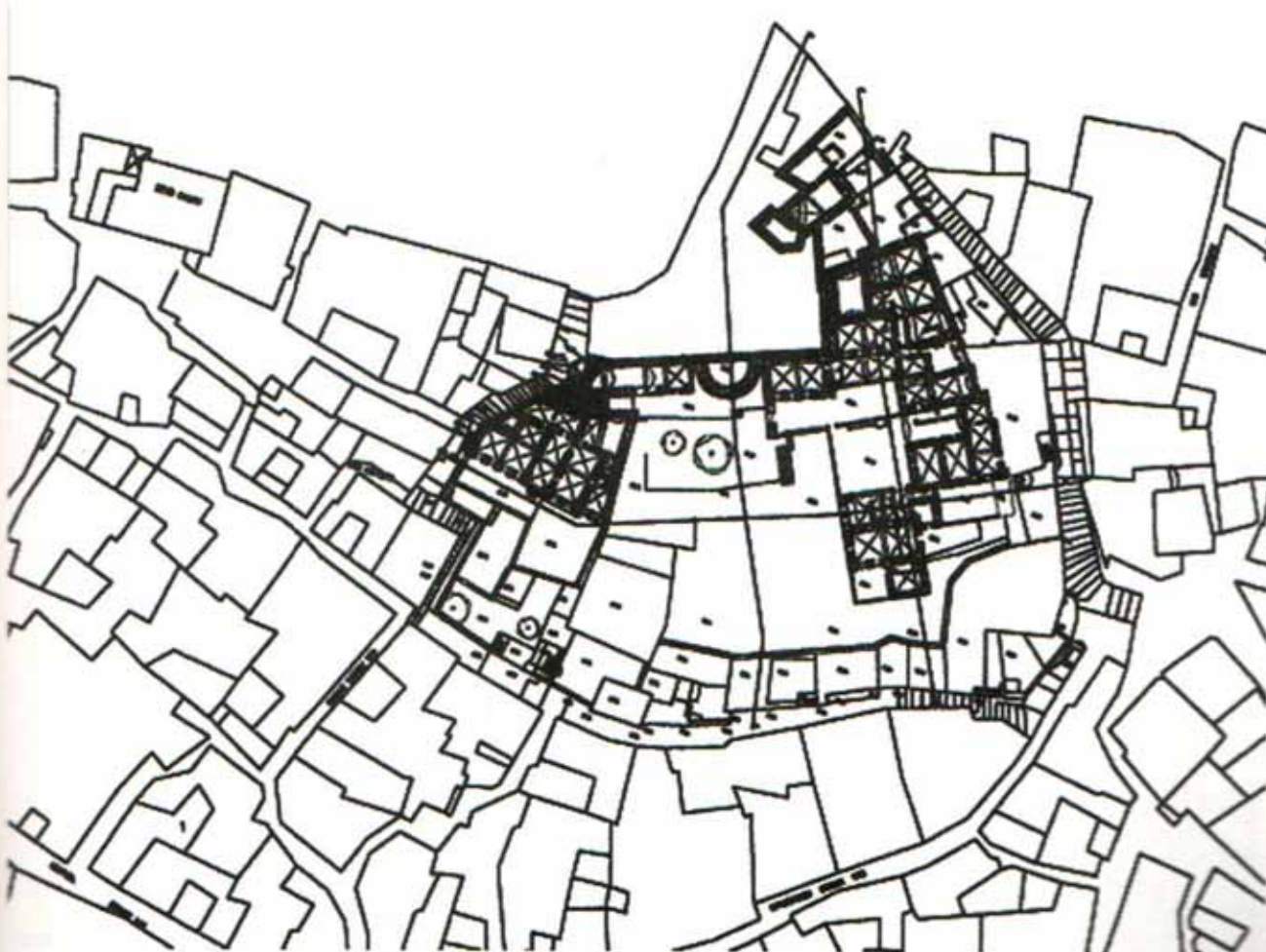


Figure 2: Traditional Pattern of the City.
Source: Archives of the Mardin Research Centre

Mardin is a city in a rocky region. The old city is situated on the slopes of a rocky hill, crowned by a citadel, extending towards the south with terraced buildings constructed in accordance with the topography.

The settlement is divided by an access road at the east-west direction, which allows motor traffic. Another vehicular access road is located in the same direction at the south end of the site. The inner streets are quite narrow allowing only pedestrian or animal carriage access, some of them built in steps according to the topography. Many streets have 'abbaras' building over streets. The urban topography has a very compact and organic form, with terrace roofs forming courtyards for the upper level, and with south oriented facades.

Buildings are constructed in an introverted style, with nearly no opening to the outside, reflecting all features of an inward looking life-style. The buildings are surrounded by 4m high walls, and are isolated from the street. However, they are

very airy inside with grand openings to courtyards. The houses have separate sections for males and females. They mostly do not have a kitchen. The most important feature of these houses is the stone craftsmanship called "Midyat Work". Doors, windows and facades are ornamented with rich stone craftsmanship and the small columns are dressed with arches and with various motifs (Alioglu F., 2000).

Most of the buildings have two stories, built in acquiescence with the topography of the city. Three or four storey buildings are rarely encountered. The main construction material is limestone. Spaces are covered with vaults or domes. The Citadel, including the bastion and the walls, was built in harmony with the rocks and looks more natural than man-made. Now a military radar base is located to the south of the Citadel adjacent to the bastion. The Byzantine historian Ammianus Marcellinus first told the story of the Mardin Citadel in the IVth century, which is famous for not having fallen throughout history (ALIOGLU,

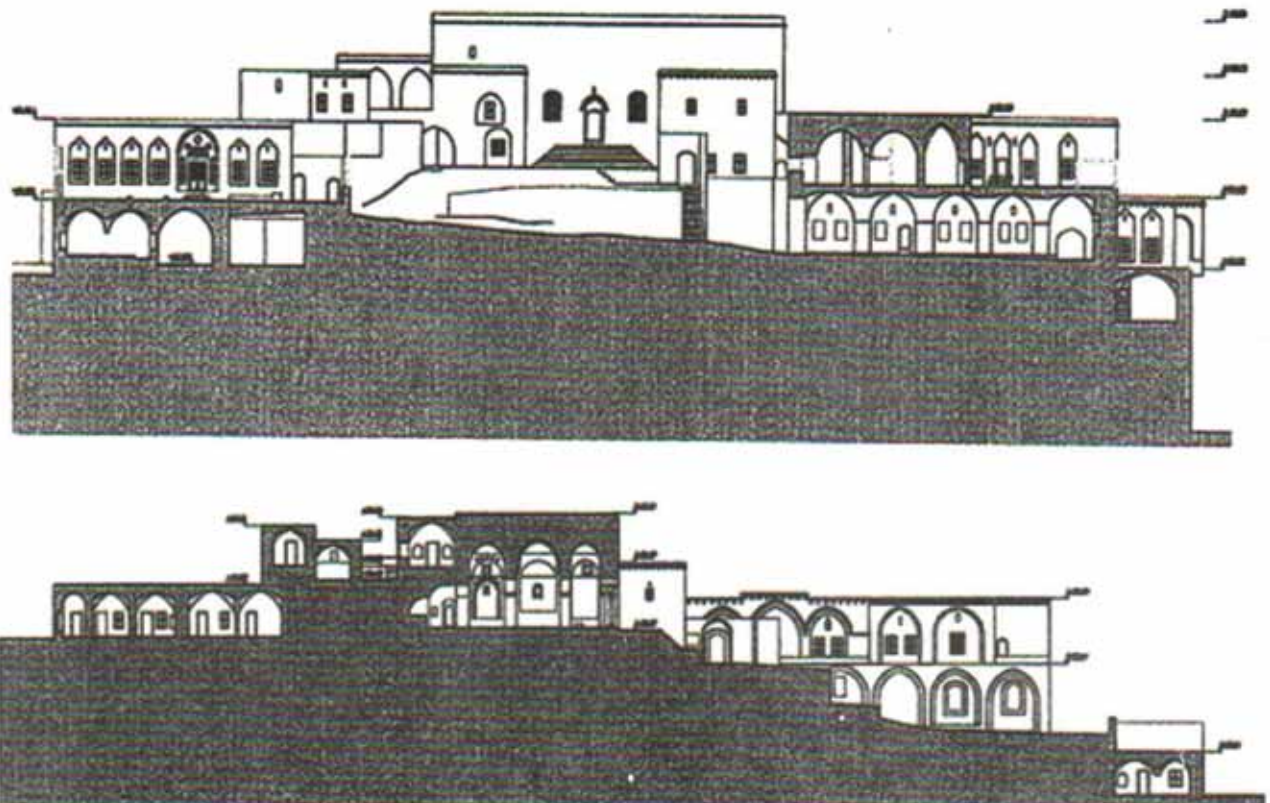


Figure 3: Topography and Settlement Form
Source: Archives of the Mardin Research Centre

F. 2000).

The architectural style and materials used in Mardin can be compared to those in other southeastern Turkish cities such as Sanliurfa, Gaziantep or Diyarbakir where there are genuine masterpieces of stone artwork. However, Mardin's terraced urban pattern, formed in response to its natural setting is truly unique. In Mardin, the influences of various religions and civilizations have formed a unique harmony.

The old city of Mardin can be compared to the World Cities of the Ancient, City of Aleppo and the Old City of Jerusalem, as all three similarly reflect the harmony of different religions and cultures. In particular, the Ancient City of Aleppo displays a unique urban fabric like Mardin with its 13th Century citadel, its 12th Century Great Mosque and various 17th Century madrasas, palaces, caravansaries and public baths.

3. THE LEGAL STATUS AND MANEGEMENT OF THE AREA

3.1 Ownership

Mardin is an urban historical site and most of the buildings are privately owned. The Directorate for the Foundations owns many religious and old monumental buildings like caravansaries, madrasas, hammams etc. The Christian communities also own a number of shops and houses besides churches and monasteries. In addition, many buildings such as schools and public buildings are owned by the State and by the Municipality.

3.2 Legal status

The Superior Council registered the old city centre as a conservation site in 1974 by Decree no. 8051 dated 14. 9. 1974 on the Preservation of Immovable Antiquities and Monuments. The first development plan of Mardin was prepared in 1976. In this plan, the historic centre is marked but excluded from the plan as being a special conservation area to be planned later.

The first decision on the area as a site was taken in 1979. (Decision of Supreme Committee, 1979). With this decision the religious, military and architectural properties were listed in 1985

(Decision of Supreme Committee, 1985), the area registered bought as archaeological and urban site. The archaeological site covers the citadel as well. In the archaeological sites, according to the principle designated by the Superior Council of Immovable Cultural and National Property, no kind of construction is allowed. (Decision of Supreme Committee, 2000).

The Conservation status of the area in the designated principle urban site is defined as the areas with urban and vernacular specifications reflecting the social, economic, architectural characteristics and way of living of their time and displaying harmonious patterns. Having these specifications, the old / traditional part of Mardin City is listed as an urban site, where the principles of the existing conservation plan are in force. (Diyarbakir Regional Committee, 1993).

The area demarcated to unite the urban site with the city itself is defined as the buffer / transition / contact zone. In Mardin the designated area, as a buffer zone, is 50 meters apart from the limits of the urban site. In this area the decisions of the conservation committee are in force.

The municipality is responsible for the application and assessment of all matters in both the urban site and the buffer zone.

3.3 Conservation and Renewal Plans

The first conservation plan for the historic city centre was completed in 1985. However, this plan remained inadequate for the proper conservation of the site. The re-examination of this plan led to a new study in 1985 and Decree no: 1425 dated 31.5. 1985, made some amendments to the list of properties to be protected in Mardin.

In 1990 an additional analytical study and a 1/5000-scaled master plan were prepared. These formed the basis of the current 1/1000 conservation plan, which was prepared in 1991. This plan provides detailed documentation, physical analysis and a thorough study of all aspects of the site. The plan was approved by the Diyarbakir Regional Council for Preservation of Cultural and Natural Heritage on 13.5.1993 by Resolution No: 1239. It came into effect with the approval and implementation of the Mardin Municipality.

As in the case of all other registered sites, Mardin's urban and archaeological sites fall within the scope of the "Law for the Protection of Cultural and Natural Heritage 2863 and 3386". In accordance with Article 17 of the Law, a Conservation Plan was prepared for the old city. This plan imposes measures to control the height, size and materials used for new constructions. Projects and applications proposed in Mardin may only be implemented if approved by the Diyarbakir Regional Council for Preservation of Cultural and Natural Heritage.

Mardin Municipality is responsible for the development, control and conservation of the whole city. The Mardin Museum has a direct role in the control and supervision of registered cultural properties.

The Mardin Urban Development Master Plan, approved in 1990 by the Municipality, has a direct influence on the area. This plan covers all the development areas and newly developed quarters of Mardin. The basic principle of the plan is to form a new town extension (Yenisehir) that will lessen the development pressures on the conservation area. To achieve this goal, the plan proposes new developments, new public buildings and a new city centre outside the boundaries of the conservation area. Since the entire historic site is fully occupied, building up a new town extension will facilitate conservation activities.

Existing public buildings are insufficient in capacity and functionality, and therefore a move to new buildings is warranted.

From above explanation it is apparent that as in all other cities, in Mardin there are two different plans relating to the city. The Master Plan and the Conservation Plan. Instead of having an integrated plan, Partial planning results in ill implementation and chaos in the management stage.

4. THE APPLICATION PROCESS OF THE PLAN

The application process of the existing conservation plan accumulates different institutional relations. To achieve appropriate results in conservation, the relationship of the municipality concerned and the regional committee, which has the final role in

producing decisions on conservation, is very important.

Locally the main actor is the municipality, which is in charge of conciliation, execution and control of the historic property. It is expected that the municipality will manage to set policies and organise the implementation of the conservation plan. Unless, in almost all cases, the municipality lacks the technical staff and organisation to fulfil such responsibility.

The other actor is the Regional Committee of Permanent Cultural and Natural Property, based in various regions designated by the Ministry of Culture to scientifically guide interventions in cultural and natural property (Legislation, 1987).

The committee is composed of five representatives among which are experts on architecture, conservation, archaeology, an art historian and an urban planner. Three of them were chosen by the Ministry of Culture and two by the Council of Higher Education.

Representatives join the regional committee according to the topics under discussion. When the topic on the agenda of the conservation committee is concerned with issues within the borders of the municipality, the Mayor or technical representative attends. If it is outside the municipality a technical representative chosen by the governor attends the meeting.

If the topic on the agenda concerns the Ministry of Public Work and Urban Development, two representatives from the Ministry attend. If the topic on the agenda concerns the General Directorate of Pious Foundations, the general director or his technical representative attend. If the topic on the agenda concerns the General Directorate of Forestry, a technical representative, or, if the need arises, a counsellor expert is invited to the meeting, but with no voting rights.

The regional Committee is assigned and authorised to register the cultural and natural property to be conserved which is determined by the Ministry of Culture; group the cultural property to be conserved; determine the construction conditions of registered site areas within a month: examine and approve the zoning and construction plans

and every kind of alterations of these plans: stabilise the conservation areas of the permanent cultural and natural property to be conserved; abolish the registration record of the permanent cultural and natural property to be conserved in the event that it has lost its peculiar character and lastly, take implementation decisions concerning permanent cultural and natural property to be conserved. (Legislation, 1987)

Public institutions including municipalities and individual and corporate bodies are obliged to abide by the resolutions of the Regional Committee.

The Mardin city control commission is also in charge of the traditional area of the city.

Since 1993 approval of the conservation plan, almost 50 subjects have been discussed by the committee (Diyarbakir Regional Committee, 1993). Between 1993-1997, repairs, parcelling requests were evaluated, legal investigations realised and decisions taken regarding illegal construction. Between 1997- 2002 simple repairs, parcelling out/ allotment, restoration and rehabilitation projects, plan alterations were discussed in the meetings and decisions taken.

In the second five years, an increasing number of restorations and rehabilitation projects materialised and licenses were given for new constructions.

5. ONGOING PROJECTS AND NON-GOVERNMENTAL ORGANISATIONS

The UNDP supported GAP RDA/ITU Participatory Urban Rehabilitation Project entails the development of a guideline and an implementation strategy for an urban rehabilitation plan for the Mardin urban centre. This project aims to create the platforms for the civil society and interest groups to ensure that their priorities and concerns find adequate reflection in the resulting urban rehabilitation plans. The project focuses on creating the participatory mechanisms for urban rehabilitation planning and facilitates the participation of national and international stakeholders and interested parties in project implementation and financing.

CATOM (Multipurpose Community Centre) directs various social development activities in Mardin.

The GAP-RDA is close to signing an agreement on Heritage Management in the Southeast of Turkey with the European Union. Mardin is a strong candidate for this program.

The European project "From One Street to Another" is another case in point. The project is designed to raise pupils' awareness of local streets by strengthening the ties between them and their streets, raising awareness of the European dimension, and enabling them to form links with the European cultures.

The Mardin Youth Project is another GAP RDA/UNDP joint project with activity groups in many cities in the South East of Turkey, aiming at developing a series of participatory programs of cultural interest.

The History Foundation of Turkey has already produced various publications on the cultural values of the cities.

Mardin Foundation for Culture and Art KEDV (The Foundation for the Development of Women's Labour) has an active working unit in Mardin. It is getting prepared to contribute to urban conservation activities in households and in neighbourhoods.

MERDINAR Centre (Mardin Studies Centre), founded as the local premises of the UNDP/GAP RDA/ITU Participatory Urban Rehabilitation project, presently hosts many NGOs and shelters all research, information activities and meetings regarding cultural, urban and conservation/development matters.

6. CONCLUSION

Application Problems and Proposals: Application problems are in technical, organisational, economic and public consciousness dimensions. Technically, from the application point of view, there is no problem in the conservation plan.

Restoration activity at the single buildings and monuments is less than expected. Today, craftsmanship is vanishing in the area. The CEKUL Foundation (Environment and Culture Foundation- a non-governmental organization) has offered a

stone craftsmanship-training course in Midyat.

Organisational Problems: In the application process of the conservation plan the participants are the institutions of the central government with their representatives as the Director of the local museum and Director of Culture, Regional Conservation Committee, and the Local administration representatives being the governor and the municipality. At this point, the relationship between the local administration and the regional committee is especially important.

As in the municipality the lack of trained technical staff (there are two engineers and an art expert) results in misapplications of the existing conservation plan and bad relations with the conservation committee which affects the conservation act negatively. Thus the problems which could be solved in a short time are prolonged. To solve these problems, in the short term, the municipality needs to employ experts as architects and city planners.

In the long term, due to the political process the mayors in charge change periodically. Therefore, to sustain conservation a stationary organisation as a unit or a committee should be established to uphold the conservation process and renewal projects.

The co-ordination of the public committees is insufficient in Turkey. A national Co-ordination committee should be set up as an umbrella organisation to co-ordinate the works of private organisations as in Holland. In 1975, the National Coordinating Committee for the protection of Monuments (NCM) was set up as an umbrella organisation to coordinate the work of private organisations in Holland (Fact sheet, 1990).

At the organisational level, as in most European countries, the Ministry of the Environment, the Ministry of Tourism, the Ministry of Forestry and the Ministry of Public Works and Housing as well as the Ministry of Health should also be responsible as representatives of the central administration in conservation and renewal of the buildings.

Economic Problems: Despite the fact that the Mardin Municipality is the responsible body for planning and implementation, the Ministry of

Culture has financed the conservation plan for the city, but the plan cannot be properly applied due to the lack of finance. The credits achieved by the government or local administration are not adequate. The owners have low incomes, so they can not be expected to restore or even maintain their buildings. Mardin with its authenticity and identity financially can benefit from international sources. In the conservation plan foreign financial aid was addressed, one source of which was from the relevant unit of UNESCO.

In recent days the GAP RDA has financed some of the detailed conservation plans. NGOs as the MAREV Foundation (Mardin Foundation for Education), founded by wealthy Mardin dignitaries who presently reside in large Turkish cities in the west, participates in and supports the recent conservation projects.

The World Bank, the Ministry of Culture and the UNDP are currently developing a tripartite project in Mardin. The project aims to improve the physical conditions of a large number of houses and small-scale enterprises, the rehabilitation and improvement of streets and outer spaces, the restoration of public buildings, public spaces and of monuments, as well as community development, training and capacity building, public information and site presentation.

The Ministry of Culture is currently in discussions with the World Bank for a loan that will enable large scale restoration and rehabilitation of the old city of Mardin.

Public Consciousness: The conservation of the historic environment is part of protecting the historic consciousness of the nation and achieving the historic and cultural sustainability of the public good. So its advantages can not merely be measured economically. Unless property owners have a high level of income, economic speculation leads them to prefer demolition of their buildings in favour of new constructions instead of restoring them. To put an end to this speculation cultural organisation and public consciousness is required. To achieve this, conservation plans should be introduced; the economic benefit that the conservation plan presents should be explained. For the past two years, public awareness has started to be created by ongoing new projects, a newly

developed awareness on the part of the administrators, the formation of the Citizens Council of Mardin and the implementation of Local Agenda 21. Local Agenda 21 is accepted by Turkey as well as the other European countries in 1992 at the United Nations Development and Environment Conference (UNCED). The Citizens Council and Local Agenda 21 platform are increasingly creating an efficient public participation on behalf of conserving, rehabilitating and renewing their architectural heritage.

In conclusion, besides, regulations and policies planners have a great role to ensure that the character of an historic area is protected and the new buildings will complement its integrity.

Understanding of the old, plays a fundamental role in establishing correspondences between new buildings and their context.

Each individual site demands special attention and what is successful in one context may not be appropriate in another. The design guidance must be flexible to enable innovative new designs (BROLIN, 1980) so it is possible to lay down objective design guidelines for any kind of urban setting by a comprehensive analysis achieved by multi disciplinary teams ■



Figure 4: Traditional Pattern and an Irrelevant Building, Built According to the Building Codes before Conservation Plan.

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