

**A CRITICAL EVALUATION OF THE ISSUE OF
“CONSERVATION OF THE CULTURAL HERITAGE”
IN NORTH CYPRUS**

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ABSTRACT

Cyprus, as the third biggest island in the north-eastern part of the Mediterranean Sea, is situated in the cross-road of the east-west and north-south navigation routes and it was ruled by many different conquerors throughout centuries. Through its long, rich, unique and turbulent history, it enjoys the opportunity to house many remarkable remains of historical, architectural and cultural heritage.

The main aim of this paper is to make a thorough investigation on the cultural heritage values of the Northern part of Cyprus, which has been under the rule of Turkish community since 1974, when the Island was divided into two parts – Turks living in the North and Greeks living in the South. With this aim in mind, the paper firstly will evaluate cultural heritage in terms of its definition, various types, value and meaning in general. Since the main concern is on the tangible cultural heritage, the discussion will be deeper on this type of cultural heritage. Secondly, the paper will turn to North Cyprus, focusing on its cultural heritage values. Then, the problems that these values are faced with will be discussed and evaluated critically, with special reference to the existing conservation approach covering also the legal basis and the role of public and private sector in the conservation of tangible cultural heritage in North Cyprus. It is believed that these evaluations set a concrete framework and basis for the planning proposals and design solutions/guidelines for the conservation of cultural heritage in North Cyprus – which is the subject matter of another study, due to limitations. It should be noted that, this paper is not an overall research paper, yet it is more likely to be an observatory informative documentation on the cultural heritage values of North Cyprus. Yet still, it is intended that, the paper will/can act as a complete document which will mainly guide the policy makers in the country. The methodology followed in the preparation of the

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paper is based on the study of documents and site observations.

Key Words: Cultural heritage, North Cyprus, conservation, revitalization, sustainability.

INTRODUCTION

The study of cultural heritage and its conservation is a specific issue whose origins stem from the birth of history as a separate subject. Thus, before studying cultural heritage and its conservation, one should consider the importance of history and historical data in the first place.

The first question raised, then, could be: ‘Why one wants to study history and historical data?’ A brief answer to this question lies in the title of an article by Richard Rodgers: ‘Belief in the future is rooted in the memory of the past.’

Rapoport (1990, p. 30) suggests four possible attitudes with regard to the use of historical data; e. g. studying the cultural heritage: **(i)** history can be ignored; **(ii)** its existence may be acknowledged but its lessons or value may be denied or rejected as irrelevant or misleading; **(iii)** it can be romanticized and copied directly in terms of various solutions, forms or design elements; or **(iv)** one can learn from historical evidence by deriving lessons through the applications of various models, concepts or principles.

The data of history is always in the present – as cultural heritage; therefore, the study of cultural heritage is based on history as a separate subject.

Cultural Heritage

Definition

As a general definition, cultural heritage can be described as “the legacy of physical **artifacts** and intangible attributes of a group or **society** that are inherited from past generations, maintained in the present and bestowed for the benefit of future generations” (http://en.wikipedia.org/wiki/Cultural_heritage). However, the term ‘cultural heritage’ has/does not always mean the same thing for all generations. Recent decades have seen the concept of heritage –much like that of culture– undergoing a profound change.

“Having at one time referred exclusively to the monumental remains of cultures, heritage as a concept has gradually come to include new categories such as the *intangible*, *ethnographic* or *industrial* heritage. A noteworthy effort was subsequently made to extend the conceptualization and description of the *intangible heritage*. This is due to the fact that closer attention is now being paid to humankind, the dramatic arts, languages and traditional music, as well as to the informational, spiritual and philosophical systems upon which creations are based. The concept of heritage in our time accordingly is an open one, reflecting living culture every bit as much as that of the past.” (<http://portal.unesco.org/culture/en/>)

The heritage that survives from the past is often unique and irreplaceable, which places the responsibility of conservation and preservation on the current generation. Smaller objects such as artworks and other cultural masterpieces are **collected** in museums and art galleries for that purpose. Whereas, other tangible cultural heritage needs rules, regulations, strategies and good planning for their conservation and preservation.

Types

According to UNESCO, there are several types of cultural heritage, as listed below (http://portal.unesco.org/culture/en/ev.php-URL_ID=2185&URL_DO=DO_TOPIC&URL_SECTION=201.html):

- **Cultural Heritage Sites**
- **Historic Cities**
- **Cultural Landscapes**
- **Natural Sacred Sites**
- **The Underwater Cultural Heritage**
- **Museums**
- **The Movable Cultural Heritage**
- **Handicrafts**
- **The Documentary and Digital Heritage**
- **The Cinematographic Heritage**
- **Oral Traditions**
- **Languages**
- **Festive Events**
- **Rites and Beliefs**
- **Music and Song**
- **The Performing Arts**
- **Traditional Medicine**
- **Literature**
- **Culinary Traditions**
- **Traditional Sports and Games**

However, as has been stated in the definitions above, all these types fall into different categories of heritage such as *tangible* and/or *intangible*, or *man-made* and/or *natural*. Thus, the list is a combination of tangible and/or intangible

cultural heritage

“Natural heritage” is an important part of a culture, encompassing the countryside and natural environment, including *flora* and *fauna*. Natural heritage, thus, includes *natural sacred sites*, *cultural landscapes*, etc. These kinds of heritage sites often serve as an important component in a country’s **tourist industry**, attracting many visitors from abroad as well as locally. (http://en.wikipedia.org/wiki/Cultural_heritage)

Accordingly, physical or “tangible cultural heritage” includes *buildings and historic places*, *historic cities*, *monuments*, *artifacts*, *underwater cultural heritage*, etc., those are considered worthy of preservation for the future. These include objects significant to the archaeology, architecture, conservation, science or technology of a specific culture. (http://en.wikipedia.org/wiki/Cultural_heritage) Tangible cultural heritage can also be regarded as *architectural and urban heritage*, meaning: ‘the old, historic buildings and sites which deserve to be preserved being the best examples of our past, culture and customs; the buildings and sites of historic interest as a part of historic data’.

Intangible cultural heritage, then, covers all other types of cultural heritage within the UNESCO list. Thus, a broader definition of cultural heritage includes intangible aspects of a particular culture, often maintained by social customs during a specific period in history. The ways and means of behavior in a society and the often formal rules for operating in a particular cultural climate include social values and traditions, customs and practices, aesthetic and spiritual beliefs, artistic expression, language and other aspects of human activity. The significance of physical artifacts can be interpreted against the backdrop of socioeconomic, political, ethnic, religious and philosophical values of a particular group of people. Naturally, intangible cultural heritage is more difficult to preserve than physical objects. (http://en.wikipedia.org/wiki/Cultural_heritage)

This paper will mainly focus on “tangible cultural heritage”, thus, *architectural and urban heritage*, and its conservation, because of the author’s professional background. Therefore, a deeper look into the types of architectural and urban heritage as one of the major types of cultural heritage would be appropriate:

The architectural and urban heritage can be classified as **(i)** historic monuments and **(ii)** historic sites. These two terms should be defined precisely in order to understand and solve the problems in the field of conservation.

Historic Monuments

A historic monument is not only the single architectural work but also the urban or rural setting in which is found the evidence of a particular civilization, a significant development or a historic event (definition of the Venice Charter,

1964). This definition applies to great works as well as to the modest works of the past.

According to the definitions of ICOMOS (1993), architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science are regarded as monuments.

Groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history of art or science are considered as groups of buildings (ICOMOS, 1993).

The effort of conservation is directed in the first place towards the **authenticity** and **individual originality** of the monument. The conservation of a monument implies preserving a setting which is not out of scale. Hence, a monument is not an isolated element: it is part of its setting not only from an aesthetic point of view but also as regards its cultural or functional significance. A monument is not separable from its surrounding buildings or natural setting.

Architectural heritage in Europe is homogeneous in spite of the diversity and originality of national styles. The monumental heritage, that is the historic monuments can be divided into 5 categories, which can be called as the **typological classification of historic monuments**:

(i) Religious, hospital & burial architecture, e. g. abbeys, churches, cathedrals, mosques, chapels, hospices, kulliyes, etc.

(ii) Public civilian architecture, e. g. palaces, state buildings, town halls, hans, hamams, bedestens, etc.;

(iii) Private civilian architecture, e. g. vernacular architecture, kiosks, yalis, konaks, etc.

(iv) Agricultural and industrial architecture, e.g. farms, mills, bridges, tunnels, factories, etc.

Historic Sites

In general, **sites** are special areas to be preserved that are the outcome of nature or man; or a combination of both; and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological points of view (ICOMOS, 1993). According to their characteristics they are classified as natural, historical, archaeological, urban, vernacular, composite sites:

- Natural sites are pieces of nature with conservation value because of their natural formations, or artificial organisations as well as their flora or fauna.
- Historical sites are the places related with historical events or where an important historical event has happened.

- Archaeological sites are the places consisting of remains from pre-historical period to post Industrial Revolution.
- Urban sites are the sites, neighbourhoods, or streets preserving the architectural unity, harmony and order as well as furnishings of old settlements.
- Vernacular (rural) sites are places where settlement organisation and dimensions, the types and construction techniques of buildings of the pattern, are characterised as a village, a vineyard settlement or a group of summer resorts. In agricultural settlements the organisation of spaces like animal shelters or hay storage, the location of dwellings in the site, form exciting groups and patterns (Ahunbay, 1996).
- Composite sites are places with at least two characteristics of sites.

The concept of an urban or historic site demands a far more subtle approach. It has only recently appeared in Europe (that is after 1975) and the public's awareness of it is still limited. A historic site can be defined as 'a compact group of buildings, which by its homogeneity as well as by its architectural and aesthetic unity, is itself of historic, archaeological or artistic interest' (definition of the Venice Charter, 1964). The essential criteria of an urban historic site are:

(i) The fundamental idea of a group-e. g. a town or a village; the notion of a site-instead of the idea of an isolated monument, considering **a whole**, composed of the sum of various parts, an entirety which exists and must be preserved;

(ii) Homogeneity and unity: **homogeneity** gives the site its value; it can manifest itself in many ways such as in coherent styles, coherent forms, proportions and materials; **unity** is the harmonious relationship between several monuments, several groups of buildings, between a monument and its surrounding buildings, etc. Even though they may be of different size and styles, they make up a balanced whole like a walled town or a town center dominated by its cathedral, etc. It is worth nothing, nevertheless, that aside from aesthetic criteria, the unity and homogeneity of a site are strengthened by the social and economic cohesion of its inhabitants. But, however significant they are, unity and homogeneity are not the only criteria.

(iii) The conservation of sites is justified by their inherent artistic and historic interest: the historic site is therefore a whole from which no part can be removed without irreparable damage. This completeness of the historic site means that it constitutes a sort of collective monument with a value of its own.

Typological classification of historic sites:

(i) Historic nucleus: generally appears in the form of an old urban fabric of buildings of similar heights, dominated by higher monuments and built around an intricate network of streets, squares and avenues. (e.g. the most common type in Europe is the nucleus of medieval origin);

(ii) Fortified areas: towns with fortification walls, fortresses and gates;

(iii) Groups of religious buildings;

(iv) Planned monumental sites: monumental groups of buildings erected during the classical period, new towns or extensions of older towns;

(v) The rural area, the village: although primarily the expression of a social and economic system based on agriculture, they often reveal defensive properties, as for example the mountain-top villages, the hill-top villages, in which the natural setting is obviously an element of primary importance and an integral part of the overall harmony;

(vi) Industrial or mining areas.

Value & Meaning

The cultural and natural heritage, in general, provides a sense of identity and helps to differentiate communities in a climate of globalisation. It allows cultural communities to discover and understand one another and, at the same time, constitutes a development asset. (http://www.coe.int/T/E/Cultural_Cooperation/Heritage/)

The primary importance of cultural heritage is as;

- A document of history,
- A source of information,
- A record, a primary source for research, and
- An evidence which can be experienced by each generation.

The cultural heritage act as the WHAT, WHY, HOW of our predecessors. It is not possible to carry every trace from past to future. The economical resources of countries might not be enough to support such an effort. The number of historical buildings is decreasing because of contemporary urbanization problems, deterioration of building materials, neglect, natural disasters and strain caused by new constructions. Architecturally significant areas are classified by Huyck (1989), as world-wide (UNESCO & others); national; regional; local according to their categories.

Riegel, states that for a property to be accepted as monument, depends on its values as 'historical value', 'artistic value', 'being old', 'impression and picturesque value' and 'value of utilization'; and an objective evaluation is achieved this way (Frodl, 1966); Kuban, 1970), states that decision of conservation depends on the importance of a structure or group of structures in terms of 'historical document character'; 'character of being old'; 'aesthetic value'.

Binan (1996) classifies these values under three headings covering all above mentioned values:

- Economical values (value of utilization)

- Documentation values (historical value; being old; exceptionality; regional value);
- Aesthetic values (artistic value; impression and picturesque value).

Following these discussions and considering specifically tangible cultural heritage, thus the architectural and urban heritage-historic monuments and sites, we may argue that, they first of all represent **a cultural and aesthetic value**. They bear evidence of great historical events and they are the symbols of a certain culture or civilization. They are the living testimony of past civilizations; they are extraordinary, open-air, living museums containing all styles of architecture and building, all forms of housing, etc. ; they are the most authentic manifestations of human work and creativity. They are also significant by being **a tourist attraction**; this role is well-known and should not be underestimated as **an economic factor** contributing to their rehabilitation. In other words, they have an economic-profitable touristic value. Finally, they are **part of the everyday environment**. For example, historic monuments being an example of tangible cultural heritage, are not the only living manifestations of human genius, those most apparent today are in fact which have been gradually shaped by the intense life within them. Many of them still present an urban landscape of great and undeniable artistic, human and urbanistic quality which unfortunately frequently remains unrecognized. They have a value in terms of **environment and social equilibrium**: apart from any artistic or economic considerations, old villages or historic town centers constitute examples of an urban environment created by man and adapted to his requirements; they play an essential part as factors of communal life, since they are the symbol of an organized community; they appear as the synthesis of civilization and human knowledge, *an unusual equilibrium between material space, the living people who inhabit and form an intimate part of it and time, apprehended as tradition, history and continuity*.

Thus, all these factors set the reasons why cultural heritage needs to be preserved. In other words, the heritage that survives from the past is often unique and irreplaceable, which places the responsibility of preservation and conservation on the current generation.

Evaluation of Cultural Heritage in North Cyprus (NC)

The Island of Cyprus is strategically located in north east of the Mediterranean Sea, at the crossroads of Europe, Asia, and Egypt. Cyprus is 40 miles south of Anatolia; 70 miles west of Syria; 237 miles north of Egypt; and 346 miles east of Crete. With an area of 3572 square miles it is the third largest island in the Mediterranean Sea following Sicily and Sardinia.

Due to its geographic setting, the island enjoyed a direct connection to the economy and cultural world of mainland civilizations, in Anatolia, Syria, Egypt, Greece and Aegean region, including the Hittites, Persians, Egyptians, Assyrians, Ionians, Phoenicians, Romans, Byzantines, Arabs, Lusignans (1192-

1489), Venetians (1489-1571), Ottomans (1571-1878), British (1878-1960), Greeks and Turks. Being ruled by many different conquerors, the island was subject to an ongoing melting of cultural influences, which have significantly shaped the history and identity of Cyprus. Thus, all the societies who had lived on the island had distinct cultures identified by their economic and administrative infrastructures. The mentioned infrastructures have thus influenced the identity and characteristics of the island.

Because of the conflicts between two nations – the Greeks and Turkish Cypriots – the island was divided into two parts with a buffer zone in 1974. Since then, the Greek Cypriots have been living in the southern part while the Turkish Cypriots have been living in northern part. In general terms the physical development on the Island since mid-1950s has also been dramatically affected by the political conflict between the two major ethnic communities-Greek and Turkish Cypriots. Urban development for both communities has shown different trends and rates depending on how they have been influenced by the state of political conflict. Discussions within this paper will be limited to the Northern part of the Island, which is under the rule of Turkish Cypriots with its official name – Turkish Republic of North Cyprus (TRNC).

In Northern Cyprus, which is faced with international embargoes, political isolation owing to the debate on the island between the Greek Cypriots (Republic of Cyprus-the south) and the Turkish Cypriots (Turkish Republic of Northern Cyprus-unrecognized state except Turkey) since 1960s, urban development has also been highly dependent on political parameters as well.

Throughout all years of conflict, the most important political influence regarding the physical development has been the ‘Annan Plan’¹, which was first introduced by United Nations in 2002. Following the referenda process, a construction boom has been started throughout Northern Cyprus driven partly by domestic and partly by foreign demand, against which the existing rules and regulations remained inefficient.

Accordingly, both the natural and the historical cultural heritage have directly been affected by this rapid construction and urbanization, beside the negative influence of time, deterioration and neglect. Before the discussions on the problems caused by the rapid construction and urbanization in North Cyprus, it is worth emphasizing the cultural heritage values and types that we come across in North Cyprus.

¹ Annan plan is the UN Peace Plan on the way of solving the Cyprus Conflict, which is named after the Secretary General and was introduced in 2002. After revisions based on the negotiations, it was put in separate referenda in both sides (the north and the south). It was approved by Turkish Cypriots with 65% of the votes was ‘Yes’, whereas it has been rejected by 76% of the Greek Cypriots.

Types & Values

Throughout the history of the Island of Cyprus, the architectural and environmental characteristics and their evolution have been determined by:

- The civilizations which conquered and ruled the island;
- Geographical position of the island;
- Climate;
- Socio-economic profile of the inhabiting population;
- Religious and ethnic characteristics; and
- Cultural values. (Dorath, 2000)

Traces of almost civilizations which passed through the island, can still be seen at many places. As Dorath (2000) states, “when considering the settlements on the island, studies of the architects, town planners and archaeologists show that, throughout history, the ruling civilizations have left their traces most apparently in the settlements, where their administrative bodies were placed.” Searching these traces, which constitute the cultural heritage, in North Cyprus, we may have an attempt to list them under the classifications of cultural heritage stated above:

Tangible Cultural Heritage in NC

- Cultural heritage sites – Antique cities/ruins; archeological sites: Salamis antique ruins, Vouni, Soli, Kaleburnu.
- Historic cities – Historic urban quarters in major Cities – Nicosia, Famagusta, Kyrenia, Lefka, Güzelyurt: Walled city of Nicosia, Walled city of Gazimağusa, Kyrenia Limanarkası Turkish district & Kyrenia old Harbour area, Lefke city center (Ottoman quarter).²
 - Historic monuments –
 - Religious architecture, e. g. abbeys, churches, cathedrals, mosques, chapels;
 - City walls, gates and the moats – in Nicosia & in Famagusta,
 - Castles-Kyrenia castle, St. Hillarion, Kantara, Buffovento
 - Public civilian architecture, e. g. remains of palaces, state buildings, town halls, hans, hamams, bedestens, etc.
 - Private civilian architecture, e. g. vernacular architecture, urban houses, konaks, etc. ;

² In Lefkoşa and Gazimağusa, the historic urban quarters are defined by very discrete and obvious boundaries, namely the Walls, which date back to Venetian Period. All four quarters have significant features including physical, intangible and spiritual elements, which make up their character. These elements are: (i) Their development pattern; (ii) The traditional tissue; (iii) Physical attributes of the buildings- their facade, construction features, proportions-, and various functions that are being required over time.

- Agricultural and industrial architecture, e. g. farms, mills, factories, etc.
- Examples of architecture of the Modern movement – Houses in Maraş quarter in Famagusta and in Nicosia, architect Ahmed Behaeddin’s houses, etc.
- Vernacular settlements – all villages in the Messario plate and in Karpaz region; also in Güzelyurt region, etc.
- Underwater cultural heritage – Remaining ruins of the antique city of Salamis under the sea.

Natural heritage in NC

- Natural site of Dipkarpaz
- Alakâdi beach

Intangible cultural heritage in NC

- Handicrafts
- Languages
- Festive events (İskele festivali, Zeytinlik festivali, Güzelyurt festivali, etc.)
- Folk music, songs, dance
- Movable cultural heritage
- Oral traditions

Considering the tangible cultural heritage in North Cyprus (NC), the following areas have been designated as conservation areas:

- Salamis Area,
- Antique Karpasia Area,
- Antique and Natural Site of Dipkarpaz,
- Walled City and the Moat of Gazimağusa,
- Walled City and the Moat of Lefkoşa,
- Old Harbour and the Vicinity in Girne.

As it can be seen, the last three are historic urban quarters, and these three areas are declared as ‘Conservation Areas’ under the new Town Planning Law (55/89). Only for the Girne case, a conservation plan is being prepared and is in force.

Besides, in all designated historic urban quarters, some historic buildings have been “listed” as being part of the cultural heritage to be protected.³ The

³ Listing of buildings in Cyprus dates back to British period (1878-1960). Under the Law of Antiquities (Cap. 31)- Section: 2, 6, 7, 8-, buildings and sites are listed in two Schedules (Cap 31, 1959, pp 3-6). In accordance with Section 6, buildings and sites, which are declared as *Ancient Monuments*, based on consideration of being of public interest by reason of the historic, architectural, traditional, artistic, or archaeological interest they poses. At the same time these monuments are listed either under First Schedule or Second Schedule to this Law. Ancient monuments that are being listed in the First Schedule become the property of the Government

Town Planning Department as Planning Authority has prepared an inventory of buildings in historic urban quarters – Walled City of Lefkoşa, Walled City of Gazimağusa, Girne, Lefke- that are worth to be preserved (under the new Town Planning Law/Section 26), in collaboration with the Department of Antiquities. Following the approval of the Board of Antiquities, the list is being declared.

In the Walled City of Lefkoşa 386 buildings, In the Walled City of Gazimağusa 249 buildings, in Girne 257 buildings and in Lefke 41 buildings are listed. Main criteria for listing, that is used was the historic, architectural, traditional, artistic or archaeological characteristics and the value of these buildings. Different than that we have seen in the United Kingdom or Turkey, there are no grading depending on the type of intervention that may be permitted. In the List, there is no distinction between the buildings of monumental, artistic and architectural or of environmental values. The extent of any intervention to any building in the list is within the authority of the Board of Antiquities. (Doratlı, 2000)

However, there are no rules yet for the conservation and revitalization of the vernacular settlements and architecture in North Cyprus.

Current Legal Basis/Legislative Framework for Conservation of the Cultural Heritage in North Cyprus⁴

When considering the cultural heritage and its conservation in North Cyprus, Department of Ancient Monuments and Museums and Town Planning Department, Board of Antiquities have a key role in the protection of them. Foundation of Evkaf, Municipalities, Association of the Chambers of Turkish Cypriot Engineers and Architects (KTMMOB), Department of Environment have all a role to play, with different intensity.

The Constitution of Turkish Republic of Northern Cyprus (TRNC), which is the basis of all legislation, have provisions for the protection of historical and cultural heritage. The related Sections are:

Section 39 (Protection of historical, natural and cultural values): The Government ensures the protection of historical, natural and cultural values. Accordingly, the government takes necessary arranging measures. The

(Cap. 31, Section 7, 1959, p. 5). Whereas the buildings and sites, which are being declared as ancient monuments and listed in the Second Schedule stay under private property, with restrictions to any kind of intervention (Cap. 31, Section 8, 1959, p. 6). Section 6 of the Law permits transfer of any ancient monument from one Schedule to another. However, when studying the two Schedules, it can be seen that the buildings, which are declared as ancient monuments were mostly monumental buildings. Due to the changing trends in the understanding of protection of historical and cultural heritage, and the threat on the historic buildings other than the monuments, a new extended list for the buildings and sites is being declared. (Doratlı, 2000)

⁴ This section of the paper is directly taken from one of the authors'-Naciye Doratlı's PhD thesis. Reference: Doratlı, Naciye (2000), "A model for conservation and revitalization of historic urban quarters in Northern Cyprus", unpublished PhD Thesis, Eastern Mediterranean University, Institute of Graduate Studies and Research, North Cyprus.

Legislation defines the restrictions, compensation, assistance, and grants to these values, which are under private property. At the site of a historical building, which is demolished or ruined, no new development can take place. If new construction is indispensable, replication of the demolished, damaged or ruined historic building is compulsory. The Government takes the necessary legal and otherwise measures.

Section 36, Section 40, Section 42 of the Constitution can be considered as indirectly influencing the protection of historical and cultural values. Section 36 is a general provision for the property right; where as Section 40 is about the protection of environment; and Section 42 is about the acquisition, restriction to properties of Vakif.

The legislative framework for the protection of historical and cultural heritage is based on the related provisions of the Constitution. It should be noted that most of the efforts towards conservation, including legislation and policies related to conservation involve mainly negative power of control. Main concern is to protect the buildings rather than preventing undesirable uses or attracting more compatible uses to occupy them.

It is possible to distinguish the legislative framework as those directly related to conservation and the ones that have indirect relationship with or influence on conservation. In order to make it simple, the existing legislative framework in TRNC will be discussed in the same fashion. However, beforehand, high lighting its evolution would be useful for a beter understanding.

CURRENT LEGISLATIVE FRAMEWORK FOR CONSERVATION	
CONSTITUTION: SECTIONS- 39, 36, 40, 42	
LEGISLATION FOR PROTECTION	LAW OF ANCIENT MONUMENTS
LEGISLATION DIRECTLY RELATED TO PROTECTION	TOWN PLANNING LAW
LEGISLATION INDIRECTLY INFLUENCING THE PROTECTION OF CULTURAL HERITAGE	<ul style="list-style-type: none"> -CAP. 96/STREETS AND BUILDINGS REGULATIONS -LAW OF ENVIRONMENT -LAW OF TOURISM -LAW OF MUNICIPALITIES -LAW OF IMMOVABLE PROPERTY -LAW OF RENT -LAW OF SOCIAL HOUSING -LAW OF VAKIF (FOUNDATION) -LAW OF CIVILIAN DEFENSE -INCOME TAX LAW -PROPERTY TAX LAW

Evolution of the Legislation in TRNC

Interest in protection of cultural heritage, dates back to the British period. However, it should be noted that, it might be somewhat unfair to claim that interest in protection of cultural heritage has been initiated during the British Period. Since, although being not prescribed in legislative form, during the Ottoman Period, most of the buildings, especially monumental ones, were preserved. It is described by pilgrims that, Ottomans had utilized the existing buildings on the island rather than pulling them down. Therefore it is possible to say that during Ottoman period, buildings were subject to an indirect preservation.

Parallel to the preservation efforts in foreign countries during the British Period, the legislation, which is directly related to preservation was mainly focused on ancient monuments; listing; obligations of the owners; duties and power of the Governor; archaeological findings; museums and advisory bodies.

The ‘Antiquities Law’ (Cap. 31), which is enacted in 1935, and amended in 1949 and 1959, includes provisions that focus on the protection of Monuments and archaeological findings belonging to the period earlier than AD 1700. According to the two Schedules (First Schedule-Sections 2 and 7: Second Schedule-Sections 2 and 8), beside the monumental buildings only a few examples of the buildings of artistic and architectural value are being listed throughout the island.

Parallel to the changes in the attitudes with respect to preservation and protection of historical and cultural heritage, in 1975 a new law ‘Ancient Monuments Law’ (35/75) was enacted. Although being much more contemporary when compared with Cap. 31, it’s main concern was again the preservation of mainly monumental buildings, where not much emphasis is being given to ‘area-based’ conservation. The Law provides the basis for listing the buildings, which are worth to be preserved from cultural and architectural point of view. Besides, as a positive contribution to the preservation efforts, incentives in the form of long-term financial and technical aid are included in this Law. However, these sections could not be transformed into an operational basis.

In accordance with the Provisions 9 and 10 of this Law, ‘Supreme Council of Monuments’ (Anıtlar Yüksek Kurulu), is established by the Ministry of Education and Culture. Much more empowered than the Board in Cap. 31, this Board ought to meet decisions with respect to ancient monuments and developments in conservation zones.

Current ‘Antiquities Law’

Although being much more contemporary than Cap. 31, it was recognized that the ‘35/75 Law’ was not comprehensive enough to meet the contemporary needs and standards. Consequently in 1994, it is replaced by a new Law, the

‘Antiquities Law’ (60/94). Additionally twelve regulations were introduced, that increase the effectiveness and efficiency of the Department.

In a much extensive fashion than the former legislation, this Law provides the basis for:

- Preparation of an inventory of the historic buildings and listing;
- Determination of the conservation area and the boundary for the historic buildings;
- Grading the conservation areas;
- Definition of the right and duties of the owners;
- Establishment, duties and obligations of the ‘Board of Antiquities’;
- Establishment of the ‘Ancient Monuments Fund’.

Provisions about Listing (Section 7), Board of Antiquities (Part V- Sections 42-49), have a much larger scope than that of 35/75. The legal basis for listing is being provided and Board of Antiquities, named as ‘Supreme Council of Immovable Antiquities and Monuments’, that is technical in nature, became independent. Additionally, it includes a provision ‘Section 20’ providing the basis for establishment, management and inspection of the ‘Ancient Monuments Fund’.

Legislation Directly Related to Protection of Historic and Cultural Heritage

Town Planning Law

In addition to Cap 31, the other directly related legislation to conservation has been ‘the Streets and Buildings Regulations-Cap. 96’ enacted in 1946. This Law was not a comprehensive Town Planning Law, which would serve the safeguarding of the historic urban areas. However, some of the provisions serve the sustainability of one of the basic characteristics of the urban tissue or the tissue of the old centres in general, namely the ‘terrace houses’ type of development in case of new development.

Section 14 of this Law, empowers the appropriate authority to define zones including zoning related to height restrictions. Through the efforts of the Directors of Antiquities, since the beginning sixties, the building height in Gazimağusa is limited to 27 feet (two storeys).

Although reflecting a certain level of sensitivity to the old centres in general, Cap. 96, application of ‘Section 12’ of this Law by Municipal Authorities in historic areas heavily injured their organic tissue. Section 12 empowers the appropriate authority with regard to the widening or straightening any street. Especially in the Walled City of Lefkoşa, street widening schemes prepared in early thirties by Municipal Authorities resulted in deterioration of the historic tissue, since development control was carried out according to these schemes. The only aim of these schemes was to create more room for increasing vehicular traffic. The compactness and continuity of narrow streets have been

lost forever, since the rebuilding took place in a piecemeal fashion and over a long period of time. These schemes are dismissed only in early 80's.

Although a new legislation for Town Planning has been enacted, only some provisions of Cap. 96 have been canceled (i. e Section 14- zoning). Building permissions and division of land are controlled through this Law.

The New Town Planning Legislation

In 1989 the new Law was enacted to provide a comprehensive basis for Country and Town Planning. Additionally, it includes provisions for preparation of 'Conservation Plans' for conservation areas, as well as provisions about preparation of a suggestion for listing of the buildings:

Section 10: Planning Authority is authorized to prepare 'Environment Plan/Special Area Plan', where there are serious problems, rapid development and renewal; for the areas, which are important with respect to historic; architectural; cultural; natural resources; touristic; agricultural; housing; commerce; industry; transportation points of view.

Section 25: authorizes the Planning Authority to declare 'Conservation Area', in collaboration with Department of Ancient Monuments.

Section 26: Planning Authority and/Department of Ancient Monuments are responsible for preparation of a List of buildings, which are of historic and cultural value and submit this list to the Board of Antiquities.

When considering the '*Recommendation concerning the Safeguarding and Contemporary Role of Historic Areas*', although providing the basis for setting up the general principles relating to the establishment of the necessary plans and documents, there are still certain missing points, which should also be included. It should be amplified to include provisions about:

- The means by which the safeguarding programs are to be financed and carried out;
- The setting up public and private bodies and concerning public and private work.

Town Planning Law is more a 'technical', rather than being one, which conveys to 'execution'.

Legislation Indirectly Influencing the Protection of Historical and cultural heritage

Whether considering the spirit of '*Integrated Conservation*' or not, since conservation areas are parts of the cities, many Laws would have indirect influence on these areas, depending on the implementations that they permit.

In Northern Cyprus, Law of Environment; Law for Tourism; Law of Municipalities; Law of Immovable Properties; Law of Rent; Social Housing Law; Law of Vakif; Law of Civilian Defence; Law of Income Taxes; Law of

Property Taxes, do not include any provision, which would support conservation actions. On the contrary, it is possible to say that, to some extent, there may be provisions against conservation.

Problems/an Overall Criticism of the Conservation of the Cultural Heritage in North Cyprus⁵

When considering the essence of the new trends and practices at global level, the current local framework for conservation in North Cyprus, needs to be criticized considering all its problems, to provide a rational basis for further developments and proposals.

Beside the most common problems of conservation – *environmental problems; practical & technological problems; and cultural problems*, the most vital issues, which seems to be in conflict or at least inefficient with respect to international understanding and practices in North Cyprus-*attitude of the responsible authorities; appreciation and consciousness at community level; public participation and involvement; planning approach; legislative basis/laws; and financial and administrative issues*- need to be argued for an overall perspective.

Environmental Issues

Considering the environmental issues affecting the cultural heritage in North Cyprus, we may initially talk about common classical deteriorating factors which have always existed and have been present in all civilizations. These are briefly: effect of time – aging, atmospheric pollution, vibrations; destructive effect of nature; earthquakes, fires, floods, etc.

Practical and Technological issues

The most important subject among the technical problems is the lack of building materials to be used in maintenance and restoration of structures and/or inadequate use of materials that will harm the structure and form of existing architecture.

For restoration of listed buildings, the measured drawings showing the existing conditions have to be completed and an initial restitution and then a restoration project is desired. The insufficiency of the number of restaurateur architects or the number of technicians is another problem North Cyprus, as in many developing countries.

In design and application of restoration techniques, technical staff, the applicators and regional characteristics show important differences in different countries. Some of the advanced techniques and technologies are still not used in North Cyprus.

⁵ Most parts of this section of the paper is directly written from one of the author's-Naciye Doratlı's PhD thesis. Reference: Doratlı, Naciye (2000), "A model for conservation and revitalization of historic urban quarters in Northern Cyprus", unpublished PhD Thesis, Eastern Mediterranean University, Institute of Graduate Studies and Research, North Cyprus.

There are also problems since each vernacular structural material requires appropriate restoration treatments; as well as problems common to all operations aiming at the preservation of historic buildings (Houben & Guillaud, 1994).

Cultural Issues

When scientific thought and economy are not developed parallel to each other in the societies, this will cause a rupture among them and a distorted cultural development; hence they will become a society that does not care about history or conservation. Development of travelling, the media and mass communication tools, and changing cultural structure will end up with unhappy users that don't like their own houses any more. The most popular trend today is linking the idea of contemporary life quality with new buildings. (Aygen, 1992)

Considering the cultural issues regarding conservation of cultural heritage the initial deteriorating factor is destructive human action, which includes the ravages of war; deliberate destruction, and deterioration arisen from the loss of function. Also, we may witness the general transformation of the living environment due to socio-economic changes and mass phenomena characteristics of our time. This covers:

(i) The case of sites which have remained active centers

- Changing space requirements;
- Attraction of speculators by scarcity and price of land;
- Radical alteration in the function of cities;
- Proliferation of large building blocks on the periphery;
- Excessive growth of community between suburbs and city centers;
- Increased traffic and need for car parking.

(ii) The case of site adjoining the center of activity

- The historic site with its old buildings turn into slums after migration;
- Speculative recuperation (urban renovation & speculative restoration).

(iii) The case of rural sites

- Economically impoverished regions;
- Areas of economic growth or near dynamic centers;
- Development of tourism and secondary residences.

All these factors might be followed in North Cyprus at various regions and settlements.

Attitude of the Responsible Authorities

The dominating conservation understanding of the authorities that are committed to planning studies with respect to conservation is preservation of the cultural, architectural, artistic and identity of an historic urban quarter. Nevertheless, all of these values should be protected. However, without taking

into account the social and economic values of these places, long-term attainment of the objective of conservation would be difficult. Approaching protection of cultural heritage more preservation oriented than conservation results in a *defensive, reactive* and *reluctant to change* attitude towards conservation. This creates an obstacle for the revitalization and against increasing competitiveness of these areas. When considering the framework of *Amsterdam Declaration*, which underlines an *interactive, democratic, and communal consensus* as indispensable features regarding conservation, this kind of attitude can be referred to as being ‘old fashion’ or ‘expired’.

Appreciation and Consciousness at Community Level

‘Historic areas’ and ‘conservation’ are neither appreciated nor well understood by the vast majority of the public. At community level, protection of historic areas is considered as if it is the problem and duty of solely the responsible authorities. Protection of historic areas seems to be a ‘top-down’ order, dictated by the responsible authorities to the community.

At the community level, understanding of protection of historic buildings is restricted to the protection of only monumental buildings and sites. A large section of the population shows resistance to the protection of buildings of architectural value, or more mundane buildings. To summarize, at community level, an understanding of late 60’s, early 70’s in European countries about protection of historic buildings prevails.

Public Participation and Involvement

The new Town Planning Law (55/89) has provisions about public participation at the preparation and approval stage of plans including those for conservation areas. However, when considering the new approaches, especially those dictated by Amsterdam Declaration, it has a limited scope. Provisions on public participation do not call for:

- Participation of local people in every stage of conservation studies, after they are given the facts necessary to understand the situation;
- Setting up special non-commercial agencies to provide direct links between potential users of buildings and their owners;
- Consideration of complementary proposals or alternatives put forward by groups or individuals, as stated in the Declaration.

Although there is no provision in the new Town Planning Law and Law of Antiquities about these, there is nothing against their realization either.

Planning Approach

As it has been discussed in the preceding sections, conservation of the architectural heritage is considered to be one of the major objectives of urban and regional planning, in the new trends in conservation at international level.

Accordingly, the conservation areas should be considered within the overall context of the cities, of which their part of. When considering the practices in Northern Cyprus, it can apparently be seen that the conservation areas are not approached in this fashion. In other words, the planning studies for the conservation areas are carried out almost distinctively from the rest of the town. In addition to this, a uniform model with a uniform logic is applied to every conservation area.

Since every historic urban quarter/monument, and thus all cultural heritage values are unique and has their own identity, with such an approach, even the best plan would fail. It is not enough to take only the analysis of the physical, architectural characteristics and qualities and socio-economic features as a basis for determination of a conservation policy. Analysis should be carried out one step further and for every place the type and level of obsolescence as well as the dynamics of the place should be identified. This would convey to the understanding of the position of the conservation area with respect to the rest of the city. Consequently, the conservation policies for the historic areas would have a long-term perspective.

It is possible to claim that in Northern Cyprus, the planning practices with respect to conservation areas, due to the executed planning approaches, do not have a long-term perspective although it pretends to have. Simply because, following the analytical stage, the conservation policy is developed to include different modes of renewal: refurbishment, conversion, demolition and redevelopment, aiming the physical revitalization of the area.

However, as it is discussed earlier, although resulting in an attractive physical public realm, physical revitalization is a short-term strategy. To sustain revitalization in long-term, economic revitalization strategies should also be pursued. Since this kind of thinking fails, it can easily be said that the planning approaches for conservation do not have a long-term perspective.

Legislative Basis

The legislative framework for conservation in Northern Cyprus, provide the basis for identification of the historical, architectural, cultural heritage or conservation areas; preparation of conservation plans; listing of buildings and sites; giving technical or limited financial assistance to the owners of listed buildings; control of development in the conservation areas. However, as a whole, it does not provide the basis for effective implementation of the conservation plans.

Legislation that is directly related to conservation, Antiquities Law and Town Planning Law, provide the basis to draw the picture of conservation of buildings and/or areas. They do not have any provision to transform the conservation plans into action plans. When considering the provisions of Amsterdam Declaration about the organizational framework for implementation and public participation beginning with the launching of the conservation plan

and continuing throughout implementation, it comes out that the legislation has missing provisions.

Legislation, which has an indirect influence on the conservation areas, through the implementation it permits, has no respect to conservation issues. As a result, it is possible that the conservation area would be negatively affected through some legal implementations that are allowed by other Laws.

Financial and Administrative Issues

The financial means and tools are insufficient to attainment of the objective of revitalization of historic urban quarters. It is not possible to enhance and enliven the area through only providing technical and limited financial assistance to the owners of listed buildings. Ways and means to shift the resources of the country to conservation should be searched for, in order to increase the financial resources that would be available for conservation. In addition to this, it should be kept in mind that sometimes a cultural treasure will be better preserved and appreciation of it better served by affording it a place in the open market where it can provide an economic return.

Ways and means should be identified to provide the basis through which the public sector does not just give grants and loans but acts as a catalyst and stimulator. This would be possible through the amendment of some Laws and Regulations.

When considering administrative and organizational issues, although the responsible authorities act in good collaboration, occasionally certain level of deficiencies arise due to lack of coordination.

The most striking weakness of the administrative and organizational framework is two sided:

(i) In Northern Cyprus, there is not a sound and stable basis for placement of different Departments under the authority of different Ministries. Depending on decisions of every new government, allocation of Departments may change. Town Planning Department is one of the most affected Departments from this perspective.

Beside unstable placement, Departments, which are highly involved in planning and conservation activities, are under the authority of different Ministries.

The current positioning of the concerned Departments are as follows

DEPARTMENT OF ANCIENT MONUMENTS And MUSEUMS- under MINISTRY OF EDUCATION and CULTURE

TOWN PLANNING DEPARTMENT- under MINISTRY OF VICE-PRIME MINISTER
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DEPARTMENT OF ENVIRONMENT- under MINISTRY OF HEALTH AND ENVIRONMENT

When considering the importance of cultural heritage from Tourism point of view, although it is not involved in or directly related to conservation activities, Department of Tourism is also a prospective authority in this respect. It is under the same Ministry as the Town Planning Department. Coordinating activities of the Departments under different Ministries and expecting them to orient their efforts towards a shared objective with respect to cultural heritage is difficult. This is an important issue to be considered in the formation of the model for conservation.

(ii) The internal organizational framework of the Departments (Town Planning; Ancient Monument and Museums, Environment; Tourism) is insufficient for performing the tasks assign to them. When considering the requirements of 'integrated conservation, this becomes more apparent.

Besides, since revitalization of a historic urban quarter calls for action and involvement of many different parties and actors, the existing framework is insufficient.

The current legislation provides noting against for development of an organizational framework, which would involve many other agencies in the conservation efforts. Practices in European countries, especially that of United Kingdom might give a certain level of clues. Of course, it should be kept in mind that in the UK, the conservation and its evolution have a long tradition and it takes its roots much more from the public than the government. However, there is still to be some hints to be taken and to adapt to the local conditions.

For example appointment of national agencies that are financed by the government, operating independently, might act much more rapidly than the authorities to respond to conservation demands. Besides, voluntary groups like in the United Kingdom, which have an important role in conservation, are nonexistent in Northern Cyprus. Government would apply means and ways to encourage the establishment of similar voluntary groups, which would bring impulse to conservation and revitalization practices.

Last Words...

To conclude the discussion, in Northern Cyprus, existing situation with regard to conservation practices are far below contemporary standards. Based on the evaluation above, there is an urgent need to take 'reformist' actions, in order to fulfill the requirements of internationally accepted policies and principles.

Thus, management plans and conservation strategies for both cultural and natural heritage in North Cyprus should be prepared, following internationally accepted rules. Both the central and the local governments, and the local community and NGOs should contribute to the efforts on the protection cultural heritage values. With this intention, a new organizational and administrative framework should be set up by the government.

Especially for the conservation and revitalization of the tangible cultural heritage, it should be understood that, conservation and revitalization are both future-oriented and they should be in a mutually exclusive relationship, simply because, the main aim of conservation cannot be met by creation of museum environments for the sake of preservation. As many authors in literature stress, conservation and revitalization are both focused on creating a *future of the past*. Hence, conservation and revitalization efforts have to be addressed to make the concerned area 'ready for the future' and to make the area 'competitive' with the rest of the cities of which they are parts. The key question 'How to do this?' inevitably calls for developing relevant strategies on conceptual basis, thus a strategic approach. In addition to this, preparation of the tangible cultural heritage for the future and assigning them competitive advantage can be considered as a real challenging issue, just like as strategies. Why challenging? Challenging, because, successive conservation and revitalization involve complex relationships between a variety of multi-dimensional factors in physical, functional, social, cultural and economic terms, which are far beyond the scope of pure preservation.

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