

THE ROLE OF INSTITUTIONS IN PROMOTING PUBLIC INTEREST WITHIN
THE CONTEXT OF CULTURAL AND NATURALHERITAGE
CONSERVATION: THE CASE OF GÖKOVA

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WITHIN THE CONTEXT OF CULTURAL AND NATURALHERITAGE
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ABSTRACT

THE ROLE OF INSTITUTIONS IN PROMOTING PUBLIC INTEREST WITHIN THE CONTEXT OF CULTURAL AND NATURAL HERITAGE CONSERVATION: THE CASE OF GÖKOVA

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This thesis discusses the role of institutions in promoting public interest within the context of cultural and natural heritage conservation. Due to the fact that the concept of public interest is controversial and may differ from one context to another, and that there are numerous institutions, the role of institutions in public interest promoting process limited to the context of conservation. A large number of public institutions develop policies that have significant implications for the conservation of cultural and natural resources in Turkey. The aim of these policies is to promote public interest by safeguarding natural and cultural assets. Moreover conservation institutions adopt different public interest approaches based on their establishment laws, therefore they carry out different activities to attain the objectives of their institutions. Consequently, promotion public interest by such institutions becomes even more ambiguous under these circumstances. Within this context, the Gökova case provides a good basis for the investigation of the ways in which public institutions conduct their activities in the quest to promote public interest.

Key Words: The role of institutions, Promotion of public interest, Conservation of cultural and natural heritage, Gökova

ÖZ

KÜLTÜREL VE DOĞAL MİRASIN KORUMASI KAPSAMINDA KAMU YARARINI SAĞLAMADA KURUMLARIN ROLÜ: GÖKOVA ÖRNEĞİ

Ergüç Özdemir Gizem

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Kamu yararını sağlamada kurumların rolünü kültürel ve doğal mirasın korunması kapsamında incelemek bu tezin temel konusunu oluşturmaktadır. Kamu yararı kavramının tartışmalı olması gerçeği, içeriğinin bir konudan diğerine göre değişebilmesi ve kamu yararını gerçekleştirmek için çok sayıda kurumun bulunması nedenleriyle kamu yararı, koruma kavramı özelinde incelenmektedir. Türkiye’de kültürel ve doğal mirasın korunması için politika geliştiren birçok kamu kurumu bulunmaktadır. Bu politikaların amacı kültürel ve doğal kaynakları koruma yoluyla kamu yararını sağlamaktır. Bununla birlikte, koruma kurumları kendi kuruluş kanunları doğrultusunda farklı kamu yararı yaklaşımlarını benimsemişler; bu nedenle kurumsal hedeflerini gerçekleştirmek için farklı yollar izlemişlerdir. Sonuç olarak bu koşullar altında kamu yararını sağlamak daha da karmaşık bir hal almaktadır. Bu bağlamda Gökova örneği, kamu kurumlarının kamu yararını sağlamada nasıl bir yol izledikleri konusunu araştırmak için önemli bir çalışma alanı sunmaktadır

Anahtar Kelimeler: Kurumların rolü, Kamu Yararını sağlama, Kültürel ve doğal mirasın Korunması, Gökova

To the memory of my uncle Ufuk Özer and my grandmother Zehra Ergüç

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LIST OF ABBREVIATIONS

- EPASA: Özel Çevre Koruma Kurumu Başkanlığı
Environmental Protection Agency for Special Areas
- KUDEB: Koruma, Uygulama ve Denetim Büroları
Preservation, Implementation and Control Bureaus
- UNESCO: Birleşmiş Milletler Eğitim, Bilim ve Kültür Örgütü
United Nations Educational, Scientific and Cultural Organization
- ICOMOS: Uluslararası Anıtlar ve Sitler Konseyi
International Council on Monuments and Sites
- ICOM: Milletler Arası Müzeler Konseyi
International Council of Museum
- EU: Avrupa Birliği
European Union
- ICCROM: *Uluslararası Kültürel Zenginliği Koruma ve Restore etme Çalışma Merkezi*
International Centre for the Study of the Preservation and Restoration of Cultural Property
- IUCN: *Uluslararası Dünya Doğa Koruma Birliği*
The International Union for Conservation of Nature
- EAHTR: Avrupa Tarihi Kentler Birliği
The European Association of Historic Towns and Regions

CHAPTER 1

INTRODUCTION

1.1 Definition of Problem and Contents of the Study

This thesis discusses the role of institutions in promoting public interest within the context of cultural and natural heritage conservation. Measuring the importance of institutions in public interest promotion from a conservation point of view is the primary purpose of this research. In other words, this work primarily attempts to relate the promotion of public interest and the context of conservation to each other via institutions. The secondary purpose of the thesis is to analyze the importance, responsibilities and roles of institutions for promoting public interest in the realms of cultural and natural heritage conservation.

Since the time of Plato, public interest has proved to be a controversial concept. According to its dictionary definition, (Random House Dictionary) public interest refers to the welfare or well-being of the general public or commonwealth, or to an appeal or relevance to the general populace. According to another definition, “public interest refers to the effort to behave justly” (Kapani, 1980, quoted in Ceylan, p. 37). In contemporary times, however, the very existence of “public interest” is debated, and furthermore, its definition and contents can change depending on the given context. In this thesis, following an examination of the concept of public interest, the Turkish experience will be discussed within a legal and institutional context.

According to the Turkish Constitution of 1982, individual rights can be understood to be restricted in order to provide for and promote the public interest. Clearly, public interest should be provided for and promoted by governmental and semi-governmental institutions and nongovernmental organizations (NGOs). However, with the effects of globalization, including the deregulation of central authority, and with the fall of the nation state, roles of governmental institutions in public interest promotion have been changed to a considerable extent. Globalization has affected not only the economic order of the world, but also the social, administrative and political orders of states. Consequently, the changing administrative system has affected institutional structures and the process of public interest promotion.

Due to the fact that the concept of public interest is controversial and may differ from one context to another, and that there are numerous institutions involved, the role of institutions in promoting public interest is here limited to the context of conservation. Clearly, in Turkey, conservation is a public service which is performed by governmental and semi-governmental state institutions. In addition, NGOs have an active role in increasing public awareness. In order to discuss the role of institutions from a conservation point of view, a historical overview of the development of conservation, both in Turkey and in the international context, will be offered.

In the case of Turkey, a large number of governmental institutions develop policies that have significant implications for the conservation of cultural and natural resources. Moreover, these actors, along with their responsibilities and the legal frameworks that define these responsibilities, have gone through a rapid process of change since the beginning of the 2000s. In addition, international laws in conservation of cultural and natural heritage have recently been accepted in Turkey, and designated settings for the institutional performance of these activities have also changed considerably. Turkey's status as a candidate state for accession to the European Union has also caused remarkable changes in the Turkish legal system in regards to conservation.

In the 2000s, such concepts as sustainability and participation began gaining significance. The contents and general understanding of conservation have changed over time. As a result, conservation has recently gained considerable significance worldwide, particularly since the 1980s. The Turkish case can be considered as a part of this broader trend. Following an examination of international conservation institutions, those institutions responsible for providing effective conservation within Turkey will be examined.

While there are clearly a large number of governmental institutions in Turkey, three main actors can be mentioned in the field of conservation planning and implementation: the Ministry of Culture and Tourism, with 32 Regional Conservation Councils and Renewal Councils; the Ministry of Environment and Forestry, with the Environmental Protection Agency for Special Areas (EPASA); and the General Directorate of Pious Foundations. In addition to these three, there are also other institutions involved in the process of cultural and natural heritage conservation, including the Ministry of Public Works and Settlement, the Grand National Assembly's National Palaces Directorate, municipal governments and local administrations, and a variety of NGOs. The main aim of these institutions is to promote public interest by safeguarding sites of cultural and natural value. However, the spreading of responsibility to multiple institutions has caused some problems from a conservation point of view, in part because these institutions' roles, responsibilities and authorities are different from each other.

To safeguard cultural and natural sites, several important tools and instruments, such as plans aiming at conservation, have been utilized in Turkey. Plans aimed at conservation are tools designed to guide development and conservation and to manage cultural and natural heritage by taking into consideration people's diverse interests. Since the responsibility for making plans has been delegated among different conservation institutions in Turkey, it is critical that these institutions cooperate efficiently in order to provide effective conservation. Within this context,

the role of planning in the conservation process will be discussed. In addition, the debate between conservation and development will be discussed from the point of view of planning. The relationships between these diverse institutions; the cooperation between local and national government; and conservation institutions, laws and regulations, and their practice, will all be examined in this thesis. Shortcomings of the process of public interest promotion within the context of cultural and natural heritage conservation will be investigated in the second chapter.

Following an examination of the development of conservation, it can be emphasized that awareness in the field has been increasing gradually since the 1980s. Following an acknowledgment that successful conservation of cultural and natural heritage rests upon the cooperation and support of local administrations and citizens, there have been attempts to delegate central authority from the state to local administrations. Consequently, the general understanding of conservation has been changed and with this new bottom-up approach, awareness in the field has been increased to a great extent.

The role of conservation institutions in promoting public interest will be discussed within the particular context of the conservation of the Gulf of Gökova in southwestern Turkey. Due to its cultural and natural significance, the Gökova region has been protected under different conservation statuses, namely as a Natural and Cultural Site Area, a Special Protection Area, a Rest Area Set in Forest and as a State Forest. Consequently, the task and responsibility of the conservation of the Gökova region has been delegated among different conservation institutions. Moreover, promotion of public interest by such varied institutions becomes ambiguous under these circumstances. Within this context, the relationships among conservation institutions whose aim it is to promote public interest, and the role of planning in terms of integrated conservation, will be discussed in light of the special case of Gökova.

1.1.1 Research Questions

Three research questions will be examined in this thesis. They are:

1. Is there universal definition for the concept of public interest?
2. Does public interest constitute a plausible basis for conservation activities?
3. Is the institutional framework of the Turkish cultural and natural heritage conservation process effective and efficient from a public interest point of view?

1.1.2 Hypotheses

1. There is no universal definition of the concept of public interest. Its content may differ from one context to another.
2. Public interest constitutes the basis of conservation activities.
3. Due to the fact that conservation institutions adopt different public interest approaches based on their establishment laws, the institutional framework of the Turkish cultural and natural heritage conservation process is not effective or efficient from the public interest point of view.

1.2 Methodology

The basis of this thesis is an examination of whether the institutional framework of the Turkish cultural and natural heritage conservation process is effective and efficient from a public interest point of view and whether public interest constitutes a basis for conservation activities.

In order to answer these questions, the concept of public interest in the literature will first be reviewed. In addition, the historical development of the concept of public interest and related theories will be investigated. A literature survey on the concept

of conservation will be conducted. The development of this concept in the world and in Turkey, national and international arrangements regarding the conservation of cultural and natural heritage sites, and the development of Turkish laws regarding conservation will all be examined. Although there are a number of international conventions and charters regarding the conservation of cultural and natural heritage, this research will focus on analyzing the ones to which Turkey is a party. Finally, following an examination of the Turkish institutional framework for cultural and natural heritage conservation, the Gökova case study will be examined to more concretely discuss the role of conservation institutions in promoting public interest.

In the quest to provide a coherent discussion of the argument that the institutional framework of the Turkish cultural and natural heritage conservation process is not effective or efficient from a public interest point of view because different conservation institutions adopt different public interest approaches based on their own unique establishment laws, in the first chapter the relation between conservation and public interest will be analyzed and the role of institutions in this relation will be discussed. Definitions and theories of public interest and conservation concepts and their historical development will be analyzed. The importance of cultural and natural heritage sites in the contemporary world, implications of relevant laws, and the cooperation between institutions in the implication of conservation policies will be examined. In addition, legislation regarding conservation and regulation, and the practice of this legislation, will be evaluated.

In the second chapter, the case of Gökova will be analyzed in order to discuss the role of conservation institutions in public interest promotion. General information, including the flora, fauna and other characteristics of the region which make it special for conservation, will be summarized. In this chapter, the conservation process and the historical development of conservation in Gökova, the institutions responsible for conservation of this specific area, and plans and decisions regarding the conservation of Gökova will be examined, as well.

In the final chapter, the role of institutions in promoting public interest within the context of the conservation process will be assessed. In order to complete this study, the following steps will be taken:

1. Analysis of current information and knowledge
 - 1.1. Data collection
 - Literature review: Public interest and conservation conceptions and their historical development
 - Discourse analysis method
2. Analyzing the case area
 - 2.1. Data collection about Gökova
 - Observations: Personal observations from a field trip
3. Evaluation
 - 3.1. Proposals

1.3 The Method of Analysis

In this study, the data gathering method includes document analysis and personal observations from a field trip to Gökova. Discourse analysis will be used as the method for analyzing constitutions, conservation laws and regulations. Within the context of the study, published sources related to public interest, public interest theories, conservation of cultural and natural heritage, and the development of the concept of conservation in the world, in Turkey, and in Gökova will all be examined.

Observation of a case study will be a convenient methodological approach to examining the role of institutions in promoting public interest within the context of conservation. Following an identification of the research questions and the presentation of the literature survey and collected data, the case area will be analyzed and results and conclusions will be discussed.

1.3.1 Case Study Selection Criteria

In order to highlight the role of institutions in cultural and natural heritage conservation, to show the implementation of conservation laws and regulation, and to discuss the role of public interest as an indicator for assessing the effectiveness of the conservation process, a case study, Gökova, in the Turkish province of Muğla, will be analyzed by examining conservation decisions about Gökova and personal observations of the area.

Due to its being a special protection area within multiple categories, i.e., as both an archaeological and a natural site, and therefore being under the joint responsibility of different administrative bodies, Gökova provides a good basis for the investigation of the ways in which diverse public institutions conduct their activities in the quest to promote public interest.

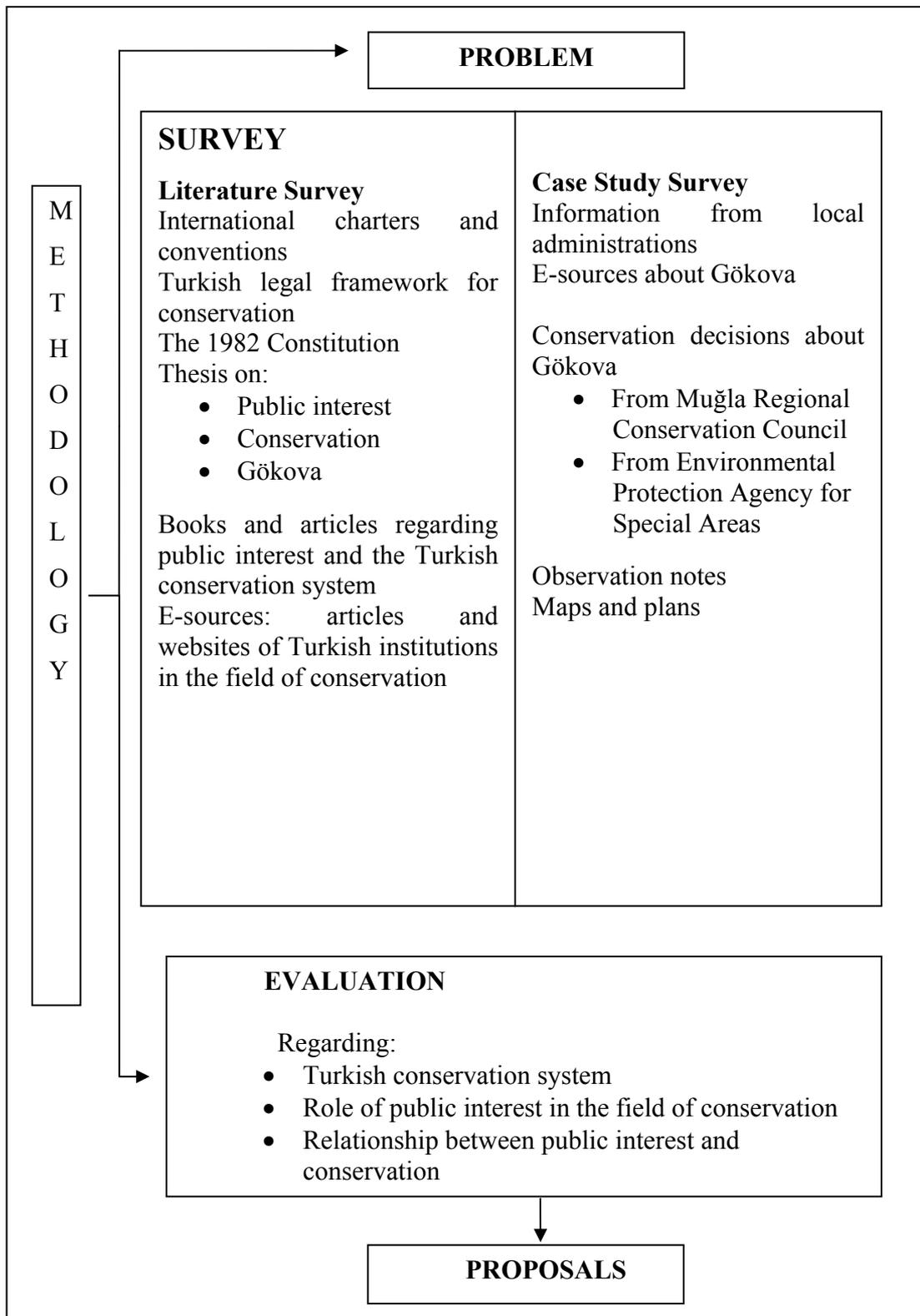


Figure 1: Methodology Chart

CHAPTER 2

LITERATURE SURVEY

2.1 Public Interest

Due to the ambiguity in the definition of public interest, there has been an ongoing disagreement about what exactly constitutes this concept. The unit of calculation of the public interest is also a debatable issue. In addition, whether or not public interest destroys individual rights is a controversial question. Nonetheless, public interest is central to politics and policies. In this respect, from the utilitarian perspective, which refers to “the greatest good for the greatest number of people” (Loewy, 1991, p. 22), public interest is, in general, calculated with regard to the interest of individuals.

2.1.1 Public Interest Definitions

There have been attempts to provide an explanation for the question of where the public interest lies. However, due to the lack of a sound definitional formulation, different views on public interest continue to exist. For instance, according to Schubert, public interest is defined from either a universalist or a particularist perspective (1960, p. 11). This implies that public interest has either a general or a context-specific meaning. Since there is a conflict between these views, Schubert goes on to claim that there is no public interest; it is “mythical concept” (1961, p. 358). Like Shubert, Sarouf claims that public interest is “fable.” In other words, the concept is ill-defined, vague, and utopian (1957, quoted in Bozeman, 2007, p. 84).

Kapani (quoted in Ceylan, 2006, p. 37) claims that “public interest refers to the efforts to behave justly” and is not a “concrete concept.” This implies that since “behaving justly” is an ill-defined concept, public interest is also ill-defined. Similarly, Umar (1976, quoted in Ceylan, 2006, p. 37) states that no definitive criteria are available for the determination of public interest. Therefore, there is no single unanimous definition for this concept; it is context-specific.

On the contrary, according to Fesler (quoted in Bozeman, 2007, p-87), public interest is an ideal. If it cannot be said that public interest exists, then it likewise could not be said that justice, liberty and integrity exist. Similarly, Flathman (quoted in Bozeman, 2007, p. 84) states that “the ambiguity of public interest is not adequate justification of its abandonment.” Both Fesler and Flathman admit the existence of ambiguity in the definition of the public interest concept. Nonetheless, they find usage of the idea of public interest to be valuable.

According to Leys and Perry (quoted in Schubert, 1960, p. 218), public interest can have different meanings, such as a formal meaning and a substantive meaning. According to Akıllıoğlu (1983, quoted in Ceylan, 2006, p. 38), public interest is a multi-functional concept. It is a device for explaining the reasons of political movements and organizations. He further states that “public benefit is a multi functional concept that cannot be considered independent from the interest of the individuals and groups that form a nation and should be deemed as a natural or necessary balance among the benefits of the groups within the society.” According to this approach, public interest refers to the operational criteria by which legitimacy of political actions can be measured.

According to Tunaya (1980, quoted in Ceylan, 2006, p. 37), “public interest, in general, is related to social and political principles on which public and constitution [are] based.” This implies that public interest serves as the basis of constitutions. According to Keleş (1989, quoted in Dik, 2006, p. 11), “Public interest acts as a

decision maker between different individual interests and there are two measures used in this arbitration process. Sometimes public interest refers to interest of the most crowded group... and sometimes it is defined by a not quantitative but a qualitative way.” Keleş also states that collective interest is the broad meaning of public interest (2000, quoted in Ceylan, 2006, p. 39). With that said, Keleş, like Tunaya, claims that public interest is a criterion for drawing the borders of political movements of the state.

According to Bozeman (1979, p. 74), public interest is a wide-ranging concept. Moreover, its various definitions sometimes conflict. Lippman (quoted in Crittenden, 1992, p. 110) defines the concept of public interest as “what men would choose if they saw clearly, thought rationally, and acted disinterestedly and benevolently.” In other words, Lippman suggests that people’s fulfillment of their own ambition constitutes the basis for public interest. This definition has similarities with the utilitarian definition of public interest. However, by contrast, Cox states that, “public interest is the equivalent of the majority interest” (quoted in Bozeman, 2007,p-91). The former definition, with its emphasis on individual interest, is quite different from the latter.

As a result:

1. The concept of public interest is vague, ambiguous and ill-defined. However, “ambiguity in definition of the public interest is not adequate justification of its abandonment” (Flathman, quoted in Bozeman, 2007, p. 84).
2. Many concepts of public interest are virtually indistinguishable from more general concerns of morality (Bozeman, 2007, p. 84).
3. Collective interest is the broad meaning of public interest and, in practice, public interest refers to the common well-being or interest of the majority.

4. Due to the fact that its content can change from one context to another, meanings of public interest sometimes conflict.

In other words,

In one sense, attempting to define the “public interest” is a little like trying to define “love.” It is clear that love means different things to different people under varying circumstances. It can change over time in both form and substance. It also changes us - how we think and behave. Although seeing its effects is possible, it is difficult to observe directly. It can be simultaneously seen as both a state of being and an ongoing process. Its quality and its significance are bound up in both the process of seeking it and in the realization that it must always be pursued. As a result, it defies quantification and meaningful measurement and is, therefore, difficult to use in certain kinds of analyses (Denhardt & Denhardt, 2007, p. 68).

Whether or not the term has multiple or vague meanings, it is nevertheless taken into consideration by courts, laws, public activities and movements, and public policies. Due to the fact that public interest involves a range of subjects, it is used to justify different, “sometimes conflicting, actions” (Bozeman, 1979, p-73).

2.1.2 Self Interest vs. Public Interest

There is ambiguity in the definition of public interest; nonetheless, in general, it is defined as the general well-being or common interest of people. Moreover, public interest finds its expression through individual interests. However, what is good for society may not be good for individuals.

An individual is a rational man who tries to optimize his gains and minimize his losses; therefore, activities which promote public interest while resulting in the loss of individual rights may cause conflict between the interest of the public and the interest of individuals.

2.1.3 Theories of Public Interest

The concept of public interest has been discussed since the time of Plato and Aristotle; further its emergence is anonymous (Burkhead & Miner, 2008, p. 156). However, it was only in the 18th and 19th centuries that this concept developed a utilitarian approach (Howe, 1983, p. 20). Although discussions about public interest began to arise frequently by the mid-1950s, there is still no agreement on one single explanation for this concept. Therefore, it is possible to claim that, although the concept of public interest gained importance during the second half of the 20th century, the question of where public interest lies has not yet been answered.

Even if there is no consensus on the term's definition, there are a number of theories regarding public interest. Leys and Perry suggest a public interest theory which divides the usages of the concept into formal and substantive meanings. Cochran suggests a classification scheme for public interest which defines the concept from normative, abolitionist, process and consensualist perspectives. And Schubert examines the concept of public interest from rationalist, realist and idealist approaches.

2.1.3.1 Leys and Perry's Theory of Public Interest

Leys and Perry divide the usages of the concept of public interest into formal meanings and substantive meanings. While the formal meaning conceives public interest as an objective of government action, the substantive meaning of public interest refers to the objective that should be sought. Leys and Perry also subdivide the substantive meaning into three categories of usage. One is the aggregationalist conception, which conceives public interest as the maximization of individual interests. Another category is the procedural conception, which suggests that the "public interest has been served when the proper procedures have been employed to arrive at public decisions" (quoted in Bozeman, 1979, p. 73). Leys and Perry further

subdivide the procedural conception of public interest according to the type of procedure at hand. The “single conception” involves absolutist and inflexible rules, such as majority rule and due process. “The “pluralist conception” is not absolutist; it involves the “observance of the procedural rules of whatever legal or political power that happens to become the decision-makers for a given issue” (quoted in Bozeman, 1979, p. 73).

A third category of substantive meanings of public interest is the “normative” conception, which suggests the necessity of maximization of some substantive values, such as social equality or economic opportunity, for serving public interest (quoted in Bozeman, 1979, p. 73).

Leys and Perry’s framework of the meanings of public interest can thus be summarized as follows:

- Formal Meaning: The objective of government action
- Substantive Meaning: The objective that should be sought
 - Aggregationalist Conception: The maximization of particular interests
 - Procedural Conception: The proper decision procedures that are employed
 - Single Conception: Absolutist rules and procedures
 - Pluralist Conception: Changeable and flexible rules and procedures
- Normative Conception: Some substantive value is to be maximized

2.1.3.2 Cochran’s Fourfold Typology (“Cochran Approach”)

Cochran suggests a classification scheme for the public interest which defines the concept from normative, abolitionist, process and consensualist perspectives.

2.1.3.2.1 Normative Public Interest

Normative models are used “not to describe what is, but rather what ought to be” (Denhardt & Denhardt, 2007, p. 68); therefore, in normative theories of public interest, public interest is conceived of as an ethical standard for evaluating public policies and as a goal that is pursued by public officials (Cochran, 1974, p. 330). In other words, as stated by Cassinelli (quoted in Denhardt & Denhardt, 2007, p. 68), from the normative perspective, the public interest refers to the highest ethical standard.

A normative concept of public interest assumes that “there is a common good that is different from the aggregate of private benefit and, as usually expressed, that common good is something that is in the interest of the community as a whole, even if against the interest of some of the individuals in the community” (Bozeman, 2007, p. 89).

In other words, the normative conception of public interest assumes that the public interest refers to the benefit of the public at large. In this respect, what is good for society may not be good for individuals; moreover, public interest can harm individual interests. From the normative perspective of public interest, it is not necessary to serve the interests of all members. It is rather an ideal which should be sought.

Similarly, Braybrooke (quoted in Bozeman, 2007, p. 90) suggests that if an individual has set his or her special interest against that of the society, then that interest of the society is the public interest. He also claims that the interest of the majority refers to the public interest.

Flathman (1966, quoted in Parkin, 2000, p. 111) also wrote about public interest from a normative perspective. He suggests that although public interest has no

general unchanging meaning applicable to all public policies, if the effects of policies to the community values have been reasoned by formal principles, then a descriptive meaning of public interest can be determined for particular cases.

As a result, normative public interest can be summarized as follows:

- Due to the fact that the individual may be mistaken about his own interests, there is a common good that is different from the aggregate of private benefit.
- Public interest refers to the benefit of the public at large.
- In this view, what is good for society may not be good for individuals.
- And finally, the view of public interest from a normative perspective refers to the ideal and highest ethical standard.

2.1.3.2.2 Consensualist Public Interest

The consensualist view of public interest emphasizes interests broader than individual or special interests but does not require an invariant or universal public interest (Bozeman, 2007, p. 91). According to this approach, public interest refers to the consensus that is necessary for the operation of society. In other words, the consensualist public interest is based on “shared values.”

Cox (1973, quoted in Bozeman, 2007, p. 91) views public interest as the equivalent of majority interest. It is possible to state that, therefore, Cox has realized the importance of the majority as a minimal consensus for operation of society. Similarly, Downs (1962, quoted in Bozeman, 2007, p. 91) suggests that “public interest is closely related to the minimal consensus necessary for the operation of a democratic society.”

It is stated by Bozeman (2007, p. 92) that consensual public interest has a “decidedly moral tone.” In addition, Redford views the public interest as “a vague, but valuable term which refers policy debate to a public value consensus.” (Bozeman, 2007 p-1)

2.1.3.2.3 Process Public Interest

The process view of public interest identifies public interest as a kind of process. This approach places emphasis on the ways in which public interest is arrived at. In other words, the process approach does not identify what public interest is, but instead investigates the process through which public interest is determined. Cochran also subdivides process public interest into three categories: an aggregative conception, in which the public interest is defined as the sum of individual interests; a pluralist conception, in which public interest refers to the competition among multiple interests; and a procedural conception, in which interest refers to the adopted procedural principle.

The aggregative conception of public interest has its roots in Bentham’s utilitarian theory. As stated by Goodin (1997, p. 3),

utilitarianism is a doctrine that in its standard nineteenth-century formulation, directs us to procedure the greatest happiness in its most useful modern reformulation, it is the moral theory that judges the goodness of outcomes- and therefore the rightness of actions insofar as they affect outcomes-by the degree to which they secure greatest benefit to all concern.

In this respect, public interest is equal to the sum of individuals’ interests. However, the difficulty with the aggregative view of public interest is that individual interest is likely to be identified subjectively. In addition, since the public interest is calculated with regard to the number of individuals that are able to fulfill their own ambitions, this concept risks the “tyranny of the majority.”

The pluralist conception of public interest places emphasis on interest groups rather than individual interest. “Pluralist claims that the public interest will be protected as an outcome of conflicts between opposing groups” (Hancock, 1999, p. 37). According to this view, conflict and/or bargaining among different interest groups advances public interest.

The procedural conception of public interest makes no distinction between political processes and the substance of the public interest; according to this approach the public interest is a procedural principle, not a substantive concern (Bozeman, 2007, p. 94).

2.1.3.2.4 Abolitionist Public Interest

Unlike the normative conception, the abolitionist view of public interest suggests that because public interest cannot be measured or directly observed, or because the concept of public interest or collective will is made unnecessary by the fact that individual choices are still the best way to understand the policy process and set policies, public interest is neither meaningful nor important (Denhardt & Denhardt, 2007, p. 69). It is possible to state that Schubert and Sarouf, by writing that public interest is a myth and a fable, wrote about public interest in an abolitionist way.

2.1.3.3 Schubert’s Theory of Public Interest

Schubert suggests a classification scheme for public interest which defines the concept from rationalist, realist and idealist perspectives.

2.1.3.3.1 Rationalist Theory:

The view of rationalist public interest suggests that there is a common good which finds its expression in popular will or majority interest. As stated by Schubert (1960, p. 199):

Rationalist are propublic, proparty, and anti-interest group. They postulate a common good, which reflects the presumed existence of various common-frequently majoritarian- interests. The common good (or commonweal, to use the older term) finds expression in a popular will (public will, will of the people); the common obligation of all public officials is faithfully to execute the popular will. To this extent, there is consensus among Rationalists. Differences of opinions are many, however, as to the appropriate channels for authentic interpretation of the public will. Basically there are two functions: Party Rationalists and Popular Rationalists. Party Rationalists defend a stronger two-party system as the chosen instrument for expressing the public will; Popular Rationalists would do away with political brokers and consult public opinion directly in order to discover the will of the people.

In this respect, the role of the authority of public officials is to execute this public will and interest of the majority by translating it into public policies and actions. As a result, the public will is carried out in the decision-making process and public interest is pursued. The main emphasis of rationalist public interest is on the majority rule. However, a common criticism of the rationalist view is that sometimes there is no “clear public will” (Bozeman, 1979, p. 74).

2.1.3.3.2 Realist Theory

According to the realist theory of public interest, the common good is not an independent entity. In order to pursue public interest, conflicting interests are necessary. In this respect, the role of public officials is to mediate conflicting individual interests. In other words, “the function of government officials is to facilitate the continuous readjustment of conflicting interest” (Bozeman, 1979, p. 75).

The realists depend on the interplay of interest groups to achieve a kind of consensus; the public interest is that which emerges when the full range of interest groups are taken into consideration. The role of decision maker may vary greatly; he may simply serve to reconcile diverse interests, or he may be an influential participant in the decision process (Burkhead & Miner, 2008, p. 157).

Realist public interest theory views all “policy-shaping communities” (Shadish, Cook, & Leviton, 1991, p. 99) as interest groups. However, as stated by Schubert (quoted in Bozeman, 1979, p. 75), the difficulty with the realist view of the public interest is its failure to judge one set of interests as better than another.

Schubert (1961, p. 202) also subdivides the realist theory of public interest into three categories: Bentlian Realism, Psychological Realism and Due-Process Equilibrium Realism. While Bentlian realism is based on the competition among different interests, Psychological Realism supports the necessity of the “conflict of interest within the mind of the decision maker” (Schubert, 1960, p. 202). On the other hand, Due Process Equilibrium Realism supports a plurality of interests.

2.1.3.3 Idealist Theory

The view of idealist public interest rejects the notion of “public will.” According to this approach, the public is “inadequate as a source of public policy.” Due to the fact that “there is no assurance that the public will, will be right,” majority rule and thus the concept of public will are rejected by idealist theory. (Schubert, 1961, p-244)

In other words, as stated by Burkhead and Miner (2008, p. 157):

The idealists find that the public interest resides in a kind of natural law. The public interest is described as a matter of substance, independent of any specific procedure or decision process.

Schubert (1961, p. 200) suggests that “the idealists are [a] pro-public, antiparty, and anti-interest group.” With that said, he suggests that the idealists support the “true” interest of the public. In this respect, the role of public officials is to support and promote the “true” interests of the public.

According to idealists, the public interest does not rest on positive laws; instead, it rests on natural law. Since idealists define public interest as “a thing of substance, independent of decisional process and absolute in its term” (Schubert, 1961, p-244), they reject the majority rule.

In brief, according to Burkhead and Miner (2008, p. 157),

There are grounds for dissatisfaction for Schubert’s differing approaches to the concept of the public interest. The rationalists are engaged in a search for new instrumentalities to develop a central expression of the “public will” in a political world that is dominated by disparate group interests. The idealists have acquired an aura of authoritarianism. The realists have served up no guidelines.

2.1.4 Public Interest within the Context of Conservation

Conservation, whose primary focus is upon continuance, in general refers to “the act of preserving.”¹ According to Pinchot (2004, p. 17), conservation, in general, refers to “the greatest good, for the greatest number, for the longest time.” Although the question of whether whole conservation activities promote public interest is controversial, public interest can be related to the context of conservation via laws and institutions. In addition, public interest theories can be hypothetically adapted to the conservation context. In this respect:

1. Conservation: From the Perspective of Leys and Perry’s Theory

Leys and Perry subdivide the concept of public interest into two categories:

¹ “Conservation,” retrieved from en.wiktionary.org/wiki/conservation.

- I. The formal meaning of conservation can be defined as an objective of government action. This implies that conservation is a service that should be executed by governments.
- II. The substantive meaning of conservation refers to the objective that should be sought. In this respect,
 - From the perspective of the aggregationalist conception, the number of individuals benefited by the conservation activities can be an indicator for assessing the success of conservation.
 - According to the procedural conception, conservation can be defined as a service which is attained if proper procedures are employed.
 - Conservation from the perspective of single conception suggests that, in order to achieve conservation, inflexible rules such as “majority rule” should be taken into consideration.
 - The pluralist view refers to the opposite of single conception.
 - According to the normative theory of conservation, successful conservation can be achieved if some substantive values are maximized. This implies that some principles, such as equality among people, should be adopted for promoting effective conservation.

2. Conservation: From the Perspective of the Cochran Approach

Cochran subdivides the concept of public interest into four categories. In this respect:

- I. Conservation from the perspective of normative theory accepts conservation as an activity for promoting common good. Therefore, conservation, from the perspective of normative conception, refers to an ethical standard and rules that define the principles of successful conservation. It does not identify what conservation is; instead, it describes what conservation ought to be.
- II. From the perspective of consensualism, in order to attain conservation, a minimum consensus is necessary among individuals. This implies that

activities of conservation should be supported by a number of individuals to constitute consensus.

- III. According to the process conception of conservation, the methods of attaining conservation are important. Therefore, this conception places its emphasis on the process of conservation rather than the meaning.
- How many individuals will be benefited by the conservation activities is important according to the aggregative conception.
 - The pluralist conception of public interest places its emphasis on the interest groups. Therefore, bargaining among different interest groups is necessary to advance the public interest. In this respect, according to the pluralist conception of conservation, bargaining among different views on conservation is necessary to attain conservation.
 - The procedural conception of public interest suggests that public interest is a procedural principle. In this respect, conservation, from the perspective of the procedural view, places its emphasis on procedures. According to this approach, the ways by which conservation is attained are important.
- IV. According to the abolitionist conception, conservation cannot be achieved.

3. Conservation: From the Perspective of Schubert's Theory

According to Schubert, a classification scheme of conservation can be defined with rationalist, realist and idealist perspectives. In this respect:

- I. Conservation, from the perspective of rationalism, refers to an activity which promotes the common good. It is an activity based on popular will. Taking into account the principle of majority rule is necessary for providing successful conservation.
- II. The realist view of public interest suggests that if the interests of a full range of interest groups are taken into consideration, public interest emerges. In this

respect, from the perspective of realism, successful conservation can be attained if different views on conservation are taken into consideration.

- III. According to idealist conceptions, conservation is independent of any specific rule and procedure. It is an ideal.

In summary, public interest can be related to the context of conservation, and like public interest, conservation may have several meanings from the point of view of different public interest theories.

2.1.5 Summary of the Theories on Public Interest

Different theories provide different explanations of the question of where public interest lies. Moreover, there are similarities among these theories. For example, both Cochran's Fourfold Typology and Leys and Perry's theory of public interest include a pluralistic conception of public interest, and both of them support the idea that there are no absolutist or inflexible rules in the concept of public interest. The procedural conception of Leys and Perry's theory of public interest is similar to the procedural conception of Cochran's public interest theory, as well. Moreover, Leys and Perry's and Cochran's theory both include a normative conception of public interest. In addition, the aggregationalist conception of Leys and Perry's theory and the aggregative conception of Cochran's theory both suggest that public interest is equivalent to the sum of private interests.

Normative theories and rationalist theory support the idea that public interest is an "ideal," and therefore it is possible to claim that Schubert's idealist theory has similarities with Cochran's and Leys and Perry's normative theories. On the other hand, while Schubert's realist theory suggests the necessity of conflicting interests for providing public interest, Cochran's consensualist theory, with its emphasis on "shared values," supposes a necessity of consensus among different individual interests. All three public interest theories can be summarized as follows:

Table 1: Public Interest Theories

Leys and Perry's Theory of Public Interest	Cochran's Theory of Public Interest	Schubert's Theory of Public Interest
<p>Formal Meaning of Public Interest: It is the objective of government action.</p> <p>Substantive Meaning of Public Interest: It is the objective that should be sought.</p> <ul style="list-style-type: none"> • Aggregationalist Conception: Public interest is maximization of particular interests. • Procedural Conception: Public interest has been served when the proper procedures have been employed to arrive at public decisions. <ul style="list-style-type: none"> ○ Single Conception: Involves absolutist and inflexible rules such as majority rule and due process. ○ Pluralist Conception: Not absolutist and not inflexible. • Normative Conception: Some substantive values such as social equality or economic opportunity must be maximized for the public interest to be served. 	<p>Normative Public Interest: There is a common good that is different from the aggregate of private benefit. Common good is something that is in the interest of the community as a whole, even if against the interest of some of the individuals in the community.</p> <p>Consensualist Public Interest: Public interest is broader than individual interest, but not requiring an invariant or universal public interest or majority interest.</p> <p>Process Public Interest: It is less important what the public interest is than how we arrive at it.</p> <ul style="list-style-type: none"> • Aggregative Conception: Public interest is the sum of individual interests. • Pluralist Conception: For public interest, conflict between opposing groups is required. 	<p>Rationalist Theory: There is a common good which finds expression in a popular will.</p> <p>Realist Theory: The realists depend on the interplay of interest groups to achieve a kind of consensus; the public interest is that which emerges when the full range of interest groups are taken into consideration</p> <ul style="list-style-type: none"> • Bentlian Realists: Direct attention to the competition among multifarious interest groups. • Psychological Realists: Go beyond the essentially mechanical formulations of the Bentlians and focus attention upon the conflict of interest within the mind of the decision maker. • Due Process Equilibrium Realists: Lean most heavily upon what is, at least crudely, mathematical probability theory.

Table 1 Continued

Leys and Perry's Theory of Public Interest	Cochran's Theory of Public Interest	Schubert's Theory of Public Interest
	<ul style="list-style-type: none"> • Procedural Conception: Makes virtually no distinction between political processes and the substances of public interest. <p>Abolitionist Conception: Public interest is not meaningful or important.</p>	<p>Idealist Theory: The idealists find that public interest resides in a kind of natural law. The public interest is described as a matter of substance, independent of any specific procedure or decision process.</p>

In summary, there are different definitions and theories about the concept of public interest, and the actions of the public will be directed accordingly, depending on which view of public interest is taken. In other words, public interest defines how we act.

Public interest can be related to the context of conservation. Moreover, conservation, as an attempt of sustaining, is also directed accordingly depending on which view of public interest is taken. In this respect, the following table summarizes conservation from the perspective of public interest.

Table 2: Conservation from the Perspective of Public Interest Theories

Conservation from the Perspective of Leys and Perry’s Theory of Public Interest	Conservation from the Perspective of Cochran’s Theory of Public Interest	Conservation from the Perspective of Schubert’s Theory of Public Interest
<p>Formal meaning: conservation is a service that should be executed by governments.</p> <p>Substantive meaning: conservation refers to the objective that should be sought.</p> <ul style="list-style-type: none"> • Aggregationalist conception: the number of individuals that benefit from conservation activities can be an indicator for assessing the success of conservation. • Procedural conception: conservation can be defined as a service which is attained if proper procedures are employed. • Single conception: in order to achieve conservation, inflexible rules such as “majority rule” should be taken into consideration. <ul style="list-style-type: none"> • Pluralist conception: refers to the opposite of the single conception. • Normative theory of conservation: some principles such as equality among people and the principle of equal rights should be adopted. 	<p>Normative theory: accepts conservation as an activity for promoting common good.</p> <p>Consensualism: activities of conservation should be supported by a number of individuals to constitute consensus.</p> <p>Process conception: emphasis is placed on the process of conservation rather than its meaning.</p> <ul style="list-style-type: none"> • Aggregative conception: the number of individuals benefiting from the conservation activities is important. • Pluralist conception: bargaining among different views on conservation is necessary to attain conservation. • Procedural conception: the methods by which conservation is attained are important. • Abolitionist conception: effective conservation cannot be achieved. 	<p>Rationalism: taking the principle of majority rule is necessary for providing successful conservation.</p> <p>Realist conception: successful conservation can be attained if different views on conservation are taken into consideration.</p> <p>Idealist conception: conservation is an ideal.</p>

2.1.6 Laws and Institutions from a Public Interest Point of View

Public interest is a controversial concept and there is no consensus on its definition; however, collective interest is accepted as the broad meaning of this concept.

Therefore, public interest is seen as a common well-being and has become central to public policies. In this regard, public interest refers to public actions and services whose main aim is to make a majority of people content.

Governments act according to their constitutions; therefore, the scope of public interest is defined by constitutions and laws. In this respect, since governmental and semi-governmental institutions are founded by laws, they, despite changing trends, have an important role in public interest promotion. However, similar to the concept of public interest, there are various definitions of the concept of “institution.” According to its dictionary definition:

Institutions are structures and mechanisms of social order and cooperation governing the behavior of a set of individuals. Institutions are identified with a social purpose and permanence, transcending individual human lives and intentions, and with the making and enforcing of rules governing cooperative human behavior. The term “institution” is commonly applied to customs and behavior patterns important to a society, as well as to particular formal organizations of government and public service. As structures and mechanisms of social order among humans, institutions are one of the principal objects of study in the social sciences, including sociology, political science and economics. Institutions are a central concern for law, the formal regime for political rule-making and enforcement.²

According to North (1991, p. 3), institutions are entities that define the rules in a society. Moreover, they shape human interaction. He also states that institutional change shapes the “way societies evolve.” As a result, the role of institutions is to reduce uncertainty in human interaction.

Consequently, definition of institutions can be subdivided into two categories:

1. Since institutions define the rules of society and shape human interaction by defining values and norms, they determine what is

² “Institution,” retrieved from <http://en.wikipedia.org/wiki/Institution> (accessed on 20 October 2009).

appropriate and proper. Therefore, “institutions” refers to a set of rules and norms that exists in the society, including the institution of marriage, of friendship, and so on.

2. Due to being formal organizations of government institutions, “institutions” refers to public organizations.

However, although the definition can be summarized as broadly addressing a set of rules and norms that exist in society and within the formal organization of government, in order to discuss institutions’ roles in public interest promotion, it is necessary to further examine the development of the notion of institutions.

In the welfare state period from 1930 to the 1970s, it was assumed that state intervention was necessary for the economic development of nations. As seen in the period before the 1930 economic crisis, classical economies had been dominating the rules of the market. However, the system failed with the economic crisis. After that, it was realized that there was a need for government intervention in the economic development of states. This period is also called the “rise of the nation states.” The importance of the welfare state from an institutional point of view is the realization of the importance of the state in fulfilling public services. In other words, the state was responsible for a large number of tasks for promoting public interest during the period of the welfare state, and to achieve those goals, it utilized its institutions.

In this period, “institution” referred to the public organizations of states. In addition, since governments operated via their institutions, public interest was seen as a tool for measuring the legitimacy of public works. In other words, from an institutional point of view, public interest was considered as a rationale for government operations, political movements and organizations. However, in the 1970s, the welfare state system also failed, with the 1970s economic crisis. Although the

reasons for the 1970 crisis were different from those for the 1930 economic crisis, they both resulted in changes in economic systems.³ As a result, there has been shift from a Fordist economic production system to a post-Fordist system. Due to the fact that the new production system has required global markets, globalization has consequently occurred. The following chart summarizes the period after the 1970 economic crisis.

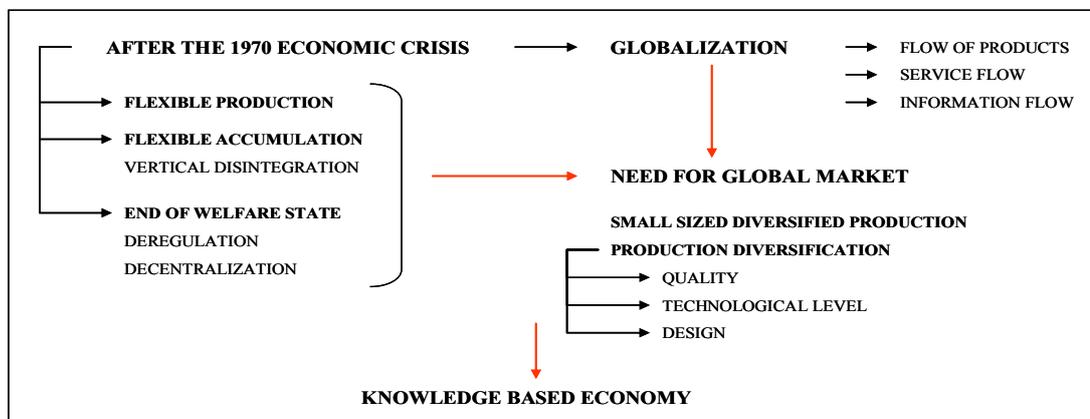


Figure 2: The Period after the 1970 Economic Crisis

The period after the 1970s is called the “fall of nation states.” And in this period, particularly after the 1980s, an institutional transformation occurred within governments. Three overlapping dimensions can be identified in this shift:

³ After the 1930 economic crisis, the economic system changed from classical economy to neo-classical economy and the Keynesian welfare state was adopted as a main principle. After the 1970 economic crisis, the principle of the welfare state was abandoned and the knowledge economy was adopted as a main principle.

- “A reduction in the government’s proactive role in the economy and the society
- The diversification of decision making throughout a wide range of organization
- The restructuring of intergovernmental relationships” (Salet, Thornley, & Kreukels, 2003, p. 6).

In other words, since the 1980s, economic globalization has changed the world economic order in a short period of time, bringing new opportunities and new challenges (European Parliament, 2006, p-2). Moreover, globalization has affected not only the economic order of the world, but it has also resulted in changes in social and political orders. The restrictions on the capital market have been loosened, countries have lowered their market boundaries and large sections of state-owned activities have been privatized. Therefore, in changing political orders, this resulted in a reduction in the government’s proactive role, diversification of the decision-making process and a restructuring of intergovernmental relationships, all of which has led to institutional transformation.

Institutional transformation has decreased the role of public institutions in promoting public interest; therefore, the deregulation of central authority that resulted in privatization of state-owned activities has an importance from the institutional point of view.

2.1.7 The Public Interest Concept in Turkey

It is possible to claim that, as stated by Schubert (1960, p. 11), public interest is particularized by identifying it with the most specific and discrete of policy norms and actions in Turkey. However, since states act according to their constitutions, it is necessary to examine the Turkish Constitution in order to discuss public interest in Turkey.

2.1.7.1 Public Interest in Turkish Constitutions

The government of Turkey functions in accordance with the constitution of 1982, which was adopted during the period of the 1980 military coup. The 1982 Constitution replaced the 1961 Constitution, which had been also adopted during the period of the 1960 military coup.

Like its predecessor, the 1982 Constitution defines social, economic and political rights and liberties of citizens. According to the 10th Article of the constitution, all individuals are equal before the law. And according to 12th Article, “Everyone possesses inherent fundamental rights and freedoms which are inviolable and inalienable.” However, Articles 13 through 15 authorize the government to restrict individual rights in the interest of safeguarding the “integrity of the state” (Metz, 1995) and “the public interest.” The government may impose further limitations on individual rights “in times of war, martial law, or state of emergency.”

The following table summarizes the constitutional articles in which public interest concept is mentioned.

Table 3: The Concept of Public Interest in the 1982 Constitution⁴

Article No:	Name	Content
23	Freedom of Residence and Movement	“Everyone has the right to freedom of residence and movement.” However, “freedom of residence may be restricted by law for the purpose of preventing offences, promoting social and economic development, ensuring sound and orderly urban growth, and protecting public property. ”
35	Property Rights	Everyone has the right to own and inherit property. But these rights may be limited by law only in view of public interest . And the exercise of the right to own property shall not be in contravention of the public interest .
43	Utilization of the Coasts	In the utilisation of sea coasts, lake shores or river banks, and of the coastal strip along the sea and lakes, public interest shall be taken into consideration with priority.
46	Expropriation	The State and public corporations shall be entitled, where the public interest requires it.
169	Forests and the Inhabitants of Forest Villages	The ownership of state forests shall not be transferred to others. State forests shall be managed and exploited by the state in accordance with the law. Ownership of these forests cannot be acquired through prescription, nor shall servitude other than that in the public interest be imposed in respect of such forests.

In summary, it is possible to state that the 1982 Constitution has acknowledged the supremacy of the interest of the public by authorizing the state to restrict individual rights and liberties on behalf of public interest.

⁴ In addition to Articles 23, 35, 43, 46 and 169, the concept of public interest is also mention in the 47th (Nationalization and Privatization) and 127th Articles (Local Administrations) of the 1982 Constitution.

2.1.7.2 Turkish Institutions from a Public Interest Point of View

The role of institutions in public interest promotion has changed from 1930 to the 2000s to a great extent. During the welfare state period, institutions had considerable significance in public interest promotion, whereas following the 1980s, their importance has been decreased due to certain attempts toward the deregulation of the nation state and privatization of public activities.

However, it cannot be easily stated that the roles of institutions in Turkey have been directly affected by globalization. In other words, due to the fact that Turkey is a developing country, it has been following certain trends of the developed countries. As Turkey's economic and social background is inevitably quite different from that of developed countries, its pace of development is a different. As an example, globalization requires the deregulation of the nation state and privatization of some state-owned activities. However, because of the Turkish social and economic structure, the pace of deregulation is quite slow and the process of deregulation of central authority is highly problematic when compared to that of developed countries. Within this context, it is possible to point out that Turkish institutional structure has not changed as fast as that of the developed countries, and although there has been a shift toward deregulation of central authority, Turkish institutions still act as welfare state institutions. This means that many tasks in Turkey are still state-controlled and that Turkey fulfills these responsibilities by utilizing its governmental institutions.

Providing for public interest is still a primary aim of the Turkish state. Due to the fact that the state operates via its institutions, public interest is hence a device which measures the legitimacy of public works. Moreover, from the institutional point of view, public interest is the *raison d'être* of government operations, political movements and organizations. Therefore, institutions are clearly significant agents for public interest promotion in Turkey.

2.2 Heritage Conservation Concept

The content of public interest may differ from one context to another; therefore, it will be discussed here within the context of the conservation of cultural and natural assets. Since these assets are the heritage of cultures, the heritage conservation concept will be discussed first.

2.2.1 Definitions of Heritage

Heritage generally refers to something that should be passed down from preceding generations. However, it is possible to point out that if someone wants to preserve something, then that thing will become his heritage.

- The individual possesses personal heritage,
- The community possesses collective heritage,
- The country possesses common heritage,
- And the world possesses human heritage (LeBlanc, 2004, p-2).

Therefore, the possessors of the heritage can be individuals, communities, countries or the world. The materials from which the heritage is assembled are wide-ranging and can consist of nature, man-made environments, people, memories, historical events and objects, or archaeological ruins. However, the most important thing about heritage is that it rests upon varied value systems. This implies that the content of heritage can change from one owner to another. Nonetheless, heritage is a comprehensive concept which reflects ways of lives and habits. It enables communities to learn about their cultural history truly and chronologically (Ünver, 2006, p. 1). In other words, “heritage whilst ostensibly about the past, is always about the future” (Adams, 2005, p. 1).

2.2.2 Cultural and Natural Heritage

The concept of “heritage” refers to a relation between people, whether it be a single person, people in a certain community, or the broader world, and value systems. Due to the fact that value systems are shaped within communities and that they differ from one culture to another, cultural heritage composes an important part of the overall concept of heritage. In addition, because natural heritage is a crucial asset for the continuity of life, it composes another important part of overall heritage.

According to Strati (1995, p. 7), “there is no generally acceptable definition of the concept of cultural heritage and cultural property despite the frequent appearance of these terms in UN and UNESCO Conventions and Recommendations. Each instrument has employed a different definition drafted for its specific purposes.” However, although cultural heritage is a wide-ranging concept, buildings, monuments, historical places and archaeological sites and objects which should be preserved for their historical and cultural values all constitute the materials of cultural heritage. In other words, monuments, groups of buildings and other sites compose immovable cultural properties.

Natural heritage is also an important part of our overall heritage, consisting of natural monuments and sites which should be preserved for their beauty, their biological and scientific values or their uniqueness. However, it is necessary to state that it is up to the owner of the heritage to define the content of cultural and natural heritage.

On the other hand, “value systems” constitute a basis of the heritage concept. “Value system” refers to “the set of cultural and moral values a person or a group has.”⁵ Furthermore, it provides an explanation for the question of why different cultures

⁵ “Value system,” retrieved from [en.wikipedia.org/wiki/Value_system_\(disambiguation\)](http://en.wikipedia.org/wiki/Value_system_(disambiguation)) (accessed on 20 October 2009).

look at a heritage site or object (LeBlanc, 2004, p-3). Due to the fact that value systems are constantly in evolution, so is the concept of heritage. As stated by UNESCO, “the term ‘cultural heritage’ has not always meant the same thing” (UNESCO). Therefore, it is possible to claim that, in the contemporary world, both cultural and natural heritage concepts have gradually come to include new categories and that the content of cultural and natural heritage has changed over time.

2.2.3 Development of Conservation of Cultural and Natural Heritage

Heritage has its roots in value systems. Due to the fact that “heritage” refers to something worth preserving, it is possible to claim that heritage is always focused on the future. Therefore, the desire to pass heritage on to the next generation constitutes the basis of conservation understanding.

2.2.3.1 Public Interest as a Basis of Heritage Conservation

The content and scope of public interest and conservation are controversial; however, they are related to each other. As stated by Çakmak (2008, p.134), “since conservation is related to public this points to the term public interest.” The meaning of conservation, in general, refers to “the greatest good, for the greatest number, for the longest time” (Pinchot, 2004, p. 17). Therefore, it is possible to state that the activities related to conservation are promoting public interest. In other words, public interest, in general, refers to the common well-being or benefit of the public at large. In this respect, conservation, with its emphasis on the maximum happiness for greatest number of people, promotes public interest.

Nature is of basic importance for the continuity of life, and culture is an asset which refers to “all the knowledge and values shared by a society that impresses the

identity.”⁶ Therefore, preservation of natural and cultural properties is necessary for providing a sense of identity and continuity of life. In this respect, since conservation contributes to human well-being by safeguarding public goods, namely cultural and natural properties, it is an activity which promotes the public interest. Whether conservation truly promotes public interest is often questioned due to the existence of conflicting interests, but nonetheless, public interest constitutes the basis of conservation.

2.2.3.1.1 Self Interest versus Public Interest within the Context of Heritage Conservation

In the field of conservation, due to the fact that conservation decisions terminate construction and human settlement activities in protected areas, self interest and public interest particularly clash in the area of property rights. Since individuals lose their right of property in these protected areas, it is often claimed that the conservation decision is not necessary and not taken on behalf of public interest. In addition, in the domain of conservation, the basic rights of people, such as earning a livelihood and conducting economic activity, may also be restricted in order to conserve cultural and natural assets. For instance, if a certain area has a crucial value, such as being an indispensable source in the world ecosystem, it has to be protected for the benefit of the people. However, if this area is already settled or if natural assets in this area are being utilized for economic development, the local people who gain their livelihood from this area have to make sacrifices for the area’s preservation. This implies that people’s right to live in the area and undertake economic activities to gain their livelihood is inevitably restricted. Consequently, public interest and self interest can conflict in the field of conservation, and sometimes peoples’ livelihood is threatened by certain conservation decisions.

⁶ “Definition of Culture,” retrieved from wordnet.princeton.edu/perl/webwn (accessed on 17 April 2009).

In Turkish conservation legislation, the law for the Protection of Cultural and Natural Assets states that “the movable and fixed cultural and natural assets that are known to be present or may occur in the future in the fixed assets of the state, public organizations and agencies, and the fixed assets possessed by real and corporal persons subject to the provisions of private law and that require to be protected are the possessions of the State (The Law code 2863 Article 5).

The fact that cultural and natural assets are possessions of the state implies that the usage rights of these assets belong to the owner. However, they belong to the community. In this respect, since they are the common heritage of the country, the government shall take several measures to protect cultural and natural assets. In other words, cultural and natural assets that require protection are the possession of the public. Therefore, according to Turkish conservation legislation, “even if it is against the interest of some of individuals in the community” (Bozeman, 2007, p-83) in the utilization of cultural and natural assets *public interest* shall be taken into consideration with priority.

2.2.3.2. A Chronology of International Documents on Cultural Heritage

The laws of ancient Rome included articles concerning conservation of antiquities; therefore, it is possible to state that the consciousness of the conservation of cultural assets is very old (Güçer, 2004, p. 8). However, it was only in the second half of the 20th century that the importance of cultural heritage came to be noticed more clearly and major precautions for conserving this heritage were taken. After the Second World War, the issue of conservation of cultural heritage has been taking place on the international stage, as well. It has been recognized that national and international precautions should be taken in order to conserve and maintain these irreplaceable assets. As a result, a number of international conservation institutions have been formed and international charters and conventions have been ratified by the states. These include:

- UNESCO, the United Nations Educational, Scientific and Cultural Organization, founded in 1945. UNESCO undertakes action in the fields of education, social and natural sciences, culture and communication.⁷
- The International Council of Museums (ICOM), established in 1946 to protect cultural heritage.
- The Council of Europe, founded in 1949. With the establishment of the Council a new dimension for the conservation concept was initialized.
- The European Cultural Convention, ratified in Paris in 1954. “It is stated as a policy of common action designed to safeguard and encourage the development of European culture” (Güçer, 2004, p. 13).
- The International Center for Conservation and Restoration of Rome (ICCROM), whose aim is to “improve the quality of conservation as well as raising people’s awareness,”⁸ was established in 1959.
- Europa Nostra was established in 1963 to safeguard Europe’s cultural heritage and landscapes (Europa Nostra).
- The Venice Charter, a critical study on conservation and restoration of monuments and sites, determined conditions for restoration and conservation in 1964. In this process, “the concept of historic monument was taken in the context of urban or rural setting and as an evidence of a particular civilization... As a result [the International Council on Monuments and Sites] was established” (Güçer, 2004, p. 15-16).
- The European Convention on the Protection of the Archaeological Heritage was held in 1969. The main emphasis of the Convention was on the principle of international cooperation for the circulation of archaeological objects.

⁷ UNESCO (n.d.) About UNESCO, Retrieved from http://portal.unesco.org/en/ev.php-URL_ID=3328&URL_DO=DO_TOPIC&URL_SECTION=201.html (Accessed on 06 October 2009)

⁸ ICCROM (n.d.), “What is ICCROM?” Retrieved from http://www.iccrom.org/eng/00about_en/00_00whats_en.shtml (accessed on 27 July 2009).

- In 1972, the “world heritage” concept was developed and formalized by UNESCO. “*A Recommendation Concerning the Protection, at National Level, of the Cultural and Natural Heritage* and an international treaty document entitled *Convention Concerning the Protection of World Cultural and Natural Heritage* is set down” (Güçer, 2004, p. 14).
- The Convention for the Protection of the Archaeological Heritage of Europe, also known as the Granada Convention, was held in 1985. At this convention, it was stated that manmade heritage is the most immediately obvious aspect of cultural heritage.⁹
- The Convention for the Protection of the Archaeological Heritage of Europe, also known as the Valletta Convention, was held in 1992. With this convention, the archaeological heritage definition was changed and it is now considered to be the collective memory of Europe.¹⁰
- The Organization of World Heritage Cities was founded in 1993 with a view to developing solidarity and cooperation among World Heritage Cities (UNESCO).

⁹ “The Granada Convention is in keeping with the UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage (1972) but its scope is European, whereas that of the UNESCO convention is global. It covers overall integrated conservation policies to be carried out in the European context whereas the UNESCO convention forms the basis for the protection of world heritage items” (Council of Europe).

¹⁰ “The Valletta Convention is a Europe-wide international treaty which establishes the basic common principles to be applied in national archaeological heritage policies. It supplements the general provisions of the UNESCO World Heritage Convention (1972) and updates the Recommendation on International Principles Applicable to Archaeological Excavations (UNESCO, 1956) and the Recommendation concerning the Protection, at National Level, of the Cultural and Natural Heritage (UNESCO, 1972)” (Council of Europe).

- The European Association of Historic Towns and Regions (EAHTR) was formed by the Council of Europe in 1999. Its aim is to promote the interests of historic and heritage towns across Europe.
- In 2005, the Framework Convention on the Value of Cultural Heritage for Society, also known as the Faro Convention, was held in Faro. “The Convention is concerned mainly with the values attached to heritage and attempts to establish criteria for the proper use of existing heritage assets” (Council of Europe).

In brief, the issue of conservation of cultural assets was brought to the international stage by international conservation institutions such as UNESCO, the European Council, the European Union, ICOM, ICOMOS, ICCROM, and other international conventions and charters, particularly in the second half of the 20th century. This implies that the significance of conservation of cultural assets and the necessity of international institutions as guiding actors for conservation activities has been recognized. Following that, the content of cultural heritage conservation has been broadened from historic monuments to ethnographic collections, historic gardens, towns, villages and landscapes (Güçer, 2004, p. 10).

2.2.3.3 A Chronology of International Documents on Natural Heritage

States have traditionally given priority to protecting national security and maintaining economic growth; therefore, they have long seen the environment as something to be sacrificed for economic development. As a result, destruction of natural resources has been continuing for decades. Although some earlier decisions were put forward for the conservation of natural resources, it was only in the second half of the 20th century that major precautions were taken for protecting the environment (Şat Güngör, 2007). By the 19th century, the dominant attitude toward natural heritage was that the environment should be beneficially exploited whenever possible. During the post-war period, attention was focused on economic and

industrial reconstruction (Barrow, 2001, p. 4567) rather than environmental protection.

“Environmental problems have become global with the acceleration of the global process” (Yalçın, 2009, p. 288). Since environmental problems have acquired an international dimension, this has necessitated the involvement of international organizations in the process of environmental protection. As a result, international institutions were founded and international conventions and charters were ratified. However, global environmental problems did not receive significant international attention until the 1960s, and it was the United Nations Conference on the Human Environment, also known as the Stockholm Conference, which made the environment a subject of international policy in 1972 (Haas, Keohane, & Levy, 1993, p. 6).

In this respect, the Ramsar Convention, which was an intergovernmental treaty adopted in 1971, can be accepted as the first global intergovernmental treaty on the conservation and sustainable use of natural resources (Ramsar Convention Secretariat). At this convention, the importance of wetlands as a habitat for water birds was underlined and their necessity, from the point of view of biodiversity, was stressed.

In 1972, “the Convention Concerning the Protection of the World Cultural and Natural Heritage, in short World Heritage Convention (Paris Convention), was ratified. This convention, due to providing an approach for linking nature and culture, is a unique international instrument” (Hoffman, 2006, p. 201).¹¹

¹¹ “The Convention defines cultural heritage as monuments, group of buildings and sites, whereas natural heritage was described as natural features consisting of physical and biological formation or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view; geological and physiographical formulations and precisely delineated areas that

In 1973, the United National Environmental Programme (UNEP) was established to oversee environmental care worldwide (Barrow, 2001, p. 4569). In 1976, the Barcelona Convention and its protocols were ratified. The aims were to reduce pollution in the Mediterranean Sea and protect and improve the marine environment in the area, thereby contributing to its sustainable development (Europa, 2007). The Barcelona Convention, with its Protocol for Specially Protected Areas of the Mediterranean (Geneva Protocol), aims at protection of natural and cultural sites in the Mediterranean region by designating any coastal areas and their surroundings with an important environmental value as specially protected areas.

Environmental protection has proceeded since the late 1980s (Haas & Speth, 2006, p. 119). In 1982, the Bern Convention on the Conservation of European Wildlife and Natural Habitats, whose aims are to to conserve wild flora and fauna and their natural habitats, especially those species and habitats whose conservation requires the cooperation of several states, and to promote such cooperation (article 1 of Bern Convention), came into force by the Council of Europe. The convention led to the creation of the Emerald Network of Areas of Special Conservation Interest (ASCIs) throughout the territory of the parties to the convention (Wikipedia, 2009). Another international agreement on biodiversity is the Habitat Directive and Natura 2000, established by the Habitats Directive of the European Council as an ecological network.¹²

constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation; natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty” (Hoffman, 2006, p. 201).

¹² “Habitat Directive is intended to help maintain biodiversity in the Member States of the European Union by defining a common framework for the conservation of wild plants and animals and habitats of Community interest. The network comprises ‘special areas of conservation’ designated by Member States in accordance with the provisions of the Directive, and special protection areas classified

In 1992, the term “cultural landscape” was introduced into the World Heritage concept, providing a new approach toward linking culture and nature.¹³ Also in 1992, with the Earth Summit at Rio de Janeiro, the importance of “biodiversity” was underlined, and as a result, the Convention on Biological Diversity was ratified. The objective of the convention was to develop national strategies for the conservation and sustainable use of biological diversity.

The convention recognized for the first time in international law that the conservation of biological diversity is "a common concern of humankind" and is an integral part of the development process. The agreement covers all ecosystems, species, and genetic resources. It links traditional conservation efforts to the economic goal of using biological resources sustainably. It sets principles for the fair and equitable sharing of the benefits arising from the use of genetic resources, notably those destined for commercial use. The convention reminds decision-makers that natural resources are not infinite and sets out a philosophy of sustainable use. While past conservation efforts were aimed at protecting particular species and habitats, the Convention recognizes that ecosystems, species and genes must be used for the benefit of humans (Wikipedia, 2009).

In 2000, the European Landscape Convention was held in Florence. With this convention, the term “landscape” was redefined and its scope broadened. “Through its

pursuant to Wild bird Directive on the conservation of wild birds” (Europa, 2008). “It also provides for the monitoring and control of endangered species, and the provision of assistance concerning legal and scientific issues” (Wikipedia, 2009).

¹³ “The World Heritage Committee adopted three categories of cultural landscape as qualifying for World Heritage Status:

1. Clearly defined landscapes designed and created intentionally by man
2. Organically evolved landscapes which can be either relict landscapes or continuing landscapes
3. Associative cultural landscapes” (Hoffman, 2006, p. 201).

ground-breaking approach and its broader scope, it complements the Council of Europe’s and UNESCO’s heritage conventions” (Council of Europe).

In 2003, UNESCO, with its Man and Biosphere Workshop, fostered the creation of an “International Network on Sacred Natural Sites for Biodiversity Conservation in which scientists, conservation experts, and custodians of sacred natural sites collaborate to study and exchange information on the recognition and management of such sites for enhanced environmental conservation” (Hoffman, 2006, p. 201).

The following table summarizes international conventions regarding natural heritage conservation and international institutions responsible for the enforcement of these conventions:

Table 4: International Conventions and Institutions in Charge

YEAR	NAME OF CONVENTION	INSTITUTION in CHARGE
1971	Ramsar Convention	Independent (depository inst. UNESCO)
1972	World Heritage Convention	UNESCO
1972	Stockholm Conference	UN
1976	Barcelona Convention Geneva Protocol	UN
1982	Bern Convention	EU
1992	Rio de Janeiro World Summit and Biodiversity Convention	UN UNEP
1992	Natura 2000	EU
2000	European Landscape Convention	EU
2003	UNESCO Man and Biosphere Programme	UNESCO

In summary, after the 1950s, environmental problems, which were once localized within the borders of states, became globalized, and therefore, in order to overcome these environmental problems, the necessity of cooperation between states was recognized. As a result, international institutions were established and the scope of the mission of some international institutions was broadened, and, finally, international charters and conventions were ratified by the states.

2.2.4 International Heritage Conservation Institutions

Conservation, as a public interest promoting activity, has been administered through governmental and semi-governmental institutions of states and through non-governmental organizations. The main aim of these institutions is to promote public interest by safeguarding cultural and natural heritage. However, due to the complexity of conservation, addressing conservation issues in public interest promotion often requires the guidance of international institutions.

International institutions act as consultants for governments and support conservation related activities.¹⁴ The recognition of the importance of cultural assets is older than the recognition of the importance of environmental assets; therefore, establishment of international cultural heritage conservation institutions predates that of environmental ones.

The United Nations, the Council of Europe, the European Union (EU), the International Council of Monuments and Sites (ICOMOS), the Organization of World Heritage Cities, Europa Nostra, the European Association of Historic Towns and Regions, the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM), the International Union for

¹⁴ “International Conservation Organizations,” retrieved from <http://rainforests.mongabay.com/1024.htm> (accessed on 7 October 2009).

Conservation of Nature (IUCN) and the World Wildlife Fund (WWF) are international institutions whose missions are primarily oriented toward conservation (TMMOB, *Mimarlar Odası*, 2007, pp. 2-44).

1. United Nations (UN)

UNESCO, as a specialized organization of the United Nations, was established in 1946 to “contribute to peace and security by promoting international collaboration through education, science, and culture” (UNESCO).

The United Nations Environment Programme, or UNEP, was established in 1972 “to provide leadership and encourage partnership in caring for the environment by inspiring, informing, and enabling nations and peoples to improve their quality of life without compromising that of future generations” (UNEP).

2. Council of Europe

The Council of Europe is a political organization which was founded in 1949 to “promote greater unity between its members” (CoE). The organization’s main conservation goals are to safeguard European archaeological heritage, raise awareness, and exchange knowledge and provide consultancy (TMMOB, *Mimarlar Odası*, 2007, p. 17).

3. European Union

“The European Union is the one major international institution in which the member governments have relinquished a significant portion of their sovereignty by agreeing to be bound by decisions adopted by voting majorities of the organization’s member states” (Saroos, 1999, p. 47).

4. ICOMOS

The ICOMOS was established in 1965 “following the adoption of the Venice Charter, to promote the application of theory, methodology and scientific techniques to conservation” (UNESCO).

5. The Organization of World Heritage Cities

The Organization favors “the exchange of knowledge, management plans and financial resources aimed at protecting monuments and properties” (UNESCO).

6. Europa Nostra

Europa Nostra is a non-governmental international organization founded in 1963. “To safeguard Europe’s cultural heritage and landscapes and to raise awareness among the authorities are the aims of this organization” (Europa Nostra).

7. European Association of Historic Towns and Regions

EAHTR is an organization whose “principle objective is to identify and share experience and good practice in the sustainable urban conservation and management of historic areas through international collaboration and co-operation between towns and cities and other involved organizations” (EAHTR).

8. ICCROM

The International Centre for the Study of the Preservation and Restoration of Cultural Property is an international intergovernmental organization founded in 1956; “it provides consultancy on the state of conservation of World heritage properties and training in the field of restoration” (UNESCO).

9. IUCN

The IUCN's mission is “to influence, encourage and assist societies throughout the world to conserve the integrity and diversity of nature and to ensure that any use of natural resources is equitable and ecologically sustainable” (IUCN).

10. WWF

The WWF is a non-governmental international organization founded in 1961. “Protecting natural areas and wild populations of plants and animals, including endangered species; promoting sustainable approaches to the use of renewable natural resources; and promoting more efficient use of resources and energy and the maximum reduction of pollution are the mission of WWF” (WWF).

In summary, in order to safeguard cultural and natural heritage effectively, cooperation mechanisms have been developed at the international level by establishment of international institutions for conservation. They promote public interest by increasing public awareness and

- “Enhancing the ability to make and keep arrangements,
- Promoting concern among governments,
- Building national, political and administrative capacity” (Haas, Keohane, & Levy, 1995, p. 398)
- and encouraging and promoting worldwide communication.

2.2.5 Heritage Conservation in Turkey

According to the Charter for Archaeological Heritage, “it is widely recognized that a knowledge and understanding of the origins and development of human societies is of fundamental importance to humanity in identifying its cultural and social roots” (ICOMOS). Therefore, in order to identify people’s cultural and social roots and to provide a common identity, cultural heritage conservation has been seen as an important part of developmental policies and receives management priority, in particularly in Europe. Although at the beginning, the conservation concept referred to preserving single buildings or movable assets inside museums, the scope of this concept now refers to the conservation of nature and environment as a whole.

In the case of Turkey, it is possible to state that the Law for the Protection of Cultural and Natural Assets (code 2863) is the main law in the field of protection of the cultural environment. In reality, however, “in the necessity for protection of natural and cultural values through the accumulation of the civilizations, Turkey promises to improve with the International Norms, but has serious problems both in conservation of the urbanistic environmental structures and the available legal arrangements” (Toksöz, 2001, p-5). In this respect, in order to discuss the role of conservation of cultural and natural assets in developmental policies and to assess the importance of conservation of cultural and natural assets, the legal framework of both cultural heritage conservation and natural heritage conservation will be examined separately.

2.2.5.1 Legal and Institutional Framework of Conservation of Cultural Assets in Turkey

Although Turkey has rich and unique natural and cultural resources, it is possible to point out that major precautions for the conservation of Turkish cultural and natural assets have only been taken after the 1970s. However, it is also necessary to state that Turkey has had some laws issued on conservation since the period of the late Ottoman Empire.

The establishment of the first national archaeological museum is accepted as the beginning of conservation activities in Turkey (Şahin, 1995, p. 2). However, the first regulation related to conservation in Turkey was the first Asar-ı Atika Nizamnamesi (1874). The aim of this act was to prevent movable cultural heritage from being lost, destroyed or taken out of the country. This implies, then, that the first conservation movement in Turkey was concerned with the protection of movable resources rather than of immovable assets. Following that, in 1884 the second Asar-ı Atika Nizamnamesi was issued, and finally in 1906 the third Asar-ı Atika Nizamnamesi was issued, both by the Ottoman Empire. The third Asar-ı Atika Nizamnamesi, which remained in effect until the 1950s, broadened the content of conservation from

preserving movable objects to also preserving buildings. With this act, a new conservation system was introduced and the Ministry of Education was delegated as the executor (Şahin, 1995, p. 3). Besides the Asar-ı Atika Nizamnamesi, the Esvar and Kala-i Atika Act (1911) and the Act of Muhafaza-i Abidat (1912), which were issued by the Ottoman Empire, were also used for conservation purposes in the Republican Period.

In 1928 the Hars Müdürlüğü, or Cultural Office, was established in Ankara (Kejanlı, Akın, & Yılmaz, 2007), and then the Ministry of Culture was established in 1933. Following that, in 1935, a new Pious Foundations Act was adopted. Consequently, “the responsibility for the preservation of all Turkish-Islamic buildings was given to this organization” (Şahin, 1995, p. 3).

However, in this period, planning and conservation processes developed separately from one another. Although the conservation content was broadened from conserving movable objects to conserving single buildings, the conservation process could not be integrated into the planning processes. “One item in the Municipality Road and Buildings Act (1933), ‘the near surrounding of monumental buildings up to 10 meters should be kept empty,’ was the only reference used in master plans” (Şahin, 1995, p. 3).

It is possible to state that with the end of the Second World War, the concept of conservation has become a more important global issue. Turkey likewise realized the increasing importance of the concept of conservation during this period and as a result, the Council for Historical Real Estate and Monuments (Gayrimenkul Eski Eserler ve Anıtlar Yüksek Kurulu, GEEAYK) was established in 1951. This council was made responsible for the conservation of immovable historical buildings and monuments with architectural and historical value. It was also responsible for defining the principle decisions for conservation, restoration and reparation of these historical assets, and for monitoring all conservation processes. This Council was

first linked to the Ministry of Education. It later worked as a subsidiary body of the Ministry of Culture, and finally the Council was linked to the Prime Ministry Culture Undersecretariat. However, the Council was autonomous all along, and its operations were independent from these institutions' orders.

The establishment of GEEAYK was a breaking point for the Turkish understanding of conservation, because by the establishment of this institution, the importance of conservation of cultural and historical assets was officially realized by Turkey. However, conservation was not still accepted as a part of the planning discipline.

In 1957, Turkey became a party to the European Cultural Convention. In 1973, Preservation Act #1710 was legislated. With this act, the authority of the Council for Historical Real Estate and Monuments over cultural and natural assets was extended. New terms, i.e. "site," "historic site," "archaeological site," and "natural site," were introduced, as well. By introducing the concept of "site", Act #1710 has had an important role in the Turkish understanding of conservation because conservation content was broadened from parcel preservation to site preservation, and the conservation concept has been integrated with other concepts like tourism and development.

In 1982, a breakdown in Turkish political life occurred, and as a result, a new constitution came into force. With the 1982 Constitution, in Article 63, it is stated that: "The State shall assure the protection of the values regarding historical, cultural and natural presence and in this respect, shall take relevant supporting and encouraging measures." Following that, the law for preservation of cultural and natural properties came into force in 1983. By this law, the High Council for Immovable Cultural and Natural Properties and regional conservation councils were replaced by the Council for Historical Real Estate and Monuments.

The law for preservation of cultural and natural properties has changed the Turkish understanding of the conservation concept. With this law, by establishment of regional councils, central authority was deregulated. Although the Council for Historical Real Estate and Monuments was an autonomous institution, it was the only body responsible for execution of conservation issues. Therefore, it was criticized as being inadequate (Şahin, 1995).

With this law, new definitions were also added to the understanding of the conservation process and some definitions' contents were extended. One of the most important issues in this law was the renewal of the definition of "site" and the broadening of its content. By Law No. 1710, "site" was defined as areas which include historical buildings; however, by Law No. 2863, "places where important historical events had taken place" was added to the definition of "site" (Şahin, 1995).

Also in 1983, the Bosphorous Act, code 2960, which contains provisions on the protection of natural, cultural and historical assets in Istanbul's Bosphorus area in favor of the public, was adopted. In the same year, Turkey became a party to the Convention for the Protection of the World Cultural and Natural Heritage, as well (Coşkun, in Schimithüsen, 2002, p. 34-46).

In 1987, Act 2863 was amended by Law 3386. With this amendment, the name of the High Council for Immovable Cultural and Natural Properties was changed to the High Council for the Preservation of Cultural and Natural Heritage. One of the most important issues introduced by this law is the "settlement plan aimed at protection." With this plan, conservation was finally accepted as a part of city planning. This

implies that the process of conservation was integrated into the process of planning and that local administrations were included in the process of conservation.¹⁵

Sustainability and participation have been adopted as principles for worldwide conservation activities since the 1990s. Following that, but only after 2000, following Turkey's becoming a candidate state for EU accession, Turkey also adopted these concepts as a guiding principle and this has resulted in changes in Turkish administration formation. Consequently, with the latest laws and regulations, namely the Municipality Law (code 5393), the Greater Municipality Law (code 5216) and the Special Provincial Administration Law (code 5302), some authorization of conservation of cultural and natural heritage was given to local administrations. With Law 5226, which amended Law 2863 for Preservation of Cultural and Natural Heritage, a new institution, "KUDEB," was established within the framework of greater municipalities. In addition to this act, sustainability and participation concepts, which are key terms in the conservation process in the contemporary world, have also been stated in Turkish conservation legislation.

¹⁵ According to Article 17 of this Act, announcement of an area as a protected site terminates the implementation of a settlement plan in the area. A transitional period of building requirements are determined by the Board of Protection within one month until the settlement plan aimed at protection is prepared. Relevant governor's offices and municipalities are obliged to submit the settlement plan aimed at protection to the Board of Protection for evaluation within one year at the latest. Upon the enforcement of the settlement plan aimed at protection, deemed appropriate by the Board and approved by the municipality or the governor's office, the building requirements of the transitional period are annulled without the need for any further decision. In case it is deemed necessary by the relevant organizations to partially amend the settlement plans aimed at protection with respect to fixed cultural and natural assets that should be protected, and the Board takes decision on this matter, the Board notifies the municipality and also the relevant organizations and institutions thereof in writing. A decision is taken upon the proposal for an amendment by the municipal council within one month at the latest. In case a decision is not reached within this period, the proposal for amendment is finalized for the matters resolved by the Board without the need for the decision of the municipal council.

However, Act 5226, along with Acts 5393 and 5216, have resulted in authorization problems in the field of Turkish conservation.

In 2003, the Ministry of Culture and Tourism was established by merging the formerly separate Ministries of Culture and Tourism. In 2005, a law for “Preservation by Renovation and Utilization by Revitalizing of Deteriorated Immovable Historical and Cultural Properties” (code 5366) was legislated, “which enables local authorities to prepare regeneration proposals for degraded historic areas” (UNESCO, 2008). According to this law, Renewal Councils have been founded. However, according to Law 2863, it is the Regional Conservation Councils which have authority over registered cultural and natural assets. Therefore, when Law 5366 came into force, an authority problem occurred between the Regional Conservation Councils and Renewal Councils.

Cultural heritage conservation laws that are still in effect in Turkey today can be summarized as follows:

Table 5: Turkish Cultural Assets Conservation Legislation

TURKISH CULTURAL ASSETS CONSERVATION LEGISLATION: LAWS			
No	Code	Title	Date Accepted
1	2863	Law on Conservation of Cultural and Natural Assets	1983
	3386	Law Revising the Law on Conservation of Cultural and Natural Assets	1987
	5226	Law Revising the Law on Conservation of Cultural and Natural Assets	2004
2	2960	Bosphorous Law	1983
3	5366	Preservation by Renovation and Utilization by Revitalizing of Deteriorated Immovable Historical and Cultural Properties	2005

In addition, there are some other laws that are effective for heritage conservation, particularly the Encouragement of Tourism Law, Special Provincial Administration Law, Municipality Law and Greater Municipality Law.

In brief, after 2000, following the changes in the broader world, the concepts of participation and sustainability were added into conservation legislation and some responsibilities of central administration were delegated to the local administration in Turkey. However, since local administrations' capacities are weak and their capabilities are problematic, this spread of responsibility has resulted in coordination problems.

2.2.5.2 Legal and Institutional Framework of Conservation of Natural Assets in Turkey

As a result of continuous environmental degradation throughout the world, the notion of environmental protection has been emphasized more heavily during recent years. In this respect, along with the effects of unfavorable results of industrialization and a large population increase, environmental protection has gained a particular importance for Turkey, especially since the 1980s.

The Forest Regulation of 1869 can be seen as the beginning of Turkish environmental protection activities. This act regulated “the essentials on the utilization of forests, while it also regulates a number of issues relating to protection and operation of forests” (Coşkun, 2002, p. 35). In 1924, the “Act Relating the Administration and Operation by Scientific Method of all Forests in Turkey” was adopted. However, it was the first Forest Act, No. 3116, which is considered as “the beginning of technical and scientific forestry practice.” By this Act, forests were recognized as a major resource of the Turkish national economy and the state's supervision was established for forests under non-state ownership (Coşkun, 2002, p. 35).

In 1937, the Land Hunting Act (No. 3167), which regulated “the hunting performed by means of any instrument of beneficial or detrimental animals in wild life” in Turkey came into force. In 1956, Forest Act No. 6831, which is currently still in effect, was adopted. In this law, the principles of state operation and state possession were pursued.

In 1971, the Law for Aquatic Products, which includes the principles for protection, production and control of aquatic products, was enacted. Following that, in 1978, the first institutional environmental activities began with the establishment of the Undersecretaries for Environment. In other words, it is possible to state that “Turkey began addressing environmental concerns during the 1970s” (Okumuş, 2002, p. 10).

In 1982, a breakdown occurred in Turkish political life and as a result a new constitution came into force. The 1982 Constitution contains regulation relating to environmental protection and the maintenance of forest and natural resources:

- Article 56, with the heading of Environmental Protection, says: “Anybody shall be entitled to live in a balanced and healthy environment. Developing the environment, protecting environmental health and preventing environmental contamination shall be the duties of the State and citizens” (Coşkun, 2002, p. 37).
- Article 63 of the 1982 Constitution says that the state shall assure the protection of the values regarding historical, cultural and natural presence and, in this respect, shall take relevant supporting and encouraging measures;
- Article 168 of the Constitution says: “Natural wealth and resources shall be under the command and possession of the State”;
- and Article 169 says that the state shall put into effect legal regulations for the protection and improvement of the forest and in this regard, shall take measures.

The 1983 Environment Act, which contains provisions relating to forestry, came into force in the context of the 1982 Constitution. The objective of this act is to “regulate the arrangements and measures to be conducted for the protection and improvement of environment having the quality of common presence of all citizens; the best utilization and protection of the lands in urban and rural areas; the prevention of the contamination of water, soil and air; the improvement and assurance of health, civilization and living standards of future generations in compliance with the economic and social targets based on specific legal and technical essentials” (Coşkun, 2002, p. 38).

In 1983, the National Parks Act also came into force. “The objective of the National Parks Act No. 2873 is to regulate the essentials relating to the designation of national parks, natural parks, natural monuments and natural maintenance areas having national and international importance, and the preservation, improvement and administration thereof without damaging their characteristics and specifications” (Coşkun, 2002, p. 39).

The Law for Conservation of Cultural and Natural Properties also contains provisions related to forestry and natural assets, having an important role in Turkish environmental preservation legislation. “The Coast Law which was enacted in 1990 has also a significance in the field of conservation by prohibiting pollution of coastal environment.”¹⁶ Similar to the Law for Conservation of Cultural and Natural Presence, the Bosphorus Act also has an importance in environmental protection legislation.

¹⁶ BP Global, (2005) “Oil Spill Response Plan,” retrieved http://www.bp.com/liveassets/bp_internet/bp_caspian/bp_caspian_en/STAGING/local_assets/download_pdfs/xyz/BTC_English_Oil_Spill_Resonse_Plans_Turkey_Content_Appendices_I_Legal_Framework_r3_15mar.pdf (accessed on 8 May 2009).

In addition to these national laws, Turkey, particularly after the 1980s “within the framework of international co-operation” (EPASA), became party to international environmental conventions, such as the Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention), the Convention for the Protection of the Mediterranean Sea against Pollution (the Barcelona Convention), and the Protocol Concerning Specially Protected Areas in the Mediterranean (the Geneva Protocol). After becoming a party to the addendum protocol of the Barcelona Convention, the Turkish Government established the Environmental Protection Agency for Special Areas (EPASA) as the authority responsible for protecting the environmental values of special protection areas, with the Decree Having the Force of Law No. 383. Decree No. 383 also provided for the responsibilities of “defining the principles for the preservation and usage of these areas, and developing the municipal construction plans of all scales within the area and also for approving these plans” to be given to EPASA (EPASA).

The Coastal Law (code 3621), which is also effective for conservation of coastal areas, was legislated in 1990. This law “sets the procedures for the settlement of shoreline in seas, natural and artificial lakes, and streams, for the use and protection of the shores” (Denizcilik Müsteşarlığı).

In 1991, the Undersecretariat for the Environment was replaced by the Ministry of Environment. The establishment of the Ministry of *Environment* accelerated progress on environment protection. Following establishment of the Ministry of Environment, EPASA, which had been linked to the Prime Ministry at the very outset, was then linked to the Ministry of Environment by the Decree Having the Force of Law No. 444/KHK (EPASA). In 1994, Turkey became a party to the Convention on Wetlands of International Importance, especially as Waterfowl Habitat, through the Ramsar Convention.

Being a candidate state for EU accession was a turning point in the old patterns of Turkish environmental conservation understanding. In order to approximate the European Union's environment legislation, which is necessary for all member states of the EU, some new laws came into force in Turkey. Law code 5491, which amended Act code 2872 (the Environment Act), is one of the most important arrangements for conforming Turkish environment legislation to EU standards.¹⁷ With this law, the concepts of biological diversity, sustainable environment, sustainable development, natural assets, ecosystems, environmental impact assessment, strategic environmental assessment, wetlands, vulnerable zones and environment management units were all added to Turkish environment legislation. In addition, in the 9th article of this act, sustainability and participation principles were adopted to the field of environmental protection.

At this period, the Law on Hunting, code 4915, was replaced by Law code 3167, as well. "The scope of this law is to protect and improve the hunting and wild animals within their natural habitat areas, for the management of the hunting and wildlife, to regulate the hunting of these animals, to evaluate hunting resources in a useful way

¹⁷^This Law amends the Environment Law No. 2872 by substituting some articles as well as adding new provisions. The purpose of the law shall be redefined as follows: 'to ensure the preservation of the environment, which is a common asset of all living beings, through sustainable environment and sustainable development principles.' In Article 3(e) of law no 5491, it is stated that 'in forming environmental policies, right of participation is the fundamental principle. Ministry and local authorities are responsible for providing a participation environment to chambers of professions, unions, NGOs and citizens, in which they will use their environmental right.'"

Retrieved from

http://faolex.fao.org/cgi-bin/faolex.exe?rec_id=065097&database=FAOLEX&search_type=link&table=result&lang=eng&format_name=@ERALL (accessed on 5 May 2009).

for the national economy, and to provide cooperation with related civil and special law judiciary entities.”¹⁸

During this period, Forest Law code 6831, which was enacted in 1956, was amended by Law codes 4999 in 2003 and 5192 in 2004. Law code 5400 amended the Law on National Parks, code 2873, which was enacted in 1983. In addition, the Law on the Protection of Animals came into force in 2004.

In 2003, the Ministry of Environment and Forestry was established by the merging of the former Ministries of Environment and Forestry, and also in this year, EPASA was linked to the Ministry of Environment and Forestry. With the latest law and regulations, some authorization of conservation of cultural and natural heritage was given to local organizations, as well.

Natural heritage conservation laws which are still in effect in Turkey today can be summarized as follows:

¹⁸ BP Global, (2005) “Oil Spill Response Plan,” retrieved from http://www.bp.com/liveassets/bp_internet/bp_caspian/bp_caspian_en/STAGING/local_assets/downloads_pdfs/xyz/BTC_English_Oil_Spill_Resonse_Plans_Turkey_Content_Appendices_I_Legal_Framework_r3_15mar.pdf (accessed on 8 May 2009).

Table 6: Turkish Environmental Legislation

TURKISH ENVIRONMENTAL LEGISLATION: LAWS			
No	Code	Title	Date Accepted
1	6831	Law on Forestry	1956
	4999	Law Revising the Law on Forestry	2003
	5192	Law Revising the Law on Forestry	2004
2	1380	Law for Aquatic Products	1971
3	2872	Law on Environment	1983
	5491	Law Revising the Law on Environment	2006
4	2873	Law on National Parks	1983
	5400	Law Revising the Law on National Parks	2005
5	2863	Law on Conservation of Cultural and Natural Assets	1983
	3386	Law Revising the Law on Conservation of Cultural and Natural Assets	1987
	5226	Law Revising the Law on Conservation of Cultural and Natural Assets	2004
6	2960	Bosphorous Law	1983
7	4915	Law on Hunting	2003
8	5199	Law on Protection of Animals	2004

Source: Ministry of Environment and Forestry

In addition, there are some other laws that are effective for heritage conservation, such as the Special Provincial Administration Law, Municipality Law, Greater Municipality Law and Coast Law.

2.2.5.3 Conservation Statuses and Levels in Turkey

Following this examination of the legal framework for both cultural and natural assets conservation in Turkey, it can be summarized that cultural and natural assets have been protected by both national and international laws and regulations. At the beginning, cultural asset conservation activities were based on parcel protection; however, this conservation understanding has gradually changed. Consequently, the necessity of area protection for effective conservation was recognized and stated in laws.

Although environmental degradation had started long before, environmental protection finally became an important issue after the 1970s. Environmental problems have recently become evident in Turkey. As a result, laws on environmental protection came into force and some international conventions and charters were ratified. All these laws on the protection of cultural and natural assets and international agreements support the necessity of area protection to provide effective and integrated conservation. Consequently in Turkey, it was accepted that, in order to provide effective and integrated conservation, cultural and natural assets ought to be protected along with their surroundings. Therefore, the concepts of site protection and area protection also took an important place in Turkish laws and regulations.

Following this adoption of the concept of area protection, various institutions have been charged with protection of cultural and natural assets. In addition, some new institutions have been founded. Consequently, protected areas of different statuses have been established under different laws.

- According to the Law on Conservation of Cultural and Natural Assets (code 2863), cultural, natural, urban and mixed sites were defined as protection areas.¹⁹
- According to the Law on National Parks (code 2873), national parks, nature monuments, nature protection areas and nature parks were defined as having protected statuses.
- According to Law on Hunting (code 4915), wildlife conservation and wildlife development areas were defined as having protected statuses.
- According to the Law on Forest (code 6831), protected forests, gene protection, seed stands, rest areas set in forests and clonal seed orchards were granted conservation status.

Due to the nation being a party to international conventions, there are also other conservation statuses respected in Turkey. The following table summarizes conservation statuses and levels in Turkey which have been defined by national and international laws:

¹⁹According to the Regulation for Determination and Registration of Cultural and Natural Properties:

- **Natural site** signifies sites and immovable natural properties having interesting characteristics and beauties rarely found, deserving to be conserved.
- **Archeological site** signifies sites where ruins of an ancient settlement or an old civilization have been found or sites known or found underwater, deserving of conservation.
- **Urban site** signifies sites where cultural and natural environmental elements having architectural, local, historical, esthetical and artistic characteristics are located together, including buildings, gardens, plants, settlements or walls.
- **Historical site** signifies sites where significant historical events have taken place and so deserve to be conserved.

Table 7: Turkish Conservation Statuses

N A T I O N A L	LAWS and AGREEMENTS	Status/Areas
	National Park Law (2873)	National Parks
		Nature Protection Areas
		Nature Monuments
		Nature Parks
	Hunting Law (4915)	Wildlife Conservation Areas
		Wildlife Development Areas
	Forest Law (6138)	Protection Forests
		Gene Protection Forests
		Seed Stands
Rest Areas Set in Forests		
Clonal Seed Orchards		
LAWS and AGREEMENT	Status/Areas	
Law for Conservation of Cultural and Natural Assets (2863)	Urban Site	
	Historical Site	
	Archaeological Site	
	Natural Site	
	1. degree	
	2. degree	
	3. degree	
L	Decree having Force of Law, for the Establishment of EPASA (383)	Special Environmental Protection Areas
	Environment Law (2872)	
	Law for Coast (3621)	
	Municipality Law (5393)	
	Greater Municipality Law (5216)	
	Special Provincial Administration Law (5302)	
I N T E R N A T I O N A L	World Cultural and Natural Heritage Convention	World Cultural and Natural Heritage Areas
	Conservation of Europe and Wildlife and Natural Habitats Convention (Bern)	Areas for Special Conservation Interest
	Barcelona Convention and	
	Mediterranean Special Protection Areas Protocol	Areas for Special Protection
	UNESCO Man and the Biosphere Program	Biosphere Reserves
	European Union Habitat and Species Directive	Natura 2000 Areas
L	Ramsar Convention on Wetlands	Ramsar Areas

(Source: Güngör, 2008, p. 236)

2.2.5.4 Legal Framework of Conservation: From the Perspective of Public Interest

In Turkey, there are number of conservation laws whose main aim is to make Turkey a more livable country by making the environment healthier and transferring cultural and natural values to the next generations. Therefore, it is possible to state that the aim of all conservation laws is to promote public interest. In addition, conservation laws are rules which define the scope of conservation institutions' operations.

Following an examination of the role of public interest in the Turkish constitution and in conservation legislation, it is clear that all conservation laws, from the Ottoman Empire to contemporary laws, have authorized governments to restrict individual rights in order to provide and promote public interest. For instance, Act code 2863, Conservation of Cultural and Natural Assets, terminates all construction activities if the area is registered as a site for protection. Similarly, the Forest Act, National Parks Act, Environment Act, Bosphorus Act and Hunting Act all limit individual rights within protected areas.

According to the 12th Article of the 1982 Constitution, “everyone possesses inherent fundamental rights and freedoms which are inviolable and inalienable.” The right to live and the right to pursue economic activity for gaining livelihood can be examples of these inviolable and inalienable rights. However, according to Articles 13 through 15, the government has the authority to restrict individual rights in the interest of safeguarding the “integrity of the state” and “the public interest.” Since public interest constitutes the basis of conservation activities, the rights of individuals may be restricted in order to promote public interest.

According to the 1982 Constitution, “anybody shall be entitled to live in a balanced and healthy environment.” However, it is not possible to provide a healthy environment to all people without restricting the rights of some individuals. In other

words, in order to make the majority content, the minority has to make sacrifices. This sacrifice of the minority to make the majority content is public interest. Within the context of conservation, individuals' loss of rights within protected areas is a sacrifice of the minority, and so protecting cultural and natural assets to make the cultural and natural environment healthier is a gain and benefit of majority, and thus public interest.

2.2.5.5. Heritage Conservation Institutions in Turkey

In Turkey, conservation has been administered through governmental and semi-governmental institutions of the state, and non-governmental organizations have also played important roles in conservation. According to the Turkish legislation system, three key governmental institutions can be mentioned in the field of conservation planning and implementation: the Ministry of Culture and Tourism, with 32 Regional Conservation Councils and Renewal Councils; the Ministry of Environment and Forestry, with the Environmental Protection Agency for Special Areas; and the General Directorate of Pious Foundations. However, in addition to these institutions, the General Directorate of Highways, the Grand National Assembly's Directorate of National Palaces, local municipalities and the Special Provincial Administration have implications for the preservation of cultural and natural resources through their policies and operations. The Turkish National Commissions for ICOM, ICOMOS and UNESCO, and trade associations as semi-governmental organizations, also have roles in the conservation of heritage. In addition, non-governmental organizations carry out a series of activities to promote conservation.

2.2.5.5.1 Governmental Institutions

1. National Institutions

The Ministry of Culture and Tourism has responsibility for both conservation and tourism. According to its establishment Law code, 4848, the Ministry of Culture and Tourism is responsible for “the management of a number of protected natural and cultural sites. The purpose of the law is to keep cultural values alive, to develop, spread, introduce, evaluate and enforce these cultural values, to prevent devastation of historical assets, render the areas that have tourism potential to be beneficial to the economy, to take necessary precautions in order to develop, market and support tourism, to assist all the public institutions that have culture and tourism related activities and cooperate with these institutions, to develop communication and cooperation with local administrations, civil community institutions and private sector” (article 1).²⁰

The Higher Council of Protection of Immovable Cultural and Natural Resources is responsible for “taking the principle decisions of planning and constructing for urban, archeological and natural preservation areas through the Law on the Protection of Cultural and Natural Resources” (UN, 2004).

According to the Law of Pious Foundations, code 5737, and the Regulation of Pious Foundations, the basic task of the General Directorate of Pious Foundations is to preserve all the religious and public monuments, such as mosques, khans, caravansaries, fountains, tombs, tekkes, schools, libraries, arastas, shops and so on (Şahin, 1995, p. 7). In addition, the General Directorate of Pious Foundations is responsible for taking the necessary measures for the improvement and maintenance of those assets.

²⁰ TEIEN (n.d.), *TEIEN Stakeholders the Ministry of Culture and Tourism*, retrieved from <http://www.teien.org.tr/sp/stakeholders.html> (accessed on 27 August 2009).

While the General Directorate of Highways, which is the annexed unit of the Ministry of Public Works and Settlements, is responsible for the preservation of old bridges, the Directorate of National Palaces meanwhile “preserves the seven major palaces and pavilions in Istanbul from the Ottoman Period on behalf of the parliament” (Şahin, 1995 p. 7).

The Ministry of Environment and Forestry is responsible for environmental and forestry related affairs.²¹ According to its establishment law (code 4856), the duties of the ministry are protection of natural resources, protection of plants and animal species, prevention and control of pollution and protection of forests. The Ministry of Environment and Forestry is “responsible for the determination and protection of national and natural parks, and preparation of development plans through the Law on National Parks” (UN, 2004). The Authority for Specially Protected Areas, which is the annexed unit of the Ministry of Environment and Forestry, is responsible for “the preparation and approval of every type and scale of plans in specially protected areas through the Government Decree on the Establishment; and Duties of the Institution of Specially Protected Areas” (UN, 2002, p. 22).

In military regions and closed military zones, the Ministry of National Security has authority for preserving cultural and natural assets and is responsible for their maintenance.

According to the Law for the Protection of Cultural and Natural Properties, cultural and natural assets, the immovable presence of which is under possession by other

²¹ Wikipedia (2008), “The Ministry of Environment and Forestry,” retrieved from [http://en.wikipedia.org/w/index.php?title=Ministry_of_Environment_and_Forestry_\(Turkey\)&oldid=187253328](http://en.wikipedia.org/w/index.php?title=Ministry_of_Environment_and_Forestry_(Turkey)&oldid=187253328) (accessed on 27 July 2009).

public organization and establishments, shall be utilized and protected by these institutions pursuant to the provisions of the Act.

2. Local Institutions

Regional Councils of Cultural and Natural Resources Protection are charged and authorized to: register the cultural and natural assets that should be protected; determine the protection area of the fixed cultural and natural assets that should be protected; examine and approve the settlement plans aimed at protection and all their amendments; and take decisions directed at practice about the fixed cultural and natural assets that should be protected and the protection areas through the law for conservation of cultural and natural properties (code 2863).

The Bosphorus Higher Planning Coordination Council is “responsible for the approval of plans or plan amendments in the coastal strip and fore front view area of the Bosphorus through the Bosphorus Law” (UN, 2004).

The Turkish EU accession candidate state status has resulted in changes in Turkish conservation legislation. Consequently, there have been attempts to delegate central authority to the local administrations, namely to the local municipalities and the Special Provincial Administration.

- With the 7th article of the Greater Municipality Law, municipalities were charged with maintaining and protecting the function of both cultural and natural heritage and places that bear important value for the history of the town, and for this reason to ensure their simple repair and maintenance and to reconstruct what has been lost.
- With Law code 5226, which amended the Law for Preservation of Cultural and Natural Properties, it is stated that KUDEB is established within the confines of the Greater Municipalities, and the municipalities are authorized

by the Ministry of Culture and Tourism and the Special Provincial Administration to implement and control all works done regarding natural and cultural heritage (Article 13).

- With the Special Provincial Administration Law No. 5302, article 6, it is stated that special provincial administrations perform diverse duties and services, make decisions and oversee policy implementations which are common for all citizens. Among these is a particularly important charge to preserve any natural and cultural heritage that is not within the borders of municipalities (Şahlan, 2007, p. 13-14). In this respect, it is possible to state that the Ministry of the Interior has a responsibility for conservation, as well.

As a result, a large number of public institutions in Turkey develop policies that have significant implications for the conservation of cultural and natural resources. They can be summarized as follows:

- Ministry of Culture and Tourism (through the Law on the Protection of Cultural and Natural Resources)
- Ministry of Environment and Forestry (through the Law on Environment, Law on Forestry and Law on National Parks)
 - General Directorate of Environmental Impact Assessment and Planning
 - General Directorate of Nature Preserving and National Parks
 - Environmental Protection Agency for Special Areas
- Ministry of Public Works and Settlement (through the Law on Development)
- Ministry of Interior
- General Directorate of Pious Foundations (through the Law on Pious Foundations, code 5737)
- Turkish Grand National Assembly's Directorate of National Palaces
- Bosphorus Higher Planning Coordination Council
- Special Provincial Administration (through Law code 5302)

- Provincial Directorate of Culture and Tourism
- Municipalities (through Law code 5393)
- Metropolitan Municipalities (through Law code 5216)
 - KUDEB (through Law code 5226)

Clearly, due to industrialization and unplanned urbanization, there have been increasing pressures on preserved areas. As a result of competing demands and conflicts between different individual interests, the functions and the ways in which these protected areas are utilized have been discussed in developmental policies, and this has produced tension. Therefore, in order to alleviate the tension and meet the various needs and demands, the government agents that have been mentioned above should collectively work for promoting public interest. The interaction and cooperation among these agents, which have different levels of authority over protected areas and assets, has a significant role in protecting cultural and natural assets and defining the most effective consumptive uses of these areas. Voluntary organizations and NGOs have an important role in increasing the public awareness and public consciousness of conservation, as well.

In brief, it is possible to claim that in order to protect cultural and natural assets, different legal and policy mechanisms and institutions have been utilized in Turkey. In this respect, in order to achieve the successful protection of cultural and natural assets and to determine the best consumptive uses of them, or in other words to promote public interest, the institutions mentioned above should work collectively. Although their responsibility and the territory of their operation may change with legal amendments, it is always necessary for institutions to work collectively in order to provide effective and integrated conservation and so promote public interest.

2.2.5.5.2 Semi-Governmental Institutions

Semi-governmental organizations such as the Turkish National Committee for ICOM, ICOMOS, UNESCO and trade associations have played an important role in conservation of cultural and natural heritage in Turkey.

The Turkish National Committee for ICOM was established by the decree of the Cabinet of Ministers in 1956. The objectives of the Committee are:

- To assist Turkish museums and museum professionals in catching up with international standards;
- To maintain and enhance museums and museum professionals;
- And to be useful in community service, dissemination of information, and the development of mutual international relations (Official Gazette, No. 13691).

The Turkish National Commission for ICOMOS was established by the decree of the Cabinet of Ministers in 1974. The objectives of this Commission are:

- To encourage protection of monuments and sites in Turkey and facilitate their evaluation;
- To attract the interest of the public and authorities of other countries toward monuments and sites in Turkey and to Turkey's general cultural heritage;
- And to be useful in community service, dissemination of information, and the development of mutual international relations (TMMOB, *Mimarlar Odası*, 2007, p. 30).

The Turkish National Commission for UNESCO was established by the decree of the Cabinet of Ministers in 1982. The objectives of the Commission are:

- To facilitate the participation of governmental and non-governmental institutions that have education-, science-, culture- and information-related activities in UNESCO's assignments;
- To work toward attaining the objectives of the UNESCO Convention;

- To disseminate knowledge;
- To accelerate education activities;
- To conserve and spread culture;
- And to participate in UNESCO's assignments and programs effectively.

Trade associations, such as the Chamber of Architects, the Chamber of Landscape Architects and the Chamber of City Planners, also have important roles in the conservation of cultural and natural heritage.

In summary, semi-governmental organizations in Turkey have played an active role in the conservation of heritage by attaining the objectives of international conservation institutions, attracting the interest of the public and facilitating dissemination of information.

2.2.5.5.3 Non-Governmental Institutions

"Non-governmental organization," according to its dictionary definition, "is a widely used term for various organizations that are not part of government, particularly those focusing on development, environment and human rights."²² However, there is no commonly held definition for NGOs. Their aim is to "act in the public arena at large, on concerns and issues related to the well being of people, specific groups of people or society as a whole."²³

A number of NGOs, such as the WWF and Europa Nostra, carry out a series of activities to promote conservation worldwide. Therefore, it is possible to state that non-governmental organizations play a role in encouraging the realization of the

²² UC. Atlas, Glossary, retrieved from <http://ucatlas.ucsc.edu/glossary.html> (access 07 October 2009)

²³ "The Commission and Non-Governmental Organisations: Building a Stronger Partnership" (2000), retrieved from http://ec.europa.eu/civil_society/ngo/en/communication.pdf. (Access 07 October 2009)

importance of conservation by the general public. In addition, they have a role in representing the views of different interest groups. Therefore, it is possible to claim that they promote public interest by increasing public awareness and “balancing the activities and opinions of other interests in society.”²⁴

2.2.5.5.4 Turkish Conservation Institutions from the Perspective of Public Interest

In Turkey, conservation has been administered through:

1. Governmental institutions
 - a. Central institutions such as Ministries and General Directorates
 - b. Local institutions: Special Provincial Administrations, Greater Municipalities and Municipalities
2. Semi-Governmental Institutions
 - a. Turkish National Committees
 - b. Trade Associations
3. Non-Governmental Organizations

The main aim of the Turkish conservation institutions mentioned above is to promote public interest by safeguarding cultural and natural properties, maintaining the quality of life and making Turkey a more livable country. However, due to the fact that conservation institutions adopt different public interest approaches based on their establishment laws, they carry out different activities to attain the objectives of their institutions.

In this respect, it is possible to claim that the public interest understanding of implementing organizations, such as EPASA and local governments, is different

²⁴ “The Commission and Non-Governmental Organisations: Building a Stronger Partnership” (2000), retrieved from http://ec.europa.eu/civil_society/ngo/en/communication.pdf. (Access 07 October 2009)

from others. Due to their establishment laws, central conservation institutions are addressing the issue of conservation in normative terms. However, implementing organizations, in order to attain their policy objectives, approach conservation from the perspective of consensualism or realism. Conservation in normative terms means addressing the question of how to safeguard heritage and maintain the quality of life effectively by implementation of laws and policies. Normative conservation assumes that there is a public will that is different from the aggregation of individuals' interests. On the other hand, the consensualist approach, with its emphasis on a minimum consensus to operate, takes into account the interests of groups and individuals. In this respect, while national organizations such as the Ministries of Culture and Tourism and Environment and Forestry are responsible for conservation of cultural and natural properties, implementing organizations, namely local governments and EPASA,²⁵ are responsible for making development plans by taking into account the interests of individuals. This institutional fragmentation has a negative impact on the conservation process.

In other words, due to the fact that conservation institutions adopt varied public interest approaches based on their establishment laws, the institutional framework of the Turkish cultural and natural heritage conservation process is not effective or efficient from a public interest point of view.

2.3 Public Interest: Conservation versus Development

Conservation is an activity whose main aim is to contribute to human well-being by safeguarding cultural and natural resources and maintaining a high quality of life. However, it also contributes to people's economic loss by minimizing human use of protected resources. Development, though an ambiguous term, supports social and

²⁵ EPASA, although one of the national institutions, is responsible for making development and conservation plans at local and regional levels.

organizational changes which accelerate economic growth by reducing poverty and inequality (Barrow, 2001, p. 4566). Due to the fact that conservation activities may result in rural communities' loss of traditional rights to the use of local resources, it may contribute to an increase in social and economic inequalities. On the other hand, economic expansion may produce pressures on cultural and natural resources. In this respect, it is possible to state that there is often a conflict between conservation and development activities.

Since the post-war period, states' attention was mainly focused on industrial and economic development (Barrow, 2001, p. 4568). This remained true until the 1970s; culture and nature were seen as resources which could be exploited in order to improve national economies. As a result, environmental degradation has been observed and the importance of the environment for human well-being has finally been recognized.

Following the recognition of the economic importance of cultural and natural resources for the long-term well being of states, there have been attempts to mediate between the domains of conservation and development activities. In this respect, cultural and natural assets have been considered as the common good of the people, and the sustainability principle, which refers to "meeting the needs of the present without compromising the ability of future generations to meet their own needs," has been adopted. The importance of sustainability has been realized in international conventions and charters, as well. Nonetheless, due to the fact that efforts to protect and maintain cultural and natural properties often involve restrictions on the use of these resources, conservation activities still have economic consequences. In other words, despite the sustainability principle, there remains a debate between conservation and development.

Development, or economic growth by reducing poverty, may be achieved by supplementing people's income. However, conservation, by reducing traditional

usage rights of protected resources, may contribute to a loss of people's income. In this respect, it is possible to say that conservation and development are both public interest promoting activities; however, while development promotes public interest through individual interest, conservation promotes public interest through public good. Consequently, since their scopes are different, there is a debate between conservation and development efforts. In this respect, the planning discipline has the potential to mediate between the domains of development and conservation.

2.3.1 Planning as a Tool for Conservation

Following the acknowledgement of the importance of heritage for the long-term well-being of people, attempts toward the conservation of cultural and natural resources began to increase. It has since been realized that in the establishment of a coherent framework for the conservation of heritage, planning provides an important guide. In other words, although attitudes in the case of each heritage site and conservation type are unique, planning still proves to be the most effective tool for conservation.

The planning discipline contributes to the conservation of cultural and natural heritage by:

- Identifying cultural and natural features that aid the future well-being of the community,²⁶ and

²⁶ Wichita/Sedgwick County Area Planning Department (2001), *Historic Preservation Plan, Wichita, Kansas*, retrieved from http://209.85.129.132/search?q=cache:ubKAqdBW338J:www.wichita.gov/NR/rdonlyres/5484109B-FB72-4A47-BC3C8D12069A2D08/0/2001_Historic_Preservation_Plan_16d.pdf+historic+preservation+plan&cd=2&hl=tr&ct=clnk&gl=tr (accessed on 9 January 2009).

- Making conservation an integral part of development policies by taking into account the diversity in interests within the community.

In this respect, it is possible to claim that plans aimed at conservation are tools designed to guide development and conservation and to manage cultural and natural heritage by taking into consideration diverse interests. Or, in other words,

Successful conservation is development work that is not about freezing natural and cultural assets for the benefit of future generations. Rather, it is about finding creative ways to meet the needs of present generations without compromising the ability of future generations to meet theirs. Planners and decision takers must therefore seek to ensure that there is equity in the access to opportunities for development and benefits which arise.²⁷

Within this context, conservation planning is a tool for “finding creative ways” to reconcile the diversity of interests by ensuring equity in conservation and sustainable uses of cultural and natural heritage.

In brief, since “people of diverse interests are involved in the planning process,” conservation could be intelligently addressed through the implication of conservation plans (Noss, O’Connel, & Murphy, 1997, p. 213). However, Noss et al. further remind us,

The best designed, most scientifically credible plan in the world is worth little if not implemented as intended (p. 213).

2.3.2 Turkey: From the Perspective of Conservation and Development

The main objective of the Turkish government towards cultural and natural resources is to protect them on behalf of all citizens and to develop strategies supporting

²⁷ UNDP (n.d.), “Small Island Developing States: Cultural Heritage Conservation and Tourism for Sustainable Development,” from <http://tedc.undp.org/sie/experiences/vol2/Cultural%20He.pdf> (accessed on 9 January 2009).

efficiently consumptive uses of these assets. Due to the fact that historical characteristics and natural beauty contribute to the tourism potential of a particular area, tourism is considered as one of the “consumptive uses” of these resources.

There is strong link between conservation and tourism in Turkey. Since tourism is a job-generating sector and it contributes significantly to economic growth, the emphasis given to tourism by the Turkish state has been increasing for the last two decades. With the Law for the Encouragement of Tourism, mediation between the domains of tourism and heritage conservation has been pursued.²⁸ The Tourism Strategy of Turkey - 2023 also supports “wiser use” of historical, cultural and natural assets in tourism activities:

...The Tourism Strategy of Turkey - 2023 and the action plan for 2013 collectively target wiser use of natural, cultural, historical and geographical assets that this country has, with a balanced perspective addressing both conservation and utilization needs spontaneously and in an equitable sense and hence leveraging the share of our country from tourism business, by evolving these possible alternatives (Ministry of Culture and Tourism, 2007).²⁹

Moreover, conservation and tourism have been administered by the same government organization, the Ministry of Culture and Tourism. In Turkish conservation legislation, by the principle decision (No. 728) of the High Council for

²⁸ This law was enacted to promote, guide and regulate the development of the tourism sector in Turkey, which has particularly proliferated along the coastal areas. According to the Law, “tourism regions,” “tourism areas,” and “tourism centres” are declared by a decree of the Council of Ministers. Tourism areas are defined as “areas inside or outside the tourism regions, where cultural and natural wealth is concentrated, [and] the location and boundaries are decided and declared by a decree of the Council of Ministers, following the proposal of the Ministry [of Tourism, Article 3]” (UNEP, 2005, p. 44).

²⁹ T.C. Kültür ve Turizm Bakanlığı (n.d), *Tourism Strategy of Turkey – 2023*, retrieved from <http://www.kulturturizm.gov.tr/genel/text/eng/TST2023.pdf> (accessed on 13 August 2009).

the Preservation of Cultural and Natural Heritage, it is also stated that activities promoting public interest, including tourism, are authorized in second degree site areas. Tourism has a role in promoting public awareness of cultural and natural resources, as well. However, due to the fact that cultural and natural beauty is seen as a product to be marketed (Orbaslı, 2000), the negative impacts of tourism, such as environmental degradation and cultural erosion, are also evident. The negative impacts have been caused by a focus on the short term economic advantages of tourism.³⁰ However, the planning discipline, by identifying priority areas for protection and assessing both short and long term effects of tourism, is likely to mediate between the realms of tourism and conservation.

2.3.3.1 Planning as a Tool for Conservation in Turkey

Following the recognition of area protection as an effective way of conservation, the importance of “plans as a guiding document for conservation”³¹ has been recognized. It is common knowledge that plans are tools of governments, enabling them to achieve their development goals. “A conservation plan is a document which explains why a site is significant and how that significance will be retained in any future use, alteration, development or repair” (Clark, 1998). However, until the 1980s, the planning and conservation processes developed separately from each other; for example, reconstruction law did not include conservation issues until the 1980s.

In Turkey, a number of laws regarding conservation have come into force since the 1980s. This can be considered a sign of the significant change in the Turkish

³⁰ METU Workshop (2008), *Preserving Places: Managing Mass Tourism, Urban Conservation and Quality of Life in Historic Centres*, retrieved from www.archweb.metu.edu.tr/extras/PLACE_WORKSHOP_METU.doc (accessed on 15 August 2009).

³¹ The Heritage Council of Western Australia (2002), retrieved from <http://www.heritage.wa.gov.au/pdfs/pubList/section2/conservationBrief0210.pdf> (p. 1).

understanding of conservation. An implementation of conservation issues in development policies also occurred during this period, and plans have been considered as a way of integrating conservation decisions into developmental policies. In other words, the importance of plans for effective and integrated conservation has been recognized.

In this context, the Environment Assessment Plan, the Long Term Development Plan for National Parks, Wetland Management Plans, the Management Plan for Wildlife Conservation and Wildlife Development Areas, and development plans aiming at conservation are all important instruments whose primary aims are to protect cultural and natural assets in Turkey. In addition, construction plans, put into force by the municipalities and Special Provincial Administrations, should include registered cultural and natural assets and areas and their protection zones as designated areas for conservation. However, in Turkey, there are a number of institutions with responsibility for making such plans. Moreover, conservation statuses and thus the borders of conservation plans overlap in general. This implies that in order to provide effective and comprehensive conservation, there should be cooperation between institutions that share responsibility and authority for making plans.

The following chart indicates the institutions that have authority and responsibility for making conservation plans:

Table 8: Institutions Having Planning Authority (source: UNEP, 2005)

Plan Type	Responsible Public Institution	Legal Basis
Regional Plans	State Planning Organization	SPO Establishment Law Settlement Law
Environmental Profile Plan	<ul style="list-style-type: none"> • Ministry of Environment and Forestry • EPASA 	<ul style="list-style-type: none"> • Ministry of Environment and Forestry Establishment Law • Degree of the Cabinet
Framework Land Use Plan	<ul style="list-style-type: none"> • Municipalities, Metropolitan Municipalities within municipal borders and in annexed areas • Governorates in other areas • Ministry of Culture and Tourism in tourism areas and centers • EPASA in SPAs • South-Eastern Anatolia Project (SAP) Regional Development Administration in SAP Region 	<ul style="list-style-type: none"> • Settlement law, Municipality law, Metropolitan Municipality law • Tourism Incentive Law • Decree of Cabinet
Detailed Application Land Use Plan	<ul style="list-style-type: none"> • Municipalities, Metropolitan Municipalities within municipal borders and in annexed areas • Governorates in other areas • Ministry of Culture and Tourism in tourism areas and centers • EPASA in SPAs • Regional Conservation Councils (has authority to approve these plans) 	<ul style="list-style-type: none"> • Settlement law, Municipality law, Metropolitan Municipality law • Tourism Incentive Law • Decree of Cabinet • Law for Protection of Cultural and Natural Assets
Special Use and Management Plans	<ul style="list-style-type: none"> • Ministry of Environment and Forestry in National Parks • Ministry of Environment and Forestry in Forest Management Plan • EPASA in SPAs 	<ul style="list-style-type: none"> • National Parks Law • Forestry Law • Decree of Cabinet
Determination of the shore edge line, Permit for reclamation of marine areas, Construction of harbors and piers, etc.	<ul style="list-style-type: none"> • Ministry of Settlement and Reconstruction, Governorates, Undersecretariat for Maritime Affairs 	<ul style="list-style-type: none"> • Shore Law Decree of Cabinet for Establishment of Maritime Affairs

Table 8 Continued

Plan Type	Responsible Public Institution	Legal Basis
Regional Infrastructure Facilities	<ul style="list-style-type: none"> • General Directorate for the Construction of Harbors, Railways and Airports • General Directorate for Highways • TEİAŞ 	<ul style="list-style-type: none"> • Shore Law, Law for Establishment of Ministry of Transport • Law for Establishment of General Directorate for Highways • Decree of Cabinet for TEİAŞ
Plans for Dams and Irrigation Systems	DSİ	Law for Establishment of DSİ
Other Plans Related to Environment, Clean Air Plans for State of Emergency and Instant Action	Administrative Areas	By-Law for Protection of Air Quality, Environmental Law

2.4 Conclusion

There has been an ongoing debate about the concept of public interest. However, there is still no consensus on its definition. Moreover, its content and importance can change depending on the context. This implies that *there is no permanent definition for the concept of public interest*. Nonetheless, efforts to explain the concept of public interest have been made by political scientists, particularly after the 1950s. Although the concept of public interest has no universal definition, it is generally used in the political sphere in reference to the basis of political movements. Despite the different theories on this concept, today “public interest” refers to the happiness of the greatest number of people. This implies that public interest is a service which is executed by governments to a make majority of people content.

The states fulfill their responsibilities via their institutions. Since their main aim is to provide and promote public interest, institutions have a great importance in public interest promotion. However, globalization has brought about an institutional transformation that results in changes in institutions’ method of operations. As a

result, a number of state-owned activities have been privatized and the responsibilities of institutions have been redefined. Consequently, the welfare state approach has been abandoned to a great extent.

Globalization has affected not only institutions' methods of operation, but has also affected the conservation process and its perceived importance. A great number of international conventions, charters and conferences on conservation took place after the 1980s. The number of international organizations and institutions in the field of conservation increased during this period, as well. In other words, the importance given to the conservation issue has increased since the 1980s. Within this context, in order to reconcile the domain of economic development with that of conservation, the sustainability principle has been initialized and the content of the conservation concept has been broadened. Consequently, the importance of site protection as an effective method of conservation has been realized.

Following the 1992 World Summit, integrated conservation and sustainability have become key concepts for conservation. Due to its complexity, the conservation issue requires a certain level of awareness from the people. In this respect, the importance of local governments and citizens' involvement in the process of conservation to enhance public awareness has been realized. Consequently, the concept of participation has gained considerable importance.

Turkey has also followed this trend. After the 1980s, the importance placed on the conservation of natural and cultural assets has increased. The 1982 Constitution states that "the State shall assure the protection of the values regarding historical, cultural and natural presence and in this respect, shall take relevant supporting and encouraging measures" (63rd Article). In addition to laws issued after the 1980s, the scope of conservation of cultural and natural assets has been broadened and the conservation process has been integrated into development plans. This implies that

the importance of conservation as a public service has been recognized. In other words, *public interest constitutes the basis of conservation*.

In order to be considered for EU accession, Turkey has an obligation to harmonize its legal system to that of the European Union. Therefore, Turkey's candidate status has caused remarkable changes in the Turkish legal system in regards to conservation. Since the 2000s, the scope of conservation laws has been amended and "the latest law and regulations and some authorization of conservation of cultural and natural heritage and historical fabric has been given to local organizations" (Şahlan, 2007, p. 13). As a result of changes in laws and the process of delegating central authority to local administrations, the responsibilities of institutions have been redefined and their roles in promoting public interest have been restructured. However, since the pace of institutional transformation is slow and the state still controls many activities, the welfare state institution approach has not been abandoned by Turkey yet.

In that respect, conservation, as one of the state-controlled activities, is a public service that is mainly performed by public institutions of the state. Moreover, the central government and its ministries are the main executors of this activity. However, the authority for preserving natural and cultural assets has been delegated among different governmental institutions by different conservation laws. In addition, semi-governmental institutions and NGOs, the number of which has increased significantly since the 1990s, have an important role in the conservation of Turkish cultural and natural heritage.

In the field of conservation, there are a number of governmental institutions leading activities in Turkey. However, the spread of responsibility to different institutions has caused some problems from the conservation point of view, even if these institutions' roles, responsibilities and authorities are different from each other. For instance, since they, with their subsidiary bodies, decide which assets and areas are worth protecting, the Ministry of Culture and Tourism, the Ministry of Environment

and Forestry and the General Directorate of Pious Foundations are the main competent governmental bodies in the field of conservation in Turkey. However, it is the Ministry of Public Works, Governorships, Municipalities and EPASA which have the responsibility for making development plans. This implies that although the Ministry of Culture and Tourism, the Ministry of Environment and Forestry and the General Directorate of Pious Foundations decide which assets should be protected on behalf of public interest, it is the Ministry of Public Works, Governorships, Municipalities and EPASA that maintain the activities of conservation of cultural and natural assets by integrating these conservation decisions into development plans.

On the other hand, there are international conventions and charters that bind Turkish conservation activities. In addition, there are international institutions to which Turkey is held responsible. This implies that Turkey needs to change its laws and institutional structure to meet the requirements outlined by these conventions. In this respect,

- After becoming a party to the World Cultural and Natural Heritage Convention, Turkey has defined its cultural and natural world heritage areas;
- after becoming a party to the Barcelona Convention, Turkey has defined Special Protection Areas;
- and Areas for Special Conservation Interest have been defined after Turkey's becoming a party to the Bern Convention.

Turkey has changed its institutional formation, as well. For example, in order to define Special Protection Areas, EPASA was founded. To maintain activities regarding conservation of nature, the Ministry of Environment was founded in 1991.

In brief, although public interest and conservation have been discussed for many years, there is no single unanimous definition for these concepts. However, it is clear that there is a relation between conservation and public interest. Moreover,

institutions constitute the *raison d'être* of this relation. Since the importance of conservation as a public interest promoting activity has been realized worldwide, its scope has broadened from the national scale to the international, particularly after the 1980s. Turkey has also been following this tendency.

CHAPTER 3

CASE STUDY

3.1 Introduction

Three research questions are examined in this chapter and hypotheses are tested via the case study of Gökova. Since the previous chapter has partially examined the first two research questions, in the third chapter, the third question is primarily examined and the third hypothesis is tested. As has been mentioned previously, the research questions of this study are:

- Is there universal definition for the concept of public interest?
- Does public interest constitute a plausible basis for conservation activities?
- Is the institutional framework of the Turkish cultural and natural heritage conservation process effective and efficient from a public interest point of view?

A large number of governmental and semi-governmental institutions develop policies that have significant implications for the conservation of natural and cultural resources in Turkey. The aim of these policies is to promote public interest by safeguarding natural and cultural assets. Moreover, conservation institutions adopt different public interest approaches based on their establishment laws, and therefore they carry out different activities to attain unique objectives. The Gökova case provides a good basis for the investigation of the ways in which public institutions conduct their activities in the quest to promote public interest.

The first section of this chapter is focused on Gökova itself as a significant natural and cultural heritage asset of Turkey. The second section is focused on the analysis of conservation institutions that are in a position to carry out the task of conservation in the Gökova region. In this section, the history of conservation in the Gökova region is also reviewed. In the third section, personal observations from a field trip to Gökova in the month of April 2008 are conveyed. Within this context, the public interest concept is discussed in the fourth section. The fifth section analyzes Gökova from the perspectives of conservation and development. The contribution of planning to the process of mediation among the agencies of conservation and development is articulated in this section. In the final section of this chapter, the case study is concluded with reference to the research questions and hypotheses.

Due to the fact that the Turkish government fulfills its responsibilities via its institutions, it is possible to state that public interest can be measured by the operations of public institutions. This implies that there should be unity between the operations and decisions of institutions that work in common fields. By analyzing Gökova, the unity between conservation institutions' decisions and operations is investigated.

Gökova has been protected under different conservation statuses; therefore, different conservation institutions are responsible for the protection of this area. EPASA and the Muğla Regional Conservation Council are the most competent authorities. However, their general understandings regarding public interest are different. Since the main priority of the Muğla Regional Conservation Council is to protect cultural and natural assets, it addresses the issue of conservation in normative terms. However, due to the fact that the main priority of EPASA as an implementing organization is to make development and conservation plans for special protection areas, it approaches conservation from the perspective of consensualism. The case of Gökova is discussed here within this context.

3.1.1. Location of Case Study Area

The Gökova Special Environmental Protection Area includes the city of Muğla, the towns of Marmaris and Ula, and the sub-districts and villages annexed to them. It also includes the settlements of Akyaka, Gökova, Akçapınar, Gökçe, Çamlı, Karacaköy and Çetibeli.

The important elevations of the region are the West Menteşe Mountains, stretching to Gökova Bay, and East Menteşe Mountains forming Ula subsidence, and Yaran Mountains, rising dominantly from Gökova Gulf. The agricultural land that is formed with the accumulation of alluviums in small valleys directly opening to the sea and the interior subsidence are called Gökova and Kızılkaya Prairies.

Akyaka District, which is in the Special Environmental Protection Area and which is an important settlement, is in the Northeast of Gökova Gulf and 28 km away from Muğla. In the north of the district is abruptly rising mountain topography, covered with forests, and in the east is an unequaled prairie between Kadın and Akçapınar streams. As in the whole region, river beds open to the sea through a stream. Sedge groves, moors and meadows are adjacent and intermingled in these areas.

Another significant area in the region is Sedir Island, which is also known as Ketra, Setra, Sedir or Şehirlioğlu Island (EPASA, 2006).

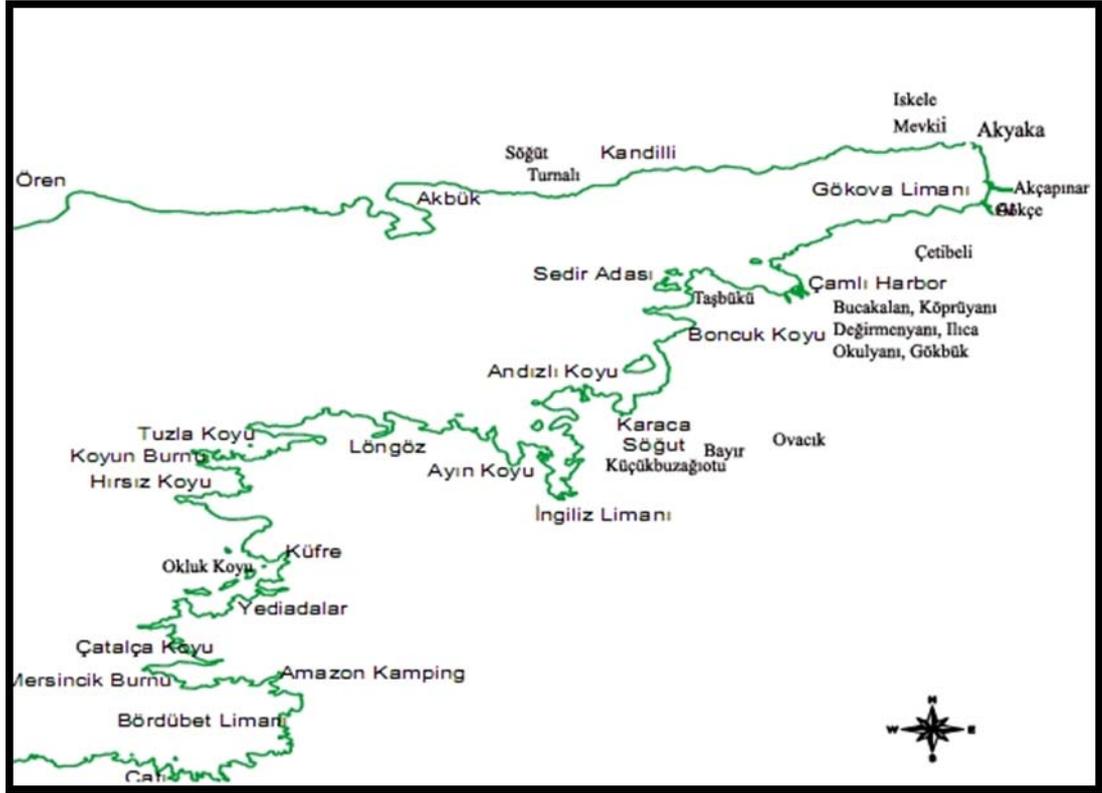


Figure 3: Case Study Area
(Source: Tural, 2007, p. 12)

3.1.2. Region's Flora

“Gökova Special Environmental Protection Area is of great value in terms of the rich fauna, flora and ecology; and its flora are dominated by Aegean and Mediterranean type flora features together. In addition to shrubs, olive groves are also significant. Moreover, in the region red pine (*Pinus brutia*) and Oriental Sweet Gum forests (*Liquidambar orientalis*) are of great value. Following these, there are trees with needles such as Black Pine, Pistachio, Cedar and Juniper, and trees with leaves such as oak. Furthermore, there are sandal, heather, *P. Latifolia*, laurel, celtis and carob trees.

Base lands are generally lands with 1st - 4th class soil's abilities. Apart from base lands, the hillsides, hilly and mountainous areas consist of 6th and 7th class soil types. Scars and moors are defined as 8th class soils" (EPASA, 2006).

3.1.3. Region's Fauna

The region also has a rich fauna. The winged animals, namely turtle doves, quails, crested wood partridges, pygmy cormorants, terns, swifts, swallows, woodpeckers, starlings, blackbirds, marsh sandpipers, crows, hawks, grey partridges, wild ducks, wild geese, rock sparrows, eagles, falcons, and owls can be seen throughout the region.

The coasts are rich in terms of marine fauna. Fish species of the region and other sea products (Octopus, lobster and carabidae) are available in the waters of the region. Moreover, the existence of *Lutra Lutra* (Otters) on the coasts of Gökova and dolphins in the northern parts is well-known.

In addition, Gökova/Boncuk Bay hosts Sandbar Sharks (*Carcharhinus Plumbeus*) every year from May to August which is the only known procreation area of Sandbar Sharks in Mediterranean Sea" (EPASA, 2006).

3.1.4. Archaeological and Historical Assets in Gökova Special Environment

Protection Area

"The part falling outside Fethiye and Kınık towns in Muğla is an area known as Kayra in the ancient times. The history of Kayra starts with Ionian settlements in the region. Dors, settled in the two edges of Gökova Gulf, founded Cnidos and Halikarnasos (*Bodrum*). Muğla city was annexed to the Seljuk Empire in the 12th century, to the Menteşe Principality in the 15th century and to the Ottoman Empire in the 16th century. (EPASA)

Sedir Island, and the ruins of the ancient city of Idyma, located at Akyaka, are other significant historical areas. The island is situated in the South of Gökova Gulf and it possesses tablets belonging to Hellenistic and Roman periods" (EPASA, 2006).

3.2. Gökova as National Heritage

Because it is rich in terms of flora and fauna, due to “the multiplicity of ecosystems it contains” (UNDP, 2004), and thanks to its historic and cultural value, the Gökova region has been considered as a part of the natural and cultural heritage of Turkey. Since countries possess common heritage, heritage conservation at the national level requires shared responsibility and a certain level of awareness among the people. Within this context, the value system has a vital role for increasing awareness.

In order to protect this common heritage, the Gökova region was declared a special protection area in 1988 by decree of the Cabinet of Ministers, No. 88/13019. In addition, it has also been registered as a 1st degree natural site and a 1st, 2nd and 3rd degree cultural site area by:

- The High Council for Immovable Cultural and Natural Properties (Taşınmaz Kültür ve Tabiat Varlıkları Yüksek Kurulu), Decree No. 1986/2753;
- İzmir II Numbered Conservation Council, Decrees No. 1988/288 and No. 1996/5576;
- And the High Council for Immovable Cultural and Natural Properties, Decree No. 1985/915.

The first degree natural site status and special protection area status particularly acknowledge the importance of Gökova as a natural heritage of the country.

3.2.1. Attitudes toward Conservation of Gökova

The first efforts to protect the Gökova region began in 1985 with Decree No. 915 of the High Council for Immovable Cultural and Natural Properties (Taşınmaz Kültür ve Tabiat Varlıkları Yüksek Kurulu, TKTVYK). With this decree, the area near Akyaka, due to presence of the ruins of the ancient city of Idyma, was officially declared as a 1st and 3rd degree archaeological site area. With this same decree, Gökova Marmaris Road and Azmaklar were also declared 1st degree natural sites.

However, it was Decree No. 2753/1986 of the High Council for Immovable Cultural and Natural Properties that officially declared the majority of places in the Gökova region as 1st degree natural site areas. With this decree, the Ören settlement and its surroundings, in the northern part of the Gökova region, were declared as 2nd and 3rd degree archaeological site areas, as well. “While first degree status strictly prohibits any kind of construction, second and third afford for less rigorous forms of protection.”³² As a result, due to the area’s natural and archaeological site status, all planned development activities in the Gökova region were cancelled. Moreover, the TKTVYK, the İzmir II Numbered Regional Conservation Council and finally the Muğla Regional Conservation Council have become the responsible authorities for conservation of the natural and cultural assets of Gökova.

In 1988, the areas of Gökova which had not yet been declared as a protected site by the TKTVYK’s Decree No. 2753 were declared a 1st degree natural site by the İzmir II Numbered Conservation Council’s Decree No. 1988/288. In the same year, in order to sustain its natural, historical and cultural significance for the next generations, the Gökova region was also declared as a special protection area by Decree No. 88/13019 of the Cabinet of Ministers. As a result, since EPASA is entitled to make plans at all levels within special protection areas, it became the institution responsible for making development and conservation plans for the Gökova region.

Consequently, in 1989, an Environmental Relations Plan for the Gökova Special Protection Area was prepared by EPASA. In 1990, by Decree No. 1642 of the İzmir II Numbered Conservation Regional Council, this plan was approved and then brought into force by EPASA. However, in the same year, the borders of the special protection area were expanded by a further decree of the Cabinet of Ministers. In 1996, with Decree No. 5576 of the İzmir II Numbered Conservation Regional

³² The Monachus Guardian (1999), *Turkey*, retrieved from <http://www.monachus-guardian.org/mguard03/03mednez.htm> (accessed on 22 August 2009).

Council, Saranda Ancient City in Söğüt Village was registered as a 1st degree archaeological site, as well.

As a result of the expansion of the Gökova Special Protection Area's borders, the Environmental Relations Plan for Gökova was amended and implemented by EPASA in 1998. Further revisions were made to the plan in 2000. However, in 2001, with Decree No. 715 of the Muğla Conservation Council, all places in the Gökova Special Protection Area were declared as 1st degree natural sites. With this decree, all settlement areas in the region were declared as 3rd degree natural sites, as well. Although with the decrees of TKTVYK and the İzmir II Numbered Conservation Council some places in Gökova region had been declared natural sites, the borders of the site areas had been different from the borders of the Special Protection Area. Since the borders of both the natural site and Special Protection Area were roughly overlapped by this decree, it is possible to claim that the degree aimed to bring unity to the conservation process at Gökova.

During the period of 2001-2002, the natural site degree of some of the settlements was amended by the Muğla Conservation Council's decrees.³³ Following that, after the necessary amendments were passed by the Environmental Protection Agency for

³³ In 2001, with Decree No. 641 of the Muğla Regional Council, the degree of the natural site for Sarnıç Village settlement area was changed from 1st degree to 3rd degree.

In 2002, with Decree No. 1222 of the Muğla Regional Council, the degree of the natural site for Alatepe Village settlement area was changed from 1st degree to 3rd degree.

In 2002, with Decree No. 1223 of the Muğla Regional Council, the degree of the natural site for Kultak Village and its surroundings was changed from 1st degree to 3rd degree.

In 2002, with Decree No. 1117 of the Muğla Regional Council, the degree of the natural site for Kuyucak Village and its surroundings was changed from 1st degree to 3rd degree.

In 2002, with Decree No. 1287 of the Muğla Regional Council, the degree of the natural site for Çetibeli Village and its surroundings settlement area was changed from 1st degree to 3rd degree. Also in this area, four buildings were registered as cultural assets and 17 monumental trees were registered as natural assets.

Special Areas, in 2003 June, with Decree No. 2495 of the Muğla Conservation Council, the Revision of the Environmental Relations Plan was approved. Shortly thereafter, the Muğla Regional Conservation Council's Decree No. 2001/715, according to which the Revision of the Environmental Relations Plan had been prepared, was repealed by the Muğla Council's Decree No. 2003/2921.³⁴ Following that cancellation of the Muğla Regional Conservation Council's Decree No. 715, problems have occurred in the process of preparing a new Revision of the Environmental Relations Plan for Gökova.

In other words, there were four different Conservation Council Decrees which declared various places in the Gökova Special Protection Area as natural and archaeological sites. These were TKTVYK's decrees No. 1986/2753 and No. 1985/915, and İzmir II Numbered Conservation Council's decrees No. 1988/288 and No. 1996/5576. However, the natural site area borders declared by these decrees were not the same as the borders of the Special Protection Area. Moreover, since the entire area was registered as a 1st degree natural site, local people were faced with some restrictions. Therefore, in order to meet the needs of local people and to bring unity to the conservation process, the borders of the natural site and the Special Protection Area were overlapped and the degree of the natural site of the settlements was changed from 1st degree to 3rd by Decree No. 715. However, after cancellation of Decree No. 715, these problems appeared on the agenda again.

Following that, in 2005, with Decree No. 938 of the Muğla Regional Council, the area was analyzed and re-assessed.

After the re-assessment of the entire area, the Muğla Regional Conservation Council issued Decree No. 4305 in 2008. By this decree:

³⁴ In 2005, the degree of the natural sites for Çamlı Village, Değirmenyanı, Köprüyanı, Köylük and Çamlık settlements was amended from 1st degree to 3rd degree by Decree No. 537 of the Muğla Regional Conservation Council.

- The site degree for the settlements of Turnalı, Kandilli, Çetibeli, Çamlı (Okulyanı, Ilica, Gökbük, Köprüyanı, Değirmenyanı, Köylük, Bucakalan), Bayır, Söğüt (Karacasöğüt), Küçükbuzağıotu and Taşbükü was amended from 1st degree to 3rd degree.
- The natural site status for the settlements of Gökçe, Akçapınar, Ovacık and Akyaka was cancelled.
- The Bördübet area, although located within the Gökova Special Protection Area, had not previously been declared as a natural site and was hereby declared as a 1st degree natural site.
- North of the region, starting from the İskele region, had similarly not been previously declared as a natural site although it was located within the Special Protection Area, and it was also hereby declared a 1st degree natural site.

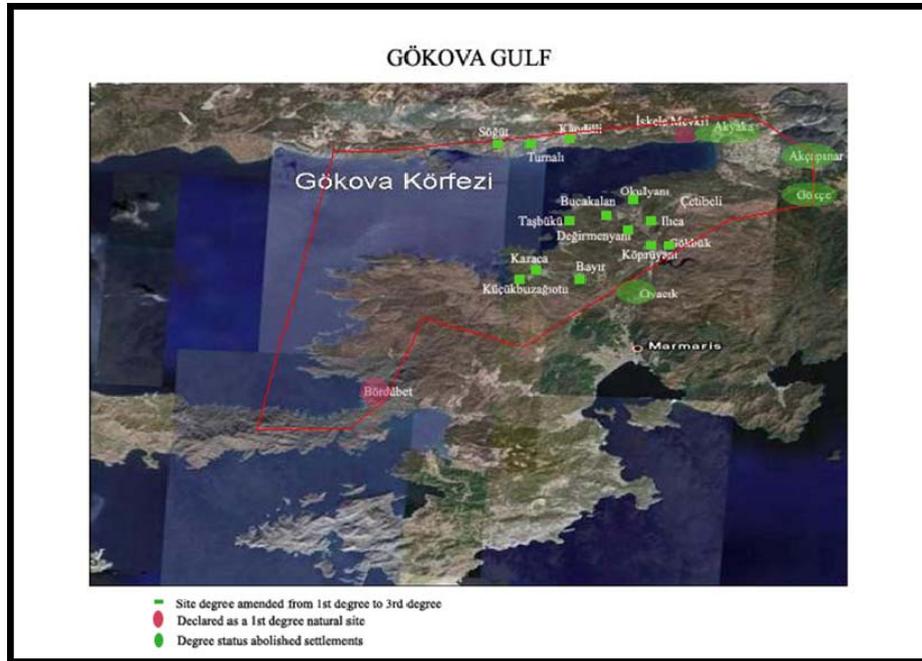


Figure 4: Decree Code 4305/2008

Consequently, special protection area borders and site borders have been designed to approximately overlap. However, although the site degrees and borders have been amended, the Revision of the Environmental Relations Plan has not yet been approved by the Muğla Regional Conservation Council. As a result, studies on the Revision of the Environmental Relations Plan, begun in 2003 by EPASA, have still not been finalized. However, in this period, in order to meet the basic needs of local people, the degree of the natural site was changed from 1st degree to 3rd degree for some settlements.

The region has been protected by the law for Conservation of Cultural and Natural Assets (code 2863); the Barcelona Convention and its addendum protocol, the Mediterranean Special Protection Areas; and the Decree Having Force of Law for the Establishment of EPASA. Since 1988, conserving by planning is the main administrative policy for conservation of the Gökova region.

3.2.2. Institutions Responsible for Conservation of the Gökova Region

A large number of public institutions develop policies that have significant implications for the conservation of cultural and natural resources in Turkey. However, five of them can be mentioned as particularly important in the conservation of Gökova:

- *The Environmental Protection Agency for Special Areas*, since this area has been declared as a special area for protection;
- *The Ministry of Culture and Tourism and the Muğla Regional Conservation Council*, since Gökova has been declared as a protected natural and archaeological site;
- *The Ministry of Environment and Forestry*, since this area includes forests and rest areas set in forest;
- *The Special Provincial Administration*, since the Special Provincial Administration Law No. 5302 states that “provincial administrations perform all kinds of duties and services, take decisions and make implementations

which are common for whole citizens, including the preservation of natural and cultural heritage”;

- *and Municipalities*, since the Law for Municipalities (code 5393) states that “Municipalities are responsible for maintenance and protection of both cultural and natural heritage and places that bear important value for the history of the town.”

As a result, today the Gökova region is under the joint responsibility of multiple administrative bodies at two levels: the Environmental Protection Agency for Special Areas (EPASA) (national level), the Ministry of Culture and Tourism (national level), the Muğla Regional Conservation Council (local level), the Governorate of Muğla (local level) and the municipalities (local level). However, due to the fact that the main responsibility of EPASA and the Ministry of Culture and Tourism with the Muğla Regional Conservation Council is to safeguard cultural and natural properties, they are the most relevant bodies responsible for the conservation of the Gökova region. In this respect, in order to provide effective conservation for Gökova, these two bodies have to cooperate and coordinate their activities. In addition, since conservation at the national level requires shared responsibility among people, citizens and NGOs have an important role in the conservation of this region.

3.3. Personal On-site Observations from a Field Trip

The Gökova Special Environmental Protection Area “consists of “Muğla city, Marmaris and Ula towns and 3 sub-districts and 4 villages attached to them. It includes Akyaka, Gökova, Akçapınar, Gökçe, Çamlı (with sub-settlements of Köprüyanı, Okulyanı, Değirmenyanı, Gökbük, and Bucakalan), Karaca (with sub-settlements of Küçükbuzağıotu, Ovacık, Bayır and Söğüt) and Çetibeli settlements. In addition, there are villages of Yerkesik settlement, which are: Kandilli, Turnalı, Tahtaiskele, and Söğüt.” (EPASA)



Figure 5: General Overlook of the Gökova Region, from East to West

Akyaka, Gökçe and Akçapınar are the most populous settlements. The main economic activity of the region is agriculture; however; Akyaka, Okluk Bay, Sedir Island and Bördübet, in the southeastern part of the region, have touristic value.

The natural and cultural sites of Gökova are private property. However, due to the 1st degree natural site status, construction activities in Gökova have been prohibited. Moreover, economic activities such as tourism, mining or agriculture are also prohibited in Gökova. Nonetheless, there are some public buildings built for tourism activities and other unlawful buildings in the area. In addition, shanty settlements can be observed in the Gökova region.

The observations from the field trip are categorized as follows:

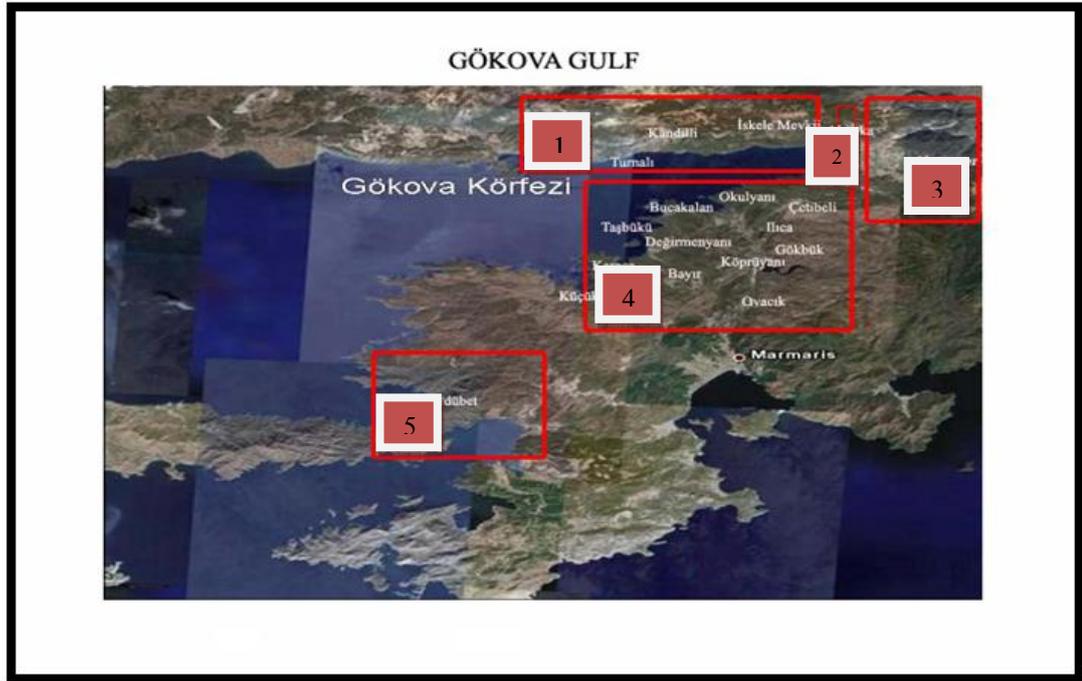


Figure 6: Observation Areas

- 1: North of the Region
- 2: Northeast of the Region
- 3: East of the Region
- 4: Southwest of the Region
- 5: South of the Region

3.3.1 North of the Region

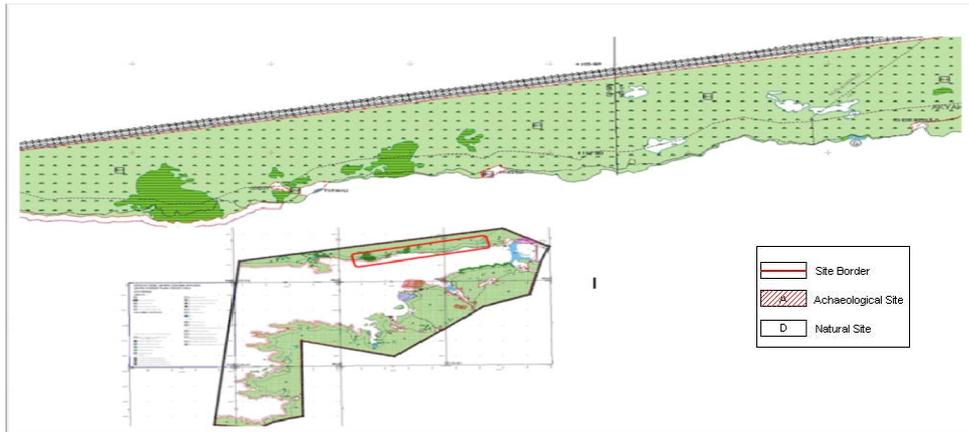


Figure 7: North of the Region (Source: EPASA)

Settlements

The settlements located in the northern part of the region are Kandilli, Turnalı, Söğüt and İskele.

Significance:

- The region has natural significance.
- There is wetland near the Turnalı settlement.

Conservation Status:

- Kandilli, Turnalı and Söğüt settlements were declared as 1st degree natural sites in 1986 with Decree No. 2753 of the Muğla Conservation Council.
- The region was also declared as a special protection area in 1988.
- İskele was declared as a 1st degree natural site in 2008 with Decree No. 4305 of the Muğla Conservation Council.

- The 1st degree site status of Kandilli, Turalı and Sögüt settlements was amended to the 3rd degree by Decree No. 4305 of the Muğla Conservation Council.

Economy:

The main economic activity is agriculture. However, the region has a touristic value, as well.

3.3.2 Northeast of the Region



Figure 8: Northeast of the Region (Source: EPASA)

Settlements

The settlement located in the northeastern part of the region is Akyaka.

Significance:

- The area has natural and cultural significance.
- Ruins of the ancient city of Idyma are found in this part of the region.

Conservation Status:

- Akyaka was declared as a 1st degree natural site in 1986 with Decree No. 2753 of the Muğla Conservation Council.
- The region was also declared as a special protection area in 1988.
- Its status of site was cancelled with Decree No. 4305 of the Muğla Conservation Council.

Economy:

The main economic activity is agriculture. However, the region has a touristic value, as well.

3.3.3. East of the Region



Figure 9: East of the Region (source: EPASA)

Settlements

The settlements located in the eastern part of the region are Gökova, Akçapınar and Gökçe.

Significance:

The region has natural significance. There are also streams.

Conservation Status:

- Gökova, Akçapınar and Gökçe were declared as 1st degree natural site in 1986 with Decree No. 2753 of the Muğla Conservation Council.
- The region was also declared as a special protection area in 1988.
- Akçapınar and Gökçe's status of site was cancelled with Decree No. 4305 of the Muğla Conservation Council.

Economy:

The main economic activity is agriculture. There are streams, called Azmak, which have significant advantages for local agriculture.

3.3.4. Southwest of the Region



Figure 10: Southwest of the Region (source: EPASA)

Settlements

The settlements located in the southwest part of the region are Bayır, Ovacık, Taşbükü, Küçükbuzağıotu, Söğüt, Çetibeli and Çamlı.

Significance:

- The region has cultural significance; Sedir Island and Saranda Ancient City are located in this part of the region.
- The region has natural significance: *Liquidambar orientalis* can be observed in the Çamlı settlement.

Conservation Status:

- Bayır, Ovacık, Küçükbuzağıotu, Söğüt, Taşbükü, Çetibeli and Çamlı were declared as 1st degree natural sites in 1986 by Decree No. 2753 of the Muğla Regional Conservation Council.
- Bayır, Ovacık, Söğüt, Taşbükü and Küçükbuzağıotu were declared as special protection areas in 1988.
- Çetibeli and Çamlı were declared as special protection areas in 1990.
- Ovacık's status of site was cancelled by Decree No. 4305 of the Muğla Conservation Council.
- The 1st degree site status of Bayır, Küçükbuzağıotu, Söğüt, Çetibeli, Çamlı and Taşbükü settlements was amended to 3rd degree by Decree No. 4305 of the Muğla Conservation Council.

Economy:

The main economic activity is agriculture. However, the region has a touristic value. In Taşbükü there is a camping area belonging to the State Planning Organization.

3.3.5. South of the Region



Figure 11: South of the Region (source: EPASA)

Settlements

The settlement located in the southern part of the region is Bördübet.

Significance:

Natural significance: Dense forests.

Conservation Status:

- It was declared a 1st and 3rd degree natural site in 2008 by Decree No. 4305 of the Muğla Regional Conservation Council.
- The region was declared a special protection area in 1988.

Economy:

The main economic activity is tourism. There is an Amazon Camping Area and buildings belonging to the Presidency of the Republic in Okluk Bay.

3.4. Conservation of Gökova from the Perspective of Public Interest

The 63rd Article of the 1982 Constitution, which states that “the State shall assure the protection of the values regarding historical, cultural and natural presence and in this respect, shall take relevant supporting and encouraging measures” constitutes the basis for all conservation activities in Turkey, including the Gökova case. Due to the fact that the state performs conservation activities to promote public interest, in this respect, public interest constitutes a plausible basis for conservation of Gökova.

3.4.1. Gökova from the Perspective of Public Interest Theories

According to the normative concept of Leys and Perry, in order to provide for and promote public interest, “some substantive values” such as social equality or economic opportunity must be maximized. This implies that, if proper principles such as social and economic equality, equal rights and justice are employed, public interest is served. According to Cochran’s normative approach and Schubert’s idealist theory, there is common good, and if something is good for the public it is a higher level of good than when something is good for only part of public. Within this context, according to these approaches, public interest is not an aggregation of the self interests of individuals, but rather, it is their common interest.

On the other hand, according to Leys and Perry’s procedural conception, proper procedures are necessary to serve public interest. Similarly, Cochran’s process public interest approach suggests that “it is less important what the public interest is than how we arrive at it.” Contrarily, Schubert’s idealist theory supposes that public interest is independent of any specific procedure.

In this respect, Cochran’s normative public interest theory, which claims that “there is a common good that is different from the aggregate of private benefit; common good is something that is in the interest of the community as a whole even if against the interest of some of individuals in the community” (Bozeman 2007, p-83) is most likely to define the Gökova case. Conservation of the Gökova region is in the interest

of the community; however, since conservation of this region has caused restrictions of the individual rights of local people, it is also against “the interest of some of individuals in the community.”

Similarly, Leys and Perry’s normative conception, which suggests that maximization of some substantive values is necessary for serving public interest, may constitute a basis for conservation studies in Gökova. Due to the fact that the aim of conservation studies in Gökova is to maintain natural and cultural assets and transfer them to the next generations, it is possible to state that maximization of values such as sustainability and equal utilization of natural and cultural heritage constitutes the rationale for these conservation activities. On the other hand, since safeguarding Gökova’s assets is an activity for conserving a common good, Schubert’s idealist theory, which supposes that public interest is an ideal that should be sought, may also explain the basis of the conservation activities at Gökova.

3.4.1.1 Conservation of Gökova from the Perspective of Public Interest Theories

Conservation of the Gökova region from the perspective of public interest theories can be summarized as follows:

- According to Leys and Perry’s category of formal meaning, conservation is an objective of government action. Conservation of Gökova is also an objective of government action. However, not only the government and governmental institutions but also local people and NGOs are responsible for the conservation of this region.
- From the perspectives of aggregative and aggregationalist conceptions, the number of individuals that benefit from the conservation activities can be an indicator for assessing the success of conservation. However, the conservation of Gökova cannot be assessed by a number of individuals that benefit, because conservation of this region is in the interest of all people and the next generations.

- The methods for achieving conservation are important according to the process and procedural conception; however, they may be insufficient to define the importance of the conservation of Gökova for interest of public.
- The normative theory accepts conservation as an activity for promoting common good. Therefore, conservation, from the perspective of normative conception, refers to an ethical standard and rules that define the principle of attaining successful conservation. Like normative theory, idealism, which suggests that conservation is an ideal that ought to be sought, refers to rules and standards. In this respect, since the 63rd Article of the 1982 Constitution forms a basis for conservation of this region, conservation of Gökova is an activity for promoting common good. The principles of conservation of this region have been defined by conservation plans. Since the principle of sustainability has been adopted, it is aimed at maximization of the principle of equal rights as a substantive value.
- From the perspective of consensualism, activities of conservation should be supported by a number of individuals that constitute consensus. Therefore, in order to apply a conservation plan, a minimum consensus among local people is necessary

In summary, the conservation of Gökova can be related to normative, idealist and consensualist public interest theories.

3.4.2. Public Interest versus Individual Interest

Although there is no consistency in the accepted definition of public interest, it is admitted that “public interest” refers to the activities and services whose main aim is to make a majority of people content. Since the basis of conservation activities is public interest, it is possible to claim that safeguarding cultural and natural properties is an activity for making a majority of people content. However, due to the fact that public interest is not a collection of individuals’ interests, but is the interest of the public at large, public interest and individual interest may conflict.

In the case of Gökova, since conservation decisions terminate construction and settlement activities in protected areas and restrict local people's traditional right to the use of natural resources, self interest and public interest conflict particularly in the area of property rights.

3.4.3. Gökova: The Role of Conservation Institutions in the Public Interest Promoting Process

In the case of Gökova, EPASA and the Muğla Regional Conservation Council are the most competent bodies for conservation of the region. However, their responsibilities, objectives and priorities regarding conservation, as defined by their establishment laws, are different from each other. Therefore, they adopt different public interest approaches based on their establishment laws, and so they carry out different activities to attain the objectives of their institutions. While the normative public interest approach corresponds to the Muğla Regional Conservation Council's understanding of conservation, consensualism, with its emphasis on individual rights, characterizes EPASA's public interest approach to conservation.

In other words, conservation decisions taken by the Muğla Regional Conservation Council, with their emphasis on the interest of the public at large, may cause restrictions on the rights of local people. On the other hand, achieving successful development and conservation plans for specially protected areas, the main responsibility of EPASA, requires satisfying individual interests and the demands of local people. This implies that although the Muğla Regional Conservation Council and EPASA are both conservation institutions, their public interest approaches to conservation are different.

Cultural and natural sites in Gökova are private property. Due to the fact that 1st degree natural site status strictly prohibits construction activities, local peoples' livelihood has been threatened by the conservation decisions of the Muğla Regional Conservation Council. However, to ensure economic growth, the individual losses of local people should be minimized. In this respect, EPASA's general public interest

understanding of conservation, with its emphasis on development, is different the Muğla Regional Conservation Council's understanding.

3.5. Gökova from the Perspective of Conservation and Development

In Turkey, protected areas of different statuses have been established to ensure the transfer of natural and cultural heritage to future generations. In this respect, the 1st degree site status that strictly prohibits any kind of construction in protected areas is Turkey's highest level of protection.

On the other hand, tourism is a development policy of the Turkish government and, being one of the consumptive uses of natural and cultural heritage, it is environmentally dependent. Moreover, the natural diversity of the coastal environment and its cultural heritage contribute to the potential of tourism (Wong, 1993, p. 167). However, "many common threads associated with tourism are serious disturbances in Turkish coasts."³⁵ Therefore, 1st degree site status automatically cancels all tourist activities.

The Gökova region has the potential for successful tourism, due to its cultural and natural significance. However, use of the cultural and natural heritage of Gökova as a "modern commercial resource for tourism development" (Ashworth & Larkham, 1994, p. 278) has been prohibited by the protection decisions of EPASA and the Muğla Regional Conservation Council.

Due to rural characteristics of the region, agriculture has played an important part in the development of Gökova. However, according to the resolution of Principle No. 728 of the High Council for the Preservation of Cultural and Natural Heritage, it is also forbidden to conduct agricultural activities on 1st degree natural site areas.

³⁵ Turkish Marine Research Foundation (2007), *The Turkish National Action Plan for the Conservation of the Mediterranean Monk Seal in the Aegean and Mediterranean Sea*, retrieved from <http://www.tudav.org/new/projects.php?pid=24> (accessed on 25 August 2009).

In this respect, it is possible to state that there has been conflict between the domains of conservation and economic development in Gökova. Since the Muğla Regional Conservation Council's decisions for Gökova involve restrictions on the use of natural and cultural assets, there are obstacles to economic development through consumptive uses of natural and cultural heritage. The planning discipline may contribute to the process of mediation between the domains of conservation and development.

3.5.1. Gökova from the Perspective of Planning

In Turkey, the planning and conservation processes developed separately from each other until the 1980s. The scope of conservation was broadened after the recognition of site protection as an effective way of conservation. Then the importance of plans as a guiding document for conservation was recognized.³⁶ Consequently, the conservation process has been integrated into the planning process. The conservation process of Gökova has followed this tendency. While until the 1980s some properties had been registered as cultural and natural assets worth protecting, it was Decree No. 2753 of TKTVYK that declared the whole area of Gökova as a natural site in 1986. Following that declaration, conservation planning studies began. EPASA has been authorized to develop plans of all scales within the Gökova Special Protection Area, including Environmental Relation Plans.

Due to the lack of a single organization that acquires the necessary knowledge and resources to make development and conservation plans, EPASA has been authorized to ask relevant public establishments to submit their information and opinions about the Environmental Relation Plans. By taking these opinions into consideration, the

³⁶ The Heritage Council of Western Australia (2002), *Conservation Plan Study Brief: Introduction to Conservation Plans*, retrieved from <http://www.heritage.wa.gov.au/pdfs/pubList/section2/conservationBrief0210.pdf> (accessed on 26 August 2009).

Environmental Relation Plans are prepared. Local people's demands and interests are also taken into consideration throughout the process of planning. In addition, EPASA adopts the principle of sustainability to establish a balance between heritage preservation and development.

The 2003 Revision of the Environmental Relation Plan of Gökova, which is still in effect, has been the main guiding document for the conservation and development of the region. It describes the ways in which the demands of national and local economy are met while safeguarding and strengthening cultural and natural properties. Since economic development of the region depends on improving the incomes of local people, income improvement based on consumptive uses of natural resources was intended by the 2003 plan. In this respect, the plan has determined land use principles for Gökova by taking into account the Muğla Regional Conservation Council's decrees, relevant institutions' opinions, natural protection areas, archaeological properties, valuable agricultural lands, forestry and water resources. This plan has determined new settlement areas and construction principles, as well.

Gökova, having natural and cultural significance and being located within natural and cultural protection areas, has been under pressure from tourism. Despite the national tourism strategy of Turkey, it is most likely that tourism as a way of development would result in the degradation of cultural and natural resources in Gökova. Consequently, a preservation-usage balance for resources is important, or else the principle of sustainability may not be attained. In this respect, by the 2003 Environmental Relations Plan, the improvement of cultural and natural heritage and supplementation of local people's income with the proceeds of agriculture policies were proposed by EPASA to maintain the principle of sustainability. Some controlled tourism facilities have been authorized, as well.³⁷ However, the 2003 plan

³⁷ According to the Resolution Principle of High Council, code 728, tourism and agricultural facilities are prohibited in 1st degree reserve areas. However, since the Muğla Council's Decree No. 715 had amended the degree of natural site status for the settlements, these economic activities were proposed

had been prepared by taking into consideration the later repealed Decree No. 715 of the Muğla Regional Conservation Council. Since the economic development policies and construction principles were determined according to Decree No. 715, repeal of that decree resulted in a discrepancy between the conservation decisions of EPASA and those of the Muğla Regional Conservation Council. As a result, activities for development of the region have conflicted with conservation decisions. Consequently, in order to overcome the discrepancy, Decree No. 4305 of the Muğla Regional Conservation Council was issued in 2008. However, studies for revising the Environmental Relations Plan have still not been finalized to this day.

In order to improve conservation activities and mediate between the domain of development and that of conservation, completion of the Environmental Relations Plan is required. However, as a result of lack of coordination between institutions, the revised Environmental Relations Plan could not yet be finalized. In other words, since it was prepared in accordance with the repealed decree of the Muğla Regional Conservation Council, the 2003 Environmental Relations Plan is out of date. Therefore, development decisions proposed by EPASA are in conflict with the conservation decisions of the Muğla Regional Conservation Council. In order to mediate these conflicts, the revision plan has to be completed. However, although the repealed decree was replaced by Decree No. 4305 in 2008, a revision plan has not yet been approved by the Muğla Regional Council. Consequently, the revision plan could not yet be implemented by EPASA and so planning has not been able to contribute in the form of mediation in the case of Gökova.

The following chart summarizes the planning process for Gökova:

by EPASA as a way for development of the region. But after Decree No. 715 was repealed, tourism and agriculture became unauthorized activities again.

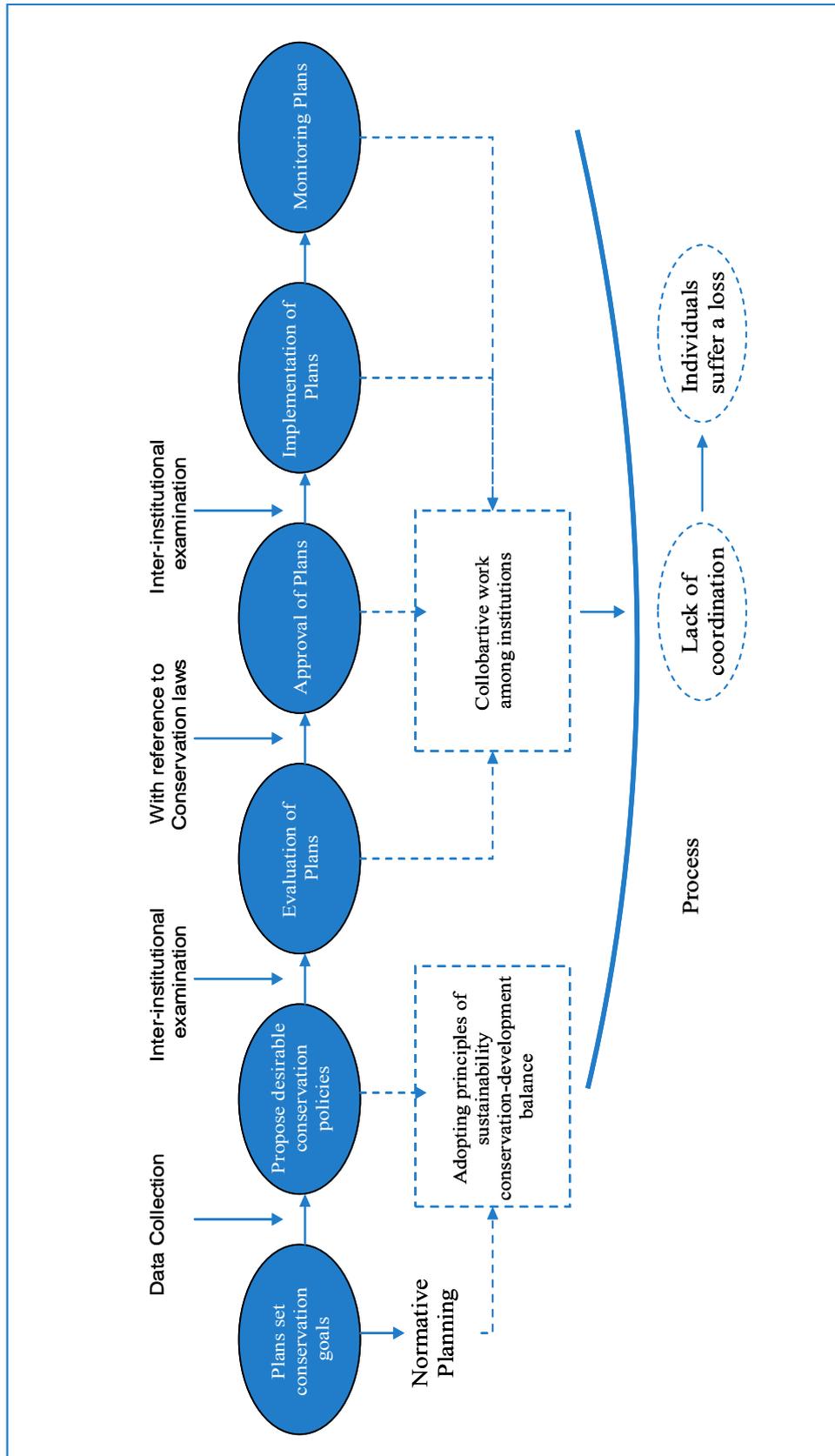


Figure: 12 Planning Model

3.5.2. Conservation and Development from the Perspective of Public Interest

Economic development has been intended in Gökova through improvement of local people's income. It is therefore possible to point out that development through local people, and thus promotion of public interest by satisfying individual interests, has been planned. However, conservation, with its emphasis on the interest of the public at large, may cause restrictions on local people's traditional rights to the use of natural and cultural resources. Consequently, the domain of development conflicts with that of conservation in the case of Gökova.

3.6. Case Study Evaluation

The case study is conducted with reference to the research questions and the related hypotheses.

Research Question: Is there a universal definition for the concept of public interest?

Hypothesis: There is no universal definition for the concept of public interest. Its content may differ from one context to another.

Due to the fact that the institutions responsible for the conservation of Gökova adopt different public interest approaches based on their establishment laws, the case study proves that there is no universal definition for the concept of public interest.

Research Question: Does public interest constitute a plausible basis for conservation activities?

Hypothesis: Public interest constitutes the basis of conservation activities.

The 63rd Article of the 1982 Constitution, stating that “the State shall assure the protection of the values regarding historical, cultural and natural presence and in this respect, shall take relevant supporting and encouraging measures,” constitutes the

rationale for the conservation of Gökova. Due to the fact that the state performs conservation activities to promote public interest, public interest constitutes the basis of the conservation of Gökova. In other words, the Gökova region has been declared a natural site area and a special protection area on the behalf of public interest.

Research Question: Is the institutional framework of the Turkish cultural and natural heritage conservation process effective and efficient from a public interest point of view?

Hypothesis: Due to the fact that conservation institutions adopt different public interest approaches based on their establishment laws, the institutional framework of the Turkish cultural and natural heritage conservation process is not effective or efficient from a public interest point of view.

A large number of public institutions develop policies that have significant implications for the conservation of cultural and natural resources in Turkey. The aim of these policies is to promote public interest by safeguarding natural and cultural assets. Moreover, conservation institutions adopt different public interest approaches based on their establishment laws, and therefore they carry out different activities to obtain their objectives.

Gökova, due to its cultural and natural significance, has been protected under different conservation statuses. This means that Gökova is under the joint responsibility of different administrative bodies. In this respect, two public institutions can be mentioned as competent conservation institutions in Gökova, namely EPASA and the Muğla Regional Conservation Council. However, their public interest approaches are different from each other.

According to Law code 2863, the main responsibility of the Muğla Regional Conservation Council is to protect cultural and natural assets by registering them as fixed natural and cultural assets worth protecting. On the other hand, according to the

Decree Having Force of Law, code 383, the preparation and approval of every type and scale of plans in specially protected areas is the main objective of EPASA. In this respect, it is possible to state that while the Muğla Regional Conservation Council, as a regional institution, promotes public interest by safeguarding natural and cultural assets, EPASA, as an implementing organization, promotes public interest by preparing development and conservation plans for specially protected areas. Since their authorities and priorities for conservation are different, they approach public interest from different perspectives. Because the Muğla Regional Conservation Council has the authority to determine which cultural and natural assets should be safeguarded on the behalf of public interest, it is possible to claim that the normative public interest approach corresponds to the Muğla Regional Conservation Council's public interest understanding. On the other hand, EPASA promotes public interest by safeguarding natural assets within development proposals. However, since it has authority for making development plans, EPASA has to take into consideration the interest of individuals living in specially protected areas. In this respect, consensualist public interest, with its emphasis on a minimum consensus to operate, corresponds to the public interest understanding of EPASA.

The gap between the public interest approaches of these institutions has its roots in the conflict between the domains of development and conservation. In other words, while the Muğla Regional Conservation Council is a conservation institution, EPASA is an authority for development. It is generally possible to overcome the conflict between the domains of conservation and development within the planning discipline. However, due to the lack of coordination between EPASA and the Muğla Regional Conservation Council, planning could not contribute mediation in the case of Gökova. This implies that there is a lack of unity between operations and decisions of those institutions that are taking part in the conservation process of Gökova.

Consequently, the case of Gökova proves that since different conservation institutions adopt different public interest approaches based on their establishment laws, the institutional framework of Turkish cultural and natural heritage conservation process is not effective or efficient from a public interest point of view.

CHAPTER 4

CONCLUSION

The role of institutions in the promotion of public interest within the context of cultural and natural heritage conservation constitutes the subject matter of this thesis. In this respect, three research questions have been examined and three hypotheses have been tested throughout the study. These are:

Research Questions

1. Is there a universal definition for the concept of public interest?
2. Does public interest constitute a plausible basis for conservation activities?
3. Is the institutional framework of the Turkish cultural and natural heritage conservation process effective and efficient from a public interest point of view?

Hypotheses

1. There is no universal definition for the concept of public interest. Its content may differ from one context to another.
2. Public interest constitutes the basis of conservation activities.
3. Due to the fact that conservation institutions adopt different public interest approaches based on their establishment laws, the institutional framework of the Turkish cultural and natural heritage conservation process is not effective or efficient from a public interest point of view.

In order to answer these questions, the concept of public interest in literature was first reviewed, and then a survey of the concept of conservation was conducted. In

this respect, Turkish laws and regulations regarding conservation were examined and the discourse analysis method was used in the analysis of constitutions, conservation laws and regulation. In order to test the hypotheses, a case study method was used. And since conservation of Gökova is the joint responsibility of different administrative bodies, it is assumed that the Gökova case provides a good basis for the investigation of the ways in which public institutions conduct their activities in the quest to promote public interest.

Public interest is a widely used and often loosely defined idea. Due to the lack of a sound definitional formulation, different views on this concept continue to exist. Moreover, its very existence is questioned; furthermore, as the Gökova case proves, its very definition and contents can change depending on the context. Nonetheless, “the ambiguity of public interest is not adequate justification of its abandonment” (Fesler, quoted in Bozeman, 2007). *Although there is no universal and permanent definition for the concept public interest* (Hypothesis 1), it constitutes a basis for the “social and political principal” and a basis of laws and constitutions (Tunaya, 1980, quoted in Ceylan, 2006, p. 37).

There are different theories that provide explanations of the question of where public interest lies. However, today it is accepted that public interest refers to the common well-being and happiness of the greatest possible number of people. This refers to the fact that public interest is a service which is executed by the national and local institutions of governments in order to make a majority of the people content. In this respect, conservation, with its emphasis on the greatest happiness for the greatest number of people, is a public interest promoting activity.

In the case of Turkey, because the 63rd Article of the 1982 Constitution guarantees that “the State shall assure the protection of the values regarding historical, cultural and natural presence and in this respect, shall take relevant supporting and encouraging measures,” conservation is one of the state’s tasks to fulfill. *Since the*

state acts to promote public interest, in the case of Turkey, public interest constitutes the basis of conservation activities (Hypothesis 2).

Due to the fact that the state operates via its institutions, public interest should be provided for and promoted by national and local institutions of the state. In Turkey, there are a number of governmental and semi-governmental institutions with implications for cultural and natural resources through their organization, laws, policies, development operations and activities. The main aim of these institutions is to promote public interest by safeguarding cultural and natural properties. However, as the case study proves, the public interest understanding of implementing organizations, such as EPASA and local governments, is different from the aims of others. In other words, while national and regional conservation institutions are addressing the issue of conservation in normative terms, implementing organizations approach conservation from the perspective of consensualism. *Since conservation institutions adopt different public interest approaches based on their establishment laws, the institutional framework of the Turkish cultural and natural heritage conservation process is not effective or efficient from a public interest point of view (Hypothesis 3).* In this respect, a new institutional framework or coordination model should be identified, and this includes legislative changes. The role and involvement of local administrations in the conservation process ought to be increased. Citizens should be given responsibility for implementation of laws and policies, as well. In addition, it is necessary to assign a coordination and continuity among institutions' operations.

Some progress has been made by the Turkish authorities in addressing their responsibilities for conservation. With the legislation changes of the 2000s, decentralization of conservation responsibility has been pursued. The principle of participation has been also initialized. However, due to the fact that local governments' capacities are weak and their capabilities are problematic, the spread of responsibility has resulted in coordination problems. In the domain of cultural and

natural heritage conservation, a high level of success is not likely to be achieved without the collaboration of organizations at all level.³⁸ The Gökova case can be given as an example of this situation. In this respect, a new institutional structure should realize the importance of coordination among different public institutions. Moreover, in order to achieve coordination in the field of conservation, a “coordinating institution at the same hierarchal level as the ministries”³⁹ may need to be created.

Clearly, there has been an ongoing debate between conservation and development, not only in Turkey, but also around the world. Moreover, conservation will remain an important issue due to the developmental pressures on cultural and natural assets. In the case of Turkey, due to the fact that the nation’s historical characteristics and natural beauty contribute to the tourism potential of a particular area, tourism is considered to be one of the major consumptive uses of cultural and natural resources. In other words, cultural and natural values serve as a force for development of tourism in general. However, it is evident that development through tourism has negative impacts on cultural and natural heritage. Therefore, the “conservation through tourism” thesis needs to be revised. The domain of planning has a sound potential to bring about solutions to problems with reference to the issue of integrated conservation. By guiding and controlling development in preserved areas and taking into account diversity in interests within the community, the planning process proves to be the most effective tool for conservation. Therefore, successful

³⁸ UNDP, “Small Island Developing States: Cultural Heritage Conservation and Tourism for Sustainable Development,” retrieved from

<http://tcdc.undp.org/sie/experiences/vol2/Cultural%20He.pdf>

³⁹ UNEP (2005), *Coastal Area Management in Turkey*, retrieved from <http://www.medcoast.org.tr/publications/cam%20in%20turkey.pdf> (accessed on 12 September 2009), p. 65.

conservation is an integral part of the planning domain. However, as the Gökova experience indicates, coordination among institutions is an essential requirement for effective planning.

Several important tools and instruments, such as the Long Term Development Plan for National Parks, Wetland Management Plans, the Management Plan for Wildlife Conservation and Wildlife Development Areas, development plans aiming at conservation, the Environmental Impact Assessment, Specially Protected Areas, and the Law for the Protection of Cultural and Natural Assets, have already been utilized in Turkey for a considerable period of time. However, the effectiveness in applying these instruments in practice needs to be improved in order to obtain the expected results and benefits.⁴⁰

In summary, there is no universal definition for the concept of public interest applicable to all public policies of the state, including the development and conservation domains. Therefore, different public institutions in Turkey adopt different public interest approaches. This clearly results in a web of problems, not only from the point of view of conservation, but also from that of development. A coordinating institution which mediates between institutions could be provided by the domain of planning.

4.1. Proposals

The proposals of this research can be summarized as follows:

⁴⁰ UNEP (2005), *Coastal Area Management in Turkey*, retrieved from <http://www.medcoast.org.tr/publications/cam%20in%20turkey.pdf> (accessed on 12 September 2009), p. 65.

- New institutional frameworks or coordination models should be identified, and this includes legislative changes.
- It is necessary to assign coordination and continuity among institutions' operations. Therefore, new institutional structures should realize the importance of coordination among different public institutions. Moreover, in order to achieve coordination in the field of conservation, a “coordinating institution at the same hierarchal level as the ministries” may be created by the domain of planning.
- The role and involvement of local administrations in the conservation process ought to be increased.
- Citizens should be given responsibility for implementation of laws and policies, as well.

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