

STATE, PROPERTY OWNERS AND BARTER SYSTEM IN CONSERVATION FIELD

**A THESIS SUBMITTED TO
THE GRADUATE SCHOOL OF SOCIAL SCIENCES
OF
MIDDLE EAST TECHNICAL UNIVERSITY**

BY

FUNDA MENGİLLİ İŞILDAK

**IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR
THE DEGREE OF MASTER OF SCIENCE
IN
THE DEPARTMENT OF URBAN POLICY PLANNING
AND LOCAL GOVERNMENTS**

DECEMBER 2010

Approval of the Graduate School of Social Sciences

Prof. Dr. Meliha Altunışık
Director

I certify that this thesis satisfies all the requirements as a thesis for the degree of Master of Science.

Assoc. Prof. Dr. H.Çağatay Keskinok
Head of Department

This is to certify that we have read this thesis and that in our opinion it is fully adequate, in scope and quality, as a thesis for the degree of Master of Science.

Prof. Dr. Melih Ersoy
Supervisor

Examining Committee Members

Assoc. Prof. Dr. Emre Madran (METU,ARCH) _____

Prof. Dr. Melih Ersoy (METU,CRP) _____

Assoc. Prof. Dr. H. Tarık Şengül (METU,ADM) _____

I hereby declare that all information in this document has been obtained and presented in accordance with academic rules and ethical conduct. I also declare that, as required by these rules and conduct, I have fully cited and referenced all material and results that are not original to this work.

Name, Last Name : Funda Mengilli Işıldak

Signature :

ABSTRACT

STATE, PROPERTY OWNERS AND BARTER SYSTEM IN CONSERVATION FIELD

Mengilli Işıldak, Funda

M. Sc., Urban Policy Planning and Local Governments

Supervisor: Prof. Dr. Melih ERSOY

December 2010, 187 pages

A conservation approach developed without considering the conflicts and inequalities of political, economic and social fields can not achieve that purpose of conservation of historical and cultural values as well as engendering conflicts within relations of property relations-conservation field, social justice-conservation field and tensions between relations of property owners in areas planned to be conserved – and- state.

Justified as a preference of transferring from private to public ownership of the areas those should be conserved and as a tool for solution of problems arising from restrictions on property rights of property owners, the 'barter' system, on the one hand is becoming dysfunctional because of the contradictions between legal regulations and implementation practices, is used as a tool for production rents in reaction to the vulnerability to economic and political speculative pressures; on the other hand as being a sensitive system to inequalities in society, it deepens the disadvantageous state of property owners and produces tensions between conservation field-property owners-and-state; accordingly the justified purpose can not be realized.

These findings constituting the focus of the study, verifies the necessity to reproduce the policies at 'barter' system, justified as a conservation tool and a tool to solve the inequality problems produced while performing the conservation aim, and policies of conservation field as well.

Key Words: Conservation, cultural and natural properties, barter, property owners, social inequalities.

ÖZ

KORUMA ALANINDA DEVLET, MÜLK SAHİPLERİ VE TAKAS SİSTEMİ

Mengilli Işıldak, Funda

Yüksek Lisans, Kentsel Politika Planlaması ve Yerel Yönetimler

Tez Yöneticisi: Prof. Dr. Melih ERSOY

Aralık 2010, 187 sayfa

Siyasal, ekonomik ve toplumsal alanların çelişki ve eşitsizliklerini göz ardı ederek geliştirilen bir koruma anlayışı, tarihi ve doğal değerlerin korunması amacını gerçekleştirmediği gibi, mülkiyet ilişkileri-koruma alanı, toplumsal adalet-koruma alanı ilişkilerinde çelişkilere ve korunması amaçlanan alanda mülk sahipleri-devlet ilişkilerinde ise gerilimlere yol açmaktadır.

Korunması gereken alanların kamu mülkiyetine geçmesi seçeneği ve mülk sahiplerinin mülkiyet haklarının kısıtlanmasından doğan sorunları çözüme aracı olarak gerekçelendirilen 'takas' sistemi, yasal düzenlemeler ile uygulama pratikleri arasındaki çelişkiler nedeniyle bir yandan disfonksiyonel hale gelmekte, ekonomik ve politik spekülasyon baskılara açıklık durumuna tepki olarak rant üretme aracı olarak kullanılabilen; diğer yandan ise toplumsal eşitsizliklere duyarlı bir sistem olarak mülk sahiplerinin güçsüzlük durumunu derinleştirmekte ve koruma alanı - devlet - mülk sahipleri arasında gerilimler yaratmakta; böylece gerekçelendirilen amacı gerçekleştirememiş olmaktadır.

Çalışmanın odak noktasını oluşturan bu tespitler, bir koruma aracı ve koruma amacını gerçekleştirirken ortaya çıkan eşitsizlikleri çözüme aracı olarak gerekçelendirilen 'takas' sisteminde, dolayısı ile de koruma alanında politikaların yeniden kurgulanması gerekliliğini doğrulamaktadır.

Anahtar Kelimeler: Koruma, kültür ve tabiat varlıkları, takas, mülk sahipleri, toplumsal eşitsizlikler

ACKNOWLEDGEMENTS

I would like to express my deepest gratitude to Prof. Dr. Melih Ersoy, my supervisor, for his guidance, criticism and great supports throughout the study.

I would also like to express my sincere gratitude to Assoc. Prof. Dr. H.Tarik Şengül for his contributions to study and for his patience and encouragement for the completion of the study and also to Assoc. Prof. Dr. Emre Madran for his valuable comments and suggestions.

I would like to thank my friends Özlem Yalçınkaya, Bilge Serin and Egemen Batu Varol for their supports and contributions.

For their really great patience and support during the study and in every step of my life, for their presence, I would like to thank to each member of my family: to my mother Semire Mengilli, to my father Cemalettin Mengilli, to my sister Özlem Mengilli and to my precious spouse Ozan Işıldak.

TABLE OF CONTENTS

PLAGIARISM	iii
ABSTRACT	iv
ÖZ.....	vi
ACKNOWLEDGEMENTS.....	viii
TABLE OF CONTENTS	ix
LIST OF FIGURES.....	xiii
CHAPTER	
1.INTRODUCTION	1
1.1INTRODUCTION TO STUDY.....	1
1.1.1 Aim of the Study	3
Thesis of the Study	4
1.1.2 Scope of the Study.....	4
1.1.3 Method of the Study	8
Data Gathering Process of the Study	9
Research Process of the Study	10
1.1.4 Structure of the Study.....	11
1.2 INTRODUCTION TO CONCEPTS.....	12
2. CONSERVATION FIELD FOR STATE AND FOR PROPERTY OWNERS:	
TOOLS OF STATE AND PROPERTY OWNERS' BASE OF CLAIMS.....	19
2.1 STATE APPROACH AND TOOLS FOR CONSERVATION	21
2.1.1 Regulations: Legislative Context of the Conservation Field	21
Historical Development of Legislative Context	22
2.1.2 Planning: Conservation Oriented Development Plans	27
Conservation or Development	28
2.1.3 Two Main Systems: Expropriation and Barter	29
2.2 BASE OF CLAIMS: PROPERTY RIGHTS AND SOCIAL JUSTICE	33

2.2.1 Property Relations: Property Rights of the Owners	34
2.2.2 Social Justice Concept	37
2.3. CONCLUDING REMARKS.....	39
3. 'BARTER' SYSTEM IN CONSERVATION FIELD (UP TO 2009).....	42
Clarification of the Problem.....	44
Structure of the Chapter	45
3.1 EMERGENCE OF BARTER SYSTEM: NEED FOR COMPENSATING PROPERTY RIGHTS OF THE OWNERS.....	45
Procedural and Legal Framework/Context of Barter	47
First –one-to-one- and Second –transitional- Periods of Barter System	49
3.2 POLICIES/STRATEGIES/PROBLEMATICS IN BARTER SYSTEM	50
3.2.1 Proclamation of a Cultural Property as Conservation Site.....	50
3.2.2 Tendering Period (2001-2009) -Third Period- in Barter System.....	60
Procedural Frame of Barter System in Second Part (2003-2009) of Tendering Period.....	61
3.2.2.1 Tendering Period and Barter System from the Side of Users.....	66
i. Application Stage	69
Emergence of First Type of Intermediate Agencies (IA ₁).....	77
ii. Certificate Stage.....	78
iii. Tendering Stage	81
Emergence of Second Type of Intermediate Agencies (IA ₂).....	82
3.2.3 Tensions between State and Property Owners, Deepening Inequalities and Social Justice Problem	90
i. tensions and reactions to state.....	91
ii. hopes from juridical process against state	93
iii. demands for solution from state.....	93
iv. suffering from absence of KAIP	94
v. existing and deepening poverty.....	95
vi. existing and deepening injustices.....	97
3.3 CONCLUDING REMARKS.....	98
4. CHANGING RULES: ARISING NEW FORMS OF CONFLICTS AFTER 2009.....	101
4.1 ABOLISHMENT PERIOD – FOURTH PERIOD– OF THE SYSTEM	102
4.1.1 Recent Legal and Procedural Frame	102

Recent Procedural Frame of Barter System in Abolishment Period	105
4.1.2 Abolishment Period of Barter System from the Side of Users	110
Adaptation of Intermediate Agencies (IA ₁ and IA ₂).....	115
4.1.3 Recent and Probable Forms of Conflicts	117
4.2 CONCLUDING REMARKS.....	119
5. CONCLUSION	121
REFERENCES.....	127
APPENDICES	
A. APPLICATION DOCUMENTS OF PROPERTY OWNERS TO BARTER SYSTEM .	133
B. NUMBER OF FILES AND PARCELS APPLIED FOR BARTER (ACCORDING TO CITIES/ 1990-2010).....	153
C. APPLICATIONS TO BARTER FOR MORE THAN ONE AREA BY SAME APPLICANT (1990-2010)	156
D. CONSERVATION SITES ACCORDING TO CITIES (AT THE END OF THE YEAR 2009)	171
E. THE 15 th ARTICLE OF CONSERVATION LAW EXPROPRIATION AND BARTER TOOLS BASED ON:.....	183
F. IDENTIFICATION CRITERIA FOR CULTURAL PROPERTIES IN LEGISLATION	185
G.GLOSSARY	187

LIST OF TABLES

TABLES

Table 2.1: Amendments of the Conservation Law Numbered 2863	25
Table 2.2: Expropriation Budgets of Ministry of Culture and Tourism.....	31
Table 2.3: Possession vs. Ownership	35
Table 3.1: Arrangements/Rearrangements in Barter System (1987-2010).....	48
Table 3.2: Number of Conservation Sites in Turkey (at the end of 2009)	51
Table 3.3: Performed Barter Implementations by Ministry of Finance.....	66
Table 3.4: Spatial Distribution of Number of Barter Applications	74
Table 3.5: Number of Barter Applications According to Ranges Defined	75
Table 4.1: Rearrangements in Barter System After 2009	105

LIST OF FIGURES

FIGURES

Figure 1.1: Periods Defined for Barter System (According to State Policies).....	7
Figure 1.2: Scope of the Data Gathered in the Research Process of the Study.....	10
Figure 3.1: 1 st Degree Archeological and 1 st Dergee Natural Site Borders in 1/1000 scaled KAİP.....	52
Figure 3.2: 1 st Degree Archeological Site in KAİP.....	53
Figure 3.3: Supplement of Decision of Conservation Council on 1 st Degree Archeological Site Border (1/5000 scaled).....	53
Figure 3.4: Barter Process from the Side of State Organs (2003-2009).....	62
Figure 3.5: Barter Process from the Side of Property Owner (2003-2009)	67
Figure 3.6: Sample of Certificate Issued by Ministry of Finance	80
Figure 3.7: Advertisement 1: 'Natural Site for Sale' in Antalya.....	84
Figure 3.8: Advertisement 2: 'Natural Site for Sale' in Mugla	85
Figure 3.9: Advertisement 3: 'Archeological Site for Sale' in Izmir.....	85
Figure 3.10: Advertisement 4: 'Cashing the Certificates'	87
Figure 3.11: Advertisement 5: 'Cashing the Certificate'	88
Figure 3.12: Advertisement 6: 'Cashing the Certificate'	88
Figure 3.13: Advertisement 7: 'Cashing the Certificate'	89
Figure 4.1: Recent Barter Process from the Side of State Organs (2010)	107
Figure 4.2: Recent Barter Process from the Side of Property Owner (2010).....	112
Figure D.1: Distribution of Numbers of Conservation Sites According to Cities (2009)....	182

CHAPTER 1

INTRODUCTION

As an introduction of the study, this chapter consists of mainly two parts – introduction to study and introduction to concepts- one of which presents the aim, scope, method and structure of the study and the other part presents the fundamental concepts those provide the theoretical frame of the study.

1.1 INTRODUCTION TO STUDY

Conservation of historical and natural beings/heritage¹ is considered as a humanity mission since the ‘things/relationships to be conserved’ are the products of social and spatial relationships of societies and history of societies. Whether the conservation field accepted as a part of human being or as a utilitarian context, there is a consensus on necessity to conserve the history and environment of societies.

However, the consensus is broken at the point of conservation approaches differing in proportion to the policies adopted. The answers to the questions of which things/relationships will be conserved, where and what should be conserved, to what extent should history or environment be conserved, the way how will conservation process be performed, how will the conservation and usage limits be balanced, how will

¹ The variety of concepts refer to ‘the things/relationships to be conserved’ stems from the different points of view related to the conservation field. The concept of ‘being’ is preferred by the standpoint which considers ‘conservation as an element of human being and ontology’ while the concept of ‘heritage’ is mostly belongs to an epistemological discussion. (Günay,2006,pp:7-9)

different sides (the things and relationships to be conserved or the actors influenced) in conservation field be considered in conservation policies and practices differentiate according to the political standpoint of the decision-makers.

Both in policies within conservation field and legislative framework depending on these policies, the focus is on mostly 'things to be conserved' in Turkey. Namely, in the commodification process of space, economic and political 'rents' of the historical and natural properties are the fundamental triggers of the conservation policies and practices. Such an attitude neglects the political, economic and social inequalities and conflicts present in the society. As mentioned by Bademli (2006, p: 65):

social and political dimensions of conservation practices: it is not being adequately dwelled upon the social effects of conservation practices. (gentrification, ... , job creation, income production, the conflicts between new usages and new users etc.) Also these subjects are among those that we do not know. ²

Therefore, the last question stated in the second paragraph '*how will different sides (the things and relationships to be conserved or the actors influenced) in conservation field be considered in conservation policies and practices*' needs to be focused on in order to rise to notice and to produce policies on the deficient side of the conservation field.

Parallel to Bademli's criticism about being the social and political aspects of conservation policies among unknown issues, this study firstly analyzes, secondly discusses and thirdly puts forward the process and consequences (findings) of conservation policies those neglect the dynamics of political, economic and social context at national level in Turkey.

² Translation from Turkish to English belongs to the writer of this study.

Hereby, for the conservation field in Turkey, it could be discussed that:

- i. unintended reactions/circumstances and positions are produced both in conservation field and in general fields (those are political, economic and social fields),
- ii. the instruments of conservation field are transformed into dysfunctional or non-functional tools,
- iii. the aim of conservation could not be achieved and social inequalities deepened

on the occasion of, on the one hand not considering the dynamics of general fields and on the other hand not intending at establishing more sensitive conservation policies to society.

1.1.1 Aim of the Study

The policies produced for performing conservation of cultural and natural heritage may limit activities of property owners in conserved areas. This limitation causes dramatic effects -on actors influenced by conservation policies- which make state develop tools in order to decrease these effects. Herein, the focus stated previous part includes necessity of drawing attention to the conservation tools, such as expropriation or barter, which have on the one hand a conservation purpose and on the other hand a purpose of decreasing or eliminating the negative effects of conservation activities on actors being affected by the conservation policies.

The aim of this study is to *analyze and discuss* the barter system, which is vulnerable to power relations and political and economic speculations, offered by state - in order to perform conservation aim by transferring the ownership of cultural heritage and in order to compensate the limited property rights of the owners- and to *present its effects on actors* in disadvantageous position who are mostly property owners.

Thesis of the Study

Although the barter system is offered to compensate the limited property rights of the property owners, it can not achieve this aim, it transforms into a rent production tool and it deepens the inequalities and injustices already exist in society.

1.1.2 Scope of the Study

Conservation field consists of mainly two types of historical and natural beings/heritage to be conserved in spatial form; which are single units and conservation sites. Both single units and conservation sites are immovable 'properties'.³ Yet, conservation sites are mostly seen as potential development areas of urban space or as potential rentable areas of urban activities. For these potentials, the policies oriented to conservation sites are vulnerable to economic and political power relations. Accordingly, '*conservation sites*' are considered as a spatial context within the scope of this study.

The type and degree of the conservation sites are subject to changes parallel to generally economic and political rent potentials of the areas. According to Keskinok (2006, p:190), interests focused on rents, on one hand, cause an acceleration in destruction of historical and natural environment, on the other hand they inevitably produce a speculative attitude to 'land' and cause a substantial amount of capital directing to 'real estate'. As new development areas and new activities need such a directing of capital, especially wide non-built archeological and natural conservation sites are preferred for this purpose. Such preference and danger render the archeological and natural conservation sites -particularly the degree of conservation sites – open to actors' and decision makers' pressure.

Property relations can be considered as the source of rents together with production relations and the inequalities/conflicts at urban and national level (Baş, 2006, p:13; Keskinok, 2006, p:53) and can be considered as one of a struggle field in archeological and

³ The preferred concept of 'property' is the most appropriate term to the aim and scope of this study, as it is related with socio-spatial relationships and has an economic and political meaning also.

natural conservation sites. In the first and second degree archeological and first degree natural sites, the property rights of owners and possessors are limited with legal tools to achieve the aim of protection of the sites. Property rights are almost absolutely limited in practice as well. In this sense, the intense struggle is being experienced on the scope of private ownership/possession in the first and the second degree archeological and natural conservation sites. Hence, the scope in spatial context of this study can be defined as 'privately owned properties within the first and second degree archeological and first degree natural conservation sites'.

The privately owned/possessed first and second degree archeological sites and first degree natural sites are the areas where their historical and environmental values should indubitably be protected but without deepening the social inequalities and conflicts. As long as, the partly or absolutely limited property ownership/possession rights are not compensated, such an aim could not be reached. The redistribution problem and dependent to that the concept of 'social justice' and the contextual scope it presents, provide a perspective to understand the claims of property owners as actors.

With regard to the necessity to protect the conservation sites and to offer a solution to the limited property rights problem at the same time, the legislative base for conservation of archeological and natural sites is drawn by the 'Law on the Conservation of Cultural and Natural Property ⁴ (Numbered 2863) ⁵ and likewise, the limited property ownership/possession rights and the solutions (i.e. change the owner of the property) offered to these limitations are founded in the same Law and in the (Barter) Regulation ⁶ whose main executive state organ is the *Ministry of Culture and Tourism*.

⁴ For brief information about preferred concepts defining the same 'thing/relationship' (being/heritage/property), see previous footnotes 1 and 2.

⁵ The translation of the Law belongs to Ministry of Culture and Tourism Accessed from/in: <http://www.kulturvarliklari.gov.tr/Genel/BelgeGoster.aspx?F6E10F8892433CFF3D828A179298319F6F57F2D04F86C330>, May,2010

⁶ (Obsolete) 'Regulation on Exchange of the Properties Needed to be Conserved in the Areas of Cultural and Natural Properties within the Areas Absolutely Prohibited From Construction with the Properties Belong to Treasury', published on 8 February 1990 dated/22930 numbered Official Gazette' and 'Regulation on Exchange of the Properties in Conservation Sites with Treasury Properties,' published on 22 May 2010 dated/27588 numbered Official Gazette.'

The supposed intention to provide social justice and to transfer of property ownership *from private to state ownership*, two basic solutions are offered to the property owners whose properties are in first and second degree archeological and first degree natural sites. One of the instruments is the '*expropriation*' (can be considered as a kind of purchasing) which may be performed by state or local authorities without leaving the decision of expropriating to the property owner, or may be applied by property owner optionally and voluntarily. By this way, the property in conservation sites are expropriated by authority and the cost is paid by monetary means. The other fundamental instrument is the '*barter*', which necessitate a voluntary application to the authority that is Ministry of Culture and Tourism. By the barter instrument, the privately owned property inside the first and second degree archeological and first degree natural sites are '*exchanged*' with a state property where property rights are not limited.⁷

The system/instrument of barter is open to political and economic speculations and vulnerable to social inequalities from the first action to the last, that is '*from the proclamation of an area as conservation site to acquisition of privately owned new land (formerly state land)*'. Therefore, the scope of this study is *the barter system in the conservation field* and the regulatory context of this study can be defined *within the Conservation Law and Regulations related to the first and second degree archeological and first degree natural conservation sites*.

The regulatory and implementation/practice process is evaluated by defining time zones according to regulatory and practical changes. Four periods can be defined for the barter system within *time context and contents*:

⁷ The simple definition stated here for the instrument of barter, meets the denotation of the concept, which is borrowed from economic trade terminology:

i. barter: exchange (goods or services) for other goods or services, Accessed from/in:

http://www.askoxford.com/results/?view=dev_dict&field12668446=barter&branch=13842570&textsearchtype=exact&sortorder=score%2Cname, May,2010

In the same dictionary, (AskOxford/Online) the origin of the term 'barter' is stated as an old French word 'barater' means 'deceive'.

ii. barter: exchange of one economic value for another, Accessed from/in:

<http://www.seslisozluk.com/search/barter>, May,2010

Since, conservation sites not only have an economic meaning, the usage of the concept 'barter', which have mostly an economic represent, for a conservation instrument indicates parallelism with the criticized point of view directed to the conservation field.

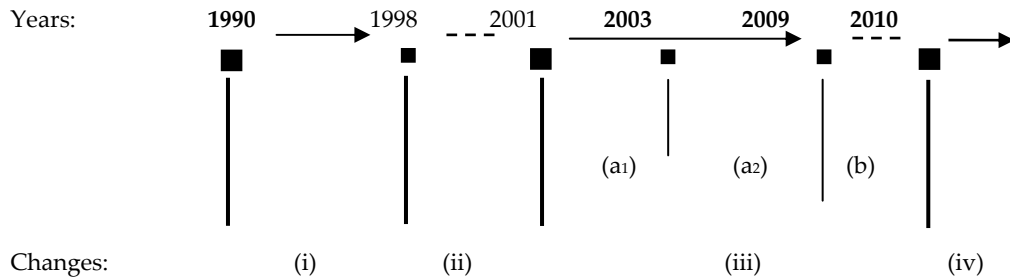


Figure 1.1: Periods Defined for Barter System (According to State Policies)

- i. privately owned property exchanged 'one to one' with state land within the same 'county boundaries' (purpose for solution within liberal framework / dysfunctional tool)
- ii. *intend*: transition to: privately owned property exchanged by a 'certificate' that entitle the owner to participate in 'tenders' for sales of state land (treasury land) (purpose for solution within liberal framework and tools: tender/ dysfunctional tool)
- iii. (a) *performed*: transition from (i) to (ii)
 [(a1) to (a2): -additional condition-: conditioning existence of conservation oriented development plans for barter]
 (b) *intend*: transition to: privately owned property exchanged one to one with state land with -additional conditions-: complication of the system (purpose of abolishment of barter/from dysfunctional tool to non-functional tool)
- iv. *performed (b)*: transition from (iii) to (iv) (dysfunctional and non-functional tool)

Although, the instrument of barter, which is in force since 1990, considered as a whole system, in the scope of the study, the third period (iii) and the fourth period (iv)⁸ are focused as they involve more dramatic changes in terms of social and political dimensions of conservation field.

⁸ See Chapters 3 and 4.

The theoretical framework and the fundamental concepts of Bourdieu – presented the next part of this chapter- provide a perspective to observe and discuss the underlying effects of the barter tool as well as the conservation field and the positions, strategies and struggles of actors in conservation field.

As stated before, conservation field is one of the fields that have relationship with general political, economic and social fields. Within the conservation field, *actors* whether *the decision-makers* or *the influenced ones* by the decisions are all produce strategies. Within the scope of this study, the actors *who take position in the proclamation, the planning and the implementation process in conservation sites such as archeologists, art historians, engineers, architects, planners – with an unrealistic view all considered as only ‘technicians’-; the politicians – being both a decision-maker and an influenced one - who involve in the field from the production of policies to the implementation process; the bureaucrats who not only execute the policies, but also can be a decision-maker in some circumstances, the intermediate agencies those take part between both in person – to –person and person –to- authority relations and the owners/possessors of the properties - in the first and second degree archeological and first degree natural sites- can be classified in relational context.*

1.1.3 Method of the Study

Within the aim and scope of the thesis, the study applies an empirical but not an empiricist orientation which means that the study does not start from the view that the empirical data and observations are the sole source of knowledge. Rather than applying such a reasoning, the theory-laden nature of empirical inquiry is accepted in the study. For this reason, the study starts with set of concepts, which are introduced in the second (1.2) part of this Chapter, come from the field theory developed by Bourdieu. Then the case in the study is analyzed through the lenses of field theory. However, such a theory laden inquiry does not necessarily mean to be theory determined. In other words, the empirical material can still be used in order to assess the explanatory power of the theories and revise them if necessary through the empirical observation. This means that a retroductive approach which assumes a dialectical relationship between theory and empirical facts is used in this study.

Starting with the set of concepts, in the study, the field is defined as ‘conservation field’ and the analyzed case is barter system in conservation field. By defining actors, their positions and by which composition of capitals they own, the disadvantageous and advantageous positions are identified in the field. Then, in the conservation field and barter system, by discussing how the composition of capitals of actors reproduces, worsen the disadvantageous positions or provide more advantageous position to actors, the transformation of barter into a rent production tool and the deepening effect on the inequalities and injustices existing in society are concluded.

Data Gathering Process of the Study

Within the data gathering process, qualitative data, which are direct and indirect interviews with actors especially with the bureaucrats, intermediate agencies, actors from different professions who involved the barter process and property owners within different time zones in process, together with verbal and documental quantitative data collection – about applications ⁹ to barter- from archives of the related state organ ¹⁰, from web based sites -related to the barter system, from governmental ¹¹ and non-governmental organizations and chambers, from the web sites of intermediate agencies and real estate agents and from newspapers- and statistical data collection and production, are used in the study process.

Among the qualitative data used in this study, the application documents of property owners to barter system and interviews with the actors, particularly with the owners, are used in the process. The application documents are derived from a three month (from

⁹ Applications to barter are used as anonym documents in order not to infringe privacy rights of applicants. For the data produced from application documents, see Appendix A.

¹⁰ The archives of: Ministry of Culture and Tourism; General Directorate of Cultural Heritage and Museums (Kültür Varlıkları ve Müzeler Genel Müdürlüğü-KVMGM); Department of Encouragement and Property (Teşvik ve Emlak Dairesi Başkanlığı); Barter and Expropriation Office.(Takas ve Kamulaştırma Şubesi Müdürlüğü) The name of Department has been changed twice during the study process. The obsolete name was Department of Identification and Property (Tespit ve Emlak Dairesi Başkanlığı) in 2009 and Department of Property (Emlak Dairesi Başkanlığı) until November 2010.

¹¹ Especially from the web sites of: Ministry of Finance and General Directorate of National Property (Milli Emlak Genel Müdürlüğü); Ministry of Culture and Tourism and General Directorate of Cultural Heritage and Museums.

April 2010 to July 2010) archive research. The application file numbers ¹² are sorted as four ranges in order to present the spatial distribution of applicants: (first range) cities those have not any application to barter system (0-0), (second range) cities whose applications to barter system are between 1-10; (third range) cities whose applications to barter system are between 10-100 and (fourth range) cities whose applications to barter system are between 100-600. There are 13 cities in the first range, 41 cities in the second range, 18 cities in the third range and 9 cities in the fourth range. There are no cities that the application files are not examined.

Research Process of the Study

This study started in a transitional period in which legal amendment actions were carrying on and lasted in a period in which new legal regulations are in force for about seven months. On this account, the scope of quantitative data belongs mostly to the former period- before the transition period. However, the scope of direct and indirect interviews includes the former, the transitional and the last period in which the study completed. Also the scope of daily observations mostly includes the transitional and last periods.

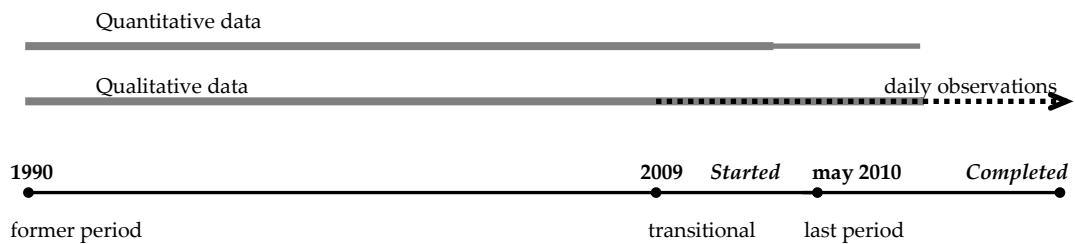


Figure 1.2: Scope of the Data Gathered in the Research Process of the Study

¹² For detailed number of application files and number of parcels applied for barter according to cities, see Appendix B.

1.1.4 Structure of the Study

The study consists of five chapters including this first chapter of introduction. Chapter 1 as an introduction presents the aim and scope of the study; the method and introduction of data used and introduction of fundamental concepts in the study and structure of the study.

In Chapter 2, the main tools of state in conservation policies and main sources of demands of property owners from state are introduced. Considering state policies, Chapter 2 includes the historical regulative context of conservation field, discussion on Conservation Oriented Development Plans (KAİP) and introduction and differences of two systems - expropriation and barter - by which private cultural properties are transferred into state property. This Chapter includes main base of claims of owners those are property rights and social justice right.¹³

In Chapter 3, the 'barter' system is discussed both from the side of state and from the side of property owners. Chapter 3, from the side of state, contains the barter tool's legal and procedural framework and the conflict between these frames with implementation practices. From the side of property owners, the strategies produced by property owners within barter system, emerging of intermediate agents and tensions between owners – conservation field – and state are discussed including the periods defined for barter tool in the 'scope of study' part of this chapter.

In Chapter 4, change on state's policy since 2009 to barter instrument is introduced as 'a new system in barter'. Rising gap between legal frame and implementation process, deepening social justice problem and new strategies/new pressure subjects from property owners and intermediate agents are discussed.

In Chapters 5, as a conclusion of the study, the achieved conclusion of the barter tool's transformation into a rent production tool and deepening effect of inequalities and

¹³ The preference of definition of social justice concept as a 'right' is presented in Chapter 2, Part 2.2.2.

conflicts of society are focused and some suggestions for further research studies are presented.

1.2 INTRODUCTION TO CONCEPTS

From the lenses of field theory of Bourdieu, to discuss and analyze the policies in barter system, four concepts of Bourdieu – field, habitus, capitals (forms of capitals), and strategy - are presented within this second introduction part of this chapter:

According to Bourdieu, social life is produced in '*fields*' that are not absolutely independent from the *general fields*, in which class relations and positions are formed, yet have a *relatively autonomous* structure which is relational with the general fields. A field has boundaries, which differentiate it from the other fields, and has unique rules and its own characteristic play in which actors have different and unequal positions related with the positions in general fields but are not determined directly by them. For instance, an actor who is a member of working class in the general field can not be a land speculator in a sub-field.¹⁴ As mentioned by Lingard and Christie (2003, p: 323):

Nonetheless, we need to recognize that Bourdieu acknowledged that the relations between fields work in a hierarchical fashion, with the fields of power and the economy sitting in a superordinate relationship to other quasi-autonomous fields.

In other words, the general fields defined as 'field of power' and 'field of economy' contain the other fields without directly controlling them.

Bourdieu defines the concept of 'field' as:

A field is a structured social space, a field of forces, a force field. It contains people who dominate and people who are dominated. Constant, permanent relationships of inequality operate inside this space, which at the same time becomes a space in which the various actors struggle for the transformation or preservation of the field. All the individuals in this universe bring to the competition all the (relative)

¹⁴ The example was given by Şengül in the lecture of ADM 5115- Politics of Urban Space (Fall, 2007) at Department of Political Science and Public Administration at METU.

power at their disposal. It is this power that defines their position in the field and, as a result, their strategies. (Bourdieu 1998, pp: 40-41, cited in Lingard and Christie 2003, p: 322)

As mentioned by Bourdieu, in a field, actors are *dominated* -who are losing the game in the field- and are *dominating* -who are winning/gaining the game in the field- struggle to change or keep the rules of the field.

Lingard and Christie (2003, p: 324) explain Bourdieu's concept of field and its relationship with the second concept of *habitus* as:

... fields have their own structures, interests and preferences; their own 'rules of the game'; their own agents, differentially constituted; their own power struggles. It is in relation to particular fields that the habitus becomes active. Socially marked interests, agents and power relationships constitute fields, and an individual's habitus may be more or less well adapted to the demands of a particular field.

An actor's '*habitus*' can be defined as predispositions developed in the earlier socialization era starting from the family relations of actors and became semi-automatic behaviours and reactions. Those predispositions, which are products of social conditioning, continue to be produced by the actor's self-history and shared history of actor's family, class and gender. (Lingard and Christie 2003, pp: 320-321)

The concept of habitus is presented by Bourdieu as:

... it has to be posited that social agents are endowed with habitus, inscribed in their bodies by past experiences. These systems of schemes of perception, appreciation and action enable them to perform acts of practical knowledge, based on the identification and recognition of conditional, conventional stimuli to which they are predisposed to react; and without any explicit definition of ends or rational calculation of means, to generate appropriate and endlessly renewed strategies, but within the limits of the structural constraints of which they are the product and which define them. (Bourdieu 2000, p: 138, cited in Lingard and Christie 2003, p: 321)

In other words, actors take their 'lived experiences' – in Bourdieu's term 'past experiences' – as a kind of determinant in their actions and behaviours. These experiences

affect an actor's position in a field. Lingard and Christie (2003) give an example for habitus and its influence on the actor's behavior in field as:

Thus, for example, growing up in a working-class family develops particular dispositional kinds of class-based habitus, or certain embodied ways of being in the world. This is evident in language, stance, self-presentation and lack of ease with certain high status cultural objects of distinction (e.g. opera and fine art). Similarly, growing up as a girl or as a boy means internalizing a gendered social order, and experiencing unequal treatment as 'normal' or 'natural'. In both of these cases ... people in a sense 'anticipate their destiny', mainly accepting the differentiating social order as it is, because, as Bourdieu (2000:14) asserts, 'their dispositions are attuned to the structure of domination of which they are a product'. (Lingard and Christie 2003, pp: 321-322)

In Lingard and Christie's (2003, p: 320) terms, habitus is a product of 'social-conditioning' which means an individual's behaviours are unconsciously affected by the internalized society she/he lives.

The position of an actor in a field is determined by her/his different '*forms of capital*'¹⁵ she/he accumulates in addition to her/his habitus. For Bourdieu, actors in a field have unequal positions and unequal sources which are determined by their different compositions of different kinds of capitals those are potentials for producing profits. Bourdieu defines four forms of capital: i. *economic capital*, ii. *cultural capital*, iii. *social capital* and iv. *symbolic capital* which he discusses through transformations from one form of capital to another.

The first form of capital is *economic capital* '*which is immediately and directly convertible into money and may be institutionalized in the form of property rights*' (Bourdieu 1986, p: 47) The volume of economic capital can be measured by owned monetary sources. The other forms of capital are/can not simply reduced to economic capital, yet economic capital has a root position for the other forms of capital.

¹⁵ Bourdieu defines capital as:

Capital, which, in its objectified or embodied forms, takes time to accumulate and which, as a potential capacity to produce profits and to reproduce itself in identical or expanded form, contains a tendency to persist in its being, is a force inscribed in the objectivity of things so that everything is not equally possible or impossible. (Bourdieu 1986, p:46)

The second form of capital is *cultural capital* 'which is convertible, on certain conditions, into economic capital and may be institutionalized in the form of educational qualifications' (Bourdieu 1986, p: 47). Cultural capital can be in the form of educational qualifications of an actor in the field or in the form of either formal or informal accumulated knowledge of her/him. This accumulated knowledge can be acquired by unconsciously by living the actor in a class, society etc.

The relation between economic and cultural capital is presented by Bourdieu in an example in which simply economic capital is not efficient for gaining positions in a field. A composition of economic and cultural capital can be needed as the following example Bourdieu gives:

... the owner of the means of production must find a way of appropriating either the embodied capital which is the precondition of specific appropriation or the services of the holders of this capital. To possess the machines, he only needs economic capital; to appropriate them and use them in accordance with their specific purpose (defined by the cultural capital, of scientific or technical type, incorporated in them), he must have access to embodied cultural capital, either in person or by proxy. (Bourdieu 1986, p: 50)

Bourdieu discusses the dominating-dominated groups in a field through holding the means of production, having the ownership of economic capital – owning the machines- and buying the cultural capital needed in the production process. He defines condition of possessing the means of production in economic sense produces dominant groups and of selling the services for transforming their cultural capitals to economic capital produces dominated groups:

If it is emphasized that they are not the possessors (in the strictly economic sense) of the means of production which they use, and that they derive profit from their own cultural capital only by selling the services and products which it makes possible, then they will be classified among the dominated groups; if it is emphasized that they draw their profits from the use of a particular form of capital, then they will be classified among the dominant groups. (Bourdieu 1986, p: 50)

In other words, a more advantageous position can be produced by not only possession of economic capital but also a composition of other forms of capital -such as cultural capital- in a field.

Since 'time' needed to transform accumulated cultural capital, like other forms of capital, to economic capital; in the example Bourdieu gives above, the economic capital's power in this composition can be seen as a kind of position determinant. Thus, economic capital can be regarded as a significant source of that composition:

so it has to be posited simultaneously that economic capital is at the root of all the other types of capital and that these transformed, disguised forms of economic capital, never entirely reducible to that definition, produce their most specific effects only to the extent that they conceal (not least from their possessors) the fact that economic capital is at their root, in other words – but only in the last analysis – at the root of their effects. (Bourdieu 1986, p: 54)

Third form of capital Bourdieu defines is *social capital* that is '*made up of social obligations ('connections'), which is convertible, in certain conditions, into economic capital and may be institutionalized in the form of a title of nobility*'. (Bourdieu 1986, p: 47) Social capital is relations and networks – from micro-scale to macro-scale- those are constituted either from the relations of family and kinship relations or constituted consciously or unconsciously by people's strategies of involving a social relationship. (Bourdieu 1986, p: 52) Either in the form of formal, institutionalized relationships or informal relations, the volume of social capital, which can be measured by the size of links of network involved in, has an effect to increase the economic, cultural or symbolic capital an individual possesses:

the volume of the social capital possessed by a given agent thus depends on the size of the network of connections he can effectively mobilize and on the volume of the capital (economic, cultural or symbolic) possessed in his own right by each of those to whom he is connected. This means that, although it is relatively irreducible to the economic and cultural capital possessed by a given agent, or even by the whole set of agents to whom he is connected, social capital is never completely independent of it because the exchanges instituting mutual acknowledgement presuppose the reacknowledgment of a minimum of objective homogeneity, and because it exerts a multiplier effect on the capital he possesses in his own right. (Bourdieu 1986, p: 51)

The fourth and last form of capital is *symbolic capital* which Bourdieu defines as '*symbolic capital, that is to say, capital – in whatever form – insofar as it is represented, i.e., apprehended symbolically, in a relationship of knowledge or, more precisely, of misrecognition and recognition, presupposes the intervention of the habitus, as a socially constituted cognitive capacity*'.

(Bourdieu 1986, p: 56) Any kind of capital discussed above –economic, cultural or social- is transformed into symbolic capital when it becomes legitimate and powerful in society. (Lingard and Christie 2003, p: 324) In other words, the form of capital is not remain in the same form any longer, but it turns in the form of symbolic capital when it is legitimized in society. For instance, appreciation of graduating of an individual from a legitimate and well-known university in the society is the situation of transformation of cultural capital of that individual into her/his symbolic capital. ¹⁶

Actors aiming at reproduction and maximization of their capitals, preserving their position and rules of the game or gaining a more advantageous position and changing the rules of the game transform different forms of capital by considering the least costly conservation in terms of 'labour-time accumulated in the form of capital and labour-time needed to transform one form of capital to another.'¹⁷ (Bourdieu 1986, p: 54)

Actors, aiming at reproducing and maximizing their capitals in a field to empower their positions or to gain a more advantageous position in field and aiming at preserving or changing the rules of the game in the field, produce *strategies* by mostly unconscious behaviours in relation with their habitus. Strategy is the steps and actions in the struggles of the field:

For Bourdieu, strategy does not mean conscious, individual, rational choice; rather, strategy refers to appropriate actions taken without conscious reflection.

...

Strategy is the habitus in action. Habitus and strategy are about predisposition and the regulations of the social game, rather than about conscious choices. Strategies do not imply simple reproduction. Because of power struggles and social changes, there may always be strategies of innovation and strategies to

¹⁶ The example was given by Şengül in the lecture of ADM 5115- Politics of Urban Space (Fall, 2007) at Department of Political Science and Public Administration at METU.

¹⁷ Bourdieu (1986, p:54) explains the conversions of capitals to each other by the 'universal equivalent' concept: the universal equivalent, the measure of all equivalences, is nothing other than labor-time (in the widest sense); and the conservation of social energy through all its conversions is verified if, in case, one takes into account both the labor-time accumulated in the form of capital and the labor-time needed to transform it from one type into another.

change the game or what is at stake in the game. (Lingard and Christie 2003, p:325)

In a field, actors affected by their habitus and in relation with their accumulated forms of capitals, produce strategies in the game of that field.

Within the aim and scope of this study, the field can be defined as 'conservation field' and barter system is defined as a part of and case in conservation field. The actors involved can be specified as a dominant actor: state, as mostly disadvantageous positioned actors: property owners and as most adaptable –flexible- actors to the rules of the game: intermediate agencies, all of which are in unequal positions, with their habitus and composition of their capitals, both in conservation field and in general fields.

CHAPTER 2

CONSERVATION FIELD FOR STATE AND FOR PROPERTY OWNERS: TOOLS OF STATE AND PROPERTY OWNERS' BASE OF CLAIMS

Whether seen as a 'necessity' or a 'nature of human being',¹⁸ conservation approach is formed in relation with the social, economic and political processes of the state and society. Like any critical issue related to 'space', the concept of conservation is produced/considered/perceived relational with these processes.

Conservation is one of those fields that a consensus can be formed on its 'necessity'. However, as every actor interprets the concept of 'necessity' according to their interests, the approaches and strategies, their conservation attitude differs. In other words, the 'meaning' of conservation differs according to actors' aims, standpoints and relations with each other.

On the one hand, basically, for state, historical and natural heritage should absolutely be conserved, for both those 'beauty', 'symbolic', 'memorial' etc. areas' permanency and for the society's benefit as well as the humanity's. This kind of a statement needs a 'public' approach that can be expected from the state. However, the conservation policy of state does not consist of only this 'ideal' approach. The political and economic interests play a more leading role from that ideal approach. It can be said that for Turkey, the

¹⁸ The differentiation of concepts for the basis of conservation stems from the differing approaches to conservation: 'necessity' belongs to an epistemological approach while 'nature of being' belongs to an ontological approach. (See footnote 1. For detailed information about this differentiation which is not in the scope of this study, see Günay,2006)

conservation policies and activities are mostly focused on the 'things to be conserved' for their political and economic rents. Such an attitude can not be considered independent from the neo-liberal policies. In this context, state has tools of *regulations*, *planning* and *implementation devices* ¹⁹ to perform the conservation policies parallel to the attitudes in political and economic fields. Accordingly, *the first part* of this chapter introduces and discusses these tools of conservation policies of state.

On the other hand, the actors affected by the conservation policies of state, particularly the property owners, whose land in the conserved areas, develop both reactions towards the concept of conservation and strategies towards the state and conservation process. Since the ideal approach of state, mentioned above, remains within an ideological and theoretical frame and does not consider the society's economic and social relations/reactions, the property owners do commonly not share that ideal conservation concept. It is not a realistic view that property owners/possessors conserve their properties, which are historical and natural values, only for the sake of public interest. (Bademli, 2006, p: 21) Among other investments of property owners, it is expected that particularly individual economic interests and aim of reproduction and maximization of their capitals lead the conservation attitude of the owners. If the rights on a property that is determined to be conserved by state are limited and are not compensated, the owner/possessor of that property can not be expected to share the same attitude towards the concept of conservation with the state.

The situation of not compensating the property rights and its effects gains importance when it is related to the 'property relations' and 'social justice' concepts. Therefore, *the second part* of this chapter discussing property relations and social justice concepts present the source of the property owners' claims in conservation field from the state.

The third and last part of the chapter offers concluding remarks of the first two parts of the chapter.

¹⁹ As the scope of the study is 1st and 2nd degree archeological sites and 1st degree natural sites, this implementation devices are two main systems: 'expropriation' and 'barter'.

2.1 STATE APPROACH AND TOOLS FOR CONSERVATION

'Conservation' concept as a policy of state is both an aim to preserve and use of historical and natural properties and an aim of optimum utilization from these heritages. Changing state policies and the standpoint of the governments are the vital determinants to the perceived conservation approach of the state. The *regulations* formed in relation to political relationships, the *planning* tool which has an aim on the one hand to '*conserve*' the space and on the other hand to '*develop*' (for conservation field), and two main conservation tools for conservation sites (*expropriation and barter*)²⁰ are the formal devices of state to implement its conservation attitude.

This first part of the chapter introduces these formal tools of state which presents the approach of state to the conservation areas as well.

2.1.1 Regulations: Legislative Context of the Conservation Field

Within 20th century, conservation field was discussed in the conference of CIAM (International Congresses of Modern Architecture) held in Athens in 1933. The Athens Charter as an outcome of the conference defined principles of conservation attitude. (Günay, 2006, p: 5) In 1964, the second meeting of ICOMOS (International Council on Monuments and Sites), held in Venice, produced Venice Charter that introduce the approach of 'integrity' to conservation field. (Günay, 2006, pp: 5-6) The National Committee of ICOMOS was founded in 1974 and the Charters of Athens, Venice and Amsterdam became Laws in 1983 and 1989 in Turkey. (Vidinlioğlu, 1993, pp: 38-39)

The starting point of the written rules for conservation field can be defined as 19th century for Turkey. However, the institutionalization in conservation field was established in 1950s, and conservation 'legislation' formulated in 1970s. 1970s and 1980 are also the periods that Turkey interacted with international regulations on conservation. The

²⁰ See footnote 12.

historical development process of regulations for conservation field is introduced within this first part of this chapter.

Historical Development of Legislative Context

Written documents of rules for conservation and restoration of buildings was begun to be formulated after *Reforms* ²¹ (1839). (Madran, 2002, pp: 80-81) In 19th century, *Ancient Monuments Regulations* ²² was the first regulations, which considered only the movable cultural properties, on conservation field in Turkey. (Günay, 2006, p: 6) The definition of cultural properties as 'state property' was in 1906 with the *Fourth Act for Antiquities*. (Şahin, 2006, p: 28) With this Act, the realization that cultural properties belonged to public could be seen as a state policy.

After the foundation of Republic, with the *Municipality Building and Roads Law Numbered 2290* ²³ (1933), a special method of planning and taking precautions necessity was emphasized for the areas where ancient monuments were densely found. (Vidinlioğlu, 1993, p: 37) Although it is not possible to speak of a planning type of 'conservation' yet, planning was begun to be considered as a conservation tool. This effort stayed at the process of only finding of cultural properties since the state policy was focused on rebuilding of a new nation of Republic.

The widest authority of conservation decisions which is *Superior Council of Immovable Antiquities and Monuments (GEEAYK)* ²⁴ was established in 1951. Until the annulment of the Council in 1983, this Council was intended to be an autonomous organization and to be independent from the political field. (Vidinlioğlu, 1993, p: 37)

²¹ Reforms (Tanzimat), the reorganizational process on economic, social and political fields at 1839 through the final process of Ottoman Empire.

²² Ancient Monument Regulations: 'Asar-ı Atika Nizamnameleri' (Translation belongs to the writer of the study)

²³ Municipality Buildings and Roads Law: 'Belediye Yapı ve Yollar Kanunu' (Translation belongs to the writer of the study)

²⁴ Superior Council of Immovable Antiquities and Monuments : 'Gayrimenkul Eski Eserler ve Anıtlar Yüksek Kurulu (GEEAYK)' (Translation is quoted from Şahin,2006)

The issue of private ownership of immovable cultural properties was first dealt in 1960 with the '*Law on Expropriation of Antiquities and Historical Monuments Subject to Private Ownership (Numbered 7463)*'.²⁵ With this regulation, the use of and benefit from 'cultural properties subject to private ownership' was limited on the behalf of public interest. (Vidinliođlu, 1993, p: 37) In addition, some responsibilities such as care and restoration of cultural properties were given to the owners with this Law. The choice of public interest/benefit in preference to private ownership was a probable attitude of state in 1960s, although the Law includes only the antiquities and monuments.

The attitude of conservation in the scale of single units was broken with the *Antiquities Law (Numbered 1710)* ²⁶ put into force in 1973. The Regulations from before Republic period such as Ancient Monuments Regulations from 19th century was annulment with this Law. The importance of this Law was that, the conservation '*site*' concept was introduced for the first time with this regulation showing that realization of the significance of integrity of single units with their environment in conservation field at legal frame.

The main regulation on conservation after the Law 1710 is '*Law on the Conservation of Cultural and Natural Property Numbered 2863*' ²⁷ 'since 1983. By this Law, the concept of '*site*' introduced by the Law Numbered 1710 is developed. Since 1983, the valid regulation is the Law numbered 2863 which arranged/rearranged several times in 1987, 2001, 2004, 2007, 2008 and 2009.

The amendments presented below in detail (Table 2.1) are mostly on financial issues particularly after 2004. As can be inferred from the table, key amendments are made in 1987 and 2004 with the Laws Numbered 3386 and 5226. The first introduction of

²⁵ Law on Expropriation of Antiquities and Historical Monuments Subject to Private Ownership: '*Hususi Şahıslara Ait Eserlerle Tarihi Abidelerin İstimlakı Hakkındaki Kanun*' (Translation belongs to the writer of the study)

²⁶ Antiquities Law: '*Eski Eserler Yasası*' (Translation belongs to the writer of the study)

²⁷ Law on the Conservation of Cultural and Natural Property: '*Kültür ve Tabiat Varlıklarını Koruma Kanunu*', will be stated as '*Conservation Law*' hereafter.

Conservation Oriented Development Plans that is a realization of planning necessity in conservation areas as well and attention on property rights of the owners with the introduction of 'barter' system were in 1987 by the Law 3386. Also, developments on administrative structure especially at local scale and introduction of financial aid with an option of save of development rights were the changes drawn by the Law 5226.

Table 2.1: Amendments of the Conservation Law Numbered 2863

Amendments of the Conservation Law 2863		
Years	Law Numbers	Arranged Field in Conservation Law 2863
1987	Law No: 3386	<ul style="list-style-type: none"> - Definition and entrance of 'Conservation Oriented Development Plan' to legislation. - <u>Introduction of 'barter' system.</u> (Exchange of private property by a state property)
2001	Law No: 4706	<ul style="list-style-type: none"> - <u>Rearrangement in 'barter' system, introduction of 'certificate'</u> (Exchange of private property by a 'certificate')
June, 2004	Law No: 5177	<ul style="list-style-type: none"> - Arrangement on identification of immovable cultural properties and natural conservation sites
July, 2004	Law No: 5226	<ul style="list-style-type: none"> - Arrangements of financial aids to private owners of cultural properties for maintenance and restoration. - Arrangements of administrative organs related with conservation at local level. - Introduction of 'transferring development rights' of immovable cultural properties whose development rights are limited.
January, 2007	Law No: 5571	<ul style="list-style-type: none"> - Arrangement of economic assist of local governments as 'contribution margin' for conservation of immovable cultural properties.
May, 2007	Law No: 5663	<ul style="list-style-type: none"> - Arrangement on 'possession' of cultural properties in 1st and 2nd degree archeological sites (ownership of cultural properties those are in 1st and 2nd degree archeological sites can not be acquired by possession)
2008	Law No: 5728	<ul style="list-style-type: none"> - Arrangements on law sentences/fines given to perpetrator of destruction of cultural properties. (sentences/fines are increased)
February, 2009	Law No: 5835	<ul style="list-style-type: none"> - Arrangements on formulating a budget fed by %10 of real-estate taxes cut as 'Contribution Margin to Conservation of Immovable Cultural Properties'
February, 2009	Law No: 5838	<ul style="list-style-type: none"> - <u>Rearrangement in 'barter' system, annulment of 'certificate'</u> (The antecedent certificates are valid through 31.12.2011; new certificates will not be granted.)
July, 2009	Law No: 5917	<ul style="list-style-type: none"> - <u>Rearrangement in 'barter' system,</u> (last arrangement on 'barter' system: application to barter and acquisition of new land requirements/conditions are changed)

A need for reconstruction implies that a problem has occurred with the existing system or a new policy will be implemented/a policy shift will be applied for that field. It is after the year 2007, almost every year the Law 2863 has been altered mostly on financial issues and property rights of the owners. On the one hand, because the financial aspects and issues on property rights are the most problematic areas for state and property owners, changes in legislation have focused on these fields. On the other hand, with economic and politic *'rent oriented'* aims and attempts of state lead continuous changes in regulations related with conservation field. Not coincidentally, the changes in conservation legislation overlap other regulations such as providing instruments for sale of conservation areas and sites and for opening of conservation areas to building activities etc.

Particularly the period after 2000s, this same parallelism of the regulation tool with economic and political field attitudes not only elaborates the problems occur in conservation field but also deepens them which in both general conservation field and also in the barter system within this field.

The tension and problems between state and property owners has aroused and continue to lasting from the first limitation of property rights without compensating those rights. For a solution, 'expropriation' was offered firstly before the 'barter' system. However, since expropriation has been considered as an economic burden to state by the state itself, the 'barter' system was presented as an alternative solution. Seeing that from the Table 2.1, from the first introduction of the barter system, it has been subject to radical changes ²⁸ none of which become an answer to the question of *'how will property rights of the owners in conservation sites be saved?'* Although there are trials and applications of radical changes in barter system with a consideration of 'development' of the system, the dramatic situation of the owners in does not recuperate, but is deteriorating instead.

²⁸ These changes are discussed in the next two chapters -Chapter 3 and Chapter 4- of the study.

2.1.2 Planning: Conservation Oriented Development Plans ²⁹

The second formal tool for conservation attitude of state is *'planning'* that defined with the Law 3386 - which rearranged the Article 17 of the Conservation Law 2863 in 1987 for conservation areas. Although a special type of planning thought was emphasized in 1933, the introduction of that special type as *'conservation oriented development plan'* did not be performed until 1987. According to the Article 17 of Conservation Law 2863, *'the proclamation of an area as a conservation site ceases/cancels the validity of whole plans produced at all scales'*. At this point, the conservation oriented development plan should *'immediately'* be produced. Until the production of KAİP, within three months the *'Conservation Councils'* ³⁰ defines a series of *'codes and rules'* those named *'transitional period ³¹ structuring/building conditions'* for development of that conservation site. The maximum time granted for that *'transitional period'* is two years which may be extended a year more if considered as a necessity by Conservation Council. This time period is determined by the Law 5226 that rearranged Conservation Law 2863 in 2004.

It is the municipalities and governorships that bear the responsibility for production and implementation of KAİPs. By choosing the 5 of the members of Conservation Councils, Ministry of Culture and Tourism becomes a part of the process only for *'assessment'* of plans. Within this period, municipalities and governorships are responsible to produce KAİPs and present them to Conservation Councils for assessment. In the case that KAİP is not prepared within the period determined –as mentioned that is two or maximum three years if necessary– the codes and rules set with *'the transitional period structuring/building codes'* are cancelled. In other words the implementations based on those transitional building codes are stopped until production of KAİP.

²⁹ *'Conservation Oriented Development Plan (KAİP)'*: *'Koruma Amaçlı İmar Planı (mostly KAİP or KİP)'*. As it can be inferred from the *'name'* of the plan, this type of plan has a *'conservation'* aim while has a *'development'* purpose at the same time. (Translation is quoted from Şahin,2006)

³⁰ *'Conservation Council'* (Koruma Kurulu) is the abbreviation of *'Conservation Council of Cultural and Natural Heritages'* (Kültür ve Tabiat Varlıklarını Koruma Kurulu) which operates as a permanent scientific council. (Translation belongs to the writer of the study).

³¹ *'Transitional period'* defines the period starting *from* the proclamation of an area as conservation site and cancellation of whole plans for that area *to* the production of new plan that is conservation oriented development plan.

In spite of the obligation about production of KAİP, these plans are rarely produced -only 286 of total 10381 conservation sites have KAİP at the end of the year 2009³² - due to on the one hand the technical and financial limitations of local governments but more significantly on the other hand the suppression of the exchange value of cultural and natural values over the use value of them and both economic and political speculative pressures.

Conservation or Development

As can be inferred from its name, 'conservation oriented development plans' mainly has two aims those are 'conservation' and 'development' which can be construed by two different sides: by an optimistic assessment it can be read into that *performing development while conserving* or by a realistic judgement it can be commented that *attempting/trying to conserve while developing*. The primary and secondary objects differentiate with these two sides of view. For conservation oriented development plans in Turkey the second side is the general attitude that is the first aim is to develop an area and after then the conservation aim comes. As Bademli (2005, p: 10) mentioned; '*we are not conservator, we are either developmentalist/developers, growth-oriented or constructors*'. According to Bademli (2005, p: 10), conservation is meaningful for us to the extent that conservation of cultural and natural heritage serves our development/growth-oriented/construction aim.

If produced, conservation oriented development plans also suffer from lack of sanction. It does not mean that if a KAİP prepared then all implementations will be done according to plan. The most of prepared KAİPs are being subject to continuous alterations at unit building or parcel scale. Like other development plans, partial demands and changes lead plan modifications which break integrated structure of the plans and which show developmentalist and rent oriented attitudes to conservation field.

³² From the archive of Ministry of Culture and Tourism; General Directorate of Cultural Heritage and Museums, Access date to data: May,2010.

2.1.3 Two Main Systems: Expropriation and Barter

The third tool of state will be discussed is the *implementation instruments* that are methods for application of conservation policies. Bademli (2006, p: 23) divide implementations of conservation into two groups those are *passive* and *active* conservation. According to this division passive conservation implies leaving the ownership and responsibility of cultural properties to other individuals or institutions. Some instruments defined by Bademli (2006, p:23) for this type of conservation are those registering the cultural properties, restricting the rights on registered properties and intervening by prohibition, controlling and punishing. In retaliation, active conservation includes sharing or undertaking/accepting the ownership and responsibility of conserved property, mainly guiding, supporting, purchasing, *bartering*, *expropriating*, implementing projects etc. (Bademli, 2006, p:23)

The point about this division is that behind the defined passive and active conservation implementations has the same conservation approach of state resulting approximate success/failure conservation histories in Turkey. For instance, among these instruments mentioned above, expropriating or bartering a cultural property is as a passive system as registration. For the reason that *nothing* is done more in the name of conservation after completion of the process of expropriation or barter, these two systems can not contribute actively to the aim of conservation. Furthermore, the sources of expropriation and barter are two mainly passive defined conservation implementation tools those are registering the property and restricting of property rights on it.

That restricted property rights of cultural property are attempted to be compensated by state with these *two systems*: expropriation and barter. The former system includes and necessitates a *socialization policy* while the latter is plainly an *exchange policy*. In both systems the privately owned cultural property becomes state property, which is a preferable transformation.

However, expropriation increases amount of land that state owns whereas barter do not change at least total amount *only* in terms of numerical value. ³³

In expropriation which is defined as the first system above, privately owned land and sources are taken *without needing consent* of the owner for public interest and public benefit by paying the properties price with imprest by state. (Ersoy, 2005) Although expropriation can not be implemented without a '*public interest*' judgment, in practice the decision of public interest are taken parallel with economic and politic interests of politicians, bureaucrats or pressure groups which can include land owners also.

Article 15 of Conservation Law 2863 regulates the expropriation tool for cultural properties. With this article, it is granted that '*for expropriation, enough allocation is provided to the budget of Ministry of Culture and Tourism.*' As this system is a kind of purchasing, it necessitates an 'expropriation budget' which is generally insufficient for expropriation implementations of the Ministry of Culture and Tourism.

³³ The qualitative values that barter system changes are discussed in the next two chapters -Chapter 3 and Chapter 4- of the study.

Table 2.2: Expropriation Budgets of Ministry of Culture and Tourism ³⁴

Expropriation Budgets of Ministry of Culture and Tourism		
Financial Year	Expropriation Budget	Spent Amount
2003	700.000,00 TL	700.000,00 TL
2004	670.996,00 TL	670.996,00 TL
2005	8.848.774,00 TL	6.858.712,00 TL
2006	4.500.000,00 TL	3.860.970,00 TL
2007	4.748.000,00 TL	4.735.291,00 TL
2008	5.994.000,00 TL	5.990.675,00 TL
2009	30.000.000,00 TL	29.845.278,00 TL
2010	5.803.000,00 TL	** ³⁵

As presented in the (Table 2.2), the expropriation budgets of Ministry of Culture and Tourism the supplied budget are generally all spent. The increase of budget in the year 2009 is performed by extra allowance demands of Ministry in the case of necessity cases such as continuing lawsuits' final decisions on payments. Although the spent amount of 2010 financial year expropriation budget is not known yet, it can be inferred from the (Table 2.2) that the spent amount will be approximate to the allocated budget.

Implementations performed according to The Expropriation Law Numbered 2942 (dated 1983) together with the Article 15 of Conservation Law. The legislation specifies an 'expropriation programme' for Ministry. According to legislation, this programme is

³⁴ Data of the years 2003-2006 is quoted from (Şahin, 2006, p: 76). Although in Şahin's study (2006) data is presented in the unit of YTL, they are transformed into TL in this study by reason of the unit of YTL is converted to TL since 01.01.2009.

Data of spent amount in 2006 and the rest of table are derived from the archive of Barter and Expropriation Office (in Ministry of Culture and Tourism, General Directorate of Cultural Heritage and Museums) and Annual (Operating) Reports of the Ministry and Bayındırlık ve İskan Bakanlığı, Kentleşme Şurası 2009 Commission Reports. (Access date to data: August,2010)

The reason of starting financial year of data presented as 2003 is that, the General Directorate of Cultural Heritage and Museums is founded at 2003 by the 29.04.2003 dated Law Numbered 4848.

Any data about expropriation issue is included in the Annual Report of 2007. Yet, the data of spent amount is derived from Kentleşme Şurası 2009 Commission Reports.

³⁵ ** : Spent amount will become definite at the end of the financial year 2010. However, it can be inferred from the spent tendency presented in table that spent amounts are approximately same as the expropriation budget of the years.

prepared annually by Ministry and implementations are completed in accordance with the programme. However, the programme becomes non-functional in practice due to on the one hand the scarce budget of Ministry on the other hand the priority of implementations are continuously changed by socio-political relations.

Therefore, although expropriation can be considered the more necessary and useful method of gaining land of state ideally, its process is subject to bureaucratization, political decision making and long period operations. Furthermore, as state considers expropriation as a burden and has not a socialization aim as a policy, these problems are lasting for this instrument of conservation field.

The second system is introduced as *barter* in which an *exchange* of properties is performed between 'the state' and 'property owner'. Although it has significant differences from expropriation, in legislation, barter is defined as a subsection under the tool of expropriation that is stated in Article 15 of Conservation Law 2863. Although expropriation, an indicator of existence of an authority and its power, has more other aims such as socialization of properties apart from compensating the property rights of the owners; barter's primary aim is to compensate the rights of the property owners.

Barter as a tool for conservation of cultural properties can be roughly defined as *acquiring new land, on which property rights are guaranteed, by applying for exchange of cultural property, on which property rights are restricted, with that new land*. Within this process the property owner loses her/his property on which can not be enjoyed property rights and gains new land which is not a cultural property and is a state land formerly. In the same process, state loses its owned land, and gains a cultural property. By looking at such a dualistic point of view the system is simply seen an operation of exchange between two actors, although it has a relational political process and actors actually by looking it as a dialectic process. Barter as an economic concept³⁶ is based on and necessitates two '*equal actors*', if not at least actors who can bargain equally and demand the properties of each other. Yet, barter as a tool of conservation does not present equal conditions and equally accessible

³⁶ See footnote 6 for the denotation of the word 'barter', its economic perspective and its parallelism with the conservation attitude of state.

channels, which are discussed in the next two chapters, for actors and relations it involved and does include a dominant actor such as state who does not demand the ownership of cultural property.

2.2 BASE OF CLAIMS: PROPERTY RIGHTS AND SOCIAL JUSTICE

State as one of the significant actors for conservation field, is both an authority to implement the policies and subject to effects of that policies. Although it formulates rules for conservation with its formal tools, other actors such as property owners and 'intermediate agencies' between state and owners are not always obey that rules. Moreover, they can change rules not perhaps the whole formal frame but some points, for instance in planning tool, and particularly they are effective by 'informal tools'. The rules in the field could be changed or protected by mostly state and intermediate agencies and by a small amount of property owners only who are in advantageous position in the field. Yet, within unequal conditions between these actors, most of the property owners are the most negatively ³⁷ affected in the barter process of conservation policies, on the occasion of both being subject to 'injustices' and also by their strategies, becoming willingly or unconsciously a part of 'rent production process' that is finally 'another component of injustices' the owners are subject to.

Herein, property owners develop strategies and reactions to state, to barter system and to conservation field with regard to 'their formal base' of claims - introduced in *this second* part of the chapter- those are *property rights* which are mostly a part of their accumulated economic capital and *social justice* concept which is a relational with their position in the conservation field and general power field.

³⁷ The term '*negatively*' refers to the actors who '*lost*' at the most within the process. For the '*gainer*' of the process, the intermediate agencies should be pointed. The next chapter includes this focused issue in the study.

2.2.1 Property Relations: Property Rights of the Owners

The tensions within property relations between actors appear with the formulation of two basic classes of property: that is 'non-private'³⁸ and 'private'. This kind of a division originates from the division of 'public' and 'private'. The non-private properties belong to state for either directly related with 'owning' the property (*state property*) or 'possession' on behalf of public (*public property*). 'Common property' which is belonging to a social group and 'communal property' refers to a community scale and 'collective property' related with society are the other non-private property types based on use of and benefit from the property. (Günay, 1996, p: 9) Ideally, cultural properties can be defined in non-private properties which are related with not only a society but whole humanity as well. However, cultural properties can also be subject to private property categorization.

Starting with the introduction of private property, property is recognized as a 'right' to use of goods, to benefit from its fructus and to consume it. (Günay, 1995, p: 65) In a capitalist society, it is regarded that every citizen has right to 'have' ³⁹ a property and this right includes: usus (use), fructus (benefit), abusus (consume), translatio (transfer), ususfructus, hereditas (inherit/heritage), servitude, condominium (common property).⁴⁰ In Turkey, this defined right is guaranteed by the Article 36 (dated 1961) and Article 35 (dated 1982) of The Constitution of Republic of Turkey and the Article 683 and Article 973 of Turkish Civil Code in legal frame. Since it is the state and its authority that guarantees, regulates, saves the property rights and intervenes on struggles over property (Günay, 2009, p: 92), the property right is formulated with the legal tool of state.

Within this legal frame property right comprises two different way of 'having' a property: to *possess* and to *own*: The former is having dominance/control over and use physically while the latter is provided with the legal certificate that is title deed. (Günay, 1995, p: 65)

³⁸ The type of properties stated under the concept of non-private properties are quoted from Günay, 1996, p: 9.

³⁹ The term 'have' includes both 'possession' and 'ownership' in this statement.

⁴⁰ These elements of property rights are quoted from Günay, 2006, p: 10.

Table 2.3: Possession vs. Ownership ⁴¹

Possession	Ownership
property oriented	property rights oriented
the real utilization of property	right related to title deed
right recognized by society	right given by state legally
to appropriate	to have
relative	absolute
to use really	to dominate by title deed
has security problem	security is guaranteed

Günay mentioned main differences of the concepts of possession and ownership, which can be seen in the Table 2.3. As can be inferred from the table, possession, as recognized by society and related with physical use (use really) of property, is a right that is not given by a legal authority but gains legitimacy by appropriation of possessor and recognition this within society. Although possessors do not have a legal certificate that is title deed, they can have the same *usus, fructus, abusus* features 'to some extend'. This 'to some extend' boundary becomes a limit for cultural properties those are in 1st and 2nd degree archeological sites and 1st degree natural sites, which are the focus of this study. Even though possessors and owners of the cultural properties can not be differentiated in terms of labour they cost, they are differentiated with legal frame by state for these cultural properties.

In the Law 5663 (dated 2007) –rearranges the Conservation Law 2863- '*ownership of cultural properties those are in 1st and 2nd degree archeological sites can not be acquired by possession*' is stated as a provision ⁴². In other words, possessors do not have the same and equal rights with owners of these cultural properties in these conservation sites. In this way, state decreases the numerical value (numbers) of cultural properties those are legally -not physically- in the hands of private persons as a strategy which is on the one hand a part of

⁴¹ Table is quoted from: (Günay, 2009, p: 92) and translated from Turkish to English by the writer of this study.

⁴² For this arrangement on 'possession' in legal frame, see Table 2.1.

the conservation policy of state and on the other hand also linked with the (reducing) numbers of actors that state is struggling on property rights in conservation field.

This struggle is a part of a general struggle field which both performed/aimed on/at/for space and it is a source of production of space. Lefebvre defines *space* as a social relationship which is '*inherent to property relationships and bound up with the forces of production*'. (Lefebvre, 1998, p: 85)

Though a *product* to be used, to be consumed, it ⁴³ is also a *means of production*; networks of exchange and flows of raw materials and energy fashion space and are determined by it. Thus this means of production, produced as such, can not be separated either from the productive forces, including technology and knowledge, or from the social division of labour which shapes it, or from the state and the superstructures of society. (Lefebvre, 1998, p: 85)

Lefebvre (1998) defines space both as a source of and formed by struggles. For conservation sites, this source is related with the economic and political relationships for all actors in which property relations plays significant role.

Within the scope and focus of the study, to have property rights of cultural properties in conservation sites means on the one hand a burden for areas in which particularly economic benefit is limited; on the other hand a source of interests for areas in which exchange value of property produces great amount of surplus. On this account, such an unequal process is producing poverty in society and deepening inequalities at the same time is determined in relation with that rent producing areas.

Considering cultural property owner, taking the property rights as a source of claimed rights, if it is an *individual*, the owner has to find strategies, other than given with legal frame by state, to have control over her/his property or to compensate her/his limited rights on that property. These individual strategies bounded by the social, economic and political position of the individual in field. If the cultural property owner is a *corporate body*, then it has more chance and channels to achieve the same aim with the individual

⁴³ 'it' refers to 'space' here.

property owner. Yet, behind this same aim of these two actors –individual and corporate body- may have different efforts varying from meeting cost of living –a kind of economic interest- to producing economic and political advantageous position all of which are in relation with reproduction and maximizing aim of the accumulated capitals of actors.

2.2.2 Social Justice Concept

The claims of property owners have another dimension related with the concept of 'equity'. All members of society claiming equal parts of profit at minimal/at least. Smith (1994; cited in Şengül 2009, p: 307) relates the concept of '*social justice*' with the problem of *distribution* of these 'profits and costs' in society.

The approaches to the concept of equity and political field are the main determinants of the attitude to the social justice concept. Within this study, two different approaches are introduced as they present two main frames in different dimensions to the social justice concept.

From a *liberal* point of view, 'equity' defines 'equity of opportunities' and necessity of 'equal treatment of state' all members of society without considering the unequal positions of members. According to Nozick (1974; cited in Ersoy, 2007; Şengül, 2009, p:307) if all members of society have the same rights and distribution of incomes and welfare are performed 'fairly', inequalities in society are not only an acceptable phenomenon but also they are consequences of the individual choices of society members. As every member of society is a free individual to make choices and behave in competition with other actors, as long as the social welfare is distributed by 'legitimate' methods/ways, the production of inequalities is acceptable. (Ersoy, 2007; Şengül, 2009, p: 307).

Within such an approach, the 'public interest' concept considered as a 'totality' of individual interests. (Ersoy, 2007) So, no matter what the consequences are, gaining wealth within 'free' market by fair conditions, producing high rents of a property in urban space, intervening unauthorized properties –such as squatter settlements and settlers- are

all fair and legitimate just so they are the results of acceptable/fair/legitimate processes. (Ersoy, 2007; Şengül, 2009, p: 307)

Accordingly, any property right should be limited in this approach as they are legitimate rights given to the owner. Considering cultural properties in conservation sites, the property rights of properties are restricted in the sake of public interest in order to be able to conserve cultural heritage on/in/at/under that cultural property. As being free individuals, any authority can make property owners to abandon their property rights (Ersoy, 2007) even in the sake of public interest and even by compensating that rights. The interventions of authorities and planning to/of property relations in conservation field are not tolerable also. On the other hand, the barter system would be considered as a fair system within this approach since it presents equal rights to each owner in conservation sites of applying the system to compensate their lost property rights. However, what is ignored in this kind of equity is that even though each property owner has a right to apply to barter system and exchange her/his property with another one, this right can not be used not only equally but also productive by each of the owners because of the unequal positions of owners in the society where deep inequalities exist among its members.

From a *contractualism* approach developed by Rawls (1971, cited in Ersoy, 2007; Şengül, 2009, p: 309), this radically differentiates from the liberal point of view, defines the concept of social justice as a '*right*' in the theory of 'justice as fairness' (Ersoy, 2007). The consideration of decreasing and eliminating of inequalities and injustices in society and consideration of 'common good' concept are the points that differentiate Rawls' approach from Nozick's. (Şengül, 2009, p: 309)

Parallel to these two differences, according to this attitude, firstly, justice should be distributed as fairly in society which necessitates a 'positive discrimination' towards the disadvantageous members of society. (Ersoy, 2007) So, the interventions of state in order to supply equal opportunities to become advantageous position to disadvantageous members in society are defined as a solution to provide social justice. Therefore, the policy is to eliminate the consequences of inequalities by intervening them with positive discrimination principle. Secondly, common good of society should be put before individual interests different from the liberal approach. Thus, the public interest concept

and behaviours based on this concept are legitimate and should be preferred than the individual interests according to this attitude.

This approach is criticized by Marxist point of view for the reason that although it presents the solutions for decreasing the negative consequences to the inequalities within society, it is not producing a solution to the sources of those inequalities. (Şengül, 2009, p: 309) In such an approach, the policy of restricting property rights of the owners is applicable so long as this limitation serves to the interest of whole society. The proclamation an area as conservation site in order to serve public interest is a product of this attitude.

2.3. CONCLUDING REMARKS

In order to discuss the conservation field for state and for property owners; in this chapter, firstly, main tools of the state –as a dominant actor in the field- is introduced in order to present the legal and general rules of the conservation field and the approach of state to the conservation concept. For the tools of state: **i.** legal tools are discussed with a general historical time context which presents the first introduction of conservation concept to legal frame and the amendments of the frame parallel with economic and political rent oriented approaches those causing problems in conservation field. **ii.** the significant planning tool that is conservation oriented development plan is discussed with presenting its both conservation and development aims and pressures of partial demands and changes on these plans. **iii.** two systems those are expropriation and barter, which are offered by state for the 1st and 2nd degree archeological sites and 1st degree natural sites, are introduced; the political decision making process of the tool of expropriation in the conservation field and the occurrence of barter within actors those are unequal positions are discussed.

The state's dominance in conservation field is represented in its tools and in the power of change these tools and rules. Yet this dominance is not independent from other actors such as power groups in the field. This political process arises in the legal frame, planning tool and expropriation and barter systems also. Thus, legal amendments, conservation oriented development plans, expropriation and barter systems are subject to speculative

pressures of actors. For instance, mostly the actors who have the power –with their composition of different forms of capitals and advantageous position- to affect the political decisions on expropriation apply for the system. Moreover, for barter, the channels to even accomplish the barter process are not open to all property owners who apply to the system.⁴⁴

Within this chapter, secondly, the property owners' base of claims those are property rights and social justice concept are introduced. With regard to their aim of reproduction and maximization of capitals accumulated, property owners struggle for their property rights those are parts of mostly economic capital they accumulated. Hence, property rights of the owners are one of the main struggle areas in conservation field. In addition, within this struggle, being in unequal positions in the both conservation and general power fields; owners' basic claims are represented in the concept of social justice.

The concept of social justice differs according to two standpoints, in one of which the limitation of property rights is not tolerable even in the sake of public interest as the public interest concept is considered just the totality of individual interests. Differing from this liberal point of view, for the other attitude in which the social justice is defined as a right with consideration of eliminating the consequences of inequalities in society, though without producing a solution to the sources of those inequalities, the limitation of property rights for the sake of common good and positive discrimination principle should be applied for the disadvantaged members of society. For most of property owners, as a shared perspective, while the 'limitation of their property rights' are considered as not tolerable similar to liberal point of view, the 'equal treatment of state to the members of society' differs according to the habitus and position of the owner in the field. Mostly, for the actors in advantageous positions in the field, equal treatment of state to the all actors, who are in unequal positions, are defensible, because this kind of justice –by reproducing the inequalities- has not a negative effect on their advantageous position in the field. On the other hand, although the actors in disadvantaged positions use the same discourse of equal treatment, their demands are mostly in the way of positive discrimination

⁴⁴ For the discussions on the accessibility of property owners to channels, see Chapter 3 and Chapter 4 of the study.

principle in order to be able to gain a more advantageous position in the field. In the next chapter –Chapter 3- of the study, the barter system until the year 2009 in conservation field is discussed *including* the legal amendment tools and power of state and the struggles of property owners on their limited property rights with a demand of social justice.

CHAPTER 3

'BARTER' SYSTEM IN CONSERVATION FIELD (UP TO 2009)

Conservation policies particularly in the areas subject to private ownership needs to be produced by considering the social and political relations in society with the economic relations as well. The instrument of 'barter' system, presented as a solution to the tensions and problems arising in conservation sites subject to private ownership, is on the one hand not a demanded tool by state to use, on the other hand a problematic tool for property owners in terms of social justice and deepening inequalities in society. Besides, it is a potential tool for rent production for both intermediate agencies between the state and property owners and for property owners themselves.

As a current government policy, the barter system is tried to be abandoned although on the one side it is approached to be a way of purchasing cultural properties by not creating a payment to treasury in monetary terms. Yet, on the other side, the 'certificates' been issued - for exchanging properties- by Ministry of Finance within the years 2001 and 2009, are considered as an economic burden because of not having a deadline to be used and their rising compounded interests. Herein, four processes ⁴⁵ can be defined for barter system according to state policies:

- i. *first period (1990-1998)* can be defined as 'one to one exchange' period in which privately owned cultural properties in 1st and 2nd degree archeological sites

⁴⁵ See Figure 1.1 for periods defined for barter system.

and 1st degree natural sites are exchanged 'one to one' with a state land within the same 'county boundaries'.

- ii. *second period (1998-2001)* can be defined as 'transitional' period for establishing the 'tendering' period.
- iii. *third period (2001-2009)* can be defined as 'tendering' period in which one to one exchange is abolished and exchange of property-to-certificate - for use in 'tenders'- is established.
- iv. *fourth period (2010-...)* can be defined as the 'abolishment' period of barter system, in which issuing certificate implementation is abolished and the barter process is complicated from the application process to acquiring new land.

Within these periods, in the first period –defined in this study as 'one-to-one' period- the cultural property belongs to private owners were exchanged by a state property in the same county boundaries. However, since the properties of treasury were/are not distributed, in terms of numbers as well as spatial qualifications, parallel with the cultural properties subject to barter in that county; the exchanges were not performed operational for the users of barter system in the case of lack of treasure property on sale.⁴⁶ Although this period is a part of liberal economic rent oriented attitudes to conservation field and legislation, the second period –defined as a 'transitional' period- and the third period – 'tendering' period- were directly an indicator of treatment as just a commodity to the cultural properties. Being considered as a commodity, cultural properties were exchanged by a 'certificate', as a probable ⁴⁷ way for exchange, were being used in tenders of sales of state lands. The tendering method on the one side was creating unequal acquisition of new property and on the other side this deficiency was stems from the inequalities in society. Apart from this, the values of issued certificates rising according to legal interest

⁴⁶ Preference of the word 'sale' is by reason of the regulations and implementations about exchange of state properties are considered a kind of 'sale' of properties belong to treasury and subject to legislation about 'Regulations on Sales of Treasure Lands'.

⁴⁷ Certificate is considered 'probable' way of acquiring new land while transferring cultural property to state because certificate been issued does not imply that it will be certainly conclude to accomplishment of compensating restricted property rights and completion of barter system.

rates were regarded as a burden on treasury.⁴⁸ The formerly mentioned deficiency of a socialization policy towards historical and cultural properties in order to acquire privately owned cultural properties -for state- presents itself in the barter system also. Accordingly, the fourth and last period – defined as ‘abolishment’ period- is designed as a complicated process in which the conditions required for the system has been made more difficult from the starting step that is application process of the system to the final step in which acquisition of new land performed. The fourth period in force since May 2010 makes the certificate implementation annul without substituting it with a functional system.

Clarification of the Problem

At the same time the periods defined for barter system contains problematic and conflict areas for state, for the property owners it is a tool for struggles on saving their not only property rights, but also means of subsistence and means of investment- which are also included in property rights. In other words, barter system, which offers rules in the conservation field for the purpose of compensating limited property rights of the owners, is an area of struggle for actors who try to reproduce and maximize their capitals. This process also involves strategies for the preserving or gaining advantageous positions of actors in the both conservation and general power fields.

Within this process, property owners produce strategies and reactions towards both conservation field but more significantly towards state and political field. As Şengül (2009, p:334) stated -by citing in Scott (1990) and de Certau (1984)- daily life includes reproduction practices of people but at the same time it involves minor scale resistances of them towards political power. Although these reactions are not a part of organized and corporate behaviors and they are individual attitudes, from the emergence of the system they have been continuing by deepening.

⁴⁸ This burden is mentioned in a study of Aras (2002). The study prepared as a ‘thesis’ to be promoted to ‘National Property Auditor’ of Aras (2002) –being a bureaucratic member of Ministry of Finance- shows similarity with standpoint of Ministry of Finance. In study of Aras (2002), the burden of certificate on treasury is the main focus about barter system with the offer to give priority to expropriation before barter. Study is accessed in May,2010 from: http://www.mek.gov.tr/kutuphane/yay_tezler/yay_tezler.html

Herein, within the stated thesis of the study, the discussion on barter system within this third chapter of the study is on that barter system is:

- i. a part of the production process of unintended reactions/circumstances and positions in and towards the conservation field, the state and in general power fields (those are political, economic and social fields),
- ii. a part of the transformation process of tools of conservation field into dysfunctional or non-functional tools,
- iii. a part of the of the aim of conservation that can not be achieved
- iv. a part of the factors that deepens inequalities exists in society.

Structure of the Chapter

The discussions stated above are presented in mainly three parts of this chapter. In the first part of the chapter, emergence of barter system is introduced including its procedural and legal framework, which is determined mainly by the state, with considering the property owners attitudes to the system and problematics as well. This part of the chapter implies the first period –one-to-one period- and the second –transitional- period of the system. The second part of the chapter comprises principally the third –tendering- period of the system that is a significant element of the focused problem of the study. The discussion begins by proclamation of a cultural property as conservation site to policies/strategies/problematics in barter system from the side of state and from the side of users together with the tensions emerges between actors in this struggle field and deepening inequalities are at the center of the second part of this chapter. The concluded points of the findings and discussions are presented in the third and last part of the chapter with a transition of the next chapter –Chapter 4- which includes the fourth period- abolitionment period- of the barter system.

3.1 EMERGENCE OF BARTER SYSTEM: NEED FOR COMPENSATING PROPERTY RIGHTS OF THE OWNERS

Proclamation of an area as ‘conservation site’ ceases/cancels the validity of whole plans produced at all scales. For the 1st and 2nd degree archeological and 1st degree natural sites,

whether a conservation oriented development plan prepared or not, development activities are strictly restricted according to legal amendments for those areas in order to achieve the conservation of historical, cultural and natural beings/heritage in/on/at/under those conservation sites. Yet, these areas can also be subject to private ownership, the property rights discussed in the former chapter of the study are restricted by legal frame parallel with restriction of development activities. Although this restriction is not an absolute limitation since the right to *own* that cultural property remains, in practice, this restriction means an absolute limitation, which also involves the limitation of transformation of economic capital accumulated by property owners into monetary means, due to not being able to have the other rights derived from owning that property, which should be compensated by a system by which both the conservation aim should be performed and the rights guaranteed by state of the owners should be saved.

For this necessitate emerged, the 'barter system', which regarded as a way of transforming of ownership type of the property from private to state, a way of conserving the cultural heritage and a way of performing social justice in society, was introduced in the year 1990 and has been executed by the central organs of state those the Ministry of Culture and Tourism ⁴⁹ and Ministry of Finance. Accordingly, for private property owners, barter system considered as a chance and channel to 'gain'⁵⁰ the rights of ownership back even on another property. To use this chance, the property owner should make an *application* to the Ministry of Culture and Tourism. In other words, the system can be used *voluntarily* which means state limits the property rights and leaves the choice of gaining those rights back to the owners themselves in which the vulnerability to economic and political processes, inequalities and power relations emerges.

⁴⁹ Obsolete name of Ministry of Culture: 'Ministry of Culture' and 'Ministry of Tourism' were joined and became 'Ministry of Culture and Tourism' by the Law 4848/dated 16.04.2003.

⁵⁰ The word 'gaining' is preferred instead of 'compensating' here since the choice of compensating the property rights lost is left to the individual, the owner would gain those rights back , even on another property, if the conditions are fulfilled by her/him.

Procedural and Legal Framework/Context of Barter

Being an authority, the rules for using the system is determined –by being relational with political processes and not being independently from those processes- by state with its tools and power of producing legislation. The process determined by state is composed of basically three steps in terms of legal procedural frame: *the first step* is the *application process* which is belonging to private owners; *the second step* is the *evaluation process* which is belonging to the state organs and *the third step* is the *acquiring new land process* which includes offering the land by state and acquiring it by the private owner.

Although these basic steps forming the procedural frame can be defined similarly for all periods, introduced in the former part of this chapter, they differentiate in terms of composition and conditions of each step, in terms of state intend and attitude to the system and in terms of problems of the system as well as the strategies produced and positions of property owners. Since the beginning of the barter system in 1990, it has been subject to significant changes up till now and alterations will continue if the abolishment process do not eventuate repeal of the system.

Table 3.1 below presents the arrangements and rearrangements of the system in legal frame which leads the practices of the system in four periods introduced in the previous part of this chapter:

Table 3.1: Arrangements/Rearrangements in Barter System (1987-2010)

Arrangements/Rearrangements in Barter System (1987-2010)		
Years	Arranged By	Arranged Field in Barter System
1987	Law No: 3386	- Introduction of 'barter' system: <i>one-to-one period (first period)</i> (Exchange of private property by a state property)
1990	Regulation ⁵¹	- Arrangement of implementation of barter rules based on Law No: 3386
September 1998 – to – March 2001	General Communiqué ⁵² No: 257	- Intend of introduction of 'certificate': <i>transitional period (second period)</i> (Exchange of private property by a 'certificate')
March 2001 – to – June 2001	State Council Decision ⁵³	- Cancellation of certificate arrangement in transitional period
June,2001	Law No: 4706	- <i>Tendering period (third period)</i> :i. Reactivation of certificate rule, ii.Arrangement on determination of price of property, iii.Arrangement on revaluation of certificates (according to legal interest rates)
2003	Law No: 4916	- Conditioning existence of KAİP for issuing certificate-for barter (by rearranging the Law No:4706)
2007	Law No: 5663	- Arrangement on 'possession' of cultural properties (ownership of cultural properties those are in 1 st and 2 nd degree archeological sites can not be acquired by possession)
February, 2009	Law No: 5838	- Annulment of certificate –end of tendering period
April,2009	General Communiqué No: 322	- Arrangement on validity of antecedent certificates:the antecedent certificates are valid through 31.12.2011; new certificates will not be granted
July, 2009	Law No: 5917	- <i>Abolishment period (fourth period)</i> : Complication of system: application to barter and acquisition of new land requirements/conditions are changed.
May, 2010	Regulation ⁵⁴	- Arrangement of implementation of barter rules based on Law No: 2863

⁵¹ 'Regulation on Exchange of the Properties Needed to be Conserved in the Areas of Cultural and Natural Properties within the Areas Absolutely Prohibited From Construction with the Properties Belong to Treasury', published on 8 February 1990 dated/22930 numbered Official Gazette

⁵² 'General Communiqué 'refers to 'National Property General Communiqué' published by the other executive organ –other than ministry of Culture and Tourism- for barter instrument of state that is Ministry of Finance.

⁵³ 19.12 1999 dated-2000/6483 numbered Legal Decision of 6th Department of State Council.

⁵⁴ 'Regulation on Exchange of the Properties in Conservation Sites with Treasury Properties' published on 22 May 2010 dated/27588 numbered Official Gazette.

Barter system was introduced by the Law 3386 – which rearranges the Conservation Law 2863 and introduces KAIPs in legislation also- in 1987. Until 1990 the system could not be implemented because the Regulation that determines the rules for barter system was not produced. Therefore, although barter tool was offered before, it is three years after - 1990 - the implementation process –first period- was started.

First –one-to-one- and Second –transitional- Periods of Barter System

Within first period, state had an attitude to give a state property from treasury in characteristics of *land* in return for the privately owned cultural property in the same county boundaries. This ‘giving land’ process was regulated by the ‘Regulations on Sales of Treasure Lands’ legislation, whose executive state organ is Ministry of Finance, which is an indicator that the exchange of properties by barter system is considered a kind of sale of state lands. However, the state properties subject to sale is determined according to neither the numbers of conservation sites those 1st and 2nd degree archeological and 1st degree natural conservation areas nor the numbers of application for barter in that boundary. The gap between offered to sale of treasury lands in a county and the application number for barter was one of the sources of the non-functionality of barter tool within the first period. Mentioned in application documents, property owners already in a disadvantageous position could not gain their property rights back because of that gap. For the users of the system:

Ministry of Finance and Customs ⁵⁵ stated that there is no treasury land subject to barter in this county. To prevent our victimization, expropriate our property. For your information and further action. (1991) ⁵⁶

As can be inferred from the Table 3.1, the second period defined as starting in 1998 is the transitional period in which the state’s policy of one-to-one exchange of properties was changed to a more liberal attitude and in which the system was tried to be shifted to a

⁵⁵ Obsolate name of Ministry of Finance. ‘Ministry of Finance and Customs’ was separated as ‘Ministry of Finance’ and ‘Undersecretariat os Customs’ with the Enactment Numbered 485/dated 2.7.1993.

⁵⁶ Part of an application text applied for barter in Izmir, Foca in 1991. (Translation belongs to the writer of the study).For detailed text, see application document numbered: 29, in Appendix A.

tendering system beyond an exchange one. This period was the attempt to exchange cultural properties with a 'certificate' which was performed in the next-third-period which started only three months after an interruption to this attempt. The reason that first introduction of certificates those will be used in tenders of sale of treasury lands was interrupted for three months in 2001 was a demurrer form about the General Communiqué Numbered 257 which formulated a new rule, that is certificate rule, that was not defined in hierarchical higher order Regulations and Laws above General Communiqués. The cancellation of the certificate rule in barter system by the Legal Decision of 6th Department of State Council necessitated a re-arrangement of this policy in legal frame which was realized in 2001 with the Law Numbered 4706 starting the tendering –third- period of barter system within 2001 and 2009 discussed in the next parts of this Chapter.

3.2 POLICIES/STRATEGIES/PROBLEMATICS IN BARTER SYSTEM

The discussions on property rights of the owners and claims of social justice from the state are produced not only within the system but before the application process of property owners to barter. The problems and reactions to these problems emerge from the process of proclamation of a cultural property as a conservation site to the acquisition of the new property. Accordingly this part of the chapter consists of discussions on firstly the proclamation process, secondly on the tendering period –third period- of the barter system and finally on tensions between state- property owners - conservation field and on deepening inequalities in society.

3.2.1 Proclamation of a Cultural Property as Conservation Site

In order to conserve the historical and natural beings/heritage as a policy, listing/registering the cultural properties as 'conservation sites' provides the limitation of interventions of humans to cultural heritage and prohibition of development and construction activities on cultural properties on/under where intense heritage exists. This passive –stated in the second chapter of the study- type of conservation could not ensure the cultural heritage not to be damaged at least. Aimed at conserving by this type of tool, the number of the conservation areas at the end of the year 2009 is 10381 in which the

higher numbers of conservation sites distributed to the west and south in spatial terms ⁵⁷ and for only 286 of which has a conservation oriented development plan – as mentioned in the second chapter of the study.

Table 3.2: Number of Conservation Sites in Turkey (at the end of 2009) ⁵⁸

Number of 'Conservation Sites' in Turkey at the end of 2009	
Archeological sites	8338
Natural sites	1230
Urban sites	229
Historical sites	145
Urban archeological sites	38
Mixed sites	401
Total	10381

Proclamation process can be defined as a combination of basically two stages: first stage consists of *identification and registering* the historical and cultural heritage and second stage consists of *proclamation –as conservation site- and announcement* it to the central and local institutions and to society.

Considering *the first stage*, identification and registering process performed by the experts among different professions such as archeologists, art historians, engineers, architects and planners of Ministry of Culture and Tourism according to Regulation on Identification and Registering ⁵⁹ which defines the criteria ⁶⁰ for the process.

⁵⁷ For the distribution this total number according to cities, see Appendix D.

⁵⁸ Produced from the archive of Ministry of Culture and Tourism; General Directorate of Cultural Heritage and Museums, Access date to data: May,2010.

⁵⁹ Regulation on the Identification and Registration of Immovable Cultural and Natural Property To Be Protected (Official Gazette Date: 10.12.1987 /Official Gazette Issue: 19660)

⁶⁰ For the detailed text defines the criteria of identification and registering implementations, see Appendix E.

Figures 3.1, 3.2 and 3.3, those examples of archeological and natural sites at scales of 1/1000 and 1/5000 from different cities, present that the borders can be sharp lines or circular according to identification of archeological or natural heritage process.



**Figure 3.1: 1st Degree Archeological and 1st Degree Natural Site Borders
in 1/1000 scaled KAİP ⁶¹**

⁶¹ From the archive of Ministry of Culture and Tourism; General Directorate of Cultural Heritage and Museums.

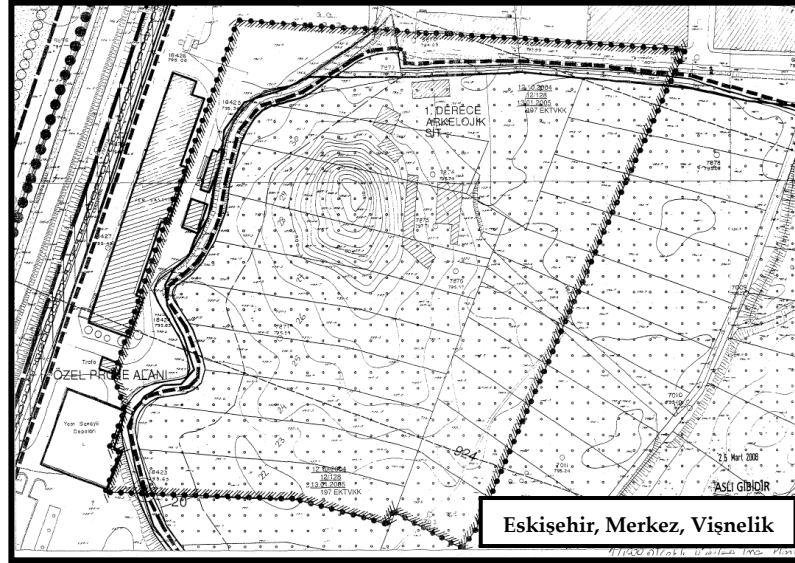


Figure 3.2: 1st Degree Archeological Site in KAİP ⁶²

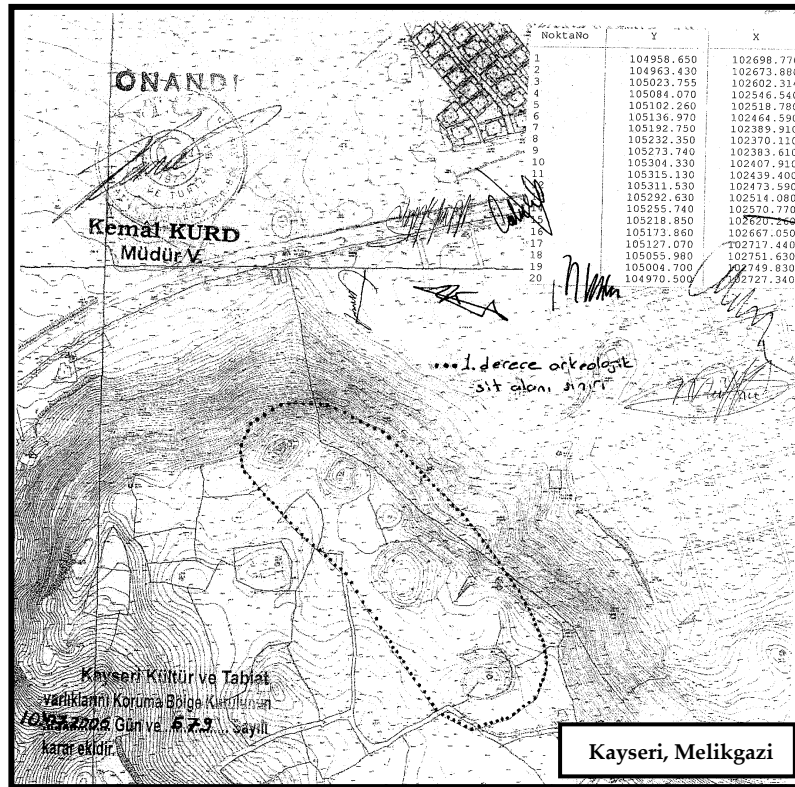


Figure 3.3: Supplement of Decision of Conservation Council on 1st Degree Archeological Site Border (1/5000 scaled) ⁶³

⁶² From the archive of Ministry of Culture and Tourism; General Directorate of Cultural Heritage and Museums.

Although the Regulation necessitates a *scientific research* –without defining that scientific research- for identification of archeological and natural sites, the analysis on areas are generally not performed by scientific and technical methods, performed by limited predictions of surface remains. (Tuna, 1994, p: 620 cited in Levent, 2009, p: 55) This process, on the one hand stems from the problems in technical capacity and bureaucratic process and on the other hand it is vulnerable to the political interests of superstructures of bureaucracy. (Bademli, 2006, p: 19)

The Conservation Councils, who takes the conservation site decisions after the identification process, consists of 7 members, 5 of which are determined by Ministry of Culture and Tourism and 2 members are instructors chosen by Turkish Council of Higher Education (YÖK).⁶⁴ Being the majority of (5) the members as bureaucrats of Ministry reinforces the problem stated above since there can be circumstances in which bureaucrats can not take position apart that the political pressures allow. In some circumstances, they can also be direct or indirect channels of implementing those pressures. In addition, the other channel can be defined as the Superior Council of Conservation ⁶⁵, which has 16 members, 10 of which is the higher bureaucrats of different Ministries and 6 of which are chosen among the heads of Conservation Councils.

Superior Council takes the position of ‘objection evaluative’ which is defined as the duty *‘to consider and decide the objections against council decisions raised and to be raised by public institutions and organizations, governorships and municipalities with planning authorities and powers regarding the conservation site, its grading, principles of conservation and terms and conditions of use to apply during the transition period of the conservation site, conservation plans and their revision’*⁶⁶ of Superior Councils by Regulation.⁶⁷

⁶³ From the archive of Ministry of Culture and Tourism; General Directorate of Cultural Heritage and Museums.

⁶⁴ Turkish Council of Higher Education : Yüksek Öğretim Kurulu (YÖK)
‘Conservation Councils’ defined as ‘permanent scientific councils’ and structure is determined by the Article 58 of Conservation Law 2863.

⁶⁵ Superior Council of Conservation (Superior Council of Conservation of Cultural and Natural Heritage) : Koruma Yüksek Kurulu (Kültür ve Tabiat Varlıklarını Koruma Yüksek Kurulu), the structure and mission are determined by the Articles of 51,53,55,57,58,61 and 63 of Conservation Law 2863.

Since the objections against the decisions of Conservation Councils, including the decisions on the borders of conservation sites and degrees are evaluated by a Superior Council whose members are on the one side the most affected by political pressures and on the other side also one of the producers of those pressures, the decisions on conservation sites and conservation oriented development plans can not be taken by autonomously from the political field.

Not being identified by scientific methods, being subject to political pressures (Levent, 2009, p: 59) and economic rent expectations from conservation areas cause continuous modifications in conservation site borders and degrees. In other words, for institutional scale, state organs and members face demands of and pressures on modifications both in conservation sites and conservation oriented development plans due to the political and economic interests of actors including both members of state organs, politicians, bureaucrats and other actors affecting the decisions on conservation sites and affected ones.

For instance, a mayor in Samsun explaining the ‘modification of an archeological site border for the purpose of development’ to a newspaper:

We had a problem in neighbours of Kalkanca, Kara Samsun and Baruthane. Their development applications had been performed in 1994, but somehow these areas could not be zoned for building because these areas were seemed like conservation site. In the fact, there should not be conservation site. Some tombs had been found in this area and there were proclaimed as archeological site. There have 4 storey development rights. We have started a study with Council of Monuments and Directorate of Museum. And in the result of this study, we enabled this area be out of conservation site. In accordance with this, activation has started here. In this way, we are developing this area. As we want the position of being an attraction center of Ilkadim does not change.⁶⁸

⁶⁶ From the Article 7/d of ‘Regulation on the Work of the Superior Council for the Conservation of Cultural and Natural Property and Regional Conservation Councils and Objections Brought Before the Superior Council of Conservation’ (Official Gazette Date: 12.1.2005 /Official Gazette Issue: 25698)

⁶⁷ For the name and date of the Regulation see footnote 66.

⁶⁸ Erol Tok is a consultant in Grand National Assembly of Turkey (TBMM) and is the former mayor of Ilkadim Municipality in Samsun before local selections in 2009. The news is from his being mayor period. Accessed from/date: http://www.halkgazetesi.com.tr/news_print.php?id=3623, in September 2010.

The statement of ‘... we have started a study with Council of Monuments and Directorate of Museum. And in the result of this study, we enabled this area be out of conservation site’ is an indicator that conservation site decisions can be altered by advantageous actors in the field. For this example, the advantageous position produced by the composition of capitals which contains densely social capital accumulated by the mayor from political relations he involved, provide a position of affecting the decisions of the Council. This position is not accessible for the property owners who are in disadvantageous position with their current composition of capitals. That means, for disadvantageous property owners, the channels of not only affecting the decisions but even making the decision makers reconsider their decisions –for instance, ‘to start a study’ for this case- is not accessible.

Considering *the second stage*, proclamation as conservation site by Conservation Councils and announcement of the decision creates responses/reactions from the affected actors. Namely, being limited by registration of cultural properties as conservation site evokes both the related institutions and private property owners affected by those decisions. (Bademli, 2006, p: 19) From these affected actors, property owners attitude towards the been registered of their properties is in the direction of rising opinions about deficiency of social justice and rising discourse about their ‘victimization’ as an indicator of current and increasing poverty together with as an indicator of their disadvantageous position in the not only conservation field but general field also:

Dear President, ... It is victimizing our neighbourhood being first degree conservation site. We are suffering greatly for 19 years. The authorities here can not help us. Your words that ‘remedies does not exhaust in democracies’ does not suit us, remedies are exhausting. (1999) ⁶⁹

One of our houses is victim of conservation site. (2009) ⁷⁰

⁶⁹ Part of an application text applied for barter in Denizli, Merkez in 1999. (Translation belongs to the writer of the study) The applicant is an individual who applies in the name of all people living in that neighbour. The statement ‘remedies does not exhaust in democracies’ that applicant refers, belongs to the 9th President of Republic of Turkey. For detailed text, see application document numbered: 20.1, in Appendix A.

⁷⁰ Part of an application text applied for barter in İzmir, Menemen in 2009. (Translation belongs to the writer of the study).For detailed text, see application document numbered: 9.2, in Appendix A.

Though our lands have title deeds, we can't put a stone on them. If we put, we are being judged in trials. (*name*), who was 60 ages old and who went to prison from unauthorized building, has died in prison. Lots of our people are dealing with courts, are in prisons. Dear Chairman! We are facing such victimization. (1999) ⁷¹

Witnessing of property owners to both the technical problems of identification and registering process and the modifications on conservation sites decisions by power relations, the legitimacy of those decisions are being weakened in society with rising social justice problem:

There are precedent constructions around my land. My property is 1.degree archeological site, so construction permission does not given. (2007) ⁷²

Actually there is no even least remnant that is time-honored or that reminds past. When excavating ground, the ground thickness is not even half-meter and it is rock under ground. Other than that, two sides of my property are main roads and the properties across those roads are out of the site borders. The extensions on existing houses and the 2 and 3 storey new constructions are continuing across my property, I mean, beyond the road. But even repairing our houses for enduring against imminence earthquake is not been permitted to us. Isn't this injustice? (2004) ⁷³

The legitimacy problem coalescing with disability to solve the lost property rights problem, property owners also demand for modifications in conservation site borders and degrees their property in. As a strategy, owners can be a part of pressures if channels - those generally informal networks- can be found by the habitus and composition of different forms of their capitals especially social and cultural capital they accumulated. Otherwise, they officially apply by a petition which express their claims and demands for cancellation conservation site borders or decreasing the degrees at least the part in which their individual properties exist. Such a strategy, in which possibility to achieve the modification aim is low unless it accesses the channels affecting decisions on conservation

⁷¹ Another application belongs to the same applicant in the footnote 65. As the applicant could not solve the problem, she/he applied again in the same year, this time to the political party chairman she/he supports. For detailed text, see application document numbered: 20.2, in Appendix A.

⁷² Part of an application text applied for barter in Kirklareli, Vize in 2007. (Translation belongs to the writer of the study).For detailed text, see application document numbered: 1, in Appendix A.

⁷³ Part of an application text applied for barter in Canakkale, Eceabat in 2004. (Translation belongs to the writer of the study).For detailed text, see application document numbered: 2, in Appendix A.

sites, is not a corporate action; but is a consideration of mostly individual interests. Parts of applications presented below are mostly from the property owners who are in disadvantageous position in the field but who are also aware of the 'modifiability' of the conservation site borders and decisions. As a strategy, these owners officially state their demands on modification of site border, because they have not another channel or network that can access the decision makers:

Our neighbourhood is not conservation site that we believe. We want to be second or third degree, to be given building permission by conservation council and be saved from irregular structuring. (1999) ⁷⁴

We believe that our neighbourhood is not conservation site. We want re-evaluation of this issue (re-evaluation of the decision taken formerly) and determination by authorized experts. (1999) ⁷⁵

There is a road at the junction of two main roads connecting ... Hill and the southwest hillside. Our property is out of the road. In case that the said conservation site includes ... Hill behind this road and exclude us, we will not have any problem. (2004) ⁷⁶

Considering the announcement of the decisions on conservation sites, as Bademli (2006, p: 20) mentioned, the registration and conservation decisions can not be announced to related institutions and other actors particularly property owners and the information is lost among bureaucratic correspondence. In addition to these struggles of property owners who access the information that the cultural properties they own are registered in conservation site, another reaction is produced from the 'uninformed' ones against *being uninformed* about registration of their properties. Most of the owners come to know that their properties registered as cultural property in a conservation site, when they attempt to built/construct a building or extent their existing one. The lack of knowledge about their properties costs the disability of producing strategies about their limited property rights of owners. This deficiency of cultural capital of property owners represents itself on

⁷⁴ Part of the application text applied for barter in Denizli, Merkez stated in footnote 65.

⁷⁵ Part of the application text applied for barter in Denizli, Merkez stated in footnote 66.

⁷⁶ Part of the application text applied for barter in Canakkale, Eceabat stated in footnote 68.

both the information about their properties and more significantly on the process of ways of compensating their rights:

The properties I've owned are in the scope of Archeological Site. In the official writing dated 2010 from The Real Estate Registration Office, it has been stated that no annotations exist on the property. In the response from Municipality, it has been stated that it may stem from that the announcement of existing the property in conservation site is probably made to only Municipality. (2010) ⁷⁷

Nearly in 1985s, because of sheltering of rare and unique birds in the wide area which my land is in, my land has been registered as natural site. I paid my membership fee of cooperative without being informed by managers of cooperative and after a long time. I heard that this area is not permitted for structuring. (1996) ⁷⁸

We were not informed for the actions taken for this area according to the Law 2863 by your Ministry. (2004) ⁷⁹

The areas, we bought years ago with great dreams, have been registered as conservation site without announcing us. Our victimization has been continuing about this issue for 20 years. Our lands have been lost in value. Our investments are lost on. (2007) ⁸⁰

I've orally learned that the 313 m² land that I bought in 1990 in Mersin, Silifke is registered as 1. degree site by a regulation put in order by Council of Ministers and that any building activity is not permitted. (2003) ⁸¹

I've learned from the institutions I applied in order to build a house that this property is in scope of 1. class site and there is building prohibition since it is conserved. (2007) ⁸²

⁷⁷ Part of an application text applied for barter in Balikesir, Ayvalik in 2010. (The Real Estate Registration Office: Tapu Sicil Müdürlüğü) (Translation belongs to the writer of the study).For detailed text, see application document numbered: 36.2, in Appendix A.

⁷⁸ Part of an application text applied for barter in Mersin, Silifke in 1996. (Translation belongs to the writer of the study).For detailed text, see application document numbered: 7.1, in Appendix A.

⁷⁹ Part of an application text applied for barter in Mugla, Fethiye in 2004. (Translation belongs to the writer of the study).For detailed text, see application document numbered: 10.2, in Appendix A.

⁸⁰ Part of an application text applied for barter in Mugla, Datca in 2007. (Translation belongs to the writer of the study).For detailed text, see application document numbered: 16, in Appendix A.

⁸¹ Part of an application text applied for barter in Mersin, Silifke in 2006. (Translation belongs to the writer of the study).For detailed text, see application document numbered: 26, in Appendix A.

⁸² Part of an application text applied for barter in Hatay, Merkez in 2007. (Translation belongs to the writer of the study).For detailed text, see application document numbered: 21, in Appendix A.

The proclamation process can be regarded as the first step that political pressures and economic rent production purposes arise in addition to realization of deficiency in social justice with rising inequalities those recognized both by state and society. Furthermore, it is also the first step in the process that modifications of site borders are subject to power struggles of actors affected by their unequal positions.

3.2.2 Tendering Period (2001-2009) -Third Period- in Barter System

By the third period starting by the Law 4706 in 2001, a new policy in barter system is introduced which necessitate participation in a *tender* with the *certificate*, that is given in exchange of the cultural property applied for barter, in order to gain a new land. This period implemented between 2001 and 2009 has mainly two parts: in *the first part* lasts two years from 2001 to 2003 in which *the prohibition of building/construction activities* within the conservation site determined by Conservation Councils was the main condition for the approval of the applications to barter system performed by cultural property owners. In other words, if a property located in conservation site in 1st or 2nd degree archeological or 1st degree natural site, it necessitates prohibition of constructions according to Principle Decisions⁸³ Numbered 658 and 728 of Superior Council of Conservation and this is also the first condition for the accepting of the barter applications. In *the second part* of this third period, from 2003 to 2009, the main condition is determined as *existing/been produced of conservation oriented development plan* for the 1st and 2nd degree archeological and 1st degree natural sites. The introduction of this condition would be considered as a development if the obligation of production of KAİPs for conservation sites could be applied. As stated before, only 286 of all 10381 conservation sites has a KAİP, implying that for only 1st and 2nd degree archeological and 1st degree natural sites in that number of 286 can be applied for barter system engendering exclusion of the other conservation sites for which construction is prohibited too and other property owners whose properties are located in these sited. Such a condition results in on the one hand demands/claims of production KAİPs at parcel/singe unit scale by users of the barter system for only being

⁸³ The Principle Decision Numbered 658/dated 05.11.1999 presents 'Conditions of Conservation and Usage of Archeological Sites' and The Principle Decision Numbered 728/dated 19.06.2007 presents 'Conditions of Conservation and Usage of Natural Sites'. (Translation belongs to the writer of the study).

accepted of their applications. These continuous demands also causes the Conservation Councils face pressures for modifications on KAIPs intended for usage of barter tool. In addition to being weakened of planning tool and unity/integrated planning policies towards KAIPs, on the other hand, also the principle of social justice in society is weakened once more by such an approach. In other words the social justice principle is unsettled once again after proclamation process.

The discussions held for the second part (2003-2009) of tendering period of barter system is presented on firstly the procedural frame and on secondly usage of the system by actors.

Procedural Frame of Barter System in Second Part (2003-2009) of Tendering Period

Barter system consists of mainly *two stages* after the proclamation period: *the application and evaluating stage* whose executive state organ is General Directorate of Cultural Heritage and Museums under Ministry of Culture and Tourism and *the evaluation and issuing certificate stage* whose executive state organ is General Directorate of National Property under Ministry of Finance. The process can be basically defined as:

- i. application for barter to Ministry of Culture and Tourism by private property owners whose cultural property located in 1st or 2nd degree archeological sites or 1st degree natural sites where construction activities are prohibited (*in application and evaluating stage*)
- ii. the evaluation of voluntary applications of property owners – who can be natural person or legal entity - by Ministry of culture and Tourism (*in application and evaluating stage*)
- iii. sending accepted applications with a ‘barter programme’ prepared annually by Ministry of Culture and Tourism to Ministry of Finance (*transition from first stage to second*)
- iv. evaluating the applications sent from Ministry of Culture and Tourism by Ministry of Finance (*evaluation and issuing certificate stage*)
- v. issuing certificates for applications approved (*evaluation and issuing certificate stage*)

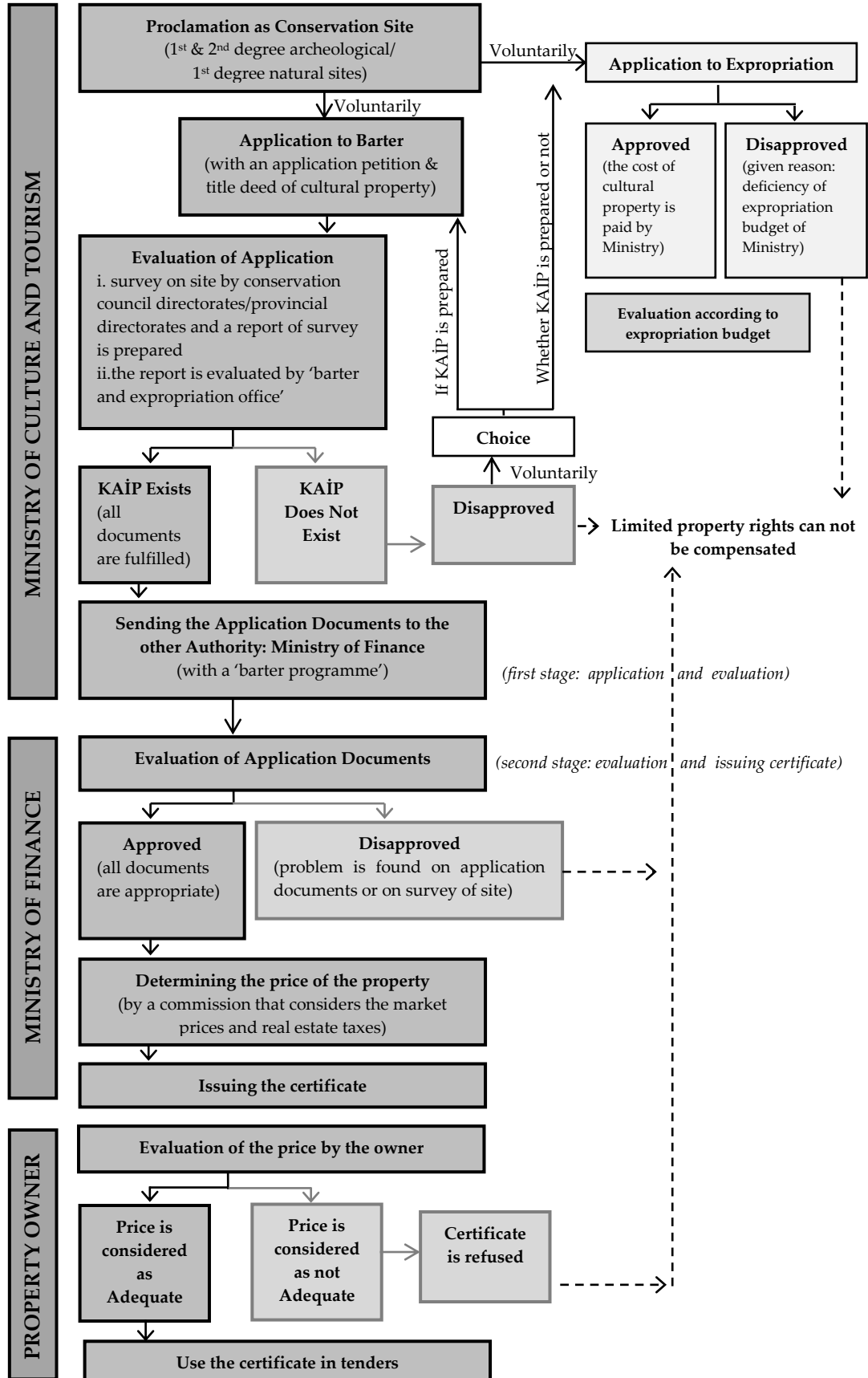


Figure 3.4: Barter Process from the Side of State Organs (2003-2009)

The tendering period from the step (i) to (v) can be presented as in the Figure 3.4. As can be inferred from the Figure 3.4, after proclamation process of cultural property as 1st or 2nd degree archeological or 1st degree natural conservation site, private property owner in those area –who has two choices to compensate limited rights on cultural property- either apply for expropriation or barter voluntarily. The expropriation application is evaluated – as mentioned before in the second chapter- mainly according to amount of expropriation budget by Ministry of Culture and Tourism. Scarce budget results in generally disapproval of the application of property owner.

In the other choice that is barter, property owners themselves or *a proxy or attorney* ⁸⁴ taking action in the name of the property owner apply for barter with the title deed of the property as supplement of their application to the Ministry (of Culture and Tourism) as the first step in *the first stage - application and evaluation stage*. Ministry evaluates the applications by its organs those are Provincial Directorates of Culture and Tourism ⁸⁵ under governorships or Directorates of Conservation Council ⁸⁶ under General Directorate (of Cultural Heritages and Museums). The evaluation step includes:

i. survey of cultural property on site by experts of Directorates of Museum under Provincial Directorates or experts of Conservation Council Directorates: A report, which must be prepared by at least two experts, involving information:

- i. on the type and degree of the conservation site property located in,
- ii. on date and number of registration of that conservation site,
- iii. on the existence of KAİP for the conservation site,

⁸⁴ 'The proxy or attorney' is defined as *first type intermediate agents (IA1)* emerge between property owners and state organs which are discussed in the following part.

⁸⁵ Provincial Directorate of Culture and Tourism: İl Kültür ve Turizm Müdürlüğü

⁸⁶ 'Directorate of Conservation Council' (Koruma Kurulu Müdürlüğü) is the abbreviation of 'Regional Directorate of Cultural and Natural Heritages Conservation Council.' (Kültür ve Tabiat Varlıklarını Koruma Bölge Kurulu Müdürlüğü-KTVKBK)

- iv. on the overlap with other types of conservation ⁸⁷ -such as located Special Areas of Environmental Protection ⁸⁸ -in the province of other central public institutions– such as Ministry of Environment and Forest-,
- v. on the function given by development plans,⁸⁹
- vi. on proprietorship data (on disputes on ownership and existence of annotations on title deed) and
- vii. on the spatial features of the property

with supplemented by a sample part of KAİP and a sample part of conservation site map in which property included and by photographs of the property, is produced and sent to the Barter and Expropriation Office under Department of Encouragement and Property in General Directorate.

ii. the evaluation of report by the Barter and Expropriation Office: The report is evaluated both in terms of formal control and content includes the control of conditions stated above (from a to g). Subsequently, if the cultural property applied for barter provides conditions of:

- a. located in the 1st or 2nd degree archeological or 1st degree natural conservation site,
- b. is in the KAİP produced for the conservation site,
- c. is not in the borders of another conservation type, such as Special Areas of Environmental Protection, in province of a state organ other than Ministry of Culture and Tourism,
- d. is not given a recreational function or public use in development plan of the area,

⁸⁷ This condition was not put in force by Barter Regulation (published on 8 February 1990 dated/22930 numbered Official Gazette)of the tendering period, but it was regulated by General Communiqué Numbered 313/dated 29.8.2007 of Ministry of Finance.

⁸⁸ Special Areas of Environmental Protection (Özel Çevre Koruma Alanı-ÖÇK) is in the province of Ministry of Environment and Forest. (Çevre ve Orman Bakanlığı)

⁸⁹ Similar to the condition stated in footnote 87, this condition was also regulated by by General Communiqué Numbered 313, not by Barter Regulation.

- e. does not exist disputes on ownership and does not exist any annotation on the title deed other than 'cultural property annotation'
- f. the application is approved by Ministry and sent with supplementary those title deed, copy of evaluation reports, sample part of KAİP etc. by a 'barter programme' prepared annually to Ministry of Finance.

In the second stage - evaluation and issuing certificate stage- the sent applications by Ministry of Culture and Tourism and their supplementary are evaluated and certificates are issued for the appropriate found and approved ones by Department of Acquisition⁹⁰ in General Directorate of National Property under Ministry of Finance. The process includes: **i.** the evaluation of application and supplementary documents, **ii.** site survey, **iii.** price determination⁹¹ and **iv.** issuing the certificate. If the application documents appropriate in form and content, a commission performing the site survey and determination of price produces a report.

As a final stage as can be inferred from the Figure 3.4, if property owner finds the price determined for her/his property, the certificate is issued and accepted by the owner in order to use it in tenders of sale of state lands organized by Ministry of Finance. In the case that property owner finds the price not appropriate/ adequate, the certificate issuing is refused and the process is finished without being compensated the property rights of the owner. At this stage, as a right the property owner can take legal action for increasing the determined price.

Although the process seems to be finished when the certificates are issued, the given certificates by Ministry of Finance does not mean acquiring a new land for property owners. The usage of certificates could not be watched/ followed as the certificates could be used in any time after been issued. Table 3.3 specifies below the performed barter implementation in terms of number of properties, cost of properties and area of properties

⁹⁰ Department of Acquisition: Edinim Dairesi Başkanlığı (Translation belongs to the writer of the study.)

⁹¹ Price is determined according to the Regulation (published on 16.12.1982 dated/18607 numbered Official Gazette) based on the Article 74 of State Bidding Law (Devlet İhale Kanunu) Numbered 2886.

were bartered within last five years from 2005 to 2010. Yet, the table does not present the number of used certificates belong to those years as the owners may or may not use them within the same year or subsequent years.

Table 3.3 Performed Barter Implementations by Ministry of Finance ⁹²

Performed Barter Implementations by Ministry of Finance (2005-2010)			
Financial Years	Number of Properties (Performed Barter)	Cost of Properties (Performed Barter)	Area of Properties (Performed Barter)
2005	113	13.580,268 TL	279,5 m2
2006	67	11.669,925 TL	192 m2
2007	74	13.648,897 TL	79,6 m2
2008	84	71.086,093 TL	351,9 m2
2009	no barter implementation due to amendment of legal frame		
2010	it will be definite at the end of the year 2010		
Total	338	109.985,183 TL	903 m2

The barter process presented in terms of procedural frame of the system from the side of state organs. However, the process has different actors and dimensions when analyzed from the side of users, which is discussed in the following part (3.2.2.1) of the Chapter.

3.2.2.1 Tendering Period and Barter System from the Side of Users

For private property owners intended to be the main users of the barter system, tendering period means, in addition to existing ones, arise of new types of problems and inequalities because of the additional conditions ruled by legal tools of state considering the system. The process of tendering period of barter system is a three stage process those have unique formal and informal conditions can be basically defined as: *i. in application (first)*

⁹² Produced from Annual (Operation) Reports of Ministry of Finance, www.milliemlak.gov.tr, Access date to data, May, 2010. The reason of data presented from 2005 though the second part of tendering period is defined from the year 2003 is that the lack of data accessed from the Annual Reports of Ministry of Finance.

stage, in which the property owner or a proxy or attorney take action in the name of the owner officially applies for barter to Ministry of Culture and Tourism, corresponds the 'application and evaluation stage' of state organs stated above. This stage witnesses the *first type of intermediate agencies (IA₁)* emergence. **ii. certificate (second) stage**, in which the problems about the exchange value of the cultural properties included, corresponds the 'evaluation and issuing certificate stage' of Ministry of Finance, **iii. tendering (third) stage**, in which the property owner has a 'possibility' to acquire new land in state land sale tenders, is the final stage of barter process. Within this final stage the *second type of intermediate agencies (IA₂)* emerges. The Figure 3.5 presents these three stages as in below:

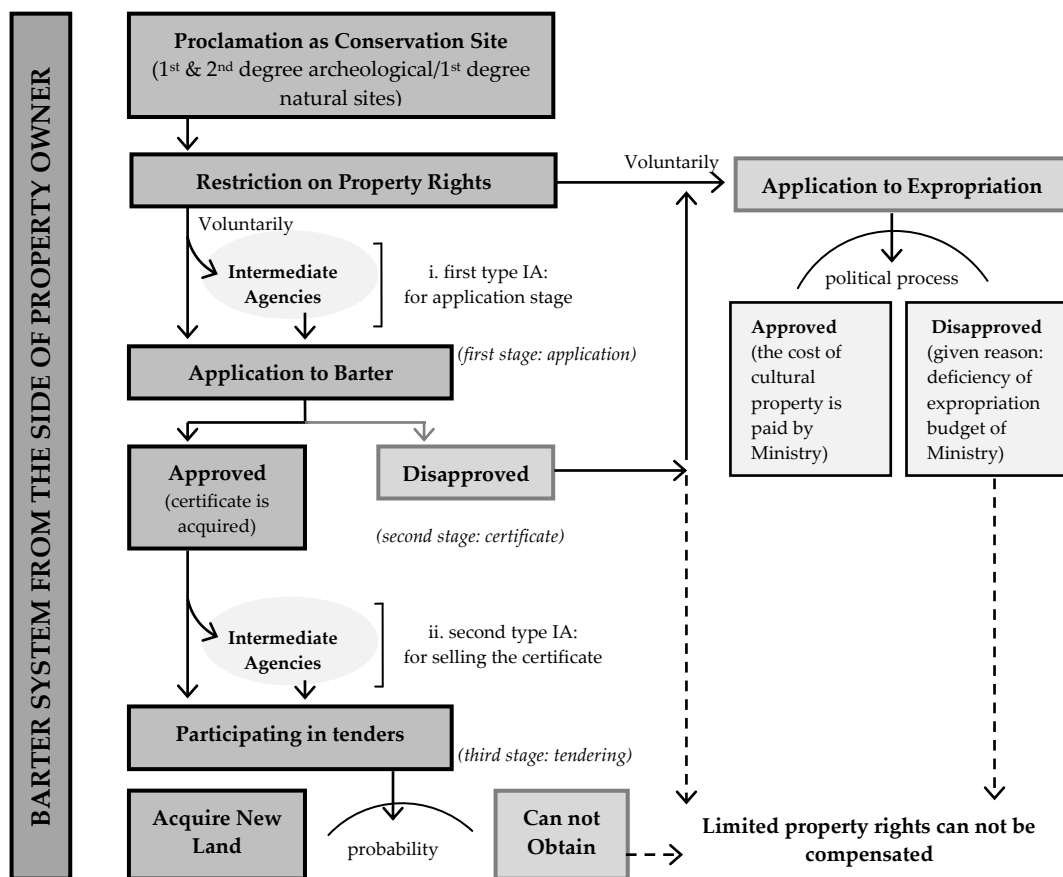


Figure 3.5: Barter Process from the Side of Property Owner (2003-2009)

It can be inferred from the Figure 3.5; one of the choices of compensating lost property rights of owners is expropriation, which stated that generally disapproved for the reason of scarce budget from the side of state organs (see Figure 3.4). The channel of expropriation is disapproved generally as a conclusion of a political process in addition to the deficient budget problem. The taken 'public interest' decisions are formulated according to such a process in most cases. Hence, the expropriation choice can not become a solution for the users who can not access the actors who are in a position of advantageous in political field. In other words, property owners should contact networks those have a power to affect decisions of expropriation by mostly increasing the volume of their social capital in relation with the political field.

For the barter system, the process contains differences from the process stated the preceding part of the study. The emergence of intermediate actors can not be seen in Figure 3.4 because they can be a kind of organized and mostly indirect users of the system. Like introduced in Figure 3.5, the two types of intermediate agencies (IAs) emerges where the processes' main actors are property owners those are in the first stage –application stage- and in the final stage –tendering stage-. In other words, the political relations effective in the state organs/public institutions-based processes transform to socio-economic relations effective in property owners-based processes. In addition, on the one hand both the socio-economic relations and inequalities in society cause the emergence of IAs, on the other hand those IAs being used to achieve the aim of gaining property rights or receiving their value in monetary terms as a strategy causing the unequal and unfair achievement and compensation of those rights which in turn produces unequal and unfair positions in society. All in the same process, from the beginning of the application process to the acquiring new land, tendering period of barter system is vulnerable to economic and political relations as well as producing inequalities and injustice in society with reactions to state, its organs and political field.

It should be noted that the claims of property owners and emergence of first type of intermediate agencies in application stage are not unique to the 'tendering period' of the barter system and they are in the former periods and later period of the system also. Since, it is in this part of the study presented that the barter system from the side of the users, application stage involves former periods of the system also. Thus, the application stage

and its data discussed below include the former periods and former application documents also. However, the certificate and tendering stage with the emergence of second type of intermediate agencies are unique to the tendering period.

i. Application Stage

Property owners whose rights on their properties are restricted can be either suffering from poverty and mention the disadvantageous position of them in the official petition in order to on the one side, with a hope and a strategy, be able to make state realize and help them to solve this disadvantageousness problem; on the other side, with a more realistic view, at least, to affect the barter decision of state positively. Such a strategy is actually include a hope to general poverty situation of property owners, yet stays limited to the barter process. Although property owners does not need to give reason in their barter applications according to legal frame, they generally do give so as to be able to call the bureaucrats and politicians attention to their subsistence and living conditions they are included, by which –according to their point of view- possibly make their applications be approved and possibly exchange their properties with a property higher use but particularly higher exchange value. The application forms below indicates that the property owners from lower and lower-middle classes have a predisposition –belongs to their habituses- to state their disadvantageous position mostly by an unconscious strategy. This strategy includes the aim of protecting their current economic capital but moreover it involves the aim of stating their disadvantageous position in the general field:

Believe us we are victimized. We have a field in our hands, we want to sell it but we can't; we want to cultivate it, but we can't. So, I present the livelihood system of our inheritors to your appreciation. I respectfully ask you to give us beneficial response. I trust that our victimization will be put into process. We are victimized. Victimized. Victimized. We expect your response with beneficial legal process. ⁹³

I'm a low-incomer person. I have bought this property with my saving I made by thousand difficulties in 1996 to built a house for my family. Because I can't use the property for my purpose of building a house, I've been victimized and damaged.⁹⁴

⁹³ Part of an application text applied for barter in Van, Merkez in 1996. (Translation belongs to the writer of the study).For detailed text, see application document numbered: 32, in Appendix A.

I'm a woman with three children who lives in a rented house in the county of Silifke. I had bought this property to build a house which I can live in with my children. The time I bought, this area was not 1. degree conservation field. Now, I'm in a deep victimized situation. ⁹⁵

We can not be involved in agricultural actions such as sowing-plantation on the property I own and we have no enjoyment possibility on it as well. As we have no other property, by reason of necessity, we want you to give us a property equal to this. ⁹⁶

I've bought a 300 m² property under the name of S.S ... Cooperative ⁹⁷ in the city of Mersin, the county of Silifke, ... neighborhood, ... location. I could have the title deed with paying my purchase debts by cutting down expenses of my family on food for 10 years in order to be able to own this property ... With the expectation from you to solve my grievances, I submit it for your information and I'm waiting four your response. ⁹⁸

I want to barter my 91 m² land in the city of Izmir, the county of Eski Foca, with the treasure property that is 75 m² located in Eski Foca. Considering the prices of lands in Eskifoca, the high rents and my two children studying in college, I submit the requisition to you in order to prevent my grievance. ⁹⁹

The other reason that property owners give for the application to barter is that related with the commodification process and economic interests such as saving/investment, building secondary house or commercial purposes, beyond their subsistence, in which the exchange value of property gains more importance than the 'victimization' process stated above. Property owners mention their concerns about economic interests they demand beyond the living expenditures/costs. Yet, these concerns do not imply that property owners who mention their demands on their economic interests are in an advantageous

⁹⁴ Part of an application text applied for barter in Hatay, Merkez in 2007. (Translation belongs to the writer of the study).For detailed text, see application document numbered: 21, in Appendix A.

⁹⁵ Part of an application text applied for barter in Mersin, Silifke in 2000. (Translation belongs to the writer of the study).For detailed text, see application document numbered: 25, in Appendix A.

⁹⁶ Part of an application text applied for barter in Mugla, Fethiye in 2001. (Translation belongs to the writer of the study).For detailed text, see application document numbered: 10.2, in Appendix A.

⁹⁷ S.S. (name) Cooperative: (S.S is the abrevation of Sınırlı Sorumlu in Turkish): Limited Liability (name) Cooperative Housing. (Translation belongs to the writer of the study)

⁹⁸ Part of an application text applied for barter in Mersin, Silifke in 1996. (Translation belongs to the writer of the study).For detailed text, see application document numbered: 7.1, in Appendix A.

⁹⁹ Part of an application text applied for barter in Izmir, Foca in 1991. (Translation belongs to the writer of the study).For detailed text, see application document numbered: 30, in Appendix A.

position that they do not in necessity of regarding their subsistence. Still, the property owners who are not in a totally advantageous position but has a more powerful position from the disadvantageous ones in terms of mostly the economic capital accumulated, mention their grievance not about their subsistence but about their further economic interests. That means, this strategy of owners include not only protecting but also increasing their economic capital:

For not having a chance of commercial enjoyment from property, there exists my victimization. ... by the way of barter I respectfully request you to solve my grievance. ¹⁰⁰

My right of physical disposal from the property is ended. I can't perform any activity although there is permission on 5 storey construction in the development permit. ¹⁰¹

Our property is registered as 1. Degree Natural Site by your Council. We thought to make touristic purposed investment in this area which is open to tourism. Our enterprise was not permitted by Municipality. As being the owners, we have been damaged financially by your Council. For our damage is increasing with each passing day, we request our property to be bartered with properties of treasury by your Ministry in accordance with the Article of 15/f of the Law 2863. ¹⁰²

I'm a retired employee of government. I had bought that property for making use of my money. Now, my property is taken by state and neither a new property is given instead nor its value is intended to be paid for two years. I respectfully demand that the authorities to be given orders for solving my grievance by examining the situation and by completing the process erewhile. ¹⁰³

We bought approximately 500-550 m² properties in the location of ... 30 years ago with our limited financial possibilities. Naturally, our thought was satisfying our holiday and rest, even if short –term, need in summers with our children. ... ¹⁰⁴

¹⁰⁰ Part of an application text applied for barter in Mersin, Mezitli in 2009. (Translation belongs to the writer of the study).For detailed text, see application document numbered: 6.1, in Appendix A.

¹⁰¹ Part of an application text applied for barter in Bursa, Mudanya in 2008. (Translation belongs to the writer of the study).For detailed text, see application document numbered: 14, in Appendix A.

¹⁰² Part of an application text applied for barter in Balikesir, Ayvalik in 2000. (Translation belongs to the writer of the study).For detailed text, see application document numbered: 11, in Appendix A.

¹⁰³ Part of an application text applied for barter in Antalya, Kale in 2004. (Translation belongs to the writer of the study).For detailed text, see application document numbered: 5, in Appendix A.

¹⁰⁴ Part of an application text applied for barter in Mugla, Datca in 2004. (Translation belongs to the writer of the study).For detailed text, see application document numbered: 17.1, in Appendix A.

Either being for subsistence or investment strategy, applications of the property owners for gaining their property rights are not equally accessible to every owner. The owners on the one side do not want to pay for the process that they do not be involved in the decision making for the conservation field, on the other side the process cost¹⁰⁵ in monetary terms are stated to be a 'financial burden' for those who already in disadvantageous position both in economic and social field. Whether the cost is a small amount or not, it increases vulnerability of the barter process to the inequalities exist in society.

The application forms below are from the property owners whose composition of economic and cultural capital to follow the process is deficient causing a cost of even not being able to accomplish the barter process:

In the response that you gave in 1999 to my application in ... 1998; you had a claim which imposed both financial and physical burden on me. My land has been proclaimed as conservation site unilaterally and taken from me. I'm 74 years old. I've no other income other than retirement pension from the institution SSK.¹⁰⁶ I don't know the location of the land. I don't have power to perform these processes. I'm living alone. This issue, I mean, giving travel allowance, supply of vehicle, getting an appointment, application to Directorate of Antalya Museum, all mean 'making things DIFFICULT'. Did state perform these things while proclaiming my land as conservation site? I've spent many piaster. Since it is being bartered, then why this burden on me? As if you will give me land from Çankaya Palace. ¹⁰⁷

The Ministry informed that some documents are required and our properties can be bartered in the case of preparing those documents with our tracking. We sent all documents taken from various institutions by meeting their expenses out of our pockets. It cost 2-2.5 years to us to complete all processes. ¹⁰⁸

¹⁰⁵ According to the Article 13 of Barter Regulation (published on 8 February 1990 dated/22930 numbered Official Gazette) 'parties pay the parts of any type of taxes, levies and charges belong to them'.

¹⁰⁶ SSK: (is the abbreviation of Sosyal Sigortalar Kurumu in Turkish): Social Security Institution.

¹⁰⁷ Part of an application text applied for barter in Antalya, Kale in 1999. (Translation belongs to the writer of the study).For detailed text, see application document numbered: 13, in Appendix A.

¹⁰⁸ Part of an application text applied for barter in Mugla, Datca in 2004. (Translation belongs to the writer of the study).For detailed text, see application document numbered: 17.1, in Appendix A.

We want our Ministry to facilitate terms of barter, otherwise, as being low-incomer persons we can not supply the documents and processes demanded from us. We wait for help in this issue. ¹⁰⁹

It has been said that the identification of degree of archeological site can be performed on the condition that I, since being the owner, meet the expenses of drilling. Yet, as this issue brings restriction on my ownership, the research should belong to your administration. Being the owner, it is not possible that I meet the drilling expenses. Under the reservation of my all legal rights in the frame of Constitutional Law and legislation, if there is a restriction on my ownership and there is the situation of disability, performed by you, of enjoyment from property; I submit this requisition of expropriation according to the f paragraph of the 15th Article of the Law 2863 or exchange with another land according to the 6th Article of the Law 4706 for your approval. ¹¹⁰

Hence, the applications for barter differ according to cities and regions -in spatial term - because of both the different positions of property owners –stated above- in society and of the different exchange values of the cultural properties. For both of the reasons and an additional reason of higher number of conservation sites in the west and south; the number of applications of property owners to barter system is higher in west and south of Turkey than in east and north. In other words, the barter applications are higher in numbers for the reason of higher the intensity of conservation sites in the west and south. Yet, more importantly, the approximate numbers of conservation site in cities located different regions of Turkey shows very different numbers of applications.

When this indicator is considered together with the socio-economic inequalities exist in regional scale and the higher economic rent production possibility exists in the west and south – mostly seaside- conservation sites of Turkey; the unequal distribution of barter applications of property owners, which is also an indicator of accessibility to the system, shows parallelism with both socio-economic and spatial inequalities at national level. The Tables 3.4 and 3.5 below present the spatial distribution of barter applications of property owners as:

¹⁰⁹ Part of an application text applied for barter in Mugla, Datca in 1997. (Translation belongs to the writer of the study).For detailed text, see application document numbered: 18, in Appendix A.

¹¹⁰ Part of an application text applied for barter in Balikesir, Ayvalik in 2010. (Translation belongs to the writer of the study).For detailed text, see application document numbered: 36.1, in Appendix A.

Table 3.4: Spatial Distribution of Number of Barter Applications

Spatial Distribution of Number of barter Applications			
city subject to application	number of conservation sites (arc. and nat. at all degrees)	number of files (1990-2010)	number of parcels (1990-2010)
izmir	716	583	935
mugla	672	399	657
konya	595	87	101
antalya	475	396	714
sanliurfa	316	4	6
mersin	305	297	441
eskisehir	286	9	15
canakkale	278	231	688
balikesir	227	202	306
sivas	174	1	1
hatay	173	16	21
denizli	151	218	365
diyarbakir	136	6	17
istanbul	136	124	189
aydin	120	159	309
tokat	104	3	3
mardin	82	4	4
osmaniye	73	8	8
sinop	73	0	0

Table 3.5: Number of Barter Applications According to Ranges Defined

Number of Barter Applications According to Ranges Defined			
city subject to application (1990-2010)	number of conservation sites (arc. and nat. at all degrees)	no of files (4th range)	no of parcels (4th range)
izmir	716	583	935
mugla	672	399	657
antalya	475	396	714
mersin	305	297	441
canakkale	278	231	688
denizli	151	218	365
balikesir	227	202	306
aydin	120	159	309
istanbul	136	124	189
		(1st range)	(1st range)
ardahan	13	0	0
batman	11	0	0
bayburt	14	0	0
bingol	8	0	0
gumushane	19	0	0
hakkari	2	0	0
sirnak	2	0	0
yalova	5	0	0
siirt	14	0	0
ardahan	13	0	0
ordu	26	0	0
sinop	73	0	0
tunceli	12	0	0

Applications to barter system are separated to four ranges according to their numerical values. ¹¹¹ Each range has different numbers of applications, parcels that applied for and cities. The Table 3.4 presents the cities in the fourth range and the cities from other ranges whose total archeological and natural conservation site numbers at all degrees are approximate to the cities at fourth range; and the Table 3.5 presents the cities mostly applied for barter – range four- and the least numbers – range 1-.¹¹²

The most of applications to barter system are for 9 of the cities – Izmir, Mugla, Antalya, Mersin, Canakkale, Denizli, Balikesir, Aydin and Istanbul – located in the west and south of Turkey according to tables. These cities have also the highest numbers of conservation sites. Also, they are considered in the ‘investment’ oriented approaches’ direction. As it can be seen from the Table 3.4, some cities such as Konya, Sanliurfa, Eskisehir, Sivas, Hatay, Diyarbakir and Tokat have the approximate numbers of conservation sites with the cities stated above, yet their application numbers are significantly low. Herein, it should be considered that, the conservation site numbers presented in the tables are the *total numbers of archeological and natural sites at all degrees* ¹¹³ which means the distribution of 1st and 2nd degree archeological sites and 1st degree natural sites are not equal in spatial terms. But still, when considering the very approximate total conservation site numbers – such as Sanliurfa and Mersin; Diyarbakir and Istanbul; Hatay-Sivas and Denizli-Balikesir; Konya and Mugla etc. - together with the very different numbers of applications; the case can still be explained by regional inequalities exist in society and the speculative attitudes –which is also related with the social inequalities at national and also supra-national scale- to historical and natural heritage.

¹¹¹ See, Appendix B.

¹¹² Table 3.4 and 3.5 are produced from the veri presented in Appendix B and Appendix D. For detailed information about number of application files and parcels according to cities, see Appendix B; and about number and types of conservation sites according to cities, see Appendix D.

¹¹³ Because of the lack of data, in even the archive of Ministry of Culture and Tourism, according to both types and degrees of conservation sites for the scale of cities at the same time, only the numbers of type of them can be presented in the study.

Emergence of First Type of Intermediate Agencies (IA₁)

Either the application reason is subsistence or investment strategy, the common feature of the property owners is their consideration of conservation site concept as a kind of 'victimization' and their 'grievance' about not being able to gain the lost rights on properties. In other words, the stated 'victimization' and 'grievance' are about their not being able to preserve or increase –reproduce or maximize- the current volume of economic capital they accumulated. Although the 'application' does not imply that the cultural property will be 'definitely' exchanged with another property, it is a 'channel' to do so, which is not also a definite and quite way of compensating the property rights even if it would be completed. However, in this first stage of the system, access of every property owners even to the application process includes disparities in relation with the different composition of capitals the owners can accumulate and their different and unequal positions in the both conservation and general power fields. Since every owner's rights on her/his properties can not be compensated fairly by state, this deficiency leads up to *the emergence of intermediate agencies*. This first type of intermediate agencies, takes part in the application stage to the system between the property owner and state organs. Acting –mostly- as a proxy or an attorney who apply for barter and follow up the process instead of the property owner in return for an amount of payment, intermediate agencies (IA₁) emerge as a strategy of running the process for property owners. In other words, property owners who can not follow the process because they can not transmits their limited power in terms of economic and social position in society to this barter process 'meet with' IA₁ for whom the barter process is an economic rent production tool. The 'meeting with' IA₁ is not by chance, but by the organizational structure of them who may act in a city or in more than one city at the same time. The table, in Appendix C of the study, presents 'applicants to the barter system for more than one area by the 'same' applicant'¹¹⁴ in the 9 of cities which have the highest application numbers. From the table, it can be seen this type of IA₁ are more limited to the city boundaries than the type two IA

¹¹⁴ Not all of the applicants presented in the table of Appendix C are proxies or attorneys however, they are not coincidentally the applicants of the system for the properties more than one which located in different conservation sites.

discussed in the next part of the study. They operate mostly in the same city boundaries, yet some of them operate in more than one city.

For the IA_{1S}, the barter process is totally a rent production process in which they can increase their economic capital by using the disadvantageous positions and deficiency of capitals of property owners.

Property owners state that these IA_{1S} 'find' themselves, and present 'consultancy' for the barter system. Although, for state organs executing the barter system, it does not differentiate that the property owners themselves or these agencies apply for this application stage of the system processes, for property owners IA₁ are considered to be a channel to 'deal with' the state organs which considered by disadvantageous property owners that can not be dealt with alone. As these property owners have limited information about the barter process, they can not follow the process individually. Besides, they do not have the economic power to follow the process also. For the property owners, IA_{1S} are a part of strategy of covering the deficient side of their composition of capitals and access the accomplishment of the barter process. That means property owners try to cover their cultural capitals with an amount of economic capital in order to reproduce and increase that economic capital in the end of the process. On the other side, IA_{1S} maximizes their economic capitals by meeting more than number of property owners and their payments in monetary terms, in which they profit by the deficiency of cultural capital of owners, and by contacting some networks, which are parts of their social capitals. In other words, IA_{1S} combines mostly social and cultural capital with an amount of economic capital in order to maximize their economic capital at the end of the process.

ii. Certificate Stage

From the side of users of the system, the certificate stage, coinciding with 'the evaluation and issuing certificate' stage of state organs- that is Ministry of Finance , witnesses the problems in appreciating the prices of the properties by the state organs stated in the procedural frame of the system in the previous part. After the application process, property owners second concern is about the 'equivalence of value' in economic terms and 'equal qualifications' in spatial terms of the cultural property will be exchanged with

new property will be acquired. In the case of different prices exist between two properties; the demands of property owners are that the price difference is paid to them in monetary terms.

The application petitions present the concerns about the values of the properties in economic and spatial terms:

I submit the requisition of reservation of my opposition right for your approval in the case that the barter values appreciated stay under the market price. ¹¹⁵

We became in a situation that we can not utilize and make use of our high valued property. For this reason ... we demand that while the ownership of property belong to us is being transferred to Ministry of Culture, the ownership of the property in (location) is registered in the name of us. We wish the appraisal of values of properties is made by related commission, after then the difference between prices is paid to us.¹¹⁶

If the state of being in 1.degree SITE of my real estate property I stated whose m² above and the state of being restricted of building have become definite; I respectfully submit the requisition of assigning an equal land to me by the way of barter. ¹¹⁷

The certificates are issued by the Ministry of Finance provides a 'possibility' to property owners to acquire a new land. The certificate the value in the certificates may be determined in such a value that the property owners can not participate in tenders or even if she/he participates, the acquired new land may not have the same qualifications with the exchanged cultural property because the higher values of existing property than in the value of the certificate:

¹¹⁵ Part of an application text applied for barter in Mugla, Bodrum in 2008. (Translation belongs to the writer of the study).For detailed text, see application document numbered: 8, in Appendix A.

¹¹⁶ Part of an application text applied for barter in Denizli, Merkez in 1998. (Translation belongs to the writer of the study).For detailed text, see application document numbered: 19, in Appendix A.

¹¹⁷ Part of an application text applied for barter in Mersin, Silifke in 2003. (Translation belongs to the writer of the study).For detailed text, see application document numbered: 26, in Appendix A.

On the conditions of today, in the case of tendering a seafront land, I mean like in the position of our lands, minimum price would be 5-10 billions.¹¹⁸ But, the certificate values of our lands are totally 7 billion plus a few hundredths. The prices of my lands are 4-5 billions. ... As you would appreciate, there are no lands priced 300 or 400 million in any seaside of Turkey, but, as what kind of a sight do the government officers, which appreciate the price locally, use ... (somehow they appreciated low price) ¹¹⁹

Figure 3.6 below presents a sample of certificates issued by Ministry of Finance. These documents can not be transferred to any other person or can not be sold, as it is stated at the lower-left corner of the certificate seen in the Figure 3.6:



Figure 3.6: Sample of Certificate Issued by Ministry of Finance ¹²⁰

¹¹⁸ 5-10 billion in the year 2000 means 5.000-10.000 TL in the year 2010 (with not calculated by inflation levels.)

¹¹⁹ Part of an application text applied for barter in Canakkale, Biga in 2000. (Translation belongs to the writer of the study). For detailed text, see application document numbered: 4, in Appendix A.

¹²⁰ Accessed from: www.sitsertifikasi.com, Accessed date: September, 2010.

Additionally, in the case of the value of bartered cultural property is higher than the new property will be given to the owner, for the difference, a new certificate whose amount is the same as the difference of values is issued by the Ministry of Finance in order not to turn the certificate into cash which can be turn an economic rent production tool. However, even taking this precaution by Ministry of Finance, the certificates are turned into cash and used as a dysfunctional tool, by which the disadvantageous property owners loses in the game, within the emergence of second type of intermediate agencies (IA₂) process which is discussed in the next part of the study.

iii. Tendering Stage

As a final step to acquiring new land of property owners, tendering stage is the most vulnerable field to the unequal positions of the property owners who should participate in tenders of sale of state lands with their issued certificates in order to be able to gain a property. Tenders are arranged by the revenue offices -those local organs of Ministry of Finance-. For sale of treasury properties either the users can offer which property should be tendered or more generally state organ determines the properties those will be sold. Property owners apply to the local organs of state for buying the announced state lands on sale. In the case that there are at least two or more property owners apply for the same property, the process operates according to 'tender' concept, that is the property owner giving the higher price for that property, gains the process. Yet, this simple seen process includes the problem of inequality and justice, in which users already in an advantageous position gaining, while disadvantageous ones have to find other strategies for gaining a new property. Even if it would be a fair tender process, it is operating between unequal actors of both in social frame and in institutional frame. In other words, the inequalities between actors of society or actors-state damage the fairness of the tender concept if it exists. Furthermore, property owners who can not pay the difference of their certificate value and the tendered property can only gain a property whose price is the same value determined but whose other aspects -such as spatial- is not same.

On the conditions of today, in the case of tendering a seafront land, I mean like in the position of our lands, minimum price would be 5-10 billions.¹²¹ But, the certificate values of our lands are totally 7 billion plus a few hundredths, how can we participate in tenders, we don't have economic power to pay the price difference, I don't have capacity to follow this type of business, I can't even follow my own business. We have a wish from you dear authorities. My lands I bought with various dreams are gone, but there are equivalent lands that were subdivided and registered in the name of treasury by General Directorate of Building Land Office ¹²² in this locality that is in the city of Canakkale the county of Biga, in the village of Aksas. From these lands if they are bartered and given to us, we are relieved. Otherwise, in no way our pains can stop, my whole assets are gone. As you would appreciate, there are no lands priced 300 or 400 million in any seaside of Turkey but, as what kind of a sight do the government officers, which appreciate the price locally, use... as a result, we don't want money or certificate in return for our properties.¹²³

This application document stated above implies to more than one problem: **i.** in the certificate value in economic aspect, **ii.** of the powerlessness of participation of tendering period, **iii.** of meeting the difference between certificate and new properties, **iv.** of gaining a new land in the same spatial aspect, **v.** of following the process. Although the petition considers mostly economic rent production oriented purpose of the owner - which is criticized and which is another product of inequalities (both social and spatial) not only in national scale-, it is remarkable in the way of the problems it presents which all lead in the emergence of second type of intermediate agencies.

Emergence of Second Type of Intermediate Agencies (IA₂)

The speculative attitudes to historical and natural properties and both its source and product of social and spatial inequalities together with the gap between the property owners' disadvantageous positions and attitudes that do not concern these problems in society are mainly create problems in general fields but also they are the sources of

¹²¹ 5-10 billion in the year 2000 means 5.000-10.000 TL in the year 2010 (with not calculated by inflation leves and only transforming of the units)

¹²² General Directorate of Building Land Office: Arsa Ofisi Genel Müdürlüğü (Translation is from: www.tureng.com, Accessed date: September, 2010.

¹²³ Part of an application text applied for barter in Canakkale, Biga in 2000. (Translation belongs to the writer of the study).For detailed text, see application document numbered: 4, in Appendix A.

exposure of on the one hand historical and natural heritage being looted and on the other hand reproduction of property owners disadvantageous position in society. Within this process, the emergence of second type intermediate agencies should be discussed.

Two kinds of agencies included in the second type of Intermediate Agencies (IA₂), which differs from the first type (IA₁) in terms of the process they involved, the scale of their interventions and their organizational structure. That means, the first type intermediate agencies emerge in the application process in which their method is by filling the gap between the property owners and state organs acting as proxies while the second type intermediate agencies emerge in the certificate or mainly in tendering period which their interventions are larger scale for both the cultural heritage and property owners. The second type of IA₂ consisting of two kinds of agencies those can be defined as: *i.* in the first kind, the agencies intend to produce economic rents directly by selling the cultural properties in conservation sites for which barter period is started. *ii.* in the second kind, the agencies intend to produce economic rents by buying the certificates issued for the conservation sites from the property owners. Although intend of these two kinds are the same, they differs in the way, which has unique processes, to this purpose.

i. the first kind of agencies, in this period, is taking part on the sale of conservation sites which are particularly in the seashores. Since construction on the 1st and 2nd degree archeological and 1st degree natural conservation sites is prohibited and the barter system is used as a tool for 'attract' the 'buyers'. In the advertisements of sale of conservation sites -presented below-, 'been applied to barter' case presented like an advantage and considerable amounts for the value in economic terms are set for these area:

ANTALYA/KALE/KAPAKLI/SAT.1.DERECE DOĞAL SİT ARSASI-30 DÖNÜM
Emlak Detayı

Fotoğraflar















Fotoğrafları Otomatik Göster

Favorilere Ekle

Hata Bildir

Sayfayı Yazdır

Arşivlerine Göster

Facebook'a Paylaş

İlan No: 106796

3.750.000 TL
Sahil Sit Alanı / Arsa
Antalya / Kale / Kapaklı
(9402055)

İlan Tarihi: 17 Ağustos 2009

Metrekare: 29940 m²

İlgili Belediye: ANTALYA BAYINDIRLIK İ. MÜDÜRLÜĞÜ

Takas: Yapılmadı

Kat Karşılığı: Yapılmadı

Tapu Konusu: -----

Depozito: -----

Detaylı Bilgileri



Gürsoy Emlak Ofisi
KENAN GÜRSOY
Çarşıköy / Merkez

Tel/Fax: +90 (541) 207 22 50
+90 (262) 217 93 75
+90 (532) 207 22 52
+90 (541) 212 99 46

Adres: Karamürşel Mah. Dibek Sok.No.18/C 17100 Çarşıköy
Merkez İlçe Karşıyaka İlçesi
bulunan Kaşık Tabak 3/ Merkez İlçe Çarşıköy İlçesi
İzmirli Dönerciye cad.ara sokak dibek sokak no.18/C | Merkez / Çarşıköy

[Mesaj Gönder](#)
[Ücretsiz Değerlendir](#)

Fiyatı Düşünce Haber Ver

VakıfBank **SanPanjur**

Kred Tutarı: 1012500 TL

Yatı: 60 TL

Faiz: 0.02

HESAPLA

Aylık Kred Tutarı

Ark'denizin Sıcak Menti Mersin



Mersin'in Bir Numaralı Emlak Ofisi

Açıklamalar

kod.101
Antalya kale ilçesi kapaklı köyü hudutları içerisinde bulunan,1.derece doğal sit ve arkeolojik sit alanı olarak ilan edilmiş,kültür bakanlığı ile maliye bakanlığına takas için müraccat edilmiş ve tüm onayları alınmış sadece ankaradaki çevre özel koruma kurulundan harçları yatırılarak son onayın alınmasını müteakip maliye bakanlığından değeri çok yüksek bir başka arazi ile tapu değişimi yapılarak takası yapılacak olan ve bu işlem için tüm sözlü onayları alınmış sadece resmi işlemlerin yapılması beklenen , 1 / 5000'lik ve 1 / 1000'lik haritaları hazırlanarak şu anda çevre özel koruma kurulunda harçların yatırılmasını müteakip onaylanacak olan , maliye bakanlığında onay aşamasını müteakip takası gerçekleştirilecek ve şu ana kadarki tüm masrafları tamamiyle ödenmiş,sadece haritaçılara ödenecek 100.000 dolar ile harç parası için gereken 10.000 tl.lik harç masrafının ödenmesi gereken eskiden sertifika verilen fakat en son yapılan kanun değişikliği sonucu sertifika verme işlemi sona erdiğinden sadece takas yapılacak olması nedeniyle maliye bakanlığının göstereceği değeri aşağıdaki istenen değerden çok daha yüksek olan arazi/arsa takası hakkı elde edilecek alacak olan kişilerin sadece çevre özel koruma kuruluna yatırılacak harç masraflarını (10.000 tl.) ve haritaçılara ödenecek masrafı (100.000 dolar) ödeyecek oldukları , yüksek rakımdan denize ve bulunduğu kaya sıfır cepheli durumda,denmeden motor ile ulaşım mesafesi 20 dakika olan,içerisinde zeytin ağaçları bulunan,bulunduğu yer itibariyle doğal yat limanı koyu özelliğine sahip 29.940 m2.lik 1.derece doğal sit ve arkeolojik sit alanı ve doğal yat limanı arazisi / arsası satılmaktadır.

not: bizim müşterimiz sertifika alma amaçlı değil arazi değerinin çok çok üzerindeki başka bir arazi ile takas için çalışmalarını ve uğraşlarını sürdürmüş ve artık son aşamaya gelinmiştir.sertifika için uğraşmamıştır.sertifika almak isteyen müşterilerimiz kendilerinin uğraşları neticesinde sertifikayı alabilecekler şu anki vaziyette araziyi satın alıp sertifikalarını alabilirler ve bundan sonraki masrafları üstleneceklerdir.

fiatı: 3.750.000 tl + % 3 emlakçı komisyonu.

Figure 3.7: Advertisement 1: 'Natural Site for Sale' in Antalya ¹²⁴

¹²⁴ Accessed from: www.emlakjet.com (a real-estate agency), Access date: June, 2010.

35552-30 06.05.2009

GENEL BİLGİLER

SATILIK SİT ALANI

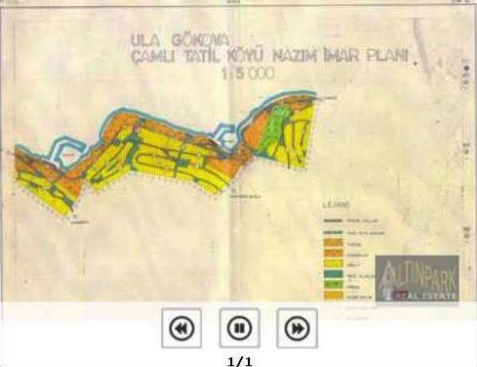
34.500.000 USD

İl : Muğla
İlçe : Ula
Semt : Akyaka

Belediye : Ula
Toplam M2 : 690000 m2

Takas : Takas Yapılır
M2 Birim Fiyatı : 50 USD
Kat Karşılığı : Kat Karşılığı Olmaz

GÖKOVA KÖRFEZİNE SIFIR 690.000 MT2 SİT



1/1

İLETİŞİM

ZAFER KARAOĞLAN

Tel 1 : 0252 243 54 94
Tel 2 : 0532 457 89 05
Gsm : 0532 663 75 83

Adres : Akyaka Beldesi Sahil
Mevki-ZAFER EMLAK- Akyaka / Ula/ Muğla
Muğla / Ula

[Favorilerime Ekle](#)

[? Uyenin Diğer İlanları](#)

[Arkadaşıma Gönder](#)

[Hatalı İlan Bildir](#)

[İlan Sahibine Mesaj Gönder](#)

DETAY

Eşsiz Gökova Körfezinin denize sıfır için de 2 adet marina yapmaya uygun 2 adet koyu bulunan Bitişik 4 parselin toplamında 690.000 mt2 olan 1.Derecede Doğal Sit Alanı.
www.zaferemlakakyaka.com

Figure 3.8: Advertisement 2: 'Natural Site for Sale' in Muğla ¹²⁵

İzmir

Foça/ Atatürk

Satılık Arsa/ Sit Alanı

2.750.000 TL

Metrekare : 4575
Tarih : 05.05.2010

İlgili Bilgileri

 **Servet Vural**
0232.812 70 11
0533.966 88 28

Mesaj Gönder

Durum

Arsa Tipi : Sit Alanı
İlgili Belediye : FOÇA
Ada : 1207-1582
Parsel : 7-12
m2 : 4575
Metrekare Birim Fiyatı : 1000
Metrekare Para Birimi : TL
Kat Karşılığı Olabilir : Hayır

28449 - 23 FOÇA 1.DERECE ARKEOLOJİK SİT ARSASI



Slayt Gösterisi










İzmir Foça İlçesi Atatürk Mahallesi hudutları içerisinde Bulunan, 1.derece arkeolojik sit alanı olarak ilan edilmiş, kültür bakanlığına takas için müracaat edilmiş değeri çok yüksek arazi.

[Yazdır](#)

[Mesaj Gönder](#)

[Arkadaşıma Gönder](#)

[Harita Üzerinde Göster](#)

[Dev Foto](#)

[Video Göster](#)

Figure 3.9: Advertisement 3: 'Archeological Site for Sale' in İzmir ¹²⁶

¹²⁵ Accessed from: www.emlakcenter.com.tr (a real-estate agency), Access date: June, 2010.

¹²⁶ Accessed from: www.focasidemlak.com (a real-estate agency), Access date: June, 2010.

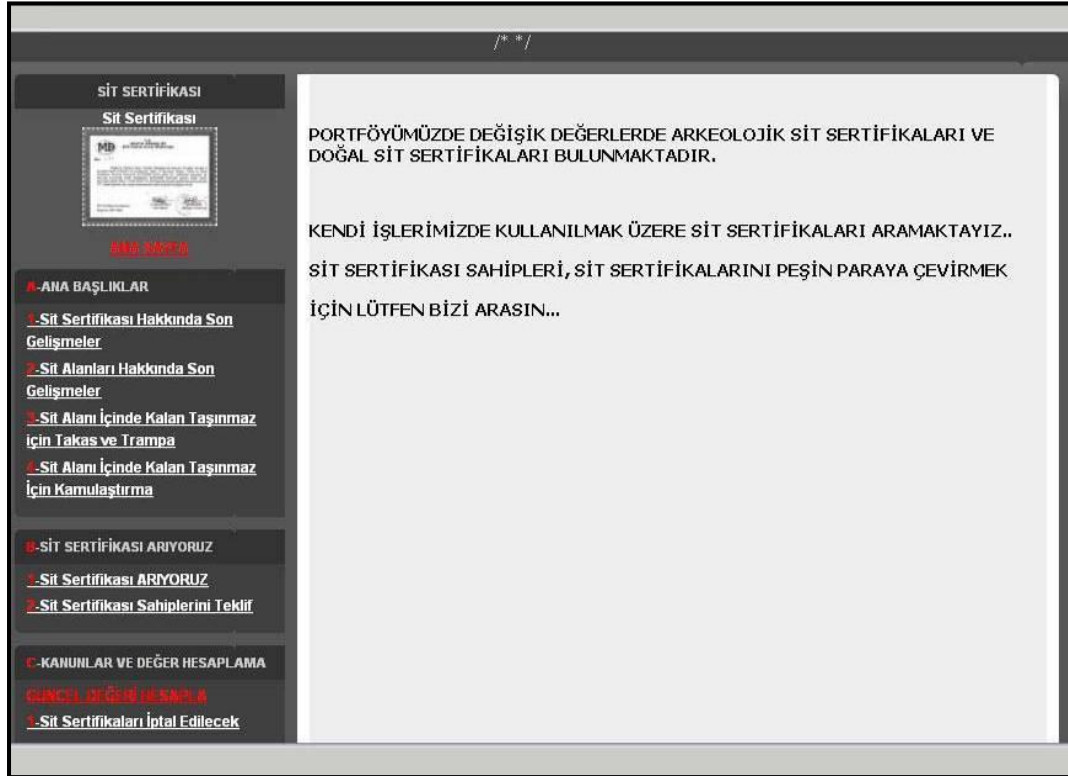
In the Figure 3.7 – Advertisement 1: an advertisement on sale of 1st degree natural conservation site in Antalya, Kale- the expression to attract ‘customers’ is presented as *‘the approval for barter is taken orally’*. Similarly in Figure 3.9 – Advertisement 3: an advertisement on sale of 1st degree archeological site in Izmir, Foca- it has been stated that *‘been applied for barter, high valued land’*. Also the Figure 3.8 - Advertisement 2: an advertisement on sale of 1st degree natural conservation site in Mugla, Gokova- the phase is *‘seafront 1st degree natural site which has 2 coves appropriate for constructing marina’*.

ii. *the second kind of agencies* in tendering period, which emerges as more organized than the IA_{1s}, is a sort of ‘certificate trade’. Since mentioned before, the certificates, those can not be sold or transferred to another person or institution, can only be used in sale of treasury land tenders which every property owner can not access and gain a property instead of their bartered cultural property. An owner should have a knowledge about the tender process, should have relationships and network that provide channels to gain a land in tenders, and should have an amount of economic capital by which she/he pay for the expenditures and by which she/he can compete with other buyers. That means property owners need a composition of mostly cultural and social capital together with economic capital which can provide the accessibility to gain a land in tenders. However, as this kind of composition can not be produced by the owners, property owners – particularly in a disadvantageous position ¹²⁷ in society – need to find strategies to turn that ‘possibility’ of gaining new property and its rights into ‘certainty’ of gaining at least approximate value of the certificate in economic terms. Herein the intermediate agencies emerge directed by their economic rent production aim from conservation sites and treasury lands, offer to pay the property owners an amount of value in some cases in the form of cash and in some cases such as for the great values as installment. The IA_{2s} with their economic capital buy –mostly cheaper than the real value- the certificates of property owners, follow the tendering process with their cultural capital and compete with –if exist- other buyers by their networks –social capitals- and economic capitals also. In other words, in order to maximize their economic capitals in the end, the IA_{2s} use the combination of mostly economic, cultural and social capitals those provide them a

¹²⁷ While the disadvantageousness of an owner cause the lack of this type of combination of capitals and at the same time the lack of necessary combination of capitals cause the disadvantageousness of the owner.

powerful position in the field. With the traded certificate, the strategy is to acquire treasury lands for this second kind of intermediate agencies type two; and to compensate at least economic aspect of the property rights and exchange value of the property to some extent for the property owners.

Yet, stemming from the unequal positions – because of both the unequal ability to the necessary combination of capital- of actors in society, the process of emergence of intermediate agencies is on the one hand reproducing the disadvantageous positions of owners while on the other hand strengthens the speculative attitudes to space and the advantageous position of intermediate agencies.



SİT SERTİFİKASI

Sit Sertifikası

PORTFÖYÜMÜZDE DEĞİŞİK DEĞERLERDE ARKEOLOJİK SİT SERTİFİKALARI VE DOĞAL SİT SERTİFİKALARI BULUNMAKTADIR.

KENDİ İŞLERİMİZDE KULLANILMAK ÜZERE SİT SERTİFİKALARI ARAMAKTAYIZ.. SİT SERTİFİKASI SAHİPLERİ, SİT SERTİFİKALARINI PEŞİN PARAYA ÇEVİRMEK İÇİN LÜTFEN BİZİ ARASIN...

ANA BAŞLIKLAR

- [SİT Sertifikası Hakkında Son Gelişmeler](#)
- [SİT Alanları Hakkında Son Gelişmeler](#)
- [SİT Alanı İçinde Kalan Taşınmaz için Takas ve Trampa](#)
- [SİT Alanı İçinde Kalan Taşınmaz için Kamulaştırma](#)

SİT SERTİFİKASI ARİYORUZ

- [SİT Sertifikası ARİYORUZ](#)
- [SİT Sertifikası Sahiplerini Teklif](#)

KANUNLAR VE DEĞER HESAPLAMA

GÜNCEL DEĞER HESAPLAMA

- [SİT Sertifikaları İptal Edilecek](#)

Figure 3.10: Advertisement 4: 'Cashing the Certificates' ¹²⁸

¹²⁸ Accessed from: www.sitsertifikasi.com, Access date: June, 2010.

35219-54 05.05.2009

GENEL BİLGİLER

SATILIK MUHTELİF ARSA

50.000 TL

İl: İzmir
İlçe: Karşıyaka
Semt: Karşıyaka

Toplam M2: 1 m2

SIT SERTİFİKASI ALINIR

İLETİŞİM

KORAY SAYER

Tel 1 : 0232 382 08 00

Adres : GUN SAZAK (ORDU CADDESİ) BULVARI NO. 28 B KARŞIYAKA İZMİR / Karşıyaka

Favorilerime Ekle ? Üyenin Diğer İlanları Arkadaşına Gönder Hatalı İlan Bildir İlan Sahibine Mesaj Gönder

DETAY

Beş bin (5.000) YTL ile elli bin (50.000) YTL arasındaki sit sertifikalarını peşin alınız. Bu değerler üzerindeki sertifikalarınız için de arayın görüşelim.

EmlakCenter.com sitesinde üçüncü kişiler tarafından girilen gayrimenkul ilanları yayınlanmaktadır. Bu sebeple sitemizde yayınlanan ilanların içeriğinin doğruluğu ve/veya ilanı girilen gayrimenkulün kiralatılması / satılması hiçbir suretle garanti edilmemektedir. Emlak Center ilanları eksik, yanlış veya hatalı olmasından da hiçbir şekilde sorumlu tutulamaz.

Figure 3.11: Advertisement 5: 'Cashing the Certificate'¹²⁹

[Ana sayfa'ya Dön](#)

- ▲ Muğlada Kiralık Konut
- ▲ muğlada sobalı daire
- ▲ muğla kaloriferli daire
- ▲ toki'de daire
- ▲ muğlada müstakil ev
- ▲ muğlada büro dükkan
- ▲ muğlada arsa
- ▲ köteklide arsa
- ▲ ortaköyde arsa
- ▲ düğerekte arsa
- ▲ qulağında arsa
- ▲ kızıltaçta arsa
- ▲ akraovada arsa
- ▲ köteklide dubleks-tripliks
- ▲ karabağlar yaylası
- ▲ ticari emlak

Sit Sertifikası Hususu

" -- Türkiye tarihi açısından dünyanın en zengin ülkelerinden bir tanesidir. Türkiye'nin her köşesinde farklı milletlere ait tarih vardır. Bu sebeple Türkiye topraklarının ciddi bir bölümü ARKEOLOJİK SİT ALANI ve DOĞAL SİT ALANI ilan edilmiştir. Sit alanı içerisinde kalan arsa ve araziler üzerinde (Yapılaşma) imar yasası bulunur. Sit alanında kaldığı için mülklerini kullanamayan vatandaşlara, Millî Emlak Genel Müdürlüğü Taşınmaz İhalelerinde ve de şartnamelerinde belirtilen hazine kaynaklı özel ihalelerde kullanılmak üzere "Sit Sertifikası" adı verilen takasta kullanılan belge düzenlenerek verilir.

Ne yazık ki; sit alanı ve sit sertifikası konusunda yeteri kadar bilgi sahibi olmayan vatandaşlar, bu sebeple mağdurdur. "Sit Sertifikası Satılmaz", "Sit Sertifikası Devredilemez" Ellerinde sit sertifikası bulunan vatandaşlar bu konuda tam bilgi sahibi olmadıkları için onlara ne söylenirse inanmakta ve aldatılmaktadırlar "

Mete Kalay Emlak Ofisi, Sit Sertifikası, takas ve ihaleler konusunda "ÜCRETSİZ" danışmanlık hizmeti vermektedir.

Mete Kalay Emlak Ofisi olarak 1. arkeolojik sit alanında kalmış, sertifikası bulunan gayrimenkullerinizi peşin para ile değerlendirebilirsiniz.

Kendi yatırımlarınızda kullanılmak üzere; sit sertifikası talebimiz bulunmaktadır.

ELLERİNDE SİT SERTİFİKASI BULUNAN KİŞİLER, LÜTFEN BİZİ ARAYIN... 0 532 350 1444 - 0 505 610 4999

Ellerinde 1.derece arkeolojik sit sertifikası bulunan kişi yada kurumlar ellerinizdeki 1.derece arkeolojik sit sertifikalarınızı değerlendirmek için lütfen bizi arayınız...

Figure 3.12: Advertisement 6: 'Cashing the Certificate'¹³⁰

¹²⁹ Accessed from: www.emlakcenter.com.tr (a real-estate agency), Access date: June, 2010

¹³⁰ Accessed from: www.metekalay.com, Access date: June, 2010.

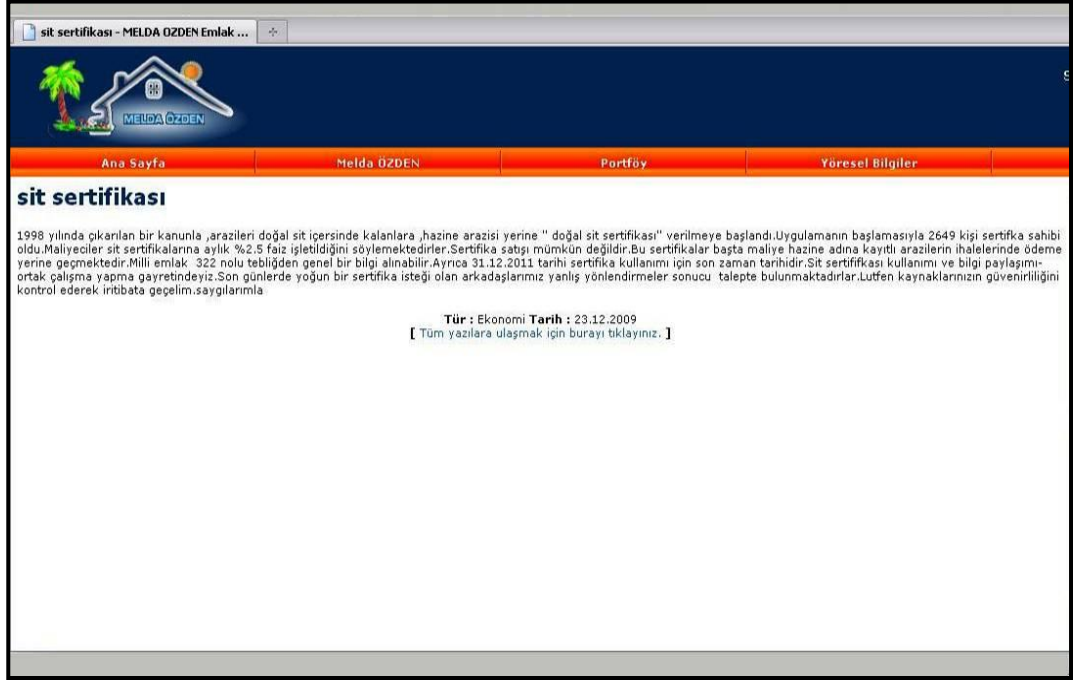


Figure 3.13: Advertisement 7: 'Cashing the Certificate'¹³¹

In the Figure 3.10 – Advertisement 4- an offer is being made by an intermediate agency as:

There are archeological and natural site certificates at different values in our portfolio. We are searching for site certificates in order to use them for our works. Property Owners, to cash your certificates, please call us.

As another advertisement, in Figure 3.11 - Advertisement 5- offers:

Your certificates valued between 5.000 YTL ¹³² to 50.000 YTL are paid for cash. For your certificates valued above these amounts, call us, we talk.

Second type of intermediate agencies in competitive behaviors, claiming being the only confidential consultant and serving this free, 'warn' property owners in order not to 'believe' the other agencies. In the Figure 3.12 -Advertisement 6- property owners are tried to be persuaded about:

¹³¹ Accessed from: www.meldaozden.com, Access date: June, 2010

¹³² 5.000 YTL to 50.000 YTL is 5.000 TL to 50.000 TL in the year 2010.

Unfortunately, citizens are aggrieved since they don't have enough information about conservation sites and site certificates. 'Site certificates can not be sold', 'Site certificates can not be transferred' citizens who have site certificates believe whatever they are told and they are cheated as they don't have full information. The Mete Kalay Real Estate Agency provides 'FREE' consultancy service on site certificates, barter and tenders.

The other figure, Figure 3.12 -Advertisement 7- property owners are alerted about:

It is not possible to sell the certificates ... we endeavor to work collectively and share information on usage of site certificates. In the recent days, friends who have strong demand of certificate are demanding as a result of misleading. Please control your sources and contact us. Best regards.

As can also be seen from the advertisements above, the IA2s produce rents and gain in the field by using both the lack of knowledge of property owners about the process –deficiency of cultural capital- and the need of preserving the value of the cultural properties subject to barter of property owners –reproduction of economic capital. However, while the IA2s maximizing their economic capital, the property owners are either partially or totally –which differs according to their positions in the field- loses within the rules of this process.

3.2.3 Tensions between State and Property Owners, Deepening Inequalities and Social Justice Problem

Barter process discussed up to 2009 includes and produces tensions and conflicts both among property owners and state and governments; reactions against state and its organs. In the rules, of the both conservation field and barter process offered by state, property owners' strategies, in relation with their habitus and composition of capitals, can not provide them the channels to even preserving their existing capitals. Particularly for property owners who are in disadvantageous positions in the field, this process reproduces their position, while reproduces the advantageous ones' positions as well. Therefore, the inequalities, causing tensions and conflicts, not only remain but also deepen in the field.

In this part of the study, these tensions/conflicts/problems are discussed by mainly based on property owners' statements on their positions, thoughts, complaints and strategies by presenting: **i.** tensions and reactions to state, **ii.** hopes from juridical process against state, **iii.** demands for solution from state, **iv.** suffering from absence of KAİP, **v.** existing and deepening poverty, **vi.** existing and deepening injustices.

It should be noted that these statements of owners are all the parts of indicators that the property owners already in disadvantageous position are the ones who are mostly negatively affected in the field.

i. tensions and reactions to state

Property owners, who can not find a solution to their restricted property rights in barter process, produce reactions to state in the forms of decreased both trust to state and its organs and decreased sense of confidence in their life together with blaming not the system but the state, its organs at central and local scale and governments with the barter process ruled by state. Since they are not organized, these reactions stay in the level of complaints and are not turned into direct actions, yet they are definitely mentioned in the application petitions send to Ministry of Culture and Tourism as a strategy. These reactions to state are about both the rules produced by state and actually about the owners' disadvantageous position, which they consider that stemming from the rules, in the field. The application forms below from the owners who want to change the rules, but have not power to change them:

What will happen now? Send title deed to Izmir Metropolitan municipality directorate of construction and urbanism, then forget it. Someone dirties. When someone dirties, someone cleans. Oh nice country, nice law, nice order. May Allah make us never miss ¹³³ the ones who make such laws. As long as they live, lots of troubles don't miss us. Again, in few, I don't know, I don't have any hope. I wonder how many years take this barter, that's unclear too. This is such a pest, bravo for the one solve this. ¹³⁴

¹³³ Allah başımızdan eksik etmesin: May Allah make us never miss (Translation belongs to the writer of the study.)

To whom will I report my rights? Municipalities, governorships, professional organizations, chambers, non-governmental organizations? ... field is too large, ball is too small, hit until you tear the ball!

...

This Ministry, the ones who cause this ... you make my family blind. The one who cause this, come and heal my family's eye. I'm craven if I don't lick his boots. Since ... he became professor I sharpen his character! Sincerely yours. ¹³⁵

Ok, land has gone from my hands, it is obvious, this is law. Nothing to be done, we've chosen deputies, we'll lump it! ¹³⁶

As I sated in my petition dated 1998, you, being the State, have grabbed my land in my hands, my only title deed, which I've obtained for my whole life, by law in the end of my life. Bon appétit! ¹³⁷

Dear Minister, in which country of the world does a government which confiscates the properties of its people and causes suffering of them for all these years exist? ¹³⁸

We always keep our trust and respect to State. But, when we drive even a nail to our neighbour, State opposes us saying that 'there is conservation site'. We go to court to court. We were tried in High Criminal Court ¹³⁹ for building a primary school in 1998. We constructed a mosque in 1995; again we are being tried still. Every child born here is being born as a criminal against State. Because this child needs a house. ¹⁴⁰

¹³⁴ Part of an application text applied for barter in Izmir, Menemen in 2008 (Translation belongs to the writer of the study).For detailed text, see application document numbered: 9.1, in Appendix A.

¹³⁵ Part of an application text applied for barter in Izmir, Menemen in 2009 (Translation belongs to the writer of the study).For detailed text, see application document numbered: 9.2, in Appendix A.

¹³⁶ Part of an application text applied for barter in Izmir, Menemen in 2009 (Translation belongs to the writer of the study).For detailed text, see application document numbered: 9.3, in Appendix A.

¹³⁷ Part of an application text applied for barter in Antalya, Kale in 1999 (Translation belongs to the writer of the study).For detailed text, see application document numbered: 13, in Appendix A.

¹³⁸ Part of an application text applied for barter in Mugla, Datca in 2004 (Translation belongs to the writer of the study).For detailed text, see application document numbered: 17.2, in Appendix A.

¹³⁹ High Criminal Court: Ağır Ceza Mahkemesi (www.zargan.com)

¹⁴⁰ Part of an application text applied for barter in Denizli, Merkez in 1999 (Translation belongs to the writer of the study).For detailed text, see application document numbered: 20.1, in Appendix A.

ii. hopes from juridical process against state

At least to taking a more step further than mentioning their reactions with a hope to show the awareness of 'chance' to apply juridical process, as a strategy, property owners, regarding the laws above state, express that 'they have a tool against state, which is legal actions':

I inform you that I request my property to be taken into barter programme or be expropriated; otherwise I will take legal action. Yours, truly.¹⁴¹

I submit reservation of my rights in the event that barter values left under the market price.¹⁴²

Consequently, I submit by proxy, ... property to be bartered by a treasury land that is in the same type and quality which are determined with due form. If those will not be performed, we request you to provide necessary ways for renting this property to us; otherwise we inform you that we will take all necessary legal actions.¹⁴³

I'll resort to all authorities and media by telling this issue in order to redress my grievance in the case that I don't get a positive response from you.¹⁴⁴

iii. demands for solution from state

Demands of property owners from state are on the one hand a hope for production of a solution to their problems in the barter system and on the other hand being 'taken seriously' by the state, its organs and governments. In addition, as the authorization areas of institutions on conservation tools, such as planning, are conflicting and overlapping, property owners also need the definition of the areas of authorization –which are not clear

¹⁴¹ Part of an application text applied for barter in Mersin, Silifke in 2009 (Translation belongs to the writer of the study).For detailed text, see application document numbered: 7.2, in Appendix A.

¹⁴² Part of an application text applied for barter in Mugla, Bodrum in 2008 (Translation belongs to the writer of the study).For detailed text, see application document numbered: 8, in Appendix A.

¹⁴³ Part of an application text applied for barter in Mugla, Fethiye in 2004 (Translation belongs to the writer of the study).For detailed text, see application document numbered: 10.2, in Appendix A.

¹⁴⁴ Part of an application text applied for barter in Nevsehir, Urgup in 2000 (Translation belongs to the writer of the study).For detailed text, see application document numbered: 35, in Appendix A.

even for state organs themselves- together with that 'being taken seriously' request. These applications show the aim of being 'visible' to state and its organs in order to be solved of their problems:

Our own land has been registered as conservation site by certain Institutions. Reconstruction permit is not being given to us, our land is not being expropriated, and also difficulties are being raised for bartering our land. If you were, what would you do in such a case? ... Even any way is been led for solution.... In such a case that barter won't be done, ... what can we do? Which authority is competent for this? By which institution the reconstruction permit is given to the areas that are out of development plan borders? Which authority will be pay attention to us?¹⁴⁵

Why have we been aggrieved up to this point although we have title deeds registered in the name of us in this country we live? Why does no one care us, yet in such an era that mistakes, grievances should be corrected? We can't get information even about how we can follow our business from Government Agencies.¹⁴⁶

I want to be informed that when my properties will be bartered. Please, I'll be glad if you response and tell what I can do. ¹⁴⁷

iv. suffering from absence of KAİP

The conflict of setting the condition of production of 1/1000 scaled conservation oriented development plan for the conservation site the cultural property located in, results in suffering of property owners from a reason apart from them and from a reason that property owners actually are not involved. Herein, the production of KAİPs for the purpose of barter at parcel and unit scale becomes a 'privilege' to the advantageous property owners who can make KAİPs being produced by the channels of their combination of economic and cultural capital but particularly their combination of social and symbolic capital as well. Such a process leads, transformation of a *public right*, that is

¹⁴⁵ Part of an application text applied for barter in Mugla, Datca in 2007 (Translation belongs to the writer of the study).For detailed text, see application document numbered: 16, in Appendix A.

¹⁴⁶ Part of an application text applied for barter in Mugla, Datca in 2004(Translation belongs to the writer of the study).For detailed text, see application document numbered: 17.1, in Appendix A.

¹⁴⁷ Part of an application text applied for barter in Aydin, Yenihisar in 2010(Translation belongs to the writer of the study).For detailed text, see application document numbered: 23, in Appendix A.

production of KAİPs, which should be served to every people in society, *to a privileged right* for the property owners whose cultural property is by chance in the borders of 1/1000 scaled KAİP and more significantly for the property owners who are advantageous in terms of power, which enable the production of KAİPs with an attitude that includes almost only their property:

In the year 2003, according to a regulation prepared by Ministry of Finance, General Directorate of National Property, 1/1000 scaled plan is additionally requested from us. You see, all our grievances have started from this point. Ministry of Finance said that this type of plan is not prepared by them; it should be prepared by Ministry of Culture. Ministry of Culture said that the plan should be prepared by Ministry of Environment, Environmental Protection agency for Special Areas. We learned, from the documents supplemented, that this institution doesn't prepare plans other than 1/25000 scaled. We communicated Chamber of City Planners and Directorships of Public Works and they stated that 1/1000 scaled plans are prepared for the areas those will be developed or built-up in the borders of Municipalities, but in our land there's not housing on any accounts. So they don't understand why 1/1000 scaled plan is requested from us. They mentioned that this issue should be transmitted to the authorities of Directorate of National Property. Both Ministry of Finance and Ministry of Culture have given short and unclear replies to our correspondences at this stage.¹⁴⁸

Now, barter won't be done, for expropriation there's no budget...what if there's no Conservation Oriented Development Plan? We don't have power to make that plan to be prepared. ¹⁴⁹

v. existing and deepening poverty

The barter system is justified as a tool for compensating restricted property rights of owners, in which the attitude is seem to be give rights taken away from owners back to them. By this way, the poverty existing in society may not be disappear – which is not the purpose of the barter in fact- but the reproduction of the poverty and unequal positions of owners should have not been triggered at least. Yet, the process deepens the disadvantageous position of the owners by failing -due to presenting the system as if all

¹⁴⁸ Part of an application text applied for barter in Mugla, Datca in 2004 (Translation belongs to the writer of the study).For detailed text, see application document numbered: 17.1, in Appendix A.

¹⁴⁹ Part of an interview with an applicant applied for barter in Izmir, Cesme in 2010. (Translation belongs to the writer of the study).See interview text numbered: 37, in Appendix A.

owners are in equal positions/conditions, as if the system distributes chances/channels accessible to them and as if the system is not vulnerable to the struggles of unequal actors- of compensating the lost rights - which are the only sources of subsistence – or only source of economic capital- for those property owners. The applications from mostly property owners, whose the only source of economic capital is the cultural property that is not bartered within the rules of the system, below indicate the existing and deepening poverty in society:

I forgot to cancel the registration of craftsman when I retired. I paid one billion fines. They said why you forgot. You're honest. Today being honest is counted as an offense. Because law is so. Laws are legislated such a way that all the time rich, aga ¹⁵⁰, pasha ... Any way you slice the law, poor is crushed, poor is cringed. Rich steals mountain, poor loses in flat, because poor doesn't have money in his pocket to give the advocate. He will go to dentist, but again he doesn't have money. Why doesn't he have? Case is obvious. Aleppo there, archine here. ¹⁵¹ Hit as much as you can. ¹⁵²

We can't buy a house from new development areas or built a new one because of economic impossibilities. As we can't build a house on a land, since we don't have financial power, if our house is bartered with a land by our State, we demand to be considered this situation. Besides as we are farming we demand to be bartered with a property within the borders of Cavdarhisar. ¹⁵³

Efendi ¹⁵⁴, I'm a diabetic patient born in 1950 in Konya Aksehir. I'm an unskilled laborer, fired person. There's not a place I haven't applied for 10 years. Museum of Ankara, Konya and Aksehir say that they don't have authority and there's nothing that they can do. Is it easy to live, you know, an unemployed and sick man in such a place in Istanbul. I don't have an income from anywhere. I've two boys and a daughter. They're unskilled and uneducated too. What I will say to you, it said that demolishment, building, residence are forbidden in my village as it is museum. It becomes ruined inside the village. But still barter is not done. When I back to my village, neighbours help me ... as I don't have a house in my

¹⁵⁰ 'Aga' means 'landlord'. Yet, it is used as 'master' in this statement.

¹⁵¹ Aleppo there, archine here (Halep orda arşın burda):'Put your money where your mouth is' (www.tureng.com)

¹⁵² Part of an application text applied for barter in Izmir, Menemen in 2009. (Translation belongs to the writer of the study).For detailed text, see application document numbered: 9.2, in Appendix A.

¹⁵³ Part of an application text applied for barter in Kutahya, Cavdarhisar in 1998. (Translation belongs to the writer of the study).For detailed text, see application document numbered: 33, in Appendix A.

¹⁵⁴ 'Efendi' means like 'Sir'.

village I have no place to sit. When I go to my village my house is ramshackle. I can't nestle in peoples' house. Give a house instead of mine. Or I've bought a land years ago when I fired from job. Built house in that land, I've no money to build. Either barter or built a house for me.¹⁵⁵

Dear authority, I'm a 74 years old citizen who retired from BAĞ-KUR.¹⁵⁶ I've a house in (name) neihgbourhood that proclaimed as site by your institution, in Urgup. Last 20 years neither anyone can sit in this house nor an operation of construction or recondition nor sale can be made in this house, nor any process can be made by any institution. Because of these restrictions the joinery and side elements of house is already stolen, broken, and ravaged. I, being a person maintaining his family in Ankara with 70 TL retirement pension, want to sell, to emendate, and to make reusable this house. And this is my last chance to live humanlike. I've been undergoing eye operation for last two months. The first operation was unsuccessful; one of my eyes is blind now. You know, BAĞ-KUR delays payment of these for 5-6 months, I've to pay and now I've to undergo one more operation. I mean, I densely need money and my one and only hope is that house.¹⁵⁷

vi. existing and deepening injustices

Being in relation with the existing and deepening unequal positions of different actors in society the injustices are increasing in property owners by the barter process. As the system's rules presented are vulnerable to possibility of changing the conditions set by state and creating new ones in favor of advantageous position by actors and by power relations in most of the stages -such as in registering a cultural property as conservation site which are not applicable in practice-; social justice problem increases together with the widening sense of injustice among society in general and among the property owners in particular. The realization and mentioned sense of injustice are expressed by the owners as following:

¹⁵⁵ Part of an application text applied for barter in Konya, Aksehir in 2003. (Translation belongs to the writer of the study).For detailed text, see application document numbered: 34, in Appendix A.

¹⁵⁶ BAĞ-KUR (Esnaf ve Sanatkarlar ve Diğer Bağımsız Çalışanlar Sosyal Sigortalar Kurumu): Social Security Organization for Artisans and the Self-Employed. (www.tureng.com)

¹⁵⁷ Part of an application text applied for barter in Nevsehir, Urgup in 2000. (Translation belongs to the writer of the study).For detailed text, see application document numbered: 35, in Appendix A.

State is paying loads of money to intruders on its land. I've paid loads of money for here; State doesn't do anything for us, what kind of action is this? ¹⁵⁸

For God's sake, send my this petition to the ones who deals with, who dirties this job. The ones who beware of Allah don't dirty every side of stick; they leave one side to hold it. See here! I have born in 1934... I'll run amok. What kind of justice is this? What kind of fairness, justice, human rights? ¹⁵⁹

We can not plant even an olive tree, but, there's an illegal restaurant in the parcel near us. They're making money from there for many years. What kind of business is this? ¹⁶⁰

3.3 CONCLUDING REMARKS

In order to discuss the formal and informal rules of the barter system in the field, this Chapter presents the legal and procedural frame of the barter system. In addition, the positions defined for the actors in the field and their informal rules; their maximization of capitals or even not able to preserve the existing capitals are presented.

In the first part (3.1) of the Chapter, the formal rules of the system in field are introduced by discussing the legal and procedural frame of the barter system. This part includes the emergence of the system and first two periods of the barter system those produce the same conflicts with the third- tendering- period of the system. Hence, in the second part (3.2) of the Chapter, as the tendering period involve the previous two periods' problems and produce additional dramatic ones, this period and its process are discussed i. from the step of proclamation of an area as conservation site ii. to an actor's probability to gain a new land stage; iii. also the outcomes of the process are discussed in this second part:

¹⁵⁸ Part of an interview with an applicant applied for barter in Izmir, Cesme in 2010. (Translation belongs to the writer of the study).See interview text numbered: 37, in Appendix A.

¹⁵⁹ Part of an application text applied for barter in Izmir, Menemen in 2009 (Translation belongs to the writer of the study).For detailed text, see application document numbered: 9.2, in Appendix A.

¹⁶⁰ Part of an interview with a property owner applied for barter in Antalya, Alanya in 2010. (Translation belongs to the writer of the study.) See interview text numbered:41, in Appendix A.

i. the proclamation of an area as conservation site (*in part 3.2.1*) is the first step that the unequal positions of the actors produce different consequences for those actors in the field. As the proclamation step is vulnerable to political relations, the decisions of proclamation are subject to speculations and pressures from actors. Apart from the dominant actor state, the actors whose mostly social capital volume is dense in the composition of her/his capitals, can access the channels of affecting the decisions on site borders or degrees of sites.¹⁶¹ However, for the disadvantageous property owners who can not access those power relations, the proclamation process involves injustices. As a strategy, these owners apply for the modifications on site borders or degrees with official petitions because another channel is not open. Furthermore, for these actors, the accessibility of the information about being or not in a conservation site of their properties contains problems. That is to say, property owners can not produce strategies about their limited property rights –which are parts of their economic capital- due to lack of knowledge –which are parts of cultural capital - on their cultural properties.

ii. the tendering period (*in part 3.2.2*) of the system from the side of property owners contains: a. application stage, in which first type of intermediate agencies -IA_{1s}- emerge; b. certificate stage and c. tendering stage, in which second type of intermediate agencies - IA_{2s}- emerge. The intermediate agencies emerge at the points in which property owners can not combine the necessary forms of capital and can not either follow the barter process or can not accomplish the process with gaining a new land. In application stage, property owners' mostly cultural capital deficiencies are filled by IA_{1s}, who combine their cultural and social capital to produce economic rents from this deficiency of property owners.¹⁶² Furthermore, in tendering stage, at the point that the property owners can not provide the necessary combination of mostly cultural and social with economic capitals, the IA_{2s}¹⁶³ emerge with their combination of mostly economic, cultural and social capitals.

¹⁶¹ See the example of 'mayor' in the 3.2.1 part of this Chapter.

¹⁶² For the discussion, see the part of 'Emergence of First Type of Intermediate Agencies' in 'i. Application Stage' in 3.2.2.1 part of this Chapter.

¹⁶³ For the discussion, see the part of 'Emergence of First Type of Intermediate Agencies' in 'iii. Tendering Stage' in 3.2.2.1 part of this Chapter.

These deficiency or fulfillment of combination of capitals reproduce the disadvantageous position of owners and produce an advantageous position to IAs.

iii. the outcomes (*in part 3.2.3*) of the process involve the conflicts and problems in the form of speculative attitudes to historical and natural conservation sites in the registering and proclamation process; in the form of both subjecting and producing the political pressures of politicians and bureaucrats; in the form of accessibility problem and rent oriented agencies appearance in the application process; in the form of decreasing legitimacy and increasing conflicts of conservation oriented development plans; in the form of transformation to a rent production tool of certificates; in the form of arising injustices in tendering period and decreasing low possibility of acquiring new land of property owners; in the form of being formulated of new rules in the system by both the state formally as a policy and other actors informally; in the form of producing reactions of property owners to state, to its organs, to governments, to politicians and to conservation site concept together with the conservation concept itself and in the form of deepening and widening the inequalities, poverty and injustices in society are arrived for the system up to 2009.

By discussing mostly the third –tendering- period of the barter system with frame that the concepts and theory of Bourdieu provide, in the informal rules of the field fed by the formal rules, set by state, of the game, the property owners loses while the IAs gains. For this reason, the property owners' who are in disadvantageous position demands are in the way of changing these rules, while the actors in advantageous position do not. For intermediate agencies, these rules should be defended as long as they gain in the field. After February 2009, as a dominant actor in decision making, the state has defined new formal rules which cause emergence of new conflicts discussed in the next chapter – Chapter 4- of the study.

CHAPTER 4

CHANGING RULES: ARISING NEW FORMS OF CONFLICTS AFTER 2009

This chapter focuses on the fourth (and last) period – abolishment period: starting from February 2009 to December 2010- of the barter system and introduces amendments in legal frame, discusses new barter system for state and for property owners, analyzes the adaptation of intermediate agencies introduced in the former chapter –Chapter 3- to the new rules of the new game, presents -recent and probable- arising of new forms of conflicts in the field.

This fourth period starts with the ‘annulment of certificates’ and includes the preparation stage for the new regulation and implementation process of new regulation for about 7 months. Within these 7 months any implementation of applications are not completed yet. Hence, the number of performed and completed barter implementations of the new period can not be presented in comparison with the tendering period of barter system in terms of numbers. However, in the new regulation of barter system in this recent period, the complication of application conditions to barter and, dependent to that, the decrease of areas and properties appropriate for barter according to new rules point out that the number of accomplished barter applications will notably diminish with the new barter system.

The first part of this chapter introduces the legal and procedural process of the abolishment –recent- period of the barter system including the process from the side of the users together with the recent and probable conflicts. The second and last part of the

chapter that is concluding remarks, the focus is on the effects of changing rules of the system differing from the previous tendering period.

4.1 ABOLISHMENT PERIOD – FOURTH PERIOD– OF THE SYSTEM

The last period in barter system has begun in the year 2009, with the ‘annulment of certificates’. Although ‘issuing certificate’ rule is the main rule changed in this last period by state, the essential change is the complication of application rules to the system. In other words, in the abolishment period, the application channels of property owners to barter system are limited and complicated with the new legal arrangements put into force since May 2010. Besides, in addition to the application rules, the stage of ‘gaining new land’ is not definite and clear in the new barter system, after the period of definite rule of using certificates and tendering.

The problems arising in the implementation of new rules are not officially/formally set by the state organs such as Ministry of Culture and Tourism and Ministry of Finance and their local organs within the seven months, in which the new rules are been implemented. Therefore, the strategies of state in the face of arising new problems and conflicts in the barter system and the formal solutions that will be offered by state are not specified yet.

Within this first part of the chapter, the recent legal and procedural frame of barter system and barter from the side of users in abolishment period are presented.

4.1.1 Recent Legal and Procedural Frame

In the legal frame, two stages can be defined for the recent legal and procedural frame: *the first stage* is a ‘preparation stage’ to new rules and *the second stage* is the ‘activation stage’ of new rules. Rearrangements in barter system has been started by the Law 5338 –put into force in February 2009- which cancels the 6th Article of the Law 4706 that was the legal base for ‘issuing certificates’ for barter. With this first action, the issuing certificate rule is abolished in barter system which represents the end of ‘tendering period’.

As the first stage – preparation stage- for the certificates, had been issued until the date of February 2009, a deadline for using the certificates has been determined by the General Communiqué Numbered 322. According to General Communiqué Numbered 322, the certificates had been issued for the areas that were bartered can be used until the date of December 2011. In other words, property owners who have a certificate issued in the tendering period of barter system for their properties, in the 1st or 2nd degree archeological sites or 1st degree natural sites, have a formal right to use those certificates until December 2011. The unused certificates will be cancelled by December 2011 and the property owners who do not use their certificates by the deadline, the barter process will end for them without been compensated of their property rights.

The second stage –activation stage- consists of two parts: in the first part –from July 2009 to May 2010- the new rules are determined and arranged by the Law 5917 and in the second part –has been started in May 2010 and ongoing - the implementation of new rules has been started with the coming into force of the Regulation based on the changed Article of the Law 2863 that rearranged by the Law 5917. As the first part, after the annulment of certificates; the beginning of abolishment period of barter system has been represented by the 24th Article of the Law 5917 that rearranges the paragraph (f) of 1st item of article 15 of Conservation Law Numbered 2863 ¹⁶⁴. The barter system has been redefined by this rearrangement in Conservation Law 2863 and new rules have been put into force. According to these new rules:

- i. *existence of KAİP rule*: for the conserved area where applied for barter a 1/1000 scaled and approved KAİP should have been produced;
- ii. *block based application rule (collective application condition)*: all property owners of unit parcels whose properties are in the same block should apply for barter together;
- iii. *exception rule*: for the areas where scientific excavation exists with the permission of Ministry of Culture and Tourism, the first two rules –existence of KAİP and block based application rules- are not a requirement.

¹⁶⁴ For the full text of ‘the paragraph (f) of 1st item of article 15 of Conservation Law Numbered 2863’ which is the last amendment and recent legal frame in barter system, see Appendix E.

- iv. *disapproval of subsequently-acquired properties*: for the properties acquired after the area is proclaimed as a conservation site, the barter applications are disapproved.

Production of the Regulation, which is legal requirement for implementation of these rules, lasted for about one year. From July 2009 to May 2010, although the rules were put into force, any barter implementation can be performed on the occasion of lack of the Regulation. As the second part of activation stage, the Regulation ¹⁶⁵ is put into force in May 2010. According to the Regulation:

- i. existence of KAİP rule;
- ii. block based application rule;
- iii. exception rule;
- iv. disapproval of subsequently-acquired properties;
- v. disapproval of properties located in the overlap areas with other types of conservation in the province of other central public institutions other than Ministry of Culture and Tourism and their Laws and some other local organs such as the areas that municipalities should expropriate. ¹⁶⁶

Within these stated rules above, second (ii), third (iii) and fourth (iv) rules are the main amendments of the Regulation and the first (i) and fifth (v) rules were in force in the previous period –tendering period- of the barter system without involving by the previous Regulation but as rules those arranged by the General Communiqués. The

¹⁶⁵ ‘Regulation on Exchange of the Properties in Conservation Sites with Treasury Properties’ published on 22 May 2010 dated/27588 numbered Official Gazette.

¹⁶⁶ The situation of overlap of different conservation types:In the 4th Article of Regulation, when the cultural properties in 1st and 2nd degree architectural and 1st degree natural sites are at the same time located in for instance , Special Areas of Environmental Protection (Özel Çevre Koruma Alanı-ÖÇK, in province of Ministry of Environment and Forest) or National Parks (Milli Park, in province of Ministry of Environment and Forest), or Military and Prohibited Zones(Askeri ve Yasak Bölgeler, in province of Ministry of National Defence) etc. For Municipalities, when the cultural property located in the parks, recreation areas, parking lots or roads in Development Plans, the application for barter is disapproved since those areas in province of Municipalities and should be expropriated by them.

This rule was in force within tendering period of barter system also, but it was not involved in the previous regulation of tendering period. (See footnotes 87 and 89).

Within the abolishment period, these rules are regulated by the Regulation published on 22 May 2010 dated/27588 numbered Official Gazette.

involvement of existing implemented rules in the new Regulation and arrangements of new ones in addition imply that the new Regulation is on the one hand an empowering of the previous dispersed legal arrangements and on the other hand has the power to add more complicated rules parallel with the state policy.

Table 4.1: Rearrangements in Barter System After 2009

Rearrangements in Barter System After 2009		
Years	Arranged By	Arranged Field in Barter System
February, 2009	Law No: 5838	- Annulment of certificate – end of tendering period: (The 6 th article of Law Numbered 4706 is annulled by the item 17/(b) of the 32 nd article of Law Numbered 5838)
April, 2009	General Communiqué No: 322	- Arrangement on validity of antecedent certificates: the antecedent certificates are valid through 31.12.2011; new certificates will not be granted
July, 2009	Law No: 5917	- <i>Abolishment period (fourth period)</i> : Complication of system: application to barter and acquisition of new land requirements/conditions are changed. (The paragraph (f) of 1 st item of article 15 in Law numbered 2863 is annulled by the 24 th article of Law Numbered 5917)
May, 2010	Regulation ¹⁶⁷	- Arrangements of implementation of new barter rules based on the Law No 2863

Recent Procedural Frame of Barter System in Abolishment Period

Within these legal amendments in barter system since 2009, the barter process has been complicated and the channels of compensation of property rights of the owners are more

¹⁶⁷ 'Regulation on Exchange of the Properties in Conservation Sites with Treasury Properties' published on 22 May 2010 dated/27588 numbered Official Gazette.

limited. In abolishment period, barter system consists of two stages as in the tendering period of the system.¹⁶⁸ The process includes *application and evaluation stage* whose executive state organ is General Directorate of Cultural Heritage and Museums under Ministry of Culture and Tourism and *evaluation and not issuing certificate but determining price stage* whose executive state organ is General Directorate of National Property under Ministry of Finance.

¹⁶⁸ See 3.2.2 part of the Chapter 3 of the study.

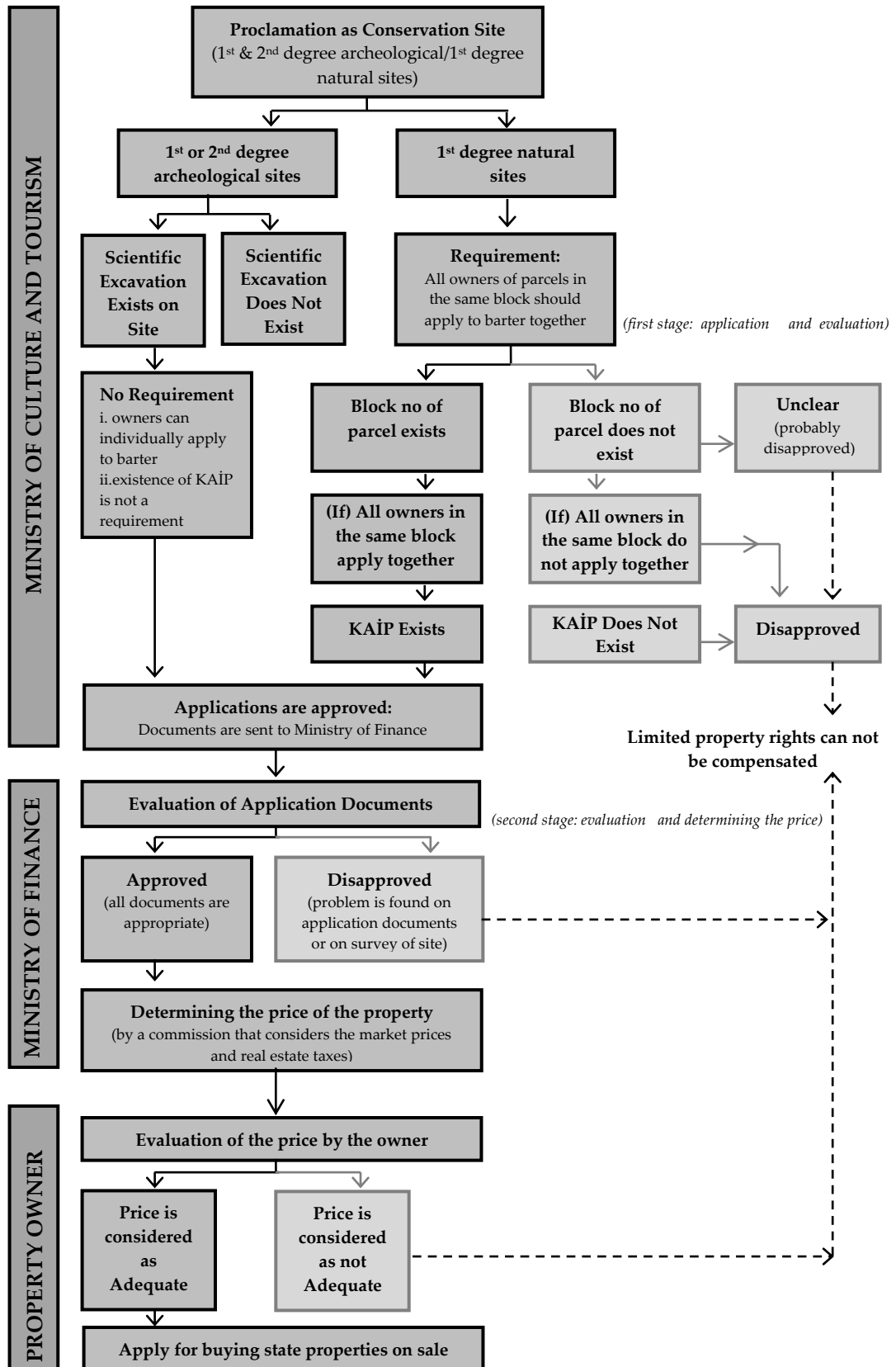


Figure 4.1: Recent Barter Process from the Side of State Organs (2010)

As can be inferred from the Figure 4.1, which presents the barter process in the abolishment period, different rules from the tendering period are mainly on the first stage's -application and evaluation stage's- *application* part. The conditions for application of property owners to the barter system have been altered and the abolishment policy of the state can be inferred from this part of the period. The second stage's -evaluation and determining price stage's - difference from tendering period is the *issuing certificate* part. By the legal amendments, the Ministry of Finance's role starts from the evaluating the barter applications sent by the Ministry of Culture and Tourism and lasts to the appreciating a price for the cultural property that is subject to barter. As any certificates are not issued, the acquiring new land route of a property owner is not clear within this period.

For the application process to the barter, the Figure 4.1 implies that, barter process, based on new legal frame, operates differently according to the existence or nonexistence of scientific excavation on 1st or 2nd degree archeological conservation sites. For 1st or 2nd degree archeological sites, if there is a scientific excavation with permission of Ministry of Culture and Tourism that includes the cultural property subject to barter, application to barter *does not necessitate the existence of KAİP* for that cultural property and *single unit parcel owners can apply* to barter individually. However, since scientific excavation permissions given by the Ministry of Culture and Tourism includes an area whose borders is not specified by unit parcels and it is not definite which way the excavation will develop, this rule is not clear in implementation process by the reason that the condition of being in scientific excavation site of a cultural property in the scale of single parcel unit can not be determined.

For the other 1st and 2nd degree archeological sites where any scientific excavation is not performed on and 1st degree natural conservation sites, the barter process necessitate two main conditions, those are as a first condition: *i. existence of KAİP* produced including that cultural property and as a second condition: *ii. collective application of all property owners of all parcels in the block* which the parcel number of that cultural property belongs. The first condition, discussed in the previous chapter –Chapter 3- of the study, includes the same conflicts and inequalities with the tendering period (2003-2009) of the barter system.

However, the second condition, obliges the together application of all property owners of all parcels in the same block, produces three states:

- i. firstly, a conservation site may have a KAIP but may not have a block number involving that cultural property subject to barter: *barter process is not clear* for this condition. The strategy for this condition has not been produced by state organs yet.
- ii. secondly, a conservation site may have KAIP and a block number involving that cultural property, but all property owners of all parcels in that block may not – in fact probably not – meet, or make a consensus on applying for bartering their cultural properties: *barter can not be performed*.
- iii. thirdly, a conservation site may have KAIP and a block number involving that cultural property, and all owners of parcels in that block meet and accept to apply barter and accept all the given lands in return: then *barter can be performed*.

A cultural property in 1st or 2nd degree archeological conservation site and 1st degree natural conservation site has the ‘probability’ of being bartered if:

- i. the conditions stated for tendering period in Chapter 3, (*those are the conditions of¹⁶⁹: a. being located in the 1st or 2nd degree archeological or 1st degree natural conservation site; b. is in the KAIP produced for the conservation site; c. being not located in the borders of another conservation type; d. being not given a recreational function or public use in development plan of the area; e. being free to dispute on ownership and f. being involve any annotation on the title deed other than ‘cultural property annotation’*) are met;
- ii. does not have been acquired after the proclamation the area as conservation site;

¹⁶⁹ For the conditions, see the part of ‘Procedural Frame of Barter System in Second Part (2003-2009) of Tendering Period in 3.2.2 part of Chapter 3.

- iii. third condition stated previous paragraph (*iii. existence of a block number and all owners of parcels in that block meet and accept to apply barter and accept all the given lands in return*) is met.

Accordingly, as it can be inferred from the Figure 4.1 in comparison with the Figure 3.4 the existence of disapproval channels –symbolized in gray tones in the figures- of the state organs *increase* while the existence of approval channels – symbolized in black tones in the figures- and probability of accomplishment of barter *decrease* in the abolishment period than tendering period of the barter system.

4.1.2 Abolishment Period of Barter System from the Side of Users

For property owners, the preparation stage and the first part of activation stage, introduced previous part (4.1.1) of the study, from February 2009 to May 2010, was a dead period in which no barter implementations was performed. Within these stages, although property owners could apply to barter process, their applications could not be evaluated by state organs as any procedure could be followed. In addition, not only the new applicants to the system, but also the property owners whose procedure was about to completed state their complaints in addition with demands on being subject to previous legislation as the following:

I have applications to Barter and Commission ¹⁷⁰ Office. While I was trying to get to know the results of my applications by calling Barter and Commission Office, the response I took from the official in Barter said that ‘Our Ministry wrote us a circular. Issuing certificates are abolished according to the article of 17/B of the circular 5838/32.¹⁷¹ We have nothing to do.’ All right, I, being a citizen, expropriate it, it isn’t been expropriated. Then, barter, barter is ceased. I’m, being a citizen, in

¹⁷⁰ As the applicant has the wrong information about the name of the Office, she/he misnomers the accurate name ‘Barter and Expropriation Office’ as ‘Barter and Commission Office’.

¹⁷¹ The applicant has also the wrong information about the legal amendments. These misnomers imply the information that applicants have about the barter process is deficient. Although it is not a direct representation of the cultural capital accumulated, it can be considered as one of the indicators since it is related to the ‘information’ about the process and affects the position of the applicant in the process.

situation of aggrieved. My hands and feet are tied.¹⁷² I respectfully request my this grievance to be relieved.¹⁷³

All documents, necessary for barter our land, are prepared by me ... submitted to Izmir Provincial Directorate of Culture. ... the information we got from the related unit of your Ministry, the law regarding this issue has been changed and the implementation of barter is abolished. Since laws are non-retroactive, I respectfully request the necessary information about our file as soon as possible.¹⁷⁴

In abolishment period, for property owners, in addition to the conflicts and inequalities in tendering period new forms of problems arise especially in the application stage of the period. Also, as having no certificates, the uncertainty of the way of participating of property owners in the tenders of sale of state properties emerges. The process in abolishment period from the side of property owners is presented in the Figure 4.2 below:

¹⁷² 'My hands and feet are tied' means 'elim kolum bađlı' in Turkish. Accessed from/in: <http://tureng.com/search/eli%20kolu%20ba%C4%9Fl%C4%B1>, December 2010.

¹⁷³ Part of an application text applied for barter in Mersin, Mezitli in 2009 (Translation belongs to the writer of the study).For detailed text, see application document numbered: 6.2, in Appendix A.

¹⁷⁴ Part of an application text applied for barter in Izmir, Foca in 2009 (Translation belongs to the writer of the study).For detailed text, see application document numbered: 31, in Appendix A.

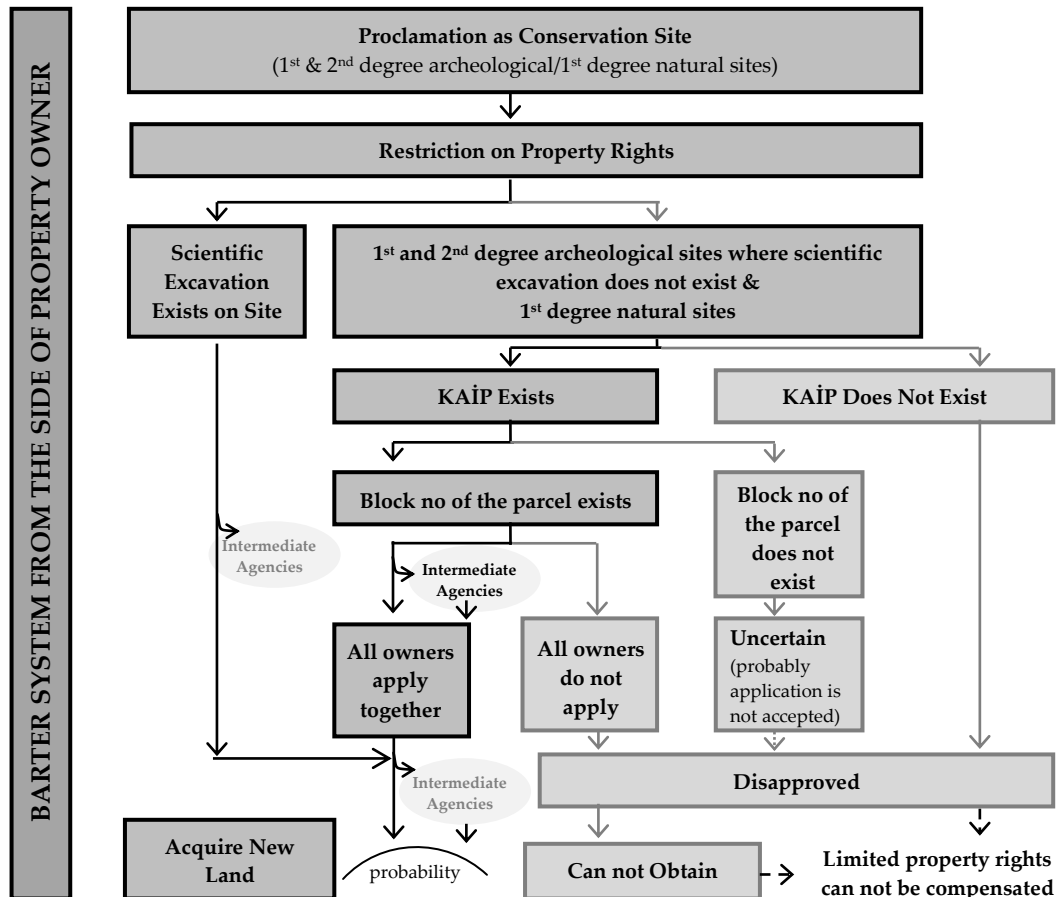


Figure 4.2: Recent Barter Process from the Side of Property Owner (2010)

The Figure 4.2 presents the way of how property owners can access the ‘probability’ of acquiring new land in abolishment period and involves the conflicts in application stage of barter system. As can be inferred from the Figure 4.2, property owners whose cultural property is in an scientific excavation site – which is notably a small part of all conservation sites- has more chance to access the probability of bartering their properties. For the property owners in a scientific excavation site, the process skip to the ‘acquire new land probability’ after the application stage since any existence of KAIP condition and collective application of all property owners condition are necessary for those areas.

Except from this small proportion of excavation site areas, the main conflicts emerges for the other conservation sites those are 1st or 2nd degree archeological sites where no scientific excavation exists and 1st degree natural sites. For these areas, the existence of 1/1000 scaled KAIP is the first condition to continue the barter process of the application. As can be

inferred from the Figure 4.2, according to last legal amendments discussed in the previous part (4.1.1) of the study, for the property owners whose cultural property is in these areas, two different processes exist if a 1/1000 scaled KAİP is produced for the conservation site:

- i. *in the first process*, if the parcel number of the cultural property subject to barter does not involved in a block number in the KAİP, in other words a block number for the cultural property does not exist, the barter process is unclear.¹⁷⁵ Since in the Regulation the condition of ‘collective application of all property owners in the same block’ is a requirement, in the case of lack of block number of a cultural property, the strategies of state organs are not determined yet.
- ii. *in the second process*, if there is a block number include the parcel number of the cultural property, property owners are responsible for firstly gathering the other owners of parcels in that block, and secondly convincing them to apply for barter for their cultural properties and all property owners in that block must apply together in order their applications be approved.

As stated before approval of an application does not mean that the cultural property will ‘definitely’ be bartered and the limited property rights of the owner can ‘definitely’ be compensated, but it means a channel and a probability to be bartered of a cultural property. This second process stated above limits this channel and probability more than the tendering period. In practice, this collective application of all property owners of all of the parcels in the same block can not be performed by property owners since owners have not the power to gather and convince each other to apply together as the second application states below. For this, firstly, property owners should access the information about other parcel owners in the block in order to contact them. In addition if the other owners would be gathered, secondly, property owners should persuade them to apply the barter system together. That means, the application stage in abolishment period necessitate a composition of a denser social and cultural capital than the application stage of tendering period for property owners. Thus, this condition is criticized and cause

¹⁷⁵ Parallel to state’s policies for conservation field and barter system, these kind of applications probably will not be approved, still there are probabilities of being approved or annulment of these condition as it is almost impossible in the implementation frame to be fulfilled. However, the strategy of state will be definite according to the results of the implementations based on this new legal frame.

complaints together with the existence of KAİP rule by property owners who demand their property rights to be compensated by state:

I've lots of credit loan ... Now, barter won't be done; for expropriation there's no budget...what if there's no Conservation Oriented Development Plan? We don't have power to make that plan to be prepared ... you know the saying 'did you water the donkey? With cold water or hot water?' ¹⁷⁶ ... ¹⁷⁷

How will I find these people? ... land registry office doesn't give any information and addresses... then we'll wait... I wait then ... ¹⁷⁸

... then, we should try to make the municipality arrange our parcel as a separate unit block ... ¹⁷⁹

By this way, the pressures on production of KAİPs –stated in the previous chapter (Chapter 3) of the study - for only performing the aim of barter not only empowered but also transformed to a new pressure point that is 'intervening of the structure of the KAİPs' by property owners or by their representatives. In the first application stated in the paragraph above, the applicant explains the powerlessness to make KAİP produced for the area her/his cultural property located. On the other hand, the third applicant, consider her/his power is sufficient to '*make the municipality arrange her/his parcel as a separate unit block*' in order not to cope with gathering and convincing other parcel owners in the block which will/should be designed in KAİP.

It should be noted that, similar to the comparison of the Figure 3.4 and Figure 4.1; the existence of disapproval channels –symbolized in gray tones in the figures- of the applications of property owners *increase* while the existence of approval channels –symbolized in black tones in the figures- of the applications of property owners and probability of accomplishment of barter process and access of property owners to the

¹⁷⁶ For the full version of 'tongue twister' the person interviewed mentioned, see Footnote 191.

¹⁷⁷ Part of an interview with an applicant applied for barter in Izmir, Cesme in 2010. (Translation belongs to the writer of the study).See interview text numbered: 37, in Appendix A.

¹⁷⁸ Part of an interview with an applicant applied for barter in Ankara, Kecioren in 2010. (Translation belongs to the writer of the study).See interview text numbered: 38, in Appendix A.

¹⁷⁹ Part of an interview with an applicant applied for barter in Ankara, Kecioren in 2010. (Translation belongs to the writer of the study).See interview text numbered: 39, in Appendix A.

probability of acquiring new land and being compensated of their property rights *decrease* in the abolishment period (Figure 4.2) than tendering period (Figure 3.5) of the barter system.

Adaptation of Intermediate Agencies (IA₁ and IA₂)

In consideration of these complicated conditions of applying to the barter system, it can be said that while the property owners' disadvantageous position is deepening, the intermediate agencies of the tendering period are adapting themselves to the rules of the game. As the most flexible actors in the field, intermediate agencies emerged in the tendering period of the system continues to exist and transform according to the new conditions of the system. As can be inferred from the Figure 4.2, intermediate agencies may emerge at *three points* in the system coinciding with the first and second type of intermediate agencies (IA₁ and IA₂) of the tendering period:

- i. *first type of intermediate agencies (IA₁)* ¹⁸⁰ emerges in tendering period may appear at two points in the application stage of abolishment period:
 - a. again acting as a proxy or attorney IA₁ may appear to gather the applications of owners –who have not sufficient mostly cultural and social capital but also economic capital to act individually- in scientific excavation site areas in order to produce economic rent from these cultural properties subject to barter.
 - b. the second point these types of agencies may emerge is at the gap between the collective application condition of the abolishment period and its implementation. As the property owners can not access the information about other parcel owners in the same block or can not access the channels and power to meet and convince every other owner for applying to barter together, the transformed IA₁s gather them together for an amount of monetary payment from each owner in return. Thus, a new economic rent production area which is used by transformed IA₁s who adapt themselves to

¹⁸⁰ For the discussion on the first type of intermediate agencies, see (i.Application Stage) part of 3.2.2.1 part of Chapter 3.

the new rules emerges. In other words, the IA₁s emerged at one rent production point of application stage of tendering period, emerges at two rent production points with adapting themselves and empowering in the field in abolishment period. On the other hand, for property owners, the IA₁s are a kind of solution to the conflicts they involved since they are the channels of covering the deficiency of their social and cultural capital with an amount of economic capital in order to achieve the aim of compensating their limited rights and increasing or at least protecting their economic capital.

- ii. *second type of intermediate agencies (IA₂)* ¹⁸¹ at tendering stage of the tendering period may emerge in the last stage of the abolishment period also. Though there are no certificates being issued in abolishment period, property owners whose applications are approved and cultural properties' price is determined by the Ministry of Finance have a right –even if it can not be used by owners- to participate tenders arranged for sale of state properties by Ministry of Finance. Thus, the tendering period's IA₂s will continue to produce economic rents in the recent period of the system. Since disadvantageous property owners can not even participate the sale of state lands tenders, they consider a chance to transform their evaluated price into money. Within this process valid for tendering –certificate- and abolishment periods, the IA₂s offer an amount of payment approximate to the determined price of the cultural property to the owners and use them in economic rent production process. As stated by one of the applicants:

They appraised 20 billion¹⁸² to my land. My land costs 700-750 billion. I can't find any other place to buy with this value. Now, for example the value determined 23 billion in certificate. Men come and say 'I give you 20 billion'; you sell it. They also take procuration from you. If you are stupid, you accept. But your certificate's value has increased to 80 billion in the

¹⁸¹ For the discussion on the second type of intermediate agencies, see (iii. Tendering Stage) part of 3.2.2.1 part of Chapter 3.

¹⁸² 20 billion means 20.000 TL in the year 2010. As the transformation of billion to thousand is valid since 2009, some members of society unconsciously use the old currency as a habit. Similarly in the next sentence 700-750 billion is 700.000 TL-750.000 TL.

year 2011, but you don't know about it. Because the value on it 26 billion. Then they gather like this, buy up lands. You can't buy, they win. What should I do now? I can't use this certificate, where can I buy with this price. If I would apply to the new barter, how I will find the other people. This place is 40-50 decars. I haven't been there for 40 years; I even don't know where it is. The site will be cancelled people say. If it doesn't and if I couldn't use the certificate, then what happens to the land? I won't do anything on it, all right. Then can't state do anything either, can it? What's your advice to me?¹⁸³

Thus, for intermediate agencies the changing rules of the system is not an obstacle but another channel of production of rents. Being flexible and adaptable actors in the field, intermediate agencies can transform themselves according to the rules of the game and have a position to defend these conflicts of the barter system as long as they gain from these conflicts. On the other hand, the new channels opening to intermediate agencies means not only gaining and empowering of those agencies but also limiting of those channels for individual disadvantageous property owners.

4.1.3 Recent and Probable Forms of Conflicts

In the abolishment –last and recent- period discussed in this Chapter, the conflicts and inequalities of the system not only increase in numbers but also they are deepened and become more complicated. From the legal amendment that '*certificates can be used up to December 2011*'¹⁸⁴ to the actors' strategies of '*waiting for the rearrangements in the system*'¹⁸⁵, there exist recent and will exist probable forms of conflicts in both the recent barter process and in the field.

It should be noted that the tensions, conflicts, inequalities and social injustices -discussed in the (3.2.3) part of the previous chapter, Chapter 3- remains in this period and the

¹⁸³ Part of an interview with an applicant applied for barter in Mugla, Marmaris in 2010. (Translation belongs to the writer of the study). See interview text numbered: 40, in Appendix A.

¹⁸⁴ For the arrangement, see 4.1.1 part of the Chapter 4.

¹⁸⁵ See the application form referred in the Footnote 178.

discussions, presented below, on recent and probable conflicts, which include them, are additional points:

i. the first problem arises in the cases of already issued certificates: the deadline determined for the already issued certificates is December 2011. It is not a realistic view that the property owners, who can not use their certificates up to now, can access the channels –discussed in the (3.2.2.1) part of the Chapter 3- of using the certificates and use them in tenders. Similarly for the actors –either property owners or intermediate agencies- who keep their certificates in order to get a higher exchange value will probably not use their certificates as the legal amendment offers, with an expectation of higher economic rent from the new barter period. For these reasons, this amendment stays in form.

ii. in the case that more than one type of conservation site overlap on the cultural property subject to barter ¹⁸⁶, the barter application is disapproved. The other choice of property owners is that the expropriation of the property by the related state organ in whose authority field includes the property. However, in the political process of expropriation decisions ¹⁸⁷, which the property owners can not accumulate necessary composition of mostly social and cultural capital to affect, the possibility of being compensated of property rights is significantly low.

iii. for excavation sites, the implementation process is not clear that either the ‘existence of scientific excavation’ rule is for the unit parcel scale or for the scale of the conservation site. For the other areas, the ‘existence of KAİP’ rule cause suffering of property owners as KAİPs have been produced for a small part of all conservation sites.¹⁸⁸

iv. following the KAİP rule, the application condition of ‘collective application of all parcel owners in the same block’ is a rule that can not be fulfilled by property owners if their mostly social and cultural capitals are not great and dense in volume. This condition

¹⁸⁶ For the arrangement, see 4.1.1 part of the Chapter 4.

¹⁸⁷ For the discussions on expropriation decisions, see mainly 2.1.3; 2.3 and 3.2.2.1 parts of the study.

¹⁸⁸ For the discussions on KAİPs, see mainly 2.1.2; 3.2.2 and 3.2.3 parts of the study.

is the point where the adapted intermediate agencies emerge and where the property owners' disadvantageousness deepened. If a cultural property has a parcel number but has not a block number in KAİP, the owners, who can access the process of producing KAİPs, may apply pressures upon the KAİPs in order to be their parcel is the only parcel in the block will be designed. Yet, this is not an easily accessible channel, the lack of block number of cultural properties cause the barter process to be cut. On the other hand, if a cultural property has a parcel and block number also, the 'collective application' rule increases the disapproval channels of the applications of property owners, while significantly decreasing the accomplishment channels of the system.

v. although any application in barter process is not concluded, the 'gaining new land' stage probably include the same conflicts with the tendering period because any change of rule does not contain a solution to the neither the rent oriented approaches nor the problem of accessibility of tendering channels to the property owners particularly for those in disadvantageous positions. In such a process, both the applications to the system and the accomplishment percentage of the system will notably decrease in this abolishment process.

4.2 CONCLUDING REMARKS

In this chapter, the changed formal rules and the informal rules of the system together with the adaptation of intermediate agencies are presented in order to discuss the effects of these new formal rules, set by state, and the informal rules in relation with the formal ones on the positions of actors produced in the previous tendering period.

Within this abolishment period of the system, whose rules has been in force since February 2009 but in practice since July 2010, two main and dramatic amendments, which deepen the conflicts of tendering period together with adding new forms of conflicts, has been performed in formal rules and in the informal ones accordingly: *i. the first amendment* is the collective application condition in the application stage in which the IA_{1S} adapt to the new rules. As discussed in the (4.1.2) part of the study, within these current rules, for even application to the barter necessitate more dense social and cultural capital composition in terms of volume for property owners. Property owners, who can not even

meet the accumulation of mostly cultural capital in the previous tendering period's application stage, have more limited channels to fulfill this necessitate which reproduces the powerless position of the property owners those can not access this composition. On the other hand, for IA₁s, who adapt themselves to the new rules, the social and cultural capital composition can be achieved more easily, due to their networks those provide information and channels to access the other parcel owners, who should apply for the barter together, than property owners. Since the conditions to access other actors and information are more complicated for even IA₁s in comparison with the previous tendering period, when the IA₁s gather all owners and accomplish the period, their symbolic capital will increase. As the owners can not solve these problems individually, also they will be more dependent to IA₁s. *ii. the second amendment* is in the certificate stage of the previous tendering period. According to the new and current rules, there is no certificate issuing in barter system. This stage is where the IA₂s of the tendering period will adapt themselves. IA₂s' certificate type will continue cashing the documents this time instead of certificates before the tendering stage. Hence, the annulment of certificates has no effect on the limitation of IA₂s actions which are not in the focus of the decision makers in the field besides. In this sense, the adaptation of IA₁s is a structural adaptation, while the IA₂s' is in form.

Either adapted by structural change or in formal change, the abolishment period will witness not only the strengthening of IAs, particularly the IA₁s, but also will witness the legitimization of the IA₁s due to their increase in symbolic capital also. However, as the process is more complicated to both property owners and IAs, these rules of the game will demanded to be altered by both of the actors. As state's purpose is 'abolishment' -inferred from the changed rules- of the system, these formal rules in the field may be defended by state.

Yet in the current period, as it is discussed in this Chapter, the advantageous actors reproduce their positions and the disadvantageous ones face deepening their position which is the main indicator that barter system deepens the inequalities and injustices in society with the current rules of the game in the field.

CHAPTER 5

CONCLUSION

The starting point of this study derives from the conservation policies which are produced without considering the inequalities and injustices existing in society. Such an approach can not achieve the set purpose of conservation, produces channels of transformation of its tools into rent production tools and deepens the inequalities and injustices among society. The conservation policies, in Turkey, do not take into account the properties to be conserved with all the dimensions including the property relations. Furthermore, as rent oriented approaches exist in these conservation attitudes, from the conserved spaces great amount of rents are produced and gathered in the hands of an amount of actors those gaining the powerful positions in society, and in addition the conservation aim of the characteristics of spaces can not be reached.

With this starting point, the aim is to analyze the barter system in conservation field by discussing these policies and their outcomes which will necessitate rethinking of such policies in the light of producing policies which take into account distribution problem of sources and distribution problem of social justice rather than taking rent production at the center.

The barter system is analyzed by applying the field theory and concepts developed by Bourdieu. The system can be defined as a part of the game in conservation field which is not independent from the general power fields but has autonomous rules. In the field, according to their positions, the actors are defined as disadvantageous actors, those loses in the game, and advantageous actors, those wins in the game. Although these positions are not permanent and not directly determined by the positions in general field, they are

not totally independent from that positions. For this case, the disadvantageous actors in conservation field are mostly the property owners who suffers from poverty in general field. As the positions in general power field affect the limits or channels of the accumulation of different forms of capitals, together with their habitus, the ability to produce the necessary composition of capitals according to the rules provide a position to the actors. For this reason, the most advantageous actors can be defined as the intermediate agencies which can accumulate the necessary composition of capitals for the existing and changing rules.

These rules are set by the dominant actor, state, for the conservation field and barter system. In the system, the main struggle is on the property rights of the owners and the main base of claims of owners is social justice. In addition, the system is produced in order to transform the privately owned cultural properties into state property for both conserving the cultural properties and more importantly compensating the limited property rights of the owners in the name of social justice. The system is in effect since 1990 and includes two radical periods in terms of its implementation.

Firstly, the tendering period (2001-2009) – discussed in Chapter 3- is the period in which the property owners mostly suffered from the lack of knowledge about the proclamation process of conservation site in which their properties located and about the whole process of barter from the application stage to the tendering stage. This knowledge not only involves the formal information about the steps which should be performed, such as the application process and necessary documents for it, certificate stage and certificates, tendering stage - from where they can access the announcements and what to do then, how to participate in tenders etc.-, but also contains information about the informal rules such as the channels of modifiability of the borders of conservation sites, of making a municipality produce KAİP (Conservation Oriented Development Plan), of increasing the price of property in the certificate, of the state lands on sale, of not only participating but also gaining in the tenders etc., since the preservation of economic capital by the barter system necessitates to have such information and accessibility the channels to fulfill these formal and informal rules. For that, actors should use their economic capital but more densely their social capital which is most insufficient in most of the property owners. This social capital includes such networks as those in reaching the politicians those can involve

political pressures on the decisions; reaching the higher level bureaucrats those have sanction power over the bureaucrats; reaching the other actors those provide information about the cultural properties, their ownership and owners in the conservation sites; reaching the actors those provide information about the state lands and their sale process and those can affect the sale process, etc. also actors should have economic capital to perform the formal rules such as taking experts to the site of the cultural property and meet the expenses for the research, for participating the tenders as a deposit and for performing the informal rules especially for the tendering stage of the period. This composition of capitals can not be accumulated by the property owner whose cultural and economic capital is limited and who can not access the channels of networks in order to accumulate the social capital.

Therefore, for these property owners their disadvantageous position in the general field is reproduced in the conservation field and the barter system. For these owners, the strategy in relation to their habitus is to apply officially to state organs to which they can tell their grievances, their disadvantageous position and their demands. Otherwise, their strategy is to apply to other actors, who can fulfill the formal and informal rules by their composition of capitals; those are intermediate agencies. These agencies aiming at maximizing their economic capital usually reach the property owners in various ways and offer them consultancy service in return of a payment or, offer them to buy their certificates. That means, intermediate agencies use the system as a rent production tool. On the other hand, property owners try to cover their lack of necessary composition of capitals with their economic capital or preserve the approximate volume of their economic capital by selling their certificates which they can not use to gain a new land individually in the tendering stage due to the reasons stated above.

In such a system, set of rules and process; the legitimacy of formal rules decreases among the property owners while the informal ones are becoming normalized and legitimate in society. The production of rents from these speculative attitudes to historical and natural properties attracts more actors whose purpose is producing more rents from the conservation sites which is a notably obstacle for the conservation aim. Tensions increase between state and property owners; reactions to state, to its organs, to governments and

to conservation sites together with to conservation concept itself arises in society as the justice can not be provided among its members.

Consequently, the tendering period of the system led the reproduction of disadvantageous positions of property owners and production of advantageous position of intermediate agencies which is the main indicator of its effect on deepening inequalities and injustices in the society.

Secondly, with the rearrangements in the abolishment period (2010-ongoing) – discussed in the Chapter 4-, the system becomes more complicated. Within these new rules, for the property owners whose cultural property have a parcel number but have not a block number in KAIP, the barter system can not be continue according to formal rules. However, with the informal rules, making changes in KAIPs, which necessitate more cultural and social capital than the former tendering period, can provide to continue the barter process for those properties. In addition, the other property owners, whose property is in a block, should have more information, including the names, addresses and the way of contacting with other property owners whose properties are in the same block. That means, property owners should have knowledge about the process of getting the names and addresses of the other owners in the same block from the state organs or more probably from other channels of acquaintance, and knowledge on how to convince the other owners, if they can be found and contacted, to apply together to barter, information about whose process is also insufficient, to get the new lands with all the other property owners, to participate tenders, to provide the condition of 'the all parcels that state offers in return the bartered cultural properties should be accepted' etc. Also, this knowledge necessitate relationship with other actors, such as actors from the state organs and some networks including a circle of acquaintance, family or kinship relations and more organized or institutionalized agencies in both the stage of getting information and stage of using those information.

For these reasons, the cultural and social capital necessary for the recent rules of barter is more dense in volume for the property owners, who can not accumulate the previous period's necessary combination and have more limited channels to accumulate the recent period's composition. As a more legitimate strategy than the previous period, the owners

are trying to solve this conflict by the intermediate agencies, as flexible actors with their power in relation with their positions in the field and their power of adapting themselves to the new rules. The adapted intermediate agencies may emerge in the recent system, manage to access the information that property owners lack, provide the accomplishment of barter system for owners and maximize their economic capital by this way. These agencies will gain more powerful position in the field with accumulation of another type of capital that is symbolic capital in the field.

Accordingly, the recent barter system will enhance the existing inequalities and injustices in society and, in addition, will have more affect on legitimization of informal rules of the system.

In conclusion, all these analysis in the study refer that the barter system in conservation field can not achieve its set purpose and more importantly produce unintended outcomes which deepen the disadvantageous position of property owners and is transformed into a tool for rent production from the conservation sites. These analysis also verify necessitate of producing new policies and strategies, that will not produce these outcomes which are also related to the distribution problem of sources among society.

For such a necessity, some policies can be produced for the recent barter system and moreover, another system in the conservation field, which is 'transferring of development rights', can be considered within the frame of this study.

The recent barter system is not a transparent system in terms of information, which can be accumulated by actors, about the formal and informal rules of the system. Property owners, public institutions and non-governmental organizations and chambers of related professions have a lack of knowledge about the barter system's process. In other words the system is open only to the actors who are particularly relevant with the system. In the system, the gap between the compositions of capitals, particularly the cultural capital, can not be filled by the disadvantageous property owners. For the necessity of filling the gap between cultural capitals of actors, some institutions, which will provide consultancy to property owners whose cultural capital are deficient, can be found. Such organizations necessitate firstly the transparency of the system and secondly the production and

activation of 'disinterested parties' which provide consultancy and transfer cultural capital to the disadvantaged property owners with limited economic capital. By this way, the cultural capital in the hands of a small group of actors, which are intermediate agencies, can be accessible to other actors such as property owners. This accessibility can decrease the power of the intermediate agencies' advantageous situation, stemming from the knowledge that is only accessible to these agencies. Hence, for the recent barter system, firstly the system should become more transparent and the information about the process should be accessible for both the actors in the field and disinterested parties. Secondly, these disinterested parties should transfer the acquired cultural capital to the property owners especially to the ones in disadvantaged position.

Other than the policies for recent barter system, for the necessity of producing policies and strategies in conservation field which will not produce above mentioned outcomes related with also the distribution problem of sources among society, the system of 'transferring of development rights', which is introduced with the article 17/c of the Law 5226 ¹⁸⁹, can be considered as a 'socialization of produced rents among society members'. By this system, the limited property rights of the owners, whose property is in a 'conservation area', are transferred to 'usage areas' those designed with the Development Plans, which are produced by municipalities or governorship. (Ersoy, 2009) Such a system, which can be a research topic for further studies and researches, should be developed with an awareness of the outcomes produced in barter system and should be discussed within a frame that does not neglect the social inequalities and injustices and distribution problem of sources.

¹⁸⁹ Law on Amendment of the Law on Conservation of Cultural and Natural Property and Some Other Laws published on 27 July 2004 dated / 25535 numbered Official Gazette.

REFERENCES

- ALKAN, A.; DURU, B. (2007), "Türkiye’de Kent Çalışmalarının İzinden Giderken ‘Toplumsal Adalet, Eşitsizlik ve İktidar’ Nereye Düşer?" in *Ruşen Keleş’e Armağan, III.Kitap: Kent ve Politika*, Derleyen: MENGİ, A., İmge Yayınları, Ankara. Accessed from/in: <http://kentcevre.politics.ankara.edu.tr/bulentduru.htm>, May, 2010.
- ARAS, Z. (2002), "Taşınmaz Kültür ve Tabiat Varlıkları (Koruma-Kamulaştırma-Trampa-Sertifika İşlemleri)". Accessed from/in: http://www.mek.gov.tr/kutuphane/yay_tezler/yay_tezler.html, May, 2010.
- ARAS, Z.; ESENER, H. (2006), "Sit Alanında Kalan Özel Mülkiyete Konu Taşınmazlar Hakkında Yapılacak İşlemler (Kamulaştırma-Trampa-Sertifika Verilmesi)", in *Lebib Yalkın Dergisi*, Sayı: 28. Accessed from/in: <http://www.milliemplak.org/cmakale/detay/17/>, May, 2010.
- BADEMLİ, R. (2005), *Kentsel Planlama ve Tasarım Öğrencilerine Notlar*, TMMOB Şehir Plancıları Odası, Ankara.
- BADEMLİ, R. (2006), *Doğal, Tarihi Ve Kültürel Değerlerin Korunması*, Odtü Mimarlık Fakültesi Yayını, Ankara.
- BALABAN, O. (2008), "Capital Accumulation, The State and The Production of Built Environment: The Case of Turkey", Unpublished Doctoral Thesis, The Department of City and Regional Planning, Ankara.
- BAŞ, Y. (2003), "Designing Urban Space With The Tools of The Development Legislation", Unpublished Master Thesis, The Department of City and Regional Planning, Ankara.
- BAŞ, Y. (2006), "Planlama-Mimarlık İlişkisi Yeniden Tanımlanırken", in *Planlama Dergisi*, Yıl: 2006 Sayı: 4 pp: 7-14.
- BAYINDIRLIK VE İSKAN BAKANLIĞI, (2009), *Kentleşme Şurası 2009 Komisyon Raporları*, Ankara.
- BELGE, B. (2004), "Çok Katmanlı Tarihi Kent Merkezlerinin Yönetimi: Kentsel Arkeoloji ve Planlama", in *Planlama Dergisi* Yıl: 2004 Sayı: 4 pp: 48-66.
- BODRUM BELEDİYESİ, www.bodrum.bel.tr , Accessed in August,2010.

BOURDIEU, P. (1986), 'The Forms of Capital' in Richardson, J. G. (Ed.) (1986), *Handbook of theory and research for sociology of education*, Greenwood Press, New York. Accessed from/in: <http://www.marxists.org/reference/subject/philosophy/works/fr/bourdieu-forms-capital.htm>, November 2010.

BOURDIEU, P. (1990), *In other words: essays towards a reflexive sociology*, Stanford University Press, Stanford CA.

BOURDIEU, P. (1998), *On Television and Journalism*, Pluto Press, London.

BOURDIEU, P. (2000), *Pascalian Meditations*, Polity Press, Cambridge.

CASTELLS, M. (1978), (Translator: LEBAS, E.) *City, Class and Power*, Macmillan Press, London. (Turkish version, Translator: ERENDİL, A., (1997), *Kent, Sınıf ve İktidar*, Bilim ve Sanat Yayınları, Ankara.)

ÇAKIR, A. Y.; YILDIRIM, E. (2004), "Korumak İçin Sevdalı Olmak Gerekir", in *Planlama Dergisi* Yıl: 2004 Sayı: 4 pp: 19-33.

DE CERTEAU, M., (1984), *The Practice of Everyday Life*, California, Berkeley.

DURU, B. (2006), "Modern Muhafazakarlık ve Liberal Politikalar Arasında Doğal Varlıklar: AKP'nin Çevre Politikalarına Bir Bakış", in *Mülkiye Dergisi*, Cilt XXX, Sayı: 252, pp: 297-313. Accessed from/in: <http://kentcevre.politics.ankara.edu.tr/bulentduru.htm>, May, 2010.

EMLAK CENTER, www.emlakcenter.com.tr, Accessed in June 2010.

EMLAK JET, www.emlakjet.com.tr, Accessed in June 2010.

ERSOY, M. (2007), "Planlamada Etik Değerler: Eşitlik Ve Sosyal Adalet", in *Planlama Meslek Alanı: Geçmişten Geleceğe*, TMMOB Şehir Plancıları Odası Yayınları, pp: 73-86.

ERSOY, M. (2009), "Yeni İmar Yasası Hazırlanması Sürecinde Plan Uygulama Araçlarının Önemi", in *Yeni İmar Kanununa Doğru*, Spo Yayınları, pp: 135-156.

ERSOY, M.; KESKİNOK, Ç. (Derleyen) (2000), *Mekan Planlama ve Yargı Denetimi*, Yargı Yayınları, Ankara.

EVRENSEL GAZETESİ, www.evrensel.net, Accessed in December, 2010.

FOÇA SİDE EMLAK, www.focasideemlak.com, Accessed in July, 2010.

GÜNAY, B. (1995), "Planlama Yaklaşımlarının Mülkiyet İlişkileri Açısından İrdelenmesi", in *Planlamanın Meşruiyeti ve Plancıların Konumları*, TMMOB Şehir Plancıları Odası, 1. Planlama Kongresi, pp: 63-71.

GÜNAY, B. (1996), "Kentsel Tasarımda Kamu ve Özel Mülkiyet Sorunsalı", in 7. *Kentsel Tasarım ve Uygulamalar Sempozyumu: Temel Donatılar ve Kentsel Kamusal Mekanların Tasarım ve Düzenlenmesinde Norm ve Standartlar*, Mimar Sinan Üniversitesi Şehir Bölge Planlama Bölümü, İstanbul.

GÜNAY, B. (1999), *Property Relations and Urban Space*, ODTÜ Mimarlık Fakültesi Yayını, Ankara.

GÜNAY, B. (2006), "Varlıkbilim Bağlamında Koruma", in *Bilim Ve Ütopya Dergisi*, Haziran 2006, Yıl: 12, Sayı: 144, pp: 5-20.

GÜNAY, B. (2009), "Gecekondu'ya ne oldu? Zilyetliğe Dayalı Kentten - Sahipli Kente", in *Gecekondu Dönüşüm, Kent-Tansı Şenyapılı'ya Armağan*, Odtü Mimarlık Fakültesi Yayını, Ankara, pp: 85-112.

HALK GAZETESİ, www.halkgazetesi.com.tr, Accessed in September,2010

HARVEY, D. (1973), *Social Justice and the City*, Edward Arnold, London.
(Turkish version, Translator: MORALI, M., (2009), *Sosyal Adalet ve Şehir*, Metis Yayınları, İstanbul.)

HARVEY, D. (2003), *The New Imperialism*, Oxford University Press, New York
(Turkish version, Translator: GÜLDÜ,H., (2008), *Yeni Emperyalizm*, Everest Yayınları, İstanbul.)

ICOMOS Türkiye Milli Komitesi Yıldız Teknik Üniversitesi (1993), *Ulusal Koruma Planlaması Semineri II*, İstanbul.

KAYGALAK, S. (2001), "Yeni Kentsel Yoksulluk, Göç ve Yoksulluğun Mekansal Yoğunlaşması: Mersin/Demirtaş Mahallesi Örneği", in *Praksis* Yıl: 2001 Sayı: 2, pp: 124-172.

KEJANLI, T.; AKIN, C.T.; YILMAZ, A., "Türkiye'de Koruma Yasalarının Gelişimi Üzerine Tarihsel Bir inceleme". Accessed from/in:
<http://www.restoraturk.com/restorasyonincelemelerimimariinceleme/253turkiyedekoruma-yasalarinintarihselgelisimiuzerinebirinceleme.html>, August 2010.

KELEŞ, R. (2008), *Kentleşme Politikası*, İmge Yayınları, Ankara.

KESKİNOK, H. Ç. (2006), *Kentleşme Siyasetleri*, Kaynak Yayıncılık, İstanbul.

KÜLTÜR VARLIKLARI VE MÜZELER GENEL MÜDÜRLÜĞÜ,
www.kulturvarliklari.gov.tr, Accessed in December 2010.

KÜLTÜR VE TURİZM BAKANLIĞI, www.kultur.gov.tr, Accessed from/in: December 2010.

KÜLTÜR VE TURİZM BAKANLIĞI KÜLTÜR VARLIKLARI VE MÜZELER GENEL MÜDÜRLÜĞÜ (2009), *Kültür ve Tabiat Varlıklarını Koruma Yüksek Kurulu İlke Kararları*, Ankara.

LEFEBVRE, H. (1998), *The Production of Space*, Blackwell Publishers, Oxford.

LEVENT, S. Y. (2009), "Koruma-Planlama Süreçleri Üzerine Genel Bir Değerlendirme: Soli-Pompeiopolis Örneği", in *Planlama Dergisi*, Yıl: 2009 Sayı: 3-4 pp: 43-61.

LINGARD, B. and CHRISTIE, P. (2003) "Leading theory Bourdieu and the field of educational leadership. An introduction and overview to this special issue" in *International Journal of Leadership in Education*, October-December 2003, Vol.6, No.4, pp: 317-333.

MADRAN, E.; ÖZGÖNÜL, N. (2005), *Kültürel ve Doğal Değerlerin Korunması*, Ankara.

MADRAN, E. (2002), *Tazminattan Cumhuriyet'e Kültür Varlıklarının Korunmasına İlişkin Tutumlar ve Düzenlemeler: 1800-1950*, Ankara.

MADRAN, E.; ÖZGÖNÜL, N. (1999), *International Documents Regarding the Preservation of Cultural and Natural Heritage*, Ankara.

MADRAN, E.; ÖZGÖNÜL, N. (Derleyen) (2006), *Yasal Düzenlemelerde Taşınmaz Kültür Varlıklarının Korunması ve Yerel Yönetimler*, TC. Kültür ve Turizm Bakanlığı ve TMMOB Mimarlar Odası Ankara Şubesi, Ankara.

MADRAN, E. . (2000), "Taşınmaz Kültür ve Tabiat Varlıklarını Koruma Mevzuatının Gelişimi ve Yargısal Denetimi" in *Mekan Planlama ve Yargı Denetimi*, Yargı Yayınları, Ankara.

MARXISTS INTERNET ARCHIVE, www.marxists.org. Accessed in November 2010.

MELDA ÖZDEN EMLAK OFİSİ, www.meldaozden.com, Accessed in June 2010.

METE KALAY EMLAK OFİSİ, www.metekalay.com, Accessed in June 2010.

MİLLİ EMLAK GENEL MÜDÜRLÜĞÜ, www.milliemlak.gov.tr Accessed in December, 2010.

MİLLİYET BLOG, <http://blog.milliyet.com.tr/Default.aspx>, Accessed in June 2010.

MUMCU, A. (1971), "Eski Eserler Hukuku ve Türkiye", in *Ankara Üniversitesi Hukuk Fakültesi Dergisi*, Cilt: 28, Sayı: 1, Accessed from/in:

<http://dergiler.ankara.edu.tr/dergiler/38/319/3149.pdf>, August 2010.

NOZICK, R. (1974), *Anarchy, State and Utopia*, Basic Books, New York.

(Turkish version, Translator: OKTAY, A., (2006), *Anarşi, Devlet ve Ütopya*, İstanbul Bilgi Üniversitesi Yayınları, İstanbul.)

OXFORD DICTIONARIES, www.askoxford.com, Accessed in December 2010.

ÖZDEN, E. Ö. (2005), "Planlama-Koruma Üzerine Çözüm Arayışları: Marmara Takımadaları, Beykoz, Tarihi Yarımada Sit Alanlarına İlişkin Çözümleme", in *Planlama Dergisi* Yıl: 2005 Sayı: 2 pp: 23-35.

PARLAK, D. (2007), *Şehrin Hukuku*, Kanat Yayınları, İstanbul.

RAWLS, J. (1971), *A Theory of Justice*, Harvard University Press, Cambridge.

SCOTT, J. (1990), *Domination and the Art of Resistance*, Yale University Press, New Haven.

SESLİ SÖZLÜK, www.seslisozluk.com, Accessed in September 2010.

SMITH, D. (1994), *Geography and Social Justice*, Blackwell Publishers, Oxford.

SİT SERTİFİKASI, www.sitsertifikasi.com, Accessed in September 2010.

ŞAHİN, E. (2006), "Evaluation of the Financial Instruments Within The Conservation Activities", Unpublished Master Thesis, The Department of Urban Policy Planning and Local Governments, Ankara.

ŞENGÜL, H. T. (2001), "Sınıf Mücadelesi ve Kent Mekanı", in *Praksis*, Yıl: 2001 Sayı: 2, pp: 9-31.

ŞENGÜL, H. T. (2006), "Planlama Aygıtından Planlama Alanına: Siyaset Planlama İlişisini Yeniden Düşünmek", in *Planlama, Siyaset, Siyasalar, Altıncı Türkiye Şehircilik Kongresi*, Ankara, pp: 83-95.

ŞENGÜL, H. T. (2009), *Kentsel Çelişki Ve Siyaset: Kapitalist Kentleşme Süreçlerinin Eleştirisi*, İmge Kitabevi Yayınları, Ankara.

ŞENOL, P. (2002), "Planlama Sürecinin Sosyal Adalet Kavramları Çerçevesinde Değerlendirilmesi", in *Yoksulluk, Kent Yoksulluğu ve Planlama, 8 Kasım Dünya Şehircilik Günü 26. Kolokyumu*, Ankara, pp: 73-80.

TMMOB ŞEHİR PLANCILARI ODASI, www.spo.org.tr, Accessed in December 2010.

TUNA, N. (1994), "Koruma Planlamasında Arkeolojik Alanların Saptanması ve Belgelenmesi" in *Kent, Planlama, Politika, Sanat 2*, ODTÜ Mimarlık Fakültesi Yayını, Ankara, pp: 619-636.

TURENG PREMIUM, www.tureng.com, Accessed in December 2010.

TÜRK DİL KURUMU (TDK), www.tdk.gov.tr, Accessed in December 2010.

ÜNLÜ, T. (2005), "Plan Modifications Within The Context of Planning Control Mechanisms", Unpublished Doctoral Thesis, The Department of City and Regional Planning, Ankara.

WIKIPEDIA THE FREE ENCYCLOPEDIA, www.en.wikipedia.org Accessed in December 2010.

ZARGAN İNGİLİZCE SÖZLÜK, www.zargan.com Accessed in December 2010.

APPENDIX A:

APPLICATION DOCUMENTS OF PROPERTY OWNERS TO BARTER SYSTEM

APPLICATION DOCUMENTS OF PROPERTY OWNERS TO BARTER SYSTEM ¹⁹⁰	
<p>This table includes the application documents of property owners to barter system and some interviews with applicants, which contains data used particularly in the Chapter 3 and Chapter 4. The applications are presented as they formulated by the applicants, that is the grammar or wording mistakes, spelling errors are not corrected as they are other indicators of the position of applicant in society. Considering privacy rights of the applicants, the personal information of applicants such as name, surname or residence address and cadastral information such as plot, block, parcel numbers and the address information of properties are not presented.</p>	
1.	<p>City subject to application: Kırklareli / Vize</p> <p>Application date: 2007</p>
<p>“... <u>arsamın etrafında devlet tarafından yapılmış emsal inşaatlar var</u>, benimki 1.derece arkeolojik sit olduğundan inşaat izni verilmiyor.”</p>	
2.	<p>City subject to application: Çanakkale / Eceabat</p> <p>Application date: 2004</p>
<p>“Çanakkale eceabatta avlulu kargir ev olarak kayıtlı 4 adet konutta evli çocuklarımdan oluşan 18</p>	

¹⁹⁰ Produced from the archive of: Ministry of Culture and Tourism; General Directorate of Cultural Heritage and Museums; Department of Encouragement and Property; Barter and Expropriation Office.

nüfustan ibaret 4 hane ikamet etmekteyiz. Mevcut evlerimiz yetersiz bulunduğundan önce ifraz bilahare ilave inşaat yapmak suretiyle ihtiyaç hasıl olmuştur.

... esasen taşınmazımızın bulunduğu bu sahada eskiden kalma, geçmişi anımsatacak en ufak bir kalıntı dahi yoktur. Zemin kazıldığında toprak kalınlığı yarım metre yoktur, altı kist ve kayadır. Kaldı ki taşınmazımın her iki cephesi ana yol olup, bu yolların öte tarafındaki taşınmazlar anılan sit alanı dışındadır. Taşınmazımın karşısında yani yolun öte yanında mevcut konutlara ilaveler ve yeni olarak hali hazırda 2 ve 3 kat yeni inşaatlar devam etmektedir. Bize ise konutlarımızı her an vuku bulacak bir depreme dayanıklı hale getirmemiz için onarımı dahi müsaade edilmemektedir. Bu haksızlık değişimlidir?

... tepesi ile anılan tepenin güney batı kısmı eteğinde iki ana yolu birbirine bağlayan bir yol mevcuttur. Bizim taşınmazımız bu yolun dışındadır. Anılan sit alanı bu yoldan sonra ... tepesini kapsadığı bizleri dışında bıraktığı takdirde herhangi bir sorunumuz kalmayacaktır.

... istemin yerine getirilmesi, başımızı sokacak eşdeğer taşınmazlarla takas yapılması elzemdir..."

3. **City subject to application: Balıkesir / Ayvalık**

Application date: 2010

"... ayvalık alibey adasında S.S. ... Koop.ne 40 yıl önce girdik. 1985 yılında arsalarımız doğal sit alanı ve milli park yapıldı. Davaları da kaybettik. Takas isteğimize Polatlı'dan arsa verildi. Koop kabul etmedi ve bir daha da arsa isteğimiz dikkate alınmadı. Dosyamız şu an Kult. Varlıkları ve Müzeler Gn.Md.dedir. Dosyamızın tekrar ele alınacağı söylenmekte. Ancak 600 üyeli Koop.mizin üyelerinin çoğu öldü. Ben de 64 yaşındayım. Takas işlemimizin gerçekleştiğini görmek istiyorum. Gereğini arz ederim."

4. **City subject to application: Çanakkale / Biga**

Application date: 2000

"..... sonuç olarak bize Maliye Bakanlığı Milli Emlak Genel Müdürlüğü başlıklı her parselin parasal değeri yazılı birer sertifika verilmiş üst yazısında şu ibare kullanılmakta 'bu belgelerle hazinece yapılacak taşınmaz mal satışı ihalelerine katılabilme imkanı sağlanmıştır' denilmektedir. Bugünkü şartlarda denize sıfır olan arsalar yani bizim arsaların konumunda bir yer ihale edilse en az değer 5-10 milyar arasındır, bizim arsaların sertifikalarının toplam değeri 7 milyar küsür ediyor, biz nasıl ihaleye gireriz, üzerine eklenecek farkı verecek gücümüz yok, bu gibi işlerimin takibini yapacak kapasitem yok, kendi işlerimi takip edemiyorum. Siz sayın yetkililerden bir dileğimiz var. Zamanla çeşitli hayaller kurarak aldığım arsalarım yok oldu gitti

ancak bu yörede yani Çanakkale ili Biga ilçesi aksas köyünde benim arsalarımın eşdeğer olacak Arsa Ofisi Genel Müdürlüğünün parselleyip hazine adına tescil ettirdiği arsalar vardır. Bu arsalardan takas yapıp bize verilirse bizim yararlarımız sarılır. Bunun haricinde hiçbir şekilde bizim acımız dinmez bütün varlığım yok olup gitti. Benim arsalarımın bugünkü değeri 4-5 milyar değerindedir, siz de takdir edersiniz ki Türkiye'nin hiçbir sahilinde 300 veya 400 milyon liraya arsa yoktur ama mahallinde kıymet takdiri yapan devlet memurları nasıl bir gözle görüp değerlendirme yapmışlar ise sonuç olarak bizim taşınmazlarımıza karşılık olarak para veya sertifika istemiyoruz.”

5. City subject to application: Antalya / Kale

Application date: 2004

“ ... ben emekli bir memurum, o tarihte elimde olan paramı değerlendirmek için o arsayı almıştım. Şimdi ise arsam devletçe alınmış ne yerine arsa verilmiş ve ne de bedeli iki senedir ödenmeye tevessül edilmiştir. Mağduriyetimin giderilmesi için durumun incelenerek bir an evvel işlemlerin tamamlanarak mağduriyetimin giderilmesi için ilgililere emir verilmesini saygılarımla arz ederim.”

6. City subject to application: Mersin / Mezitli

Application date (6.1, 6.2): 2009, 2009

6.1 “Mersin ili, mezitli ilçesinde bulunan ... mevkiinde ... 7960 m2 olup 1. derecede sit Alanı olduğundan – herhangi bir ticari ve yararlanma şansım olmadığından mağduriyetim söz konusudur. mersin ili kuyuluk beldesinde bulunan ... nolu parsellerin Hazine Arazisi olduğunu- sit Alanında bulunan Arazimle Takas usulüyle mağduriyetimin böylece giderilmesini saygılarımla rica ediyorum.”

6.2 “Takas ve Komusyon Şubesine Muracatlarım bulunmaktadır. Bu muracatlarımın neticesinde ... 2009 tarihinde Takas Komusyon Şubesini Telefonla Arıyarak Muracatlarımın Akibeti nedir diye öğrenmeye çalışırken Takastaki Görevli Bayandan Aldığım yanıt- Bakanlığımızın Bize yazmış olduğu bir genelge var. 5838/32 maddenin 17/B nin Tamimine göre (sertifika) düzenlenmesi Kaldırıldı onun için yapacağımız hiçbir şey yoktur denildi.

Peki ben bir vatandaş olarak kamulaştırın kamulaştırılmıyor. Peki takas yapalım, takas durduruldu. Ben bir vatandaş olarak mağdur durumdayım. Elim Kolum Bağlı. Bu Mağduriyetimin giderilmesini Saygılarımla Rica Ediyorum.”

7.	<p>City subject to application: Mersin / Silifke</p> <p>Application date (7.1, 7.2): 1996, 2009</p>
<p>7.1 "Sayın Yetkili Kişiler, Önce saygılarımı sunar, çalışmalarınızda başarılar dilerim. Ben Diyarbakır İli, ... okulunda 20 yılını vererek öğretmenlik yapmaktayım. Öğretmenlik mesleğinin ne kadar kutsal ve ne kadar yıpratıcı olduğunu sizler hak vereceksiniz. Benim bir sorunum var. Dinlerseniz çok sevinirim. İçel İli, Silifke İlçesi, ... Mahallesi, ... Mevkiinde S.S. ... Kooperatifi adı altında 300 m2'lik bir arsa aldım. <u>Bu arsaya sahip olabilmek için 10 yılda ailemin ağızından keserek taksitlerini yatırıp tapu sahibi olabildim.</u> Takriben 1985 lerde arsamın bulunduğu geniş alanlarda, nadiren yaşayan kuşların barınmasından dolayı Doğal Sit alanı olarak tescillenmiştir. <u>Kooperatif yöneticileri, bizleri bu durumdan haberdar ettirmeden 1990 lara kadar para yatırdım. Ve bu alanda yapılaşmağa kapalı olduğunu çok sonradan öğrendim.</u> 27 Eylül 1996 tarihli gazetelerden okuduğum kadariyle, sit alanlarında kalan arsaların hazineye ait arsalarla takas edileceğini öğrenmiş bulunmaktayım. Mağduriyetimin giderilmesi dileğiyle bilgilerinize arz eder, cevabınızı beklerim."</p> <p>7.2 "... <u>taşınmazın takas programına alınmasını veya kamulaştırmanın yapılması aksi halde kanuni işlem yapacağımı</u> saygılarımla arz ederim."</p>	
8.	<p>City subject to application: Muğla / Bodrum</p> <p>Application date: 2008</p>
<p>"Muğla İli, Bodrum İlçesi, ... mahallesi ... Koyunda pafta ... ada ... te bulunan ... ve ... nolu 200 er m2 lik parselinin 1nci derece Doğal Sit alanına girdiğinden sertifika karşılığı Takas işlemine sokulmaları için gerekenin yapılmasını ve <u>takdir edilecek Takas Değerleri piyasaya göre düşük kalması halinde itiraz hakkımın saklı kalmasını</u> arz ederim."</p>	
9.	<p>City subject to application: İzmir / Menemen</p> <p>Application date(9.1, 9.2, 9.3): 2008, 2009,2009</p>
<p>9.1 "... şimdi ne olacak. Tapu ,İzmir Büyükşehir belediyesi başkanlığı imar ve şehircilik daire başkanlığına gönder olsun bitsin. Birileri b...klasın birileri b...kladığında birileri temizlesin oh ne ala memleket ne ala kanun ne ala nizam. <u>Allah böylesine kanun çıkaranları başımızdan eksik edmesin. Onlar sağ oldukça bizlerin başına çok çok daha belalar eksik olmaz. Tekrar el hasil</u></p>	

bilmeyorum benim ümüdüm falan yok da acaba kaç senede bu takas işlemi olur o da belli değil.
Bu öyle bir baş belası ki bu belanın altından çıkabilene aşk olsun. Bir başbakanında başına sitmidir s...midir bunun adı o da ben tahmin edemiyorum..."

9.2 "... sizler sayın müdürüm ... Benim yerimde olsanız ne yapardınız. İzmirle yerleşmeden babamın mirasına ben sevinmedim 2 dükkan ... civarı sizde kaydı vardır 2 dükkan 500 m2 lik ... mahallesi ... karşısı bir evimiz sit kurbanı İzmirle geldim dikkatini çekerim ... belediyesi öncülüğünde arsalar ... belediyesine ait ... koo diye 3 sene aidat ödedim. Eşek cenneti bu arsalarda herhalde daha iyisi olacağını zannedmiyorum.

... Allah rızası için benim bu dilekçemi kim ilgileniyorsa bu işi kimler pisliyorlarsa onlara gönder. Zaten Allaha korkanlar çomağın her tarafına pislemeler tutacak bir yer bırakırlar. Ben ...1934 doğumluyum aklım fırlayacak yahu. Bu nasıl adliye. Adalet. Hak. Hukuk. insan hakları.

... ağzımın dişlerin ait sırtları kaybolmuş vidalı diş gerekiyor. Diş hastanesi bir sağa bir sola 2 vida gerek 2 milyar onu da bağkur katiyen ödemiyo. Yani kanun anayasa babayasa anağı gadı. Hani dedik ya götürün hamıdıyla götürüyor. Kime şikayet edecem. Ben hakkımı yok belediyeler valilikler meslek kuruluşları odalar sivil toplum kuruluşları saha çok geniş, top küçük, topu yırtıncaya kadar vurun.

... emekli olurken esnaf sicilimi sildirmedi unutmuşum, neden unuttun diye bir milyar ceza ödedim. Namuslusun. Bugün namuslu olmak da suç sayılıyor. Kanun öyle çünkü. Kanunlar öyle yapılmış öyle biçilmiş ki hep zengin ağa paşa kanunu neresinden bakarsan bak fukara ezilir fukara büzülür zengin dağı aşırır fakir düzde şaşırır. çünkü avukata verecek cepte parası yok dişini yaptıracak gene cebinde parası yok neden yok . hal ve ahvel ortada Halep orda arşın burada. Vur vurabildiğin kadar vur.... tarafıma bilgi verilmesini saygılarımla rica ederim.

Not: canım müdürüm sizde pekala biliyorsunuz 2 seneyi aşkın bir zamandır uğraşıyorum lakin bir milim mesafe kaydedemedim. bakanlığınıza yalvarıyorum rica ediyorum bu kirli işlerden haram yollarından rızasız işlerden ellerini eteklerini çeksinler ve bir musibet başlarına bela olmadan tövbe ve istigfar edsinler. Bir firavun burnuna sinek kaçtı canından oldu. Bir gene faciası bir şeker tansiyon çaresi yok. Yani bunlar Allahın bize verdiği cezalar burada sadece ben değilim 800 kişinin hakkı var. Bu bakanlık buna sebep olanlar öbür dünyada bir kişinin hesabını benim ailemin gözünü kör eddiniz. Buna sebep olan ... gelsin ailemin gözünü düzeltsin. Ben onun ayağını öpmezsem namerdim madem profesör olmuş onun gereklerini bileyim. Saygılarımla"

9.3 "Tamam arsa gitti elden enbelli kanun nizam bu. Ne yapalım vekilleri biz seçtik biz katlancaz."

10.	City subject to application: Mugla / Fethiye Application date (10.1, 10.2): 2002, 2004
<p>10.1 "... maliki olduğum bu yerde <u>ekim-dikim gibi tarımsal faaliyette bulunamadığımız gibi hiçbir tasarruf imkanına da sahip değiliz. Başkaca gayrimenkulumuz olmadığından ihtiyaç nedeniyle bize aynı miktarda bir yer verilmesini talep ediyoruz.</u></p> <p>10.2 "...iştirak halinde malik bulunduğumuz <u>bu taşınmaz sit alanı ilan edildiği günden bu yana mülkiyet hakkımız olmasına rağmen, tarafımızca kullanılmasına müsaade edilmemektedir.</u> 2863 sayılı yasa gereği <u>bu yer hakkında bakanlığınızca yapılan işlemlerden haberdar edilmedik.</u> ... bu yerimiz halen bakanlığınızın koruma ve gözetmenin yanında işletilmektedir de. Bu işletmenin hangi yasal dayanağı olduğu hususunun tarafımıza bildirilmesini de istiyoruz. Anılan yasanın 15 inci maddesi hükümleri çerçevesinde kamulaştırılması ya da ilgili yönetmelik gereği başka bir hazine taşınmazı ile değiştirilmesi gerekmektedir. <u>Zira taşınmaz üzerinde mülkiyet haklarımız ihlal edilmektedir. 2863 sayılı yasada tapu maliklerinin bu kanun çerçevesinde olmak şartıyla kullanmalarına engel olunacağı anlamında bir sonuç çıkmamaktadır. Oysa bakanlığınız yetkililerince tapulu taşınmazımızın yanından geçilmesine dahi izin verilmemektedir.</u></p> <p>Bu tür mağduriyetlerin giderilmesi için bu hükümler kanunkoyucu tarafından konulmuştur. Sonuç olarak, belirtmiş olduğumuz parselde kayıtlı iştirak halinde maliki olduğumuz taşınmazın usulüne uygun olarak kamulaştırılması yada <u>usulüne göre belirlenecek aynı cins ve vasıfta uygun bir hazine arazisi ile değiştirilmesi,</u> bunlar yapılmayacaksa bu yerin işletilmesi için tarafımıza gerekli yolların (kiralınması gibi) sağlanması <u>aksi takdirde gerekli tüm yasal yollara tevessül edeceğimizi bildirir</u> gereği için vekaleten arz ederim."</p>	
11.	City subject to application: Balıkesir / Ayvalık Application date: 2000
<p>"Maliki bulunduğumuz Balıkesir İli, Ayvalık İlçesi, ... pafta, ... ada, ... parselde kayıtlı 8209 m2 taşınmazımız Kurulunuz tarafından 1. Derece Doğal Sit ilan edilmiştir. <u>Turizme açık olan bu bölgede turistik yatırım yapmayı düşündük. Belediye tarafından bu girişimimize izin verilmedi. Malikler olarak Kurulunuz tarafından büyük ölçüde maddi zarara uğratılmış bulunmaktayız. Zararımız her geçen gün artmakta olduğundan</u> 2863 sayılı yasanın 15/f maddesi gereğince Bakanlığınız tarafından hazineye ait taşınmazlar ile takasının yapılmasını arz ve talep ederim. Saygılarımla."</p>	

12.	<p>City subject to application: Antalya / Merkez</p> <p>Application date: 1990</p>
<p>“Antalya İli, ... Bucağı, ... Köyü, ... 1. sit alanı içinde bulunan ... nolu parsellerdeki yerlerim kamulaştırılacağı için <u>ev yapma, ekme, dikme gibi hiçbir tasarrufta bulunamamaktayım.</u> Bu nedenle yerlerimin karşılığı olarak hazine arazisi ile takas etmek istiyorum.”</p>	
13.	<p>City subject to application: Antalya / Kale</p> <p>Application date: 1999</p>
<p>“...1998 tarihli başvuruma verdiğiniz ... 1999 tarihli yazınızla <u>talebimin değerlendirilebilmesi için bana hem mali hem fiziki külfet yükleyecek talepte bulunmaktasınız. Arsam tek taraflı olarak sit alanı ilan edildi ve elimden alındı.</u></p> <p>Ben 74 yaşındayım. <u>SSK kurumundan aldığım emekli maaşımdan başka gelirim yok. Arsanın yerini bilmem. Bu işlemleri yapacak gücümde yok.</u> Yalnız yaşayan bir insanım. <u>Bu husus yani, harcırah yatırma, araç temini, randevu alma, Antalya Müze Müdürlüğü'ne müracaat YORGUNU Yokuşa sürmektir. Devlet benim arsamı sit alanı ilan ederken bütün bunları yaptımı? Kaç kuruş harcadım. Mademki takas yapılıyor o zaman bana bu külfet niye? Sanki bana Çankaya Köşkü'nden arsa vereceksiniz.</u></p> <p>... 1998 tarihli dilekçemde de belirttiğim gibi siz, <u>Devlet olarak benim ömrümün sonunda elimdeki arsayı, hayatım boyunca edindiğim tek tapuyu yasayla gasp etmiş oldunuz. Afiyet olsun.</u></p> <p>Saygılarımla.”</p>	
14.	<p>City subject to application: Bursa / Mudanya</p> <p>Application date: 2008</p>
<p>“Bursa İli, Mudanya İlçesi, ... mahallesi, ... sokak, ... pafta, ... ada, ... parsel numaralı taşınmazın tapu kaydına 2. Derece arkeolojik sit alanı olduğundan bahisle şerh konulmuş olup, <u>söz konusu şerhin kaldırılmasına ilişkin açtığımız davalar sonuçsuz kalmıştır.</u> Davaların sonuçsuz kalması üzerine <u>taşınmazın üzerindeki fiili tasarruf hakkım ortadan kalkmış olup verilen imar uygulaması dahilinde 5 kat izni olduğu halde herhangi bir işlem yapamamaktayım.</u></p> <p>Bu sebeple taşınmazımın aynı değere sahip Hazineye ait başka bir taşınmazla trampa edilmesini taleple, tarafıma trampa edilecek taşınmazların ihalesine girmem için sertifika verilmesini saygılarımla arz ederim.”</p>	

15.	City subject to application: Mugla / Datca Application date: 2008
<p>“... maliki bulunduğum ve <u>28 yıldır bir kez olsun yararlanamadığım</u> sit alanı kararı verilen arazimi ... yasalar gereği Konya ili şehir merkezinde ya da Konya'nın Meram, Selçuklu, Karatay İlçeleri sınırları dahilinde bir hazine arazisi ile değiştirmek istiyorum.”</p>	
16.	City subject to application: Mugla / Datca Application date: 2007
<p>“ ... taşınmazımızın takası için uzun süre yazışmalar yapılmıştır. <u>Takas ile ilgili tüm evraklar tamamlanmasına rağmen Maliye Bakanlığı tarafından çıkartılan 1/1000 lik Koruma amaçlı imar planı (kesin inşaat yasağı getirilmiş) istenmesi işlemlerimizin durmasına neden olmuştur.</u> Uzun yıllar bu mağduriyetten kurtulmak için vermiş olduğumuz uğraşlar hala sonuca ulaşmamıştır. <u>Kendi tapulu arazimiz bir kısım Kuruluşlar tarafından sit alanı ilan edilmiş, bizlere imar izni verilmemekte, arazimiz kamulaştırılmamakta, arazimizin takası içinde güçlükler çıkartılmaktadır.</u> Bu durumda sizler olsanız ne yaparsınız? <u>Yıllar önce ne hayaller ile almış olduğumuz yerler bizlere bilgi bile verilmeden sit alanı ilan edilmiştir. Bu konuda 20 yıldır mağduriyetimiz devam etmektedir. Arazilerimiz değer kaybına uğramıştır. Yaptığımız yatırım boşa gitmiştir. Çözüm için yol bile gösterilmemektedir.</u> ... bu durumda arazimizde takas işlemi yapılamayacağına göre ve kesin inşaat yasağında yoksa <u>ne yapabiliriz? Bu konuda yetkili merci neresidir?</u> <u>İmar planı dışında olan arazilere yapılaşma izni hangi kurum tarafından verilmektedir. Bizleri muhatap alacak kurum neresidir?</u> Gereğini saygılarımla arz ederim.”</p>	
17.	City subject to application: Mugla / Datca Application date (17.1, 17.2): 2004, 2004
<p>17.1 “ ... bizler 30 yıl önce kısıtlı imkanları ile Mevkiinde ortalama 500-550 m2 civarında bir yer aldık. <u>Tabii düşüncemiz yaz tatillerimizde çoluğumuz çocuğumuz ile birlikte kısa süreli de olsa tatil ve dinlenme ihtiyacımızı gidermek idi.</u> Ancak aradan zaman geçtikçe bu tapulu arazilerimiz Kültür ve Tabiat Varlıkları Koruma Kurulları tarafından 1. derece doğal sit ve 1. derece arkeolojik alan olarak Karar altına alındı. Bu arada ... Bakanlar Kurulu Kararı ile de Özel Çevre Koruma Alanı ilan edildi. <u>Bu durumda bizlerin ve toplam 450 kişinin eli kolu bağlandı. 2001 yılında çıkan yeni bir yasa ile</u></p>	

tekrar umutlandık. Sit alanı olan 1. derece doğal ve arkeolojik alanların hazine arazileri ile takas edilmesi söz konusu idi. Bizler kişisel olarak tüm arkadaşlarımızın adına girişimde bulunduk. Kültür ve Turizm Bakanlığına yaptığımız müracaatlar 1998 ve 2001 yıllarını kapsamaktadır. Bakanlık bir takım evrakların gerekli olduğunu bunları bizlerin takibi ile tamamlamamız halinde arazilerimizin takas edilebileceğini bildirdi. Bizlerde ilgili dairelere cebimizden harcadığımız çeşitli masraflar neticesinde tüm evraklarımızı tamamlayarak Bakanlığa gönderdik. Tüm işlemlerin tamamlanması için geçen süre 2-2.5 yılımızı aldı. Halen gençlik dönemini yitirmiş ve birer emekli memur olarak tapulu arazilerimiz durumunun sonuca ulaşacağını umut ederken 2003 yılında Maliye Bakanlığı Milli Emlak Genel Müdürlüğü tarafından hazırlanan bir yönetmelikle bizlerden tekrar ilave olarak arazilerimiz 1/1000 lik planı istendi. İşte tüm mağduriyetlerimiz bu andan itibaren başladı. Maliye Bakanlığı Milli Emlak Genel Müdürlüğü böyle bir planın kendi kurumları tarafından yapılmadığını, Kültür Bakanlığı'na yapılması gerektiğini bu Bakanlık Çevre Bakanlığı Özel Çevre Koruma Kurulu Başkanlığının yapması gerektiğini bu Kurulunda 1/25000 lik plan dışında plan yapmadığını ekte sunacağımız belgelerle öğrendik. Bizler Şehir Plancıları Odaları ve Bayındırlık Müdürlükleri ile yaptığımız temaslarda 1/1000 lik planların imara açılacak yada yapılaşmış veya Belediye hudutları içindeki alanlarda yapıldığı oysa, bizim arazimizde hiçbir şekilde yapılaşma olmadığı ve buralarda 1/1000 lik planın neden istendiğini bir türlü anlayamadıklarını ifade etmişlerdir. Bu konunun Milli Emlak Müdürlüğü yetkililerine aktarılması gerektiğini belirtmişlerdir.

Bizlerin bu aşamada yaptığı gerek Maliye Bakanlığı gerekse Kültür Bakanlığı yazışmalarımıza kestirme yoldan cevap vermeyi yeğlemiştir.

... bizler yaşadığımız ülkede adımıza kayıtlı tapu belgelerimiz olmasına rağmen neden bu günlere kadar mağdur edildik. Yanlırların, mağduriyetlerin giderileceği bu dönemde bizlerle neden ilgilenilmiyor. İşlerimizi nereden nasıl takip edeceğimiz konusunda bile Resmi Kurumlardan bilgi alamıyoruz. Sizlerden istirhamımız ortalama 2000 kişiyi kapsayan bu grubun mağduriyetinin giderilmesi için yardımcı olunmasıdır. Saygılarımızla. "

(Mağdur 450 kişi adına)

17.2 "... sayın Bakanım, dünyanın hangi ülkesinde görülmüş halkının arazisine el koyan ve onları bunca senedir mağdur eden bir yönetim.

.... Bizlerin daha kaç yıl yaşama şansı var. Hiç olmaz ise gözümüz açıkken arazimizin çözümü kavuştuğunu görelim. Çözülemeyen konuları çözen bir Hükümet olarak sizlerden yardım istiyoruz. Ülkemiz adına sonsuz başarılar diliyoruz. "

18.	<p>City subject to application: Mugla / Datca</p> <p>Application date: 1997</p>
<p>“ Haziran ayı içerisinde Kültür Bakanlığının sit alanlarına takas diye bir yazısını Akit gazetesinde okudum. ... <u>İzmir civarından</u> vakıfların yerlerinden bir yer ile değiştirmek istiyorum.</p> <p><u>Diğer hissedarlarla buluşmak mümkün olmadığı ve Bakanlığınızın takas konusunda kolaylıklar getirmesini aksi takdirde biz dar gelirli kişiler olarak bizden istenen evrak ve muameleleri yerine getiremiyoruz.</u> Bu hususda yardımlarınızı bekliyoruz. Saygılarımla.”</p>	
19.	<p>City subject to application: Denizli / Merkez</p> <p>Application date: 1998</p>
<p>“1. ... adımıza bulunan Denizli İli, Merkez, ... , ... Mevkiinde ... gayrimenkulümüz birinci derecede sit alanı içine alınmıştır.</p> <p>2. Sit alanı içine alınan <u>değeri yüksek gayrimenkulümüzü kullanamaz, değerlendiremez duruma geldik.</u> Bu sebepten aynı pafta içinde bulunan ... parsel numaralı mülkiyeti Hazineye ait parsel ile takas talep edilmesini talep ediyoruz. Bize ait olan taşınmazın mülkiyeti Kültür Bakanlığı'na nakledilirken, ... de mülkiyetinin Hazineden alınarak adımıza geçirilmesini istiyoruz. <u>İki gayrimenkul arasındaki kıymet durumlarının ilgili komisyonca yapılmasını, iki gayrimenkul arasındaki fark durumunun bundan sonra ödenmesini diliyoruz ...</u></p> <p>3. Gayrimenkulümüz sit alanı içine alınması sebebiyle mağduriyetimizin giderilmesi için talep ettiğimiz takas işleminin yapılmasını saygı ile diliyoruz.”</p>	
20.	<p>City subject to application: Denizli / Merkez</p> <p>Application date(20.1, 20.2, 20.3): 1999, 1999, 2000</p>
<p>20.1 “Sayın Cumhurbaşkanımız;</p> <p>Bizler Denizli Merkez ... Köyü ... Mahallesi sakinleriyiz. Mahallemiz 1980 yılında sit sınırları genişletilerek sit alanı içinde kalmıştır. <u>Mahallemizde hiçbir tarihi eser ve kalıntı olmamasına rağmen inceleme yapılmaksızın sit alanı içine alınmıştır.</u> Kalıntı ve tahrip olmadığı mahkeme zabıtlarında sabittir. <u>Birinci derece sit alanı olması mahallemizi çok madur etmektedir. 19 senedir çile çekmekteyiz.</u> Buradaki yetkililer bizlere yardımcı olmadılar. Sizin her zaman kullandığımız</p> <p>sözünüz olan “Demokraside çağreler tükenmez.” Lafı bize uymamakta, çağreler tükenmektedir. <u>Bizler devlete olan güvenimizi ve saygımızı her zaman korumaktayız. Ama mahallemize bir çivi</u></p>	

çaksak devlet orası sit alanı diyerek karşımıza çıkıp, mahkeme mahkeme sürünmekteyiz. Mahallemize 1988 yılında bir ilkokul yapıp, Ağır Ceza Mahkemesinde yargılandık. Yine mahallemize 1995 yılında cami yaptık, halen yargılanmaktayız. Burada doğan her çocuk devlete karşı suçlu doğuyor. Sonuçta bu çocuğun ev ihtiyacı var. Mahallemiz ... hane, ... nüfuslu, alt yapısı tamamlanmış küçük bir yerdir. Bizlere yetkililer takas teklif ettiler. Bizim yerimiz tarla değil, evlerimiz, damlarımız, bahçelerimiz yetişmiş, bizler burada 70 senedir ikamet etmekteyiz. ... mahallesini yetkililer tekrar inceleyip eğer hakiki sit ise tarihi herhangi bir kalıntı varsa bizim tapulu arazilerimizi, evlerimizi, bahçelerimizi kamulaştırıp bizi başka yere taşımalarına izin veriyoruz. ... mahallesinin sit alanı olmadığına bizler inanmaktayız.

İkinci üçüncü derece derecelendirilmeye gidilip kuruldan izin alarak yapılanmamıza izin verilmesini çarpık yapılaşmadan kurtarılmasını istiyoruz.

Ayrıca ... Köyü Kurtuluş Savaşında Şerefli Sancağımızı düşmana teslim etmeden 75 sene köyümüzün camisinde saklanıp, Köy Muhtarı ... tarafından ... 1997 senesinde size teslim edildi. Bunun sonucunda sizde zamanın Denizli Milletvekili ... emir vererek ... Köyüne asfalt yol yapılmasını emrettiğiniz halde yol sit alanı meselesi yüzünden yapılmamıştır.

Şu an Denizli'ye bakan 7 tane milletvekilimiz vardır. Bu sorunumuzu hangisine verirseniz, bu görevi memnuniyetle yerine getireceklerini biliyoruz ve inanıyoruz. En derin saygılarımızı sunarız."

(Mahalle sakinleri adına ...)

20.2 "Sayın ... Başbakan Yardımcısı, Devlet Bakanı

Bizler Denizli merkez ilçe ... Köyüne bağlı ... hane, ... nüfuslu ... Mahallesi sakinleriyiz.

Mahallemizde hiçbir tarihi eser kalıntısının olmadığı mahkeme kararıyla sabit olduğu halde 1980 yılında Pamukkale Sit Alanı sınırları içine alınmıştır. Mahalle halkı olarak bu tarihten itibaren çok sıkıntı içine girdik. Bu güne kadar mağduriyetimizin giderilmesi konusunda Cumhurbaşkanımız dahil başvurduğumuz yetkili kalmadığı halde derdimize çare bulamadık. En son Nisan ayında Sayın Kültür Bakanımızın Denizli'ye yaptıkları ziyaret esmasında Milletvekilimiz Sayın ... ile birlikte görüştük, derdimizi anlattık. Ancak bu güne kadar Sayın Bakanımızın genel müdürüne verdiği Emire rağmen hiçbir yetkili konu ile ilgili araştırma ve inceleme yapmak üzere mahallemize uğramadı. Bizler mahallemizin sit alanı olmadığına inanıyoruz. Bu konunun yetkili uzmanlar tarafından yeniden incelenmesini ve karar verilmesini istiyoruz.(Önceden alınmış kararın yeniden incelenmesi)

1980 yılından beri kendi imkanlarımızla cami ve okulumuzu yaptık. Bütün arazilerimiz tapulu olduğu halde taş üstüne taş koyamıyoruz. Koyduğumuz takdirde mahkemelerde sürünüyoruz. Kaçak yapıdan dolayı cezaevine giren 60 yaşındaki ... cezaevinde öldü. Bir çok insanımız mahkemelerde uğraşiyor. Cezaevinde yatıyor.

Sayın Genel Başkanım! Bizler böyle bir mağduriyetle karşı karşıyayız. Mahalle sakinleri olarak isteklerimiz sit kararı ile ilgili yeni bir inceleme yapılması, inceleme sonucuna göre mahallemiz gerçekten sit bölgesi ise; Bizlere yeni bir eşdeğer yerleşim alanı tahsis edilmesi ya da kamulaştırma yapılarak bizlere gerekli ödemelerde bulunulmasıdır.Ancak tek dileğimiz meselenin bir an önce çözüme kavuşturulması, bizlerin mahkeme kapısından kurtarılmasıdır.En içten saygılarımızla.”(Mahalle sakinleri adına ...)

20.3 “ Valilik Yüksek Makamı’na

... Köyü ... Mahallesi için daha önce takas ilanı gelmiştir. Söz konusu yerin konumu ve burada ikamet eden halkında Reddetmesinden dolayı ayrıca bu yerleşim yerinin her türlü alt yapısı ve sosyal imkanları mevcuttur. Çünkü Mahallenin Okulu, Camisi, Yolu, suyu, elektrik ve Telefonu hali hazırda kullanılmaktadır netice olarak halkın yaşamı burada devam etmektedir. Sadece mesele tarla olarak veya Maddi Değer Olarak Algılanması buradaki Yaşayan Halka Mağduriyet verir ve değer olarak algılanamaz.

Sonuç itibari ile ... Mahallesinin durumu takas değil bilakis yetkili kişilerce yerinde incelenip meselenin köklü bir çözüme kavuşturulması gerekmektedir.

Kültür Müdürlüğü ve Müze Müdürlüğü’nün ... mahallesi için Takas işlemi devam etmekte diye bildirdiği RAPORLARIN DOĞRU OLMADIĞI mahallemizde takas işlemine baş vuranların RANT PEŞİNDE KOŞAN ve Mahallemize sonradan ikamet eden daha sonra da Mahalleyi Terk eden halen mahallede oturmayan Şahıslardır. Gerçek mahallemiz yerlileri Takas işlemi düşünmemektedirler ve Mağdur olacakları aşikardır bu nedenle Köklü bir çözüm için yerinde inceleme yapılarak bizler takas istemiyoruz gereğini bilgilerinize saygılarımızla arz ederiz.”

(Mahalle muhtarı)

21.	City subject to application: Hatay / Merkez
	Application date: 2007

“Antakya ... mıntka ... parsel sayılı taşınmazın .../... payın malikiyim.

Dar gelirli bir insanum binbir zorlukla yaptığım birikimimle aileme bir ev yaptırmak amacı ile bu taşınmazı 1996 yılında satın aldım. Ev yaptırmak niyetiyle başvurduğum kurumlardan bu taşınmazın 1.sınıf sit kapsamında olduğu ve koruma altında olduğu için inşaat yasağı olduğunu öğrendim. Ev yapmak amacı ile satın almış olduğum bu taşınmazı bu amaçla kullanamadığım için oldukça mağdur oldum ve zarar gördüm.

Bu zararımın giderilebilmesi için 2863 sayılı kültür ve tabiat varlıklarını koruma kanununun 15/f maddesi uyarınca kamulaştırılmasına ya da inşaat yapabileceğim başka bir parselin tarafıma tahsisine karar verilmesini saygı ile arz ederim.”

22.	City subject to application: Hatay / Samandag Application date: 1997
<p>"Makamınıza sunulan ...1996 ... sayılı dosyama konulmak üzere, Antakya, ... Köyü, ... ada , ... pafta, ... parsel tapulu taşınmaz yerimin <u>1. sit bölgesi olmasından bu yerimde çocuklarıma yapacağım ev imkansız olmasına göre</u> bu yerimin Hazine arazisi ile Takas edilmesi söz konusu olduğundan benim arazime yakın bulunan ve halen benim zilyetimde kirasını muntazaman ödemekte olduğum ... sayılı parselle miktarı kadar takas edilmesine emir ve müsadelerinizi saygılarımla arz ederim."</p>	
23.	City subject to application: Aydın / Yenihisar Application date : 2010
<p>"Sizden isteyim aydın ili didim ilçesi ... mevkii ... ve ... parsellerde kayıtlı <u>taşınmazlarımın ne zaman takaslanacağı hususunda bilgi edinmek istiyorum. Lütfen cevap yazdırırsanız memnun olurum ve benim ne yapacağımı bildirin.</u> Bu arsaları 1989 dan aldım tapularıyla beraber, <u>uzamandan beri işletemiyorum.</u> Lütfen sorunları çözün. Saygılarımla sunarım."</p>	
24.	City subject to application: Mugla / Bodrum Application date: 2010
<p>"... <u>tam otuz yıl emlak vergisini, ... ve ... belediyesine ödedik. Bu güne kadar da bir hak sahibi de olmadık.</u> <u>Bildiğimiz kadarı ile aynı ada ve parseldeki hak sahipleri tanıdık kişiler haklarını ve paralarını alarak çekildiklerini bilinmektedirler.</u> ... <u>Bu arsanın takas yolu ile veya bedeli misli ile tarafıma verilmesine, .. daha fazla mağduriyetime meydan verilmemesi için; ikamet etmekte olduğum mersin ili merkezinde <u>munasip bir yerinden hazine taşınmazları ile değiştirilmesine,</u> olmadığı takdirde tarafıma nakit olarak ödenmesine Emir müsadelerine arz ederim."</u></p>	
25.	City subject to application: Mersin / Silifke Application date: 2000
<p>"1995 yılında satın aldığım Silifke ilçesi ... Mahallesi ... yolu ... pafta, ... ada, ... parsel, 262 m2 arsamın %60'ya yakın bir kısmı 1996 yılında <u>1. derecede sit sahasında kaldığı için inşaat yapamamaktayım.</u></p>	

Ben Silifke ilçesinde kirada oturan üç çocuğu olan bir bayanım. Ben çocuklarımla oturabilecek bir ev yapmak için bu yeri almıştım. Ben aldığımda bu yerde 1. derece sit sahası deyildi. Şu anda çok mağdur durumdayım. Benim bu parselimin karşılığında başka bir yerden, Silifke dahilinde hazineye ait bir yerden parsel verilmesinin sağlanmasını ve mağduriyetimin giderilmesini saygılarımla arz ederim.”

26. City subject to application: Mersin / Silifke
Application date: 2003

“... 1990 tarihinde aldığım Mersin İli, Silifke ... Köyü ... Mevkiinde bulunan 313 m2 arsanın sonradan Bakanlar Kurulu tarafından yapılan bir düzenleme ile 1. derece sit alanı olduğunu ve herhangi bir yapılaşmaya gidilemeyeceğini sifaen öğrendim. Aldığım tarihten bu güne kadar tüm vergilerini ve harçlarını ödedim buna rağmen mağduriyetim devam etmektedir. Yukarıda m2'sini bildirdiğim gayrimenkulumun 1. derece SİT'e girdiği ve yapılaşma yapılamayacağı kesinlik kazanmış ise takas yolu ile aynı bir yer tahsis edilmesi hususunda gereğinin yapılmasını saygılarımla arz ederim.”

27. City subject to application: İzmir / Urla
Application date: 2000

“İzmir Urla ... ada ... parsel ... 1. Derece Arkeolojik Sit olarak ilan edilmiştir. Müvekkilim ve diğer hisse sahipleri arazi üzerinde yıllardan beri sürdürülen kazı çalışmaları nedeniyle kaynağı ve teminatı T.C. Anayasası olan mülkiyet ve tasarruf haklarını kullanamamakta ve bu durum telafisi olanaksız mağduriyetlere neden olmaktadır. ... Aynı il sınırları içerisindeki hazineye ait yakında bulunan bir başka taşınmaz ile değişiminin yapılması talebinde bulunuyoruz. ...
Gereğinin yapılması saygı ile talep ve rica olunur.”

28. City subject to application: İzmir / Cesme
Application date: 1993

“İzmir İli, Çeşme ilçesi ... ile ... nolu parsellerde kayıtlı arsanın malikiyim. Daha önce 3. Derecede Arkeolojik SİT olan arsam için imar çalışmaları yaptırdığımız esnada TMMOB İzmir Mimarlar Odasının, İzmir 3. İdare Mahkemesinde Bakanlığınız aleyhine açmış olduğu Dava 11.11.1992 tarihinde sonuçlanarak, İldırda yukarıda belirttiğim arsamın da içinde bulunduğu alan I.Derecede Arkeolojik SİT alanı olduğuna karar vermiş ve Dava kesinleşmiştir.

<p>Bu durum karşısında, yukarıda yeri ve miktarı belirtilen arsamin, Çeşme veya yakın ilçelerde <u>Eşdeğerde</u> bir Hazine Arsası ile takas etmek istiyorum.</p> <p>Gereğinin yapılmasını saygılarımla arz ederim."</p>	
29.	<p>City subject to application: İzmir / Foca</p> <p>Application date: 1991</p>
<p>"İzmir İli, Foça İlçesi, ... mevkiinde bulunan ... parselde kayıtlı ... taşınmazımızın bulunduğu bölge yüksek kurulun 26.10.1984/464 sayılı kararı ile 1. derece doğal sit alanı olarak tescil edilmiştir.</p> <p>Söz konusu taşınmazımızın ... başka bir hazine arazisi ile takas edilmesi için ... tarafımızdan istenmiştir ... Maliye ve Gümrük Bakanlığının yaptığı <u>ilçe sınırları içinde takasa konu edilecek hazine arazisi bulunmadığı belirtilmiştir.</u></p> <p>Mağduriyetimizin önlenmesi için maliki bulunduğumuz taşınmazın ... kamulaştırılması için bilgilerinizi ve gereğini arz ederiz."</p>	
30.	<p>City subject to application: İzmir / Foca</p> <p>Application date: 1990</p>
<p>"İzmir İli, Eski Foça İlçesi ... kayıtlı olan 91 m2 arsamin ... hazineye ait Eskifoça içinde bulunan 75 m2 arsa ile takas etmek istiyorum. <u>Eskifoçadaki arsaların fiyatları, kiraların çok yüksek olması ve yüksekokulda okuyan iki çocuğumun göz önüne alınarak, mağduriyetimin önlenmesi hususunda gereğinin yapılmasını arz ederim."</u></p>	
31.	<p>City subject to application: İzmir / Foca</p> <p>Application date: 2009</p>
<p>"... arsamızın takas yolu ile değiştirilmesi için gerekli tüm evraklar tarafımdan hazırlandığı ... tarih, ... numaralı kayıt ile İzmir İl Kültür Müdürlüğü hür varlıklar ve müzele şubesine teslim edilmiştir. Takriben ... tarih ... numaralı dosya ile de kültür ve turizm bakanlığı merkez (ankara) genel evrak bölümüne ulaştırılmıştır. Bakanlığınız ilgili birimden dosyamızla ilgili aldığımız bilgiye göre <u>bu konuyu ilgilendiren kanunun değiştiği ve takas uygulamasının kalktığı söylenmiştir. Kanunlar aleyhe geriye dönemiyeceğine göre;</u> dosyamızın akıbeti hakkında gerekli bilgilerin en kısa zamanda tarafıma bildirilmesini saygılarımla arz ederim."</p>	

32.	<p>City subject to application: Van / Merkez</p> <p>Application date: 1996</p>
<p>“Yüksek makamlar, ilgili merciler. Sizlere saygıyla hürmetle maruzatımızı mağduriyetimizi iletebilmek derdimizin çözümü için zatialinize duyurmayı, muraçatı yapmayı, mağdur durumda olduğumuzu söylemeyi hadimiz olmuyarak izaha çalıştık.</p> <p>...</p> <p><u>İnanın mağduruuz. Elimizde bir tarla var satmak istiyoruz satamıyoruz, ekebilmek istiyoruz ekemiyoruz. Yani bu varislerin geçim sistemini taktirlerinize sunuyorum. Yararlı bir cevap verilmesini saygıyla arz ediyorum. Mağduriyetimiz işleme alınacağına itikatım itimatım inanyorum. Mağduruuz. Mağduruuz. Mağduruuz. Yararlı kanuni çabuk işleme birlikte cevabınızı bekliyoruz.”</u></p>	
33.	<p>City subject to application: Kutayha / Cavdarhisar</p> <p>Application date: 1998</p>
<p>“Çavdarhisarda ... birinci sit alanında bulunan ... evimizi, samanlığımızı ve müşmelimatımızın hisselerimize isabet eden kısımlarını takas etmek istiyoruz.</p> <p><u>Ancak tek çekindiğimiz nokta evimizin takas edilirken başka bir mevkideki taşınmazla takasının yapılması veya evimizin arsa ile takasının yapılmasıdır.</u></p> <p>Makamınızca takdir edileceği gibi, <u>bizler maddi imkansızlıklar nedeni ile yeni yerleşim sahasından bir ev alamıyor veya yenisini yaptırıyoruz. Devletimizce takas yapılırken evimizin arsa ile takası yapılırsa, biz bu arsanın üzerine gücümüz olmadığı için ev yapamayacağımızdan bu durumun göz önüne alınmasını, ayrıca çiftçilik yaptığımızdan takas işleminin Çavdarhisar sınırları dahilindeki bir taşınmaz ile takasını talep etmekteyiz. Takas için emlaklarımızın değerlendirilerek karşılığında hazineye ait taşınmaz mallardan nereden verileceğinin bildirilmesini arz ederim.”</u></p>	
34.	<p>City subject to application: Konya / Akşehir</p> <p>Application date: 2003</p>
<p>“Sayın Ankara mülk amiri</p> <p>Saygılarımla selamlar hürmetlerimi sunarım.</p> <p>Efendi ben Konya Akşehir ... 1950 doğumlu diyabet şeker hastası biriyim. <u>Vasıfsız işçi işten çıkarılmış biriyim.</u> On senedir dilekçe göndermedik yer kalmadı Ankara müzesi Konya ve Akşehir müzeleri müdürlükleri bizde yetki ve – yapacağımız bir şey yok diyorlar. <u>Biliyorsunuz</u></p>	

İssiz ve rahatsız biri İstanbul gibi bir şehirde barınmak kolay mı. Benim bir yerden gelirim yok. İki erkek bir kızım var. Onlar da vasıfsız ve tahsilsiz. Benim size söyleyeceğim şu var ki köyüm ... müzelik diye yıkma yapma oturmak yasak denilmişti. Köy içi harab oldu. Fakat hala takas yapılmadı. Ben köyüme dönüp komşulara yardım eder. Geçim sıkıntısından yararlanırım. Benim evim olmadığından köyümde duracak yerim yok. Köyüme gidiyorum ama evim yıkık. El alemin evinde barınamıyorum. Evin yerine ev verin veya yıllar önce işten çıktığımda arsa almıştım ora ev yaptırverin benim ev yapacak param yok. Ya takas yapılınsın yada bana ev yaptırverin. Sizde iyilik görmezsem içişleri bakanada mektup gönderecem daha daha Tayip erdogana kadar bildireceğim dilekcem ve tapu senedimide gönderiyorum. Hayırlı haber beklerim arsama ev yaptırverin Akşehir gölçayırda.”

35. **City subject to application:** Nevşehir / Urgup
Application date: 2000

“sayın yetkili,
ben 72 yaşında, bağ-kur emeklisi bir vatandaşım. Benim ürgüp'te kurumunuzca sit alanı ilan edilmiş olan ... mahallesinde bir evim var. Son 20 yıldır bu evde ne herhangi biri oturabiliyor, ne herhangi bir inşaat veya tadilat işlemi yapılabilir, ne satılabilir ne de herhangi bir kurum tarafından herhangi bir işlem yapılabilir. Bu kısıtlar nedeniyle zaten evin tüm doğramaları ve yan elemanları çalınmış, kırılmış, harabeye çevrilmiş durumda. Ben 70 milyon TL emekli aylığı ile ankara da ailesini geçindirmeye çalışan biri olarak bu evimi satmak, tadil etmek, yeniden kullanılabilir duruma getirmek istiyorum ve bu benim neredeyse son şansım insan gibi yaşayabilmek için. Son iki aydır göz ameliyatı oluyorum birinci de başarısızlık yaşandı tek gözüm artık görmüyor.
Biliyorsunuz bağ-kur bunların ödemesini 5-6 ay geciktiriyor, ödemeleri benim yapmam gerekiyor şimdi ise bir ikincisine girmek zorundayım. Yani yoğun olarak paraya ihtiyacım var ve tek umudum o ev. Sizden bu ev hakkında nasıl bir tasarrufta bulunabilirim onu öğrenmek istiyorum. Tavsiyeleriniz doğrultusunda yazılı başvuruda da bulunacağım. Sizden müsbet bir cevap almadığım takdirde sesimi duyurabileceğim tüm yetkililere ve basın kuruluşlarına bu olayı anlatarak mağduriyetimin giderilmesi yoluna gideceğim. ... yardımcı olursanız çok memnun olacağım. Şimdiden ilginize teşekkürler, iyi çalışmalar.”

36.	<p>City subject to application: Balıkesir / Ayvalık</p> <p>Application date (36.1, 36.2): 2010,2010</p>
<p>36.1 “Balıkesir ili, Ayvalık ilçesi, ... beldesinde bulunan ... no’lu parsellerin müdürlüğünüzün teklifi ile ... 2008/... sayılı kurul kararı ile anılan taşınmazlarıda kapsayan alan Arkeolojik Sit alanı olarak tescil edilmiştir. İlgi yazınızda <u>Arkeolojik olarak derecesinin tesbiti için sondaj masraflarının malik olarak tarafımdan karşılanması şartı ile derece tesbitinin yapılacağı söylenmekte. Oysa bu husus mülkiyetimde tarafınızdan bir kısıtlama getiriliyorsa araştırmasıda idarenize ait olmalı. Malik olarak bu sondaj masraflarını karşılamam mümkün değildir. Anayasa ve yasalar çerçevesindeki tüm hukuki haklarım saklı kalmak kaydı ile mülkiyetimdeki bir kısıtlama ve tasarruf etmeme durumum söz konusu ise, 2863 sayılı yasanın 15.maddesinin f bendine göre kamulaştırma veya başka arsa ile 4706 sayılı yasanın 6. maddesine göre değiştirilmesi hususunda gereğini arz ederim.”</u></p> <p>36.2 “Maliki bulunduğum Balıkesir ili, Ayvalık ilçesi, ... parseller Arkeolojik SİT kapsamında kaldığından, ayvalık Tapu Sicil Müdürlüğünden ... 2010 tarihinde aldığım yazıda, <u>arsa üzerinde herhangi bir serhin olmadığı belirtilmiştir. İlgideki Belediyenin vermiş olduğu cevapta alanın sit alanı olduğu yalnız belediyeye bildirilmesinden kaynaklanmış olabileceği tahmin edilmektedir.</u> Anayasa ve yasalar çerçevesindeki tüm hukuki haklarım saklı kalmak kaydı ile mülkiyetimdeki bir kısıtlama ve tasarruf etmeme durumum söz konusu ise, 2863 sayılı yasanın 15.maddesinin f bendine göre kamulaştırma veya eşdeğer arsa takası hususunda gereğini arz ederim.”</p>	
37.	<p>City subject to application: İzmir / Cesme</p> <p>Interview date: 2010</p>
<p>“... benim bir sürü kredi borcum var. ... <u>Şimdi takas olmuyor, kamulaştırma da ödenek yok ... Koruma amaçlı imar planı yoksa ne olacak? bizim yaptracak gücümüz yok. ... Hani derler ya eşeği suladın mı, soğuk suyla mı sıcak suyla mı</u> ¹⁹¹ diye ... <u>Devlet arazisi üstündeki işgalcilere bir sürü para ödüyor... Ben buraya bir sürü para ödedim, bizim için bir şey yapmıyor bu nasıl iş?...</u>”</p>	

¹⁹¹ The full version of ‘tongue twister’ the person interviewed mentioned is:

“-Eşeği suladın mı?

-Suladım.

-Sıcak suyla mı, soğuk suyla mı?

-Sıcak suyla.

-Yandı eşeğim yandı.

-Soğuk suyla.

-Dondu eşeğim dondu.” Accessed from/date : <http://blog.milliyet.com.tr/Blog.aspx?BlogNo=19006>, June, 2010

“- Did you water to the donkey?

38.	City subject to application: Ankara / Kecioren Interview date: 2010
<p>"<u>ben nasıl bulacağım bu insanları?</u> ... Tapudan bilgi adres vermezler ki ... O zaman bekleyeceğiz ... uğraşmaya değmez ... bekleyeyim ben o zaman ..."</p>	
39.	City subject to application: Ankara / Kecioren Interview date: 2010
<p>"... o zaman biz belediyeden <u>bizim parselin tek başına ada olması için uğraşalım ...</u>"</p>	
40.	City subject to application: Mugla / Marmaris Interview date: 2010
<p>"Benim arsama değeri 20 milyar biçmişler. Benim arsam 700–750 milyar ediyor. Ben bu değerle başka bir yer bulamıyorum ki alayım. <u>Şimdi adamlar geliyor, mesela 23 milyar mı yazıyor sertifikada sana 20 milyar vereyim diyor, satıyorsun, vekaletname de alıyor senden. Aptal olursan kabul ediyorsun. Oysa sertifikanın değeri 2011 de olmuş 80 milyar, haberin yok. Üzerinde 26 yazıyor ya. Adam dörtte birine almış oluyor senden. Sonra topluyorlar böyle, vuruyorlar araziye. Sen alamıyorsun ki, adamlar kazanıyor. Ben ne yapayım şimdi? <u>Bu sertifikayı kullansam kullanamıyorum ki, nereyi alayım bu fiyata. Yeni takasa başvursam, nerden bulayım diğer insanları. Burası 40–50 dönümlük biyer. 40 yıldır gitmedim, yerini de bilmiyorum ki. Şimdi diyorlar ki sit kalkacakmış üstünden. Kalkmazsa sertifikayı da kullanmazsam ne olacak araziye? Arazi benim mi kalacak? O zaman üstünde bişey yapamıycam, peki devlet te yapamayacak değil mi? <u>Vereceğiniz akıl nedir bana?</u>"</u></u></p>	

-Yes.

- With hot water or cold water?

-Hot.

-Boiled, my donkey is boiled.

-Cold water.

- Frozen, my donkey is frozen." Translation belongs to the writer of the study. (This 'tongue twister' is used for the situations that one is in a spot no matter which way she/he chooses.)

41.	<p>City subject to application: Antalya / Alanya</p> <p>Interview date: 2010</p>
<p>“ ... yanımızdaki parselde kaçak restoran var, biz bir zeytin ağacı bile dikemiyoruz. Onlar ordan yıllardır para kazanıyorlar. Bu nasıl iş?”</p>	
42.	<p>Article In ¹⁹²: Planlama Dergisi 2004/4 (pp:19-33)</p>
<p>“Nurettin Çakır, Arkeolog, Müze Müdürü, 28 yıl boyunca Kastamonu’da müze müdürlüğü görevini yürütmüş ve Kastamonu’da korumaya kimsenin inanmadığı dönemlerde kültür varlıklarının belgelenmesi ve korunması ile ilgili mücadele etmiştir. 1978 yılında, Liva Paşa Konağı’nı kamulaştırarak bugünlerin esin kaynağı olmuştur.” (Çakır & Yıldırım, 2004)</p> <p>“Nurettin Çakır: ... 1978’de yeniden kültür envanteri çalışmalarına başladık. Arkeolojik alanlar da dahil olmak üzere, tespit edilen tüm kültür varlıklarını halihazır paftalar üzerine aktardık. <u>Taşınmazların tapu kayıtlarına şerh düşülmesi ile ilgili müracaatlarım uzun bir ikna süreci sonunda ancak 2-3 yılda sonuçlandı. Bu süreçte, pek çok yıkımlar oldu. Kurumlar ve adli yargı bile ‘Vatandaşın kendi mülkü, yıkar da yapar da’ diyordu. Bakanlıktan davacı olmak konusunda yetki aldık ve davalarımızın bir kaçından yıkımları yapanlar hakkında hapis cezalarına varan bir takım kararlar alınmasını sağladık.” (Çakır & Yıldırım, 2004)</u></p> <p>“Nurettin Çakır: ... bu dönemlerde henüz yerel yöneticilerin ve yargının korumaya sıcak bakmadığı günlerdi. <u>Vatandaşın kendi mülkü üzerinde her türlü hakka sahip olduğu düşünülüyordu. Korumanın toplum yararına olduğuna ve gelecek kuşaklara aktarılmasının önemine insanları ikna etmek üzere çok çalıştım.1980 sonrası imar açısından bir anarşi dönemi oldu. Kaçak yıkımlar ve yapımlar çok arttı. Dava açıyorduk, kimi zaman beraat kararları çıkıyordu. Sürekli tehdit aldığım ve kendimi savunmak üzere tedbirli dolaşmak zorunda kaldığım zamanlar oldu. 2863 sayılı Kanun ağır yaptırımlar öngörmesine karşın mahkeme kararları aykırı olabiliyordu, ya da uygulaması güç oluyordu.” (Çakır & Yıldırım, 2004)</u></p> <p>“Nurettin Çakır: Ciddi tespit çalışmaları ve sempozyumlar yapıyordu. Ama <u>her şeye rağmen rant sahipleri ile karşı karşıya kalınıyordu.</u> (Nurettin Çakır)” (Çakır & Yıldırım, 2004)</p>	

¹⁹² Quoted from ‘Nurettin Çakır, 28 Yıllık Mücadelenin Öyküsü’, Çakır&Yıldırım, 2004, pp: 31-32, in Planlama Dergisi 2004/4.

APPENDIX B:

**NUMBER OF FILES AND PARCELS APPLIED FOR BARTER
(ACCORDING TO CITIES/ 1990-2010)**

NUMBER OF FILES AND PARCELS APPLIED FOR BARTER (ACCORDING TO CITIES) ¹⁹³		
This table includes data of numbers of application documents according to cities, which contains data particularly used in the Chapter 3, for an indicator of spatial inequalities. Ranking is presented from the city subject to application for barter at most to the city subject at least.		
city subject to application	number of files	number of parcels
between 100-600		
izmir	583	935
mugla	399	657
antalya	396	714
mersin	297	441
canakkale	231	688
denizli	218	365
balikesir	202	306
aydin	159	309
istanbul	124	189
between 10-100		
kutahya	88	90
konya	87	101
bursa	86	127

¹⁹³ Produced from the archive of: Ministry of Culture and Tourism; General Directorate of Cultural Heritage and Museums; Department of Encouragement and Property; Barter and Expropriation Office, June 2010.

ankara	60	84
tekirdag	49	81
aksaray	41	45
edirne	38	48
kocaeli	27	63
kirklareli	25	32
kirsehir	19	26
manisa	19	44
nevsehir	18	24
adana	16	21
hatay	16	21
gaziantep	14	29
van	14	15
zonguldak	13	19
bitlis	10	38
between 1-10		
kayseri	9	48
eskisehir	9	15
osmaniye	8	8
trabzon	7	8
afyon	6	9
amasya	6	27
bolu	6	10
diyarbakir	6	17
kastamonu	6	9
sakarya	6	12
elazig	5	14
samsun	5	5
bilecik	4	4
karaman	4	4
mardin	4	4
nigde	4	6
sanliurfa	4	6
corum	3	24
tokat	3	3
adiyaman	2	2
burdur	2	2
erzurum	2	3
kahramanmaras	2	4
kilis	2	3

malatya	2	4
usak	2	2
agri	1	1
artvin	1	1
bartin	1	4
cankiri	1	1
duzce	1	1
erzincan	1	1
giresun	1	2
igdir	1	2
isparta	1	1
karabuk	1	1
kars	1	1
kirikkale	1	1
mus	1	2
rize	1	1
sivas	1	1
0 (no files)		
ardahan	0	0
batman	0	0
bayburt	0	0
bingol	0	0
gumushane	0	0
hakkari	0	0
sirnak	0	0
yalova	0	0
siirt	0	0
ardahan	0	0
ordu	0	0
sinop	0	0
yozygat	0	0
tunceli	0	0
total	3383	5786

APPENDIX C:

APPLICATIONS TO BARTER FOR MORE THAN ONE AREA
BY SAME APPLICANT (1990-2010)

APPLICATIONS TO BARTER FOR MORE THAN ONE AREA BY SAME APPLICANT ¹⁹⁴			
applicants	city subject to application	county	number of parcels
mersin			
applicant 1	mersin	merkez	≤1
		merkez	≤1
applicant 2	mersin	anamur	≤1
	antalya	kas	≤1
		kale	≤1
applicant 3	mersin	mezitli	≤1
	karaman	merkez	≤1
applicant 4	mersin	mezitli	≤1
		mezitli	≤1
		mut	≤1
applicant 5	mersin	erdemli	≤1
	mugla	bodrum	≤1
applicant 6	mersin	gulnar	≤1
	antalya	kas	≤1
applicant 7	mersin	silifke	≤1
	manisa	alasehir	≤1
applicant 8	mersin	silifke	≤1

¹⁹⁴ Produced from the archive of: Ministry of Culture and Tourism; General Directorate of Cultural Heritage and Museums; Department of Encouragement and Property; Barter and Expropriation Office, May 2010.

		silifke	≤1
applicant 9	mersin	silifke	≤1
		silifke	≤1
applicant 10	mersin	silifke	≤1
	balikesir	ayvalik	≤1
applicant 11	mersin	silifke	≤1
		silifke	≤1
applicant 12	mersin	silifke	≤1
		silifke	≤1
		silifke	≤1
		silifke	≤1
applicant 13	mersin	silifke	≤1
		silifke	≤1
applicant 14	mersin	silifke	≤1
		silifke	≤1
applicant 15	mersin	silifke	1
		silifke	1
applicant 16	mersin	silifke	1
	ankara	kecioren	1
applicant 17	mersin	silifke	1
		silifke	1
applicant 18	mersin	silifke	1
		silifke	1
applicant 19	mersin	silifke	1
	denizli	merkez	4
	kirsehir	merkez	1
applicant 20	mersin	silifke	2
		silifke	1
applicant 21	mersin	silifke	5
		silifke	1
applicant 22	mersin	silifke	1
		silifke	2
applicant 23	mersin	silifke	1
	antalya	finike	1
applicant 24	mersin	silifke	1
	kutahya	cavdarhisar	1
	mardin	midyat	1
applicant 25	mersin	silifke	1
		silifke	1

applicant 27	mersin	silifke	1
	kirklareli	vize	1
	mugla	merkez	1
applicant 28	mersin	silifke	3
	mugla	merkez	1
	edirne	merkez	1
mugla			
applicant 30	mugla	bodrum	1
	izmir	foca	4
applicant 31	mugla	bodrum	1
	izmir	bergama	2
	tekirdag	m.ereglisi	≤1
applicant 32	mugla	bodrum	3
		bodrum	2
		bodrum	2
		bodrum	1
		bodrum	1
applicant 33	mugla	bodrum	1
		marmaris	1
applicant 34	mersin	merkez	2
	mugla	bodrum	2
		bodrum	2
applicant 35	mugla	bodrum	≤1
		bodrum	3
applicant 36	mugla	bodrum	1
		marmaris	1
applicant 37	mugla	bodrum	1
		bodrum	1
applicant 38	mugla	bodrum	2
		bodrum	1
applicant 39	mugla	bodrum	1
		bodrum	1
	antalya	kale	1
		kale	3
applicant 40	mugla	bodrum	1
	antalya	kale	≤1
		kale	≤1
applicant 41	mugla	bodrum	1
	istanbul	kucukcekmece	1

applicant 42	mugla	bodrum	1
	canakkale	biga	2
applicant 43	mugla	bodrum	1
		bodrum	1
applicant 44	mugla	datca	1
		datca	3
applicant 45	mugla	datca	1
		datca	1
applicant 46	mugla	datca	1
		datca	2
applicant 47	mugla	datca	2
	istanbul	silivri	1
applicant 48	mugla	datca	1
		datca	1
applicant 49	mugla	fethiye	1
	mersin	silifke	1
applicant 50	mugla	marmaris	1
		marmaris	1
applicant 51	mugla	milas	1
	antalya	merkez	1
applicant 52	mugla	milas	1
	isparta	yalvac	1
applicant 53	mugla	milas	2
		milas	3
applicant 54	mugla	milas	1
		milas	1
		milas	1
		milas	1
		milas	1
		milas	1
		milas	1
		milas	1
applicant 55	mugla	milas	1
		milas	1
applicant 56	mugla	milas	1
		milas	1
		milas	1
		milas	8

applicant 57	mugla	ula	1
		ula	3
	izmir	urla	1
		urla	7
applicant 58	mugla	ula	1
	izmir	urla	1
antalya			
applicant 59	antalya	merkez	1
		kas	1
applicant 60	antalya	merkez	3
		merkez	1
applicant 61	antalya	merkez	1
	izmir	urla	1
applicant 62	antalya	merkez	3
	canakkale	gelibolu	1
applicant 63	antalya	merkez	1
	mersin	mezitli	2
applicant 64	antalya	merkez	2
		merkez	1
applicant 65	antalya	merkez	17
		merkez	1
		merkez	3
applicant 66	antalya	merkez	1
		kale	3
applicant 67	antalya	merkez	1
		merkez	3
		merkez	1
		merkez	1
		merkez	1
		merkez	1
		merkez	1
applicant 68	antalya	manavgat	3
	balikesir	ayvalik	≤1
	canakkale	merkez	1
applicant 69	antalya	manavgat	3
		manavgat	1
applicant 70	antalya	manavgat	1
		manavgat	1

applicant 71	antalya	kale	4
		kale	1
		kale	1
applicant 72	antalya	kale	1
		kale	1
applicant 73	antalya	kale	≤1
		kas	≤1
applicant 74	antalya	kale	1
		kale	3
applicant 75	antalya	kale	1
		kale	1
applicant 76	antalya	kale	1
		kale	3
applicant 77	antalya	kale	1
		kale	2
applicant 78	antalya	kale	1
		kale	2
applicant 79	antalya	kale	1
	konya	meram	1
applicant 80	antalya	kale	3
	izmir	seferihisar	7
applicant 81	antalya	kale	1
		kale	1
		kale	2
applicant 82	antalya	alanya	1
	denizli	merkez	2
applicant 83	antalya	kas	1
	mugla	bodrum	1
applicant 84	antalya	kas	1
		kas	1
applicant 85	antalya	kas	≤1
		kas	1
		kas	1
applicant 86	antalya	kas	1
		kas	1
izmir			
applicant 87	izmir	urla	1
		urla	1
		urla	2

		urla	1
		urla	7
		urla	1
		urla	1
applicant 88	izmir	urla	2
		urla	1
		urla	2
		karaburun	3
applicant 26	izmir	bergama	1
		foca	1
applicant 89	izmir	urla	≤1
	amasya	merkez	≤1
	antalya	merkez	1
applicant 90	izmir	aliaga	2
		aliaga	1
applicant 91	izmir	aliaga	1
		guzelbahce	1
applicant 92	izmir	aliaga	1
		seferihisar	1
applicant 93	izmir	aliaga	1
		cesme	1
applicant 94	izmir	bergama	1
		bergama	1
applicant 95	izmir	bergama	6
	balikesir	erdek	1
		erdek	1
		erdek	1
		erdek	1
		erdek	3
		erdek	1
		erdek	1
		erdek	1
		erdek	1
applicant 96	izmir	bergama	6
	balikesir	erdek	1
applicant 97	izmir	bergama	1
	aydin	yenihsar	2
applicant 98	izmir	bergama	1
		bergama	1

applicant 99	izmir	bergama	2
		kemalpasa	1
applicant 100	izmir	konak	≤1
		merkez	≤1
applicant 101	izmir	menderes	1
	edirne	merkez	≤1
applicant 102	izmir	bornova	1
	mugla	datca	1
	denizli	merkez	1
	istanbul	adalar	1
applicant 103	izmir	bornova	2
	istanbul	şile	1
applicant 104	izmir	cesme	1
		cesme	1
applicant 105	izmir	cesme	3
		foca	1
applicant 106	izmir	cesme	1
		cesme	1
applicant 107	izmir	cesme	1
	ankara	akyurt	1
applicant 108	izmir	cesme	3
	mugla	fethiye	3
applicant 109	izmir	cesme	1
		cesme	1
applicant 110	izmir	cesme	1
		cesme	1
		cesme	1
applicant 111	izmir	cesme	1
		cesme	1
applicant 112	izmir	cesme	1
		cesme	1
applicant 113	izmir	cesme	1
		aliaga	1
applicant 114	izmir	cesme	1
		cesme	1
applicant 115	izmir	cesme	1
		cesme	2
applicant 116	izmir	seferihisar	3
		cigli	1

applicant 117	izmir	narlidere	1
	antalya	kas	2
applicant 118 (incorporated company)	izmir	foca	1
		foca	1
		foca	1
		foca	1
		foca	1
		foca	1
		foca	1
		foca	1
		foca	1
		foca	1
		foca	1
		foca	1
		foca	1
		foca	1
		foca	1
		foca	1
		foca	1
		foca	1
		foca	1
		foca	1
		foca	1
		foca	1
		foca	1
		foca	1
		foca	1

		foca	1
		foca	1
		foca	1
		foca	1
		foca	1
		foca	1
		foca	1
		foca	2
		foca	1
applicant 119	izmir	foca	3
		foca	9
applicant 120	izmir	foca	2
		foca	1
applicant 121	izmir	foca	1
		foca	1
		foca	1
applicant 122	izmir	foca	1
		foca	1
		foca	1
applicant 123	izmir	foca	1
		foca	1
		foca	1
applicant 124	izmir	foca	1
		foca	1
		foca	1
applicant 125	izmir	foca	1
		foca	1
		foca	1
		foca	1
applicant 126	izmir	foca	1
		foca	2
		foca	6
		foca	6
		foca	1
applicant 127	izmir	foca	1
		foca	1
applicant 128	izmir	foca	1
		foca	1
applicant 129	izmir	foca	1

	kirklareli	vize	1
applicant 130	izmir	foca	4
	mugla	bodrum	1
applicant 131	izmir	foca	1
		cesme	3
applicant 132	izmir	foca	1
		seferihisar	1
applicant 133	izmir	foca	3
		foca	5
applicant 134	izmir	foca	1
		foca	1
applicant 135	izmir	foca	1
		kemalpasa	1
		foca	2
	balikesir	ayvalik	2
		ayvalik	1
applicant 136	izmir	foca	1
		foca	1
applicant 137	izmir	guzelbahce	1
		guzelbahce	1
applicant 138	izmir	guzelbahce	4
		guzelbahce	1
		guzelbahce	≤1
applicant 139	izmir	karaburun	1
		karaburun	1
		karaburun	1
applicant 140	izmir	karaburun	2
		karaburun	1
		karaburun	1
applicant 141	izmir	karaburun	1
		karaburun	1
applicant 142	izmir	seferihisar	1
		seferihisar	1
applicant 143	izmir	seferihisar	1
		seferihisar	1
applicant 144	izmir	seferihisar	1
		aliaga	1
applicant 145	izmir	selcuk	3
		selcuk	1

applicant 146	izmir	selcuk	1
		selcuk	1
canakkale			
applicant 147	canakkale	merkez	1
	antalya	manavgat	3
	balikesir	ayvalik	≤1
applicant 148	canakkale	biga	1
		biga	1
applicant 149	canakkale	bozcaada	1
		bozcaada	7
applicant 150	canakkale	bozcaada	8
		bozcaada	7
applicant 151	canakkale	bozcaada	1
	antalya	kale	2
applicant 152	canakkale	bozcaada	1
		eceabat	1
applicant 153	canakkale	eceabat	2
		eceabat	2
		eceabat	2
applicant 154	canakkale	eceabat	3
		eceabat	4
		eceabat	4
applicant 155	canakkale	gelibolu	1
		gelibolu	1
applicant 156	canakkale	gelibolu	1
		gelibolu	2
balikesir			
applicant 157	balikesir	ayvalik	2
	izmir	menemen	≤1
		karaburun	1
applicant 158	balikesir	ayvalik	1
	denizli	merkez	1
applicant 159	balikesir	ayvalik	1
		ayvalik	1
applicant 160	balikesir	ayvalik	3
		ayvalik	1
applicant 161	balikesir	ayvalik	2
		ayvalik	1
applicant 162	balikesir	ayvalik	1

		ayvalik	1
applicant 163	balikesir	ayvalik	1
		ayvalik	1
applicant 164	balikesir	bigadic	1
	denizli	merkez	≤1
applicant 165	balikesir	edremit	1
		edremit	1
		edremit	1
		edremit	1
		edremit	1
		edremit	1
applicant 166	balikesir	edremit	1
		edremit	1
applicant 167	balikesir	edremit	2
	aydin	kusadasi	2
applicant 168	balikesir	erdek	1
	istanbul	adalar	1
applicant 169	balikesir	erdek	3
		erdek	1
applicant 170	balikesir	erdek	1
	izmir	bergama	6
denizli			
applicant 171	denizli	merkez	1
		merkez	1
applicant 172	denizli	merkez	2
		merkez	1
applicant 173	denizli	merkez	1
		merkez	2
applicant 174	denizli	merkez	1
		merkez	2
applicant 175	denizli	merkez	1
		merkez	2
applicant 176	denizli	merkez	1
		merkez	1
		merkez	1
		merkez	1
		merkez	1
applicant 177	denizli	merkez	1
		merkez	1

applicant 178	denizli	merkez	1
	edirne	enez	1
applicant 179	denizli	merkez	2
		merkez	4
applicant 180	denizli	merkez	1
		merkez	1
applicant 181	denizli	merkez	≤1
		merkez	2
applicant 182	denizli	merkez	1
		merkez	1
applicant 183	denizli	merkez	1
		merkez	1
applicant 184	denizli	merkez	2
		merkez	1
		merkez	1
applicant 185	denizli	merkez	1
		merkez	1
applicant 186	denizli	merkez	1
		merkez	1
applicant 187	denizli	merkez	1
		tavas	2
applicant 188	denizli	merkez	1
		merkez	2
applicant 189	denizli	merkez	1
		merkez	1
applicant 190	denizli	tavas	1
		tavas	40
applicant 191	denizli	tavas	1
		tavas	40
aydin			
applicant 192	aydin	yenihisar	1
		yenihisar	1
applicant 193	aydin	yenihisar	2
		yenihisar	2
applicant 194	aydin	yenihisar	12
		yenihisar	2
		karacasu	1
applicant 195	aydin	yenihisar	12
		yenihisar	6

applicant 196	aydin	yenihsar	1
		yenihsar	1
applicant 197	aydin	yenihsar	1
		yenihsar	1
	mugla	bodrum	1
applicant 198	aydin	yenihsar	1
		yenihsar	1
		soke	3
applicant 199	aydin	yenihsar	1
		yenihsar	2
		yenihsar	1
		yenihsar	2
applicant 200	aydin	yenihsar	1
		yenihsar	1
applicant 201	aydin	kusadasi	3
		kusadasi	1
istanbul			
applicant 202	istanbul	uskudar	1
		uskudar	1
applicant 203	istanbul	uskudar	1
		uskudar	1
applicant 204	istanbul	kucukcekmece	1
		beykoz	1
applicant 205	istanbul	avcilar	1
		avcilar	1
applicant 206	istanbul	tuzla	3
		tuzla	3
applicant 207	istanbul	tuzla	3
		tuzla	3
applicant 208	istanbul	tuzla	2
	mersin	silifke	1

APPENDIX D:

CONSERVATION SITES ACCORDING TO CITIES
(AT THE END OF THE YEAR 2009)

CONSERVATION SITES ACCORDING TO CITIES (AT THE END OF THE YEAR 2009)			
Adana (application file/parcel number:16/21)		mixed sites (overlap)	-
archeological sites	267	archeological and natural sites	27
urban sites	3	historical and urban sites	1
natural sites	6	archeological and historical sites	1
historical sites	-	total	281
urban archeological sites	1	Agri (application file/parcel number:1/1)	
mixed sites (overlap)	-	archeological sites	27
archeological and natural sites	2	urban sites	-
total	279	natural sites	4
Adiyaman (application file/parcel number:2/2)		historical sites	-
archeological sites	90	urban archeological sites	-
urban sites	-	mixed sites (overlap)	-
natural sites	4	total	31
historical sites	-	Amasya (application file/parcel number:6/27)	
urban archeological sites	-	archeological sites	88
mixed sites (overlap)	-	urban sites	1
total	94	natural sites	5
Afyon (application file/parcel number:6/9)		historical sites	-
archeological sites	224	urban archeological sites	-
urban sites	1	mixed sites (overlap)	-
natural sites	19	archeological and natural sites	2
historical sites	7	historical and urban sites	1
urban archeological sites	1	total	97

Ankara (application file/parcel number:60/84)	
archeological sites	515
urban sites	8
natural sites	27
historical sites	4
urban archeological sites	-
mixed sites (overlap)	-
archeological and natural sites	4
historical and urban sites	1
archeological and historical sites	1
total	560
Antalya (application file/parcel number:396/714)	
archeological sites	403
urban sites	10
natural sites	51
historical sites	-
urban archeological sites	-
mixed sites (overlap)	-
archeological and natural sites	21
archeological-natural-historical- urban sites	1
archeological and historical sites	1
total	487
Artvin (application file/parcel number:1/1)	
archeological sites	2
urban sites	-
natural sites	2
historical sites	3
urban archeological sites	-
mixed sites (overlap)	-
total	7
Aydin (application file/parcel number:159/309)	
archeological sites	106
urban sites	7
natural sites	13
historical sites	2
urban archeological sites	-
mixed sites (overlap)	-
archeological and natural sites	1

total	129
Balikesir (application file/parcel number:202/306)	
archeological sites	164
urban sites	11
natural sites	60
historical sites	-
urban archeological sites	-
mixed sites (overlap)	-
archeological and natural sites	3
historical and natural sites	1
archeological-natural-historical sites	1
historical and urban sites	1
total	241
Bilecik (application file/parcel number:4/4)	
archeological sites	34
urban sites	1
natural sites	6
historical sites	-
urban archeological sites	-
mixed sites (overlap)	-
archeological and natural sites	1
archeological and historical sites	1
total	43
Bingol (application file/parcel number:0/0)	
archeological sites	7
urban sites	-
natural sites	1
historical sites	-
urban archeological sites	-
mixed sites (overlap)	-
total	8
Bitlis (application file/parcel number:10/38)	
archeological sites	14
urban sites	-
natural sites	1
historical sites	1
urban archeological sites	1
mixed sites (overlap)	-

archeological-urban-natural sites	1
archeological-urban-historical sites	1
total	19
<u>Bolu</u> (application file/parcel number:6/10)	
archeological sites	46
urban sites	1
natural sites	5
historical sites	-
urban archeological sites	1
mixed sites (overlap)	-
archeological and natural sites	3
total	19
<u>Burdur</u> (application file/parcel number:2/2)	
archeological sites	140
urban sites	1
natural sites	3
historical sites	-
urban archeological sites	-
mixed sites (overlap)	-
archeological and natural sites	1
total	145
<u>Bursa</u> (application file/parcel number:86/127)	
archeological sites	148
urban sites	10
natural sites	74
historical sites	-
urban archeological sites	1
mixed sites (overlap)	-
archeological and natural sites	4
urban and historical sites	7
urban and natural sites	1
total	245
<u>Canakkale</u> (application file/parcel number:231/84)	
archeological sites	227
urban sites	15
natural sites	37
historical sites	7
urban archeological sites	1

mixed sites (overlap)	-
archeological and natural sites	14
urban and archeological sites	2
archeological-natural-historical- urban sites	1
total	304
<u>Cankiri</u> (application file/parcel number:1/1)	
archeological sites	61
urban sites	1
natural sites	2
historical sites	1
urban archeological sites	-
mixed sites (overlap)	-
archeological and natural sites	1
total	66
<u>Corum</u> (application file/parcel number:3/24)	
archeological sites	43
urban sites	3
natural sites	-
historical sites	-
urban archeological sites	-
mixed sites (overlap)	-
total	46
<u>Denizli</u> (application file/parcel number:218/365)	
archeological sites	131
urban sites	1
natural sites	12
historical sites	-
urban archeological sites	-
mixed sites (overlap)	-
archeological and natural sites	8
urban and natural sites	1
total	153
<u>Diyarbakir</u> (application file/parcel number:6/17)	
archeological sites	132
urban sites	1
natural sites	2
historical sites	-
urban archeological sites	-

mixed sites (overlap)	-
archeological and natural sites	2
total	46
<u>Edirne</u> (application file/parcel number:38/48)	
archeological sites	119
urban sites	1
natural sites	23
historical sites	2
urban archeological sites	-
mixed sites (overlap)	-
urban and historical sites	2
historical and natural sites	1
archeological and urban sites	1
total	149
<u>Elazig</u> (application file/parcel number:5/14)	
archeological sites	49
urban sites	-
natural sites	6
historical sites	-
urban archeological sites	-
mixed sites (overlap)	-
archeological and natural sites	1
archeological and urban sites	1
total	57
<u>Erzincan</u> (application file/parcel number:1/1)	
archeological sites	28
urban sites	-
natural sites	2
historical sites	3
urban archeological sites	-
mixed sites (overlap)	-
historical and urban sites	1
total	57
<u>Erzurum</u> (application file/parcel number:2/3)	
archeological sites	29
urban sites	1
natural sites	4
historical sites	1

urban archeological sites	-
mixed sites (overlap)	-
archeological and historical sites	1
total	36
<u>Eskisehir</u> (application file/parcel number:9/15)	
archeological sites	251
urban sites	2
natural sites	12
historical sites	-
urban archeological sites	-
mixed sites (overlap)	-
archeological and natural sites	23
historical and urban sites	1
archeological and historical sites	1
total	290
<u>Gaziantep</u> (application file/parcel number:14/29)	
archeological sites	204
urban sites	1
natural sites	-
historical sites	-
urban archeological sites	-
mixed sites (overlap)	-
total	205
<u>Giresun</u> (application file/parcel number:1/2)	
archeological sites	5
urban sites	1
natural sites	4
historical sites	1
urban archeological sites	-
mixed sites (overlap)	-
archeological and natural sites	3
total	14
<u>Gumushane</u> (application file/parcel number:0/0)	
archeological sites	15
urban sites	-
natural sites	3
historical sites	-
urban archeological sites	-

mixed sites (overlap)	-
urban and natural sites	1
total	19
<u>Hakkari</u> (application file/parcel number:0/0)	
archeological sites	2
urban sites	-
natural sites	-
historical sites	-
urban archeological sites	-
mixed sites (overlap)	-
total	2
<u>Hatay</u> (application file/parcel number:16/21)	
archeological sites	167
urban sites	1
natural sites	4
historical sites	1
urban archeological sites	-
mixed sites (overlap)	-
archeological and natural sites	2
historical and urban sites	1
total	176
<u>Isparta</u> (application file/parcel number:1/1)	
archeological sites	118
urban sites	1
natural sites	8
historical sites	1
urban archeological sites	-
mixed sites (overlap)	-
total	128
<u>Mersin</u> (application file/parcel number:297/441)	
archeological sites	247
urban sites	2
natural sites	31
historical sites	2
urban archeological sites	-
mixed sites (overlap)	-
archeological and natural sites	27
historical and urban sites	1

total	310
<u>Istanbul</u> (application file/parcel number:124/189)	
archeological sites	43
urban sites	12
natural sites	85
historical sites	4
urban archeological sites	1
mixed sites (overlap)	-
archeological and natural sites	8
historical and urban sites	2
natural and historical sites	4
urban and natural sites	3
archeological and urban sites	1
archeological and historical sites	1
natural-urban-historical sites	1
total	165
<u>Izmir</u> (application file/parcel number:583/935)	
archeological sites	392
urban sites	35
natural sites	294
historical sites	29
urban archeological sites	7
mixed sites (overlap)	-
archeological and natural sites	30
archeological and urban sites	1
archeological-natural-historical sites	1
archeological and historical sites	4
urban and natural sites	1
natural and historical sites	1
total	795
<u>Kars</u> (application file/parcel number:1/1)	
archeological sites	18
urban sites	-
natural sites	1
historical sites	2
urban archeological sites	-
mixed sites (overlap)	-
total	21

<u>Kastamonu</u> (application file/parcel number:6/9)	
archeological sites	64
urban sites	4
natural sites	5
historical sites	-
urban archeological sites	-
mixed sites (overlap)	-
archeological and natural sites	3
historical and urban sites	1
total	77
<u>Kayseri</u> (application file/parcel number:9/48)	
archeological sites	223
urban sites	5
natural sites	9
historical sites	1
urban archeological sites	-
mixed sites (overlap)	-
archeological and natural sites	2
urban and natural sites	1
total	241
<u>Kirklareli</u> (application file/parcel number:25/32)	
archeological sites	96
urban sites	1
natural sites	9
historical sites	2
urban archeological sites	-
mixed sites (overlap)	-
archeological and natural sites	3
archeological and urban sites	1
natural -historical-urban sites	1
total	113
<u>Kirsehir</u> (application file/parcel number:19/26)	
archeological sites	86
urban sites	-
natural sites	3
historical sites	-
urban archeological sites	-
mixed sites (overlap)	-

archeological and natural sites	2
archeological and historical sites	1
total	92
<u>Kocaeli</u> (application file/parcel number:27/63)	
archeological sites	45
urban sites	7
natural sites	17
historical sites	-
urban archeological sites	1
mixed sites (overlap)	-
natural and urban sites	1
total	71
<u>Konya</u> (application file/parcel number:87/101)	
archeological sites	527
urban sites	3
natural sites	48
historical sites	43
urban archeological sites	1
mixed sites (overlap)	-
archeological and natural sites	20
archeological-natural-urban sites	3
natural and historical sites	1
archeological-historical-urban sites	1
historical and urban sites	4
archeological and urban sites	1
archeological-natural-historical sites	1
total	653
<u>Kutahya</u> (application file/parcel number:88/90)	
archeological sites	211
urban sites	2
natural sites	12
historical sites	5
urban archeological sites	-
mixed sites (overlap)	-
archeological and natural sites	16
historical and archeological sites	1
historical and urban sites	2
total	249

Malatya (application file/parcel number:2/4)	
archeological sites	54
urban sites	-
natural sites	2
historical sites	-
urban archeological sites	-
mixed sites (overlap)	-
historical and archeological sites	1
total	57
Manisa (application file/parcel number:19/44)	
archeological sites	141
urban sites	6
natural sites	14
historical sites	2
urban archeological sites	-
mixed sites (overlap)	-
archeological and urban sites	1
historical and natural sites	1
total	165
Kahramanmaras (application file/parcel number:2/4)	
archeological sites	181
urban sites	1
natural sites	-
historical sites	1
urban archeological sites	-
mixed sites (overlap)	-
archeological and natural sites	1
total	121
Mardin (application file/parcel number:4/4)	
archeological sites	81
urban sites	4
natural sites	1
historical sites	-
urban archeological sites	-
mixed sites (overlap)	-
total	86

Mugla (application file/parcel number:399/657)	
archeological sites	510
urban sites	9
natural sites	148
historical sites	-
urban archeological sites	6
mixed sites (overlap)	-
archeological and historical sites	1
archeological and natural sites	14
natural and urban sites	3
historical and urban sites	2
historical and natural sites	1
archeological and urban sites	3
archeological-natural-urban sites	1
total	698
Mus (application file/parcel number:1/2)	
archeological sites	21
urban sites	1
natural sites	-
historical sites	1
urban archeological sites	-
mixed sites (overlap)	-
total	23
Nevsehir (application file/parcel number:18/24)	
archeological sites	112
urban sites	11
natural sites	19
historical sites	-
urban archeological sites	1
mixed sites (overlap)	-
historical and natural sites	3
archeological and natural sites	6
historical-archeological-urban sites	1
natural and urban sites	1
historical-urban-natural sites	1
total	155
Nigde (application file/parcel number:4/6)	
archeological sites	69

urban sites	-
natural sites	8
historical sites	-
urban archeological sites	2
mixed sites (overlap)	-
archeological and natural sites	4
total	83
<u>Ordu</u> (application file/parcel number:0/0)	
archeological sites	18
urban sites	2
natural sites	2
historical sites	-
urban archeological sites	1
mixed sites (overlap)	-
archeological and natural sites	6
total	29
<u>Rize</u> (application file/parcel number:1/1)	
archeological sites	4
urban sites	1
natural sites	8
historical sites	2
urban archeological sites	-
mixed sites (overlap)	-
urban and natural sites	1
total	16
<u>Sakarya</u> (application file/parcel number:6 /12)	
archeological sites	16
urban sites	2
natural sites	13
historical sites	-
urban archeological sites	-
mixed sites (overlap)	-
archeological and natural sites	1
total	32
<u>Samsun</u> (application file/parcel number:5/5)	
archeological sites	74
urban sites	5
natural sites	6

historical sites	-
urban archeological sites	-
mixed sites (overlap)	-
archeological and natural sites	4
total	89
<u>Siirt</u> (application file/parcel number:0/0)	
archeological sites	14
urban sites	-
natural sites	-
historical sites	-
urban archeological sites	-
mixed sites (overlap)	-
total	14
<u>Sinop</u> (application file/parcel number:0/0)	
archeological sites	67
urban sites	1
natural sites	5
historical sites	-
urban archeological sites	-
mixed sites (overlap)	-
archeological and natural sites	1
total	74
<u>Sivas</u> (application file/parcel number:1/1)	
archeological sites	174
urban sites	1
natural sites	7
historical sites	1
urban archeological sites	-
mixed sites (overlap)	-
archeological and natural sites	7
total	190
<u>Tekirdag</u> (application file/parcel number:49/81)	
archeological sites	115
urban sites	1
natural sites	4
historical sites	1
urban archeological sites	-
mixed sites (overlap)	-

archeological and natural sites	3
total	124
Tokat (application file/parcel number:3/3)	
archeological sites	102
urban sites	3
natural sites	2
historical sites	1
urban archeological sites	-
mixed sites (overlap)	-
total	108
Trabzon (application file/parcel number:7/8)	
archeological sites	3
urban sites	8
natural sites	15
historical sites	3
urban archeological sites	-
mixed sites (overlap)	-
archeological and natural sites	3
total	32
Tunceli (application file/parcel number:0/0)	
archeological sites	11
urban sites	-
natural sites	1
historical sites	-
urban archeological sites	-
mixed sites (overlap)	-
total	12
Sanliurfa (application file/parcel number:4/6)	
archeological sites	313
urban sites	3
natural sites	2
historical sites	1
urban archeological sites	3
mixed sites (overlap)	-
natural and historical sites	1
total	32

Usak (application file/parcel number:2/2)	
archeological sites	85
urban sites	2
natural sites	1
historical sites	6
urban archeological sites	-
mixed sites (overlap)	-
archeological and natural sites	3
historical and urban sites	1
total	98
Van (application file/parcel number:14/15)	
archeological sites	40
urban sites	-
natural sites	7
historical sites	1
urban archeological sites	-
mixed sites (overlap)	-
archeological and natural sites	3
total	51
Yozgat (application file/parcel number:0/0)	
archeological sites	124
urban sites	-
natural sites	1
historical sites	-
urban archeological sites	-
mixed sites (overlap)	-
archeological and natural sites	2
total	127
Zonguldak (application file/parcel number:13/19)	
archeological sites	38
urban sites	1
natural sites	4
historical sites	-
urban archeological sites	-
mixed sites (overlap)	-
archeological and natural sites	1
total	44

<u>Aksaray</u> (application file/parcel number:41/45)	
archeological sites	137
urban sites	2
natural sites	9
historical sites	-
urban archeological sites	2
mixed sites (overlap)	-
archeological and natural sites	4
historical and urban sites	1
total	155
<u>Bayburt</u> (application file/parcel number:0/0)	
archeological sites	11
urban sites	-
natural sites	3
historical sites	-
urban archeological sites	-
mixed sites (overlap)	-
total	14
<u>Karaman</u> (application file/parcel number:4/4)	
archeological sites	69
urban sites	3
natural sites	6
historical sites	3
urban archeological sites	2
mixed sites (overlap)	-
archeological and natural sites	4
historical and urban sites	2
total	86
<u>Kirikkale</u> (application file/parcel number:1/1)	
archeological sites	43
urban sites	-
natural sites	2
historical sites	-
urban archeological sites	-
mixed sites (overlap)	-
total	45

<u>Batman</u> (application file/parcel number:0/0)	
archeological sites	11
urban sites	-
natural sites	-
historical sites	-
urban archeological sites	-
mixed sites (overlap)	-
total	11
<u>Sirnak</u> (application file/parcel number:0/0)	
archeological sites	2
urban sites	-
natural sites	-
historical sites	-
urban archeological sites	-
mixed sites (overlap)	-
total	2
<u>Bartın</u> (application file/parcel number:1/4)	
archeological sites	22
urban sites	1
natural sites	19
historical sites	-
urban archeological sites	-
mixed sites (overlap)	-
archeological and natural sites	6
total	48
<u>Ardahan</u> (application file/parcel number:0/0)	
archeological sites	10
urban sites	-
natural sites	2
historical sites	1
urban archeological sites	-
mixed sites (overlap)	-
archeological and natural sites	1
total	14
<u>Iğdir</u> (application file/parcel number:1/2)	
archeological sites	8
urban sites	-

natural sites	-
historical sites	-
urban archeological sites	-
mixed sites (overlap)	-
total	14
<u>Yalova</u> (application file/parcel number:0/0)	
archeological sites	3
urban sites	-
natural sites	1
historical sites	-
urban archeological sites	-
mixed sites (overlap)	-
archeological and natural sites	1
total	5
<u>Kilis</u> (application file/parcel number:2/3)	
archeological sites	24
urban sites	1
natural sites	-
historical sites	-
urban archeological sites	-
mixed sites (overlap)	-
total	25
<u>Karabuk</u> (application file/parcel number:1/1)	
archeological sites	37
urban sites	6
natural sites	3
historical sites	-
urban archeological sites	-
mixed sites (overlap)	-
total	46

<u>Osmaniye</u> (application file/parcel number:8/8)	
archeological sites	71
urban sites	-
natural sites	2
historical sites	-
urban archeological sites	-
mixed sites (overlap)	-
total	73
<u>Duzce</u> (application file/parcel number:1/1)	
archeological sites	13
urban sites	1
natural sites	3
historical sites	-
urban archeological sites	-
mixed sites (overlap)	-
archeological and natural sites	2
total	19

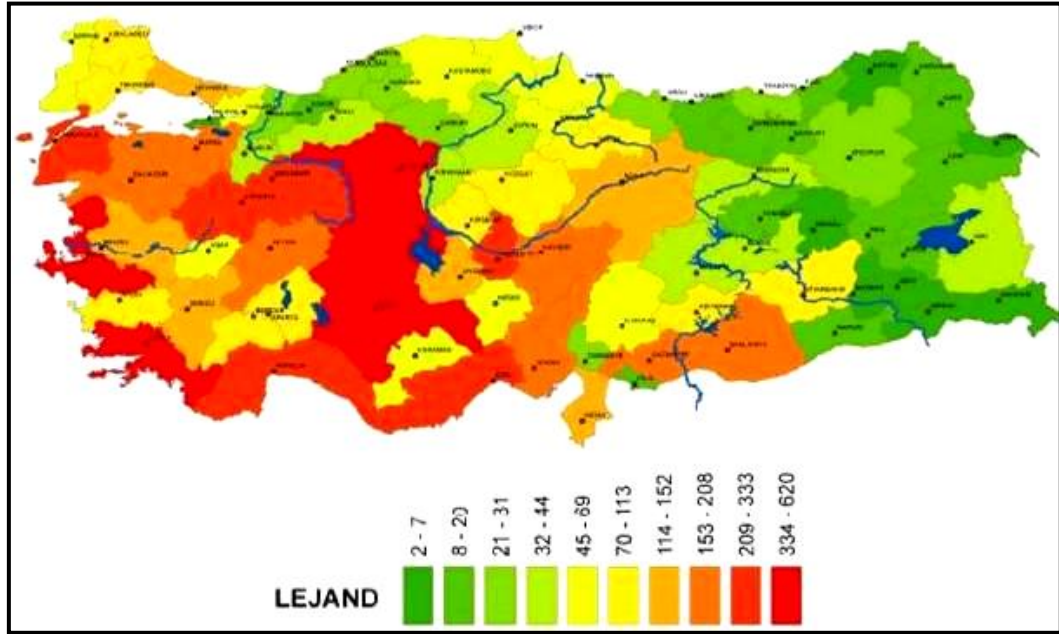


Figure D.1: Distribution of Numbers of Conservation Sites According to Cities (2009) ¹⁹⁵

¹⁹⁵ The map is derived from the archive of Ministry of Culture and Tourism; General Directorate of Cultural Heritage and Museums.

APPENDIX E:

THE 15th ARTICLE OF CONSERVATION LAW EXPROPRIATION AND BARTER

TOOLS BASED ON:

Law On The Conservation Of Cultural And Natural Property Numbered 2863/Dated 21.7.1983:

Expropriation:

Article 15 – Immovable cultural property and its conservation site shall be expropriated according to the below principles:

- a) Immovable cultural and natural property to be protected and conservation sites partially or wholly owned by real and legal persons shall be expropriated according to the programmes of the Ministry of Culture and Tourism. To this end, the Ministry of Culture and Tourism shall receive adequate budgetary appropriations.

...

- f) **(Added: 17/06/1987 - 3386/5 art.; change 25/06/2009-5917-art 24):**

Parcels, that have the immovable cultural and natural property to be protected, on which construction is definitely prohibited in the 1/1000 scaled conservation oriented development plan due to the conservation site status, can be exchanged with other land or lands belong to treasury as independent or jointly owned provided that all parcel owners of same block have requested and the proposed parcels are all accepted. The application of later owners, except death or heritage, of the immovables, whose conservation site

declaration is annotated into the title deeds, is not evaluated. However, in the parcels, that are in the areas in which excavation is performed by the permit of the Ministry, the conditions related to application of joint owners and acceptance are applied parcel oriented and approved 1/1000 scaled conservation oriented development plan are not required. If there is a building or facility on it, the current market value upon application of owner paid out as determined in accordance with the provisions of article 11 of Law numbered 2942. Procedures and principles related to this subarticle are determined in regulation made by Ministry with the assent of Ministry of Finance. The procedures and principles of this provision shall be specified in a regulation.

APPENDIX F:

IDENTIFICATION CRITERIA FOR CULTURAL PROPERTIES IN LEGISLATION

Regulation on the identification and registration of immovable cultural and natural property to be protected (Official Gazette Date: 10.12.1987 /Official Gazette Issue: 19660): ¹⁹⁶

Second Chapter:

Fundamental Provisions:

Criteria of evaluation for identification purposes:

Article 4- For the identification of the cultural and natural property to be protected, the following considerations shall be observed:

- a) that they be among the natural property to be protected and the immovable property constructed by the end of the 19th century,
- b) that it be deemed necessary to conserve the property with respect to its importance and properties although it was constructed after the end of the 19th century,
- c) that the immovable property be located in the conservation site

¹⁹⁶ Accessed from/date:

<http://www.kulturvarliklari.gov.tr/Genel/BelgeGoster.aspx?F6E10F8892433CFF3D828A179298319F3754CB9777885187>, June,2010

- d) that the immovable property be one of the buildings and areas to be identified which witnessed grand historical events during the Independence War and the foundation of the Republic of Turkey as well as houses used by Mustafa Kemal Atatürk without any regard for the element of time and registration on account of the importance of the immovable property for our national history,
- e) that the immovable natural property possess rarely seen, distinct properties,
- f) For detached or single buildings; that the immovable property be special with respect to its structure, decoration, structural status, material, construction technology and format within the scope of the range of artistic, architectural, historical, aesthetic, local, archaeological values,
- g) For urban conservation sites; that the detached building having the property of cultural property to be protected demonstrate intensity, architectural, historical uniformity,
- h) **For archaeological conservation sites;** that they possess qualities in terms of written information, superficial ruins, scientific research, environmental observations, ecological observations, scientific estimations and topographical structure,
- i) **For natural conservation sites;** that they possess qualities with regards the issues of scientific research, geological structure, environmental observations, ecological observations and topographical structure,
- j) or historical conservation sites; that it be ascertained that important historical events took place according to the written information and historical research.

APPENDIX G:

GLOSSARY

ENGLISH	TURKISH
barter	: takas
expropriation	: kamulaştırma
conservation site	: sit alanı
conservation oriented development plan	: koruma amaçlı imar planı (KAİP)
ownership	: mülkiyet
possession	: zilyetlik
contribution margin	: katkı payı
transferring development rights	: imar haklarının devri
conservation council	: koruma kurulu
superior council of conservation	: koruma yüksek kurulu
transitional period structuring/building conditions/codes	: geçiş dönemi yapılanma/yapılaşma koşulları
expropriation programme	: kamulaştırma programı
state property	: devlet mülkü
public property	: kamu mülkü
title deed	: tapu senedi/belgesi