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URBAN ARCHAEOLOGY

(A VISIONARY FRAMEWORK FOR URBAN ARCHAEOLOGY IN TURKEY)

A Master's Thesis

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Ayşen BOYLU

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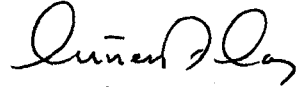
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Prof. Dr. İsmail TOSUN
Director

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


Prof. Dr. Ay Melek ÖZER
Chairman of the Department

We 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 in Archaeometry.


Prof. Dr. Gönül TANKUT
Supervisor


Prof. Dr. Sevim BULUÇ
Co-Supervisor

Examining Committee in Charge:

Prof. Dr. Ay Melek ÖZER

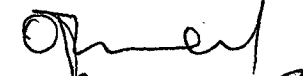


Prof. Dr. Cevat ERDER

Prof. Dr. Gönül TANKUT

Prof. Dr. Sevim BULUÇ

Assoc. Prof. Dr. Numan TUNA



ABSTRACT

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BOYLU, Ayşen

M.S. in Archaeometry

Supervisor: Prof. Dr. Gönül TANKUT

Co-Supervisor: Prof. Dr. Sevim BULUÇ

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The subject matter of this thesis is to define properly the scope of a new discipline "urban archaeology" that is an extensive and undealt field of research for Turkish cities while formulating a problematique and than proposing probable solutions. The aim is to intensify study of a town's history and protection of archaeological remains within the town as it is today.

Main parts of the study could be classified as documentary research, determination of the situation in Turkey and a proposal model.

In the first chapter, the problem is determined and than the methodology that has been followed during this study is given.

There are different determinations for the term urban archaeology and different methodological and organisational schemes in the countries abroad. Examples of these implementations from the European and American towns are given in the second chapter in order to make clear the scope of this discipline.

After those documental researches, in the third chapter, historical formation of Turkey, type of archaeological researches, determination and registration process of historical heritage, effects of developments to the archaeological remains are determined, administrative framework and financial supports concerning the preservation of archaeological remains are searched in order to define a new discipline for Turkey.

As a result of all those studies, an appropriate model in two stages is proposed for Turkey in the fourth chapter. This proposal defines the methodological, organisational and financial aspects of the discipline urban archaeology. In the methodological aspects of those proposals, also the importance of developing new techniques in archaeometry is emphasised.

Finally, in the last chapter, problems and recommendations are summarised.

Keywords: Urban archaeology, rescue archaeology, rescue excavations,

Science Code: 21.801

ÖZ

KENTSEL ARKEOLOJİ

(TÜRKİYE' DE KENTSEL ARKEOLOJİ İÇİN VİZYONEL BİR YAKLAŞIM)

BOYLU, Ayşen

Yüksek Lisans Tezi, Arkeometri Anabilim Dalı

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Bu tezin konusu, Türkiye'de henüz değinilmemiş ve geniş bir çerçeveye sahip yeni bir disiplin olan kentsel arkeolojinin çalışma alanının sınırlarını belirlemek, bu doğrultuda sorunları gündeme getirerek, uygun bir çözüm önermektir. Bu noktada, amaç, kent tarihi araştırmalarına yoğunluk verip, arkeolojik buluntuları korurken, aynı zamanda, yaşayan kentin ihtiyaçlarına da cevap vermek olmalıdır.

Dokümanter araştırması, Türkiye'deki durumun saptanması ve bu bilgiler ışığında ortaya konulan öneri model, tezin ana bölümlerini oluşturmaktadır.

İlk bölümde, problem tanımlandıktan sonra çalışma sırasında izlenen metodoloji açıklanmaktadır.

Bu alanda yurtdışında yeni tanımlar geliştirilirken, aynı zamanda farklı uygulamalar sonucunda değişik metodolojik yaklaşımlar ve kurumsal yapılar ortaya çıkmıştır. İkinci bölümde, bu disiplinin çalışma alanını belirginleştirmek amacıyla Avrupa ve Amerika'dan bu uygulamaların örnekleri verilmektedir.

Bu literatür arařtırmasından sonra, üçüncü bölümde, Türkiye'nin kentsel arkeoloji disiplini çerçevesinde incelenebilecek tarihi oluşumu, tespit ve tescil prosedürü, arařtırma çeşitleri ve gelişmenin arkeolojik kalıntılar üzerindeki etkilerine değinilerek koruma konusundaki idari yapı ve mali kaynaklar arařtırılmaktadır.

Tüm bu çalışmaların ışığı altında, dördüncü bölümde Türkiye için iki aşamalı bir model önerilmektedir. Bu model kentsel arkeoloji disiplininin Türkiye'de oluşabilmesi için gerekli metodolojik ve kurumsal yapı ile finansal kaynakları içermektedir. Söz konusu metodolojik çerçevenin çizilmesi sırasında ise arkeometrik metodların önemi, dolayısıyla bu tür çalışmaların sağlıklı verilere dayanılarak yürütülebilmesi için yeni metodların geliştirilmesinin gerekliliğı üzerinde durulmaktadır.

Son bölümde ise tüm bu sorunlar ve öneriler özetlenmektedir.

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NOMENCLATURE

GEEAYK	Gayrimenkul Eski Eserler ve Anıtlar Yüksek Kurulu The High Council of Immovable Monuments and Antiquities.
TKTVYK	Taşınmaz Kültür ve Tabiat Varlıkları Yüksek Kurulu The High Council of Immovable Cultural and Natural Heritage.
KTVKYK	Kültür ve Tabiat Varlıklarını Koruma Yüksek Kurulu The High Council for the Conservation of Cultural and Natural Heritage.
MC	Kültür Bakanlığı Ministry of Culture
High Council	Correspondant with the year and subject express GEEAYK, TKTVYK or KTVKYK.
Conservation Council	Kültür ve Tabiat Varlıklarını Koruma Kurulu Conservation Council of Cultural and Natural Heritage.

CHAPTER I

INTRODUCTION

1.1 Aim of the Study

Turkey has a very rich and divergent historical background. Many civilisations were lived in Anatolia and left their evidences of civilisations in this land. In every modern city of Turkey, those remains could be seen clearly in a superimposed position. Single period towns are very rare in Turkey, most of them are multi period settlements.

Within the process of industrialisation, those ancient towns that are superimposed with modern towns, were effected intensely from the modern developments in today's towns. Rapid urbanisation and rapid changes in the social structure of the cities cause to negative changes in the physical structure and to destruction of urban strata that constitutes the identity of the towns.

As a result of all that destruction, interpretation of the history in the towns and at the same time, preservations of urban strata for the next generations are gained a significant role. Now in this point, to make an optimisation between modern developments and preservation of urban strata and identity of the towns is very important for the wealth of archaeological heritage.

Industrialisation process has been completed in Europe and America years ago, and than, a new trend was developed in the 60s. Cities of those countries were faced with many important problems. Their urban history was started to demolished

because of high technologies and developments. So, new methods were developed and therefore, a need for a new discipline was emerged. Authorities from all those countries realised that an institutionalised body was necessary for the studies on the urban environment. They thought that, the ideal form of body has to be in a twofold role; on the one side, specialists in this field have to continue their excavations and than interpretation of all those remains and the conservation of urban strata has to be completed. At the same time, these studies have to be a guide for the later developments of the town, and also these institutions have to have a controlling position. This new discipline is called as urban archaeology.

These urban archaeological studies were started in European towns years ago and were developed especially in the beginning of 60s. First, European archaeologists were started to make excavations in the towns for the aim of preventing destruction of modern developments on the archaeological remains. Afterwards, these studies were increased in a qualitative and quantitative manner and spread all over the continent. Institutions were also established in the body of State or local organisations in those countries.

Nevertheless, in Turkey the situation is different as mentioned above. Identities of Turkish cities are demolished rapidly. The necessity of such a discipline is known, but have not been developed till now. Only a few scientists were started to work for this aims.

Besides, also there are many problems for the implementation of the discipline urban archaeology in Turkey.

In this thesis, the necessity of the concept of urban archaeology for the cities in Turkey has been explained. To achieve a development without any destruction

on the urban strata, this concept has to be hold on as a discipline in Turkey as like in other countries abroad.

Many questions were appeared in mind during this study. First, it is important to define the scope of this discipline and than to define its periods (if there is any time limitation or not). In the related chapters, these questions are explained in more detailed, but here it should be said that, the studies in the urban archaeology concern all periods of town from prehistory to the nowadays. Because, all those periods as a whole constitutes the identity of the town.

Major aim of this thesis is to develop an appropriate model for urban archaeology in Turkey with the help of other methodologies that are used in the European countries or in America. In this point, important problems of the archaeological sites, legislative and administrative framework of Turkey, types of financial sources that could be used in this field, etc. have to be discussed, and than all these problems should be resulted in an optimal solution in the proposal model of urban archaeology for Turkey. Also, in this proposal, the importance of using archaeometric methods for the studies in the towns and therefore, developing these methods for the aim of gaining more detailed information about the archaeological heritage of towns is emphasised.

1.2 Methodology

In Turkey, archaeological sites are diversified into three degrees. Archaeologically sensitive areas are classified as first degree archaeological sites. In these areas, any kinds of interventions except scientific excavations and conservation aided studies, are strictly prohibited.

Second degree archaeological sites are almost similar to the first degree archaeological sites with their restrictions for conservation, but the logic behind the determination of second degree archaeological site is to prevent destruction on the expansion area of the old settlement and to define a kind of transition zone between the old settlement and the modern one.

Finally, archaeological reserve areas are determined as third degree archaeological sites and the foundation excavations of the modern developments have to be under the control of an archaeologist from the museum in those areas.

At the beginning of the registration process in Turkey, almost every ancient city has first, second and third degree archaeological site boundaries. In time, this implementation was changed and during the delimitation process of these boundaries, second degree archaeological sites were changed into the third degree and these areas were opened to the new developments within the control of the archaeologists from the museums. With this kind of decisions, many archaeological sites are demolishing. So, it should be pointed out that, implementations in these sites have to be analysed properly and these types of areas have to be under the consideration of this new discipline that is urban archaeology.

Parts of this thesis could be defined as research, determination of the situation in Turkey and a proposal model. So, after defining the problems in our cities and formulating a hypothesis, then the process of searching relevant data and models, testifying the adaptability of those models in Turkey and potential of the country were studied. After all those studies a new model was proposed for Turkey.

First, it was necessary to search for the other implementations in the abroad in order to develop an appropriate model and definition in this concept for Turkey. In this part of the study, many problems in terms of accessibility to the

literature from the countries of Europe and from America were raised. In Turkey, a study about urban archaeology has not been developed yet. Therefore, those implementations and techniques of the other countries were very important for the understanding of the concept more clear and then for developing a suitable model for Turkey.

The term urban archaeology was used in Turkey at the beginning of the year 1990, by a commission that was established within the body of Ministry of Culture. The Council of Europe demanded from all countries to develop a committee and to organise a symposium in the title of urban archaeology and for this aim, the committee was started to their works on the theoretical basis, and the symposium was organised, many arguments and problems were discussed, but no idea was developed for the practice. Afterwards, a report was presented to the Council of Europe and the commission was dissolved. However, academicians began to study on this concept before those studies were started and now, a study for the metropolitan city of Ankara was started in this concept by the academicians, but has not been completed yet.

Therefore, learning the implementations of other countries and to develop a new definition has to be the beginning point of this study. For this aim, a literature on this subject was searched first. There were not so many articles or books in English on this field and important books were not in our libraries. So, it takes a long time to find all those books and articles. At the end of this, all documents that were necessary for this study, could not be founded. Although implementations of eastern European countries are very important, those countries could not be considered in this thesis because of the accessibility problems to the libraries of these countries and the language problem (articles in those countries are mostly in mother language). Only literature from England, America, France, Italy and Spain was considered. From Germany and Norway, only two articles could be found about urban archaeology.

However, it should be considered for further readings that, there are many articles in mother language especially for the European countries.

All implementations and models of those countries are presented in the second chapter of this thesis.

Problems of countries are almost same, but their solutions are differentiated according to the constraints of their country. These solutions could be helpful for the problems in Turkey. These problems are diversified as physical, social, economical and administrative aspects. Consequently, before developing a new model for Turkey, all problems of the country should be analysed. Now, there are many implementations in this subject, but the scientific methodology has not been developed yet.

Lack of scientific criteria for the designation and registration process, lack of education and awareness of people to their past are constitute important parts of problems. Insufficient financial support and other economic problems, land speculations are also effect all positive developments into a negative way. Consequently, to know all those problems and than to develop a method is only way of the realisation.

It could be said that, a comprehensive scientific methodology for those studies could not be realised immediately. An institutional structure should be founded before starting to a comprehensive urban archaeological study. Therefore, a model in one step could not be realistic for Turkey. So, in the fourth chapter of the thesis, a scientific methodology, organisational scheme and financial model is proposed for short and long term periods that is more adaptable for Turkey. Especially for the long term proposals, the archaeometric methods are very important in order to gain precise

information about the town's history. Therefore, for this aim, archaeometric methods are explained in this part of the study in more detailed.

As mentioned above, in Turkey, there have not been a completed urban archaeological study yet. So, in this thesis, there could not be a case study, but there are many examples from different problems and implementations. Some negative and positive examples from the application of constructions in the third degree archaeological sites were considered. Those examples are focused on the Sultanahmet Archaeological Site Area in the historical peninsula of İstanbul and archive of the Conservation Council for this area was searched for gaining information about different implementations on the site.

Laws and regulations on the conservation of cultural and natural heritage, decisions of high council on the designation and preservation of archaeological sites are all given in appendices.

CHAPTER II

THE CONCEPT OF URBAN ARCHAEOLOGY

Towns are dynamic, complex, heterogeneous structures. They are the configuration of all their historical development process, and formed by the superposition of material remains from different cultures or communities. They represent a preference of different citizens, serving different functions. Therefore, it is necessary to try to understand the transformation that produces urban strata as mentioned above. If we could read clearly the meaning behind these transformations, as M. Carver suggested, we might understand how citizens were forced to behave and why, so we might know more about their lives than they did.

All of these characteristics that has been formed in time, constitute the identity of our towns. Every town is unique with their characteristics and different from other towns in many features like building techniques, the layout of the town, the functions of each district, the pattern of daily life, funeral rites, etc. A town's past, its present and its future must combine to create a recognisable unit, so that its growth can be seen.

With this consciousness, focuses of scientists were turned to the history of our cities and the concept of urban archaeology was developed for the aims of both searching the history of the cities and preserving them and then excavations in the urban environments were started.

At the same time, there were other reasons that were oriented scientists to search for the identity of the towns. Rapid urbanisation with the use of high-technology and rapid transportation that cause the accessibility to every settlement resulted with a twofold situation. First, they invented their history in more detailed and then they tried to bring them into the light of present day of historical knowledge. But, on the other hand, the problem of destruction of remains were emerged. So, in these years, urban archaeological studies were started for the aim of solving these problems. Both in Europe and in America, to cope with these problems, new methods and technologies have been created. New definitions for this concept were improved. They tried to adopt these researches into their countries with the help of legislation. Therefore, every country solved this problem in a different way and so, many divergent types of organisations whether centralised or local, were developed.

Now in this chapter, first, a brief definition for this notion will be given and then, development process of urban archaeology in different countries and implementations of it will be explained.

2.1 Definitions of Urban Archaeology

Before giving a definition in this section, it is necessary to make more clear the related periods of urban archaeology with respect to other countries. The question in here is "whether there is a time limitation in this studies because of the scope of archaeology or not?".

Archaeology in dictionaries is defined as "study of the material evidence of the past and the subject can be subdivided into several more specialised areas of study, e.g., prehistoric, classical, medieval, industrial." So, it could be said that,

archaeology includes all periods of human past. As a result of this statement, it is comprehensible that, urban archaeological studies are cover a continuous historical researches of the modern towns. However, most of the archaeological studies in Turkey are cover ancient periods from the prehistory to the Byzantium era and after this period historians start to their works. Therefore, the scopes of archaeology and history have to be more clear.

There are many arguments whether there is a coexistence between archaeology and history or not. As Schofield (1987: 5) pointed out, many post-war archaeologists and historians have expressed different views to this question. These views range from the complete separateness of the two subjects to their complementing each other, meeting and even overlapping.

Some historians have taken an extreme view. Others have stressed the dependence of the archaeologists upon the historian in certain situations: the historian identifies a royal place and the archaeologists reconstructs by excavation its appearance at all stages in our study we must turn to the historical sources for aid (Wilson 1976, 2-3); It seems to me axiomatic that the archaeologist who chooses to work in a historic period must recognise openly his dependence on historians (Alcock 1983, 57); Archaeology does not lend itself easily to the solution of specific historical problems, it does play an important part in reconstructing the urban fabric and its changes over time (Palliser 1987: 58). Towards the other end of the scale: Archaeology reaches those parts of the past that other sources can not illuminate (Clack & Haselgrove 1981, 3-4). This semi-independent role contributed to the development of ideas in urban archaeology.

So it could be said that, archaeology is a vital source of information for the history of towns, especially before the Middle Ages, that have very few documentary sources, no town maps and almost no surviving town houses. However, it could not be disregarded the strict coexistence between these two disciplines. Also their relation and dependence to the other disciplines are very important, because as like in many other

disciplines, archaeology needs a team work. B.Salwen emphasised these cooperation very clearly as "The modern city is the most complex artefact, in both its physical and socio-cultural aspects, that humanity has ever created. In studying it, archaeologists have learned to work with specialists in a variety of fields - historians, architects, engineers, cultural geographers, urban planners. In most cases, however, we have used these associates only as sources of technical expertise. An equally fruitful approach might involve cooperation on the level of theory-building and theory-testing, starting with our colleagues in the other branches of anthropology." (Salwen, 1978: 459).

Under these circumstances, the concept of urban archaeology was appear as a phenomenon and developed in time in the countries of Europe and in USA. Till the 70s, most excavations in towns were directed according to the rescue archaeology or depend on an occasional factor to start an archaeological excavation and at the end of the excavation, selection of the remains that must be conserved, were not depended on some basic criteria. As H.Cleere mentioned in his paper, a great deal of the excavation works carried out in the countries around the Mediterranean, similarly concentrated on the monumental remains of the classical civilisations, which were often conserved in situ for public access. This trend causes some problems in both urban and rural areas. But especially in urban areas, special consideration being given to zones likely to produce material remains of a specific type and the rest of the urban area being released from any constraints relating to the archaeology below ground (Cleere, 1984: 4).

In this framework, as a result of the studies that are going on the towns, there appeared many definitions for this concept.

According to P.Sommella: "Urban archaeology is concerned with towns themselves and with urban life generally rather than with a specific period (or periods) in a town's history or a specific aspect (or aspects) of its activities."(Sommella, 1984a: 2) And her more advanced definition on this subject is that: "urban archaeology is research into the gradual development of a town, either the active aspect which generated the town's history or the passive one, reflected in events affecting it, was long based on criteria calling for the rigorous philological study of architectonic themes (monographs on monuments viewed out of their topographical and functional context) or concerned with the reconstitution of fundamental events in urban life."(Sommella, 1984b: 16)

The book "Rescue Archaeology"(Biddle, 1974) and more specifically Martin Biddle's paper in this book is accepted as the turning point in the studies of towns' history. And in those contents the term of urban archaeology is defined as an uninterrupted existence of towns' history from ancient times to the present day. Consequently, the term rescue archaeology was gained importance and it was understood that a more comprehensive study requires technical improvements in stratigraphic excavations and the interpretation. To create a comprehensive understanding of an urban environment by using more developed techniques as the author mentioned in his paper like horizontal and vertical cross-sectional analyses and thematic studies presenting the full history of the "Civitas", including its relations with its hinterland (Sommella, 1984a: 3) is gained general acceptance.

Salwen defines this concept in his article as "urban archaeology is archaeology of the city, I also believe that the city, as a particular kind of product of human activity, can be best understood if considered in relation to the natural and cultural environments in which that activity occurred. It should therefore be helpful, in studying the development of the city, to know as much as possible about all of the

culture and environment interactions that occurred at the scene - prehistoric, pre-urban, and urban." (1978: 455).

Even in 80's, discussions on the topic of Urban Archaeology to create a definition and limits of it, were not ended in Europe. At the International Symposium in Tours (1980), Roland Martin asked many questions to define the concept of urban archaeology, because even at that time, scientists could not give a complete definition and in every country, this sub discipline was implemented with many different criteria. According to him: "The problem is to define the exact purpose of what is called, in shorthand form, urban archaeology: archaeology in urban areas? archaeology of towns? special methods of excavation in urban areas? special requirements relating to excavations in towns? legal and administrative problems? conservation and enhancement of remains in the urban fabric?" (Roland Martin propounded this argument at the International Symposium in Tours in 1980)

These discussions are continued in nowadays, but definitions, assignments and implementations in this concept are more clear than before. One of these latest definitions for this discipline is given by Schofield. He defines urban archaeology as a very productive form of special social science. "As urban archaeologists consider the archaeology of ancient town planning and civic administration, or of group perceptions within the town, they can find useful parallels in sociological studies of the same subjects in modern settings." (1987: 6).

2.2 Historical Background of Urban Archaeology

2.2.1 Developments in Europe

In Europe, redevelopment processes in the city centres were begun after the second world war with respect to economic reconstructions. When these development processes and industrialisation completed, they started to give priority to urban history. Meanwhile, Europeans have to solve two problems. One is to conserve the archaeological heritage of the European towns, and the other one is to develop and modernise their towns by providing practical needs of inhabitants at the same time. As a result of this tendency to optimisation of these two problems, the term urban archaeology has grown up as a discipline. It was defined as the knowledge of the historical development of a town that contains analysis of material remains.

A number of interesting excavations and studies of archaeological remains that was affected from the urban planning projects, have been carried out in England since the 60s, especially in the 70s. In those years, most of the excavations in England were dated from the Middle Ages. They realised that, there is a close relationship between planners and archaeologists who are usually given the opportunity to carry out rescue excavations before redevelopment begins. The United Kingdom Ancient Monuments and Archaeological Areas Act in 1979 provide for the designation of the areas within historic town centres where there is a statutory delay period for archaeological investigation before building can take place.

The practice of urban archaeology was appeared also in other European towns in those years and each country provided different solutions to this problem.

In France, "the National Urban Archaeology Centre" in Tours; and in Italy, "Soprintendenze Archeologiche" (Archaeological Superintendencies) was founded. These organisations carried out many important works in their countries. Moreover, it is important that the term urban archaeology was included in the legislation system of France.

Spain has very complicated legislation on conservation of archaeological heritage in 1933 and this concept has been realised by Heritage Act in 1985. The integration of the material remains left behind by history into their future development was the basic aim of the works that carried out in Spanish towns. Barcelona, Valencia, Zaragoza or Tarragona could be given as an example of towns that are working with the principles of urban archaeology.

Also, conferences on this subject were organised in France, Germany, Spain and Italy. In these countries urban archaeology units are working closely with local government planners.

Now the practice of urban archaeology in the countries of Europe will be discussed.

2.2.1.1. England

In England, contemporary interest in urban archaeology began in the post-war years with the excavations in bomb-damaged towns such as London, but it was only with the example of the excavations in Winchester from 1961 onwards that English archaeologists began to realise the potential of urban archaeology.

Prof. W. F. Grimes started to work in the city of London and these studies are accepted as a starting point for the systematic archaeological investigations of a town. Before these studies, M. Carver thinks that, "The first century of urban archaeology, from 1850 to 1950, was actually a period of wholesale destruction of ancient buildings and urban strata, one to which the blitz in many cases put the finishing touches." (Carver, 1987: 102) The Society of Antiquaries supported the excavations that were carried out among 1947 and 1962. Discoveries of Grimes

enlightened the history of London. Results of these investigations were published in 1968. M. Carver (1987: 104) has pointed out some difficulties of excavations that has to be under the modern society as: "the complexity and vulnerability of the strata, the expense of its retrieval, the insensitivity of local authorities, speculators or land owners, and above all the condescension or indifference of those for whom the work should have been most precious - the modern inhabitants of the town."

After that, a new type of archaeological research was started by Martin Biddle at Winchester in 1962; and by its methodology, a new perspective was provided in British archaeology in the late 1960's. All academicians think that, every practising English urban archaeologists of the next decade, and a good many abroad, began their careers with Biddle on the sites at Winchester.

In 1957 the new journal "Medieval Archaeology" was published and in this journal, works that has been going on at that time in six town sites were reported, and than the numbers of sites were increased in time. Three ideas, that are "think big", "think history", "think rescue" were shaped the strategy of the '70s.

Urban archaeologists, with the help of Professor Sir Colin Buchanan's book "Traffic in Towns" (1963), became aware of the problem that urban renewal program would affect a great deal of historical and traditional architecture. Therefore, it was realised that, it would affect their branch of knowledge more than others, while contractors implementing the deep foundations for high-rise residential blocks, multi-storey car parks and supermarkets, the ring roads and underpasses that will cause the removal of the urban strata.

The State archaeological service in England is under the responsibility of the Directorate of Ancient Monuments and Historic Buildings within the Department of the Environment. Besides a national committee for rescue archaeology of the

Ancient Monuments Board, in different areas' archaeology advisory committees were set up. Later on Ancient Monuments and Archaeological Areas Act 1979 helped people in implementations.

Outside the State archaeology service, in the 60s, the one national co-ordination body for urban archaeology was the Council for British Archaeology's Urban Research Committee, founded in 1967. The aim of this committee is to try to bring together researches of all disciplines by means of conferences, publications and working parties. CBA published, in the same year, the periodical, "Current Archaeology".

In 1972, the Council for British Archaeology provided the factual basis for assessing the problem on a national scale and individual towns have carried out their own surveys.

At the regional and local level, urban excavations are carried out by a variety of agencies. The agencies include local museums, universities, archaeological societies and specially formed excavation committees or trusts based on the model of Winchester. The executive structure is also variable, ranging from part-time digging teams to the larger full-time teams working from the Museum of London or the York Archaeological Trust. York Archaeological Trust was established under the direction of Peter Addyman in 1972. The Department of Urban Archaeology within the Museum of London was established under the direction of Brian Hopley in 1973. The works of the Department of Urban Archaeology (DUA) are primarily on rescue archaeology. Their studies are concentrated on the controlling of the planning applications and the preservation or recording of archaeological strata.

The DUA has a successfully publication program. In the archive, reports have full illustration and description of all structural and stratigraphical relationships

and classified lists of finds, together with specialist analyses. This archive is to be published in one of a variety of forms including microfiche, computer print-out or photocopied duplicates. After that with a selective synthesis of this archive, reports can be presented in conventional forms as a journal, article or book. The DUA Archive Catalogue is published in every year. The Archive Catalogue informs the reader what archives are available and how they may be obtained.

Scientists stated that, a national research policy, national goals, national priorities and a nationally based management is the basic needs of urban archaeology. On the other hand, urban excavations are probably the most expensive form of archaeology and the greatly increased government support for English archaeology reflects the growing awareness of urban problems. Along with central government finance, local authorities are increasingly sharing the expense of excavation. In spite of this, by the early 1980s, urban archaeologists in England have the problem of inadequacy in the national rescue budget. As a result of this problem, theories were developed. On the one hand, some were arguing for an economical sampling strategy based on site quality. Other archaeologists, who are working especially in the larger cities, were searching for new sources of finance.

In London, Brian Hobley's Department of Urban Archaeology succeeded in maintaining a large staff, conducting active programs of site work and initiating the processing and study of an immense archive of excavated data, by gaining the support of property developers.

Another example is from the York Archaeological Trust. They turned to the public to support their works. After the successful promotion of the Copper gate excavations, they received half a million visitor in three months after opening in 1984.

During the 1960s and 1970s urban archaeologists were impressed and influenced by contemporary thinking in geography, with its new interest in spatial analysis. As Schofield (1987: 6) stated, "the traditional approaches of geography as a study of landscape had relied heavily on describing man-land relationships, and examining cause and effect. These approaches were challenged in the 1960s by a more mathematically oriented methodology, based on data collection and hypothesis testing. This is in turn being replaced or modified by study of individual and group perceptions. Geographers are turning to man-man relationships within defined spaces rather than man-land relationships. The most relevant geographical explanations are models of urban growth, urban morphology, central place theory and urban field."

Also a similar tendency can now be seen, in England, among economic historians. "The analyst is therefore concerned with the relationships concentrated in towns, especially in the social construction and maintenance of power; change is not perceived as progress, but in terms of need for other functions" (Schofield 1987: 6).

In England, they want to establish a good relationship between developer and archaeologists. Archaeologists want to preserve archaeological remains in situ. But in here, their prime responsibility is to achieve the fullest possible record of what is being destroyed. Also, in wherever possible, archaeologists should advise to developers, architects and town planners at an early stage of planning the probability of discoveries or in other words reserve areas. Archaeologists should be established in the work program of the contractor.

While doing these studies, the archaeologist should be in turn very realistic as to what can be achieved within the constraints of the building program. They think that, experienced field archaeologists can work at great speed, side by side with the contractors' men, to obtain accurate information. And urban archaeologists think that

developers and their contractors should be aware of the scientific responsibilities of archaeologists, that once the archaeologist has left his site a long process of report writing, analysis, publications, etc. takes place. They said that this will be equal in cost to that of the site investigations itself.

In the presence of important archaeological remains, the planning authority may require the developer to commission a field evaluation of the site before reaching its decision on new development proposals.

In the most important cases, permission for development may need to be refused if an archaeological site is to be adequately protected.

In the other cases, it is sufficient to modify the development proposals to ensure the preservation of the important archaeological features of the site.

Their general emphasis on the physical preservation of the site is to leave to the future generations of archaeologists that will have more advanced techniques.

English delegates presented some proposals to the Council of Europe for the planning process in the archaeological areas. These proposals (report of English delegation, 1991: 7-10) are as follows:

Detailed development plans like local plans and unitary development plans, should include policies for the protection, enhancement, and preservation of sites of archaeological interest and of their settings. The proposals' map should define the areas and sites to which the policies and proposals apply. These policies will guide the developers when they are preparing planning applications.

Authorities should bear in mind that not all nationally important remains meriting preservation will necessarily be scheduled; such remains and other

unscheduled archaeological remains of more local importance, may also be identified in development plans as particularly worthy of preservation.

Developers should search for whether the site is known or likely to contain archaeological remains. The first step will be to contact with the County Archaeological Officer or English Heritage in London.

As a result, they may wish to commission their own archaeological assessment by a professionally qualified archaeological organisations.

If there is a need to more detailed knowledge, than an archaeological field evaluation should be carried out before any decision on the planning application is taken.

Once the planning authority has sufficient information, there is a range of options for the determination of planning applications affecting archaeological remains and their settings.

2.2.1.2. France

In France, there are an existence written sources (inscriptions and archives, which increase in number in the last three centuries of the Middle Ages) and graphical documents (plans, drawings, miniatures and more recently, air photographs) relating to the number and density of urban settlements for the whole of France. Archaeological excavations in towns can not usually very extensive, they are normally rescue excavations.

The discovery and excavation of archaeological remains in towns are subject to common law, as laid down in the Act of 27 September 1941.

In nowadays, increasingly widespread excavations speeding up the disappearance of the town's archaeological archives. Therefore, associations, a number of government and local authority representatives and whole communities were started to think that: "it was time for land use planning policies to take account of the idea of the heritage and its implications. The argument was not only the need for the scientific studies, but also the fact that the unknown or little-known past represented the memory or record not of the urban phenomenon in general but of a given town which brings us back to its identity."(report of French delegation, 1991: 2)

In this respect, one of the purposes of France by the Ministry of Culture, the Division of Archaeology is to draw up the archaeological sites' map. Data collection and preparation stages are completed by the regional offices of archaeology. As a result of these stages a computerised map library should be created. But, because of the risk to destroy the archaeological sites when they are publicly available, the sort of data bank cannot be accessible to the public. To do this, data files can be protected by computer blocking system.

As a result of some experiments that have been carried out both about the preparation of land-use plans and for the Ile-de-France Planning Institute, a set of 1/25000 scaled maps has been produced. Levels of sensitivity and archaeological risk in short and medium term were shown in this maps.

Also, there are two other mechanisms; one is the "Centre d'Etudes Techniques de l'Equipement" (CETE) (technical study centres for public works) which take archaeological data into account in infrastructure schemes as like motorways; and the other is "Schemes Directeurs d'Amenagement et d'Urbanisme" (SDAU) (master development and town planning schemes) which establish close links between archaeology and development schemes.

According to the authors, what is lack in France with respect to the computerised documentation and cartography is "national coordination of a regionally based system for the management of archaeological sites, in other words a coherent policy for bringing the parties and management bodies involved together. National coordination is needed to rationalise data, computer equipment and objectives. But the system should be organised on a regional basis because there are regional authorities for both archaeology and planning. It is at regional/area level that data are gathered and it is often at this level that decisions are taken too."(Ducasse, 1984: 4) The aim of this kind of study is to create a national cartographic data bank for the future, and this data bank will be helpful for the land use plans of towns.

The Sub-Directorate of Archaeology at the Ministry of Culture are responsible from the archaeological reserve areas. One of the major objectives of the Sub-Directorate of Archaeology is the constitution of reserve archaeological sites to prevent them from the progressive destruction on them.

In recent decades, there are a great tendency to transform these reserve areas into the archaeological parks in the towns. By this kind of usage, they agree that, explored sections of these parks can be redesigned and made accessible to the public; and other, the unexplored sections have to be used for scientific and cultural purposes.

Guy Barruol gives examples from archaeological parks in France. Some examples are given in the article from the urban and rural sites of France. In the urban environment, the *Fourvieres Archaeological Park at Lyon* is the most important example.(Barruol, 1984: 8)

But, the integration of archaeological remains in an urban environment is more complex problem for France. To become successful in this kind of studies, authorities agree that close cooperation between archaeologists, architects, town

planners, administrators, elected representatives and the public are very important. Especially, they gave importance to the public because of their important role to alive the conservation and presentation of remains from the past. As Barruol (1984) point out: "integrated remains constitute reference elements that throw light on the development of the town even if they do not reveal the complex overlapping of the successive urban fabrics; they help to give the town its personality and its identity."

In the archaeological parks, according to them, archaeological remains can be conserved in the open air or under cover, in a public, semi-public or private places, depended to the situation.

Open air presentation is widely chosen in France, because it is the least costly solution, but on the other hand, there are other problems for its conservation techniques. "If they are set off in that way the remains are best integrated into the contemporary urban fabric in so far as the public is in permanent contact with this evidence of the past; this approach also makes for aesthetic presentation. If they are located in densely built-up areas these archaeological gardens also act as green and even cultural spaces." (Barruol, 1984: 10)

Some examples are as; the "Jardin des Vestiges" of the Bourse in Marseilles, situated at the heart of a vast commercial centre into which is integrated the Historical Museum of the city who's remains' extent into the open air; the area from Roman period at Nimes where a number of recently excavated sections have been carefully presented in public, semi-public or private places', etc.

On the other hand, more frequently, in view of the limited extent of the remains or their location, the structures discovered are presented within a building. As Barruol mentioned, in some cases these may be old buildings, often public buildings used for cultural purposes. There are many examples in France to this kind of

implementations as: the museums at Metz and Apt present in their basements, public baths; the Terra Amata Museum has been installed in Nice on an important prehistoric site in the ground floor of a large building; at Arles, a large protohistoric site is to be seen in the basement of a multi-storey car Park; at Nimes, a section of the rampart dating from late antiquity is set off in the basements of the Court House; at Dax, the podium of an ancient temple is conserved in an underground car Park; At Cahors, the remains of a theatre can still be seen in the Chamber of Agriculture; in Paris, at Rowen, a Jewish monument from the Romanesque period, unique of its kind, is now protected in a crypt under the courtyard of the Court House, etc.

As in the other countries, also in France, the archaeological areas are in the centres of activity, so needs are always urgent, operating costs are immense and time is precious. Therefore, archaeological actions should be always in an emergency. Scientists are unsatisfied from this position that is in their term "emergency rescue".

As a result of these problems that appeared in France and in other countries, French delegates presented some proposals on the concept of urban archaeology to the Council of Europe. These proposals (report of French delegation, 1991) are:

1. Awareness heightening: People should be informed about their town's history and its fragile nature. Architects, town planners, contractors and local representatives must realise that each of their decisions can destroy an important value of a town.

2. Legal measures: All national and regional legislation should give priority to protecting the urban archaeological heritage. All work carried out in historic centres should be preceded by a full archaeological survey and it should be supported by

scientific publications. And these legal measurements must be reflected in all town planning documents.

3. Establishment of archaeological reserves: They have an awareness to preserve archaeological sites for new generations that will have better work facilities than today. So they want to conserve the potentially richest archaeological reserve areas for next generations. Their aim is to set up these areas into the maps. There are examples for this as: they included reserve areas in the town planning documents of Lyon, 17 hectares are listed for conservation, 4 hectares have been excavated, and the remaining 13 will be laid out as open spaces with walk-about areas.

Also they want to adopt another approach, that is: the use of foundation techniques that make it possible to construct buildings above the archaeological levels without destroying them, or disturb them only slightly. And underground lines for passenger traffic that cross old town centres should always be constructed at a great depth, below the archaeological strata.

4. Organising preventive measures: The areas to be protected should be delimited with great sensitivity. Now, in France at the National Urban Archaeological Centre in Tours methods are being tested. In this respect, graphic documents that cover different periods and containing analytical and explanatory comments should be drawn up. They suggested that, a list of towns in each country of the European Community would be the first stage in a common effort both to provide protection and to carry out research.

5. Programmed research policy: In each country or region, selection of the site should be depends on a programmed research policy.

6. Setting up local archaeological services: Systematic support should be given by states to the planning, establishment and expansion of urban or local archaeological services having adequate resources and staffed by trained personnel.

7. Training and employment: Training programs should be developed.

8. Dissemination of findings: Remains should be integrated to the present day town. Special attention should be paid to the maintenance of these remains as everyday show-cases of urban archaeology.

Laboratories; storage and conservation of documents and movable items; scientific publications are also important.

2.2.1.3. Germany

In Germany, archaeology is under the responsibility of the "Länder", according to the federal constitution of the Federal Republic. However, both the organisation and the legal basis of archaeology vary from land to land. In this thesis, only towns in the Northern Germany as Schleswig Holstein, Niedersachsen, Nordrhein-Westfalen, Hamburg and Bremen are considered because of the problems on the accessibility to the literature. In these cities, each "Land" employs its own archaeologists, who with his staff and sometimes outside help, is responsible for the care of archaeological monuments. Besides these archaeologists, there exists a large number of full-time or part-time officers, mainly connected with museums and supported by local authorities or societies. In some special cases archaeological research institutes, museums or the archaeology departments of universities undertake excavations in town centres. Some particularly significant excavations have been financed by the "Deutsche Forschungsgemeinschaft". However, the work has to be

carried out by existing institutes, because it has no archaeological teams. This organisation schema has been developing since the 1920s in Germany.

Their common point of view to obtain satisfactory results are succeeded only if long-term observation of all demolition and building work can be combined with large-scale, systematic area excavations. Lobbedey mentioned in his article some disadvantages in this subject as "local observers are unable to mount fairly large rescue digs. On the other hand, the "Land" offices are burdened by so many and various duties that they too can only very rarely undertake rescue work. Since no significant change is likely to take place in the foreseeable future it is doubtful whether we may expect any important new information".(Lobbedey, 1977: 129)

German archaeologists argue that, archaeological work has proceeded in the closest collaboration with historical research and as a result the most recent literature shows interrelated conclusions reached in both fields.

Excavations in Haithabu and Schleswig constitute the earliest and largest project of urban archaeological research in Northern Germany. In 1963, with funds from the "Deutsche Forschungsgemeinschaft", excavations were started with an efficient organisation designed for the needs of town archaeology and possessing the necessary technical equipment.

2.2.1.4 Italy

Italy has a very rich archaeological heritage and there is a trend to develop the concept of urban archaeology in today's towns.

They gave importance to the historical research of towns in their studies. The aim of urban research program is to ascertain changes and functions in the various stages of development in the case of ancient towns, and their point of reference is the

beginnings of towns. These beginnings are appeared both in architectural remains and in the original urban pattern and zoning. To form a complete picture of town's development, this method of investigation should be repeated for each period.

In Italy, the process of urban archaeology is developed from the practice of "rescue archaeology". Therefore, the wealth of data that was collected from archival and library sources, up-to-date technologies in researches and excavations and correct interpretations of scientific knowledge gain importance. Also interdisciplinary studies are very important. Operational groups that should be consist of assistance of specialists in the fields of ancient history, archaeology, town planning, topography, history, epigraphy, numismatics, etc. are responsible for preparing future urban development schemes in the present day of Italy.

P.Sommella indicated that "attempts to conduct planned scientific research aimed at building up a comprehensive picture of a town's history on the basis of a historical analysis of archaeological evidence and monuments were a belated response to the destruction wrought by a certain type of urban improvement and town planning. Leaving aside the question of political responsibility, we must accept that this was a result of ignorance not only of the intrinsic importance of remains but also, and above all, of their topographical value and hence of interrelationship in urban settings."(Sommella, 1984a: 3)

To solve this problem, development plans or detailed plans were prepared on the basis of archaeological maps on a reliable and not purely in the symbolic scale. But, as the P.Sommella points out that, although there is clearly no shortage of studies on the macroscopic aspects of buildings or on the stages of development of modern towns in ancient origin, there is a complete lack of objective and exhaustive surveys of all the elements that constitute an ancient town's heritage (Sommella 1984: 4).

After studying on the concept in Naples and Pozzuoli district of Rome, they think that to establish a common methodology "which not only guarantees that account will be taken of all data useful in urban science ie. the scientific and interdisciplinary side of research, but also is capable of supplying immediate, and not simply passive, replies to specialists working on urban fabrics" (Sommella, 1984a: 5).

After the studies in Rome, Milan, Bologna, Trento, etc. the need for the services of multi disciplinary urban research teams was appeared. And they said that "this is without doubt a promising start for a stage in which archaeologists, architects and town planners work together and turn to such specialists as local situations demand" (Sommella, 1984a: 5).

As in the case of Turkey, the inadequacy of the tools available, especially the maps, are one of the important problems of Italy for both in researches and preparing projects.

After the studying on the Roman Baths at Teramo and the baths in the neighbouring town of Chieti, they conclude that "a correct methodology for urban archaeology should comply with the obligatory, successive stages. Cartographic surveys, direct analysis of the technical stages and planimetric integration of remains according to typological standards thus make it possible to establish the importance of the buildings on, and hence the socio-economic significance of, each plot studied and to follow through the successive transformations and new uses made of such plots up to the present day. It is thus possible to combine the identification of appropriate solutions for future development and the pursuit of specific surveys involving stratigraphic excavation" (Sommella, 1984a: 5).

P.Sommella gave examples from Rome. He mentioned in his article that Guglielmo Gatti was already using this research technique in an instance of Roman

topography; comparing evidence of the Severan Forma Urbis and the cadastral survey prepared by the Severio Muratori School. As a result of his studies, he points out that the present pattern of the Crypta Balbi area derived from the original Roman plan in terms not only of buildings but also of town planning standards. This example showed the importance of using cadastral plans.

Also from the location of buildings and the infrastructure network, the most "fragile" areas that need to be carefully monitored during interventions that daily disturb the subsoil of a modern town could be determined (Sommella, 1984a: 5).

Teramo project is given in the text as an example. The Abruzzi Archaeology Office and the University of Rome have proposed a two year program of thematic excavations in the heart of the historic centre in an area whereas they said "many buildings stand on the sites of ancient buildings and where solutions must be found which neither destroy the earlier structures nor paralyse contemporary life" (Sommella, 1984a: 6).

In this project, three research themes was built up as:

1. Investigation of the functional continuities of public areas of the Roman town and the changes that have taken place in the use of space throughout the town's history;
2. Research on the conservation of the sector in which the major buildings for public performances are located;
3. Excavations concentrated in areas where it is possible to establish the typology of ancient dwellings and to uncover remains known to exist of the town's earliest life, including traces of an early necropolis with tombs (Sommella, 1984a: 6).

When choosing the site, the fundamental requirement of it was that the life of the modern city must not be hampered, and the aim is to solve some of the practical problems of the detailed plan.

In this project, a new concern over the need to exploit and take into account the development potential of the modern town was demonstrated. The ultimate goal is "the identification of outstanding elements that can be included in a tourist itinerary in the town and which will foster greater scientific and cultural understanding of the region's history" (Sommella, 1984a: 7).

A Plan for the Ancient Roman Imperial Forums:

This project is first began to preserve Rome's open air marble reliefs, but after, they noticed that the fundamental reasons of their deterioration are depend on to the some results of the city-life. So, this project is now concerns the whole city. They recognise that, the Forums operation can make sense only if it is part of a town planning conservation program, and thus the involvement of various authorities and departments has become indispensable.

Firstly, they concentrate on questions of a purely fact-finding and archaeological nature of the site, without interfering with the organisation of the traffic (that is the most important problem in this case). After that, final measures have been prepared and implemented to divert traffic from the historic centre without making life impossible for the local population.

C.Pavolini stated that, the most important part of the plan from the standpoint of both town planning and archaeology is the removal of the Via dei Fori Imperiali. This great arterial road carries much of the private traffic out to the south-

eastern parts of the city. The Ministry of Culture has authorised excavations in the gardens in the border of the Via dei Fori Imperiali. This area was connected the Forums of Nerva, Caesar and Augustus, according to topography of ancient times. The City Council allocated regular funds for the preliminary operations and by these solution excavations that is the first phase of the work has begun.

Pavolini pointed out in his article that, "The Archaeological Department and the Universities of Rome and Pisa which have offered to collaborate on the project at a scientific level, place great emphasis on the methodological aspects of the research currently being undertaken, pointing to the need to take advantage of the enormous experience gained from urban stratigraphic archaeology, which is particularly widespread in Anglo-Saxon countries, but which has already been used for the first time in major projects both in Italy and in France".(Pavolini, 1985: 15)

At first sight, it seems difficult to organise excavations covering a large area that is accepted in this countries' one of the fundamental aspects of modern urban archaeology. After these excavations, the stratigraphic history of the city on an appropriate scale was gain importance. By stratigraphic archaeology they included every strip of land, each building phase, and evidences of human occupation, and they treated them as a historical document of equal importance.

As a result of using the methods of stratigraphic archaeology "the excavations in the Via dei Fori Imperiali will move in a completely contrary direction to that taken by archaeologists of the 1930's: instead of ruthless digging to expose individual monuments and reach the level of the Imperial age as soon as possible, the intention is to patiently and gradually re-expose all the area's historical layers, from the foundations of houses destroyed under fascism, through the Renaissance and the Middle Ages and finally back to the period of Late Antiquity" (Pavolini, 1985: 15).

The other main aim of the plan as mentioned above, is to provide access to the public. In this project, they want to create a space to be used, a part of the city integrally linked with its surroundings, not to create a space to be visited only. Also, they gave useful functions to this spaces. Each space was determined by its own individual characteristics and each linked with the other. These roads and paths have continued to exist with extraordinary resistance for thousands of years. Today, as the author said, "It is possible to foresee the recovery of these thoroughfares without harbouring fanciful dreams of restoration, but rather taking account of modern requirements and modern cultural sensibilities that have restored to favour an urban lifestyle, the hasty abandonment of which has had dramatic consequences" (Pavolini, 1985: 15).

As a result, in Italy, certain cultural organisations are helpful in urban archaeology. Local ones are capable of raising money from public and private bodies to support watching and recording activities. National organisations, such as "Italia Nostra" and ANCSA (Associazione Nazionale Centri Storico-Artistici), apply political pressure for the protection of the national heritage. On the other hand, at least in major cities, the absence of a body to coordinate all those involved in urban archaeology, the shortage of archaeologists capable of undertaking excavation and the lack of interest of academic institutions in training and using young volunteer archaeologists is all serious disadvantages.

2.2.1.5 Norway

Urban archaeological field works in Norway were started in 1956 in Bergen. Then, in Trondheim and Oslo excavations started in 1970 and in Tonsberg in

1971. Excavations in these four cities are important in the history of Norway concerning the urban archaeological studies.

Their major aim to work in these four sites is the continuous existence of these sites as a town since the Middle Ages, and the main features of the medieval topography and street patterns are still visible and can be reconstructed and analysed.

The field work is carried out by local units in cooperation with local museums and the Central Office of Historic Monuments that is the official body according to the Historic Monuments Act of 1951.

In Norway, a total registration of medieval urban ground has been tried to obtain knowledge that is instrumental in planning future works. These works are including a registration of the depth of the cultural deposits and the degree to which these deposits have been demolished. All archaeological finds, from building remains to small objects, have been plotted on a map which has become a source of a planning implementation.

Statutory protection for remains of medieval urban sites in Norway is provided by the Historic Monuments Act of 1951. This law replaced a law dictated in 1905. As Lidén impressed "the oldest legislation regarding archaeological finds goes back to provisions in the Norwegian Law of King Christian V (1687)" (Lidén, 1977: 88).

According to the Historic Monuments Act in Norway, all prehistoric and medieval monuments, including archaeological deposits are automatically protected whether they are visible or not. However, in the surrounding area, protection could be obtained by a special recommendation from the antiquarian authorities. There are five important archaeological museums in Norway and together with these largest

museums, the Central Office of Historic Monuments takes care of monuments from the Middle Ages 100-1550 urban sites included. This central office also does the planning and budgeting, including allocation of public funds granted by the Government. The local unit in Bergen for example, having operated since 1956, has established a greater independence to the Central Office, but it is closely connected to the regional archaeological museums in Bergen.

"According to the law, no building operations which threaten or can lead to the destruction of standing remains, or an archaeological deposits from the Middle Ages, can take place on any urban site without permission from the Central Office of Historic Monuments. When permission is granted the cost of the necessary archaeological rescue work on the site are to be divided between the Government, the local authorities and the builder if the building project is a matter of private enterprise." (Lidén, 1977: 88)

On the other hand, according to Norwegian scientists, there is very often a deplorable lack of communication between the developers and the antiquarian authorities in spite of those legal and administrative instruments for the protection of urban sites. Developers are under a legal obligation to report their building projects to the authorities at an early stage of planning, as like in many other countries, they sometimes omit to do so for fear of extra costs and delays in the site operations. Also preparing the material for publication is another problem. Priority has been given always to the field work.

For all of these studies, they have public funds or they are provided some funds by the Department of Environment or the municipal authorities.

Their another important difficulty is the limited number of skilled archaeologists and so they are dependent on archaeologists from abroad on urban research studies.

As a result of these studies, Norwegian urban archaeologists think that, firstly the archaeologists gained many experiences in a field of archaeology that mostly had not been practised very much. New methods were developed to cope with stratigraphical and other problems specific to urban archaeology. Second, the great interest arise by the finds among both professionals and amateurs led to a change in public opinion as to the value of such investigations. They propounded that, by this way, the planning and accomplishment of later excavations would be much easier.

2.2.1.6. Spain

Historical past of Spain is very rich and important, so this cause many problems in the development of this country as like in the other countries. Therefore, researchers, studying the past; town planners and architects, responsible for building in the present for the future; and politicians who are answerable to society for both finding out about the past and to preserve it for the future generations and organising the present are encounter with these problems.

In the case of Spain, a number of additional difficulties that generally result in the adoption of exceptional solutions and appropriate preventive measures that do not always match up with the economic resources available for the purpose are raised.

M.Martin-Bueno mentioned in his article about "problems that are arising out of the face of economic and urban development, which occurred rather late but

has brought about a true revolution in urban development over the last two decades. This phenomenon occurred at a time when the economic crisis was already in evidence and was to prevent all the necessary resources from being brought to bear to resolve the problems."(1984, 2)

Spanish legislation is complete on the protection of both archaeological and historical remains from the past. There is an Archaeological Excavation Act dating back to 1911. This act was very advanced when concerning its concept and philosophy. This act was later on supplemented and broadened in a number of respects with the Historical and Artistic Heritage Act of 1933. They propounded that their legislation then was the most advanced legislation in Europe. Also, international laws and recommendations from bodies such as UNESCO or the Council of Europe, were adopted to the main body of the legislation system of Spain and addition of this kind of elements contributed to the protection of the heritage.

In Spain, the authorities agree that without an appropriate planning and without adopting construction standards and preventive measures in municipal by-laws, it would be difficult to arrive at an effective policy in this field. M.Martin-Bueno mentioned that recent past of Spain, especially over the last 15 or 20 years, is full of examples of the destruction of remains or deposits that had been discovered in urban environments and which without protection, were destroyed before authorities or archaeologists could intervene. Tarragona, Tarraco, Cordoba (Corduba), Cartagena (Cartago Nova), Cadiz (Gadir), Zaragoza (Caesaraugusta), Seville (Hispalis), Merida (Emerrita) are examples of cities that were destroyed (Martin-Bueno, 1984: 3).

Factors that affect town's history in Spain are listed in the article as;

-Irrational growth of medium-sized and large towns without prior urban planning. In several cases, the general development plans were drawn up after growth or, in other cases, they had not been supplemented by special plans for the old centres.

-Uncontrolled speculation in urban building land, without either protection or limitation regarding location or relationship to the historic centres of certain towns.

-Absence of building standards regulating land use and especially building permits with guarantees of subsequent control to check for the possible existence of archaeological remains so that they could be recovered.

-Economic difficulties arising out of lack of interest in the protection of remains and in archaeology in general, with quite inadequate budgets.

-Lack of collective awareness and social conscience regarding the need to preserve remains that were a way of finding out about the past. (Martin-Bueno, 1984: 3).

But, at present, the situation is changing. Because of increased social conscience and better matching of town planning standards to the reality of conservation, offer the possibility of acting generally in a preventive way even if this does not always happen (Martin-Bueno, 1984: 4).

In Spain, legal mechanisms are very important and have an effective role in country concerning history and archaeology. As a result of great civic awareness of the need to preserve vestiges of the past and an increasing aspiration to improvement of the quality of life, Spanish authorities realised their legislation program.

The general existence of municipal by-laws has an importance in the construction of new buildings and the conservation of old buildings. Before new

buildings are constructed, in the area archaeologists are studied, and determine the potential existence of remains. As a result of these studies, measures have to be taken in cases where remains are discovered. In many Spanish towns, presuppose the possibility of preserving, recovering or at least studying any archaeological remains brought to light.

"Municipal or provincial archaeological services and governmental bodies and institutions have also been set up to carry out preventive campaigns and advise on decisions regarding new building. These services, which are certainly very new for most of Spain, have already achieved resounding success including major rescue operations, the preservation of archaeological finds in archaeological parks, preserved at ground level or otherwise.

Similarly, a good many museums facilities have been developed in conjunction with this new knowledge of the historic past of several of our towns" (Martin-Bueno, 1984: 5).

In this respect, we can list the administrative organisations in Spain as;

1. The state with its national research centres, possessing an infrastructure capable of meeting the requirements of archaeology in general.
2. The structure of the self-governing communities with its own special features depending on its particular needs and economic resources.

On the other hand, municipal services in Spanish towns are supposed to have powers not only for the recovery of the urban archaeological remains, but also to their discovery and conservation (Martin-Bueno, 1984: 5).

Spanish authorities are very serious on the problems of urban and in rural archaeology. In the concept of urban archaeology, they analyse the problem as a relationship between the volume of a country's archaeological heritage and the amount of human and economic resources available for its conservation.

In Spain, they realised that "social integration" of archaeology as a vestige of yesterday in the towns of today is the fundamental issue when compared with the other factors (like the problems of protection from the weather, of safety, of air and urban pollution, or integration into the urban fabric and protection against human action, etc.).

The optimisation of the modern, living town, its developments with the town's archaeological heritage are the most important problem of the today's towns. M.Martin-Bueno mentioned that "we must not look at the fact itself but at ways of avoiding such a situation. Very often, urban archaeological parks have been seen as an ideal solution, forgetting that this is only a partial solution because it dilutes and distorts remains by turning them into a historical decor which does not even illustrate the past to which it relates" (Martin-Bueno, 1984: 7).

They represented the present situation of their towns as: "Spain, like other countries, has had recourse to conserving remains by preventing subsequent building. Such remains have been integrated into present buildings, as basement levels which can or cannot be visited. Underground car parks and the like have been designed so as to permit remains to be visited, but the remains have completely lost their character by being enclosed in modern structures whose sophistication, though sometimes successful, has stifled the spirit of the preserved remains.

We have hermetically sealed underground areas and specially arranged gardens, protection against rain and other external agents; unusual old buildings have

been recovered by putting them similar or different uses, but we have not succeeded in reaching agreement on the ideal system and especially on the extent to which archaeological remains can be fitted into the contemporary urban fabric and into town planning processes.

We still lack properly planned towns; nor do we have forward-planning studies on the bases of which to reconcile the future with the reality of the past, which needs to be preserved in such a way as to cause the least disturbance in the present day town. Clearly it is preferable if possible to keep a particular area free of further building and carefully to choose the part that is to be kept as a witness to the town's past. All the rest should not be the rule but the exception" (Martin-Bueno, 1984: 8).

On the other hand, they have some proposals for the future. These proposals (report of Spanish delegation, 1991: 4-7) are:

1. Knowing more about the origins and historical development of today's towns; urban archaeology is an activity which is necessary to the knowledge, interpretation and conservation of elements that explain the development of a town.

2. Making local authorities aware of the values of the urban archaeology heritage; the involvement of local authorities that are directly responsible for the planning and execution of the town's development, directly in activity is the fundamental precondition for the maintenance of the historical heritage of the town.

3. Dissemination of the values of the urban archaeology heritage among the town's inhabitants; publicity and information campaigns that are in both scientific and publicly accessible nature.

4. Incorporation of urban archaeology into town planning; archaeological factors should be included in the draft town plans. Its realisation is depend on a

specialisation in this field. The involvement of specialist teams will be able to carry out the relevant decisions and the coordination between urban development policy and the historic heritage policy will be obtained.

5. Establishment of institutional frameworks for the development of urban archaeology; institutional frameworks should develop within a group of management teams that will consist of archaeologists, architects, town planners, topographers, photographers, etc. Their aim should be to intensify study of a town's history and protection of archaeological remains within the town as it is today.

As a result of these points, we see that the theme of urban archaeology is newly developing in Spain. There is no specialised organisation for this theme in both central and local bodies of the Spanish government. But in various stages of urban development, they considered large amount of data, determined the elements to be preserved and planned a conservation and recovery policy.

2.2.2. Development in USA

Urban archaeology has become a new specialty, in USA, within the contents of historical archaeology.

In their studies, the purpose of urban archaeology is to answer anthropological and historical questions. They are be aware of the importance of archaeology in the urban environment. In his introduction to the book, R.S.Dickens pointed out that, "both the theoretical orientations and the technical procedures of urban archaeology must be somewhat different from those appropriate to less crowded places. All aspects of the archaeological program, from survey through excavation,

analysis and interpretation, must be tailored to the complexities of the city, both as subject for study and as setting for fieldwork."(1982)

In USA, comprehensive surveys that include the identifying probable locations and pointing out the sensitive areas, are very important because of their role in the planning of historical preservation and urban archaeological research areas.

In this respect, urban archaeologists produce a series of land use maps, one for each of the major periods in the history of the locality by using information about past patterns of land-use as identified through background research and field testing. They are aware of the effectiveness of these maps for the studies on the cultural configurations of particular periods in time.

Also, they are working with the new techniques. They have adopted a number of new tools from other fields. These new techniques and tools are as remote-sensing technologies, such as ground-penetrating radar that identified buried foundation walls and other features; augers and corers both hand-held and truck-mounted, graders, front loaders, backhoes.

Since 1960, the amount of archaeological research on the American city has increased. They gave importance to all remains from the past to the present day. For example, they gave same importance to the remains from the late nineteenth and early twentieth centuries like the remains from the Colonial and early Federal periods.

Two interrelated factors effected this movement toward an "archaeology of the city". First important factor is that, they gave attention to historic preservation and cultural resource management concerning a series of federal legislative acts, laws and regulations. So, urban archaeological remains gained importance legally.

American archaeologists aware of the importance of using the techniques, methods and theory of anthropological archaeology in their studies for the material culture and this is the second important factor.

They pointed out that, urban archaeology must be viewed not just as the study of individual cities, but as the study of urbanisation.

In this perspective, American urban archaeologists developed different methods, and they define their research process clearly. Determining areas as archaeologically sensitive is the first step. And then, before the implementation of the project, they did documentary researches on the project area and the excavations were begun, analysis of the materials from the site has begun and reports were prepared.

In America, they think that, the methods and techniques used in archaeological projects in urban areas is unique, and this uniqueness is directly related to the characteristics of urban areas themselves.

Americans realised that, the land use decisions have a very important role in every period. As a result of intense use of urban land, destruction and disturbance of archaeological deposits and stratigraphy is occurred. The construction of foundations and basements of buildings, street grading, the installation of utility lines such as gas mains and sewers are most important factors that effect and destruct the archaeological areas. For instance, they have in New York two authorities that are responsible from the new constructions in the archaeological areas. One of them is the "New York City Landmarks Preservation Commission" and the other one is the "New York City Department of Buildings". In their studies, they analyse all features of the city from its earlier periods to the nowadays and these analyses are very helpful to the people in their studies on the determination and limitation of the boundaries of the ancient cities or determination of the archaeological artefacts.

"Since the mid-1960s, a body of federal law has been developed to require assessment and protection of cultural resources that are affected by construction projects receiving public funds. These laws apply equally to projects in urban and non urban areas. In 1966, the National Historic Preservation Act (NHPA) established the National Register of Historic Places and the Advisory Council on Historic Preservation. Later, in 1969, the National Environmental Policy Act (NEPA) expanded the cultural resource responsibilities of an affected agency by requiring a pre-construction Environmental Impact Statement (EIS). Then, in 1971, Executive Order 11593 extended the requirements of the Historic Preservation Act to include evaluation and mitigation of sites deemed eligible for the National Register." (Dickens, 1982: 106)

Although they have this kind of laws with respect to the preservation and evaluation of historic, architectural and archaeological significance of their countries, they are not satisfied because these laws did not specify the methods and procedures by which the significance of the resources would be assessed and adverse impact properly mitigated. The detailed work of establishing these methods and procedures, left to professionals in government and academia, has slowly evolved by trial and error during the 15-year history of the legislation.

Till recent times, American archaeologists have not been given attention to the urban archaeological remains. Then, they started to give attention to the prehistoric and early historic remains in the rural areas. They pointed out that, "the occasional project in an urban area usually was devoted to the recovery of Colonial or early nineteenth-century remains, with little, if any, attention being paid to deposits of the late nineteenth and twentieth centuries. Even the work on early historic urban remains was strongly focused on locations of upper class habitation, governmental activities, and military actions. The structural complexities of urban areas further contributed to

their receiving little attention, with most projects coming from accidents of discovery during construction and land clearance." (Dickens, 1982: 106) Archaeologists and historians has a general idea that, documentary records provided the primary resource for the study of modern culture and that the material record was of primary value only in temporarily remote situations.

As author pointed out, in the late 1960s and early 1970s, with the instigation of several large-scale urban projects and with a growing recognition of the scientific value of recent material remains, urban archaeology began a rapid ascension within the larger discipline. Archaeologists have come to recognise the city as a unified and significant body of cultural resources.

As mentioned above, they have developed many methods and now basic points of these methods will be explained.

One of these methods, that was explained above, was used in the Wall Street district of New York city, the Stadt Huys Block. Here, research has done in two scales; one is the use of space that is reflected in the land use pattern, land management, public architecture and site formation process, other one is depend on an artefact pattern that contains ethnic and social heterogeneity and economic specialisation. This set of researches that are the density of land use and the social heterogeneity, enable urban archaeologists to realise and understand the process of urbanisation and with this methodology they can compare easily communities between different regions or within the same region.

There is an another approach that urban archaeologists are used in America. This is the Roger Williams National Memorial that is located at the base of the western slope of College Hill, bordering downtown Providence. The basic aims of the project were the delineation of depositional processes affecting urban

archaeological site formation, and the reconstruction of land use patterns through time. In this approach they have three stages.

First stage has the general framework for the project area. In this stage qualitative analyses that are the documentary research and the environmental evaluation, and the quantitative analyses that mean land use studies, are done for the city in general.

Second stage consists random and systematic auger testing and analysis of auger samples and these analyses are done for the project area.

Third stage is focused on the selected locations within project area. In this stage two methods are used. One is the excavation of trenches using Power-Assisted Machinery and the other one is analysis of artifactual materials from excavations.

They recognise that "in urban archaeology, a single area or group within a city should not be the sole object of study, nor should either the settlement pattern or the socioeconomic hierarchy be viewed as independent cultural variables. Each city develops within a regional setting and is influenced by general worldwide processes and that these factors should be incorporated into the research design." (Dickens, 1982: 44) Also it is necessary to evaluate its local conditions.

Third approach is the environmental-impact archaeology in the urban setting. This research model was developed for the MARTA (the Metropolitan Atlanta Rapid Transit Authority) project in Atlanta. The underlying principles, derived from ecological theory, hold that the city's cultural components and physical components are interrelated in a dynamic system.

There are three stages in the urban environmental-impact archaeology: pre-construction, construction and post-construction stages. In this multistage respect,

they emphasise the importance of multi disciplinary plan for identifying and evaluating adverse impact to archaeological resources.

In the first stage, a team of professionals, first, gathers and analyses appropriate literature and oral history about the urban area. Then, these teams have to developed working hypotheses about the structure and development of the city. Lastly in this stage, a unified research design should be developed. After doing research design, archaeological survey and testing, site-specific historical research and architectural survey should be undertaken.

In the second stage, that is the demolition and construction stage, if an area has standing structures, paving or other obstructions, demolition will precede construction. Moreover they said that, if possible, the archaeologist should develop an arrangement with the engineers and construction personnel to provide an interval between demolition and construction for additional archaeological testing.

Like in England, features recovered at the time of construction usually can be adequately evaluated, recorded or excavated without causing significant losses of time to construction. And author emphasises that, "This kind of cooperation has alleviated construction personnel's fears that the archaeologists, at some point, would bring their project to a halt."(Dickens, 1982: 111)

In the last stage, all archaeological features that were discovered prior to construction, should be evaluated by a professional on preservation. Also in this stage, close relationship between the field archaeologists and construction personnel has a significant role. The archaeologists had to revisit the site after construction was completed to prevent accidental damage to the protected portions of the features during landscaping, utility relocations, and other finishing works. And the workers on

these projects have no way of knowing where a preserved feature is located, except by direct contact with the archaeologists.

Finally, a team of professionals should prepare a comprehensive final report that contains all researches in every stage.

2.3. Evaluation

Every country has its own history that is varied regarding its period from one country to the other. So, in the urban archaeological research of every town in every country, these variations in their history resulted with using different methods in their studies. Some towns have continuously existence from the prehistoric period to the nowadays. There are examples from towns especially in Italy and Turkey. On the other hand, one group of towns has only one historical period and they have no continuous existence in history. Also there is another group that their towns' history started in the later periods like from Roman or Middle Ages or from 18th c. as in the case of American cities. In American cities, they gave same importance to the remains from the late nineteenth and early twentieth centuries for instance, like the remains from the Colonial and early Federal periods.

These differentiation cause problems in the definition and limitation of the concept "urban archaeology" in the beginnings. In every country, as mentioned above, "rescue archaeology" is the beginning point of this concept and it continues in nowadays. Now, clearly, urban archaeology is considered all periods of a town, because every period gives major characteristics to the town and framework of the studies is changing from the rescue archaeology to the more scientific and organised studies.

As a result of approximately thirty years of urban archaeological researches in the countries of abroad, it is important to criticise the implementations of this discipline, whether there is an institutional structure in those countries? and their degrees of success or what are their financial supports? How they applied these studies and what are the consciousness degree and awareness to the history of their towns?

Most of the countries are succeeded in the foundation of an institutional structure in the body of State or elsewhere.

In England, there are two kinds of organisations. One is the private archaeological trusts like York Archaeological Trust, etc. and the other one is located in the body of State. These are as Urban Archaeological Department of Londra Museum and Council for British Archaeology.

In France, there is a "sub-directorate of archaeology" in the body of Ministry of Culture and this institution is responsible from the archaeological reserve areas of the country.

In Germany, urban archaeological studies are done by the private institutions, but they are dependent to the State in various ways. So, every town has an institution for the aim of urban archaeology and they solved many problems in this field.

In Italy, there is not an institutional structure concerning urban archaeological studies, but they have a developed system for their archaeological heritage in general and urban archaeology is considered under these institutions. Also there is a political pressure to preserve remains. Cultural organisations are also helpful in urban archaeological studies.

In Norway, local units are responsible for these kinds of studies and they have to be incorporate with local museums and the central office of historic monuments.

In Spain, private and public organisations are responsible from those studies but there is not a special institution for this discipline.

In America, also private and public organisations are responsible from these studies. There are semi-private bodies dependent on the municipalities, responsible from the archaeological evidences of American towns. But those institutions are very limited, they have only in the big cities. In American law, they gave importance to the concept of anthropological archaeology and urban archaeology was developed in the discipline of historical archaeology and it supported anthropology. They emphasise this as an important stage for the studies in this field. Because they are agree that, these studies are not only enlightened the historical development of those towns, but also the urbanisation of the country.

Another aspect of these studies is to create a documentalational data bank. In most countries, graphical documents are not enough and their major aim is to draw archaeological maps of all country. These archaeological maps should contain both existence archaeological remains of the town and its reserve areas. These maps will be one of the important data of development plans in those countries and by this method of study, they are all agree that, destruction of archaeological remains will be prevented. Especially in America, England and France, these studies are more satisfactory than the other countries. Technology and methods are more developed in America when we compare it to the other countries. France completed its written and graphical documentations and their major aim (moreover they succeeded in some projects) to control and prevent these destruction, is to developed land use planning

policies. All archaeologically sensitive areas were marked to the 1/25000 scale maps. On the other hand, their problem is lack of national coordination between different public institutions. This is very significant problem in most of the countries. Additionally, Spanish authorities agree that without an appropriate planning and without adopting construction standards and preventive measures in municipal by-laws it would be difficult to arrive at an effective policy in this field.

Norway, Italy and Spain are not succeeded in this process. They have not enough graphical documents. Also lack of communication between different disciplines and mostly in the implementation stages between developers and antiquarian authorities is the most important problem. Although developers and planners have the responsibility to inform authorities in the early stages of their projects or plans, they mostly omit to report their projects to the authorities because of extra costs and delays. These problems are not solved in any country.

Financial support is another important problem. England, Germany, France and America solved this problem in different methods. Financial support is related closely with the degree of consciousness. In these countries, people are sensitive to their past and history of his town and to its environment. As a result of this sensitivity in all countries, we could succeed conservation of remains and to prevent them from the destruction.

On the other hand, in Italy, Norway and Spain, authorities are complainant from the unconsciousness of specialists to their history. This problem is also has a very serious reflection in Turkey. People destructed their culture in order to build up unplanned buildings or road system. Although planning is a very meaningful tool in this researches, it is used wrongly.

When we look at their implementations in this field, we see many different solutions. In France and Spain, urban archaeological parks are the optimal solutions for these studies. Archaeological reserve areas in the cities are used as archaeological parks. So by this way, one part of these areas is used by public and in the other parts, scientific studies are going on. In these two countries professional man claim that, the remains have completely lost their character by being enclosed in modern structures.

In the other countries, implementations of urban archaeological studies are differentiated from one to another. Mostly, they conserve archaeological remains under the modern buildings, car-parks, etc. Or like in Sofia, they created an underground museum. Open exhibition centres are also used in the city centres.

Another important problem is the education and the importance of multi disciplinary studies. Authorities in Italy and Norway are emphasise quantitative and qualitative failure of their archaeologists. The problem of lack of skilled archaeologists is very important. Also because of quantitative inefficiency of archaeologists in these countries, they have to study with archaeologists from abroad. Education in the universities is also not enough. These are the disadvantages of those countries like ours.

Consequently, it could be said that, authorities in all countries are agree in the vital role of multi disciplinary studies in this field and they know that, they have to educate their specialists in this field and give them a sensitivity to their history.

Also, those authorities are emphasise the vital importance of the stratigraphic excavations. They all agree that, urban archaeological researches have to be done in sensitively to make clear the urban strata.

One final disadvantage could be pointed out in here as the limited time for those excavations. In all countries, urban archaeological studies have to be done in a very limited time because of the character of planning process and there are many handicaps in the early stages of planning. For example, authorities are not informed by the developers, etc. So, these studies have a character of "emergency rescue" and professional man are not satisfied from this in every country.

Finally, it could be said that, it is a very new discipline and because of this, there are many disadvantages of it. These disadvantages only be solved by doing more researches and studies in this field, more sensitivity of authorities and specialists to their history and by more academic studies. Some countries have solved those problems, because first, they started it much earlier than the others and second they have completed their industrialisation and urbanisation, so they have more time, money and more developed technologies for this field. Also, they have an institutional body for this field.

Other countries are solving those problems in time and they also adopted developed technologies in this field from different countries into their own country. Finally, we can say that, all countries need time for more developed studies in the field of urban archaeology.

CHAPTER III

THE CONSCIOUSNESS PROCESS IN TURKEY WITH RESPECT TO URBAN ARCHAEOLOGY

The concept of urban archaeology and its development in the European countries and in America were explained in the second chapter. The situation in Turkey is very different from those countries. Firstly, it is important to point out that, in our country, there is no term as urban archaeology. On the other hand, there are many implementations that can be considered within this concept.

Now, in this chapter, first, the historical pattern of Turkey will be explained. Then, the determination and registration process of this historical pattern, its balance with the development of the cities, effect of developments to the remains, planning process in the archaeological sites, legal and administrative framework and financial sources will be discussed.

3.1. Historical Pattern of Turkey

Turkey has been called as the crossroads of history because of its important strategic location between Asia and Europe. Therefore, the traditions of past, social and cultural movements, and the reflection of various Anatolian civilisations can still be seen in Turkey in the remains of historic cities dating from the Neolithic and Early Chalcolithic Ages to the Islamic Periods. Besides, Turkey has numerous legends and it has a position as a scene of some of the most important

events in history. So, result of scientific researches proved that, Turkey is the motherland of the earliest civilisations in the world.

The excavations carried out in Anatolia exposed that important civilisations flourished in Anatolia in the prehistoric period. In the Antalya region, cave sites at Karain, Belbaşı and Beldibi date back to the Upper Palaeolithic Era. The next most important settlements in Anatolia at Çayönü, Çatalhöyük and Hacilar stand out as an incomparable prehistoric centre for culture. The first settlement in Troia (3000-2500) is notable as one of the oldest centres of culture in Anatolia.

The city-states emerged in Anatolia around 2000 BC. and writing was first used at the time of these city-states. In the 15th and 14th century, the Hittites established one of the three most important states in the Near East. In the 13th century, they shared with the Egyptians, the hegemony of the eastern world and created a civilisation of great originality and distinction. Then, the Aegian migrations started when Anatolia became the object of imperial ambitions.

Anatolia was under the hegemonies of the Urartian civilisations in the East among 900-600 BC. In the central Asia Minor, the Phrygians created a great civilisation among 750-300 BC. The Lycian, Lydian and Carian civilisations rose in the west central Anatolia at the same period, among 700-300 BC.

In the 6th century BC, the Ionian cities of Miletos, Ephesus, Priene and Pergamon entered their Golden Age in western Anatolia and played a leading role in the world of art and architecture.

During the Roman Age, among 30 BC-395 AD, Anatolia became one of the most prosperous lands in the world. The cities of Western Anatolia, in this period, have reached a level that was not at all less sophisticated than Rome. Transportation across Anatolia was realised for the first time in the Roman Age by means of good and well-maintained roads and stone bridges. (Akurgal, 1979: 3-36)

Byzantine art and architecture were born in Anatolia in 4th and 5th century AD. as an interpretation of the Hellenistic and Roman cultures and was then centralised in Constantinopolis until the year 1453.

Around 1045, the first Turkish tribes, the Seljuks, appeared in Eastern Anatolia and later occupied the whole of Anatolian land after having defeated the Byzantines at Malazgirt in 1071. They brought in a high level of humanistic culture within the tradition of the Islamic rules. The Seljuks were an advance representative of the Medieval World with their good and well-maintained roads, stone bridges, aqueducts, mosques, madrasahs, caravanserais, baths and palaces.

The Ottoman Principality was established by the end of the 13th century in the Sakarya region, spreading its hegemony, Islamic Culture, art and architecture throughout the three continents. The Ottomans (1299-1923) further developed the high level cultural and artistic endeavours of the Seljuks, creating beautiful works of tiles, miniatures and buildings.

Consequently, this brief summary stated that, there is a continuous settlement pattern in Anatolia from ancient times to the nowadays. Every city has important historical remains and single period towns are very rare. So, here when we turn back to the determination of the urban archaeology, we can clearly state that, for

the case of Turkey, we can not restrict the periods of cities for which urban archaeologists concerned as like from ancient times to the Byzantine era. So now, we are faced with the question of what is urban archaeology? In Turkey as mentioned above, this concept is very new for the scientists and to create a definition will be very important because of its scientific role.

First point is that, we could not eliminate any period from the history of our cities. So, we have to consider all periods of our cities. Second point is the question of "which cities should be studied under the concept of urban archaeology?". We could easily answer this question as, all settlements that have both urban characteristics and historical background could be considered and studied by the methodology of urban archaeology or it could be said that this branch of knowledge is related with areas within the municipality boundaries of the multi period modern cities.

3.2 The Number and Density of Urban Sites in Anatolian History

Many excavation teams both from Turkish and Foreign Institutions and scholars carry out their works on archaeological sites in Turkey. Their aims are to enlighten the ancient civilisations by excavating and researching in these sites. (Some of these researches are almost 100 years old.)

This archaeological researches in Turkey are separated into three types. One of these researches is called as excavation studies and in this type of research, extensive studies in an antique city are carried out. Archaeologists and other

professionals are searching all aspects of cities as physical, social, economic, etc. in their excavation works. (Table 1)

Second type of researches are called as archaeological surveys. In both types of research that was mentioned above, scientific studies are done in an extensive way and the role of archaeometry in these studies could not be disregarded. Another common point between these two researches is the unlimited period of their studies. Both of these researches are done by the legal permission of the Ministry of Culture. (Table 2)

Third type of researches are different in some respects from other researches. This is called as rescue excavations that are carried out mostly by museums and they have a limited time for these studies like in the other countries of the world. These kinds of excavations in Europe were begun because of the radical changes in the physical appearances of cities concerning the urban development projects and these changes leading to the destruction of all archaeological and architectural heritages. This destruction could be separated into two groups. One of them is destruction on the surfaces of our cities and the other one is the destruction on the sub surface. In that point, it is easy to say that destruction on the sub surface is more dramatic. Determination and then registration of the subsurface heritage in Turkey has not been completed yet. In the third section of this chapter, reasons will be explained clearly. Therefore, many opportunities for archaeological research into the country's urban past have been irretrievably lost with this kind of destruction.

Also, there is another problem that effects archaeological sites in Turkey. This problem is the illegal excavations in the archaeological sites that are registered or

Table 1: Distribution of the scientific excavation areas in Turkey in 1991.

SITE	PROVINCE	SITE	PROVINCE
Amorium	Afyon	Kelenderis	İçel
Aşıklı Höyük	Aksaray	Tarsus-Donuktaş	İçel
Acemhöyük	Aksaray	Klaros	İzmir
Çandır	Ankara	Kyme	İzmir
Arykanda	Antalya	Metropolis	İzmir
Elmalı-Karataş	Antalya	Panaztepe	İzmir
Karain	Antalya	Pergamon	İzmir
Öküzeni	Antalya	Phokai	İzmir
Patara	Antalya	İznik	İznik
Uluburun	Antalya	Ani	Kars
Aphrodisias	Aydın	Kaman-Kalehöyük	Karşehir
Didyma	Aydın	Karahöyük	Konya
Magnesia ad		Konya	Konya
Meandrum	Aydın	Aizanoi	Kütahya
Milet	Aydın	Alaçehir	Manisa
Kyzikos	Bahkesir	Arslantepe	Malatya
Hasankeyf	Batman	Datça-Reşadiye	
Hallan Çemi	Batman	Knidos	Muğla
Sagalassos	Burdur	Halikarnassos	Muğla
Paşalar	Bursa	Iasos	Muğla
Troia	Çanakkale	Kaunos	Muğla
Gülpınar	Çanakkale	Labraynda	Muğla
Boğazköy-Hattuşa	Çorum	Stratonikea	Muğla
Ortaköy	Çorum	Zank Höyük	Nevşehir
Hierapolis	Denizli	Göltepe	Niğde
Çayönü	Diyarbakır	Porsuk	Niğde
Üçtepe Höyüğü	Diyarbakır	İkiztepe	Samsun
Girnavaz	Diyarbakır	Harran	Urfa
Yayvantepe	Diyarbakır	Titriş Höyük	Urfa
Enez (Ainos)	Edirne	Anzaf Urartu Kale.	Van
Gordion	Eskişehir	Van Ayanis	Van
Demircihöyük	Eskişehir	Dilkaya Höyük	Van
Pessinus	Eskişehir	Van Kalesi	Van

Table 2: Distribution of archaeological survey areas in Turkey in the year 1991.

SITE	PROVINCE
Afyon Museum	Afyon
Amasra	Amasra
Kyaneai	Antalya
Lycian coast near Fethiye	Antalya
Termessos	Antalya
Heraklia at Latmos	Aydın
Priene	Aydın
Western Carien	Aydın - Muğla
Madra Çay Delta at Altınova	Balıkesir
Prokonnesos	Balıkesir (Marmara Island)
Bayburt	Bayburt
Çeltikçi and Yeşilova	Burdur
Çankırı and Kastamonu	Çankırı and Kastamonu
Ergani Area	Diyarbakır
Epigraphic Surveys in Eskişehir	Eskişehir
Clicia and the northern Hatay	Hatay, İçel and Adana
Harbors in rough Clicia	İçel
Eastern Clicia	İçel, Adana and Hatay
İznik	İznik
Kütahya, Bilecik and Eskişehir	Kütahya, Bilecik and Eskişehir
Mardin Museum	Mardin
Alpaslan Dam reservoir area and Muş Plain	Muş
Balbura	Muğla
Hızırık in Fethiye	Muğla
Pedasa	Muğla
Muğla and Aydın	Muğla and Aydın
Mesudiye	Ordu
Hoşköy and Gaziköy	Tekirdağ
Urartian Water System	Van

not. Archaeological artefacts especially coins, status, etc. are found by these illegal excavations and than these artefacts are carried away from Turkey to the other countries. So, in Turkey, first implementations of rescue archaeology were appeared to prevent illicit traffic circulation of archaeological objects and illegal excavations especially in the rural sites.

Afterwards, the problem of urbanisation came into scene and new kind of destruction as mentioned the paragraph before, began as a result of developments in our cities. Now, with an increased awareness to these problems, rescue excavations in our cities were increased. However, always to prevent illegal excavations gained primary importance with respect to rescue excavations and prevention of destruction from urbanisation and developments in the archaeological sites in cities lose its importance and have a secondary position. (Table 3)

Consequently, it could be said that, there is not a national policy for the excavation and determination of the historical heritage of Turkey. Therefore, scientific excavation and survey areas are chosen according to the demands of researchers and a system in the historical research of Turkey could not be formulated. In this respect, it could be seen that only a little part of excavations and surveys could be evaluated in the scope of urban archaeological studies. Researches in Pergamon, Didyma, Phokai, İznik, Konya, Alaşehir, Halikarnassos, Amasra and Bayburt could be helpful later on for the urban archaeological studies in these sites but now, their aims and methodology are somehow different from those studies.

On the other hand, third type of researches that is rescue excavations are not satisfactory in terms of scientific methodology. Those excavations are under the

Table 3: Distribution of the rescue excavation areas in 1992.

SITE	PROVINCE	TYPE OF RESEARCH*	FINANCIAL SUPPORT
Lezvin Höyük	Adıyaman	1	MC
Akdurak	Adıyaman	1	MC
Gediksaray Dam	Amasya	2	Local
Gordion	Ankara	1	MC
Palazobası, Kefkeli	Ankara	1	MC
Haftlar	Ankara	1	MC
Külhöyük	Ankara	1	MC
Roman Theatre	Ankara	2	Local
Silyon	Antalya	1	ProvinceSpecialAdm.
Tumulus in Bayındır	Antalya	1	ProvinceSpecialAdm.
Karadağ	Antalya	1	ProvinceSpecialAdm.
Selge	Antalya	1	ProvinceSpecialAdm.
Side 526-330 parcels	Antalya	2	ProvinceSpecialAdm.
Iotape	Antalya	1	ProvinceSpecialAdm.
Çaybaşı 14 parcel	Antalya	2	Landowner
Çaybaşı 13 parcel	Antalya	2	Landowner
Olympos	Antalya	1	ProvinceSpecialAdm.
Phaselis	Antalya	1	ProvinceSpecialAdm.
Aspendos	Antalya	1	ProvinceSpecialAdm.
Ramazanpaşa street1	Aydın	2	Local
Afrodissias Kabalar	Aydın	1	Local
Karaova	Aydın	2	Landowner
İçmeler	Aydın	2	Landowner
Andantros	Balıkesir	1	MC
Ovacık	Balıkesir	2	Local
Altınoluk 3592 par.	Balıkesir	2	Local
Halit paşa 259 par.	Balıkesir	2	Local
Halit paşa 258 par.	Balıkesir	2	Landowner
Prusias Adhiypium	Bolu	1	MC
Bubon	Burdur	1	MC
Orhaniye 47 par.	Bursa	2	Landowner
Tenedos	Çanakkale	1	MC
Kızılhamzahöyük	Çorum	1	MC
Eskiyapar	Çorum	1	MC
Yenimahalle Kayran	Denizli	1	Municipality
Beylerbeyi	Denizli	1	Local
Hierapolis	Denizli	1	ProvinceSpecialAdm.
Laodikya	Denizli	1	MC
Değirmenönü	Elazığ	1	Local
Yazlıkaya	Eskişehir	1	MC
Doliche	Gaziantep	1	MC
Zeugma	Gaziantep	1	MC
Yeniceköyü 42par.	Gümüşhane	2	MC

Table 3. cont'd

SITE	PROVINCE	TYPE OF RESEARCH	FINANCIAL SUPPORT
Sivritepesi(Tumulus)	Giresun	1	MC
Altınçağ	Hatay	1	MC
Kuzulucu	Hatay	1	MC
Göndürle	Isparta	1	MC
Pendik 2607p.	İstanbul	2	Local
İnceğiz, Elbasan	İstanbul	1	Local
Antiocheia	Isparta	1	MC
Ephesus	İzmir	1	Local
Notion	İzmir	1	Touristic org.
Lebedos	İzmir	2	Landowner
Agora	İzmir	2	MC
Gryneion	İzmir	1	MC
Ephesus	İzmir	1	MC
Pamucak	İzmir	1	MC
Çandarlı	İzmir	2	Local
Karatekeli	İzmir	1	Local
Alibey Höyük	Konya	1	MC
Tavşantepe	Kütahya	1	MC
Yenice	Malatya	1	Local
Cambaztepe	Manisa	1	Local
Çayüstü	Muğla	1	Local
Kadianda	Muğla	1	MC
Gaziantep 29 par.	Muğla	2	MC
Perinthos 2330 par.	Tekirdağ	2	Landowner
Yeleşen	Uşak	1	Local
Kaletepe tumulus	Uşak	2	University
Velişintepe tumulus	Uşak	2	University
Castle	Şanlıurfa	1	MC
Karagündüz	Van	1	MC
Mercimektepe	Yozgat	1	MC
Orhanlar 3 par.	Zonguldak	2	Local

* 1: Rescue excavations; to prevent illegal excavations

2: Rescue excavations; to prevent archaeological remains from the negative effects of modern developments.

responsibility of the museums and lack of qualitative and quantitative personnel in most of the museums causes many different problems.

So, defining national priorities and goals in the field of historical research and developing different strategies will also be very helpful for the studies in the new field that is urban archaeology in Turkey.

3.3 The Effects of Modern Developments or Other Threats to the Remains

Many factors (especially modern developments) that could be classified as physical, social and economic, and could not be separated from each other because of their close interrelationship, effect and disturb the identities of Turkish cities. For instance, uncontrolled physical problems could not be separated from its economic and social dimensions, it constitutes a whole.

Now, in this part, problems that effect archaeological remains of Turkey will be explained with examples from different places.

One of the important destruction is caused by the physical changes in Turkish cities and these changes effect all others. An increase in the birth rate and the immigration from rural to the urban sites cause a heavy impact on the dense network of settlements. Therefore, great metropolitan areas increased rapidly in Turkey, especially around İstanbul, İzmir, Ankara, Antalya, etc. Those metropolitan areas, large-towns and medium-sized towns are growing without a plan. As a result of these developments, there occurred a trend to find new areas for these developments as for

the industrial areas, residential areas, etc. Mostly, development plans are drawn up after growth completed. So, physical destruction is occurred rapidly in this stage. The threats of modern building methods, road making techniques and large scale town-centre redevelopments to the archaeological evidences for urban history in Turkey as a whole, have not been assessed till now. While using these techniques, destruction started to increase because of ignorance or wilful of people through the urban past of Turkey. Many archaeological remains in Turkish cities were bulldozed as a result of this ignorance. There are many examples for them in Turkey.

Almost all urban sites have an antique settlement because of the historical pattern and strategically importance of Turkey. Most of them have a continuously existence from the prehistoric periods to the nowadays. Unplanned new development areas in the metropolitan cities of Turkey are one of the most significant example for the destruction on the multi period settlements. Many special examples for that destruction could be given from cities as İstanbul, İzmit, Ankara, İzmir, Antalya and so on. Historical backgrounds of all these cities are going through the prehistoric periods and all of them are settled continuously.

Pendik and Fikirtepe höyük are places of first settlements in İstanbul. As a result of enlargement of İstanbul to those areas, both of them were affected from new developments in the townscape. Therefore, first, Fikirtepe höyük was demolished because of those effects and then in nowadays, Pendik höyük is effected. However, it has not been completely damaged like Fikirtepe höyük but, there is a strong pressure on it because of its place in the hinterland of the metropolis as likes in many other places; and new development policies effect them negatively.

Squatter settlements also cause another type of destruction on the archaeological heritages in towns. Reghion is a typical example for this type of destruction from the metropolitan area of İstanbul. It is stated in the municipality boundaries of Küçük Çekmece that is under the sphere of influence of İstanbul. There are squatters on the top of this antique city and archaeological evidences from this settlement are destructed in the stage of construction of those squatters and many blocks from antique period were used during these constructions. Now, only very few remains are on the surface without an important destruction.

Moreover, in the historical peninsula that is the settlement area of the Byzantium Empire, there are many project implementations both positive and negative. There are two registered archaeological site areas in this peninsula. One of them is in the municipality boundaries of Eminönü, "Sultanahmet Archaeological Park Area" and the other one is in the municipality boundaries of Fatih, in Zeyrek around the Church of Pantokrator. In this part of the thesis, after discussing typical implementation examples in different parts of the historical peninsula, the study will be focused on the construction demands and typical examples in the "Sultanahmet Archaeological Park Area" and in its conservation area.

The implementation of a multi storey underground car parking and shopping centre project in Çemberlitaş in the historical peninsula, is one of the unsuccessful examples in terms of its difficulties in the implementation process. A Byzantine Palace was found during the foundation excavations of this project. In this point, two kinds of arguments that are opposite to each other, were propounded by different groups. On the one side, there are municipality and the developer. Their major aim was to construct those parking immediately. On the other side, there are academicians and authorities from the Ministry of Culture and students from different

disciplines especially from archaeology and their major aim were to stop those implementations and to start scientific excavations in this place. As a result of these discussions, Conservation Council of Cultural and Natural Heritage in İstanbul (İstanbul 1 Numaralı K.T.V.K.K.) decided to excavate with hands in this area under the control of archaeologists who are working in the İstanbul Archaeology Museum and constructors could start their works when the excavation in this area is completed. Nevertheless, it was not resulted with a suitable solution. Excavations have not been started yet and municipality stopped its application in this area and started to developed new strategies for the same project area. Now, in the January of 1994, a new project that was designed as an open archaeological park, was offered to the Conservation Council by the municipality.

Many examples could be given from the metropolitan city of İstanbul. Optimisation of the modern living town that is the conservation of the town's archaeological heritage while development activities are going on, is succeeded in some areas although it could not be succeeded on the many others.

Besides those negative effects of underground - multistorey car parking projects, squatter settlement areas, unplanned new developments, etc., there are many examples from the archaeologically sensitive or reserve areas that were planned but not controlled during the basement excavations.

Under the Town-hall of Eminönü, there is a conserved cistern. While the construction activities of this building, a cistern was founded and than for the aim of the conservation of this cistern, the project was changed and adopted to the new situation. Now, the "Theodosius Cistern" could be seen under the town-hall of Eminönü.

Another typical example is the implementation of a public building above the one of the most important cisterns of İstanbul that is the "Yerebatan Cistern". Although the decisions of Conservation Council were negative in this area in 1985, a public building (the building of Province Special Administration) that has a basement flat and four flats on a very large flat land in the parcel, was illegally constructed above the "Yerebatan Cistern".

Also, there are many applications in the historical peninsula like this, but their handicap is the lack of orientation and information signs for them and as a result of these, ancient remains could not be visited by people. In nowadays, developers used those remains that were founded during the construction activities, for touristic purposes as bars, restaurants, etc. One of the basic example for them is the "Kalkavan Hotel" in the historical peninsula. During the construction of this building, a Byzantium Palace from the 6th century AD. was founded. After searching literature, archaeologists stated that this ancient building was the Palace of the Princes Julia Anicia who leaved in the 6th century AD. As a result of these determinations, part of the Byzantium Palace was restored by the constructor and changed its function into a restaurant of the hotel.

The optimisation between the conservation of the old foundations and the needs of the modern life in the planning process has a very significant role for the history and the identity of the town. However, financial inefficiencies effect most of the projects in a negative way. A project of a building in the İslambol Street of the historical peninsula of İstanbul could not be succeeded because of the lack of financial support. During the construction of the building, a cistern from the Byzantine period was founded and the project was changed according to this foundation. At the end of

this stage, a disagreement between the two owners and lack of money cause the failure of the project.

Many examples could be found in İstanbul for this type of implementations. However, in this part, to focus the study on a specific area will be more useful for defining the process in the urban archaeological areas of Turkey. Because of the role as a historical core of the metropolitan city, the study was focused on the "Sultanahmet Archaeological Park Area" and on its environment that was registered as an archaeological site in 1953. Four areas were defined by this decision. First area is the intense archaeological site and the second area is the monumental square area. In both of them, any kind of construction was prohibited. In the defined third area, implementations would be depend upon the decisions of High Council and in those years, although there were many archaeological evidences in those parcels, Law Court was built upon this land.

Finally, in the fourth area, constructions are allowed without any basement flat and building heights were restricted (in 6.50m. or 9.50m.). Also according to this decision, in the fourth area all basement excavations have to be done under the direction of an archaeologist from the İstanbul Archaeology Museum. Landowners have to support all kinds of expenditures in this site. (Figure 1)

After that, in 1964, a plan concerning archaeological remains was prepared for that area. Implementations in the fourth region of this site were depend upon to that plan. In 1982, a new project for the aims of developing this area for touristic purposes and designing the pedestrian network, was prepared in the 1/1000 scale. Now, the master plan of the historical peninsula was prepared and approved in 1990

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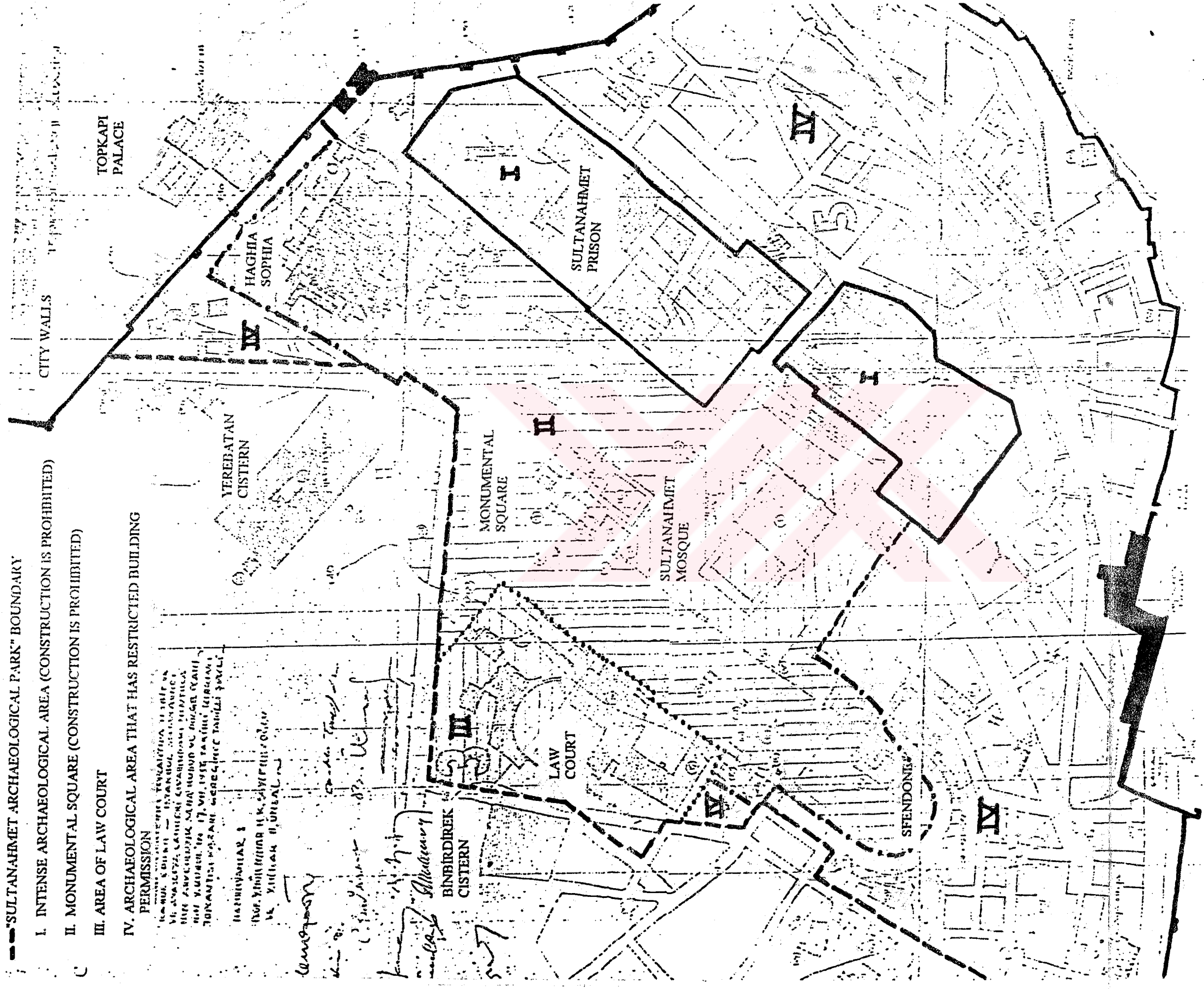


Figure 1: Sultanahmet Archaeological Park Area, registered in 1953.

and with reference to this plan a new conservation plan was prepared in the scale 1/500 and it was approved in 1991. (Figure 2)

In the "Sultanahmet Archaeological Site Area", the basic problem was occurred during the foundation excavations of new buildings. There are many applications (there are approximately 85 files in the Conservation Council for this area) for the demands of construction. Those applications could be classified and evaluated according to their place on the archaeological site. Some of them are on the area in which all kinds of construction are prohibited. Other ones are on the third degree conservation zone as determined in the conservation plan. In this zone, building permissions are restricted by the conservation plan. However, many examples to destruction could be given from here. Uncontrolled constructions are the most important reason for them.

In this part of the thesis, all applications in the "Sultanahmet Archaeological Site" are considered and as a result of this study, a classification was done. (Table 4)

Applications in the areas that have not any permission for construction according to the decision in the year 1953, are 38 percent of the total. The distributions of these applications in this zone according to the decisions of Conservation Council are as follows; Constructions that were accepted as a result of the basement excavations under the direction of the museum constitutes 44 percent of them in this zone, although 32 percent of those applications were rejected; 15 percent

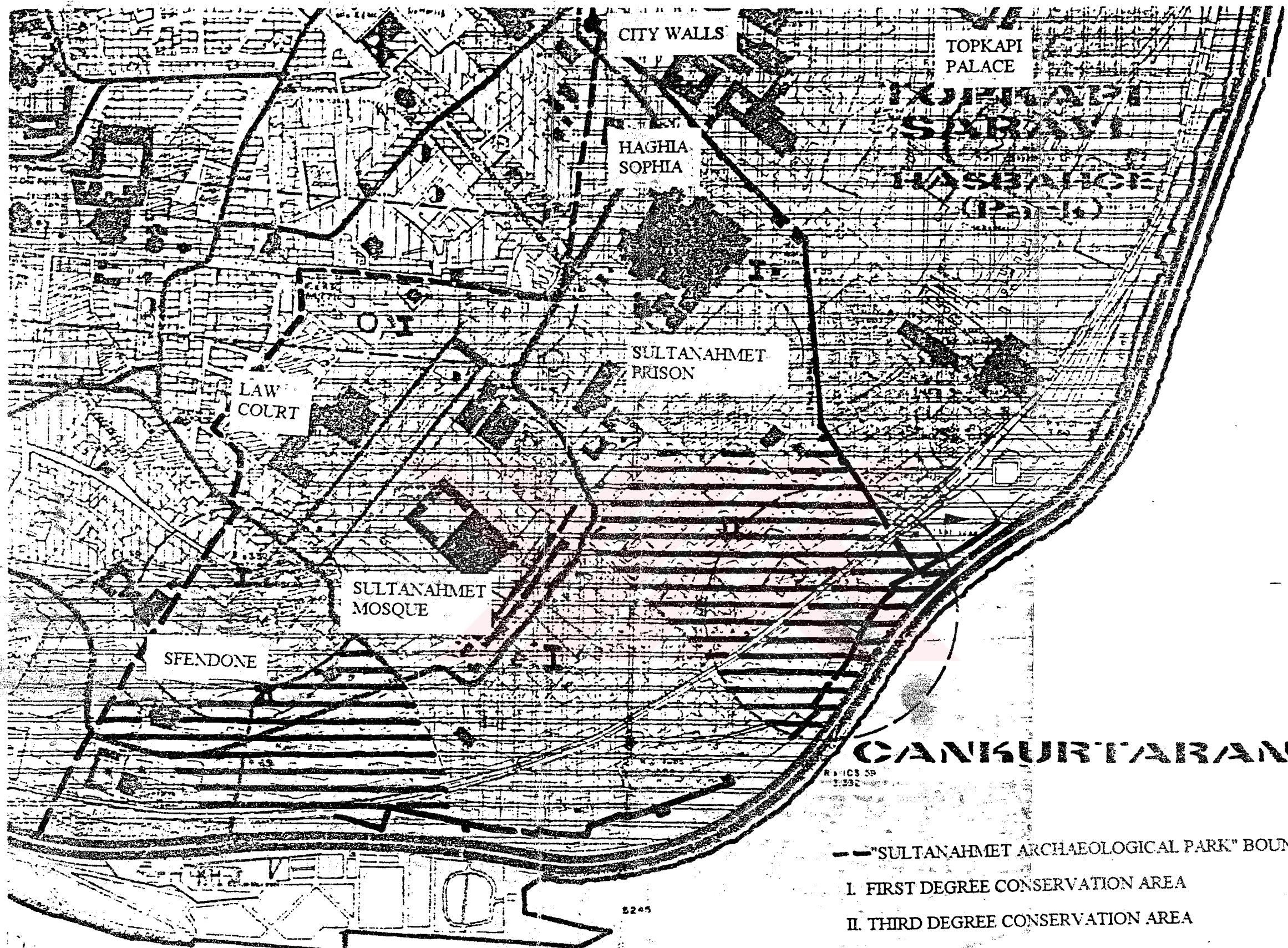


Figure 2: Master Plan of the historical peninsula, approved in 1990.

Table 4: Percentages of Construction Applications in the "SultanAhmet Archaeological Site Area" by Zone and Decisions of Conservation Council.

DECISIONS OF CONSERVATION COUNCIL \ ZONE	Applications in the Intense Archaeological Area inwhich Construction is Prohibited (in percentage)	Applications in the Archaeological Area that has Restricted Building Permission (in percentage)
Construction Permission After the Completion of Basement Excavation Under the Control of the Museum	44	50
Rejected Construction Demands	32	17
Not Resulted Construction Demands	15	23
Rejected Building Licence Demands for the Illegal Buildings	9	10
Percentages of the TOTAL Applications	38	62

of them have not been resulted yet and for 9 percent, Conservation Council was decided not to give building licence for the illegal buildings in the parcels.

There are two typical examples for this area that have not any building permission. Both of them are located in the same building block that is next to the "Sultanahmet Mosque". In the parcel number 38, an illegal touristic hotel has been constructed. Conservation Council decided to be inquired for these illegal constructions but it has not been resulted yet. The other example is located next to this parcel. There was an application in 1985 for the construction of a hotel in this site and the Conservation Council was decided that after the completion of the excavation works under the direction of Prof. Dr. Semavi Eyice, according to the importance of the remains, a hotel could be constructed. After the excavations in this site, Conservation Council and High Council were decided to preserve that area as an open space and all kinds of construction projects were refused. (Figure 3)

Second part of those applications that constitutes the 62 percent of the total, are in the second area that have restricted building permissions according to the conservation plan. In this zone, 17 percent of those applications were rejected by the Conservation Council. Building Permissions were given in the 50 percent of them according to the requirements of the implementation plan and 23 percent of them have not been resulted yet. In some other case, Conservation Council demanded an archaeological report that would be prepared by an archaeologist from the museum after the completion of the basement excavations in those parcels, but constructors have not applied to the museum for the basement excavations in those areas. Finally, there are illegal buildings and they applied to obtain a building licence. The percentages of them in the total are 10 and Conservation Council was not give them building permission.

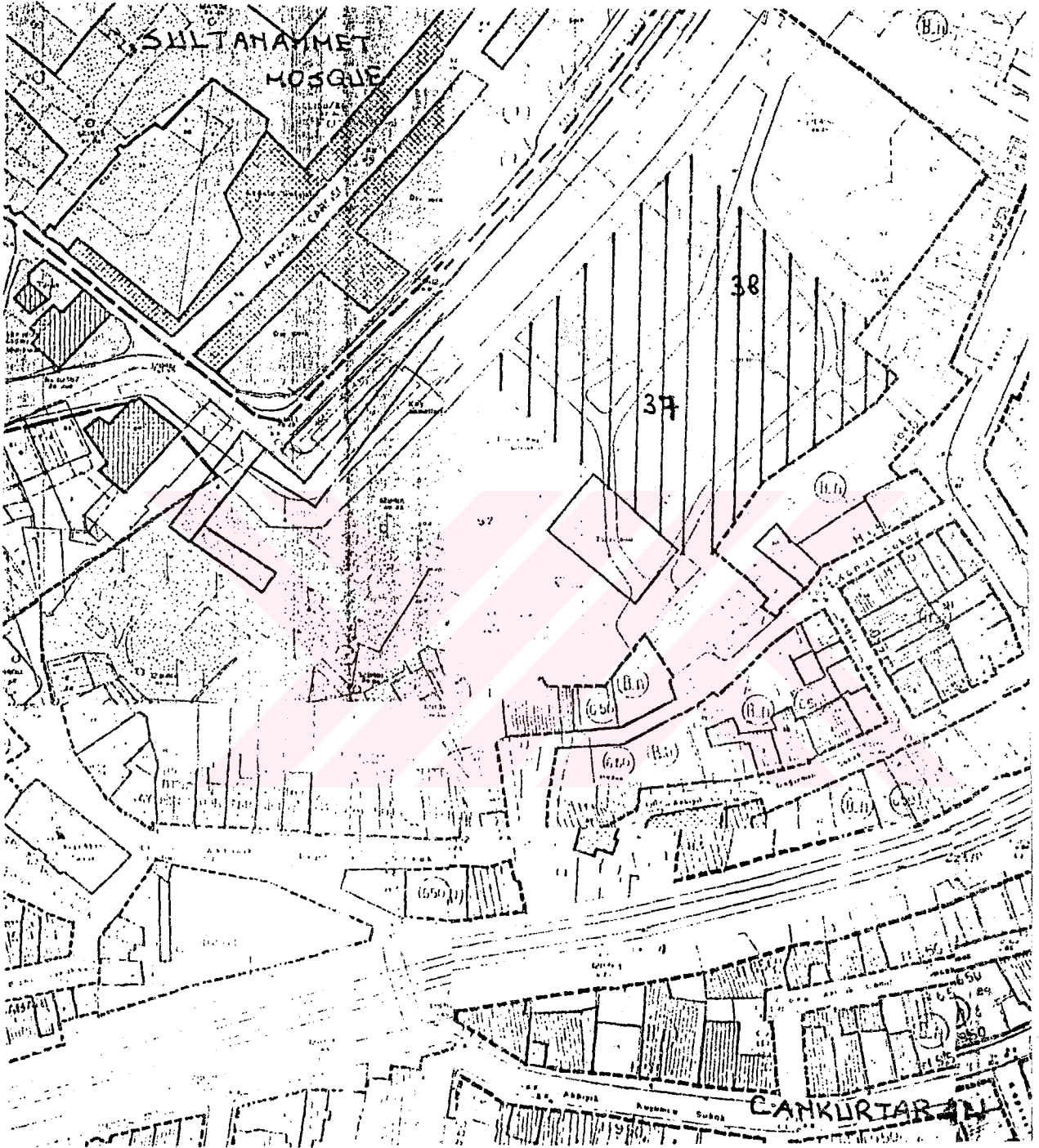


Figure 3: Locations of the parcels no.37 and 38 in the implementation plan.

There is a typical example from this area that has a popularity in nowadays. Remains of a Byzantium palace that was called Magnaura Palace, was founded in the area next to the Sultanahmet Prison. Conservation Council decided to preserve and expropriate those remains in 1966. After a construction demand of the parcel in this area, Conservation Council decided that a building could be done on this single parcel, if this parcel has not any archaeological remains after the completion of basement excavation under the direction of museum in the year 1974. Remains from the Magnaura Palace were founded during these excavations and constructor destroy them to make a building. So, Conservation Council decided to be inquired for these illegal constructions in 1983 and because of the archaeological importance of those remains, council decided to be cleared the area from those new illegal constructions without giving any destruction to the ancient remains. In 1993, Conservation Council decided that palace could be cleared from the soil that are inside of it, without giving any destruction to the remains and they pointed out that, these studies have to be done by hands. After this, they want the measured drawings of those remains. The new functions of those remains will be determined later on by the council. However, those studies are not going on in this process. During the clearance of the palace, important archaeological evidences are losed because of the unconscious excavations. (Figure 4)

Also, in the metropolitan city of İzmit there are many examples for this kind of destruction in a multi period metropolitan area. Historical importance of this settlement is not a satisfactory criterion for the authorities in İzmit in order to conserve their cities. Many new constructions in the modern city destruct the remains from the ancient city. Most of the important remains of Nikomedis (Nimpheum, city walls, etc.) are now under the basements of the modern buildings of İzmit with partially or completely destructed.

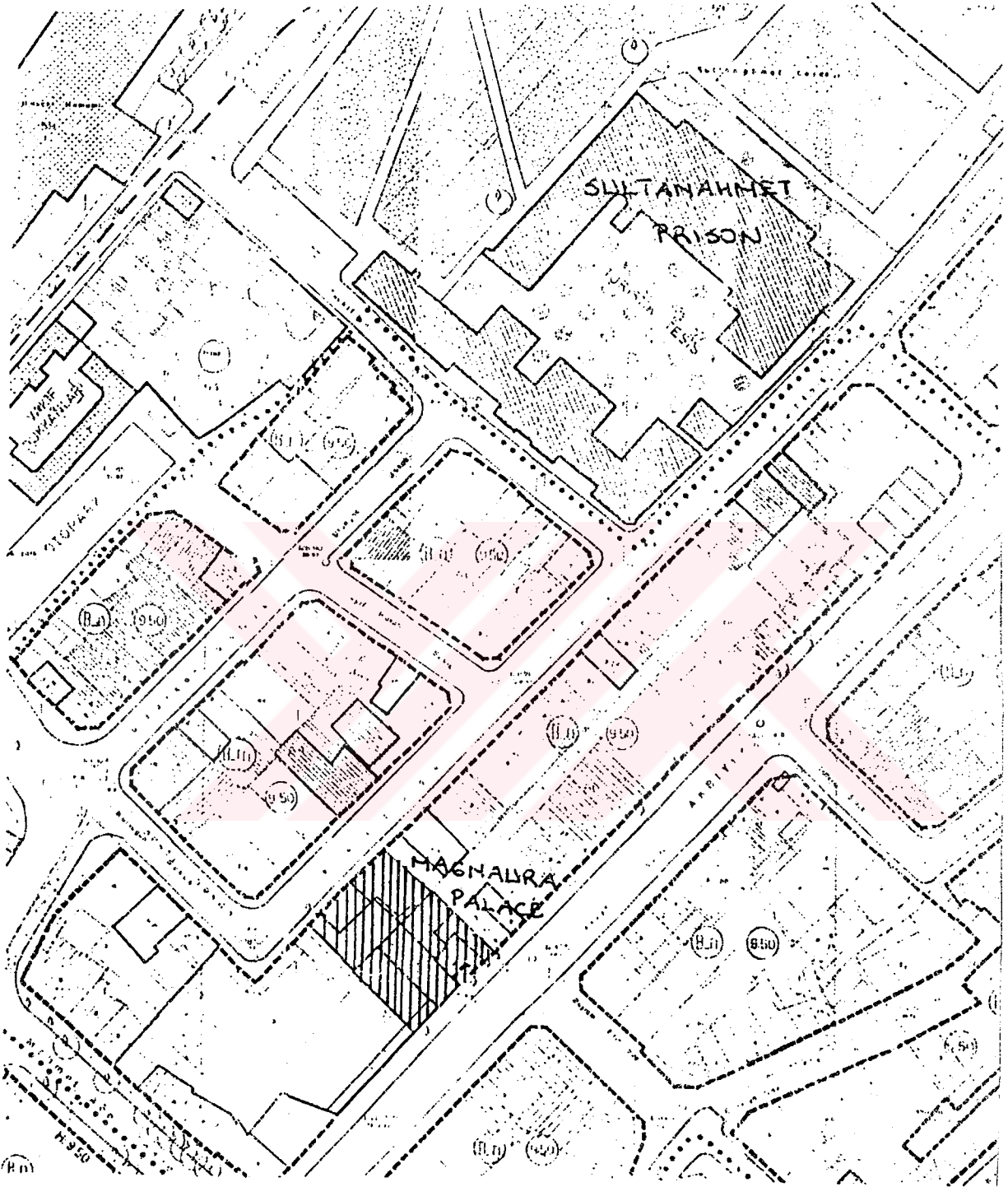


Figure 4: Location of the Magnaura Palace in the implementation plan.

Roman Theatre of Ankara is another example. It was founded during the construction of a building on this site. Constructors were not informed authorities, but in a short period, authorities learned existence of this remains and then the construction activities were stopped immediately. Now, this place is exhibited without any intervention for the aim of preservation. Therefore, deteriorations on the Roman Theatre started to increase because of the ignorance.

Another type of destruction is caused by the implementation of the environmental design projects on open spaces. The place of Hacibayram-ı Veli Mosque and its surrounding is the typical example from Ankara. A project was prepared for this area and while the application process of this project, remains from the ancient periods were founded. There are a phrygian temple, a roman temple and a mosque in the same area and all of them are in a superimposed position. When ancient remains were founded, first, authorities stopped this project, but after a short period, they closed those parts and finished their works immediately because of the political reasons. Now, only the area around the August Temple and Hacı Bayram-ı Veli Mosque are preserved and the surrounding area is covered with the new materials without any research or survey on them.

Finally, it could be said that, we have many examples as Çemberlitaş, Hacibayram, etc. that could be a good model for the implementation of the urban archaeology in Turkey, but as a result of lack of ignorance, all those opportunities for this kind of studies are loosing.

Additionally, absence of building standards cause important negative effects. In Turkey, building permissions are given without any guarantees to check for

the possible existence of archaeological remains on the area. These remains are founded by chance and they are recovered immediately because of many reasons.

Undisciplined developments of tourism are another source of destruction in cities. This problem is seriously effect almost all touristic developments, most of the ancient cities of Turkey are demolished in an irreversible way. Side, Bodrum (Halikarnassos), Foça (Fokai), and Marmara Ereğlisi (Perinthos and Toptepe höyük) are the most important examples of destruction because of touristic investments.

Moreover, uncontrolled speculation in urban land could not be disregarded. Especially for the projects in the city centres, both contractors and land holders have not a long time. Any intervention to their constructions will cause an extra delay. Therefore, authorities are not informed and mostly constructions go on in spite of the archaeological remains or authorities have to solve this problem in an optimal short period. It is clear that, both technological and financial sources of Turkey for this kind of studies are not sufficient. On the other hand, this problem effects all countries and it is their most important problem. These problems have not been solved completely in those countries yet, although the concept of urban archaeology has been studied since 60s.

Economic difficulties are arising. Inadequate budgets take the most important parts of economic problems. Also, lack of interest in the protection of archaeological remains causes the separation of inadequate budget for the Ministry of Culture.

Qualitative and quantitative inefficiencies in education are another dimension of the problem. Lack of collective awareness and social conscience

regarding the need to preserve remains that were a way of finding out the past, are the results of the problems in education. People are not informed sufficiently about their past from the primary school to the university. When they came to the university, they have not enough idea about their past. Then, in universities, lessons about the notion of history and its importance in our lives, preservations of them are not given adequately. To inform other disciplines about this notion has a vital importance because of the multi disciplinary character of this field.

Also, education in the departments of archaeology is not satisfactory. Like in the other disciplines, all archaeologists are not adequately educated. Because of the entrance system to the universities in Turkey, they choose their proficiency by chance. Therefore, their capabilities in their carrier are decreased.

Besides those problems, protection of the remains from the weather, air and urban pollution, integration of them into the urban fabric, providing their security, and protections against human action are very important. For example, atmospheric pollution causes an important physical destruction on the archaeological monuments and this is the basic problem of cities. The August Temple in Ankara is the most significant example of this problem. Many Turkish cities are faced with this pollution problem.

Consequently, it is very clear that, all those modern developments and other factors are destructing our urban past. Now, the problem is to make an optimisation that is to develop the modern living town while preserving its urban past. So, the necessity of a new discipline that is urban archaeology, came into scene to solve this kind of problems, make an optimisation and for the exhibition of our urban past for the sake of our and next generations.

3.4. Methods of Determination and Registration of Archaeological Sites in Turkey

Studies in the field of urban archaeology are not ended after the completion of historical researches of towns. The assignment of archaeologists and other disciplines have to be the preservation of those historical remains for the next generations. Therefore, it is necessary to preserve all those remains and as a result of those preservation studies, making an optimal project is the other part of the study. Every country developed different methods and strategies for the preservation of their remains and also supported them by legal and administrative constraints. For example, government of England prepared a comprehensive statement policy for the guidance of local planning authorities, developers and others. Its major aim is to persuade new developments with the proper protection of archaeological sites in towns of England.

In Turkey, the first step in conservation is designation and listing work according to the archaeological, urban and natural characteristics of the site. The definition of site that was accepted in the world heritage convention in June 1990, is "works of man or the combined works of nature and of man, and areas including archaeological sites that are of outstanding universal value from the historical, aesthetic, ethnological or anthropological points of view." This definition makes the criteria more clear for registration.

However, there are not clearly defined criteria for the registration of our heritage and those criteria are not realisable in every case. Lack of coordination between different Conservation Councils causes those problems. For example, some criteria that were accepted in one Conservation Council are not considered in another.

Therefore, different criteria are developed for each case in every Conservation Council.

On the other hand, there are some basic criteria that are depend on the period, rarity or group value of the site or monument and potential of the area. In Turkey, especially archaeologically potential areas that could be the study area of the discipline urban archaeology, are classified by councils as third degree archaeological sites and in those areas constructions could be done only under the control of specialists from the museums. Nevertheless, this is not so in practice. As mentioned in the part above, there are many problems as lack of ignorance to the ancient remains, illegal constructions, educational problems of archaeologists and in other professionals in this field, etc. Therefore, destruction started first in the third degree archaeological sites and this is the most important problem of Turkey.

At the beginning of the determination process in Turkey, designation works were made by the specialists of The Director General of Museums and Antiquities that was under the direction of the Ministry of Education. After the establishment of the Ministry of Culture, this Directorate was directly connected to the MC. Registration and planning office has been established since 1973 and their major aim is to prepare the national inventory of historic monuments and sites and also by this, to control all kinds of physical destruction in those sites.

In 1989, this registration and planning office was established within the body of The Director General for the Conservation of Cultural and Natural Heritages. Since the foundation of this office, studies on this field were carried out with a team that composed of specialists as art historians, archaeologists, architects, restaurateurs, ethnologists, photographers, etc. Afterwards, city planners were included

in these teams. Also, according to the needs, some other professionals from other institutions are included.

As a result of those studies, 3277 sites have been registered till now. They are differentiated as; historical sites (33), urban sites (98), natural sites (148), and archaeological sites (2998). Most of those sites have a dual, a triple as well as a quadruple characteristic.

The 2998 archaeological sites that were registered, are represent only a small proportion of known archaeological sites. A comprehensive survey that includes all country, has not been arranged yet. After the completion of such a survey, the numbers of monuments and sites will be increased in a significant ratio. Now, all those unknown archaeological sites are under the risk of modern developments and the role of planners, constructors, etc. are very important for the wealth of those remains.

Determination criteria of sites in the beginning were depend on the knowledge and experience of those specialists. However, insufficient number of experienced staff, technical and financial problems and inadequacy of Acts effect all those studies.

Under the conditions of nowadays, for an entity to be considered worthy of conservation, it should first be selected by the related Conservation Council established by the Ministry of Culture (MC) according to the related Clauses of Act No: 2863 and 3386. These sites classified, approved and listed by the related Conservation Council of Cultural and Natural Heritage and then registered. After that, MC informs the other related Ministries, Provincial Authorities, Municipalities, Museums, Cadastral Offices and the owners through its related bodies about the

registration. Those registered properties or areas are taken as given data in the various physical planning studies in different stages. (Figure 6)

As mentioned above, there are four kinds of sites as historical, urban, natural, archaeological and each of these sites is classified according to their degrees. All building permissions in each degree are defined by decisions of the High Council for the Conservation of Cultural and Natural Heritage (KTVKYK) in 1988.

In archaeological sites, there are three types of classifications according to the decision (number 6) of the KTVKYK in 4.3.1988. Those three types of archaeological sites and conservation aided rules for them according to this decision are as follows:

I. First degree archaeological sites that will be preserved as a whole except conservation aided scientific studies. In those areas;

I.a. there is no permission for the new developments and those areas have to be defined in the implementation plans as a conservation area,

I.b. existing modern buildings except the archaeological monuments, should be transferred in time into the lands that were owned by the treasury or expropriated by the MC, apart from the archaeological site. Conservation Councils have to take a decision for all those kind of problems,

I.c. in those areas, to open new agricultural lands and afforestation are prohibited and only seasonal agriculture could be continue,

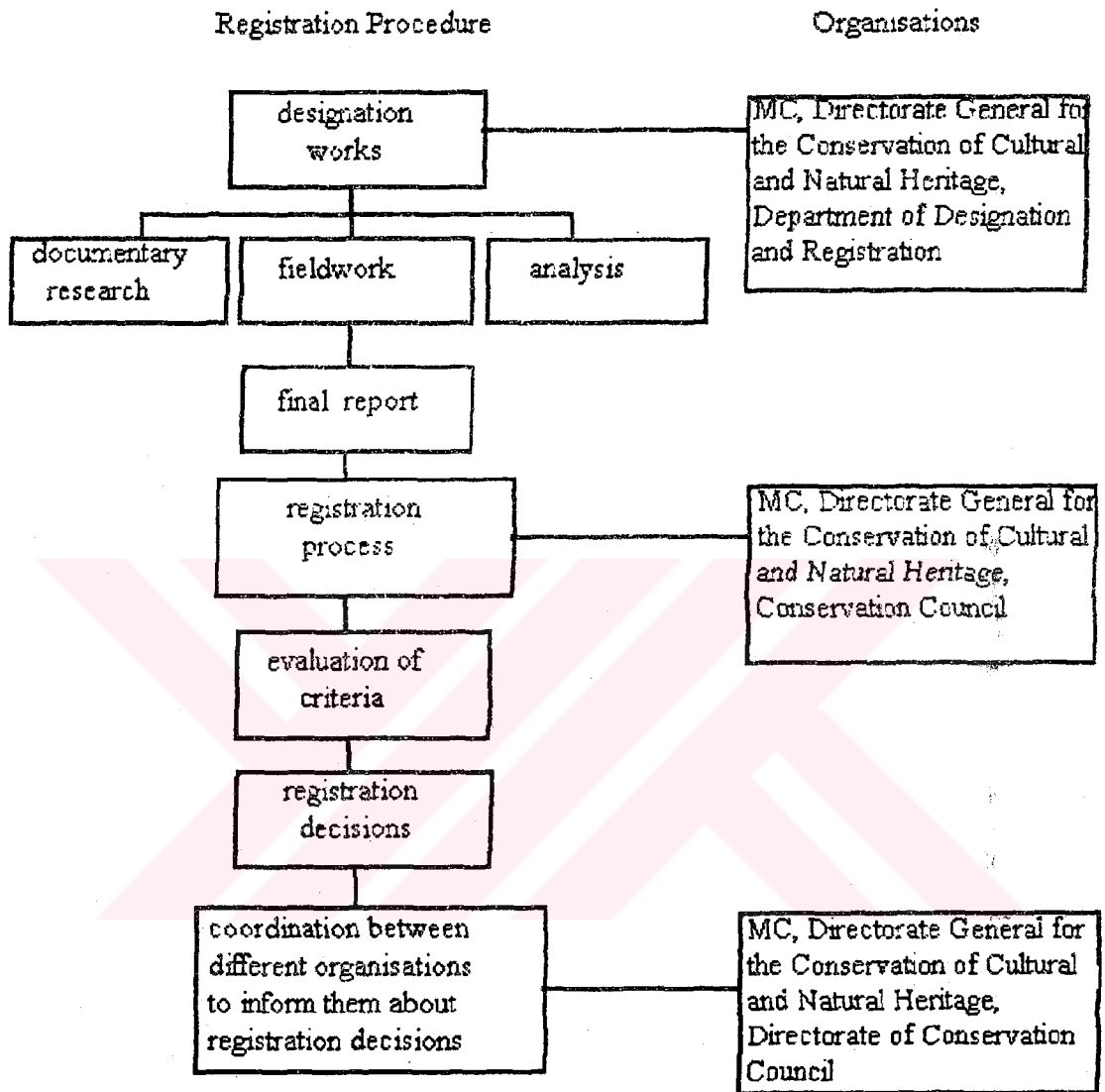


Figure 6. Flow Chart of Designation and Registration Process in Turkey

Especially on the surface of höyük and tümülüs that are always classified as first degree archaeological site, agricultural facilities that destruct the surface of the land and afforestation are prohibited, only existing trees could be stay for the aim of agriculture,

I.d. all excavations except for the aim of scientific studies, are prohibited, moreover to open all kinds of stone quarries and to take stone and soil from those archaeological sites are prohibited,

I.e. official and private bodies have to apply to the related Conservation Council for their projects that should be done for the aim of public interest, like to open water canal or pipe line, motorway constructions, etc., and implementations could be done only according to the decision of Conservation Council,

I.f. in those areas to define boundaries with fences, to put information signs by the organisation of the MC and to employ guards for the safe of archaeological sites,

I.g. with the permission of related Conservation Council, pedestrian roads, parking areas in small scale and arrangements of open spaces could be done without any excavation,

II. Second degree archaeological sites that will be conserved and any treatment about the usage of the area will be decided by the Conservation Councils. In those areas;

II.a. new constructions are forbidden,

II.b. only basic repairs to the existing buildings could be done under the direction of museums,

II.c. seasonal agricultural facilities could be done under the direction of museums and with the permission of Conservation Councils,

II.d. all kinds of excavations except scientific aided studies, to take stone or soil and to open stone quarries are forbidden,

III. In the third degree archaeological sites, all land use decisions that should be conservation aided, have to approved by the Conservation Councils. In those areas;

III.a. foundation excavations in the settlements or open lands that have not a development plan and located in or out of the municipality boundaries have to be done under the direction of specialists of related museums and all these studies have to be financed by the landowners. In every kind of construction demands, landowners have to obtain documents as; a report of the specialists from the museum, lay-out plan, cadastral map, photographs from the environment and architectural project in 1/ 50 scale should be presented to the Conservation Council to constitute a base for their decisions. If the landowner found any remains in his parcel, he have to stop the excavation and immediately have to inform the authorities,

III.b. proposed development plans and architectural projects have to be approved by the Conservation Council moreover all conditions in the article "a" are accepted.

III.c. in the places that have a development plan approved by the related Conservation Council, and not superimposed with an urban site; constructions could only be done in the empty parcels and foundation excavations have to be done under the control of the specialist from the museum and all those expenditures have to be supplied by the landowners. If this parcel have not any archaeological remains, than by the report of archaeologist from the museum, Conservation Council will decide and after all municipality could give the building permit,

III.d. in the places that have an urban settlement, the situations in the article "a" are completely accepted.

An ideal solution for the conservation could be granted by doing all those requirements above. However, in nowhere these requirements are realised. Landowners or constructors do not inform authorities in the right time and when authorities recognise those developments, it is too late for any intervention. So, we have to developed more improved techniques and criteria for the registration process in Turkey. Because, if we do not register and preserve remains from the past of our cities, than we will lose our chances. In this respect, the importance of urban archaeological studies is increased.

3.5. Strategies on the Handling of Archaeological Matters in the Planning Process

When an area decelerated as a conservation site in Turkey by the MC, Conservation Council of Cultural and Natural Heritage, the practice of the current development plan in the same area is automatically stopped. In those sites that had

previously been planned but in which wrong or incomprehensive decisions had been taken by means of the conservation of cultural and natural heritages, the current development plan is cancelled and a new conservation aided plan is proposed. Until the conservation plan has been completed, the related council has to decide upon, within a month, the Temporary Building Regulations to meet the needs for conservation and to take under control the construction of the new buildings.

The Provincial Authority or the Municipality has to submit the proposed plan for conservation to the related council within a period of one year at the latest. The plan, after having been accepted by the related council, is approved by the City Council and then becomes ready for application.

When making partial changes in the conservation plan have been founded necessary by the related institutions and when the Conservation Council has taken a decision for this, it is the task of the council to inform the related Municipality, and the related institutions and bodies with a formal letter. Within one month of the date of this decision has been taken, within the allocated period, the proposal for change, which had been approved by the conservation council, can be carried out without a decision from the City Council.

However, in the third degree archaeological sites, this planning procedure is not work. In those areas, municipalities have to inform the related museum and an archaeologist from the museum is responsible from the controlling of foundation excavation in the site. During the application, contractors have to follow the decisions of the KTVKYK. Especially the article "d" of the decision number 6 / 4.3.1988 is the basic guidance for the local planning authorities, developers and for the others in the application process.

Conservation aided plans for many settlements as Bergama (Pergamon), Aksu (Perge), Marmara Ereğlisi (Perinthos) were prepared. Those conservation plans are supported mostly from the budget of the MC. Also, some municipalities that are sensitive to their history, gave importance for preparing conservation plan of their settlements.

Consequently, it must be said that all development plans in a country should be prepared with sensitivity to the history of the cities and only by this, identities of cities would not be loosed. Also, there would be no need for the conservation aided plans in the conservation sites, because development plans would satisfy those needs and an optimal solution would be the result of this study.

3.6 Legal and Administrative Framework in Turkey

The beginning of the concept of conservation in Turkey is very new when we compare with implementations in Europe and in USA. Many valuable ancient monuments and artefacts were lost during the Ottoman Imperial period because of the ignorance and apathy of the rulers and of the public in general. At the beginning of the 19th century, a few people started to interested with their history including ancient periods.

In those years, the role of Osman Hamdi Bey was very important for the development of archaeology in Turkey and also for the preservation studies of those remains. First excavations were started under the guidance of him. Besides, his studies for the establishment of a new preservation aided act that is "Asar-ı Attika

Nizamnamesi" (in 1884) was constitute a very important stage in the legal history of Turkey. In those years, for the aim of preservation, four regulations were established in the years 1869, 1879, 1884 and 1906. The "Asar-ı Attika Nizamnamesi" that was established in 1906 was the most developed regulation concerning its preservation aided articles, and this regulation was accepted and used 67 years in Turkey.

After the new Turkish Republic had been founded in 1923, Turkey entered a period of rapid change. In this period, the new approach involved some efforts to determine and clarify the roots of Turkish history and the Anatolian civilisations.

The scope of the historic conservation movement was developed parallel to the efforts for clarifying the roots of Turkish history and the ancient civilisations of Anatolia. The movable objects of value related to those civilisations were searched for, found and taken into museums.

In the 50s, the rapid change in the socio-economic structure of Turkey led to considerable unplanned urbanisation and uncontrollable destruction not only in the urban texture but also in its natural and historical environment. "The High Council of Immovable Antiquities and Monuments (Gayrimenkul Eski Eserler ve Anıtlar Yüksek Kurulu - GEEAYK)" was established by Act no: 5805 in 1951 with the aim of preventing the destruction of historic buildings and of safeguarding them. This council tried to follow and adopt the international developments and decisions that will be explained in the later parts.

In the 60s, with the 1961 Constitution that assigned the State with its Clause No: 50, the task of protecting the historic and cultural values, an important event that effecting the approach to conservation was occurred.

The new "Act for Antiquities No: 1710" was put into force in 1973 as an improvement in the concept of conservation. New definitions and new limitations to the values to be conserved were determined with this act. By this act, building complexes, natural or man-made sites were taken under the cover of conservation.

In 1983, the "Act for Conservation of Cultural and Natural Heritage - Kùltür ve Tabiat Varlıklarını Koruma Kanunu" No:2863, (21.6.1983) came into force, replacing the two previous acts, "Act of Antiquities No: 1710" and "The High Council of Immovable Antiquities and Monuments Act" No: 5805. With this act a new organisation "The High Council for Conservation of Cultural and Natural Heritage (Kùltür ve Tabiat Varlıklarını Koruma Yüksek Kurulu)" and regional sub-committees, ie. "Regional Conservation Councils of Cultural and Natural Heritage (Kùltür ve Tabiat Varlıklarını Koruma Bölge Kurulu)" were established. Some points were explained in detailed in the concept of this act. The term site was redefined to "apply the products of various civilisations from ancient times to the present; to cities or remains of cities representing the social, economic, architectural, etc. characteristics of their times; to places where significant events had taken place and other areas to be protected because of their definite natural characteristics."

Later on, some changes were brought on to certain clauses of Act No: 2863 with Act No: 3386, 24.6.1987. With this act, the alterations of some clauses of act no 2863 for the Conservation of Cultural and Natural Heritage and adding some new clauses to the said act concerned. The conservation organisations have been

decentralised and spread all over the country by means of the local Conservation Councils. The name of these regional committees was changed into the "Conservation Council of Cultural and Natural Heritage (Kültür ve Tabiat Varlıklarını Koruma Kurulu)".

Also, in the Constitution of Turkey, Clause No: 63 states that "The State will ensure the conservation of the historic, cultural and natural assets and values and will take supporting and promoting measures towards this end. Any limitations to be imposed on such assets and values that are privately owned, and the compensation and exemptions to be accorded to the owners of such as a result of these limitations, will be regulated by law."

Although the legislative framework of Turkey was defined clearly, also there are many difficulties in this field. Expropriation is one of these problems. In 1990, a new regulation about the transfer of areas that are located within the boundaries of archaeological, natural, urban or historical sites and have no permission for the construction, to the outside, was established, but there have not been any implementation till now.

The term urban archaeology has not been considered in the acts, regulations, etc. till now. However, a need for this discipline is increase in nowadays with the rising sensitivity of the authorities and the professionals from different disciplines. With the anxiety of the specialists in the MC, a new proposal (prepared by the specialists in the MC in the September 1993 but has not been resulted yet) has been developed for the conservation of archaeological sites. According to this proposal archaeological sites are classified as;

1. Archaeological Site; first and second degree archaeological sites that are determined in the existing acts, are considered as archaeological site by this proposal.

2. Urban Archaeological Site; superimposed position of both archaeological and urban sites with the modern settlement is the case for this determination that is new in the terminology of Turkish legislation. In those areas, optimisation between the conservation and development is necessary. Physical infrastructure services that are the basic needs of the modern living town should be done without any destruction on the urban stratification, by the permission of the Conservation Council and application of those projects should be done under the control of the specialists from the museums. Besides this, Conservation Councils are the decision mechanisms in those areas.

3. Archaeological site that could be rearranged; existing third degree archaeological sites that are the potential archaeological areas or in other terms the extension areas of the ancient settlement, are classified by this determination in the proposal. According to this proposal;

3.1. Conservation plans of those areas should be prepared immediately and until this, Conservation Councils have to determine the transitory period planning construction rules. The conservation and development decisions should be balanced. The conservation of the existing and potential archaeological heritage should be the basic point of reference for the proposals of building densities, functions, implementations of the infrastructure projects and also techniques and materials of the new buildings.

3.2. Sondage should be done by the specialists of the museum before the implementation of the projects in those areas and after that, if there is an excavation work in the site, a report should be prepared by those specialists with the contribution of the excavation chief.

3.3. Sondage should be done by hand according to the criteria of scientific excavations, qualitative and quantitative characteristics of the trenches should depend on the needs of the excavation and landowner has to finance all expenditures of the sondage.

This new proposal has not been accepted by the authorities in the MC yet, studies are going on. On the other hand, the term and the concept of urban archaeology is defined first by this proposal in the Turkish legislative system. Therefore, its positive effects on the legislative system could not be disregarded, but according to the suggested determinations, scope and techniques, this proposal is very insufficient and in some points faulty and could not be implicated easily according to this financial system.

Consequently, it is very important to define the scope and other components of a new discipline by laws as mentioned above. It must be defined in a perfect way by laws at the beginning and so difficulties in the application process could be solved with the helps of these laws, regulations, etc.

3.7 Organisations

3.7.1 International Organisations

It is essential to cooperate with international organisations, to exchange the latest technological and scientific developments to achieve healthier environment concerning its cultural and natural entities. As a result of these purposes, Turkey signed to a number of international conventions in this field of conserving their remains and has actively participated in their works. Most important ones of those conventions that create an international base for the archaeological studies in urban sites, are the Athens and the Venice Charters.

Those charters were developed as a result of a need for the guiding principles of the preservation and restoration of ancient buildings and those principles should be agreed and be laid down on an international basis, each country should be responsible for applying the plan within the framework of its own culture and traditions.

The Athens Charter in 1931 defined these basic principles for the first time. Identities of the cities were emphasised as "the life of a city is a continuous event that is expressed through the centuries by material works which form the city's personality and from which its soul gradually emanates. They are precious witnesses of the past which will be respected, first for their historical or sentimental value, and second, because certain of them convey a plastic virtue in which the utmost intensity of human genius has been incorporated."

Moreover, some solutions to the problem of conservation of the archaeological sites in the cities were developed by this charter. "The exceptional growth of a city can create a perilous situation, leading to an impasse from which there

is no escape without some measure of sacrifice. An obstacle can only be removed by demolition. But whenever this measure is attended by the destruction of genuine architectural, historical or spiritual assets, than it is unquestionable better to seek another solution. Rather than removing the obstacle to traffic flow, the traffic itself can be diverted or its passage can be forced by tunnelling beneath the obstacle."(The Athens Charter, 1931)

Later on, during the Second International Congress of Architects and Technicians of Historic Monuments a new text was approved in Venice (1964). By The Venice Charter a new term "site" was defined. "The concept of a historic monument embraces not only the single architectural work but also the urban or rural setting in which is found the evidence of a particular civilisation, a significant development or a historic event. This applies not only to great works of art, but also to more modest works of the past which have acquired cultural significance with the passing of time."(The Venice Charter, 1964: article 1)

Nowadays the Council of Europe give importance to the urban archaeology and meetings for developing new strategies on this subject are organised.

In this part, scopes of international organisations will be explained.

3.7.1.1 UNESCO: The United Nations Educational, Scientific and Cultural Organisation have a sub-programme "Cultural Heritage". The points within this programme that can include the archaeological heritage are as follows;

- inventories of movable and immovable property,
- extend the application of existing conventions and recommendations,

- international campaigns for safeguarding monuments and sites,
- preservation of the movable cultural heritage,
- training of specialists,
- spreading of specialised knowledge through periodicals and publications.

3.7.1.2 ICOM: International Council of Museums is concerned with artefacts and other parts of the movable heritage. Main issues that have been dealt with are;

- professional ethics and illegal traffic in the cultural heritage,
- return of cultural heritage to its countries of origin,
- exhibition
- conservation.

3.7.1.3 ICOMOS: International Council of Monuments and Sites. Works of this international organisation are to promote the application of theory, methodology and scientific techniques in the conservation. Its objectives are;

- to bring together conservation specialists from all over the world and serve as a forum for professional dialogue and exchange,
- to collect, evaluate and diffuse information on conservation principles, techniques and policies,
- to cooperate with national and international authorities on the establishment of documentation centres specialising in conservation,
- to work for the adoption and implementation of international conventions on the conservation,
- to participate in the organisation of training programs for conservation specialists on a worldwide scale,

- to put the expertise of highly qualified professionals and specialists at the service of the international community.

3.7.1.4 ICCROM: The International Centre for the Study of the Preservation and the Restoration of Cultural Property is concerned with research works and education within the field of conservation.

3.7.1.5 The Council of Europe: The Council of Europe was founded in 1949. Aims of this council are to cooperate between the people and nations of Europe and to create a greater unity. Over the years, membership of the Council of Europe has expanded. Also, its other aims are to improve the living conditions, develop the human values and the upholding of the principles of parliamentary democracy and human rights.

The work of the Council of Europe has been concentrated in the following areas; human rights, social and economic affairs, education, culture and sport, youth, health, protection of the environment, local and regional authorities and legal affairs.

In the 1969, a European Convention was assigned by 21 country except Turkey. This Convention is concerned with "the formation of archaeological inventories and data banks, the creation of administrative structures capable of handling development projects involving archaeological data, the adoption of legal and administrative measures necessary for archaeological data to be taken into account as a matter in the town and country planning process, the education of the public in the value of the archaeological heritage as a major element of the European cultural identity."(explanatory report of 3rd European Conference of Ministers Responsible for the Cultural Heritage, 1992)

An international symposium about the topic of "urban archaeology" was organised first in Tours in 1980. Then, a number of other symposiums in this topic were organised. One of them was in Zaragoza, in 1983.

After all, the Steering Committee for Urban Policies and the Architectural Heritage (CDUP) was set up in 1981 by the Committee of Ministers. Their work is focused on the two sectors of the program: urban policies and architectural heritage. In 1982, the CDUP decided to call together a group of experts from various nations, to make proposals on the protection and preservation of archaeological remains within the framework of urban planning.

The first meeting of this group was held in October 1982 and five nations were represented. The working group discussed European cooperation on the archaeological heritage, regardless of the present location or state of conservation of this heritage.

The terms of references of the group had been improved to include both regional and urban planning and a detailed discussion took place on problems such as the drawing up of surveys of areas of potential archaeological importance, the making available of this information to the planning authorities, the incorporation of archaeological information in development plans, rescue excavations, financial compensation for building delays, etc.

An international conference was held on the subject of archaeology and planning in the region of Tuscany in 1984. After this conference, the important role of planning was emphasised more clearly and studies in the field of urban archaeology were started in this committee. Then, the Council of Europe organised colloquiums in

Florence (oct. 1985), Nice (nov. 1987) and Strasbourg (1987, 1988, 1989) for the aim of developing new criteria for the subject of archaeology and planning.

Cultural Heritage Committee of the Council of Europe organised a "European Conference of Ministers Responsible for the Cultural Heritage" in Malta during 16-17 January 1992. Major topic of this conference was "urban archaeology in today's towns".

Before this European Conference, professionals on the member States study on the 1969 Convention because, same problems were appeared after the 1969 Convention entered into force. The Convention's contents were revised to make the text more coherent and comprehensive. The revision was taken up by the Select Committee of Experts on Archaeology and Planning. The revised Convention was opened for signature by member States on the 16 January in 1992 at the third European Conference of Ministers responsible for the Cultural Heritage in Malta. Major aim of this convention is to emphasize the scientific importance of the archaeological heritage.

The 5th, 6th and 7th Articles of this revised Convention is related with urban archaeology in the Member States. In the 5th Article, all the member States of the Council of Europe and the other States party to the European Cultural Convention signatory accepted the protection and enhancement of the archaeological heritage in the context of town and country planning operations.

By this article, States are required to involve archaeologists in the various stages of development schemes and in the planning policies that are designed to

develop well-balanced strategies for the protection, conservation and enhancement of sites for archaeological interest.

Second important point of this article is to ensure that archaeologists, town and regional planners systematically consult one another. By this, known and potential sites can be taken into account in developing plans and modifications can often be made easily at the planning stage that later would cost a great deal of time and money.

Third point is to ensure that environmental impact assessments and the resulting decisions involve full consideration of archaeological sites and their settings.

Fourth point is to make provision when elements of the archaeological heritage have been found during development work, for their conservation in situ when feasible. In situ conservation of remains will depend largely on the nature of the site and what is being constructed. One method is to excavate the site and then cover over the remains so that the building or construction can take place on top of it. By this method, the site will be recorded and available for researchers of the future. It is important that the scientific nature of archaeological sites is emphasised once more.

Finally, member States are accepted that the opening of archaeological sites to the public, especially any structural arrangements necessary for the reception of large numbers of visitors does not adversely affect the archaeological and scientific character of such sites and their surroundings.

The 6th Article of this convention deals with the financial support of archaeological research and conservation studies. This convention requires States to arrange for public financial support for archaeological research no matter what its

origin. Also by this article, the budget needs to cover all stages of the scientific works comprising the post excavation period. Full recording and publication of the findings, analysis of the data through production first of a research archive containing catalogues and reports drawn from detailed works on stratigraphy, artefacts and environmental material and then preparing a report are all have to be the prerequisites of an excavation in the town.

In the Article 7, the necessities of having up to date surveys, inventories and maps of archaeological sites are emphasised. It is clear that, without such information, it is impossible to forward plan development projects.

As a result of all these conventions, declarations and meetings of Council of Europe, a general opinion for the need to integrate heritage conservation into town planning and spatial planning, to preserve groups of buildings and sites as well as single monuments and to incorporate this heritage into the economic process are gain importance. Therefore, organising a cooperation between all conservation, town planning and other professionals to improve people's living conditions has become vitally important in all the States' implementations.

3.7.2 National Organisations

National organisations of Turkey in the field of conservation are diversified as central organisations like ministries and their local structures; local governments that are municipalities and the third one are the universities and technical schools related with conservation of remains. On the other hand, there is no specific organisation that

is related only with the urban archaeological studies in the towns, because Turkey has not a branch as urban archaeologist yet. Therefore, all institutions have responsibility in different parts of the problem of urban archaeology in the towns of Turkey.

3.7.2.1 Central Organisations

Archaeological sites in Turkey are under the responsibility of the related directorates of the Ministry of Culture; "The Directorate General of Monuments and Museums" is responsible from the movable cultural heritage and "The Directorate General for Conservation of Cultural and Natural Heritage" is responsible from the unmovable cultural and natural heritage as archaeological, urban, historical and natural sites. However, these directorates have to work in cooperation because of the cultural heritage's nature.

Museums in all around the country are under the responsibility of the Directorate General of Monuments and Museums. According to the laws and regulations in Turkey, all implementations especially in the third degree archaeological sites are have to be done under the control of an archaeologist from the museum. But in practice, this could not be achieved. In most of the cases, educational quality of the archaeologists in museums is not enough for this kind of implementations. Therefore, because of unskilled archaeologists in the museums, many archaeological remains from different periods of the towns were damaged or now these remains are under the constructions in the towns without any recording, etc.

Other local structures belong to the Ministry of Culture are the "Conservation Councils of the Cultural and Natural Heritage" that are under the directory of the "Directorate General for Conservation of Cultural and Natural Heritage". These conservation councils are located in Adana, Ankara, Antalya, Bursa, Diyarbakır, Edirne, Erzurum, İstanbul (3), İzmir (2), Kayseri, Konya and Trabzon. Each council has five members from the universities and one from the municipalities or from the related ministries, directorates, etc. according to the subject and they meet at least four times in a month. All kinds of implementations in the sites of Turkey are legally under the control of these councils. On the other hand, there are many different problems within and between these councils.

In the organisation scheme of The Director General for Conservation of Cultural and Natural Heritage, the "High Council for the Conservation of Cultural and Natural Heritage" is responsible from the coordination between the Conservation Councils; the determination of the general principles for the conservation and restoration of the immovable cultural and natural heritage and to take decisions about the proposals of the Conservation Councils on the delimitation of the sites. The High Council have 14 members, 8 of them are bureaucrats and 6 of them are selected from the academicians and they meet at least two times in a year.

The concept of urban archaeology is newly discussed in the MC. The Council of Europe was charged all member states to form a working team that composed of five or six members from the academicians in different fields for developing determinations and new strategies in the field of urban archaeology and then this team was responsible for preparing a report on this topic for their countries. A symposium was organised in Antalya for this aims in 14-16 October 1991.

Recently, The High Council is studying on a general principle about the designation works and implementations on the archaeological sites. These studies are concentrated mostly in the determination of a new term "urban archaeology" and methods that are used in the third degree archaeological sites. However, these are not proper definitions.

3.7.2.2 Local Governments

Local governments that are municipalities are responsible from the implementations of decisions of the Conservation Councils and one representative from the municipalities is the member of a Conservation Council. Especially in the third degree archaeological sites, the roles of the municipalities gain importance. According to the regulations, municipalities have to inform Conservation Councils for the implementations in the archaeological, urban, natural and historical sites and on the monuments and architectural heritage in their municipality boundaries.

On the other hand, lack of cultural sensitivity of the authorities; quantitative and qualitative inefficiencies in the municipality staff cause destruction on the cultural and natural heritage. In this point, the discipline of urban archaeology could be very helpful for the municipalities.

3.7.2.3 Universities and Technical Schools

Universities and technical schools give technical and scientific help to the MC and municipalities with their studies on the archaeological sites. Scientific excavations, restoration and conservation works are done mostly by the universities and the technical schools. Academicians and students in different branch as archaeologists, architects, restaurateurs, etc. work in those excavations. However, there is no branch as urban archaeologist in the universities and therefore, implementations in the especially third degree archaeological sites are lack of scientific studies. Also, coordination between the ministries, municipalities and the universities is very weak.

3.8 Financial Resources

In the field of archaeology studies are continuing with great endeavour. Scientists have many difficulties in the field of supplying financial resources for both excavations and the historical researches. Moreover, because of the land speculations in the urban environment, those kinds of problems are increase and implications became impossible as a result of inefficient resources. Therefore, very expensive costs of the studies in the urban environment could not be disregarded when the subject is urban archaeology and for these reasons, new financial solutions should be proposed.

In Turkey, studies in the archaeological areas are financed by;

Ministry of Culture; archaeological excavations, restoration and conservation works and some of the planning studies in the archaeological sites are partially financed by the MC, but the budget of the MC is not enough for those studies and therefore only a small portion of them are supplied.

- Universities and research institutes (foreign and national); archaeological excavations are financed partially by research institutes and universities, but like in the MC same problem that is inefficient budget is exist for the universities. On the other hand, research institutes have more resources than the universities.

- Municipalities; to prepare plans of the site and than to control the implementations are under the responsibility of the municipalities. Municipalities are supported very rarely the excavations in their boundaries but this is not so in most of the cases. Because of the unawareness of the authorities to their historical background, municipalities are not supported those kinds of studies. Their major function is to support financially the preparation of the conservation plans.

- Others; private enterprises, landowners, etc.

Although the existence of these financial supports in the field of archaeology, there are many financial difficulties in the third degree archaeological sites that are the cases for the urban archaeological studies. In the third degree archaeological sites, foundation excavations and all the other studies have to be financed by the landowner and therefore, because of those responsibilities, in most of the cases landowners do not informed authorities and those studies became impossible. Therefore, financial base of the urban archaeological studies should be solved realistically.

CHAPTER IV
A PROPOSAL METHODOLOGY AND AN INSTITUTIONAL
STRUCTURE FOR THE URBAN ARCHAEOLOGICAL STUDIES IN THE CASE
OF TURKEY

The theme of this chapter is to develop an appropriate methodology for the studies in the multiple layer historical cities of Turkey. The term "multiple layer historical city" was defined by S.Klaus in his article(1990: 114) as a city that;

1. has to be a living and functioning city, like all other cities and contain all those components which enable a normal and proper existence in it,
2. must contain at least two urban layers, which do not necessarily have a chronological sequence between them and
3. there must be a reasonable accessibility to the lower layers, both physical and legal.

This term defines clearly the extent of the urban archaeological studies. The reasons behind those kinds of studies are to get archaeological knowledge about the city, to examine the fate of individual areas, to look at redevelopment trends in the city as a whole and therefore to make a solution for investigating and recording more than at present and to develop optimal policies for the city. Those multiple layer historical cities will not be built any more in the future and their number is final. As Klaus pointed out, their cultural value for mankind at large is highly important and they have to be preserved as a treasure and testimony to historical processes which are no longer part of this world.(Klaus, 1990: 114)

All those studies have to depend upon a methodological framework and in order to satisfy those needs a new institutional structure and financial supports of those studies have to be proposed with respect to the circumstances of the country.

In the case of Turkey, those studies could be realised in two stages as immediate objectives and long term objectives. This type of solution makes the implementations in the cities more adaptable.

4.1 A Methodological Approach

At the beginning of the urban archaeological studies in a city, it is important to define;

- types of studies that should be done and
- research techniques.

An almost complete lack of theoretical orientation; lack of any coherent research program; the absence of interpretations as a result of inadequate extraction of information from the archaeological records; insufficient field recovery techniques; deficient consideration of environmental factors; historical unawareness and the absence of interdisciplinary or multi disciplinary studies should be considered as the sources of problems in the proposal for studies and techniques.

In the case of Turkey, those problems could be solved in two steps. First one is the immediate objectives for the solution of the emergent problems. Most of the archaeological heritages of the Turkish cities are facing with a problem of destruction in an increasing rate. Therefore, until the development of new archaeological research techniques, it is important to preserve archaeological remains that are under the threat of modern developments.

Long term objectives should be developed as a second step. In this step, new archaeological research techniques should be developed and used for the aim of

gaining more time, money, etc. and obtaining more precise information from the archaeological records.

4.1.1 Immediate Objectives

Any excavation in a city whether for a building foundation or for purposes of archaeological research, is almost certain to be more disruptive of the normal routines of more people, and considerably more expensive than the removal of an equal volume of fill from a less heavily utilised setting, therefore, it had to be more technically complex and new technologies should be used in these studies. In that point, it is important that the archaeologists and other professional man should be aware of all these problems.

In the long term objectives, types and techniques that should be used in the urban archaeological researches will be explained. On the other hand, as mentioned above, all those studies take a long time and Turkey has not an institutional background for those. Therefore, until the constitution of such a structure, it has a vital importance for the sake of heritage to create immediate objectives for the developments in the multiple layer historical cities.

The scale of the studies in the short term is important considering the problems in the multiple layer historical cities. Therefore, in the immediate objectives researches should be focused on the project area, because technical inefficiencies, inadequate documentary sources as maps, drawings, lack of experienced professionals, etc. cause many difficulties in these researches and therefore in these studies the aim must be to get maximum amount of information in the least time. A methodology as mentioned below would make easier the problem solving process in the short term period by using existing data and technologies.

A scientific archaeology cannot be done without some understanding of the basic principles of research design, hypothesis formulation and testing, data definition, collection, analysis and finally problem solving.

At the beginning of an urban archaeological study, research goals, strategies and techniques have to be defined clearly. Research goals will determine what kinds of data required for decision taking and those decisions would be coordinated with the results of each stage during the research process. Which documents should be reviewed, how much excavated material should be collected, what level of detail should be recorded for analytical purposes, etc. are all depend on to the strategies of the research.

4.1.1.1 Problem Definition

Definition of the problem is the first step in a scientific research. Defining the problem with all aspects would be very helpful for the researches that would be done later on. As mentioned above, most of the Turkish cities have many historical layers that are in a superposition. This formation makes more complex the planning process in the cities. Major problems occur during the application of the projects in the cities. The problems are whether there is an archaeological foundation or not in the project area and whether there would be a construction on this area or not. If there is an archaeological foundation then what would happen. All those questions should be answered at the end of the research.

4.1.1.2 Collecting Relevant Documents

All relevant data in different forms should be collected in order to formulate a hypothesis. Those data are classified as;

- Classical and literary references about the city that have many settlements from different periods in the same area,

- Maps that would be especially helpful for the determination of the urban strata,

- Drawings and prints,

- Aerial photographs, etc.

However, documentations especially maps are insufficient and therefore, archaeological researches gain importance for the aim of making more understandable the urban stratification and taking correct decisions for the future developments.

4.1.1.3 Hypothesis Formulation

In this step, a statement or generalisation that is not known to be definitely true or false and capable of being empirically tested through its logical consequences would be formulated. Statements as "there is an archaeological foundation in the project area" or "there is not an archaeological evidence here" are both hypotheses. Therefore, the hypothesis should be formulated clearly and this hypothesis would be very helpful for the research design.

4.1.1.4 Research Design

A research design defines the work to be done by placing it within a theoretical framework and by describing how it will be carried out. A plan should be prepared before beginning the work. During the archaeological research, scientists are trying to test the hypothesis that was formulated before. After formulating a

hypothesis, a research could be diversified into the data collection from the excavations and the data analysis.

Making archaeological researches in different scales from general to the specific, are more efficient method for developing different views to the problem. Nevertheless, in the short term, a comprehensive study is not possible because of the many inefficiencies of the country. In this stage only immediate projects should be considered and the other projects that are complex and have importance for the public use, should be considered after the completion of the long term objectives in the organisation scheme of the country.

4.1.1.4.1 Data Collection

In the short term studies, it is important to use stratigraphical method that will clarify the urban stratification of the site. While doing this, the site should be excavated with respect to the each level. Both vertical and horizontal distributions of all material in the project area should be considered. Each material has an important role during the process of analysing and interpretation of them. Also, those materials could be studied in the future with new technologies. All those materials could be approached with appropriate methods, techniques and resources in the future and therefore, more information could be get out of those materials.

Finally, it could be said that, relevant archaeological data consist of anything observable that may include architecture and artefacts that are both inorganic and organic such as pollen, animal bone, a part from a carbonised plant, etc. should be taken. Also, the spatial distributions of objects in the site would be relevant.

Field research techniques should be improved and made more efficient. By this way, it would not be difficult to get more information from the artefacts. This could be achieved by using analytical techniques and multi disciplinary studies.

4.1.1.4.2 Data Analysis and Conservation

After completing the excavation in the site, all those remains should be analysed. First step is the recovery of the remains and then classification of them. At the same time, archaeologists should testify the accuracy of the remains.

Making comparisons that are to list similarities and differences of objects, describing relationships among different variables would make easier the interpretation of the remains. Moreover, new dating techniques should be used in order to get precise results.

The last step in the data analysing process is the interpretation of the remains. All those studies should be interpreted in the form of a scientific methodology.

Conservation is another important aspect of the researches. While doing excavation works and analysis of the remains, at the same time it is important to preserve those remains for the future generations. There are many conservation techniques for almost all kinds of artefacts and those techniques should be used by experienced conservators to the remains immediately.

4.1.1.5 Testing Hypothesis

After all those studies both in the site and office, according to the results and interpretation of them, the hypothesis that was formulated in the beginning of the research should be verified.

Testing of a hypothesis involves a procedure in two stages. The first stage is to define one or more testable consequences from the hypothesis. In the second

stage, these consequences should be confronted with the empirical data that are the results of the excavations and analysis of them.

4.1.1.6 Problem Solving

During the problem solving process of the urban archaeological studies in the short term, all those results should be reinterpreted in the planning process. If the town has a conservation plan, urban archaeological studies should be integrated with those plans and the results also would make more clear the vertical and horizontal diversification of the town.

Architectural project would be prepared according to the results of all those studies. In this stage, there are two types of probability.

First probability is that there would be archaeological remains in the site. At the end of the studies, archaeologists have to decide whether those remains will be preserved in situ or in the museums. This decision would be a directing point with respect to the architectural projects.

If the result is to preserve remains in situ, then this site would be an archaeological park or project could be prepared with references to the archaeological remains. Those remains could be functioned in many different uses and by this method people will see and get information about the historical past of the city from those preserved remains.

Second probability is that there would not be any archaeological remains. Therefore, there will be no limitation to construct a building, car park, etc. for this site. However, in this case, it is important to build with regards to the environmental factors of the town.

Besides, during the construction process for the first possibility, archaeologists should work with the constructors and engineers in the site. Also the archaeologists had to revisit the site after the construction was completed, to prevent damage on the preserved parts of the remains during the finishing works as utility relocations, etc. Developing new techniques and design principles will be very helpful in the process of the conservation remains in situ while doing construction on the site that has archaeological remains.

4.1.1.7 Preparation of a Final Report

Finally, all those studies and results of them should be designed and a final report prepared. This report has to contain all kinds of artefacts and architectural remains that were founded during the excavation works on the site. In the final report, architectural projects of the area also have to be exist. This reports should be detailed.

The use of computer in those reports has an important role for the making up a city archive. Also, all kinds of visual documents as maps, drawings, photographs, etc. should be involved in the reports.

4.1.2 Long Term Objectives

The methods and techniques that are used in the archaeological areas are depend on the characteristics of the urban areas. Traditional archaeology is widely used method in the archaeological researches. However, there is a need to new or improved field recovery techniques because of inadequate extraction of information from the archaeological records by traditional archaeology as mentioned. Therefore, research methods and techniques should be changed. It is important to emphasis on

using analytical techniques for the description of the archaeological records in order to avoid the impressionist character of descriptive traditional archaeology.

New aims require new techniques and this could be achieved by giving special emphasis on quantitative methods, scientific models, etc. The methodology has to depend upon new scientific techniques and these new methods should aim to explain the spatial development of the town in the past.

Large interdisciplinary projects within the framework of the urban archaeological studies have very important role in the long term objectives. Those interdisciplinary studies could be achieved by cooperating research institutes that consist of different branches at the universities.

In the long term, studies have to be done in different scales. First, the town as a whole should be searched. The aims of urban archaeological studies are to determine the historical layers of the town, therefore studies in this scale should be the starting point. Then, the size of the research area should be focused on the specific site. Selection of this specific site should be depend on a programmed research policy.

4.1.2.1 Problem Definition

In a methodological approach, a research should start with the defining a problem. This step will answer all questions about the research such as; what kind of data will be collected, which technologies will be used, what kind of an archaeological sampling will be used, what types of studies will be done and documents will be prepared, etc.

The starting point of the urban archaeological studies is to define the formation of the culture and the identities of the town as a result of the scientific researches. At the end of these studies, the master development plans of the town should be prepared with the help of the studies and an optimal solution that is to

develop town with respect to the needs of the inhabitants while preserving the historical remains, should be developed. Archaeological factors should be included in the draft town plans.

4.1.2.2 Documentary Research

4.1.2.2.1 Historical Documents

All kinds of written, visual or oral documents should be collected to define the urban stratification of the town. By this method, before formulating a hypothesis, scientists would have an opinion about the chronology of the town in general. Those documentations could be;

- classical references as Homeros, Strabon, Heredotos, etc. should be searched in order to get information about the urban past of the town. It is generally true that the later the period, the greater the amount of documentary material available.

- literary references are the books that were written by the travellers.

- maps that are showing the early periods of the town and ancient maps.

Such maps were not true plans but simply a vista that shows the area in the vertical dimension. The earliest plan of any town is always worth searching for.

- photographs, drawings and prints,

- aerial photographs,

- research reports and all kinds of documents from the excavations that were done before the urban archaeological studies.

4.1.2.2.2 Planning Documents

- master plan of the town,

- development plan of the town,
- conservation plan and
- land use maps and cadastral maps.

4.1.2.2.3 Conservation Decisions

- designation and registration studies and maps that are the results of those studies,
- decisions of the conservation councils that are related with the town.

For some towns in Turkey, documentation is plentiful from an early date, but for many others it is disappointingly little.

4.1.2.3 Hypothesis Formulation

A scientist should formulate a hypothesis as a result of collecting and analysing the relevant documents about the town. Documentary research will be very helpful in the beginning for the scientist to develop an idea about the urban stratification of the town. After all, research will be design to get empirical data for verification of the hypothesis.

4.1.2.4 Research Design

Archaeology like in other sciences have many interesting and important hypotheses. The basic aim of the science is to test those hypotheses with the scientific methods. A research design is a scheme for carrying out the tests.

In designing a research program, scientist should consider numerous factors that cause variability of the archaeological record. Therefore, those factors

should be controlled to determine the effects of other probabilities. The development of such controls is extremely important to archaeological research design. However, it is important to plan those controls. Otherwise, interpretation will be inadequate if it is not actually wrong.

Consequently, it could be said that research design is the most important practical step in archaeological studies.

4.1.2.4.1 Data Collection

First, scientist should answer to the question of what kinds and quantities of data needed to solve the problem. Second, sampling strategies should be determined. "Sampling is a way of getting an adequate representation of some universe of data without having to work through all the data in that universe." (Watson, LeBlanc, Redman, 1984: 176)

Urban archaeological studies need more time and money, also the town as a whole is a very big research area. Therefore, archaeological sampling method is very important because the sampling is basically a mean of saving work, time and money. Furthermore, the use of the method of archaeological sampling saves portions of sites for future researches with the use of high technologies. As techniques improve, the ability to extract more information from sites increases and so it is important to leave sites for future excavation and analysis.

Two types of sampling are possible for the searching of the historical layers of the town. Those are random and systematic sampling.

However, before deciding to the type of a sample for a town, it is important to get information by using different techniques without digging the site.

Taking aerial photographs of the town is one method to see the spatial relationships of the remains that are on the ground. Also by using those photographs, archaeological remains below ground and their extensions could be understandable.

Remote sensing method is another one to determine the extensions of historical layers of the town by using satellite pictures. These techniques are useful in mapping the archaeological remains of the site because they give an overview that shows the pattern of structures more clearly than can be seen at the ground level. Therefore, the archaeological remains that exist at the surface should be plotted on maps before starting to the archaeological sampling. Also, another used method is the magnetometry that is magnetic surveying without digging the area. This method uses the proton magnetometer. Nevertheless, existing buildings in the towns effect in a negative way the use of those techniques. Because, all those multiple layers historical cities are developed in a high density and a few parcels are empty. Those techniques could be used on those parcels and an assumption about the extensions of the historical layers should be developed as a result of the studies.

Afterwards, the method of archaeological sampling would be more effective. Random and systematic sampling methods are more adaptable in the multiple layer historical cities. In some cases, to get more precise information both of them should be used. The most important point in making any decision about sampling design in a town is to consider the cost of obtaining a sample against the value of the land that has buildings on the ground.

First, different techniques should be used to prepare an archaeological map that will show the urban levels of the town without digging. Second, types of archaeological sampling should be chosen and sondages should be done with the help of different techniques. The third point is to choose a site for the excavation. By this type of research, urban archaeological studies will be done in different scales from the

town as a whole to the small part of it that has many problems about the urban developments and archaeological features.

Excavations should be focused on the selected locations that is identified from the survey, from documentary information or from the construction demands. Moreover, those excavations are mostly have to be done in the areas where the land speculation is very important and landowners want to construct a building in this land. In that case, first scientific data should be considered and than emergent cases that have a construction project should be evaluated. After this evaluation, scientists will decide the location of the excavation site.

The goals of the excavation should be defined first. Examining the areas that have archaeological importance based on information gained from the stages before, investigating archaeologically potential areas and gathering more data that could be used for making more precise analyses, should be considered.

The excavations should concentrate on the information both from the vertical and horizontal extends. Stratigraphical research should be done for each site to define the urban layers of the town. Chronological approach is important. It is definite that the uppermost therefore the later archaeological layers will have suffered from the constructions of even comparatively shallow foundations of more recent buildings and this makes more difficult the analysis.

Another point is to test the accuracy of the data that came from the excavation. One approach is to intensify the application of standard techniques to prevent those errors. The number of samples that analysed could be increased or more sophisticated and analytic techniques could be used. Another approach is to find multiple ways to extract the same information. Combination of several techniques may produce enough information.

Consequently, by using those techniques above, scientists could get enough information and archaeological data to analyse. The interdisciplinary studies

will be very helpful for those studies. Also, the remains that are excavated should be conserved by an experienced restorer who have to work during the excavation works to prevent the destruction on the remains.

4.1.2.4.2 Data Analysis

After collecting all those data from the documentary researches, surveys and excavations on the selected sites of the town, than all those data will be analysed to get more information and to make precise, correct interpretations with them. During this step, many different new methods should be used. The use of new dating techniques and computers are very important for the application of all analytic techniques in archaeology.

In general, before passing on to any actual analysis, archaeologists and other scientists should examine the collected data to check for errors, to estimate the accuracy of the measurements, to describe the data briefly and to determine approximately how the cases are distributed.

The techniques of descriptive statistics could be employed to represent the data clearly. A researcher can draw a conclusion from a mean only by comparing it with previously collected means. Such statistical descriptions are essential to the archaeological analysis, however do not themselves constitute either archaeological interpretations or solutions to archaeological problems.

Measuring and comparing variables for the purpose of discovering general relationships among cases are another method for analysis. In general, two types of analysis are used to find relationships among variables. One of them is the two-variable analyses concerned with the relationships between only two variables at one time. The other one is multi variable analyses in which many variables are considered. The most effective one is the multi variable analyses because most of the situations are

complex enough to require the consideration of many variables at once. In that case, the general problem is to determine whether or not the presence of a given variable is significantly related to the presence of other variables.

In the urban archaeological studies, the role of the locational and spatial analysis could not be disregarded. Locational techniques involve comparing distributions of artefacts, sites or other phenomena with theoretical distributions. In the locational analysis, models based on locational theory and previous studies are used to compare size and distribution of sites or other phenomena. Different patterns of spacing, site sizes and so on are expected with respect to site functions as market centre, religious centre, residential area, etc. In these situations, spatial patterns should be analysed. However, the scientists propounded that, it is often difficult to determine the degree of fit between the observed patterns and the hypothetical spatial patterns. (Watson, LeBlanc, Redman, 1984: 224) However, always the existence of many spatial patterns should be concerned. Also, urban growth, urban morphology and central place theory could be studied to define developments of historical urban layers.

While doing this kind of analysis, the uses of dating techniques as radiocarbon dating that is the widely used technique, potassium-argon dating, thermoluminescence, fission track dating, amino acid dating, paleomagnetic dating, dendrochronology, varve analysis, etc. are very important to define the chronology and extension of the urban layers. Also by the use of the discipline geoarchaeology, many different methods for dating archaeological materials and sites are become possible.

Besides, computers have an important role in the analytical and documentational studies. Computers could be used for the data storage, the statistical and other analyses, graphics and so on.

All those arguments stated that the interdisciplinary studies in the urban archaeology are very important. The team for urban archaeological studies should be

considered experts from many different branches of knowledge. (These branches of knowledge are explained later on)

After those studies, all analyses should be interpreted and drawn to the maps in different scales. These maps should show at least;

- the urban stratification of the town, the settlement area of each civilisation in that town.
- the observed depth or thickness of archaeological deposits as a result of those surveys and excavations in the town.
- the potential depth of archaeological deposits below today's settlements, streets, etc.
- the depth of the main land.
- mapping the extent of below ground structures. This could only be achieved through a building by building inquiry that is obviously not practicable but if the technology makes it possible than it should be done.
- levels of sensitivity and archaeological risk in short and medium term should be shown in the maps.
- mapping the future of archaeological deposits means archaeologically reserve areas in the town.

1. the areas where development of archaeological remains is likely in the next 5 years and

2. the areas to be developed in the near future.

- mapping the basement levels of the modern town that are destroying the historical layers. Areas should be classified and plotted to the map as; destroyed, partially destroyed and areas that have a potential destruction in the future.

- land use maps and
- cadastral maps that will show the changes in the landownership should be prepared.

As a result of those studies, maps will show that there are considerable areas of the city for which there is evidence of possibility of redevelopment in the near future or there would be no permission for development in any time.

Conservation of those remains is also very important. Experienced restorers like other scientists from different branches should be employed in these teams.

4.1.2.5 Testing Hypothesis

A scientific archaeology can not be done explicitly without some understanding of the basic principles of research design, hypothesis formulation and testing, data definition, collection and analysis and problem solving as like in other branches of knowledge. As a result of researches, urban archaeologists should testify the original hypotheses with the information in his hand. After this procedure, the original hypotheses may or may not be confirmed. Therefore, new hypotheses should be formulated.

4.1.2.6 Problem Solving

In this step, the optimisation between development of the town and preserving the urban past should be obtained. Therefore, the integration of archaeology into the town planning system is very important. There should be a classification of archaeological remains to define the preservation principles and proposed locations of them as in situ or under the direction of museums.

Planning is an important tool to solve those problems that mentioned above. Plans should establish a balance between the preservation and the modern uses as rapid urbanisation, high technologies, industrialisation, tourism and so on. Instead of

preparing conservation plans, master and development plans of a town should consider historical data as an input in their analyses and plans. The involvement of specialist teams from the urban archaeology departments of the town, would be able to carry out the relevant decisions and the coordination between urban development policy and the historical heritage policy could be obtained. Some proposals about the protection, rehabilitation and evaluation of archaeological remains should be proposed. The archaeologically important sites that are under protection in a town should be in a harmony with the other parts and sectors of the town.

Archaeological reserve areas could be designed as archaeological parks to prevent the progressive destruction on them and by this method these areas could satisfy the needs of inhabitants to the recreational and cultural areas in their towns.

However, while considering the archaeological data as an input at the same time environmental data should be analysed and solutions should be developed according to the results of those data and interpretations of them should be drawn on development map.

4.1.2.7 Shaping of a Town Archive

First step to shape a town archive is to prepare comprehensive final reports of those studies. Computers should be used in this step also. After the completion of fieldworks, analyses and the final solution to the problem, the urban archaeology team should prepare a comprehensive report and this report should be published.

Result of all those researches in the town should be stored to the computers of the urban archaeology unit to make an urban archaeological archive. By the use of an online database all related information could be recalled. Complex searches to collect more specific information could be made with this system. Also computers are very successful in the graphic systems even in three dimensions.

Development plans could be prepared with the use of some programs and their three dimensional reflections to the land with the relation of archaeological features could be seen. The archive reports could be available on computer allowing quick reproduction or searches for textual information.

All the collected data from the first day of urban archaeological research should be stored on to the computers and only the team members should be able to use those computer systems. However, while recording and archiving that information, accessibility of team members to the databases, reports, related information in different forms and so on should be designed very well. Because archives are useless as storehouses of information if that information is inaccessible. However, the data bank should not be accessible to the public because of the archaeological risk.

The production of a report involves the analysis of the plans, photographs, archaeological findings, environmental evidences, spatial relations and so on. All the archaeological information in the database system should be integrated into digitalised graphic data. The use of this system will allow to plot all those data onto plans, maps, charts, matrices, etc.

As like in the Urban Archaeological Department of London Museum, this type of a computerised system will enable the research more efficient and accessible by the new generations.

After all those studies, the publishing of those reports will gain importance. Information as a result of researches should be regularly updated and published.

(Figure 7)

4.2. An Organisational Approach

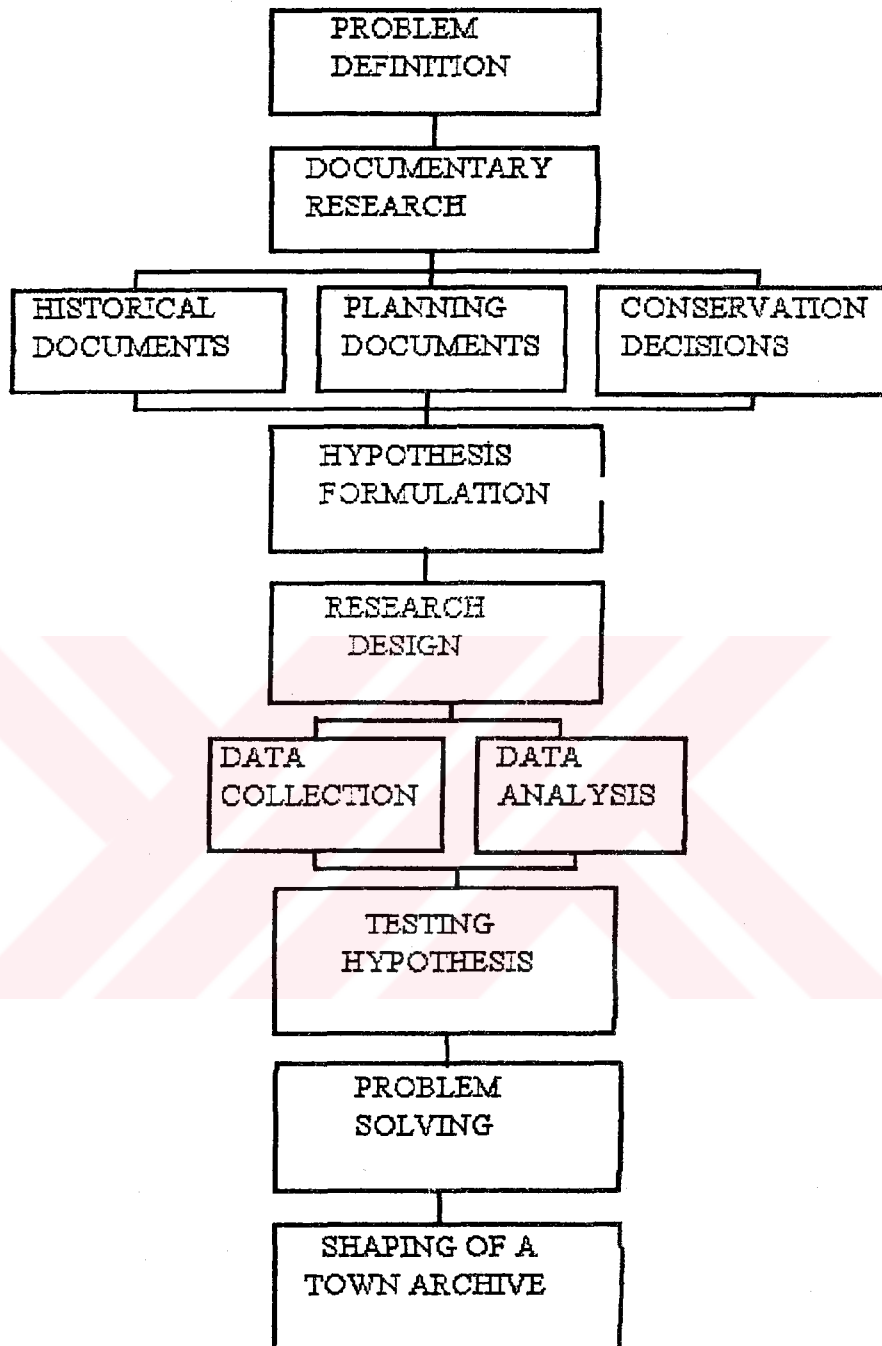


Figure 7: Flow Chart of Long Term Objectives in a Methodological Approach.

4.2.1. Short Term Proposals

It would be very difficult to define an organisational scheme for the short term when the situation of Turkey is considered. However, with the help of this situation and by using existing structure, some proposals for the short term period could be suggested.

First, it is very important to employ scientists, managers and technicians from many different branches of knowledge to become successful in the urban archaeological studies. Studies that were defined in the part of immediate objectives could only be completed by the cooperation between different organisations of Turkey as Ministries, Conservation Councils, Municipalities, Museums, Universities, etc. This means that there is a need for close cooperation between archaeologists, architects, town planners, administrators, elected representatives and the public.

The procedure in this stage could be separated as pre construction, construction and post construction. During the pre construction period, a landowner should inform the archaeologists in the museum of that town and demand for a permission in his land for construction.

Archaeologists from the museum should collect enough data by documentary research, survey and excavation (if necessary) with the help of volunteer students and under the direction of academicians from the universities. Archaeological research institutes, museums and the archaeology departments of universities should study in this researches. Results of those studies with the interpretation of the archaeologists should be given to the conservation councils. In this stage, there is three possibility;

- there would not be an archaeological evidence in this site therefore, a proposal project that was prepared by an architect could be accepted in the conservation council.

- there would be an archaeological evidence that should be preserved in situ and therefore, a comprehensive project that will show the preservation principles of this archaeological remain should be prepared.

- the third situation is that, there would be movable archaeological evidences in this site and these remains could be carried to the museum. A project for this area could be developed in this case and constructors should apply to the conservation council for permission.

In the construction period, an archaeologist should control the effects of construction to the archaeological remains that was preserved in situ especially during the basement levels of the project.

In the third stage that is the post construction period, experts from the museums and conservation councils should prepare a final report for those studies and these reports will be the base of the archive of urban archaeology department that will establish in the long term.

Qualities and quantities of staff in the museums, conservation councils should be increased to become successful in these studies. At least one archaeologist should be employed in the municipalities especially that have archaeological sites. Therefore, during the applications of those projects, it will be very helpful. Also, archaeology students should be forced to be involved in an archaeological excavation and by this method many volunteers could be founded for excavations in the towns.

(Figure 8)

4.2.2 Long Term Proposals

Urban archaeological studies in the towns could only get success with a new organisation scheme. First, the term urban archaeology should be involved and defined clearly in the Turkish conservation laws. Than, this type of an organisational

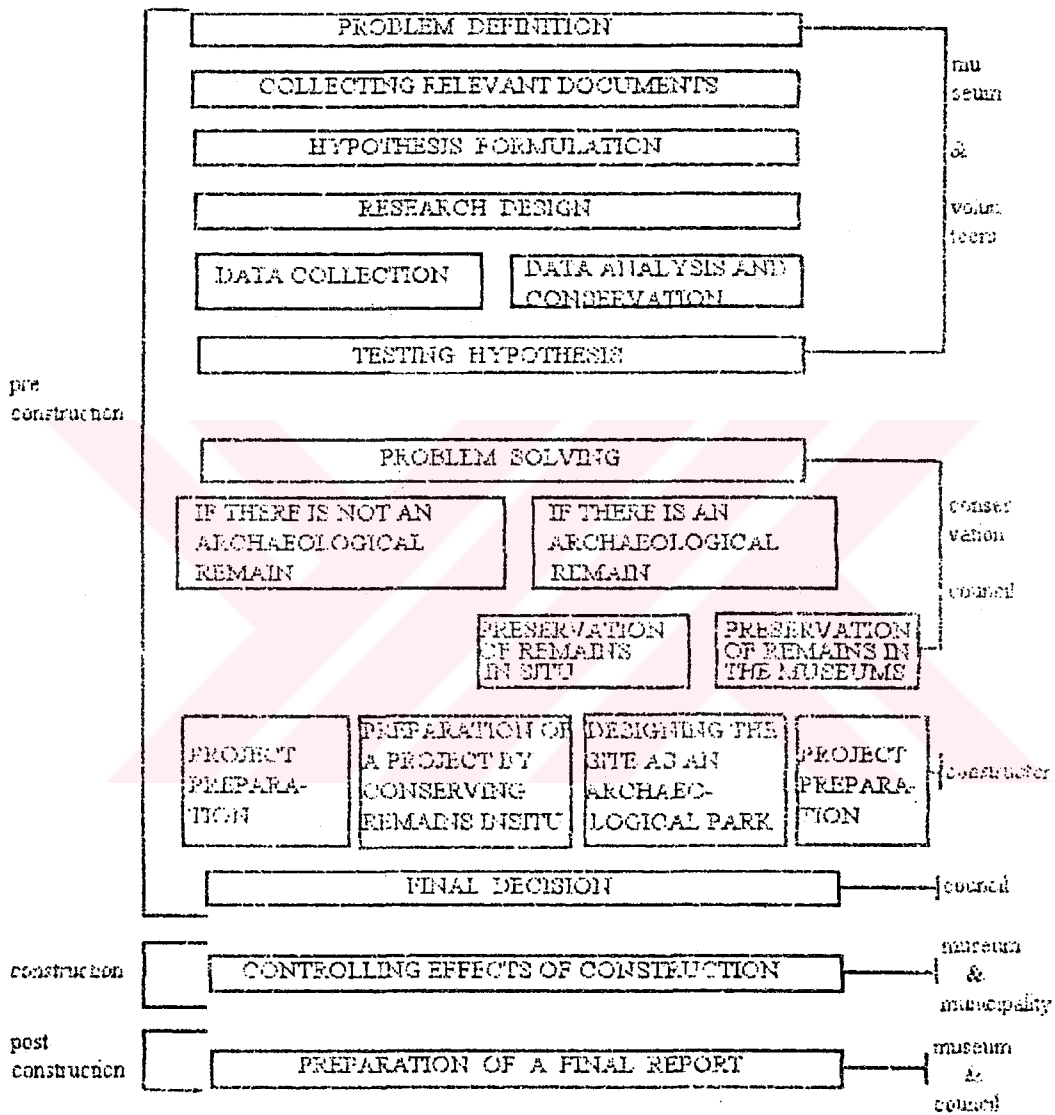


Figure 8: Flow Chart of Immediate Objectives in an Organisational Scheme

scheme should be accepted in the Cabinet and a satisfactory amount of budget should be allocated to this organisation.

A central organisation that will be responsible for the coordination between local departments or between the other national organisations should be established under the directory of the Ministry of Culture. This "National Urban Archaeology Center" should also be responsible for the representation of the national research policy, national goals and priorities for the urban archaeological studies.

Under the directory of this national organisation, urban archaeology departments should be established in the towns. However, at the beginning, towns that will have urban archaeology units should be selected according to their potential. For example, İstanbul, Ankara, Bergama, Foça and so on have many problems concerning the discipline urban archaeology and destruction is increasing in an increasing rate. Therefore, a pilot city for those studies should be selected and studies should be started immediately. Urban Archaeology Units in the towns should work closely with local government planners. At the same time, making local authorities aware of the values of the urban archaeological heritage is very important. Also, another duty of the specialist is the dissemination of the values of urban archaeological heritage among the town's inhabitants.

The organisational scheme of these local departments will be as follows;

A director and three assistant directors should be employed in this project team. First assistant director should be responsible for; observation, survey, excavation, first handling of data, analysis and planning. Second assistant director should be responsible for; restoration, technical and scientific support and storage. Consequently third assistant director should be responsible for documentary research, archive, editorial and publication, administration and liaisons. (Figure 9)

A team of urban archaeological studies should involve many different professionals such as archaeologists, architects, town planners, restorers, art historian,

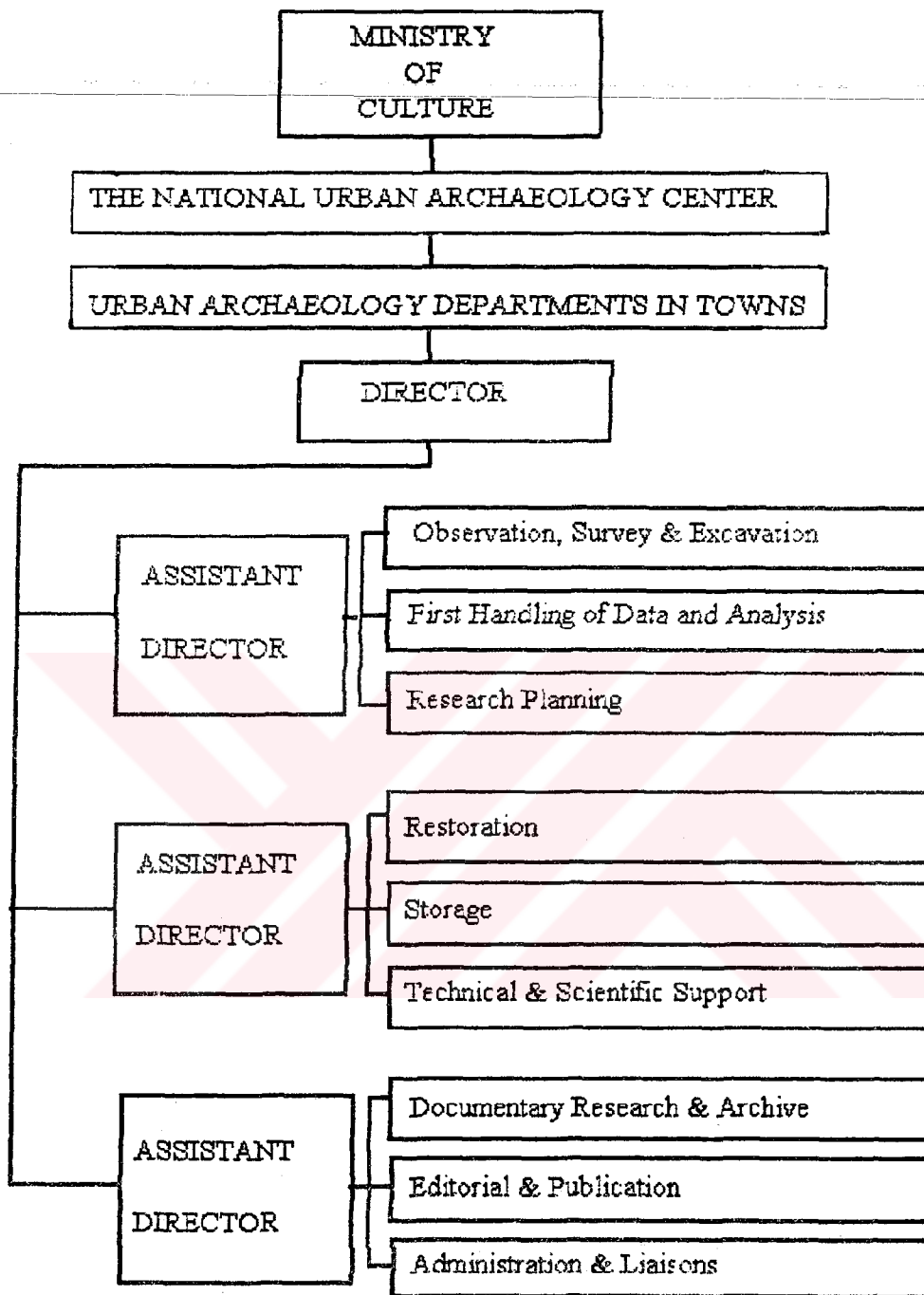


Figure 9: A Proposal Organisational Scheme for Long Term.

photographers, botanists, ethnologists, geographers, geologists, zoologists, computer programmers, statistician, etc.

~~Also, the educational programs in the universities should be improved.~~

After the graduation from the university, professional man should take a course before starting to the work in those departments. Conferences should be organised to improve the knowledge of them. Also, every project should be presented at the end of the research and therefore, every one would be informed.

4.3 Financial Resources

Financial sources that are allocated to the cultural heritages of Turkey are very limited and therefore only emergent cases could be evaluated in that content. So, a satisfactory amount of budget should be allocated for those studies.

In the short term period, excavations should be financed by the contribution of the landowners and municipalities.

In the long term period;

1. part of a Ministry of Culture's budget,
2. special funds as collected taxes from each building in the historical city in the budget of the Urban Archaeology Department in this town and spend it for their needs,
3. entrance fees of the archaeological sites in the town,
4. during the urban archaeological studies, excavation area could be visited and one people from the team could inform the visitors and therefore entrance fees could be used,
5. contributions of the persons and institutions that have an important role for the economic development of the town,

6. landowners and constructors should contribute in an important amount. They should be informed that an archaeological foundation could be used by conserving it. They could get more money by giving a new function to these ancient spaces,

7. and municipalities should contribute financially to the urban archaeological studies in the towns.

However, the personality of each town is very important and this may cause differentiation in the methodological, organisational and financial approaches and new solutions could be developed for different problems.



CHAPTER V

CONCLUSION

Today, the townscapes of our cities change with amazing speed. Ancient remains, buildings or even the monuments are demolished to give way to modern blocks. Therefore, identities of the towns are disappeared rapidly. However, for a society to survive, it must be aware of its heritage. The decisions of the future should be built upon the experiences of the past. As all the authors emphasise, "a society without a past is like a man without a memory".

So, we must direct the work instead of being directed by it. This could be achieved by the help of a new discipline that is the urban archaeology. This branch of knowledge is very newly used in the towns of Europe and America. The definition of the urban archaeology is "the branch of knowledge that concerns with towns themselves, their historical developments and reflections of those developments into the town life as urban spaces and a methodology to direct new developments by dealing with all periods not a specific period of the town."

After the 60s, research and excavations that could be defined as urban archaeological studies, were started to increase in the towns. Then, a need was appeared for an institutional structure and therefore, those countries were started to establish an organisational scheme for those studies. Also the techniques were developed to get more and more information by using least time.

While techniques and institutional structures of urban archaeological studies were developing in those countries, many Turkish cities have been demolishing as a result of unplanned developments or awareness to the urban history in the towns.

However, there are many different ways to reach success in the destructed urban historical environment, although the existence of technological, legislative and financial inefficiencies.

First point is that, the development in the urban strata should be studied continuously. The aim should be to safeguard the historical evidence of all ages and not of one particular age, so as to show a historical evolution and not present a static moment in history. An attempt should be to evaluate archaeological discoveries with reference to their role in this evolution and while doing this, their intrinsic value should not be disregarded.

These types of studies could only be achieved by integrating archaeology into the fabric of urban life. The discipline of urban archaeology is the easy way to success in this kind of studies. *Developing this discipline and forming a model for its implementations* has a vital role for the archaeological evidences of Turkey and for the interpretation and preservation of these remains into the next generations.

Urban archaeology is an expensive speciality. There are always a strong pressure on the practitioners to plan and conduct their work in an orderly, logical manner. They had to produce maximum amount of information for the least amount of excavation time.

As a result of these problems, it could be said that, urban archaeologists have to spent more effort to the development of effective methods for prediction and evaluation.

Those urban archaeological researches would contribute considerably to a clearer understanding of early historic development of a town as a whole and has provided the necessary basis for local discussions and publications on the subject of urban origins. The general academic results consist in the recognition of the interdependence of development of the towns and of the surrounding countryside's economy, in the investigation into the socio-economic basis of urban development and its political development. All of these constitute the pattern of continuity in towns.

This pattern of continuity should be studied in different scales that is from the regional level to the project area that will be chosen for detailed excavation works in the town.

Excavations in settlements from various periods have revealed important evidence in particular for the settlement's extension. All aspects of the process of continuous alterations in the layout of urban settlement should be studied. Comparison should be done between different elements of a town. Every kind of building can be studied and also streets, gates, walls and so on. Besides, an integration of small observations and elements from larger excavations have a very important role. All of these studies should be evaluated in the national level and so the relations and interactions of different settlements could be more clear. Also, land use studies that will consider whole town, are very important. Large scale excavations that are supplemented by documentary work, could identify social differentiation, a diversified economic base and the town's role as a central place.

However, comprehensive urban archaeological studies could only be started after the foundation of an institutional body in Turkey and this organisation could be established in a period of three or five years. Until this time, the aim should be to prevent immediately archaeological remains as much as possible from the

destruction of the developments in the towns. Therefore, proposals are diversified into two stages as immediate objectives for the short term period and the long term objectives for comprehensive urban archaeological studies.

The goals of immediate objectives are to preserve archaeological remains without any destruction on them while applying different projects in the town by using all possible resources concerning technical, administrative, legislative, financial, etc. Also, in both of them, to define a scientific methodology is very important.

On the other hand, the goals of long term objectives are to define all methodological aspects of an urban archaeological study and to suggest an organisational scheme and financial supports for the long term period.

In a methodological study, problem definition, documentary research, hypothesis formulation and testing, research design to testify hypotheses, data collection and analysis of them with different technologies and the preparation of a town archive are all, parts of a scientific methodology to solve problems in the urban environments. While using this methodology, new excavation techniques, new techniques in the map making, scientific dating methods should be developed to get more information in this field. So, archaeometric studies gain importance in this step. Results of those studies effect the urban archaeological studies in a positive way.

It has proved that research based on written records, including maps and plans, can provide, at least for historic periods, much complementary information. Differential use of space within buildings, and within different areas within towns, or relations between groups within the town are all matters on which the documentary historian has much to contribute.

After the completion of those studies in the town, development proposals in terms of the archaeological potential of the sites should be evaluated and therefore new developments could be designed again by the urban archaeology team that involve also town planners. Urban archaeology departments of the towns should prepare the principles of development plan for those towns. Because, this urban archaeology team is aware of problems in the towns and has a point of view for the potential areas concerning new developments. During those studies, conservation in situ is the most desirable solution. This type of solution can be seen as part of the attempt to preserve the harmony between the artefact and its natural environment and also to build a harmony with the modern life. Aims of development plans should be to protect, rehabilitate and evaluate the archaeological evidences in the towns.

Common policies should be developed and adopted by the political parties, the central government, local authorities and by other authorities with regard to the importance of archaeological sites and their potential in the development of the country. Local authorities should be aware of the values of the urban archaeological heritage.

Institutional framework should be developed within a group of management teams that will consist of archaeologists, architects, planners, topographers, art historians, geographers, geologists, computer engineers, photographers, etc.

Consequently, the aims of urban archaeological studies could be stated as;

to ascertain more precisely the archaeological potential of the towns,

to refine our understanding of the urban phenomenon,

to make more accurate predictions and finally,

to integrate all the information that concerns historical and archaeological sources with fulfilling the goal of a successful management of heritage and to take development decisions with regard to those remains.

Therefore, the foundation of urban archaeology unit and the educational background of it have a very significant role in a town's development. Also, we have to realise that preservation of the historical past is not only bound to our choices, it is important also for the sake of next generations.



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APPENDICES

APPENDIX A

LAW FOR THE CONSERVATION OF CULTURAL AND NATURAL HERITAGE ACT NO. 2863 (WITH CHANGES BY ACT NO. 3386)

KÜLTÜR VE TABİAT VARLIKLARINI KORUMA KANUNU

Kanun No: 2863
Kabul Tarihi: 21.7.1983

Resmî Gazetesinin
Tarihi: 22.7.1983
Sayısı: 18113

BİRİNCİ BÖLÜM Genel Hükümler

Amaç

Madde 1- Bu kanunun amacı; korunması gerekli taşınır ve taşınmaz kültür ve tabiat varlıkları ile ilgili tanımları belirlemek, yapılacak işlem ve faaliyetleri düzenlemek, bu konuda gerekli ilke ve uygulama kararlarını alacak teşkilatın kuruluş ve görevlerini tespit etmektir.

Kapsam

Madde 2- Bu Kanun; korunması gerekli taşınır ve taşınmaz kültür ve tabiat varlıkları ile ilgili hususları ve bunlarla ilgili gerçek ve tüzel kişilerin görev ve sorumluluklarını kapsar.

Tanımlar ve Kısaltmalar

Madde 3- (17.6.1987 tarih ve 3386 sayılı Kanun ile değişik). Bu kanunda geçen tanımlar ve kısaltmalar şunlardır:

a) Tanımlar:

(1) "Kültür varlıkları"; tarih öncesi ve tarihi devirlere ait bilim, kültür, din ve güzel sanatlarla ilgili bulunan yer üstünde, yer altında veya su altındaki bütün taşınır ve taşınmaz varlıklardır.

(2) "Sit"; tarih öncesinden günümüze kadar gelen çeşitli medeniyetlerin ürünü olup, yaşadıkları devirlerin sosyal, ekonomik, mimari ve benzeri özelliklerini yansıtan kent kalıntıları, önemli tarihi hadiselerin cereyan ettiği yerler ve tespitli yapılmış tabiat özellikleri ile korunması gerekli alanlardır.

(4) "Koruma" ve "Korunma"; taşınmaz kültür ve tabiat varlıklarında muhafaza, bakım, onarım, restorasyon, fonksiyon değiştirme işlemleri; taşınır kültür varlıklarında ise muhafaza, bakım, onarım ve restorasyon işleridir.

(5) "Koruma alanı"; taşınmaz kültür ve tabiat varlıklarının muhafazaları veya tarihi çevre içinde korunmalarında etkinlik taşıyan korunması zorunlu olan alanlardır.

(6) "Değerlendirme"; kültür ve tabiat varlıklarının tespiti, tanzimi, kullanılması ve bilimsel yöntemlerle tanıtılmasıdır.

b) Kısaltmalar:

(1) "Bakanlık"; Kültür ve Turizm Bakanlığını,

- (2) "Koruma Yüksek Kurulu"; Kültür ve Tabiat Varlıklarını Koruma Yüksek Kurulunu,
(3) "Koruma Kurulu"; Kültür ve Tabiat Varlıklarını Koruma Kurulunu, ifade eder.

Haber verme zorunluluğu

Madde 4- Taşınır ve taşınmaz kültür ve tabiat varlıklarını bulanlar, malik oldukları veya kullandıkları arazinin içinde kültür ve tabiat varlığını bulunduğunu bilenler veya yeni haberdar olan malik ve zilyetler, bunu en geç üç gün içinde, en yakın müze müdürlüğüne veya köyde muhtara veya diğer yerlerde mülki idare amirlerine bildirmeye mecburdurlar.

Bu gibi varlıklar, askeri garnizonlar ve yasak bölgeler içinde bulunursa, usulüne uygun olarak üst komutanlıklara bildirilir.

Böyle bir ihbarı alan muhtar, mülki amir veya bu gibi varlıklardan doğrudan doğruya haberdar olan ilgili makamlar, bunların muhafaza ve güvenlikleri için gerekli tedbirleri alırlar. Muhtar, aynı gün alınan tedbirlerle birlikte durumu en yakın mülki amire; mülki amir ve diğer makamlar ise on gün içinde, yazı ile Kültür ve Turizm Bakanlığına ve en yakın müze müdürlüğüne bildirir.

İhbar alan Bakanlık ve müze müdürü bu Kanun hükümlerine göre, en kısa zamanda gerekli işlemleri yapar.

Devlet malı niteliği

Madde 5- Devlete, kamu kurum ve kuruluşlarına ait taşınmazlar ile özel hukuk hükümlerine tabi gerçek ve tüzelkişilerin mülkiyetinde bulunan taşınmazlarda varlığı bilinen veya ileride meydana çıkacak olan korunması gerekli taşınır ve taşınmaz kültür ve tabiat varlıkları Devlet malı niteliğindedir.

Özel nitelikleri dolayısıyla ayrı statüye tabi tutulan mazbut ve mülhak vakıf malları bu hükmün dışındadır.

İKİNCİ BÖLÜM

Korunması Gerekli Taşınmaz Kültür ve Tabiat Varlıkları

Korunması gerekli taşınmaz kültür ve tabiat varlıkları

Madde 6- Korunması gerekli taşınmaz kültür ve tabiat varlıkları şunlardır:

- Korunması gerekli tabiat varlıkları ile 19 uncu yüzyıl sonuna kadar yapılmış taşınmazlar,
- Belirlenen tarihten sonra yapılmış olup, önem ve özellikleri bakımından Kültür ve Turizm Bakanlığınca korunmalarında gerek görülen taşınmazlar,
- Sit alanı içinde bulunan taşınmaz kültür varlıkları,
- Milli tarihimizdeki önemleri sebebiyle zaman kavramı ve tescil söz konusu olmaksızın Milli Mücadele ve Türkiye Cumhuriyeti'nin kuruluşunda büyük tarihi olaylara sahne olmuş binalar ve tespit edilecek alanlar ile Mustafa Kemal ATATÜRK tarafından kullanılmış evler.

Ancak, Yüksek Kurulca mimari, tarihi, estetik, arkeolojik ve diğer önem ve özellikleri bakımından korunması gerekli bulunmadığı karar altına alınan taşınmazlar, korunması gerekli taşınmaz kültür varlığı sayılmazlar.

Kaya mezarlıkları, yazılı, resimli ve kabartmalı kayalar, resimli mağaralar, höyükler tümülüsler, ören yerleri, akropol ve nekropoller; kale, hisar, burç, sur, tarihi kışla, tabya ve istihkamlar ile bunlarda bulunan sabit silahlar; harabeler, kervansaraylar, han, hamam ve medreseler; kümbet, türbe ve kitabeler; köprüler, su kemerleri, su yolları, sarnıç ve kuyular; tarihi yol kalıntıları, mesafe taşları, eski sınırları belirten delikli taşlar, dikili taşlar; sunaklar, tersaneler, rıhtımlar; tarihi saraylar, köşkler, evler, yalılar ve konaklar; camiler, mescitler, musallalar, na-

mazgâhlar; çeşme ve sebiller; imarethane, darphane, şifahane, muvakkithane, simkeşhane, tekke ve zaviyeler; mezarlıklar, hazireler, arastalar, bedestenler, kapalı çarşılar, sandukalar, siteller, sinagoglar, bazilikalar, kiliseler, manastırlar; külliyeler, eski anıt ve duvar kalıntıları; freskler, kabartmalar, mozaikler ve benzeri taşınmazlar; taşınmaz kültür varlığı örneklerindedir.

Tarihi mağaralar, kaya sığınaklar; özellik gösteren ağaç ve ağaç toplulukları ile benzerleri; taşınmaz tabiat varlığı örneklerindedir.

Tespit ve tescil

Madde 7- (17.6.1987 tarih ve 3386 sayılı Kanun ile değişik) Korunması gerekli taşınmaz kültür ve tabiat varlıklarının tespiti Bakanlıkça doğrudan doğruya veya diğer ilgili kurum ve kuruluşların uzmanlarının yardımlarından faydalanılarak yapılır.

Yapılacak tespitlerde, kültür ve tabiat varlıklarının tarih, sanat, bölge ve diğer özellikleri dikkate alınır. Devletin imkanları gözönünde tutularak, örnek durumda olan ve ait olduğu devrin özelliklerini yansıtan yeteri kadar eser, korunması gerekli kültür varlığı olarak belirlenir.

Korunması gerekli taşınmaz kültür ve tabiat varlıkları ile ilgili yapılan tespitler Koruma Kurulu kararı ile tescil olunur.

Tespit ve tescil ile ilgili usuller, esaslar ve kıstaslar yönetmelikte belirtilir.

Vakıflar Genel Müdürlüğü'nün idaresinde veya denetiminde bulunan mazbut ve mülhak vakıflara ait taşınmaz kültür ve tabiat varlıkları, gerçek ve tüzel kişilerin mülkiyetinde bulunan cami, türbe, kervansaray, medrese, han, hamam, mescit, zaviye, sebül, mevlevihane, çeşme ve benzeri korunması gerekli taşınmaz kültür ve tabiat varlıklarının tespiti, envanterlenmesi Vakıflar Genel Müdürlüğü'nce yapılır.

Tescil kararlarının ilanı, tebliği ve tapu kütüğüne işlenmesi ile ilgili hususlar yönetmelikle düzenlenir.

Korunma alanı ile ilgili karar alma yetkisi

Madde 8- Yedinci maddeye göre tescil edilen korunması gerekli kültür ve tabiat varlıklarının korunma alanlarının tespiti ve bu alanlar içinde inşaat ve tesisat yapılıp yapılamayacağı konusunda karar alma yetkisi Bölge Kurullarına aittir. Bölge Kurullarının kararına 61 inci maddenin ikinci fıkrasına göre itiraz edilebilir.

Korunma alanlarının tespitinde, korunması gerekli kültür ve tabiat varlıklarının korunması, görünümünün ve çevreleri ile uyumlarının muhafazası için yeteri kadar korunma alanına sahip olmaları dikkate alınır. Bu hususlarla ilgili esaslar, Kültür ve Turizm Bakanlığı'na hazırlanacak yönetmelikte belirtilir.

İzinsiz Müdahale ve Kullanma Yasağı

Madde 9- (17.6.1987 tarih ve 3386 sayılı Kanun ile değişik) Koruma Yüksek Kurulunun ilke kararları çerçevesinde Koruma Kurullarınca alınan kararlara aykırı olarak, korunması gerekli taşınmaz kültür ve tabiat varlıklarında, her çeşit inşai ve fiziki müdahalede bulunmak, bunları yeniden kullanıma açmak veya kullanımlarını değiştirmek yasaktır. Onarım, inşaat, tesisat, sondaj, kısmen veya tamamen yıkma, kazı veya benzeri işler inşai ve fiziki müdahale sayılır.

Yetki ve yöntem

Madde 10- (17.6.1987 tarih ve 3386 sayılı Kanun ile değişik) Her kimin mülkiyetinde veya idaresinde olursa olsun, taşınmaz kültür ve tabiat varlıklarının korunmasını sağlamak için gerekli tedbirleri almak, aldırarak ve bunların her türlü denetimini yapmak, Kültür ve Turizm Bakanlığına aittir.

Türkiye Büyük Millet Meclisi'nin idare ve kontrolünde bulunan kültür ve tabiat varlıklarının korunması, Türkiye Büyük Millet Meclisi Başkanlığınca yerine getirilir. Bu korunmanın sağlanmasında, gerektiğinde, Kültür ve Turizm Bakanlığının teknik yardımı ve işbirliği sağlanır.

Milli Savunma Bakanlığının idare ve denetiminde veya sınır boyu ve yasak bölgede bulunan kültür ve tabiat varlıklarının korunması ve değerlendirilmesi, Milli Savunma Bakanlığınca yerine getirilir. Bu korunmanın sağlanması, Milli Savunma Bakanlığı ile Kültür ve Turizm Bakanlığı arasında düzenlenecek protokol esaslarına göre yürütülür.

Vakıflar Genel Müdürlüğü'nün idaresinde veya denetiminde bulunan mazbut ve mülhak vakıflara ait taşınmaz kültür ve tabiat varlıkları ile gerçek ve tüzelkişilerin mülkiyetinde bulunan cami, türbe, kervansaray, medrese, han, hamam, mescit, zaviye, mevlevihane, çeşme ve benzeri kültür varlıklarının korunması ve değerlendirilmesi koruma kurulları kararı aldıktan sonra, Vakıflar Genel Müdürlüğünce yürütülür.

Diğer kamu kurum ve kuruluşlarının mülkiyetinde bulunan taşınmaz kültür ve tabiat varlıklarının korunma ve değerlendirilmesi, bu Kanun hükümlerine uygun olarak kendileri tarafından sağlanır.

Kamu kurum ve kuruluşlarının mülkiyetinde bulunan taşınmaz kültür ve tabiat varlıklarının korunması, bu kuruluşların bütçelerine her yıl bu maksatla konacak ödeneklerle yapılır.

Bu hizmetlerin yerine getirilebilmesi için, Kültür ve Turizm Bakanlığı Bütçesine her yıl yeteri kadar ödenek konur.

Kültür ve Turizm Bakanlığınca kültür ve tabiat varlıklarının korunması ve değerlendirilmesi amacıyla, vakıf kurulabilir.

Araştırma, kazı ve sondaj yapılan alanların korunması ve değerlendirilmesi Bakanlığa aittir.

Hak ve sorumluluk

Madde 11- Taşınmaz kültür ve tabiat varlıklarının malikleri bu varlıkların bakım ve onarımlarını Kültür ve Turizm Bakanlığının bu Kanun uyarınca bakım ve onarım hususunda vereceği emir ve talimata uygun olarak yerine getirdikleri sürece, bu Kanunun bu konuda maliklere tanıdığı hak ve muafiyetlerden yararlanırlar. Ancak, korunması gerekli kültür ve tabiat varlıkları ile bunların korunma alanları, zilyedlik yoluyla iktisap edilemez.

Malikler bu varlıkların üzerindeki mülkiyet haklarının tabii icabı olan ve bu Kanunun hükümlerine aykırı bulunmayan bütün yetkilerini kullanabilirler.

Bu Kanunun belirlediği bakım ve onarım sorumluluklarını yerine getirmekte aczi olanların mülkleri, usulüne göre kamulaştırılır. Mazbut veya mülhak vakıf varlıkları bu hükme tabi değildir.

Kültür ve Turizm Bakanlığının uygun görmesi ile, Vakıflar Genel Müdürlüğü, il özel idarelere, belediyeler ve diğer kamu kurum ve kuruluşları, yukarıda sözü geçen maliklere lüzum görülen hallerde, taşınmaz kültür ve tabiat varlıklarının koruma, bakım ve onarımlarına, teknik eleman ve ödenekleri ile yardımında bulunabilirler.

Korunması gerekli taşınmaz kültür varlıklarının onarımına katkı fonu

Madde 12- Özel hukuka tabi gerçek ve tüzelkişilerin mülkiyetinde bulunan korunması gerekli kültür ve tabiat varlıklarının; korunması, bakım ve onarımı için Kültür ve Turizm Bakanlığınca aynı, nakdi ve teknik yardım yapılır ve kredi verilir.

Bu amaçla, bir Devlet bankasında açılacak özel bir hesapta ve Kültür ve Turizm Bakanlığı emrinde "Korunması Gerekli Taşınmaz Kültür Varlıklarının Onarımına Katkı Fonu" kurulur. Bu fonun ita amiri Kültür ve Turizm Bakanındır.

Bu fonun gelirleri, her yıl Devlet Bütçesinden ayrılacak ödenekler ile bu fondan verilecek kredilerin faizlerinden oluşur.

Kültür ve Turizm Bakanlığınca yapılacak aynı, nakdi ve teknik yardımlar, fondan yapılacak harcamalar ve verilecek kredilerle ilgili usul ve esaslar yönetmelikle belirlenir.

Devir yasağı

Madde 13- Hazineye ve diğer kamu kurum ve kuruluşlarına ait olup, usulüne göre tescil ve ilân olunan, her çeşit korunması gerekli taşınmaz kültür ve tabiat varlığı ile bunlara ait korunma sınırları dahilindeki taşınmazlar, Kültür ve Turizm Bakanlığının izni olmadan, gerçek ve tüzel kişilere satılamaz, hibe edilemez.

Kullanma

Madde 14- Korunması gerekli taşınmaz kültür ve tabiat varlıklarının intifa haklarının, belirli sürelerle kamu hizmetlerinde kullanılmak üzere, Devlet dairelerine, kamu kurum ve kuruluşlarına, kamu menfaatine yararlı milli demeklere bırakılması veya gerçek ve tüzel kişilere kiraya verilmesi, Kültür ve Turizm Bakanlığının iznine tabidir.

Anılan varlıklardan, Vakıflar Genel Müdürlüğünün yönetim ve denetiminde bulunan mazbut ve mühlak vakıflarla, 7044 sayılı Aslında Vakıf Olan Tarihi ve Mimari Kıymeti Haiz Eski Eserlerin-Vakıflar Umum Müdürlüğüne Devrine Dair Kanunla yönetimi Vakıflar Genel Müdürlüğüne devredilen vakıf mallarının kamu hizmetlerinde kullanılmak üzere, Devlet dairelerine, kamu kurum ve kuruluşlarına ve kamu yararına çalışan milli demeklere, belirli sürelerle, intifa haklarının bırakılması veya gerçek ve tüzel kişilerce karakterine uygun kullanılmak şartı ile kiraya verilmesi, Vakıflar Genel Müdürlüğünün yetkisindedir.

Yukarıda belirlenen korunması gerekli taşınmaz kültür ve tabiat varlıklarını kullananlar, bunların bakım, onarım ve restorasyon işlerini bu Kanunda belirlenen esaslara göre yapmak ve bunun için gerekli masrafları karşılamakla yükümlüdürler.

Kamulaştırma

Madde 15- (17.6.1987 tarih ve 3386 sayılı Kanun ile değişik) Taşınmaz kültür varlıkları ve bunların korunma alanları, aşağıda belirlenen esaslara göre kamulaştırılır:

a) Kısmen veya tamamen gerçek ve tüzel kişilerin mülkiyetine geçmiş olan korunması gerekli taşınmaz kültür ve tabiat varlıkları ile korunma alanları Kültür ve Turizm Bakanlığınca hazırlanacak programlara uygun olarak kamulaştırılır. Bu maksat için, Kültür ve Turizm Bakanlığı bütçesine yeterli ödenek konur.

Koruma amaçlı imar planında kültürel amaçlara ayrılan tescilli yapıların, bu amaçla onarılıp, değerlendirilmesi kaydıyla koruma kurullarının kararı ve Bakanlığın tasdiki ile belediyelerce kamulaştırılması yapılabilir. Maksadına uygun kamulaştırma yapılmadığı tespit edildiği takdirde yetki geri alınır.

b) Menşei vakıf olup da çeşitli sebeplerle kısmen veya tamamen gerçek ve tüzel kişilerin mülkiyetine geçen korunması gerekli taşınmaz kültür ve tabiat varlıkları ve bunların korunma alanlarının kamulaştırılmaları, Vakıflar Genel Müdürlüğüne yapılır. Bu maksat için Vakıflar Genel Müdürlüğü bütçesine yeterli kadar ödenek konur.

c) Korunması gerekli taşınmaz kültür ve tabiat varlıklarının korunma alanları, imar planında yola, otoparka, yeşil sahaya rastlıyorsa bunların belediyelerce; sair kamu kurum ve kuruluşların bakım ve onarımı ile görevli oldukları veya kullandıkları bu gibi kültür varlıklarının korunma alanlarının ise, bu kurum ve kuruluşlarca, kamulaştırılması esastır.

d) Kamulaştırmalarda bedel takdirinde, taşınmaz kültür varlıklarının eskilik, enderlik ve sanat değeri dikkate alınmaz.

e) Kamulaştırma işlemleri, bu Kanun hükümleri ile 2942 sayılı Kamulaştırma Kanununun bu

kanuna aykırı olmayan hükümlerine göre yapılır.

f) Sit alanı olması nedeni ile kesin inşaat yasağı getirilmiş korunması gerekli taşınmaz kültür ve tabiat varlıklarının bulunduğu parseller, malikinin başvurusu üzerine bir başka hazine arazisi ile değiştirilebilir. Üzerinde bina, tesis var ise, malikinin başvurusu üzerine rayiç bedeli 2942 sayılı Kanununun 11 inci maddesi hükümlerine göre belirlenerek ödeme yapılır.

Bu hükümle ilgili usul ve esaslar yönetmelikle belirlenir.

Ruhsatsız yapı yasağı

Madde 16- Korunması gerekli taşınmaz kültür ve tabiat varlıkları ile bunların korunma alanlarında ruhsatsız olarak inşaat yapmak yasaktır. Buralarda ruhsatsız olarak yapılacak inşaatlar ile, koruma amaçlı imar planlarında, plana; sitlerde, sit şartlarına aykırı olarak inşa edilen yapılar hakkında imar mevzuatına göre işlem yapılır.

Sit geçiş dönemi-koruma amaçlı imar planı-kısmi plan değişikliği

Madde 17- (17.6.1987 tarih ve 3386 sayılı kanun ile değişik) Bir alanın Koruma Kurulunca sit olarak ilanı, bu alandaki imar planı uygulamasını durdurur. Yapılanma hakları ile ilgili müktesep haklar yönetmelikle belirlenir. Koruma amaçlı imar planı yapılıncaya kadar, koruma kurulu tarafından bir ay içinde geçiş dönemi yapı şartları belirlenir. İlgili valilikler ve belediyeler anılan koruma amaçlı imar planını en geç bir yıl içinde Koruma Kuruluna değerlendirmek üzere vermek zorundadırlar.

Koruma kurulunca uygun görülerek, belediye veya valilikçe, onaylanan koruma amaçlı imar planının yürürlüğe girmesi ile geçiş dönemi yapı şartları ayrıca karar almaya gerek kalmadan karar.

Koruma amaçlı imar planlarının, korunması gerekli taşınmaz kültür ve tabiat varlıkları bakımından kısmen değiştirilmesi; ilgili kuruluşlarca gerekli görüldüğü ve bu hususta koruma kurulu kararı alındığı takdirde, koruma kurulu ilgili belediyeye ve ayrıca ilgili kurum ve kuruluşlara yazı ile bildirir.

Değişiklik teklifi bu tebligattan sonra en geç bir ay içinde belediye meclisince karara bağlanır. Bu süre içinde gereken karar alınmadığı takdirde belediye meclisi kararna lüzum kalmaksızın Koruma Kurullarınca karara bağlanan hususlarda değişiklik teklifi kesinleşir.

Belediyeler plan hazırlık safhasında gerektiğinde Bakanlıktan teknik yardım isteyebilirler.

(Anayasa Mahkemesinin 23.6.1988 gün ve Karar sayısı 1988/25, Esas Sayısı 1987/21 ile maddenin birinci fıkrasının "yapılanma hakları ile ilgili müktesep haklar yönetmelikle belirlenir" hükmünü iptal edilmiştir.)

Yapı esasları

Madde 18-(17.6.1987 tarih ve 3386 sayılı kanun ile değişik) Korunması gerekli taşınmaz kültür varlıklarının gruplandırılması, maliklerinin müracaat tarihinden itibaren üç ay içinde Koruma Kurulunca yapılır. Gruplandırılan taşınmaz kültür varlıkları, tapu kütüğünün beyanlar hanesine kaydedilir. Gruplandırma yapılmadıkça, onarım ve yapı esasları belirlenemez.

Mahalli idareler, taşınmaz kültür varlığı parselinde, ek veya eklenti suretiyle yapılacak veya yeni inşa edilecek yapılara ait koruma kurulunca verilen kararlarda veya onaylanmış kültür varlığı projelerinde değişiklik yapamazlar. Ancak, inşa edilecek yapının fen ve sağlık şartlarının mevzuata uygunluğunu kontrol ederler.

Korunması gerekli taşınmaz kültür varlığı parselleri, taşınmaz kültür varlıklarının mahiyetine tesir edecek şekil ve surette ayrılamaz ve birleştirilemez.

Maliklerin izin verme yükümlülüğü

Madde 19- Taşınmaz kültür ve tabiat varlıklarının malikleri, Kültür ve Turizm Bakanlığınca görevlendirilmiş uzmanlara, gerektiği zaman, varlığın kontrolü, incelenmesi, harita, plan ve rölevesinin yapılması, fotoğraflarının çekilmesi, kalıplarının çıkarılması için izin vermeye ve gereken kolaylığı göstermeye mecburdurlar. Ancak, görevliler konut dokunulmazlığı ve aile mahremiyetini ihlal etmeyecek tarzda faaliyetlerini yürütürler.

Taşınmaz kültür varıklarının nakli

Madde 20- Taşınmaz kültür varıkları ve parçalarının, buldukları yerlerde korunmaları esastır. Ancak, bu taşınmaz kültür varıklarının başka bir yere nakli zorunluluğu varsa veya özellikleri itibarıyla nakli gerekli ise, Yüksek Kurul veya ilgili Bölge Kurulunun uygun görüşü ve gereken emniyet tedbirleri alınmak suretiyle Kültür ve Turizm Bakanlığınca istenilen yere nakledilebilir. Kültür varlığının nakli dolayısıyla taşınmazın maliki bir zarara maruz kalmışsa, Kültür ve Turizm Bakanlığınca oluşturulacak bir komisyonun tespit edeceği tazminat zarar görene ödenir.

İstisnalar ve muafiyetler

Madde 21- (17.6.1987 tarih ve 3386 sayılı Kanun ile değişik) Taşınmaz kültür ve tabiat varıklarının bakım, onarım, restorasyon, değerlendirme, muhafaza ve nakil işleri ile bu maksatla hazırlanacak projelerin yapılması ve arkeolojik kazılarda kullanılacak aletlerin alımı hakkında 2886 sayılı Devlet İhale Kanunu ile 1050 sayılı Muhasebe Umumiye Kanunu uygulanmaz.

Birinci fıkranın uygulanmasına dair usul ve esaslar bir yönetmelikle belirlenir.

Tapu kütüğüne "korunması gerekli taşınmaz kültür varığıdır" kaydı konulmuş olan ve I inci ve II nci grup olarak gruplandırılmış bulunan taşınmaz kültür varıkları ile arkeolojik sit alanı ve doğal sit alanı olmaları nedeniyle üzerlerine kesin yapılanma yasağı getirilmiş taşınmaz kültür ve tabiat varıkları olan parseller her türlü vergi, resim ve harçtan muafır.

Kültür varıklarının korunması maksadıyla tespit, proje, bakım, onarım, restorasyon ve kazı ile müzelerin güvenliği için kullanılmak şartıyla, Türkiye Büyük Millet Meclisi, Milli Savunma Bakanlığı, Bakanlıkça ve Valıklar Genel Müdürlüğüncce dışardan getirilecek her türlü araç, gereç, makine, teknik malzeme ve kimyevi maddeler ile altın ve gümüş varak, her türlü vergi, resim ve harçtan muafır.

Koruma Kurulları kararına uygun olarak bu taşınmaz kültür varıklarında yapılan onarım ve inşaat işleri Belediye Gelirleri Kanunu gereğince alınacak vergi, harç ve harcamalara katılma paylarından müstesnadır.

Madde 22- (17.6.1987 tarihli ve 3386 sayılı Kanun ile yürürlükten kaldırılmıştır. 21 inci madde kapsamında değerlendirilmiştir.)

ÜÇÜNCÜ BÖLÜM

Korunması Gerekli Taşınır Kültür ve Tabiat Varıkları

Korunması gerekli taşınır kültür ve tabiat varıkları

Madde 23- (17.6.1987 tarih ve 3386 sayılı Kanun ile değişik) Korunması gerekli taşınır kültür ve tabiat varıkları şunlardır:

a) Jeolojik, tarih öncesi ve tarihi devirlere ait, jeoloji, antropoloji, prehistorya, arkeoloji ve sanat tarihi açılarından belge değeri taşıyan ve ait oldukları dönemin sosyal, kültürel, teknik ve ilmi özellikleri ile seviyesini yansıtan her türlü kültür ve tabiat varıkları;

Her çeşit hayvan ve bitki fosilleri, insan iskeletleri, çakmak taşları (sleks), volkan camları (obsidyen), kemik veya madeni her türlü aletler, çini, seramik, benzeri kab ve kacaklar, heykeller, figürinler, tabletler, kesici, koruyucu ve vurucu silahlar, putlar (ikon), cam eşyalar, süs eşyaları (hülliyyat), yüzük taşları, küpeler, iğneler, askılar, mühürler, bilezik ve benzerleri, maskeler, taşlar (diadem), deri, bez, papirus, parşümen veya maden üzerine yazılı veya tasvirli belgeler, tartı araçları, sikkeler, damgalı veya yazılı levhalar, yazma veya tezhipli kitaplar, minyatürler, sanat değerine haiz gravür, yağlıboya veya suluboya tablolar, muhallefat (religue'ler), nişanlar, madalyalar, çini, toprak, cam, ağaç, kumaş ve benzeri taşınır eşyalar ve bunların parçaları,

Halkın sosyal hayatını yansıtan, insan yapısı araç ve gereçler dahil, bilim, din ve mihaniki sanatlarla ilgili etnografik nicelikteki kültür varlıkları.

Osmanlı Padişahlarından Abdülmecit, Abdülaziz, V. Murat, II. Abdülhamit, V. Mehmet Reşat ve Vahidettin'e ait ve aynı çağdaki sikkeler, bu Kanuna göre tescile tabi olmaksızın yurt içinde alınıp satılabilmektedir.

Bu madde kapsamına girmeyen sikkeler bu Kanunun genel hükümlerine tabidir.

b) Milli tarihimizdeki önemleri sebebiyle, Milli Mücadele ve Türkiye Cumhuriyetinin kuruluşuna ait tarihi değer taşıyan belge ve eşyalar, Mustafa Kemal ATATÜRK'e ait zati eşya, evrak, kitap, yazı ve benzeri taşınırlar.

Madde 24- (17.6.1987 tarih ve 3386 sayılı Kanun ile değişik) Devlet malı niteliğini taşıyan korunması gerekli taşınır kültür ve tabiat varlıklarının Devlet elinde ve müzelerde bulundurulması ve bunların korunup değerlendirilmeleri Devlete aittir. Bu gibi varlıklardan gerçek ve tüzelkişilerin ellerinde bulunanlar, değeri ödenerek Bakanlık tarafından satın alınabilir.

23 üncü maddenin (a) bendinde belirtilen etnografik mahiyetteki kültür varlıklarının yurt içinde alımı, satımı ve devri serbesttir. Alımı, satımı serbest bırakılacak etnografik eserlerin hangi devirlere ait olacağı ve diğer nitelikleri ile kayıt ve tescil şartları bir yönetmelikle belirlenir.

Milli Mücadele ve Türkiye Cumhuriyeti Tarihi ve Atatürk'e ait korunması gerekli taşınır kültür varlıkları, Bakanlık, Milli Savunma Bakanlığı veya Atatürk Kültür, Dil ve Tarih Yüksek Kurumu'na satın alınabilir.

Ancak, bu tip eserlerden her ne suretle olursa olsun yurt dışına çıkarılacaklarının kontrolü, Bakanlığa bağlı müzelerce yapılabileceği gibi bazı gümrük çıkış kapılarında bulundurulacak ihtisas elemanlarınca da yapılabilir. Hangi kapılarda ihtisas elemanı bulundurulacağı bir yönetmelikte belirlenir.

Yapılan kontrol sonunda bu tip eserlerden yurt dışına çıkmasında sakınca görülenler tespit edilerek değerlendirilmeleri yurt içinde yapılmak şartıyla, sahiplerine iade edilirler.

Bu maddede belirtilen ve alımı, satımı serbest bırakılan eserlerde Devletin rüçhan hakkı mahfuzdur.

Müzelere alınma

Madde 25- Dördüncü maddeye göre Kültür ve Turizm Bakanlığına bildirilen taşınır kültür ve tabiat varlıkları ile 23 üncü maddede belirlenen korunması gerekli taşınır kültür ve tabiat varlıkları, Kültür ve Turizm Bakanlığı tarafından bilimsel esaslara göre tasnif ve tescile tabi tutulurlar. Bunlardan Devlet müzelerinde bulunması gerekli görülenler, usulüne uygun olarak müzelere alınırlar.

Korunması gerekli taşınır kültür ve tabiat varlıklarının tasnifi, tescili ve müzelere alınmaları ile ilgili kısıtlar, usuller ve esaslar yönetmelikte belirlenir.

Türk askeri tarihini ilgilendiren her türlü silah ve malzemenin buldukları veya ihbar edildikleri yerde, tarihi niteliklerinin araştırılması, incelenmesi ve değerlendirilmesi Genelkurmay-Başkanlığınca yapılır.

Tasnif ve tescil dışı bırakılan ve müzelere alınması gerekli görülmeyenler, sahiplerine bir belge ile iade olunurlar. Belge ile iade olunan kültür varlıkları üzerinde, sahipleri her türlü tasarıfta bulunabilirler. Bir yıl içinde sahipleri tarafından alınmayanlar, müzelerde saklanabilir veya usulüne uygun olarak Devletçe satılabilir.

Müze, özel müze ve koleksiyonculuk

Madde 26- Bu Kanunun kapsamına giren kültür ve tabiat varlıklarına ait müzelerin kurulması, geliştirilmesi Kültür ve Turizm Bakanlığının görevlerindedir.

Bakanlıklar, kamu kurum ve kuruluşları, gerçek ve tüzel kişilerle vakıflar, Kültür ve Turizm Bakanlığından izin almak şartıyla, kendi hizmet konularının veya amaçlarının gerçekleştirilmesi için herçesit kültür varlığından oluşan koleksiyonlar meydana getirebilir ve müzeler kurabilirler. Ancak, gerçek ve tüzel kişilerle vakıflar tarafından kurulacak müzelerin faaliyet konuları ve alanları, yapılacak başvuruda beyan olunan istekleri değerlendirerek, Kültür ve Turizm Bakanlığınca verilecek izin belgesinde belirlenir.

Gerçek ve tüzel kişilerce kurulacak müzeler, Kültür ve Turizm Bakanlığının izin belgesinde belirlenen konu alanlarına inhisar etmek şartı ile, taşınır kültür varlığı bulundurulabilir ve teşhir edebilirler. Bu müzeler de, taşınır kültür varlıklarının korunması hususunda Devlet müzeleri statüsündedirler.

Anılan müzelerin kuruluş amacı, görevi ve yönetim şekil ve şartları ile gözetim ve denetimi yönetmelikle belirlenir.

Devlet müzeleri içerisinde özel bir ihtisas ve araştırma müzeleri olan askeri müzelerin kurulması, yaşatılması, malzemenin ve uğraş konularının tayin ve tespiti Genelkurmay Başkanlığına aittir. Bu müzelerin görev, yetki ve sorumlulukları ile çalışma düzenleri, Milli Savunma Bakanlığının, Kültür ve Turizm Bakanlığıyla birlikte hazırlayacağı bir yönetmelikte belirtilir.

Gerçek ve tüzel kişiler, Kültür ve Turizm Bakanlığınca verilecek izin belgesiyle korunması gerekli taşınır kültür varlıklarından oluşan koleksiyonlar meydana getirebilirler.

Koleksiyoncular faaliyetlerini, Kültür ve Turizm Bakanlığına bildirmek ve yönetmelik gereğince, taşınır kültür varlıklarını envanter defterine kaydetmek zorundadırlar.

Koleksiyoncular, ilgili müzeye tescil ettirerek, koleksiyonlarındaki her türlü eseri on beş gün önce Kültür ve Turizm Bakanlığına haber vermek şartı ile kendi aralarında değiştirebilir veya satabilirler. Satın almada öncelik Kültür ve Turizm Bakanlığına aittir.

Kültür varlığı ticareti

Madde 27- Yirmi beşinci madde gereğince tasnif ve tescil dışı bırakılan ve Devlet müzelerine alınması gerekli görülmeyen taşınır kültür varlıklarının ticareti, Kültür ve Turizm Bakanlığının izni ile yapılır.

Bu ticareti yapmak isteyenler, Kültür ve Turizm Bakanlığından ruhsatname almak zorundadırlar. Bu ruhsatnameler üç yıl için geçerlidir. Bu sürenin bitiminden bir ay önce ruhsatname yenilenebilir. Bu Kanun hükümlerine aykırı hareket edenlerin ruhsatnameleri, süresine bakılmaksızın iptal edilir.

İkametgâhını ticarethane olarak gösterme yasağı

Madde 28- Kültür varlığı ticareti yapanlar belli bir ticaret yeri göstermek mecburiyetindedir. Ancak, ikametgâhlarını hiçbir zaman, ticarethane veya depo olarak gösteremezler.

Ticarethane ve depoların kontrolü

Madde 29- Kültür varlığı ticareti yapanların işyerleri ve depoları yönetmelikte belirlenen

esaslar dahilinde Kültür ve Turizm Bakanlığı yetkililerince denetlenir.

Haber verme zorunluluğu

Madde 30- Kamu kurumu ve kuruluşları (Belediyeler ve il özel idareleri dahil), vakıflar, gerçek ve tüzelkişiler satacakları eşya ve terekeler arasında bulunan veya yapacakları müzayedelerdeki satışlara konu olan taşınır kültür ve tabiat varlıkları ile koleksiyonları, önce devlet müzelerine haber vermeye ve göstermeye mecburdurlar. Kültür ve Turizm Bakanlığı, kültür ve tabiat varlıklarından meydana getirilen koleksiyonları kuracağı komisyonun takdir edeceği bedel üzerinden satın alabilir. Bunlardan hazineye intikal etmiş olupda müze koleksiyonlarına girmesi lüzumlu görülenler, Devlet Ayniyat Yönetmeliği hükümlerine göre, Kültür ve Turizm Bakanlığına devrolunurlar.

Birinci fıkrada sözü edilen, kamu kurumu ve kuruluşları, vakıflar, gerçek ve tüzelkişiler satacakları eşya ve terekeler arasında bulunan veya yapacakları müzayedelerdeki satışlara konu olan askeri tarihimize ait kültür varlıkları ile silah ve askeri malzeme koleksiyonlarını Genelkurmay-Başkanlığına haber vermeye ve göstermeye mecburdurlar. Bu kültür varlıklarından hazineye intikal etmiş olup, askeri müzelerin koleksiyonlarına girmesi lüzumlu görülenler Devlet Ayniyat Yönetmeliği hükümlerine göre Milli Savunma Bakanlığına devrolunurlar.

Sikkeler

Madde 31- (17.6.1987 tarihli ve 3386 sayılı Kanun ile yürürlükten kaldırılmıştır.)

Yurt dışına çıkarma yasağı

Madde 32- Yurt içinde korunması gerekli taşınır kültür ve tabiat varlıkları yurt dışına çıkarılamaz. Ancak, milli çıkarlarımız dikkate alınarak, bunların her türlü hasar, zarar, tehdit veya tecavüz ihtimaline karşı, gideceği ülke makamlarından teminat almak ve sigortalanmak şartı ile yurt dışında geçici olarak sergilendikten sonra geri getirilmelerine; Kültür ve Turizm Bakanlığınca teşkil edilecek yükseköğretim kurumlarının Arkeoloji ve Sanat Tarihi bilim dallarının başkanlarından oluşan bilim kurulunun kararı ve Kültür ve Turizm Bakanlığının teklifi üzerine Bakanlar Kurulunca karar verilir.

Türkiye'deki kordiplomatik mensupları, Türkiye'ye girişlerinde beyan ederek beraberlerinde getirdikleri yabancı kökenli kültür varlıklarını, çıkışlarında beraberlerinde götürülebilirler.

Yurt dışına geçici olarak sergilenmek üzere kültür ve tabiat varlıkları gönderilmesi esasları ile, Türkiye'deki kordiplomatik mensuplarının beraberlerinde getirdikleri bu tür varlıkların giriş ve çıkışlarında yapılacak işlemler, istenecek belgeler ile ilgili diğer hususlar Kültür ve Turizm Bakanlığı, Milli Savunma Bakanlığı ve Dışişleri Bakanlığının birlikte düzenleyecekleri yönetmelikte belirtilir.

Yurt dışından getirme

Madde 33- Yurt dışından kültür varlığı getirmek serbesttir.

Kopya çıkarma

Madde 34- Kültür ve Turizm Bakanlığına bağlı ören yerleri ve müzelerdeki taşınır ve taşınmaz kültür varlıklarının öğretim, eğitim, bilimsel araştırma ve tanıtma amacı ile fotoğraflarının ve filmlerinin çekilmesi, mulaj ve kopyalarının çıkartılması Kültür ve Turizm Bakanlığının iznine bağlıdır.

Bu hususlarla ilgili esaslar, yönetmelikte tespit olunur.

DÖRDÜNCÜ BÖLÜM

Araştırma, Sondaj, Kazı ve Define Arama

Araştırma, sondaj ve kazı izni

Madde 35- Bu Kanun hükümlerine tabi, taşınır ve taşınmaz kültür ve tabiat varlıklarını meydana çıkarmak üzere, araştırma, sondaj ve kazı yapma hakkı, sadece Kültür ve Turizm Bakanlığına aittir.

Bilimsel ve mali yeterliği Kültür ve Turizm Bakanlığınca takdir ve kabul olunan Türk ve yabancı heyet ve kurumlara araştırma izni, Kültür ve Turizm Bakanlığı tarafından sondaj ve kazı yapma izni Kültür ve Turizm Bakanlığının teklifi üzerine, Bakanlar Kurulu kararı ile verilir. Kültür ve Turizm Bakanlığı elemanları veya bu Bakanlıkça görevlendirilecek Türk bilim adamları tarafından yapılacak araştırma, sondaj ve kazılar, Kültür ve Turizm Bakanlığının iznine bağlıdır. Askeri yasak bölgelerde yapılacak araştırma, sondaj ve kazı için gerekli ruhsatname, Genelkurmay Başkanlığının iznini müteakip, sözü geçen heyet ve kurumların göstereceği uzmanlar adına düzenlenir. Kültür ve Turizm Bakanlığınca haklı görülebilecek sebep olmadıkça heyet ve kurumlar ruhsatnamedeki üyelerini değiştiremezler.

Su altında korunması gerekli kültür ve tabiat varlıklarının bulunduğu bölgeler, ilgili kurum ve kuruluşlarla işbirliği yapılarak Kültür ve Turizm Bakanlığınca tespit edilir ve Bakanlar Kurulu kararı ile yayımlanır. Bu bölgelerde, sportif amaçlı dalış yapmak yasaktır, ikinci fıkra hükümlerine göre izin almak şartıyla araştırma ve kazı yapılabilir.

Mafiklerin mülkleri içinde yapılacak kazılar

Madde 36- Taşınmaz kültür varlığı sahiplerinin kendi mülkleri içinde kültür varlığı aramak maksadı ile araştırma, sondaj ve kazı yapmaları da bu Kanunun 35 ve 41 inci maddeleri hükümlerine tabidir.

Kazı izninde usul

Madde 37- Aynı kazı heyetine veya şahsa, aynı süre içinde Kültür ve Turizm Bakanlığınca yapılan kazıların dışında, birden fazla yerde kazı ve sondaj izni verilemez. İzin verilmesi, araştırma, sondaj ve kazının yapılması, elde edilecek kültür ve tabiat varlıklarının muhafaza şartları, bu eserler üzerinde araştırma, sondaj ve kazı sahiplerine tanınacak diğer haklar bir yönetmelikte tespit olunur.

Kazı izninin devredilemeyeceği

Madde 38- Türk ve yabancı bilim kurumlarına veya onların adına hareket eden kişilere verilen kazı ve sondaj ruhsatnameleri ile araştırma izni, Kültür ve Turizm Bakanlığının izni olmadan devredilemez. Bu iş için bir başkası tevkil olunamaz.

Araştırma, sondaj ve kazı izninin hükümsüzlüğü

Madde 39- Kültür ve Turizm Bakanlığınca kabul edilen haklı bir sebep gösterilmeden, ruhsatname tarihinden itibaren, en çok altı ay içinde başlanılmayan araştırma, kazı ve sondajlara ait izin ve ruhsatnameler, hükümsüz sayılır. Araştırma, sondaj ve kazı çalışmaları, makul bir sebep gösterilmeksizin iki aydan fazla tatil edilemez. Bu süreyi geciktirenlerin izin ve ruhsatnameleri iptal edilmiş sayılır. Ayrıca, bu Kanun hükümlerine aykırı hareket edenlerin ruhsatnameleri iptal edilir ve bu gibilere, daha sonra izin ve ruhsat verilmez.

Araştırma, sondaj ve kazı izninde süre

Madde 40- Kazı ve sondaj ruhsatnameleri ile araştırma izni bir yıl için geçerlidir. Ruhsat-

name ve izin süresinin sonunda heyet başkanı kazıya, sondaj ve araştırmaya devam edildiğini, yazılı olarak bildirdiği takdirde, bu hak her yıl müracaat şartı ile gelecek yıllarda da müracaatçı için saklı tutulur.

Kazıdan çıkan eserlerin müzelere nakli

Madde 41- Kazılarda meydana çıkan bütün taşınır kültür ve tabiat varlıkları, kazı yapan heyet ve kurumlar tarafından her yıl yapılan kazı sonunda Kültür ve Turizm Bakanlığının göstereceği Devlet müzesine naklolunur. Kazı ve sondaj araştırmalarında elde edilen insan ve hayvan iskeletleri ile bütün fosiller, Kültür ve Turizm Bakanlığınca uygun görüldüğü takdirde, tabiat tarihi müzeleri ile üniversitelere veya ilgili diğer Türk bilim kurumlarına verilebilir. Ayrıca, kazı ve sondaj araştırmalarında elde edilen askeri tarihle ilgili her türlü taşınır kültür varlığı, Genelkurmay Başkanlığının uygun görüşü ile, Kültür ve Turizm Bakanlığınca askeri müzelere devredilir.

Zarar vermede tazminat yükümlülüğü

Madde 42- Kazı ve sondaj izni alanlar, bu çalışmayı sahipli arazide yaptıkları takdirde, kazı, sondaj ve araştırma bölgesindeki arazi sahiplerinin zararlarını tazmin ile yükümlüdürler. Arazi sahipleri Kültür ve Turizm Bakanlığının oluşturacağı komisyonca takdir edilecek tazminat karşılığında, kazı ve sondaj veya araştırmaya izin vermeye mecburdurlar.

Bu gibi yerler, gerektiğinde Kültür ve Turizm Bakanlığınca kamulaştırılabilir. Yabancı bilim kurumlanca yapılan kazılarda, bu kamulaştırmanın bedeli kazı sahipleri tarafından ödenir. Hazine adına tescil edilecek yerin kamulaştırma bedelinin takdirinde genel kamulaştırma hükümleri uygulanır. Bu madde gereğince ödenecek tazminat ve kamulaştırma bedellerinin taktirine, kazı, sondaj ve araştırma faaliyetlerinden önce, mevcut kültür ve tabiat varlıklarının eskilik, enderlik ve sanat değeri ile bu faaliyetler sonucu bulunan kültür varlıklarının değeri dikkate alınmaz.

Yayım hakkı

Madde 43- Kazı, sondaj ve araştırmalarda, meydana çıkacak olan varlıkların yayım hakkı, 5846 sayılı Fikir ve Sanat Eserleri Kanunu hükümleri gereğince, kazı, sondaj ve araştırma izin alan heyet ve kurumlar adına, kazı, sondaj ve araştırmayı fiilen idare edenlere aittir. Kazı başkanları, her kazı dönemi sonunda, Kültür ve Turizm Bakanlığına bilimsel bir rapor vermekle yükümlüdürler. Kazının bitiminden itibaren, kazı dönemi çalışmalarına ait bilimsel raporlarını en geç iki yıl, nihai bilimsel raporlarını ise beş yıl içinde yayımlamayan kazı heyetlerinin kazı, sondaj ve araştırmalarda buldukları kültür ve tabiat varlıkları üzerindeki her türlü yayım hakkı Kültür ve Turizm Bakanlığınca geçer.

Kültür ve Turizm Bakanlığı adına yapılan kazı, sondaj ve araştırmalara ait bilimsel raporlar, kazı başkanlığınca, yayımlanacak şekilde hazırlanır. Kültür ve Turizm Bakanlığı bunlardan gerekli görülenleri yayımlar.

Kültür ve Turizm Bakanlığınca uygun görülecek mazeretler dışında, yukarıda açıklanan süre içinde son raporlarını yayımlamamış bulunan heyet ve kişilere yeni bir kazı için ruhsatname verilmez.

Giderler

Madde 44- Kazı, sondaj ve araştırma yapılan saha ile, kazı, sondaj ve araştırmadan çıkan kültür varlıklarının yerinde korunmasını sağlamak maksadıyla, kazı yerinde geçici olarak çalıştırılacak bekçilerin ücret ve masrafları ile kazı yerinin eski haline getirilmesinin gerektirdiği giderleri karşılamak, kazı sırasında meydana gelebilecek zararları tazmin ve bunlarla ilgili bütün giderler, düzenlenecek yönetmeliğe göre, Kültür ve Turizm Bakanlığı tarafından ruhsat verme veya

süre uzatma sırasında, kazı sahiplerinden tahsil edilerek emaneten mal sandığına yatırılan paralar-
dan ödenir. Kültür ve Turizm Bakanlığı tarafından finanse edilen konularda, gider karşılıklarının
mal sandığına yatırılması zorunlu değildir.

Korunma ve çevre düzenlemesi

Madde 45- Kültür ve Turizm Bakanlığının izni ile yapılan kazılarda ortaya çıkan taşınmaz
kültür ve tabiat varlıklarının bakım, onarım ve çevre düzenlemeleri ile taşınır kültür ve tabiat
varlıklarının bakım ve onarımları kazı başkanlığınca yapılır.

Araştırma, kazı ve sondajların geçici olarak veya tamamen durdurulması

Madde 46- Bu Kanun hükümlerine aykırı olarak yapılan kazı, sondaj ve araştırmalar, Kültür
ve Turizm Bakanlığınca geçici olarak veya tamamen durdurulur.

Tesislerin devri

Madde 47- Heyet ve kurumlar adına, kazı, sondaj ve araştırma yapan şahıslar tarafından,
işe başlamak için veya çalışmaların devamı sırasında muhtelif şekillerde satın alınan veya inşa edi-
len depo, lojman ve benzeri tesisler ve malzeme, kazının sonunda bedelsiz olarak, Kültür ve Tu-
rizm Bakanlığına devrolunur. Bu tesislerin kullanılış şekillerinin tayinine Kültür ve Turizm Ba-
kanlığı yetkilidir.

Araştırma, kazı ve sondajda görevlendirilenler

Madde 48- Yabancı heyet ve kurumlar tarafından yapılan araştırma, kazı ve sondajlarda
Kültür ve Turizm Bakanlığı Eski Eserler ve Müzeler Genel Müdürlüğü uzmanlarından bir veya bir-
kaç temsilci bulunur. Türk heyet ve kurumlarınca yapılan araştırma, kazı ve sondajlara Kültür ve
Turizm Bakanlığı adına yetkili bir uzman katılır. Temsilci ve uzmanların seçimi ve görevleri,
yönetmelikle belirlenir.

Türk heyet ve kurumlarınca yapılan kazılara katılacak Kültür ve Turizm Bakanlığı uzman-
larının yol masrafları, yevmiyeleri ve zaruri giderleri, 6245 sayılı Harcırah Kanunu hükümlerine
göre Kültür ve Turizm Bakanlığınca ödenir.

Yabancı kurum ve heyetler tarafından yapılan araştırma, kazı ve sondajlarda
görevlendirilecek Kültür ve Turizm Bakanlığı temsilcilerine ödenecek olan yol masrafları, yev-
miye, temsil ödeneği ve su altı dalış tazminatı, kazı başkanlığından Kültür ve Turizm Bakanlığınca
peşinen tahsil edilip bir Devlet Bankasına yatırılır. Temsil ödeneğinin miktarı, her yıl Kültür ve Tu-
rizm Bakanlığınca tayin edilir.

Araştırma, kazı ve sondaj izin yasağı

Madde 49- Türkiye'deki elçilikler ve konsolosluklar mensuplarına, araştırma, kazı ve sondaj
izni verilmez.

Define arama

Madde 50- Define aramak isteyenlere, bu Kanunun 6 ncı maddesinde korunması gerekli
taşınmaz kültür ve tabiat varlığı olarak belirtilen yerler ile tespit ve tescil edilen sit alanları ve me-
zarlıklar dışında, Kültür ve Turizm Bakanlığınca define arama ruhsatnamesi verilebilir.

Define aramak isteyenlere aynı süre içinde birden fazla yerde arama izni verilemez. Define
arama izni, başkalarına devredilemez. Bu iş için bir başkası tevkil olunamaz.

Define aramada, Kültür ve Turizm Bakanlığından ve diğer kamu kurum ve kuruluşlarından
temsilci olarak gönderileceklerin yolluk ve yevmiyeleri ile zaruri giderleri arayıcı tarafından
karşılır. Bu iş için gerekli olan ödenek, Bakanlıkça, define arayıcısından peşinen tahsil edilip bir

Devlet bankasına yatırılır.

Arama ruhsatının verilmesi, define arayıcıdan istenecek belgeler, aramanın yapılması, çıkan, defineden arayıcıya tanınacak haklar, Kültür ve Turizm Bakanlığı ile Maliye Bakanlığının birlikte düzenleyeceği yönetmelikte belirtilir.

BEŞİNCİ BÖLÜM

(17.6.1987 tarih ve 3386 sayılı Kanun ile değişik şekli)

"Kültür ve Tabiat Varlıklarını Koruma Yüksek Kurulu ile Koruma Kurulları"

Kuruluş, görev, yetki ve çalışma şekli

Madde 51- Yurt içinde bulunan ve bu Kanun kapsamına giren korunması gerekli taşınmaz kültür ve tabiat varlıkları ile ilgili hizmetlerin bilimsel esaslara göre yürütülmesini sağlamak üzere, Bakanlığa bağlı "Kültür ve Tabiat Varlıklarını Koruma Yüksek Kurulu" ile Bakanlıkça belirlenecek bölgelerde "Kültür ve Tabiat Varlıklarını Koruma Kurulları" kurulur.

Kültür ve Tabiat Varlıklarını Koruma Yüksek Kurulunun görev ve yetkileri şunlardır;

- a) Korunması gerekli taşınmaz kültür ve tabiat varlıklarının korunması ve restorasyonu ile ilgili işlerde uygulanacak ilkeleri belirlemek,
- b) Koruma kurulları arasında gerekli koordinasyonu sağlamak,
- c) Uygulamada doğan genel sorunları değerlendirerek görüş vermek suretiyle, Bakanlığa yardımcı olmak,

Koruma Yüksek Kurulu yılda en az iki defa toplanır. Bakanlık gerekli gördüğünde Kurulu olağanüstü toplantıya çağırır.

Koruma Yüksek Kurulu salt çoğunlukla toplanır, toplantıya katılan üyelerin en az dörtte üçünün oyları ile karar verilir.

Koruma Yüksek Kurulunun çalışma usul ve esasları ile diğer hususlar bir yönetmelikle düzenlenir.

Yüksek Kurulun görevleri

Madde 52- (17.6.1987 tarih ve 3386 sayılı Kanun ile yürürlükten kaldırılmıştır. 51 inci madde kapsamında değerlendirilmiştir.)

Koruma Yüksek Kurulu üyeliği

Madde 53- (17.6.1987 tarih ve 3386 sayılı Kanun ile değişik) Kültür ve Tabiat Varlıklarını Koruma Yüksek Kurulu; aşağıda belirtilen üyelerden oluşur.

Üyeler;

- (1) Bakanlık Müsteşarı,
- (2) Başbakanlık Müsteşar Yardımcısı,
- (3) Bakanlığın ilgili Müsteşar Yardımcısı,
- (4) Eski Eserler ve Müzeler Genel Müdürü,
- (5) Turizm Genel Müdürü,
- (6) Bayındırlık ve İskân Bakanlığının ilgili Genel Müdürü veya Yardımcısı,
- (7) Orman Genel Müdürü veya Yardımcısı,
- (8) Vakıflar Genel Müdürü veya Yardımcısı,
- (9) Koruma kurulları başkanlarından Bakanlıkça seçilecek altı üye.

Koruma Yüksek Kurulunun başkanı, Bakanlık Müsteşarıdır.

Müsteşar bulunmadığı zaman yardımcısı Kurula başkanlık eder.

Temsilci üyelerin nitelikleri

Madde 54- Yüksek Kurulun temsilci üyelerinin yükseköğrenim görmüş olmaları ve 53 üncü maddede belirlenen bilim dallarından biri veya birkaçında tanınmış ve bu alanlarda çalışmalar yapmış, tercihan yurt içinde veya yurt dışında yayımlanmış eserler vermiş olmaları şartı aranır.

Koruma Yüksek Kurulu ve Koruma Kurulu üyeliğinin sona ermesi, süresi ve huzur hakkı

Madde 55- (17.6.1987 tarih ve 3386 sayılı Kanun ile değişik) Koruma Yüksek Kurulu ve Koruma Kurullarındaki tabii üyelerin üyelikleri, kurumlarındaki görevleri süresince devam eder. Koruma Kurullarının Yükseköğretim Kurumu tarafından seçilen üyelerinin üyelikleri 5 yıl sürelidir. bu üyeler iki dönemi aşmamak şartıyla yeniden seçilebilirler.

Koruma Yüksek Kurulu ve Koruma Kurulları üyeleri Bakanın lüzum görmesi halinde kurumlarınca değiştirilebilir.

Üyelikleri sona eren, ölen, istifa eden, hastalık ve görev gereği hariç, bir yıl içinde Koruma Yüksek Kurulunun iki, Koruma Kurulunun dört toplantısına katılmayan veya bir yıldan fazla süre ile yurt dışına giden temsilci üyelerin yerine yeni üye seçilir.

Kurul üyelerine Maliye ve Gümrük Bakanlığının uygun görüşü alınarak Bakanlıkça tespit edilecek miktarda huzur hakkı ödenir.

Yüksek Kurulun çalışma şekli

Madde 56- (17.6.1987 tarih ve 3386 sayılı Kanun ile yürürlükten kaldırılmış 51 inci madde kapsamında değerlendirilmiştir.)

Koruma Kurullarının görev yetki ve çalışma şekli

Madde 57- (17.6.1987 tarihli ve 3386 sayılı Kanun ile değişik) Koruma Kurulları, koruma Yüksek Kurulunun ilke kararları çerçevesinde olmak kaydıyla aşağıdaki işleri yapmakla görevli ve yetkilidir.

a) Bakanlıkça tespit edilen veya ettirilen korunması gerekli kültür ve tabiat varlıklarının tescilini yapmak,

b) Korunması gerekli kültür varlıklarının gruplandırılmasını yapmak,

c) Sit alanlarının tescilinden itibaren bir ay içinde geçiş dönemi yapı şartlarını belirlemek,

d) Koruma amaçlı imar planları ile bunların her türlü değişikliklerini inceleyip onamak,

e) Korunması gerekli taşınmaz kültür ve tabiat varlıklarının koruma alanlarının tespitini yapmak,

f) Korunması gerekli taşınmaz kültür varlıklarından özelliklerini kaybetmiş olanlarının tescil kaydını kaldırmak,

g) Korunması gerekli taşınmaz kültür ve tabiat varlıkları ve koruma alanları ile ilgili uygulamaya yönelik kararlar almak.

Kamu kurum ve kuruluşları (belediyeler dahil) ile gerçek ve tüzel kişiler, koruma kurullarının kararlarına uymak zorundadırlar.

Koruma kurullarının başkan ve başkan yardımcıları, üyeler arasından kurulca seçilir. Başkanın yokluğunda kurula başkan yardımcısı başkanlık eder.

Koruma Kurullarının çalışma usul ve esasları ile diğer hususlar bir yönetmelikle belirlenir.

Koruma kurullarının oluşumu

Madde 58- (17.6.1986 tarih ve 3386 sayılı Kanun ile değişik) Koruma kurulları aşağıda belirtilen üyelerden oluşur;

a) Arkeoloji, sanat tarihi, müzecilik, mimari ve şehir planlığı konularında uzmanlaşmış kişiler

arasından Bakanlıkça seçilecek üç temsilci,

b) Yükseköğretim Kurulunca, kurumlarının arkeoloji, sanat tarihi, mimarlık, şehircilik bilim dallarından aynı daldan olmamak üzere iki öğretim üyesi,

c) Görüşülecek konu, belediye sınırları içinde ise ilgili belediye başkanı veya teknik temsilcisi, dışında ise ilgili valilikçe seçilecek teknik temsilci,

d) Görüşülecek konu, Bayındırlık ve İskân Bakanlığı ile ilgili ise Bayındırlık ve İskân Müdürlüğünden iki teknik temsilci,

e) Görüşülecek konu, Vakıflar Genel Müdürlüğü ile ilgili ise Vakıflar Bölge Müdürü veya teknik temsilcisi,

f) Görüşülecek konu, Orman Genel Müdürlüğü ile ilgili ise konuyla ilgili teknik temsilci.

Ayrıca kurula oy hakkı olmamak kaydıyla danışman uzman çağırılabilir.

Bölge Kurulu üyelerinin nitelikleri ve çalışma şekli

Madde 59- (17.6.1987 tarih ve 3386 sayılı Kanun ile yürürlükten kaldırılmıştır.)

Kurul üyeliğinin sona ermesi ve üyelik süresi

Madde 60- (17.6.1987 tarih ve 3386 sayılı Kanun ile yürürlükten kaldırılmıştır.)

Karara uyma zorunluluğu

Madde 61- (17.6.1987 tarih ve 3386 sayılı Kanun ile yürürlükten kaldırılmıştır.)

Kurul üyelerinin yoluk ve gündelikleri

Madde 62- Yüksek Kurul ve Bölge Kurulları üyelerinden umumi harcırah hükümlerine tabi bulunanların kurul toplantıları için memuriyet mahalleri dışındaki seyahatlerinde yol giderleri ve gündelik, tabii üyelere mensup oldukları kurumlarınca; diğer üyelere, Kültür ve Turizm Bakanlığınca ödenir.

Kurullarla ilgili yönetmelik

Madde 63- Yüksek Kurul ile Bölge Kurullarının görev, yetki ve sorumlulukları ile bu Kurulların kendi aralarındaki ve Kültür ve Turizm Bakanlığıyla olan ilişkileri bir yönetmelikle düzenlenir.

ALTINCI BÖLÜM

İkramiye ve Cezalar

Kültür varlıklarını bulanlara verilecek ikramiye

Madde 64- Türkiye Cumhuriyeti sınırları içinde yer üstünde, yer altında ve su altında bulunan taşınır kültür varlıklarını 4 üncü maddede yazılı makam ve mercilere, aynı maddede yazılı süreler içerisinde haber verenlere:

a) Bulunan varlık, bulanın mülkü içinde ise bu Kanununun 24 üncü ve 25 inci maddeleri uygulanır. Ayrıca ikramiye verilmez.

b) Bulunan varlık başkasının mülkü içinde ise Kültür ve Turizm Bakanlığınca varlığın değeri dikkate alınarak, takdir olunacak bedelin % 80'i ikramiye olarak bulan ile mülk sahibi arasında yarı yarıya paylaşılır.

c) Kültür varlığı Devlete ait arazide bulunmuş ise, takdir olunacak bedelin % 40'ı bulana ikramiye olarak verilir.

d) Nerede bulunursa bulunsun haber verilen kültür varlığı korunması gerekli nitelikte olmadığı

APPENDIX B

REGULATION FOR THE EXCAVATIONS, SURVEYS AND SONDAGES

KÜLTÜR VE TABİAT VARLIKLARIYLA İLGİLİ OLARAK YAPILACAK ARAŞTIRMA, SONDAJ VE KAZILAR HAKKINDA YÖNETMELİK

Resmi Gazetenin

Tarihi: 10.8.1984

Sayı: 18485

Amaç ve kapsam

Madde 1- Bu Yönetmeliğin amacı 2863 sayılı Kültür ve Tabiat Varlıklarını Koruma Kanunu'na tabi taşınır ve taşınmaz kültür ve tabiat varlıklarını meydana çıkarmak üzere araştırma, sondaj ve kazı yapılması için izin verilmesine, elde edilecek varlıkların muhafaza şartlarına, eserler üzerinde araştırma yapılmasına, ilgililerin görev, yetki, sorumluluk ve hakları ile giderlerine ait esasları belirlemektir.

Dayanak

Madde 2- Bu Yönetmelik 2863 sayılı Kültür ve Tabiat Varlıklarını Koruma Kanununun 35-49'uncu maddelerinin amir hükümleri doğrultusunda hazırlanmıştır.

Tanımlar

Madde 3- Bu Yönetmelikte geçen;

"Sondaj ve Kazı"; taşınır ve taşınmaz kültür ve tabiat varlıklarının ortaya çıkarılması için bilimsel metodlarla toprak ve su altındaki tabii, tarihi ve arkeolojik alanlarda yapılan çalışmaları,

"Araştırma"; kültür ve tabiatla ilgili herhangi bir meseleyi tahkik, tahlil ve teşhis etmek için müzelerde veya kazı yapmaksızın toprak üstünde, su altında yapılan çalışmaları, ifade eder.

Kısaltmalar

Madde 4- Bu Yönetmelikte geçen:

"Bakanlık"; Kültür ve Turizm Bakanlığını

"Müze"; Eski Eserler ve Müzeler Genel Müdürlüğüne bağlı müzeleri, ifade eder.

Sondaj ve kazı yapacaklarda aranan nitelikler

Madde 5- Sondaj ve kazı yapmak isteyen Türk ve yabancılar;

a) Sondaj ve kazı yapılmak istenen yerin oluşumu ve kültürleriyle ilgili bilim dallarında uzman

olduklarının belgelendirilmesi,

b) Bu dallarda, bir üniversite veya yüksek okulun öğretim üyesi ya da bu konu ile ilgili bir bilimsel kuruluşun yetkili elemanı olmaları,

c) Bilimsel sondaj ve kazıda yeterli tecrübeye sahip bulunmaları,

d) Çalıştıkları bilim dallarında yayınlanmış eserlerinin bulunması,

e) Sondaj ve kazı yapmada sakıncalı durumlarının bulunmaması,

f) Bağlı buldukları kurumlarınca resmen tavsiye edilmeleri,

g) Yapacakları sondaj ve kazı çalışmaları için bağlı buldukları kurumlarınca yeterli ödeneğin sağlandığının yazıyla taahhüt edilmesi,
şartları aranır.

İzin için müracaat

Madde 6- Sondaj veya kazı yapmak isteyenler, kazının yapılacağı yeri, kazı programını ve çalışmaya katılacak üyelerin kimliklerini kapsayan bir yazıyla Bakanlığa başvururlar.

Yabancı heyetler müracaatlarını dış temsilciliklerimiz aracılığıyla yaparlar. Dışişleri Bakanlığı kendi görüşü ile birlikte başvuruyu Bakanlığa iletir.

Araştırmacılar da müracaatlarını bu maddede belirtilen esaslara göre yaparlar.

İzin

Madde 7- Müracaatı alan Bakanlık, sondaj kazı ve araştırma yapılmak istenen yerin Bakanlık adına saklı tutulan yerlerden olup olmadığını, izin verilmesinde yarar görülüp görülmediğini inceleyer.

Sondaj ve kazı izni verilmesi uygun görüldüğü takdirde gereken işlemler tamamlanarak dosya Bakanlar Kurulu Kararı alınmak üzere Başbakanlığa gönderilir.

Bakanlık elemanları veya Bakanlıkça görevlendirilecek Türk bilim adamları tarafından yapılacak sondaj ve kazıları Bakanlıkça karara bağlanır.

Türk ve yabancı kişi, heyet veya kurumlarca yapılacak araştırmalara Bakanlıkça izin verilir.

Kazı ve sondaj ruhsatnameleri ile araştırma izni bir yıl için geçerlidir.

Madde 8- Her sondaj ve kazı bir başkanın sorumluluğu altında yürütülür. Birden fazla kişinin katıldığı araştırmalar da aynı şekilde bir başkanın sorumluluğu altında yapılır.

Sondaj ve kazının yapılması

Madde 9- Sondaj veya kazıda aşağıdaki esaslara uyulması zorunludur.

a) Sondaj ve kazı bilimsel metodlara göre yapılır.

b) Kazı heyetleri, izin verilen saha dışında bilimsel çalışma yapamazlar.

c) Kazı çukurları Bakanlığın izni olmadan kapatılıp doldurulamaz.

ç) Kazı sırasında çıkan önemli mimari yapı kalıntılarının kaldırılması Bakanlığın iznine bağlıdır.

d) Bakanlıkça, kazı heyetinden gerektiğinde kazı alanının tabii varlığını koruyacak şekilde bir kazı sistemi uygulanması istenir.

e) Kazılarda ortaya çıkan kültür varlıklarının bakım ve onarımları için gerekli eleman ile araç gereçler kazı heyetleri tarafından sağlanır.

f) Kazı başkanı, kazıda çıkan taşınır ve taşınmaz her türlü kültür varlığı hakkında Bakanlık temsilcisi veya uzmanına gerekli bilgileri verir.

g) Kazı başkanı, kazıda çıkan her türlü buluntuyu, bu buluntuların toplandığı eski eser deposunu, Bakanlık temsilcisi veya uzmanın, Bakanlık Mufettişi ve Bakanlık yetkililerinin tetkikine ve denetimine müsaade etmek zorundadır.

h) Kazı sonunda, kazıda meydana çıkarılan taşınır kültür varlıklarının Bakanlıkça gösterilecek müzeye nakil masrafları kazı başkanlığınca karşılanır.

i) Kazıda çıkan buluntular, ilgili müzeye teslim edilirken kazı envanteri esas alınır. Envanter ve etüdük buluntu listesi, teslim tutanakları, Bakanlık temsilcisi veya uzmanı, kazı başkanı ve müze yetkililerince birlikte imzalanır. Bu belgelerin birer örneği son rapor ekinde, temsilci veya uzman tarafından Bakanlığa gönderilir.

ii) Kazı evlerinde çalışma mevsimi sonunda müzeliik değerde kültür varlığı bırakılmaz. Kazıda çıkarılan kültür varlıkları, her ne surette olursa olsun, Bakanlığın izni olmadan Devlet Müzeleri dışında bir yerde bulundurulamaz.

k) Her kazı mevsimi sonunda en geç üç ay içinde kazı başkanı kazıda çıkan envanterlik, buluntuların birer fotoğrafını, mimari eserlerin birer planını kazı sonuçlarını belirten bilimsel raporuna ekleyerek Bakanlığa gönderir.

l) Kazıda kullanılmak üzere gümrük vergisinden muaf olarak geçici bir süre için Türkiye'ye ithal edilen malzemeler süresi içinde yurt dışına çıkarılmadığı takdirde bundan doğacak her türlü vergi, resim ceza ve gecikme zamları kazı başkanı tarafından ödenir.

m) Bakanlığın tahsis ettiği ödenek ile alınan kazı malzemesinin tasdikli bir listesi kazı başkanlığınca Bakanlığa verilir. Bu malzeme için ayrıca bir demirbaş eşya esas kayıt defteri tutulur.

n) Bakanlık elemanları dışında kazı yapan Türk ve yabancı heyetlerin çalışmaları ile ilgili her türlü prim vergi ve harçların ödenmesinden kazı başkanları sorumludur.

o) Kazı sondaj ve araştırma izinlerinin 2863 sayılı Kanununun 40 ıncı maddesine göre yenilenmesi için gerekli müraacaat her yıl en geç Aralık ayı sonuna kadar yapılır.

ö) Bakanlıkça kazı için verilen ödeneklerin harcama belgeleri ile diğer kaynaklardan temin edilen ödenek miktarları kazının bitiş tarihinden itibaren en geç bir ay içinde kazı başkanı tarafından Bakanlığa gönderilir.

Araştırmanın yapılması

Madde 10- Yüzey araştırmalarında araştırma heyetleri izin verilen saha dışında araştırma yapamazlar.

Araştırma sırasında yüzeyde bulunan taşınır kültür varlıkları, envanter listesi ile bölgedeki müzeye teslim edilir.

Müzelerde yapılacak araştırmalarda, müzenin belirleyeceği şartlara uyulur. Bu şartlar belirlenirken; zaman tespiti, yayınlama hakkı, müzenin ziyaret düzeni, varlıkların emniyeti ve sağlığı gibi hususlar dikkate alınır.

Araştırma sonuçlarını kapsayan yayından iki nüshası ilgili müzeye verilir. Bir nüshası müzece Bakanlığa gönderilir.

Sondaj, kazı ve araştırma yapanlara tanınan haklar

Madde 11- Sondaj, kazı ve araştırma ile ilgili her türlü bilimsel yayım hakkı 2863 sayılı Kanun'un 43 üncü maddesinde belirtilen süreler içerisinde olmak şartıyla 5846 sayılı Fikir ve Sanat Eserleri Kanunu hükümleri gereğince kazı ve araştırma başkanlarına aittir.

Madde 12- Kazı ve araştırma başkanları Kültür varlıklarına zarar vermemek ve ticari amaçlarda kullanmamak şartı ile kazı ve araştırmada bulunan Kültür Varlıkları üzerinde mülaı, dia-pozitif, fotoğraf ve film alma gibi her türlü bilimsel çalışma hakkına sahiptir.

Madde 13- Kazı başkanlarının veya başkanların¹⁷¹ yetki verdiği şahısların, kazıda bulunan ve

müzeyle teslim edilen Kültür Varlıkları üzerinde yapacakları bilimsel çalışmalarda, müze idarelerince gerekli kolaylıklar sağlanır.

Madde 14- Kazı heyetleri kazı yeri ve kazı yerindeki sabit tesisler ile bunlar içindeki her türlü malzemelerin korunması için yeterli kadar bekçi görevlendirirler.

Bu bekçilerin tayini ilgili Müze Müdürlüğü'nün uygun görüşü ile kazı başkanı tarafından yapılır.

Görevlendirilen bekçiler kazı mevsimi dışında İl İdaresi Kanununa tabi olmak üzere o yerin bağlı olduğu müze idaresine karşı sorumludur.

Madde 15- Bakanlıkça finanse edilen kazılar dışında, bekçilerin ücret ve masraflarını, kazı yerinin eski haline getirilmesinin gerektirdiği giderleri karşılamak, kazı sırasında meydana gelebilecek zararları tazmin ve bunlarla ilgili giderler için, ruhsat verme veya süre uzatma sırasında, miktarı her yıl Bakanlıkça belirlenecek meblağ kazı sahiplerinden tahsil edilerek kazı yerine en yakın müze adına emaneten mal sandığına yatırılır.

Madde 16- Kazı başkanınca bu yönetmelikteki görev ve sorumlulukların yerine getirilmemesi halinde, sonraki yıllara ait ruhsat veya süre uzatımı isteği kabul olunamaz.

Araştırma sondaj ve kazılarda görevlendirilenler

Madde 17- 2863 sayılı Kanunun 48 inci maddesi gereğince yabancı heyet ve kurumlar tarafından yapılan araştırma, kazı ve sondajlarda Eski Eserler ve Müzeler Genel Müdürlüğü uzmanlarından bir veya birkaç temsilci görevlendirilir. Türk Heyet ve kurumlarınca yapılan araştırma kazı ve sondajlara Bakanlık adına yetkili bir uzman görevlendirilir.

Birden fazla temsilci görevlendirildiği hallerde, Bakanlıkça seçilecek biri temsilci, diğeri veya diğeri temsilci yardımcılığı görevini yaparlar.

Temsilcilerin nitelikleri

Madde 18- Temsilcilerin seçiminde;

- Görevlendirilecekleri kazı veya araştırma ile ilgili bilim dalında uzman olmaları,
- Yabancı bilim heyetlerinin yaptıkları kazı veya araştırmalarda görevlendirilen temsilcilerin yaşayan batı dillerinden birini bilmeleri,
- Bakanlıkça yapılan "Hizmet İçi Eğitim Semineri"ni başarı ile tamamlamış olmaları, dikkate alınır.

Uzmanların nitelikleri

Madde 19- Uzmanların seçiminde;

- Görevlendirilecekleri kazı veya araştırma ile ilgili bilim dalında uzman olmaları,
- Bakanlıkça yapılan "Meslek İçi Eğitim Semineri"ni başarı ile tamamlamış olmaları, dikkate alınır.

Madde 20- Temsilcilerin veya uzmanların kazıdaki görev ve yetkileri:

a) Araştırmaya veya kazıya birden fazla temsilci verildiği takdirde temsilci, yardımcıları temsilcinin hazırlayacağı iş bölümüne göre görev yaparlar. Görevde sorumluluk eşittir.

b) Temsilci ya da uzman kazının başlangıcında ve ondan sonra gelen her on beş günde bir hazırlayacağı raporu Bakanlığa gönderir. Kazı başlangıç raporunda kazı yerinin bağlı olduğu il, ilçe, bucak ve köy, kazı yerinin açık posta adresi, kazı yerine en kolay hangi yol ve vasıta ile gidil-

lebileceđi, kazının başlama tarihi, heyet üyeleri ve işçi sayısı belirtilir. 15 günlük raporlarda kazıda elde edilen bilimsel sonuçlar, kazı heyetine yeniden katılan veya heyetten ayrılan üyeler, deđişen işçi sayıları bildirilir.

c) Son raporlarda, o mevsim yapılan kazının sonuçları, envantere geçen eserlerle etüdük eserlerin sayısı, kazının kapanış tarihi, kazı yerinde çıkan ve korunması gerekli mimari kalıntılar hakkında etraflı bilgi verilir ve hazırlanan rapora, eserlerin ilgili müzelere teslim tutanađının bir örneđi ile bir nüsha eski eser envanteri ve etüdük eser listesi eklenir.

d) Bakanlık temsilcisi veya uzman, kazıda çıkan taşınabilir müzelik deđerdeki varlıkları Bakanlıkça verilen envanter fişlerine iki nüsha olarak kaydeder.

e) Kazıda çıkan eserlerin müzeye tesliminde kazı envanter kayıtları esas alınır. Envanter ve teslim tutanađı kazı başkanı, temsilci veya uzman ve müze yetkililerince birlikte imzalanır. İki nüsha olarak düzenlenen envanter ve etüdük eser listelerinin birer nüshası ilgili müzeye teslim edilir.

f) Temsilci veya uzman gerektiğinde Bakanlıkça verilecek diđer görevleri de yerine getirir.

g) Temsilci veya uzman Bakanlıkın izni olmadan kazı alanından ayrılamaz. Kazı heyeti bilimsel bir geziye çıktığı zaman bu geziye temsilci de katılır. Ancak kazı heyetinin bir kısmı kazı yerinde kalırsa temsilci geziye katılmaz. Birden fazla temsilci bulunan yerlerde, içlerinden birisi kazı yerinde kalır. Diđeri geziye katılır.

h) Temsilci ya da uzman gerekli gördüğü ve sakıncalı bulduđu hallerde, bazı işçilerin çalıştırılmamasını kazı başkanından isteyebilir.

Madde 21- Yabancı kurum ve heyetlerce yapılan araştırma, kazı ve sondajlarda görevlendirilen Bakanlık temsilcilerinin yevmiye, yol masrafı, temsil ödeneđi ve sualtı dalaş tazminatı kazı başkanlarından Bakanlıkça peşinen tahsil edilip bir Devlet Bankasına yatırılan paradan ödenir. Temsil ödeneđinin miktarı her yıl Bakanlıkça tayin edilir.

Kaldırılan hükümler

Madde 22- 19 Ağustos 1973 gün ve 14630 sayılı Resmi Gazete'de yayımlanan "Eski Eserler Sondaj ve Kazı Yönetmeliđi" ile 13 Haziran 1979 gün ve 16665 sayılı Resmi Gazete'de yayımlanan "Eski Eserler Sondaj ve Kazı Yönetmeliđinin 5 inci maddesine bir fıkra eklenmesine ilişkin Yönetmelik" yürürlükten kaldırılmıştır.

Yürüdük

Madde 23- 832 sayılı Kanunun 105 inci maddesi uyarınca hakkında Sayıştayın olumlu görüşü alınmış bulunan bu yönetmelik yayımlandığı tarihte yürürlüğe girer.

Yürütme

Madde 24- Bu yönetmeliđi Kültür ve Turizm Bakanı yürütür.

APPENDIX C

DECISION OF KTVKYK, DATE. 4.3.1988, NUMBER. 6
T. C.

KÜLTÜR ve TURİZM BAKANLIĞI

KÜLTÜR ve TABİAT VARLIKLARINI KORUMA

YÜKSEK KURULU

K A R A R

Toplantı No. ve Tarihi : 3, 4.3.1988

Toplantı yeri :

Karar No. ve Tarihi : 6, 4.3.1988

ANKARA

ARKEOLOJİK SİT ALANLARINDA KORUMAYA YÖNELİK GEÇERLİ KOŞULLAR

Eski bir Medeniyetin kalıntılarının bulunduğu yer veya su altında bilinen veya ileride meydana çıkarılacak korunması gerekli alanlara «Arkeolojik Sit» denir. Bunlardan;

I. Korumaya yönelik bilimsel çalışmalar dışında aynen korunacak sit alanlarına I. Derece Arkeolojik Sit alanı denilmesine ve bu alanlarda;

a) Kesinlikle hiç bir yapılaşmaya izin verilmemesine, imar planlarında aynen korunacak sit alanı olarak belirtilmesine,

b) Korunması gerekli taşınmaz kültür varlığı yapılar dışındaki mevcut yapıların zaman içinde yıkılarak sit alanı dışındaki, hazine arazilerine veya kamulaştırılacak diğer arazilere taşınmasına, bu hususta ortaya çıkacak sorunlar için Kültür ve Tabiat Varlıklarını Koruma Kurulu'nun kararının alınmasına,

c) Yeni tarımsal alanların açılmamasına, ağaçlandırmaya gidilmemesine, yalnızca sınırlı mevsimlik tarımsal faaliyetlerin devam edebileceğine,

I. Derece Arkeolojik Sit Alanları olarak belirlenen höyük ve tümülüslerde toprağın sürülmesine dayanan tarımsal faaliyetlerin kesinlikle yasaklanmasına, ağaçlandırmaya gidilmemesine, yalnızca mevcut ağaçlardan ürün alınabileceğine,

d) Her türlü kazı yapmanın önlenmesine (bilimsel amaçlı olanların dışında) toprak, taş alınmamasına, kireç, taş, tuğla, mermer (vs.gibi) ocakların açılmamasına,

e) Zorunlu durumlarda, ilgili Resmi ve Özel Kuruluşlarca dikilecek direkler, açılacak su kanalları, boru hatları, karayolları yapımı v.b. gibi uygulamalar için Koruma Kurulundan özel izin alınmasına,

f) Bu gibi alanlarda sit sınırlarının sınır taşları veya tel örgüler ile belirlenmesine, tanıtıcı levhaların kamuoyu oluşturmak amacıyla Kültür ve Turizm Bakanlığı tarafından konulmasına, ayrıca koruyucu önlem almak üzere bu alanlar için bekçi sağlanmasına (yerel yönetimlerce de gerekli önlemlerin alınmasına)

g) Turistik önemi olan I. derece arkeolojik alanlarda herhangi bir hafriyat yapmadan gezi yolu veya meydan tanzimi ve otopark yapılabilmesi için Koruma Kurulunun izninin alınmasına,

II. Korunması gereken, ancak kullanma şekil ve ölçüleri Koruma Kurulları tarafından tayin edilecek sit alanlarına II. Derece Arkeolojik Sit Alanı denilmesine ve bu alanlarda;

a) Yeni yapılaşmaya izin verilmemesine,

b) Ancak mevcut yapıların (10) sayılı ilke kararımızda belirtilen türdeki adi onarımlarının Müzenin denetiminde yapılabileceğine.

c) Mevsimlik tarım ve seracılığın Koruma Kurulundan izin alınmak koşulu ile Müze denetiminde yapılabileceğine,

d) Her türlü kazı yapmanın (Bilimsel amaçlı olanlar dışında) toprak, taş almanın, ocak açmanın yasaklanmasına,

III. Gelişmeye yönelik koruma-kullanma plan kararlarının getirilmesine Koruma Kurulunca izin verilebilecek sit alanlarına III. Derece Arkeolojik Sit Alanı denilmesine ve bu alanlarda;

a) Belediye sınırları içinde ve dışında imar planı bulunmayan arazi ve köy yerleşik alanlarındaki büyük parsellerde oluşacak yapılaşmada temel kazıları (giderlerin sahibince karşılanması koşulu ile) Müze uzmanları denetiminde müze uzman raporu, o yerin vaziyetini gösteren vaziyet planı, kadastral durumu, çevreyi tanıtan fotoğrafları, 1/50 ölçekli mimari projesi ile koşulları Koruma Kurulu tarafından belirlenecek her türlü yeni inşaat istemi için Kuruldan izin alınmasına, temel kazıları sırasında arkeolojik kalıntıya rastlanması halinde inşaatın durdurularak durumun Kurula bildirilmesine,

b) İmar planı bulunmayan büyük parsellerde oluşacak yeni yapılaşmalarda; koşulları Kurul tarafından belirlenen öneri mevzi imar planı ve mimari projeler için «(a)» maddesinde belirtilen koşullarda Koruma Kurullarının onayının alınmasına, uygulama sırasında temel kazılarının Müze uzmanları denetiminde yapılmasına, kazı sırasında arkeolojik buluntu ya rastlanması halinde inşaatın durdurularak Kurula bildirilmesine,

c) Kurulca onanlı imar planı bulunan, üzerinde kentsel doku bulunmayan III. Derece Arkeolojik sit alanlarındaki yapılaşmalarda; mevcut parsellerde kalıntı olmayan yerlerde temel kazıları, giderlerin sahibince karşılanması koşuluyla Müze uzmanları denetiminde yapılarak, verilecek rapor doğrultusunda, Koruma Kurullarının alacağı karar uyarınca Belediye-since inşaat ruhsatı verilebileceğine,

d) Üzerinde kentsel doku bulunan şehir ve köy merkezlerinde (a) maddesi hükümlerine göre hareket edilmesine,

Ülkemizin, ekonomik sorunları nedeni ile, şimdilik ayrıntılı ve yeterli kazı-restorasyon çalışmaları yapılmayan çok sayıdaki Arkeolojik Sitimizin, ileride yerine getirilmesi mümkün olmayan kültürel değerlerini tahrip etmeden, üzerlerinde yapısal yoğunluk oluşturulmadan gelecekteki bilimsel araştırmaların hizmetine hazır tutmak ve insanlığın ortak kültürüne katkıda bulunmak amacıyla, yapılacak tesbit-planlama çalışmalarının korumaya yönelik koşulları da belirleyecek biçimde ve bu kararımız gözönüne alınarak gerçekçi bir şekilde yapılmasının sağlanmasının ilke kararı olarak kabul edilmesine,

karar verildi.

Ertan CİRELİ

B A Ş K A N
Müsteşar

Üye
Beşbakanlık Müsteşar
Yardımcısı

Akınaltuğ (İsmail)
Bulunmadı

Üye
Yapı İşleri Gn. Md.

Ergüvenç (Yılmaz)

Üye
Akozan (Feridun)

Üye
Kül. Tur. Bak.
Müsteşar Yard.

Özkan (Gültekin)

Üye
Orman Genel Md.

Özer (Nevşat)

Üye
Giray (Muhteşem)

Üye
Es. Eser. ve Müz.
Gn. Müdürü

Yardımcı (Nurettin)

Üye
Vakıflar Gn. Md.

Macun (Şener)

Üye
Öney (Gönül)

Üye
Turizm Gn. Md.

Ünal (Tankut)

Üye
Tankut (Gönül)

Üye
Suher (Hande)

Üye
Çilingiroğlu (Altan)