

Changing Approaches of the 1972 Convention's Stakeholders. Historic Areas of Istanbul, Türkiye

Asli Hetemoglu | asli.hetemoglu@imtlucca.it

Scuola IMT Alti Studi Lucca

Yesim Tonga-Uriarte | yesim.tonga@imtlucca.it

Scuola IMT Alti Studi Lucca

Abstract

Historic Areas of Istanbul was inscribed on the UNESCO World Heritage List in 1985. Following its declaration as a world heritage site (WHS), the number of the site's stakeholders increased on legal base. The State Party, Türkiye, has become promoter for providing up-to-date information concerning the site at regular intervals, i.e. state of conservation reports, to international stakeholders. By this way, all discussions that already existing in media and academia concerning the WHS and its well-known components, including the Golden Horn and Hagia Sophia, have moved from national scale to international level. This 'supranational' multi-stakeholder approach has put pressure on interventions from time to time. This paper aims to present the impacts and limitations of the Convention as an international regulation on decision-making process of national stakeholders in the context of urban historic centers. The process after being inscribed on the List will be assessed from the stakeholders' perspective.

Keywords

Stakeholders, Management of world heritage sites, International-national regulations, Urban heritage sites, Historic Areas of Istanbul.

Introduction

Multi-stakeholder approach in managing heritage sites and monuments has been adopted as an efficient way for mitigating challenges and providing sustainable conservation in the heritage field¹. International community, including UNESCO, has also encouraged it with the adoption of several policy documents and regulations². The World Heritage Convention clearly emphasize the necessity of different stakeholders' participation³. In fact, the Convention mechanism is quite intriguing to investigate multi-stakeholder approach at the intersection of international and national levels. Within the system, participation of every stakeholder from local communities to NGOs is vital in order to implement the Convention effectively. Member states of the Convention are expected to act together with local authorities and local communities not only in the process of inscribing on the List but also after it in this international mechanism. Moreover, state parties accept the international regulation about monitoring and questioning on WHSs. It means all national stakeholders, in a sense, become responsible to international stakeholders regarding the conservation of WHSs with the ratification of the Convention, apart from accessing World Heritage Fund and other benefits of the List⁴.

However, such an involvement of international stakeholders creates compelling situations in practice against national regulations and interventions from time to time. In this regard, how restrictive can the Convention on

national decision-making process be in the face of the changing approaches and interests of national stakeholders towards WHSs? In addition to monitoring and questioning processes, to what extent does the Convention interfere with national regulations? The paper aims to assess the challenges and limitations of the List in the context of *Historic Areas of Istanbul* to understand the impacts and efficiency of UNESCO WHC as a soft power.

Historic Areas of Istanbul, Türkiye

Türkiye ratified the Convention concerning the Protection of the World Cultural and Natural Heritage in 1983. Immediately after, the State Party became the member of the World Heritage Convention Committee between 1983-1989. During this four-year period, seven well-known heritage sites from Türkiye was inscribed on the List. Following the expiration of its duty as a committee member, the interest of national stakeholders to the world heritage system had decreased. Only two heritage sites were inscribed between 1989 and 2011. The State Party was elected as a committee member for the second time between 2013-2017⁵. The national stakeholders have put efforts immensely into being active within the system during this period. In 2016, Istanbul hosted the 40th Session of the UNESCO World Heritage Committee⁶. To manage the preparation process and the event, the task force was established with the participation of all stakeholders in the presidency of the Ministry of Foreign Affairs. Besides, the UNESCO World Heritage Youth Forum 2016 as a component of the 40th session of the Committee was organized by the Istanbul Site Management Directorate and the Turkish National Commission for UNESCO in Istanbul prior to the Committee meeting. Between 2011 and 2022, 10 heritage sites were inscribed on the List. As of August 2022, there are 19 heritage sites from Türkiye in the List. After Brazil and Canada, the State Party is the 16th country with the most heritage in the List. The number of WHSs in Türkiye has doubled in the last ten years of the 40-year period spent as a party to the Convention. In addition to this, 84 heritage sites, the first of which was registered in 1994, are on the UNESCO Tentative List⁷. Türkiye is the country with the most heritage sites in the tentative list. Among these heritage sites, 67 of them was registered after 2011. Although such a high number is quite controversial in terms of the State Party's conservation approaches and management regulations, it is a clear evident that the Turkish authorities, including local communities, show great interest in the Convention and the Lists.

Especially starting from the 2010s, the national stakeholders has been highly active within this 'supranational' system. There are several different reasons behind this involvement. One of the significant reasons is the rise of cultural nationalism in the country. In addition, increasing awareness of cultural heritage and the number of qualified experts on the field, economic gain expectations from tourism in WHSs are the other notable reasons of the growing interest in the national scale. In fact, this period of profound interest of the State Party in the Convention system is also the period when the most vital debates and disagreements regarding the *Historic Areas of Istanbul* are experienced, such as the Hagia Sophia's conversion and the construction of the Golden Horn Metro Bridge.

Historic Areas of Istanbul was inscribed on the UNESCO World Heritage List in 1985 as one of the first world heritage sites of Türkiye. The WHS covers 765.6 ha in the historic peninsula surrounded by the Golden Horn, Bosphorus and the Marmara Sea. Having four different component areas⁸, the complex site in the urban setting hosts many significant monuments and structures from the ancient times to the Ottoman period. On the other

hand, the site located in the heart of Istanbul, a major metropolis of Türkiye with around 16 000 000 inhabitants. Locating in such an urban center brings along many compelling situations for the WHS's stakeholders, including local community. Urban development pressure, migration, commerce, tourism and industrialization are the main threats on the fragile authenticity and integrity of the site. As stated by the World Heritage Centre, uncontrolled urbanization and unplanned development have adverse impacts on the conservation status of the site⁹. Although the point of view that heritage sources in urban settings create obstacles to development has lost its validity in the 21th century, there are still conflicting situations between conservation requirements in urban settings and modern needs¹⁰.

Although the executive authority of the Convention in Türkiye is the Ministry of Culture and Tourism, the Ministry of Foreign Affairs is the Permanent Delegation of the State Party to UNESCO. The Turkish National Commission for UNESCO with its experts network functions as a consultant organization. Apart from these, Istanbul Metropolitan Municipality, the Site Management Directorate, NGOs, including ICOMOS Türkiye, universities and local community are the main stakeholders of the WHS in national level. Considering the fragility of the site in terms of urban development pressures and the political tensions in the country, it has become inevitable to experience conflicts among national stakeholders from time to time, in addition to some clash of ideas at the international level.

The site is legally protected under the national laws and regulations as an urban archaeological site since 1995. Following the decision adopted by the Committee concerning the requirement of management plans for WHSs¹¹, Türkiye also regulated its conservation law known as Law no:2863 on Conservation of Natural and Cultural Property. In 2005, the term 'management plan' was legally defined in the national regulations. Amendment Act No: 5226 was issued for ensuring the preparation of management plans with the participation of all stakeholders¹². One of the key stakeholders of the WHS, the Site Management Directorate for Cultural and Natural Sites of Istanbul, was established in 2006 under the Istanbul Metropolitan Municipality. The Directorate, later structured under the Ministry of Culture and Tourism, is responsible for coordinating the management and conservation process of the WHS¹³. The first site management plan of the WHS was approved in 2011¹⁴.

Contrary to what is believed, registering as a WHS is not the end of the process. Following the declaration, international stakeholders, including other member states to the Convention, the World Heritage Center and the Advisory Bodies, have a right to be involved in discussions regarding the WHS. Thereby, the national authorities has become promiser for providing up-to-date information on the management and conservation status at regular intervals, i.e. state of conservation reports, to international stakeholders¹⁵. By this way, all discussions that already existing in media and academia on the WHS and its well-known components, including the Golden Horn and Hagia Sophia, have moved from national scale to international level. Nevertheless, the national stakeholders' approaches concerning the WHS have reshaped in the past 37 years since its inscription to the List and gained a new dimension. The State Party, which has been very active within the Convention system especially in the last decade, insists on some interventions by disagreeing with the international community for various political, economic and development concerns. Indeed, the site has been always matter of discussion since its registration. Especially from the beginning of the 2000s, the Committee decisions (27 COM 7B.79, 28 COM 15B.80, 30 COM 7B.73, 31 COM 7B.89) started to question and monitor the large-scale development projects, such as the

construction of Istanbul metro in the Historic Peninsula and the Marmaray–Bosphorus Rail Tunnel project. The conservation implementations for the several components of the site, such as the urban rehabilitation project in Balat and Fener of Fatih District, were monitored by the international community in several times (28 COM 15B.80, 31 COM 7B.89). Moreover, during the 33th and 34th sessions of the Committee the decision concerning the possible inscription of the site to the World Heritage in Danger List was on the agenda (33 COM 7B.24 and 34 COM 7B.102). However, the two major divergences emerged for the Golden Horn Metro bridge and Hagia Sophia.

First discussions concerning the construction of the Golden Horn Metro Bridge started during the 30th session of the Committee in 2006. The international stakeholders had requested the reevaluation on the construction of the bridge¹⁶. In the 33th session, the Committee also expressed its serious concerns on the cable suspension bridge design and asked from the State Party to desist from the construction of it. The international community also requested an independent impact assessment report from ICOMOS to avoid the irreversible interventions on the site in 2009. Although the decisions and the mission reports were quite suspicious on the construction and the international stakeholders were worried on negative impacts of the bridge, the national authorities gave a start to construction in 2009. The discovery of some archaeological findings, including a Byzantine vault and the wall of a Byzantine basilica, while the construction work was still in progress increased the tension level among Türkiye and the Committee even more. In order to reduce the concerns of the Committee and ICOMOS, as well as mitigate the conservation challenges, several revisions implemented on the project design. To diminish the visual impacts of the bridge on the silhouette of the WHS, the height of it was decreased¹⁷. However, such revisions did not erase the major considerations of the international community. Despite all these reactions and demands presented in the reports and documents, the construction was completed in 2013 and it opened in 2014. Nevertheless, the last decision on the bridge adopted in the 37th Committee meeting declares that the bridge will have negative impacts on the OUV of the site (37 COM 7B.85).

Hagia Sophia intervention of the State Party was a way more polemical comparing to the Golden Horn Metro Bridge. Though it was a controversial issue since 2005 when the first juridical initiative was made, the Monument Museum's transformation into mosque became a frequent topic on the national agenda in the last decade. Starting from the 2010s, several government authorities declared their desires for possible conversion of it¹⁸. In 2016, for the third time, a Turkish NGO brought the issue to the legal dimension. Moreover, discussions concerning Hagia Sophia took fire with the reconstruction of the madrasa in the courtyard in 2017. Indeed, there were lots of disagreements on Hagia Sophia during those years in media and academia both in national and international scales. The Hagia Sophia's conversion has even turned into an ideological symbol and emerged as a major conflict topic among the secular and conservationist parts of the society¹⁹.

The 41st session of the Committee had questioned the Hagia Sophia madrasa's reconstruction project (41 COM 7B.52). Based on the SOC report submitted by the State Party in 2018, more information concerning the monument was presented to the international community. The joint UNESCO World Heritage Centre/ICOMOS Advisory mission to the property was also conducted in 2019. While there was comprehensive examination on the reconstruction works for the madrasa, the possible conversion discussions were not included in the report of the joint mission²⁰. Although all the oppositions from the Committee, ICOMOS, the World Heritage Centre, and the

international community, including the Pope, the Orthodox Christian Leaders and some Greek authorities, the State Party took a decision to transform the museum into a mosque in 2020²¹. Following this decision, UNESCO declared its regrets concerning this decision with an official statement to the Turkish authorities²². Moreover, the UNESCO Advisory mission was organized just three months after the official conversion in 2020²³. The committee, in its 44th Session, declared serious concerns on the conservation status of the monument and asked for an updated SOC report to examine the current challenges of the site. Despite all the conservation problems in the structure and serious opposing views from both international and local community, Hagia Sophia has been hosting its guests as a mosque since 2020.

Conclusion

The relation among the UNESCO 1972 Convention and national regulations of member states is notably complex and vague²⁴. State parties are quite willing to inscribe their heritage sites on the List. Most of the time, they take advantage of having UNESCO labeled heritage sites for building political propaganda and cultural nationalism, as well as generating economic income²⁵. However, as an inevitable result of registrations, member states automatically accept the international regulations on questioning, monitoring and even intervening to WHSs in their territories. On the other hand, national stakeholders' approaches towards WHSs may vary due to political, ideological, and economic reasons during the course of time. Besides, urban historic areas demand for developing may cause transformations on national heritage policies. The obligations of the Convention and the interests of national stakeholders sometimes do not coincide, especially in urban heritage sites. In such cases, state parties have divergence with the World Heritage Centre, the Advisory Bodies and the Committee. This 'supranational' approach of the Convention leads to conflicting situations with decision-making process of national stakeholders. However, the sanction power of the Convention is limited. The World Heritage Centre and the Advisory Bodies have the right to request information and interrogate national stakeholders on sites' status. Nonetheless, member states are stronger than the other parts of the Convention in practice²⁶. This disruption in the power balance has become more evident in recent years due to the increasing politicization of the Committee²⁷. This leads to an increase in tendency of national stakeholders to ignore recommendations and warnings of international community on WHSs²⁸. In addition to ongoing crisis for state parties in the Committee to disregard the technical evaluations of the Advisory Bodies concerning new inscriptions²⁹, this tension in international and national levels for conservation status of WHSs is increasing in recent years. It is obvious that member states have rights to reject the responsibilities of the Convention by accepting the sanctions of it, i.e. listing in the Danger List or deleted from the List. The final decision for WHSs belongs to national stakeholders. In most of the cases state parties choose to compromise so as not to contradict with international regulations. However, in some cases state parties decide to intervene on their heritage sites by risking being deleted from the List as in the cases of Dresden Elbe Valley and the historic centre of Liverpool³⁰. Due to inherent of the Convention that brings together international-national regulations, it is inevitable to experience such disagreements among the World Heritage Centre, the Advisory Bodies, the Committee and national stakeholders. In such cases, it is important not to lose cooperation among international and national stakeholders. Breaking the dialogue will not serve the main purpose of the convention, which is the protection of heritage sources.

- ¹ Erica Avrami, Randall Mason, Marta de la Torre, *Values and heritage conservation*. Los Angeles: The Getty Conservation Institute, 2000.
- ² See the 1996 Istanbul Declaration on Human Settlements, the 2002 UNESCO Budapest Declaration, the 2008 ICOMOS Charter on Cultural Routes, and the 2011 UNESCO Recommendation on the Historic Urban Landscape, the 2011 ICOMOS Valletta Principles for the Safeguarding and Management of Historic Cities, Towns and Urban Areas, the 2030 Agenda for Sustainable Development.
- ³ UNESCO, *Operational guidelines for the implementation of the world heritage convention*, 2005, last access: 20 August 2022, <https://whc.unesco.org/archive/opguide05-en.pdf>
- ⁴ Lynn Meskell, UNESCO's world heritage convention at 40: challenging the economic and political order of international heritage conservation, *Current Anthropology*, 54:4, 2013, pp. 483-494.
- ⁵ See whc.unesco.org/en/statesparties/tr
- ⁶ The 40th Session of the UNESCO World Heritage Committee was held in Istanbul from 10 to 17 July 2016. The meeting was suspended due to the coup attempt in the 15th of July. The Committee completed its work in late October 2016 at UNESCO Headquarters in Paris.
- ⁷ See <https://whc.unesco.org/en/tentativelists/?action=listtentative&state=tr&order=states>
- ⁸ The four component areas of the WHS are Sultanahmet urban archaeological area, Suleymaniye Mosque and its associated areas, Zeyrek Mosque (Pantocrator Church) and its associated areas, and Istanbul Land Walls.
- ⁹ For the further information concerning the WHS, see <https://whc.unesco.org/en/list/356>.
- ¹⁰ Barbara Bucher & Andreas Kolbitsch, Coming to terms with value: heritage policy in Vienna, *Heritage & Society*, 12:1, 2019, pp. 41-56.
- ¹¹ UNESCO, *Operational guidelines for the implementation of the world heritage convention*, 2005, last access: 20 August 2022, <https://whc.unesco.org/archive/opguide05-en.pdf>
- ¹² KVMGM. (2005). *Alan Yönetimi ile Anıt Eser Kurulunun Kuruluş ve Görevleri ile Yönetim Alanlarının Belirlenmesine İlişkin Usul ve Esaslar Hakkında Yönetmelik*. Last access: 20 August 2022, <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=9637&MevzuatTur=7&MevzuatTertip=5>.
- ¹³ See <http://www.alanbaskanligi.gov.tr/index.html>
- ¹⁴ For further information concerning the site management plan decisions, see 30 COM 7B.73, 32 COM 7B.110, 33 COM 7B.124, 34 COM 7B.102, 35 COM 7B.111.
- ¹⁵ Starting from its inscription till the 44th session of the UNESCO World Heritage Committee, 22 state of conservation reports were submitted by the State Party in total. 16 missions, including reactive monitoring missions and advisory missions, to the property were organized by UNESCO, World Heritage Center and ICOMOS.
- ¹⁶ WHC-06/30.COM/7B, 30 COM 7B.73
- ¹⁷ <https://web.archive.org/web/20140222155032/http://www.bridgeweb.com/MemberPages/Article.aspx?typeid=3&id=2992>
- ¹⁸ <https://www.ft.com/content/0794494a-4e1b-11e3-8fa5-00144feabdc0>
- ¹⁹ <https://www.hurriyetdailynews.com/turkish-politics-heats-up-over-hagia-sophia-155597>. See also the official declaration of ICOMOS Türkiye on the madrasa reconstruction <http://www.icomos.org.tr/?Sayfa=Duyuru&sira=41&dil=tr>. For the further discussions, see <https://www.euronews.com/2019/03/28/hagia-sophia-controversy-as-erdogan-says-museum-and-former-cathedral-will-become-a-mosque> .
- ²⁰ <https://whc.unesco.org/en/documents/180699/>
- ²¹ <https://www.nytimes.com/2020/07/10/world/europe/hagia-sophia-erdogan.html>
- ²² <https://en.unesco.org/news/unesco-statement-hagia-sophia-istanbul>
- ²³ <https://whc.unesco.org/en/documents/188386/>
- ²⁴ Lorenzo Casini, International regulation of historic buildings and nationalism: the role of UNESCO, *Nations and Nationalism*, 24:1, 2017, pp. 131-147.
- ²⁵ Marc Askew, The magic list of global status. UNESCO, world heritage and the agendas of states, *Heritage and globalisation*. London: Routledge. 2010, pp. 19-44.
- ²⁶ Ibidem.
- ²⁷ Jukka Jokilehto, World heritage: observations on decisions related to cultural heritage, *Journal of Cultural Heritage Management and Sustainable Development*, 1:1, 2011, pp. 61-74.
- ²⁸ Lynn Meskell, C. Liuzza, E. Bertacchini & D. Saccone, Multilateralism and UNESCO World Heritage: decision-making, States Parties and political processes, *International Journal of Heritage Studies*, 21:5, 2015, pp. 423-440.
- ²⁹ Lynn Meskell, UNESCO's World Heritage Convention at 40 Challenging the Economic and Political Order of International Heritage Conservation, *Current Anthropology*, 54:4, 2013, pp. 483-494.
- ³⁰ <https://whc.unesco.org/en/list/?&delisted=1>