

Making Room for the Past in the Future: Managing Urban Development with Cultural Heritage Preservation

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MAKING ROOM FOR THE PAST IN THE FUTURE: MANAGING URBAN DEVELOPMENT WITH CULTURAL HERITAGE PRESERVATION

*Kubra Guzin Babaturk**

TABLE OF CONTENTS

INTRODUCTION 23

BACKGROUND 23

CASE STUDIES 24

ISTANBUL AND TURKEY’S COASTAL CITIES 24

AMSTERDAM 26

BORDEAUX 27

CONCLUSION 27

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INTRODUCTION

Few would disagree that art and architecture are indispensable aspects of the collective human experiences. But can there be “too much” of it? How much is “too much?” Could art and cultural heritage be a hindrance to progress, urbanization, and sustainability? Which art is worth saving? A growing question is how to balance and reconcile expanding urban needs with efforts to preserve cultural heritage. Many cities across the globe face this fresh moral dilemma. Cities like Istanbul, Rome, and Cairo—heirs to great empires, with history and art curving through every alley, are still modern-day metropolises, with ever-burgeoning populations and social needs. The demand for more transportation and development is competing against desires and abstract moral obligations to preserve cultural and artistic heritage, often in countries that are struggling financially. Building a city’s future will, inevitably it seems, destroy its past.

As cities expand and seek to accommodate their living populations while trying to accommodate the moral and legal obligation to preserve cultural heritage, the decision faced is often no longer “should we preserve this art” but “which ones should we preserve?” Often, the choice is difficult. Determining the proper metrics is even more difficult. The invariable need to grow and compete in the worldwide free market and an obligation to protect the past for the present and the future have come into legal contention in several countries, and this paper aims to explore national and international law regarding how artistic heritage is managed in an exponentially-modernizing world.

BACKGROUND

Despite the long and rich history of many cities, the idea of a “heritage” that needed to be preserved as a public concern is a fairly recent one. Only a century ago the Stonehenge was under private ownership, and the Tattershall Castle was threatened to be sold by a group of speculators—and at the time, there was no UK law that could obstruct the sale of these heritage sites.¹ The only protection that was offered was sporadic; sometimes a monarch would become the patron of a site, or some items, such as those with a religious meaning attached to them, would be seen of worthy of more protection.² At many times, medieval buildings were not seen as something to preserve, but as examples of “barbarous taste” that should be taken down to make room for a newer buildings.³ Therefore, the notion that there is some sort of collective obligation to protect certain items and sites of heritage and culture is a fairly modern one, and consequently there is not a fleshed-out “theory or philosophy of preservation.”⁴

However, over the past century, sentiments about cultural heritage and the need to preserve it amid a rapidly-changing world have become more pronounced. The question of if and why paintings, books, sites and places of memory should be a national and governmental concern first became a legislative matter under Henri (Abbé) Grégoire, who was a member of the revolutionary government of France in 1794.⁵ The revolutionary French government initially intended to sell items of worth to fund the treasury, and to also construct a new France, freed from

the archaic and bourgeoisie tastes of the past.⁶ However, under Grégoire’s articulated reports and aim to “recharacterize cultural artifacts” to lay a new claim of public ownership over them.⁷ The Constituent Assembly then formed a commission whose responsibility it was to collect works of art that were deemed worthy of preservation under the auspices of the state.⁸

Though sustainability and urban planning was not the focus of the Commission’s or the Constituency Assembly’s efforts, the same question of conservation persists, albeit in a different setting—urbanization and modernization. For the first time in modern history, more people are living in urban spaces than in rural spaces, with an estimation of 54% of the world’s population living in urban areas in 2016.⁹ The UN projects that this number will increase, and that “more than 90% of the future urban growth will be in low-and middle-income countries.”¹⁰ This is also occurring within the context of rapid climate change, forcing urban planners and governments to wrestle with creating cities that are accommodating of immense population growth. However, there is also the sentimental value that society has attached to buildings and cities as a whole. This is reinforced by cultural tourism, making concerns about a city losing its identity, character, or heritage a social and, to some extent, an economic concern as well.

Therefore, there is currently a need to reconcile ideals of culture and heritage preservation that seems to be positioned at odds with urban developments. For example, as will be expounded upon in a subsequent section, urban developments often entail implementing expanding infrastructure such as metro systems and roads, which may cause damaging existing historical sites, or, as in the case of Turkey, unearthing new ones.

This paper will explore Turkey, Amsterdam, and Bordeaux as case studies in examining the different approaches to balancing development and cultural preservation. This will entail looking at the history of development, modern factors on the ground affecting the scope of the issues, the national and international legal approaches and remedies utilized, and the different theories of urban development that may be at play.

There is also the issue of the politicization of heritage sites and urban planning. Politicians tend to see the past and heritage as baggage, and are often elected on promises of change and development, and thus “often perceive heritage conservation and management as an impediment to development and economic advancement.”¹¹ As such, politicians prefer to pursue policies that will make great, visible change—preserving the area as it is seems antithetical to that goal. Preservation tends to also be long-sighted goal, and does not suit the rapid political cycle well. Thus, it is vital to comprise a link between preservation efforts with some political recognition and visibility, to make it more politically appealing.¹² Additionally, urban planning and development is often conducted locally, but heritage conservation is often done from a regional or national level—resulting in a disconnect between efforts to do both.¹³

Over the past decade, the United Nations (“UN”) has taken a more acute interest in cultural preservation. With the formation of the United Nations Educational Scientific, and Cultural

Organization (UNESCO) in the post-World War II era, the UN took the first global approach to recognizing and addressing the vulnerability of heritage sites around the world.¹⁴ This was followed by the World Heritage Convention, which sought to support the “identification, protection and preservation of cultural and natural heritage around the world considered to be of outstanding value to humanity.”¹⁵ UNESCO then devised a set of criteria that would allow an applying state party to qualify their heritage site.¹⁶ Despite having a global framework, the Convention relies on individual state governments to implement good cultural preservation practices, as UNESCO has few mechanisms to define or enforce what these good practices are. The only real mechanism that UNESCO has available to remedy a neglected World Heritage site is to list the site as “in danger,” thus cutting the site off from Committee support.¹⁷ Usually, the site carrying the label of “World Heritage Site” tends to do most of the work—when a state neglects a site, often public outcry and negative publicity lead to remedial measures.¹⁸

In 2015 the UN developed the Sustainable Development Goals (“SDGs”) in the 2030 Agenda for Sustainable Development,¹⁹ intended to alleviate poverty, promote peace, and mitigate the effects of climate change. These goals have been widely discussed and have seen some success in international and national level. However, cultural heritage is only briefly mentioned in one of the goals, under Goal 11: “Make cities and human settlements inclusive, safe, resilient and sustainable.”²⁰ Goal 11.4 states the aim to “strengthen efforts to protect and safeguard the world’s cultural and natural heritage.”²¹ This is despite the original three pillars of sustainability (defined as social, environmental, and economic) being expanded to include “culture” as the fourth pillar in 2002 and reaffirmed in 2010, and the knowledge that “cultural aspects were historically marginalized in sustainable development goals.”²²

Tangentially, at the Paris General Conference in 2011 UNESCO compiled and issued what it called the “Historical Urban Landscape Approach.”²³ UNESCO writes that the HUL approach developed to safeguard the integration of cultural heritage conservation with the inevitable process of urban development, as to maintain the character and identity of the city, in addition to noting that “heritage and local culture are determinants of the quality of life and the well-being of local communities.”²⁴ The Recommendations themselves began by recognizing that “historic urban areas are among the most abundant and diverse manifestations of our common cultural heritage, shaped by generations and constituting a key testimony to humankind’s endeavors and aspirations through space and time . . .” The Recommendations went on to identify the problems historic urban landscapes were facing, and sought to carve out a framework for tackling the issue.²⁶ The framework was ultimately condensed to six major points, all involving the public, private, and civic sectors of the community:

1. Undertaking comprehensive surveys and mapping of the city’s natural, cultural and community resources.
2. Reaching a reasonable degree of consensus, through the use of participatory planning and stakeholder

consultations, regarding what cultural heritage values to protect for inspiration and enjoyment of present generations as well as transmission to future ones, and determining the attributes that carry these values.

3. Assessing the vulnerability of these attributes to socio-economic pressures and impacts of climate change.
4. Integrating urban heritage values and their vulnerability status into a wider framework of city development, which shall provide indications of areas of heritage sensitivity that require careful attention to planning, design and implementation of development projects.
5. Prioritizing policies and actions for conservation and development.
6. Establishing the appropriate partnerships and local management frameworks for each of the identified projects for conservation and development, as well as to develop mechanisms for the coordination of the various activities between different actors, public, private and civic.”²⁷

These principles have been utilized in a few cases, to varying degrees of success—of which Amsterdam was a pilot city.²⁸

What remains to be done is to harmonize SDGs with the HUL approach; and with the draft of the New Urban Agenda (NUA) issued in 2016 at the United Nations Conference on Housing and Sustainable Urban Development in Quito, Ecuador, there is some progress.²⁹ The NUA recognized that “urban areas must be ‘rehumanized,’”³⁰ and as opposed to the scant mention of cultural preservation in the 2030 Agenda for Sustainable Development, the NUA extrapolated the importance of cultural preservation across several points.³¹ This is most notably exhibited in Point 124, where the NUA declares including “culture a priority component of urban plans and strategies. . . . and will protect [tangible and intangible cultural heritage and landscapes] from potential disruptive impacts of urban development.”³² Though enforcement mechanisms remain weak, the articulation of cultural heritage as an indispensable part of—rather than an oppositional or perpendicular goal— sustainable development is gaining more traction in the urban planning and sustainable development discourse.

CASE STUDIES

ISTANBUL AND TURKEY’S COASTAL CITIES

As the capital host of three major world empires, with a growing urban population and history packed into every crevice, Istanbul, Turkey is a major focal point in development and heritage preservation. The city covers an area of around 5,500 square kilometers situated between the Sea of Marmara, the Bosphorus, the Golden Horn, and the Black Sea, and is home to almost 16 million people.³³ With limited space, ancient streets, and a trove of culture, but a growing nation with demands to urbanize and modernize, Istanbul’s predicament is the precise embodiment of the tension between the desire to develop and the desire to not lose heritage. Istanbul is poised to become Europe’s most populous metropolis, and subsequently needs new transportation

and city infrastructure development. The challenges facing the city are further exacerbated by the compounding effects of climate change, which have already begun to show.³⁴ Istanbul is currently facing threats of flashfloods, sea snot, soaring high temperatures due to increased concrete usage, and rising sea levels.³⁵ This means that as the city addresses its infrastructure needs, it must do so in a sustainable way, focusing on creating public transportation and meeting other metropolitan needs in an way that is compatible with environmental preservation.

The city's municipal government set out to build the Marmaray, a high-speed underwater metro tunnel connecting the European and Asian sides of the city, mostly for the use of daily commuters as an initiative to increase public transportation options. The project's estimated cost was around \$3 billion, but due to unforeseen delays, costs rose about half a million more dollars.³⁶ The delay, which also added four and a half years to the project, was due to archaeological finds excavated from the construction sites.³⁷ While digging in the working class neighborhood of Yenikapı in 2009 and later again in 2013, Neolithic graves and Byzantine shipwrecks were found.³⁸ Archaeologists clashed with construction project directors, who were at first sympathetic to the excavation efforts, but as further digging only uncovered more artifacts, tensions understandably rose. Conceptual artist Sibel Horada, whose work primarily deals with the historical development and urban history of non-Turkish Istanbul, commented that "when one piece is found, it teaches you something. When thousands of pieces are found, it's something else. At a certain point, you have the knowledge already, and the rest is surplus."³⁹ Though a shocking statement, many tend to agree—"once you start digging, so much stuff comes out that there's nowhere to put it, and eventually, you have to just bury it back in the ground."⁴⁰ This is even the professional viewpoint of some archaeologists—that the best way to preserve the artifacts is to leave them in the ground.⁴¹ The regular, busy neighborhood of Yenikapı had become a groundbreaking⁴² archeological discovery.⁴³ Perhaps the greatest irony, however, is that if not for the excavation to build the subway, the artifacts would most likely not have been discovered.

There is also the reality that Turkey is not a particularly wealthy nation and does not have the resources to allocate to the amount of heritage there is. Balancing these values is difficult, and "[i]t's hard to feel morally confident in saying that Turkish citizens needs Neolithic hairbrushes more than they need houses, factories, ports, dams, mines and roads—especially when they're dying in flash floods."⁴⁴ However, the excavations also told a story that might be relevant to Istanbul's civil strife—the different graves and burials indicated that groups from different cultures lived together in the city, and that "Istanbul's cosmopolitan character dates back to prehistoric times . . ."⁴⁵

Though there is a tension between sustainable urban development and heritage preservation, there is a paradox that lies within. Current trends in tourism place an emphasis on cultural heritage, and thus it would seem to be a convergence in interests to both increase measures to preserve heritage for heritage's sake, as SDG Goal 11.4 would address, and to progress the

economy through the tourism it would stimulate.⁴⁶ But the problem of deterioration of the sites remains, as fitting it for tourism could be more difficult to maintain and would command more resources.⁴⁷ Therefore, "the exploitation of cultural heritage as a promotion tool not only has the lack of distinctive identity, public accountability and social goals, but can also be manipulated by the bourgeoisie to attract capital."⁴⁸ This matter of contention was demonstrated in the historic Karaköy neighborhood. In an effort to boost tourism, the coastal part of Karaköy was being renovated, with a historic post office and terminal being eradicated to create an area more accessible to cruise ships.⁴⁹ Similarly, destructions to historic buildings like Narmanlı Han were executed to foster commercial and tourist activity, even amid outcry and irreversible changes.⁵⁰ But the truth is, these destructions were entirely lawful.⁵¹

The cross-cutting issues stretch farther than Istanbul into Anatolia. The coastal regions along the Aegean and Mediterranean coasts also harbor inheritances of heritage. Though Turkey began its major role in the development of marine archaeology in the 1960's, new challenges threaten underwater archaeological heritage.⁵² The modern Turkish economy is heavily reliant on tourism, and increased recreational scuba diving in underwater site has resulted in some damage, and even the removal of some artifacts. This is in addition to the other environmental threats that exist, such as construction in both the public and private sector, laying cables for telecommunication, oil and gas, drilling and mining operations, and even commercial fishing (many ancient and historical shipwrecks are interestingly found as the result of a fisherman getting a fishing net stuck on a part of the remaining shipwreck).⁵³ Sewage treatment facilities are also struggling to deal with the sudden surge in tourism and the demands it brings onto the existing infrastructure and environment.⁵⁴ Turkey is not the only nation dealing with these problems, but the economy's dependence on construction places a significant threat to both the infrastructure and the surrounding natural environment.⁵⁵

There is a legal framework and governmental agencies created for the management and oversight of cultural heritage in Turkey.⁵⁶ The first piece of legislation tailored to particularly protect antiquities and other archeological finds was the Historic Monuments Act, passed in 1874 under Ottoman rule.⁵⁷ Originally, this act called for a division of the findings between the team that excavates, the owner of the property the items were discovered, and the state.⁵⁸ Subsequent legislation shifted ownership entirely to the state, and the 1983 Antiquities Law No. 2683 established a permit system to regulate excavations, conducted solely through the Ministry of Culture.⁵⁹ Though the Law does not explicitly cater to underwater heritage, it aims to serve a "dual purpose" on both land and sea.⁶⁰ Rather, he Law strictly forbids "interference with any sites or objects which could be regarded as of archaeological importance and prohibits the removal of artefacts from Turkey."⁶¹ On paper this seems strict, but it has yet to be enforced for underwater heritage sites, making its efficacy questionable.⁶²

Tourism plays an unexpectedly large role in this dilemma. Despite being discussed in an earlier section that cultural tourism could help boost incentives to protect cultural heritage, the increasing demand for recreational diving, in part due to the increasing number of tourists, have forced the government to cut back on the previously strict regulations on scuba diving.⁶³ A new approach—creating archeological diving parks—attempts to reconcile the need to preserve heritage while opening up access to support the tourism economy.⁶⁴ This approach entails guiding divers through the site, similar to visitors to a museum or land site.⁶⁵ However, this approach also requires “a radical rethinking of the criteria for the designation of archaeological sites, involving the introduction of different levels archaeological or historical ‘significance’ and decisions as to the degree of protection to be given to a site based on such criteria.”⁶⁶ Establishing an acceptable set of criteria would no doubt invite mandatory judgement and controversy, but may be seen as the only viable path forward.

When archeology expert and academic Ufuk Kocabaş was interviewed by the Governorship of Istanbul, he commented that Istanbul was an open-air museum, and that though as a UNESCO World Cultural Heritage site it is a place that belongs to everyone, not just Istanbulites; “We [Istanbulites] are struggling to serve our own country . . . [t]his is not just a city where we make money and work, it’s also [where] we live in.”⁶⁷ He emphasized the need for a collective societal effort to raise awareness of the importance of cultural heritage in Istanbul, and believes that raising the next generation with a sensitivity to the art and history of the city will support conservation efforts.⁶⁸ However, there is little to be seen in the ways of concrete steps and frameworks.⁶⁹ This non-materialization of sustainable urban renewal and cultural heritage plans is what distinguishes Turkey’s trajectory from that of Amsterdam and Bordeaux’s.

AMSTERDAM

In Amsterdam’s case, several exclusive factors are at play that are absent from other cities, such as Istanbul and Turkey’s coastal cities.⁷⁰ The historic Canal District, initially developed in the 1610’s and 1660’s as extensions to the urban area of Amsterdam, was built with the modern urban planning techniques available at the time and was fitted to accommodate the need for water and shipping transport, as well as the growing merchant class.⁷¹ Designated as a UNESCO World Heritage site in 2010, the Canal District gives particular insights into the co-integration of sustainable urban development and heritage conservation, especially as the waterways are facing environmental decay.⁷²

The first advantage the Canal District had was a much more recent history than Istanbul, Rome, or Cairo. However, the District also had a consciousness for its heritage that preceded any other city.⁷³ The landscape of the District, as we see it now, has “been shaped particularly by nineteenth- and twentieth-century writers, cartographers, painters, architects, and urban planners”⁷⁴ Since the 1880’s, most of the architects who wanted to implement the ideas of urban planner Camilo Sitte,

Henry Harvard, or architect H.P. Berlage saw the Canal District as the perfect testing grounds for their hypotheses.⁷⁵ However, concerned groups of citizens organized and formed a countermovement, which was separate from the government’s initiatives of preservation, to oppose these new ideas.⁷⁶ This led to the inclusion of the public voice in discussions pertaining to the aesthetics and development in the District—a trend that continues.⁷⁷ The tradition of public voice continued even when the Amsterdam Department of Public Works began to report on issues of traffic and urban transportations in the city in the 1920’s and changes were deemed necessary—public debate was a core aspect of the decisions made at the time.⁷⁸ This was also evident during the 1950’s and 1960’s, where the city suffered serious deterioration, and sought to overhaul and completely renovate and thus transform the Canal District zone, but in the face of public outcry had to alter its plans.⁷⁹ These efforts were coupled with citizen efforts to form coalitions and corporations that embarked on their own renovation, rehabilitation, and management of certain historic properties in the city.⁸⁰

Another distinguishing factor of Amsterdam’s urban development is that, unlike other cities who have grappled with their own past, Amsterdam has appreciated and evolved with its historic center in mind, and has also aimed to “preserve not just individual buildings but the whole historic urban environment.”⁸¹ Modern buildings, even built today, are conceived of relative to how they would fit within the existing historical urban landscape.⁸² The Dutch legal framework also reflected this mindset, most evident in the 1988 Monuments Act, which granted protection to city and village landscape views, under the categorization of “immovable objects” as a cultural asset.⁸³ Notably, this is also under the responsibility of the Minister of Housing, Spatial Planning and Environment—rather than the Minister of Culture.⁸⁴ Many of the policies utilized by the Dutch legal system were also heavily influenced by UNESCO’s Recommendation on Historic Urban Landscapes, as demonstrated by the passage of renewed Dutch national heritage law in accordance with the HUL approach.⁸⁵

A pertinent method that Amsterdam used that combined urban preservation and sustainable development goals was in relation to addressing housing concerns and rising costs in the inner city. In 1957, the countermovement group *Stadsherstel* was formed to combat the decaying urban center, and the city’s plans to demolish large swathes of the decrepit but historic cityscape.⁸⁶ This group aimed to revitalize the inner city in a way that was conscious of the city’s heritage.⁸⁷ As one of the private citizen groups that organized and acquired private historic real estate, *Stadsherstel* renovated and restored the buildings, and instead of gentrifying them for a higher profit, converted them into subsidized housing, while also “encouraging former tenants to return to their rehabilitated houses.”⁸⁸ This technique not only cemented the community’s in the city’s growth and ownership, but also revitalized the city while strengthening the original identity and character of the space.

In doing so, *Stadsherstel* also incorporated explicit SDG goals in their efforts. In particular, it has furthered Goal 4, Goal

11, Goal 12, and Goal 17.⁸⁹ It accomplished Goal 4, “ensur[ing] inclusive and equitable quality education and promot[ing] life-long opportunities for all” by implementing an apprentice program for construction and preservation trades that offer advanced skills and experiences to trainees.⁹⁰ Goal 11, which is to “[m]ake cities and human settlements inclusive, safe, resilient and sustainable,” was accomplished by focusing on the human lived aspect in the revival of the city.⁹¹ Firstly, Stadsherstel’s focus on reviving heritage sites that are already built to provide access to housing and commercial resources for citizens is an essential element of creating sustainable living cities.⁹² This effort was coupled with an intention and focus on creating affordable social housing and repurposing buildings to address a wider set of community needs.⁹³ This significantly contributed to the diversity in the population of the city, including marginalized communities such as autistic teens and adults.⁹⁴ Stadsherstel also incorporated Goal 12 “responsible consumption and production” by supporting the re-use of construction materials employed in restoring buildings, creating significant reduction in waste normally resulting from other methods of building demolition.⁹⁵ Chiefly by re-enforcing existing buildings and re-purposing them, rather than demolishing them for an entirely new structure, already creates immense relief for the environment.⁹⁶ The methods Stadsherstel have used to revive and protect their heritage and environment proved to be effective, and Stadsherstel has even gone on to promote and facilitate other cultural heritage preservation initiatives in the global context, fulfilling Goal 17 of revitalizing the Global Partnership for Sustainable Development.⁹⁷

BORDEAUX

Though not as visibly influenced by UNESCO’s recommendations as Amsterdam, Bordeaux, France nonetheless set on its own path of urban preservation and development. This was especially pertinent after Bordeaux was designated a UNESCO World Heritage Site in 2007.⁹⁸ Founded during the Age of Enlightenment, Bordeaux also reflected modern proclivities for transformative urban space.⁹⁹ Undergoing two “Project Urbains,” the city aimed to implement more public transportation networks and pedestrian zones included with public space and an homage to the city’s history.¹⁰⁰ The first Project Urbain was completed in 2008, and the current one is underway with the goal of expanding the city’s metro networks and increase energy efficiency and serve environmental purposes with the creation of eco-neighborhoods.¹⁰¹

Within the parameters recommended by UNESCO, Bordeaux sought its reformation efforts under existing French legislation that covered the region.¹⁰² This has been one of the remarkable achievements of Bordeaux’s urban renewal, in that it was an opportunity that successfully showcased how strong

existing legislation on the national stage could further urban development and heritage conservation—meaning that with the proper legal foundations already in place, other nations could easily pursue similar goals without having to undergo a major legislative effort specifically initiated for conjoined heritage conservation and sustainable urban development.¹⁰³ This also serves to make the goals more complementary in their legal interpretation, and more uncomplicated to implement.

Based on these existing laws, Bordeaux developed five principal sustainability goals: urban quality based on the city’s identity and heritage protection, environmental conservation and green mobility, economic development, social equity, and aesthetics.¹⁰⁴ In addition to these, the heritage conservation tools are also revised to reflect sustainability concerns.¹⁰⁵ But probably the most noteworthy approach that Bordeaux implemented was fighting against the “museification” of the city.¹⁰⁶ The urban policies implemented also articulated the aim to ensure that Bordeaux would be a “historic living city,” one that would be able to evolve in a sustainable manner that also maintained its heritage.¹⁰⁷ The policies also created a present city that served the living and economic needs of its citizens—especially achieved by the close oversight of private actors involved in the process.¹⁰⁸ In addition to these policies, Bordeaux also embarked on a food sustainability project for the city, that incorporate the SDG goals.¹⁰⁹ These policies include fighting food waste, strengthening the region’s agricultural food capacity, and encouraging shorter and local food supply chains.¹¹⁰ All of these factors led to a promising future of preservation and urban development for Bordeaux.

CONCLUSION

Cities are living and breathing spaces that are not immune to the ills and the joys of the passage of time. Therefore, they must adapt to the evolving changes and needs of its population. There is no clear-cut path to achieve this; indeed, much work remains in all the geographies discussed, as they work through their respective growing pains. However, Turkey lacks a cohesive vision and orchestrated plan, tailored to local needs, to identify and preserve cultural heritage in a sustainable fashion, and Istanbul-centric solutions are needed to address growing urban concerns, as seen in the approaches used in Amsterdam and Bordeaux. With the development of UNESCO’s Historical Urban Landscape guidelines and a sensitivity to the needs and customs of the urban spaces in concern, nations and their existing legal, legislative, and governmental frameworks can be flexible enough to accommodate the interest convergence of sustainable urban development and heritage conservation, and continue to preserve and reshape cities in a thoughtful, intentional way. 🌍

- ¹ Joseph L. Sax, *Heritage Preservation as a Public Duty: The Abbé Grégoire and the Origins of an Idea*, 88 MICH. L. REV. 1142, 1143 (1990).
- ² *Id.* (explaining the unreliability of heritage site preservation).
- ³ *See id.* at 1150 (explaining that historically it was not customary to protect or preserve old buildings and religious structures).
- ⁴ *See id.* at 1143 (indicating that interest in preserving heritage sites is a newer idea); *see also* Loes Velpaus, Ana Pereira Roders & Johann J Swart, *Assessing Amsterdam's Heritage Management Framework* (IAIA13 Conference Proceedings: Impact Assessment the Next Generation, 2013) 1, https://www.researchgate.net/publication/260124393_Assessing_Amsterdam's_heritage_management_framework (explaining the difficulties in balancing conservation of World Heritage sites within a continuously changing urban context).
- ⁵ *See* Sax, *supra* note 1, at 1154-55 (revealing the government's struggle in deciding whether to favor preservation or destruction of art and historical artifacts as well as Grégoire's new propositions regarding the value of preservation).
- ⁶ *See id.* at 1152-53 (explaining the people's desire to move away from many values held before the revolution and interest in using items from that time to fund new government entities).
- ⁷ *Id.* at 1152 (revealing the increased value the public came to see in cultural artifacts under Grégoire's leadership).
- ⁸ *Id.* (explaining the new Monuments Commission and its duty of preservation).
- ⁹ *See generally*, *Urban Health*, WORLD HEALTH ORG., https://www.who.int/health-topics/urban-health#tab=tab_1 (last visited Mar. 26, 2022) (providing information about the changing global urban population).
- ¹⁰ *Id.*
- ¹¹ GETTY CONSERVATION INST., *Historic Urban Environment Conservation Challenges and Priorities for Action Meeting Report 4* (2009).
- ¹² *Id.*
- ¹³ *Id.*
- ¹⁴ *See* Heike C. Alberts & Helen D. Hazen, *Maintaining Authenticity and Integrity at Cultural World Heritage Sites*, 100 GEOGRAPHICAL REV. 56, 56-57 (2010).
- ¹⁵ *World Heritage*, UNESCO, <https://whc.unesco.org/en/about/> (last visited Mar. 18, 2022).
- ¹⁶ *The Criteria for Selection*, UNESCO, <https://whc.unesco.org/en/criteria/> (last visited Mar. 19, 2022).
- ¹⁷ Alberts & Hazen, *supra* note 14, at 59.
- ¹⁸ *Id.* at 58.
- ¹⁹ G.A. Res. 17/70 *Transforming our world: the 2030 Agenda for Sustainable Development*, UN, (Oct. 21, 2015) (announcing the seventeen 2022 Sustainable Development Goals of the United Nations General Assembly that seek to balance the economic, social, and environmental dimensions of sustainable development).
- ²⁰ *Id.*
- ²¹ Hereinafter Sustainable Development Goals, *supra* note 19.
- ²² Federica Appendino, *Balancing Heritage Conservation and Sustainable Development – The Case of Bordeaux*, IOP CONF. SERIES: MATERIALS SCI. & ENG'G, OCT. 2017, at 2 (2017).
- ²³ UNESCO, *Recommendation on the Historic Urban Landscape*, 1 (Nov. 10, 2011).
- ²⁴ UNESCO, *Historic Urban Landscape*, <http://www.historicurbanlandscape.com/index.php?classid=5353&id=20&t=show> (last visited May 16, 2022).
- ²⁵ UNESCO, *supra* note 23 at 1.
- ²⁶ *Id.*
- ²⁷ *Id.*; UNESCO, UNESCO, *Historic Urban Landscape*, <http://historicurbanlandscape.com/index.php?classid=5354&id=22&t=show> (last visited May 16, 2022).
- ²⁸ Loes Velpaus, Ana R. Pereira Roders & Bernard J.F. Colenbrander, *Urban Heritage: Putting the Past into the Future*, 4 HIST. ENV'T 3, 9 (2013) (“Amsterdam is truly a historic urban landscape . . . [t]he management plan also includes the historic urban landscape approach.”).
- ²⁹ G.A. Res. 71/256, *New Urban Agenda* (Dec. 23, 2016).
- ³⁰ Nancy Duxbury, Jyoti Hosagrahar, & Jordi Pascual, *Why Must Culture Be at the Heart of Sustainable Urban Development?*, UNITED CITIES & LOCAL GOV'TS, Jan. 2016, at 6.
- ³¹ G.A. Res. 71/256, *supra* note at 29.
- ³² *Id.*
- ³³ *Istanbul*, WORLD CITIES CULTURE FORUM, <http://www.worldcitiescultureforum.com/cities/istanbul> (last visited Apr. 18, 202).
- ³⁴ Jenna Scatena, *Climate Change is Going to be Gross*, THE ATLANTIC (Dec. 18, 2021), <https://www.theatlantic.com/science/archive/2021/12/turkey-sea-snot-climate-change/620756/> (exposing an outbreak of sea sludge called marine mucilage, aka “sea snot,” in the Sea of Marmara as one of many area-wide manifestations of the effects of climate change).
- ³⁵ HURRIYET DAILY NEWS, *Istanbul's Bosphorus under risk due to global climate change*, (Apr. 9, 2021), <https://www.hurriyetdailynews.com/istanbuls-bosphorus-under-risk-due-to-global-climate-change-163795>.
- ³⁶ *See* TODAY'S ZAMAN, *Marmaray completion delayed to 2013, cost increases by \$500 mln.*, (Dec. 30, 2009), <https://web.archive.org/web/20121005033412/http://www.todayzaman.com/tz-web/news-196986-100-marmaray-completion-delayed-to-2013-cost-increases-by-500-mln.html>.
- ³⁷ *Id.*
- ³⁸ Perhaps ironically, “Yenikapı” translates to “New Gate.”
- ³⁹ Elif Batuman, *The Big Dig*, THE NEW YORKER (Aug. 31, 2015), <https://www.newyorker.com/magazine/2015/08/08/31/the-big-dig>.
- ⁴⁰ *Id.*
- ⁴¹ Claire Berlinski, *Can't Go Back to Constantinople*, CITY J. (2011), <https://www.city-journal.org/html/can-t-go-back-constantinople-13383.html>; *see also* Melisa Pesoa, Mark Warren, and Joaquin Sabaté, *Preservation through Transformation: Amsterdam through the Lens of Barcelona*. In J. Nijman (Ed.), *Amsterdam's Canal District: Origins, Evolution, and Future Prospects*, University of Toronto Press, 148. (2020), <https://www.jstor.org/stable/10.3138/j.ctv16kkwqx.14>, (“noting that Barcelona's “historic buildings typically survived not because there were valued and protected, but because they were ignored.”).
- ⁴² Pun not intended.
- ⁴³ *See* Ömer Erbil, *Ruins from Neolithic age found in Istanbul*, HURRIYET DAILY NEWS (Jan. 11, 2013, 01: 00 AM), <https://www.hurriyetdailynews.com/ruins-from-neolithic-age-found-in-istanbul-38775> (according to Culture and Tourism Provincial Manager Emre Bilgili, the discovery of the excavations was a “cause for great joy,” and that a new museum was required for the Neolithic period discoveries).
- ⁴⁴ Berlinski, *supra* note 38.
- ⁴⁵ *Marmaray and metro archaeological findings may take Istanbul's history back 6,500 years*, HURRIYET DAILY NEWS (Dec. 2, 2013, 01:00 AM), <https://www.hurriyetdailynews.com/marmaray-and-metro-archaeological-findings-may-take-istanbuls-history-back-6500-years-58813>.
- ⁴⁶ *See* Zeynep Gunay, *Conservation versus Regeneration?: Case of European Capital of Culture 2010 Istanbul*, EUR. PLAN. STUD., 1173,1174, 1184 (2010) (concluding that “[i]n a world marked by globalization, cultural heritage has become one of the most powerful instruments for gaining a competitive advantage through harnessing the distinctiveness of cities, and it has helped in generating social and economic discourses leading to new dynamics of regeneration for the last two decades. However, as we can see in Istanbul case, the problem is due to the creation of a balance between conservation of the values of cultural heritage among market-driven regeneration activities.”).
- ⁴⁷ *Id.* at 1174.
- ⁴⁸ *Id.*
- ⁴⁹ Paul Benjamin Osterlund, *Destroying Istanbul to 'Restore' It*, THE ATLANTIC (Mar. 21, 2019), <https://www.theatlantic.com/international/archive/2019/03/modern-istanbul-destroy-restore/585373/>.
- ⁵⁰ *Id.* (detailing examples of how many Istanbulites were horrified by the restorations).
- ⁵¹ *Id.*
- ⁵² *History by Year*, INSTITUTE OF NAUTICAL ARCHAEOLOGY, <https://nauticalarch.org/history/> (last visited Apr. 20, 2022) (describing the creation of the center in Bodrum in 1978).

- ⁵³ Janet Blake, *Chapter 11: Turkey*, in LEGAL PROTECTION OF THE UNDERWATER CULTURAL HERITAGE: NATIONAL AND INTERNATIONAL PERSPECTIVES 169, 171 (Sarah Dromgoole ed., 1999).
- ⁵⁴ *Id.* at 171–72.
- ⁵⁵ *See id.* at 171; *see also* Osterlund, *supra* note 47.
- ⁵⁶ *See* Blake, *supra* note 51, at 173–76.
- ⁵⁷ *Id.* at 172.
- ⁵⁸ *Id.*
- ⁵⁹ *Id.* at 173, 175.
- ⁶⁰ *Id.* at 177.
- ⁶¹ *Id.* at 179.
- ⁶² *See id.* at 179–80.
- ⁶³ *Id.* at 178.
- ⁶⁴ *Id.* (identifying that this concept has been most utilized in the US but has been used in places like Italy as well).
- ⁶⁵ *Id.*
- ⁶⁶ *Id.*
- ⁶⁷ *Yenikapi Archeology Excavations Shed Light on the History of Istanbul*, REP. OF TURK. GOVERNORSHIP OF ISTANBUL (Mar. 3, 2020), <http://en.istanbul.gov.tr/yenikapi-archeology-excavations-shed-light-on-the-history-of-istanbul>.
- ⁶⁸ *Id.*
- ⁶⁹ *See id.*
- ⁷⁰ *But see* Katherine D. Mitchell, *Cultural Heritage and Rising Seas: Water Management, Governance, and Heritage in Venice and Amsterdam*, UNIV. VT. HONORS COLL. SENIOR THESIS 1, 80 (2017) (comparing to Turkey’s concerns, Amsterdam also faces issues with water threatening cultural heritage, and has had to seek similar mechanisms of drainage and flood control to manage and preserve the city).
- ⁷¹ Nijman, *supra* note 38, at 5.
- ⁷² *Seventeenth-Century Canal Ring Area of Amsterdam inside the Singelgracht*, UNESCO, <https://whc.unesco.org/en/list/1349/> (last visited Apr. 20, 2022); *see* Katja Brokke, *Amsterdam has been collapsing for years. Now it’s paying the price*, CNN Travel (Aug. 22, 2020), <https://edition.cnn.com/travel/article/amsterdam-collapsing/index.html>.
- ⁷³ *See* Nijman, *supra* note 38, at 8.
- ⁷⁴ Freek Schmidt, *The Architectural Essence of the Canal District: Past and Present*, in AMSTERDAM’S CANAL DISTRICT: ORIGINS, EVOLUTION, AND FUTURE PROSPECTS 101, 110 (Jan Nijman ed., 2020).
- ⁷⁵ *Id.*
- ⁷⁶ *Id.*
- ⁷⁷ *Id.* (increasing participation was said to have influenced the appearance of the Canal District as seen today).
- ⁷⁸ Len De Klerk, *The Canal District: A Continuing History of Modern Planning*, in AMSTERDAM’S CANAL DISTRICT: ORIGINS, EVOLUTION, AND FUTURE PROSPECTS 119, 129 (Jan Nijman ed., 2020).
- ⁷⁹ Melisa Pesoa, Mark Warren & Joaquín Sabaté, *Preservation through Transformation: Amsterdam through the Lens of Barcelona*, in AMSTERDAM’S CANAL DISTRICT: ORIGINS, EVOLUTION, AND FUTURE PROSPECTS 154, 156 (Jan Nijman ed., 2020).
- ⁸⁰ *See* Jon Henley, *Overtourism in Europe’s historic cities sparks backlash*, THE GUARDIAN (Jan. 25, 2020), <https://www.theguardian.com/world/2020/jan/25/overtourism-in-europe-historic-cities-sparks-backlash> (describing how Amsterdam residents are protesting the number of tourists visiting, claiming it affects the city’s “livability” and forcing city hall officials to take action); *id.*
- ⁸¹ Melisa Pesoa, Mark Warren & Joaquín Sabaté, *supra* note 77, at 154.
- ⁸² *Id.*
- ⁸³ Katja Lubina, *Netherlands*, in THE IMPACT OF UNIFORM LAWS ON THE PROTECTION OF CULTURAL HERITAGE AND THE PRESERVATION OF CULTURAL HERITAGE IN THE 21ST CENTURY 563, 580 (Toshiyuki Kono ed., 2010).
- ⁸⁴ *Id.*
- ⁸⁵ Loez Veldpaus, Ana Pereira Roders & Johan J Swart, *Assessing Amsterdam’s Heritage Management Framework* INT’L ASS’N FOR IMPACT ASSESSMENT 1, 1 (Jan. 2013), https://www.researchgate.net/publication/260124393_Assessing_Amsterdam’s_heritage_management_framework. *See also* UNESCO, *supra* note 70.
- ⁸⁶ Lilly Bianco, *The Confluence of Social Equity and Historic Preservation: A Look at Amsterdam*, M. GROUP (Apr. 2, 2015), <https://www.m-group.us/mlab/blog/2015/4/2/the-confluence-of-social-equity-and-historic-preservation-a-look-at-amsterdam>.
- ⁸⁷ *See id.*
- ⁸⁸ *Id.*
- ⁸⁹ *Case Studies in Heritage Regeneration*, CULTURAL HERITAGE FINANCE ALLIANCE, https://issuu.com/bonnieburnham/docs/case_studies_in_heritage_regeneration (last accessed May. 16, 2022).
- ⁹⁰ *Id.*
- ⁹¹ *Id.*
- ⁹² *Id.*
- ⁹³ *Id.*
- ⁹⁴ *Id.*
- ⁹⁵ *Id.*
- ⁹⁶ *See generally id.* (noting that these initiatives “have made diverse contributions to the local environment . . .”).
- ⁹⁷ Lilly Bianco, *supra* note 86.
- ⁹⁸ *Bordeaux, Port of the Moon*, UNESCO, <https://whc.unesco.org/en/list/1256/> (last visited Mar. 10, 2020).
- ⁹⁹ *See* Appendino, *supra* note 22, at 3.
- ¹⁰⁰ *Id.* at 5–6.
- ¹⁰¹ *Id.*
- ¹⁰² *See generally id.* at 4–5 (detailing the unique urban heritage and management).
- ¹⁰³ *See* Getty Institute, *supra* note 11, at 3 (listing that of the first two of four principles, a strong legislative framework with enforcement mechanisms is crucial).
- ¹⁰⁴ Appendino, *supra* note 22, at 7.
- ¹⁰⁵ *Id.*
- ¹⁰⁶ *Id.*
- ¹⁰⁷ *Id.*
- ¹⁰⁸ *See generally* *Urban Renewal In Service of Its Citizens: Interview with Marik Fetouh, Deputy Mayor of Bordeaux*, NOTES DE SEGURETAT BLOG (Nov. 6, 2019), <https://notesdeseguretats.blog.gencat.cat/2019/11/06/marik-fetouh-deputy-mayor-of-bordeaux/> (interviewing the Mayor on urban regeneration in Bordeaux and serving the living and economic needs of its citizens).
- ¹⁰⁹ Bordeaux Métropole Food Policy Council: Bordeaux Métropole Sustainable Food Governance Advisory Council, *Governance-Bordeaux*, https://www.milanurbanfoodpolicypact.org/wp-content/uploads/2020/12/GOV-Bordeaux_2019.pdf (last accessed May 16, 2022).
- ¹¹⁰ *Id.*