Changes in the Understanding of Cultural Heritage from the Twentieth Century to the Present and its Effects on International Conservation Legislation

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Abstract
Cultural heritage, encompassing both tangible and intangible elements, serves as a fundamental component of humanity's identity and facilitates a connection with the past. Due to this characteristic, the conservation of cultural heritage has become one of the significant issues on humanity's agenda in the 21st century. Accordingly, defining principles, objectives, strategies, and tools for the preservation of the authenticity and integrity of cultural heritage at the international level is of vital importance. This study identifies its research problem as: "Which dynamics have influenced the transformation of the cultural heritage concept, and how has this transformation impacted international conservation legislation?" The aim of the study is to examine the evolution of the cultural heritage concept, the underlying reasons for this transformation, and its reflections on international conservation legislation. To achieve this aim, international conventions developed by supranational organizations from the early 20th century-when cultural heritage legislation first emerged-until the present day have been analyzed. The selection of conventions was based on their introduction of innovative perspectives and their status as foundational texts. The analysis was conducted using five criteria: the validity scale of the convention, its subject matter, the key concepts employed, the underlying approach to cultural heritage, and the nature of the changes it embodies. The research findings reveal that, over approximately a century, the understanding of cultural heritage has undergone three distinct phases: institutionalization, diversification, and localization. It has also been determined that international conservation legislation has continuously evolved in response to these changes, aiming to define principles, strategies, and tools complied to each period.

Keywords: *Cultural heritage, Conservation, International Conservation Legislation, Development, Modernity*

1. Introduction

The phenomenon of cultural heritage protection came to the agenda after the emergence of modernity and followed a parallel development with the modernization process. From the beginning of the 19th century to the present day, it has acquired its current characteristic with various paradigms, thought currents and approaches. With the definition of the common heritage of humanity, it has been recognized internationally that it is an issue that concerns all humanity and everyone should be involved. Subsequently, cultural heritage and protection has started to develop as an important topic in public international law. The developments that emerged through scientific and theoretical studies in this field constituted the primary source and determining dynamic in the formation of international cultural heritage law. Therefore, changes in the understanding of cultural heritage have been rapidly reflected in international cultural heritage law.

The aim of this study is to examine the reflections of the change in the understanding of cultural heritage on international cultural heritage and conservation legislation, to explain the dynamics behind the change and to reveal how it has shaped conservation practice. The underlying question of the study can be defined as the dynamics underlying the change in the understanding of conservation and cultural heritage and how this change has affected international conservation legislation. In order to achieve this goal, the scope of the study consists of examining the development in the understanding of cultural heritage in the 20th and 21st centuries and accordingly the content of the conventions, statutes and declarations signed at the international level in the same period and comparing the changes in these two fields.

When analyzing international legal texts, 5 basic criteria were used. These criteria are the scale of validity of the convention, the subject matter of the convention, the basic concepts used, the logic of

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dealing with cultural heritage and the nature of the change it contains in the context of protection legislation. Among these criteria, the scale of validity refers to the position and level of the organization that drafted or signed the convention in international law, and the main subject criterion refers to the sub-topic of the cultural heritage field on which the text focuses. Among the criteria used in the analysis, the logic of the treatment of cultural heritage refers to the context in which cultural heritage is considered. This context is also the main factor shaping the content. The criterion of the nature of the change included expresses the innovation brought by the convention to the cultural heritage legislation.

The understanding of cultural heritage and conservation has evolved through different stages similar to the development of the field of urbanism and planning. This study is important in terms of both defining the different periods within this evolutionary process and revealing how international conservation legislation has been shaped within these periods.

2. Changes in the Understanding of Cultural Heritage: Institutionalization, Diversification, Localization

In the 19th century, the understanding of conservation, which had its first formation phase and was shaped as restoration-oriented with different perspectives such as the Stylistic Integration Movement, the Romantic View, and the Historic Restoration Movement, gave the first sprouts of institutionalization with the Contemporary Restoration Theory at the beginning of the 20th century. The 20th century can now be defined as a period of institutionalization and maturation in which conservation started in the context of restoration and then developed its scope by breaking this first core. In this period, cultural heritage and conservation experienced a continuous change in terms of subject, scope, perspective, principles, strategies, etc., which continues to this day.

Starting from the last quarter of the 20th century to the present day, the understanding of conservation has become comprehensive, multidimensional and cannot be handled in isolation from other issues, with the inclusion of different themes and subjects. The development of conservation understanding can be analyzed mainly in three basic stages. To define the criteria that distinguish these stages from each other, the main issues and concepts that are focused on, the logic of the treatment of cultural heritage and the nature of the change in the understanding of conservation. These three criteria are formulated as questions: 'what', 'why' and 'how' should be protected.

The answers to these questions will explain the nature of these criteria in each period and ensure that the periodization is based on a scientific systematic.

2.1. Institutionalization Period

"Heritage is a phenomenon that has been shaped by many influences over a historical period, culminating in western societies with increasing specialization in the late 20th century" (Harrison et al., 2010, p.1). Within such an evolution, the understanding of conservation was characterized by a sharp development-conservation conflict in the 1920s and 1930s, shaped by the influence of the modernist movement. The modernization that had begun in previous centuries gave birth to the modernism movement at the beginning of the 20th century. The modernism movement, which had reflections in various dimensions such as art, architecture and planning, embodied great transformations in terms of the built environment. Commenting on this period, İlhan Tekeli states that the process involved the restructuring of cities and brought new rules on how the urban fabric should be formed (Tekeli, 2001).

This period of 'creative destructiveness', which is fully dominated by the understanding of modernism, is based on the logic of conscious and systematic destruction and reconstruction of the 'built environment', a feature of capitalist accumulation processes (Berman, 1988). The preservation-development conflict that emerges within such a logic has made the preservation of the historic environment a more important issue than in previous periods.

Breaking away from tradition and establishing universal rules is one of the most important features of modernity. This period, which was dominated by the understanding of modernity, is the period in which efforts to establish universal principles in cultural heritage and conservation came to the forefront, just as in urbanization and planning. In a period of 40 years from the beginning of the 1930s to the end of the 1960s, it is seen that approaches that can be valid on a universal scale regarding the understanding of cultural heritage and conservation have been established.

There was an important event with multidimensional effects that divided this period into two distinct sub-phases in terms of conservation understanding. The Second World War and the great destruction it caused in European cities can be considered an important breaking point in terms of planning and conservation in the aforementioned period. After the Second World War, European cities and historical textures were largely destroyed and the reconstruction of these cities

became an important issue in the post-war period. As a result, for example, while reconstruction was not considered the right and preferred method of conservation before the war, after the war, reconstruction became mandatory for historical monuments and parts of historical cities, and the principles of reconstruction became much more on the agenda compared to the pre-war period. In this period, the main issue was the restoration of cultural heritage values lost during the war, and therefore practices such as reconstruction and anastylosis were widely used as conservation methods. Mazlum summarized the change in understanding in the post-war period as "it is stated that it is not acceptable for restoration to focus only on documentary and historical meaning; aesthetic, creative and abstract values should also be taken into account" (Mazlum, 2014).

During this period, which lasted from the 1930s to the late 1960s, the focus of conservation, that is, the answer to the question of 'what needs to be preserved', was given as cultural heritage items such as monuments and archaeological sites, which were focused on physical space and were loaded with artistic, aesthetic and historical meaning. In his 2011 article, Ashworth defined this period as a period in which the 'preservation' paradigm prevails and focuses on ensuring the continuity of historical artifacts from the past and the content of conservation practice is decided by experts. Towards the end of the period, the definition of 'historic site' began to be used and the transition from the building scale to the site scale in conservation was realized. This led to a paradigm shift as stated by Ashworth and the 'conservation' paradigm emerged in the late 1960's (Ashworth, 2011).

In this first period, which can be defined as the period of institutionalization, the answer to the question 'why historic values should be protected' is that conservation should be done to preserve the current state of historic values that carry information about the past. In this way, a link between the past and the present is tried to be established. Answering the question of how cultural heritage should be conserved requires the definition of the conservation method applied. In the period from the 1930s to the end of the 1960s, the main purpose of conservation was to ensure the continuity of authenticity, integrity, aesthetics and historical value. For this reason, the items subject to conservation are handled in a way that minimizes the impact of the dynamics of their environment on them. As a result, in the conservation of historical monuments and sites, a method has been applied in which the elements to be protected are isolated from the environment in which they are located. Therefore,

the answer to the question 'how should it be preserved' for this period is a static conservation method that aims to preserve what exists in a way that minimizes or even excludes environmental impacts and change.

One of the important developments during the institutionalization period was the emergence of supranational organizations related to conservation. Organizations such as the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Council on Monuments and Sites (ICOMOS) and the International Centre for Research on the Restoration and Conservation of Cultural Property (ICCROM) were established during this period. With the emergence of these institutions, studies, organizations and agreements related to cultural heritage and conservation started to be carried out under the guidance and organization of these institutions.

As a result, this first period can be defined as the institutionalization phase as it was the period when universal rules on conservation were accepted, organizations at national and international levels emerged and started to work, great progress was made in theory and practice, and a set of principles, strategies, tools and institutions were formed on a theoretical infrastructure.

2.2. Diversification Period
The second period in modern conservation understanding is what can be called the 'diversification' period, which started in the late 1960s and lasted for about a quarter of a century. Just before this period, the first important development was the expansion of the understanding of conservation and cultural heritage from the building scale to the site scale. In the same period, natural and cultural values, urban and rural areas started to be considered together in the context of conservation and civil architectural structures were definitely included in the scope of conservation. These developments have affected and reshaped conservation in terms of scope.

Since the end of the 1960s, the definition of cultural heritage has expanded beyond the scale of the building to the scale of the site, with the effect of the understanding that civil architectural works should also be protected. This expansion has enabled conservation to move from being the specialty of restorers and architects to become a task in which urban planners and administrators are involved. Ashworth argues that this shift to the field scale led to the necessity of policy-making on cultural heritage and conservation (Ashworth, 2011). Therefore,

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conservation, which until then had been a cultural, artistic and aesthetic task, began to have economic, social and political dimensions.

One of the developments in this period was the realization that the protection of natural and cultural heritage are interrelated issues. The creative destructiveness of modernity was seen to pose risks not only to cultural heritage but also to natural heritage, and it was realized that conservation should address these two issues as a whole. The result has been a rapid transformation in international conservation legislation, which will be examined in the next section.

In the period starting in the 1970s, when what, why and how should be protected is examined, it becomes clearer that the understanding of cultural heritage and conservation has entered a period of 'diversification'. In addition to monuments and archaeological sites, which were the subject of conservation in the previous period, historical values of different qualities such as civil architecture examples and building communities have also become the subject of conservation. In this period, the items subject to conservation are artworks and structures that have artistic and aesthetic value and convey historical information, as well as building communities and historical areas. In order to clarify this selection, the Convention on the Protection of the World Natural and Cultural Heritage, which will be discussed in the next section, defines world heritage and sets out the criteria that must be met to be considered world heritage.

When it is looked at the conservation method applied during the diversification period, the conservation approach that struggles with the effects of development dynamics that threaten the authenticity of monuments, civil architectural works and historical cities has become dominant. The answer to the question of how to protect cultural heritage within the dynamics of development was sought, and alternatives to the method of conservation by abstraction in the previous period were tried to be created. The difference of the conservation understanding of this period compared to the previous one was not in the actions themselves, but in the goals, attitudes and methods of those who carried out these actions (Ashworth, 2011). What conservation decision-makers wanted to do here was to define the place and role of cultural heritage and the stakeholders involved in conservation within the dynamics of development and an established planning and management context, and then develop conservation decisions accordingly. Therefore, the 'diversification' characteristic of the

period was realized not only in terms of subject matter but also in terms of stakeholders and methods to be used in conservation.

2.3. Localization Period

The third period in the understanding of cultural heritage and conservation began in the 1990s. With the influence of postmodern thought that emerged from the 1980s onwards, modernism was fundamentally questioned, it was argued that there were no universal truths valid for 'everyone', and the idea of localization became dominant. In such an intellectual environment, the concept of cultural relativism, which first emerged at the beginning of the 20th century, came to the fore again. One aspect of the questioning and criticism of modernity and modernism was directed towards the modernist understanding of planning and conservation. In this period, the increasing prominence of locality led to the consideration of cultural heritage on a local scale and, in David Harvey's terms, the local and even personal aspect of heritage was increasingly recognized within the change in the perspective on cultural heritage (Harvey, 2008).

In the post-1990 period, cultural heritage is defined as past events, personalities, folkloric memory, mythology, physical remnants of the past, and places where all these can be symbolically associated (Ashworth et al., 2007). It is no longer enough for monuments, or more generally for things to exist on the landscape, to be defined as cultural heritage; for something to be cultural heritage, it must now be remembered and owned by society (Silverman et al., 2007). Therefore, the answer to the question of what should be protected has become the protection of a whole with physical, social, cultural, economic and political dimensions due to this expansion in the scope of cultural heritage. In this period, cultural heritage and conservation have started to be addressed from different perspectives, including values-based in the socio-cultural context and human rights-based in the legal context (Poulios, 2010). The main reason for these different perspectives is the changing dynamics of development and the search for solutions to new problems that arise as a result and affect cultural heritage.

With the impact of neoliberal policies, the main purpose of cultural heritage and conservation has changed. Unlike the understanding of preserving things from the past, using the past in the present has become the main purpose (Ashworth, 2011). Therefore, cultural heritage has started to be defined as a resource to be used . Policy makers have focused

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on the economic dimension of cultural heritage and historic assets have become a dominant contributor to local economic regeneration (Benhamou, 2014). This perspective and practice has created the potential to increase the risks to heritage as the role of 'use' has taken center stage. On the other hand, the creation of distinctions such as intangible heritage and underwater heritage in conservation with the effect of the expansion of its scope has created 'over-specialization' and this situation has the potential to create new problems by making it difficult to see the whole (Lixinski, 2013; Smith, 2006).

The new concept of heritage that emerged in this period focused on the interaction process of the human-heritage-environment triad rather than the objects themselves, and as a result, the subject has become both material and perceptual. In addition, this logic, which is based on the individual-society-heritage relationship, aims to preserve heritage in a way that is open to people's use and suitable for their self-development (Fairclough, 2012; Dinçer et al., 2012). Therefore, the understanding guiding conservation practice in this period and the method that is the product of this understanding can be summarized as a conservation practice that includes the use of cultural heritage for the benefit of society.

As a result, the issue of cultural heritage and protection has been structured and institutionalized over a period of nearly a hundred years, first under the influence of modernity, then expanded and diversified in terms of issues, objectives, principles and strategies, and finally evolved into its current form with the involvement of the individual, society and the local. The next section will examine how international cultural heritage law has evolved in this evolutionary process.

3. Nature and Effects of the Changes in International Protection Legislation

International conservation legislation can be defined as a set of supranational conventions on restoration, urban conservation and cultural heritage, which have been discussed and prepared by experts from different countries at regional or global levels and signed by multiple states. Since its emergence, the formation of this legislation has been increasingly led by international organizations such as UNESCO and ICOMOS.

3.1. Developments in International Legislation during the Institutionalization Period

In the 20th century, the Carta Del Restauro of 1931 is considered to be the first important document that

initiated the formation of international conservation legislation. With the Carta Del Restauro, a consensus was reached on the basic principles of restoration theory; in the text of the agreement, it was stated that "in the restoration process, the views of different institutions should be combined, even if only partially, and one view should not override the other" and that the issue should be handled with a holistic perspective that will be formed by the contribution and consensus of different parties (Italian Supreme Council of Antiquities and Fine Arts, 1931) This agreement focused on restoration as a method, building scale and the physical space aspect of conservation as a reflection of the conservation approach of the period.

After the Second World War, which was the breaking point of the institutionalization period in protection, many conventions were signed in Europe to create a common political, economic and cultural discourse. Conventions on culture and cultural heritage constitute a part of these conventions signed in a wide range of areas from human rights to economic cooperation. The European Cultural Convention signed in 1954 can be considered as the first step in this field. The European Cultural Convention was signed to establish a common supranational cultural understanding and policy on a European scale. This convention aims to contribute to the protection and development of the common European cultural heritage at the international level (Madran & Özgönül, 2005).

After the war, on the one hand, cultural conventions were prepared and signed at the policy level to create a common understanding, on the other hand, thousands of historic buildings all over Europe needed urgent intervention, and in this period, priority was not only given to important monuments, but all kinds of buildings were repaired to return them to use (Erder, 2018). This period was a period in which reconstruction practices came to the fore and great progress was made in the field of restoration and conservation. In the light of the knowledge and experience gained during this period, the Venice Charter was prepared and signed in 1964.

The 1964 Venice Charter is the first legal text that aims to regulate the universally applicable principles for the protection of cultural heritage. In addition to defining the principles of conservation, the Venice Charter also regulates the principles of restoration, repair and excavation of archaeological sites. As stated in Article 7 of the Convention, it is emphasized that the monument is a part of the historical environment in which it is located and that it should be protected in-

situ. The Convention prioritizes protection at the scale of monuments and buildings in accordance with the conservation understanding of the period. However, Articles 6 and 7 of the principles of conservation refer to the relationship of the monument with its surroundings and emphasize that this should also be protected (ICOMOS, 1964). The Venice Charter is fundamental in its content and a guiding principle for subsequent conventions; in particular, it is the first major international convention to recognize that conservation is an issue that transcends the limits of restoration and should be addressed accordingly. For this reason, the Venice meeting that resulted in the signing of the Venice Charter can also be considered the starting point of international relations on conservation (Erder, 2018). The Statute is also the last of the three important conventions of the first period of the institutionalization of conservation.

3.2. Developments in International Legislation during the Diversification Period

After the signing of the Venice Charter, the most important document on conservation was the 1972 Convention on the Protection of the World Cultural and Natural Heritage, which offered a holistic perspective by including the natural environment within the scope of protection and opened a new era with this feature. The destruction of a part of the cultural or natural heritage is defined as impoverishment for all humanity as stated in the convention (UNESCO, 1972). The convention defines 'world heritage' and emphasizes the interdependence of states in the protection of world heritage, and has adopted the principle of protecting the common heritage of humanity on the basis of cooperation (Akipek, 2001). It also defined the establishment of the World Heritage Committee and the duties of this committee, which will be composed of representatives of the state parties.

With the World Heritage Convention, protection has reached a structure that includes natural and cultural dimensions and natural areas have been included in the scope of protection. The definition of cultural heritage has been expanded to include monuments as well as building communities and sites, and thus protection at the site scale has clearly become the subject of international legislation. Other innovations brought by the Convention are the principles of giving heritage a role in social life, planning, and establishing education programs on conservation. Thus, the understanding of conservation as an issue within the planning and management processes, which has emerged in the conservation literature, has also been expressed in international legislation (UNESCO, 1972; UNESCO, 2017).

After the World Heritage Convention, the most important development in international legislation was the Amsterdam Declaration on architectural heritage, signed in Amsterdam in 1975. The Declaration emphasized the importance of European architectural heritage and established regulations for its protection. The Amsterdam Declaration has a fundamental feature that distinguishes it from previous conventions. The Declaration, under the title of fundamental considerations, emphasizes that 'architectural heritage includes not only single buildings and their surroundings, but also urban and rural areas with historical and cultural characteristics' (CE, 1975). Thus, areas with different qualities are included in the scope of conservation; on the one hand, both urban and rural areas with certain values are defined as the subject of conservation, and on the other hand, the scale of the area in conservation is redefined with the emphasis on 'not only the environment of the building'.

The 1987 Charter for the Protection of Historic Towns and Urban Areas was drafted and signed with the claim of being a complement to the Venice Charter in order to prevent the risks of irreversible loss faced by historic cities (ICOMOS, 1987). In the 20 years following the Venice Charter, it was realized that the protection of only buildings and building groups was not enough to protect cultural heritage; it was necessary to determine conservation principles for urban areas that were constantly changing. As a result, the scale of conservation has now expanded to the urban scale with the charter signed in Washington. The principles to be followed in conservation planning at the urban scale were laid down. Under the title of principles of the convention, it is especially emphasized how the historic character should be preserved. With this convention, it is now clear that the conservation of historic cities and urban areas should be addressed by taking into account the development dynamics in which they are located and which threaten their authenticity.

With the 1987 Washington Regulation, the understanding of conservation expanded to the urban scale, and with the Regulation on the Protection and Management of Archaeological Heritage, signed 3 years later, it was changed to address different dimensions in the specific case of archaeological sites. The 1990 Regulation introduced the principle that conservation policies for archaeological sites should be considered as a whole with cultural, environmental,

land use, development and planning policies. In addition, in situ conservation and integrated conservation policies were defined. The principle of integrating the integrated conservation policy defined in Article 2 of the Convention with international, national, regional and local planning policies was accepted (ICOMOS, 1990). As can be seen, since the 1980s, the issue of conservation has begun to gain relationality with policies that are valid at national, regional or urban scales, from land use policies to development policies.

This statute also introduces innovations regarding the issue of reconstruction in archaeological sites. The Washington Regulation permitted reconstructions, which were strictly rejected in the Venice Charter, provided that they serve the functions of experimental research and interpretation, are not directly on the remains, and are recognized as reconstructions (Mazlum, 2014; ICOMOS, 1990).

As can be seen, the 1970s and 1980s were the years when international legislation began to address conservation as part of a holistic management and planning process. Therefore, the stakeholders involved in conservation and their roles began to be redefined, the theoretical expansion of conservation was reflected in international conventions, and each new convention introduced new concepts, principles and strategies within legislation.

3.3. Developments in International Legislation during the Decentralization Period

The third phase in terms of cultural heritage and conservation began in the 1990s and was dominated by postmodernist views and neoliberal policies. In this period, as mentioned in the previous section, issues of localization, individualization and the use of heritage are at the forefront. In terms of conservation legislation, the first development in this period was the inclusion of the local in legal texts, and while doing so, basic criteria, especially authenticity, were subjected to questioning.

Signed in 1994, the Nara Authenticity Document opened the door to a new era in terms of cultural heritage and conservation. The Nara Certificate of Authenticity, as stated in its Article 3, is based on the spirit of the Venice Charter of 1964 and is defined as its conceptual extension (ICOMOS, 1994). The main objective of the document is to reconstruct the content of the authenticity criterion used to define cultural heritage. It also contributed to the addition of intangible aspects to the definition of authenticity (Eraslan, 2020).

The main change contained in the document is the view that cultural diversity and consequently the diversity of heritage should be taken into account in defining authenticity. In essence, the document calls for attention to be paid to the cultural context when defining authenticity, thus establishing the principle that "respect for cultures requires that each work be considered and evaluated according to the criteria that determine the cultural context to which it belongs" (ICOMOS, 1994).

In terms of its content, the document has paved the way for the creation of alternative definitions to the Eurocentric definition of authenticity and includes as a presupposition that there cannot be universal standards for conservation. With this characteristic, it treats culture as a relative issue and argues that each society should define cultural heritage based on its own cultural values. As a result, the document emphasizes the local as an alternative to the universal in cultural heritage and conservation and includes the understanding that the local is as important as the universal.

In 1999, the Australia-ICOMOS Charter for the Protection of Places of Cultural Importance (Burra Charter) was signed. This charter is organized around four main headings: cultural significance, conservation policy, implementation methods and ethical rules of coexistence. Updated in 2013, the Burra Charter is the main innovation brought to the legislation in 1999, stating that use, meaning and connotations are important in the conservation process and proposing them as basic criteria. Thus, the meaning that individuals and society ascribe to heritage has become an important aspect of conservation. Accordingly, it was emphasized that the actions to be taken in relation to conservation may differ according to the characteristics of the place (ICOMOS, 1999).

In 2002, the 30th anniversary of the World Natural and Cultural Heritage Convention, the 'Budapest Declaration on World Heritage' was signed in Budapest, Hungary. The aim of this declaration was to establish new strategic goals and define new partnerships for world heritage, in a way to update the World Heritage Convention (UNESCO, 2002). The document sought to improve the quality of conservation practice by identifying and emphasizing the involvement of new groups of actors in the protection of natural and cultural heritage, such as the private sector, the media, youth and non-traditional decision-makers. At the same time, it was emphasized

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that concepts such as reliability, capacity building and communication should be included in conservation practice and all stakeholders were called to cooperate in this regard. As can be seen, the Budapest Convention also contributed to changing the characteristic of conservation as a process supervised by the state and experts by adding to the conventional definition of stakeholders.

In this period in which the individual and the local have become increasingly prominent, a new dimension was added to international protection legislation in 2003, and the protection of intangible cultural values such as traditional handicrafts, performing arts, social rituals and festivals was included in protection legislation with the Convention for the Safeguarding of Intangible Cultural Heritage. Article 2 of the Convention defines protection as "...ensuring the viability of intangible cultural heritage, including identification, documentation, research, preservation, conservation, protection, development, enhancement and transmission from generation to generation, in particular through in-school and out-of-school education, and the revitalization of various aspects of this cultural heritage" (UNESCO, 2003).

The Convention defines what needs to be done for the protection of intangible cultural heritage at the national level and also states that an 'Intergovernmental Committee for the Safeguarding of Intangible Cultural Heritage' will be established and defines the duties of the committee. Thus, it not only defined intangible cultural heritage, but also the principles and tools necessary for its protection. Finally, an important point to be mentioned is the reference to existing international instruments in the field of human rights in the preamble of the convention, reflecting the stage reached by the understanding of cultural heritage at the time of its signing.

An important milestone in the field of cultural heritage and conservation took place in 2005. In this year, the Council of Europe Framework Convention on the Value of Cultural Heritage for Society, commonly referred to as the Faro Convention, was signed. This convention considers cultural heritage as part of development and emphasizes the value and potential of using cultural heritage as a resource to ensure sustainable development and quality of life in an ever-evolving society (CE, 2005). It thus defines cultural heritage as a resource and outlines the framework for how and for whom this resource should be used.

The most important innovation brought by the Convention is the definition of 'heritage society'. A heritage society is defined as 'composed of people who value the characteristics of cultural heritage that they wish to preserve and transmit to future generations through public action' (CE, 2005). The Convention also defines the rights and responsibilities related to cultural heritage. While this definition is based on the Universal Declaration of Human Rights, it also explains under what conditions and why the exercise of the right to cultural heritage can be limited. Therefore, it addresses human rights and cultural heritage in a directly interlinked manner and serves as a guide for subsequent conventions.

Another important instrument signed in 2005, like the Faro Convention, is the Convention on the Protection and Promotion of the Diversity of Cultural Expressions. This convention addresses the issue of cultural heritage from the perspective of the diversity of cultural expressions and defends the view that the protection of diversity is in the interest of all. The Convention states that the protection of cultural diversity also means the protection of human rights and that this can help to realize fundamental freedoms (UNESCO, 2005).

Especially in the 2000s, concepts such as rights, intangible values and local identities have been included in conservation legislation; this expansion means that the theoretical point reached by the idea of cultural heritage in the theoretical field has started to be reflected in practice. This expansion in the theoretical field has strengthened the multidimensionality of conservation and made conservation a more difficult and complex issue in practice. Consequently, the strategies and tools to be developed to realize the new objectives have to be responsive to this complex issue. As the issue has become more difficult, more stakeholders have been identified and there has been a tendency to share the responsibility for increasingly difficult conservation implementation among more stakeholders.

In 2008, the Quebec Convention on the Protection of the Spirit of Place was signed, which focuses on the concept of 'place' in the field of cultural heritage and conservation and aims to protect the spirit of place. The document defines the values that give a place its identity, identifies the threats these values face and determines how to protect the spirit of place against them.

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Table-1: This table was prepared by the author by analyzing the contract texts within the scope of the study.

CONTRACT	VALIDITY SCALE	MAIN TOPIC	BASIC CONCEPTS USED	THE LOGIC OF CULTURAL HERITAGE	THE NATURE OF THE CHANGE IT INVOLVES
Carta Del Restauro 1931	Regional	Basic principles of restoration theory	Restoration Monumental artifact	It deals with building scale and monumental buildings in particular	Providing the formation of generally valid restoration principles on a national and international scale
European Cultural Convention 1954	Regional	A common understanding of culture on a European scale	Cultural value Common European heritage	It deals with it within a common cultural perspective and an understanding of supranational cultural policies shaped accordingly.	Bringing the understanding of culture and cultural heritage together in a common understanding on an international scale by transcending national scales
Venice Charter 1964	Universal	Principles for the protection of cultural heritage	Monumental artifact Historic site Protection Restoration	It addresses it within the logic of creating universally valid conservation principles within the understanding of common heritage	Identify universally valid principles of conservation, restoration and historical excavation
Convention for the Protection of the World Cultural and Natural Heritage 1972	Universal	Universal principles and institutions related to the protection of natural and cultural heritage	Natural heritage Cultural heritage World heritage	Treats natural and cultural heritage as an inseparable whole	Creating institutions and tools for conservation on a universal scale
The Declaration of Amsterdam 1975	Regional	Regulations for the protection of European architectural heritage	European architectural heritage Integrated protection	treats European architectural heritage as part of the historical and cultural whole and as one of the main subjects of planning	Addressing the issue of architectural heritage conservation by considering social, cultural and legal dimensions and within the integrity of urban-rural areas
Washington Charter 1987	Universal	Principles, objectives and tools for the protection of historic cities and urban areas	Historic cities and sites Development dynamics Preservation of historic character	Focuses on how historic cities can be preserved within the dynamics of economic and urban development	Addressing the conservation of historic urban areas by considering the development dynamics in which they are located and which threaten their authenticity
Charter For The Protectıon And Management Of The Archaeologıcal Herıtage 1990	Universal	Principles and objectives for the protection of archaeological heritage	Protection in place Integrated protection policy	Archaeological heritage as a source of information about the development of human civilization and human activities in the past	Introducing the principle that conservation policies should be considered as a whole with culture, environment, land use, development and planning policies
Nara Document on Authenticity 1994	Universal	Value and authenticity criteria to be used in defining cultural heritage	Authenticity Cultural diversity Heritage diversity	It includes the understanding that cultural heritage should be redefined through cultural diversity	To introduce the definition of authenticity based on cultural context and the principle of diversity of cultural heritage
Burra Charter 1999	Universal	Principles for the protection of places of cultural significance	Location Cultural significance Compatible use	Defining the significance of the place and ensuring that the identity that constitutes this significance is preserved in a holistic manner	Guiding conservation principles, conservation processes and conservation practice of places of cultural significance
Budapest Declaration on World Heritage 2002	Universal	Updating the Convention on the Protection of the World Cultural and Natural Heritage	Reliability Protection Capacity building Contact	Improving the quality of conservation practice by identifying new actor groups in the protection of natural and cultural heritage	Define new strategic objectives and actor groups for the protection of natural and cultural heritage
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	Universal	Protection of intangible heritage	Intangible cultural heritage Capacity building	Includes the identification of values other than tangible heritage that are cultural heritage	Defining intangible cultural heritage as a concept and its importance
Council of Europe Framework Convention on the Value of Cultural Heritage for Society 2005	Regional	Cultural heritage, social development and human rights	The value of cultural heritage Heritage society	Recognizes cultural heritage as a resource that can be used in multiple ways for the development of society	Identify how the potential of cultural heritage can be used for society
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	Universal	Protecting cultural diversity and diversity of expression	Cultural diversity Cultural context Cultural expressions and diversity of expression	To consider cultural heritage in the context of heritage diversity as a continuation of cultural diversity	Addressing cultural diversity and the protection of diversity of expression together with the protection of cultural heritage
Quebec Declaration on the Protection of the Spirit of Place 2008	Universal	Preserving the spirit of the place	Spirit of the earth Local identity Local community	To determine the principles for the protection of local identity through the concept of the spirit of place	Introducing the principle that the place should be protected by the local people, tangible values and intangible values together

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Valetta Principles for the Conservation and Management of Historic Towns and Urban Areas 2011	Universal	Protection of historic cities and urban areas	Change Usage Balance Harmony	Redefining goals, trends and tools for the conservation of historic cities and urban areas	Taking change as a parameter that must be accepted as absolute and developing measures against it

Climate change, mass tourism, armed conflict and urban development are listed as factors that threaten the spirit of place, and it is stated that these factors cause the transformation and deterioration of societies (ICOMOS, 2008).

The last document to be mentioned due to its role in the formation of international cultural heritage and conservation legislation is the Valetta Principles for the Conservation and Management of Historic Towns and Urban Areas, signed in Valetta, Malta in 2011. This document was prepared to redefine the 'aims, trends and necessary tools' (ICOMOS, 2011) for the conservation of historic cities and urban areas. The novelty of the text is that it takes a multilevel approach to conservation, moving from the regional to the sub-regional scale, and within this approach, it defines how historic cities and urban fragments should be conserved within the totality of identity, land use, public spaces, socio-economic factors and environmental factors. With this multi-scale and multi-dimensional perspective, 'change', 'mobility', 'use', 'social environment change', 'balance and harmony' can be listed as the main issues addressed in the conservation of historic areas.

Under the heading of recommendations and strategies for conservation, the document sets out the rules to be followed and implemented under the headings of elements to be preserved, new functions, contemporary architecture, public spaces, services, mobility, tourism, energy, participation, planning and risks (UNESCO, 2011). In the protection of historic cities and urban areas, the Convention includes the understanding of ensuring that the extremely rapid change experienced by these areas and their surroundings is controlled by protecting the city's physical, social and economic balances. Its contribution to conservation legislation can be briefly summarized as taking change as a parameter that must be accepted as absolute and developing measures against it.

In all these international legal texts analyzed in three periods, it is seen that the subject of cultural heritage has gradually expanded and gained different dimensions over time in terms of the subject, the logic of protection, the concepts used and the direction of change. Developments at the theoretical level have been discussed in institutions working on protection and legal texts that will be valid at the international level have been created. The characteristics of these conventions, which are binding for the state parties, are summarized in Table-1 using the review criteria.

4. Conclusion

Culture has provided values, norms and tools to humanity throughout history as the most important factor that gives identity to human beings and the environment in which they live. In such a context, cultural heritage is one of the most important factors that give identity to the individual, society and the built environment. As cultural heritage has become more important for humanity, its scope has expanded and the content of conservation has been reshaped in parallel. As De Boer points out, while the focus of conservation was initially on the protection of individual objects against undesirable developments, it has evolved to represent local and regional heritage values (De Boer, 2006).

The understanding and practice of cultural heritage has undergone three main periods in the development process from the beginning of the 20th century to the present day. The first one is the period of institutionalization shaped by the influence of modernism, from the emergence of contemporary restoration theory in the 1930s to the definition of world heritage in the 1970s. The second period, starting with the definition of world heritage in the Convention for the Protection of the World Cultural and Natural Heritage and ending in the 1990s, is a period of diversity in cultural heritage and conservation in terms of subject, scale, stakeholders and tools. The third period is the period of localization that started with the Nara Document of Authenticity in the 1990s, in which, on the one hand, localism and the individual came to the fore, and on the other hand, phenomena such as community benefit and human rights were included in the process.

When all these periods and the texts included in international protection legislation in each period are analyzed, the results are as follows:
- At the beginning of the period under review, the definition of cultural heritage included monuments

and significant historical and archaeological sites. In the following years, as the definition of cultural heritage has changed, building assemblages, civil architecture, sites, historic cities and intangible cultural elements have been included.

- The purpose of conservation has changed from ensuring the continuity of the existing characteristics of historical buildings and areas to the protection of the buildings and areas subject to conservation, taking into account the dynamics of development and as part of comprehensive planning, management and development policies. Later, with the definition of intangible cultural heritage, the protection and development of the identity of the place and the use of cultural heritage for the benefit of society became the main purpose of conservation.

- In the same process, conservation started to be limited to restoration as a method, and then methods such as reconstruction, reuse and adaptation emerged in addition to restoration. With the overcoming of the understanding of conservation at the building scale and the transition to conservation at the site scale, methods have been developed for the conservation of protected areas, historical cities and urban areas.

- As the issue of conservation, which was limited to building scale and restoration, has come to a point where it embraces tangible and intangible values together and conservation is considered as the protection of the identity of the place, new stakeholder groups have been added to the stakeholder groups involved in conservation, and conservation has become a process managed by the state-expert group-local people-civil society together, rather than a process decided by experts and controlled by the state.

- As the purpose, scope and method of protection have changed, international legislation has continuously evolved in line with this changing content, and new conventions and conventions have been adopted to cover new issues on the one hand, while on the other hand, updates have been made regarding the existing issues in the legislation.

- All the changes that took place in the theoretical field were reflected in the conservation legislation and led to the completion of the institutionalization of the legislation from the 1930s to the end of the 1960s, its expansion and diversification in terms of subject, scope, method and stakeholders in the 1970s and 1980s, and its localization with the inclusion of concepts such as local identity, individual and community benefit in 1990 and beyond. For this reason, the whole process consists of three periods that are continuation of each other but differ from each other in terms of quality.

- In the first two periods of the three periods of international legislation, cultural heritage and protection, it was created by Europe-based organizations, and therefore Europe's understanding of culture and law dominated the legislation. In the third period, other cultures of the world other than Europe and North America started to become parties to the issue, and alternative perspectives to the Eurocentric perspective emerged in international protection legislation, as in theoretical studies, and started to influence the process to some extent.

The approximately 100-year period summarized in this study shows how important the issue of cultural heritage and protection is for humanity and how it is becoming more and more important. Today, the protection of cultural heritage has become an issue that affects and concerns everyone from state organizations to expert groups, from civil society to the private sector, from individuals to local communities, showing that the concept of 'common heritage of humanity', which is put forward as an abstract definition in legal texts, is a concrete phenomenon that exists in real life.

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