

PROBLEMS CONCERNING THE PROTECTION AND DEVELOPMENT OF COASTAL AREAS IN TURKEY*

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I. INTRODUCTION

The protection, preservation and development of coastal areas in any country are closely related to the overall problems of using land and other natural resources, properly, in conformity with social targets and public interest, so as to insure that not only certain dominating social and economic powers and classes of society, but also the great majority of the people, make use of them. The use of land and natural resources cannot be left to the mercy of the supply and demand mechanism in any developing country. The same applies to the utilization of coastal areas. On the other hand, land demand in coastal areas has dimensions different than those in urban and rural areas.

The location of land along the shores offers the land owners not only the opportunity of the most suitable site for touristic buildings, but also access to water, sand, sunshine, fresh air, panoramic views. In addition to these possibilities offered in coastal areas, the location of the land in relation to water also provides monopolystic powers to the land owner, if private ownership is permitted in the coast. That is why coastal areas have been under the rule and possession of the state, in most of the countries, permitting no private ownership to be established over it. This has been also relevant for Turkey. In spite of the fact that the coast has been considered as public property assigned for the common and free use of the whole people, the situation has been the reverse, and the access of the public to the shores has been cut off by those who have occupied and plundered the coast.

Urbanization, industrialization and modernization have had great impacts on the recreational and vacational needs and habits of the ur-

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ban-dwellers, who have no or very little access to nature. Consequently, the demand for coastal land has increased rapidly. During the last decade, the rush for the land in the coast, and illegal uses and deeds established over it, have been one of the most important subjects causing discussions, criticism, protests in Turkish public opinion. Here, in this paper, I will try to explain in a realistic manner the present problems created by the existing use of coastal areas, what has been done so far to solve these problems, and how we can reopen the coast to public use through integrated measures.

II. LAND OWNERSHIP IN THE COAST: AN HISTORICAL BACKGROUND

Prior to the establishment of the Turkish Republic in 1923, Ottoman Civil Law considered the sea and lakes as public property made available for the common use of the people, and provided that one cannot give any harm to others while utilizing them. This general rule was very similar to the concept of old Roman Law that considered the coast as common property for all (= *res omnium communes*). In the Ottoman period, no clear cut rules were laid down as regards to the coast, since all Land was under the ownership of the Sultan. Not the title, but only the right of utilization of state owned land could be transferred to private persons, subject to certain conditions required for the proper use of land. In 1858, the Land Act made provision for private persons to acquire land in the coast through land reclamation from the sea. We may say that this has been the first concession made to private ownership in the coastal areas.

Three years after the proclamation of the Republic the Civil Law was put into effect, according to which, all properties, unsuitable for agriculture (like mountains, rocks, sand..) including the coast, cannot be owned by private persons, and have been assigned for the common use of the people, because of its natural characteristics. In many cases, the Supreme Court of Cassation reaffirmed that private ownership can't be established on sand in the coast which is under the rule and possession of the state (Decision No. 970 /7, K.972 /4, dated 13 March 1972, by the General Assembly of Civil Law Departments for Unification of Precedents).

III. LEGAL STATUS OF THE COAST AS PUBLIC PROPERTY

Being public property made available for the common and direct use of the public and because of its natural qualities, the coast is gover-

ned in accordance with rules and principles applied to public property. Consequently, the coast cannot be transferred, renounced, abdicated or turned over to private ownership. It is distrainable, and therefore, no stress can be levied upon or sequestered. Although it is not necessary to have it registered for title deeds, the coast has been protected with a procedure different from the one provided for private properties, against any kind of aggression and occupation.

Since the coast is made available for direct use by the public, the owner of the land adjacent to the coast has no right either to own or to put its use under his monopoly. In other words, anybody, including the owner of the adjacent land, has the right to access and use on a common and equal basis, free of charge. No special permission required to enjoy the possibilities of the coast, such as swimming, boating, sailing, and other activities. For the benefit of the users, certain facilities and related constructions are permitted so as to make better common use of the coast. On the other hand, the administration has no power to put any limitation over the right of public use of the coast.

In contrast to the civil law rule not permitting ownership to be established by private persons in the coast, the Land Registration Law made it possible to acquire land through reclamation from the sea. Although the Law Concerning Land Distribution to the Farmers, adopted 11 years later than the former law, did not permit this way of acquisition, but influential and rich peoples have continued to gain in practice land on the coast. Getting the front side of the parcel adjacent to the shore, recorded as "the lip of the sea" on the title-deed and related documents has been another trick practiced to enlarge one's land towards the beach.

According to the amendment made in the law of Reconstruction, in 1972, land acquisition by private persons through reclamation from the sea or swampy land has been prohibited. Pursuant to the same amendment, public authorities have been forbidden to transfer land to private ownership in coastal areas.

IV. PLANNING CONTROLS IN COASTAL AREAS

A. Constitutional Ground

All restrictions and planning controls over land in coastal as well as urban and rural areas have originated from the Turkish Constitution, which provides that the right of ownership cannot be used contrary to public interest. Provision has also been made by the Constitution that the right of ownership can be restricted only by law for the cause of pub-

lic interest. This has been in conformity with the modern concept of ownership which attributes social functions and responsibilities to property and its owner. Consequently, right of ownership has not been considered as an absolute and unlimited power of using the property as the owner likes it, without considering or paying attention to the interests of others. That is why, Article 36 of the constitution concerning this right has been put into the Third Section of the Constitution, under the title of "Social and Economic Rights and Duties".

Pursuant to Article 10 of the Constitution, the state must remove all political, economic and social obstacles that restrict the fundamental rights and liberties of the individual and are irreconcilable with the principles of the rule of law, individual well-being and social justice. The State must also arrange the conditions required for the development of the individual's material and spiritual well-being. According to Article 49 of the Constitution, it is the responsibility of the State to ensure that everyone leads a healthy physical life, and receives medical attention. In the light of Articles 10 and 49, we share the opinion of other colleagues, that it is the function of the State to assure that everybody enjoys and uses the coast, and to take necessary measures to open the coast for the common, free and equal use of the people.

B. Legislation Concerned with Land Use and Planning

Prior to the Reconstruction Law (dated 1957), Municipal Law Concerning Constructions and Roads had made provision that a zone of 10 meters width, adjacent to the sea-shore to be assigned for public use. Reconstruction Law empowered the municipalities to delineate the distance to be preserved from shores when they prepare their local development plans and bye-laws to implement these plans. The regulation guiding the enforcement of the law mentioned above made provision that no private buildings be permitted within 30 meters width zones adjacent to the shore, in areas where the development plan is not ready. Of the amendments made in the Reconstruction Law in 1972, Annex Article 7 concerns the coast. Basic principles laid down by the Annex Article 7 are as follows:

1. No Permission will be given for private buildings those are not open to the access of public, in the "coastal strip" designated by the Ministry of Reconstruction and Settlement, the department responsible for planning and housing. The width of the strip can not be less than 10 meters. This provision has been the essence of land use and building controls in coastal areas.

2. Principles, procedures and other requirements concerning land use, subdivision controls, building permissions will be laid down in the by-law to be prepared by the Ministry. This has been an extension of the central government's power to regulate the use of land.

3. Development plans will be prepared for coastal areas in accordance with the priority list established by the Council of Ministers. This has been an exception to the general rule that the municipalities are empowered with planning functions.

4. No public land on the coastal strip can be transferred to private ownership, and land acquisition cannot be made by private persons through reclamation. This is not a part of an integrated public land policy, but only a casual remedy to illegal practices.

It is obvious that this amendment has been an opportunity on the part of the administration to extend its planning powers as well as building and subdivision controls over the coastal areas in and out of municipal borders.

C. Reopening of the Coast to Public Use

All these powers given to the administration aim at the optimum use of the coastal areas in conformity with social justice so as to ensure, for all, free and equal access to the coast and other possibilities offered by the coast. In ordinary terms, this means the "reopening of the coast to the people". First of all, on behalf of the people who wants to reach the coast and use it, there should be no physical barriers impeding them to do so. Establishing, on behalf of the public, the the right of passage through adjoining land or opening public roads reaching directly to the shore, would serve the same purpose. Secondly, certain restrictions must be imposed upon land, in the strip adjacent to the coast, by prohibiting certain uses and buildings "not open to public", such as private houses, clubs, holiday resorts, camps of governmental institutions, or by permitting only uses and buildings considered as "open to public use" such as restaurants, hotels, motels, mo-camps, and alike¹. It is difficult to distinguish the uses that are open to public and that are not. For instance, hotels may be considered as open to everybody

¹ Definition given by Article 1.05 of the By-Law Concerning Coastal Areas (Published in the Official Paper, on 18 January 1975, No.15122) is as follows:

"They are the buildings for which the inviolability of the residence does not apply and which, under the control of related public authorities, in accordance with the principles of equality and freedom and without a concession of monopoly powers in usage either to individuals or to groups, are accessible by everyone complying with the rules and fares approved or determined by the authorities concerned."

provided that they can afford to pay for it. In other words, hotels are not open to those who cannot pay for it. Thirdly, permission may be given for certain constructions in the coast, which are necessary to render certain services and facilities for making the public able to utilize the coast in comfort, without any payment in return, except certain contributions to the cost of the service utilized. This has been realized by the Municipality of Antalya, by establishing "people's beach"s.

D. Land Use Controls in "the coast" and in the "coastal strip"

Distinction must be made, for planning and land use purposes between "the coast" and "the coastal strip" adjacent to the coast. Any definition given for the coast must satisfy not only the planners, but also the lawyers and geomorphologists. To the lawyers and the courts in Turkey, the coast is the sandy or pebbly zone that has been an extension and continuum of the sea towards the land, ending where the arable, cultivable land begins. To geomorphologists and geographers, the coast is a product of many centuries, a zone consisting of geomorphological elements that have been developed by the effects of the waves, such as rounding, wearing out and accumulating. Therefore, the level waves reach or the geomorphological elements and forms resulting from the waves are more important to delineate the boundary of the coast towards the land, rather than the beginning of the arable area. The combination of the legal and geomorphological definitions of the coast would be the most appropriate one, as it is done by the Ministry of Reconstruction and Settlement in the by-law concerning the coastal areas. According to Article 1.05 (paragraphs a, b and c) of the by-law², the coast is the

² Text of the Article 1.05 (Paragraphs a, b and c) reads as.

a) Coastal Line

"It is a natural line which varies according to the meteorological conditions and which is obtained at any point in time, at sea, lake (natural and man-made) and river sides, by connecting those points where water joins with the land.

b) Coast:

It is the stretch of land extending along the coastal line of seas, lakes (natural and man-made) and rivers.

As concerns the sea and lakes, the said land is the segment that lies between a certain coastal line defined, excluding the periods of overflow, as the furthest point where water joins with land and the natural inner land boundary of the sandy, pebbly, stony, rocky, rushy or marshy area that extends beyond the said coastal line and is formed by the tide.

As concerns rivers, this land is the segment which lies between the usual river-bed and the naturally formed inner land boundary of the sandy, pebbly, stony, rocky, rushy or marshy area that extends beyond the said riverbed and is formed by the motion of water.

Since seas, lakes and rivers are under the rule and possession of the State, the coasts which are the extensions and integral parts thereof, are the areas available for public use free of charge and in accordance with the principles of absolute equality and freedom, and without the involvement of privileges and monopoly powers.

piece of land which runs along the coastal line of the sea (lakes, rivers as well), that falls between the coastal line, where the waves reach their highest level and the natural line where the sandy, pebbly, stony, rocky, swampy or rushy areas end, the areas have been formed by the coastal movements of the waves.

“Coastal Strip” is a fictive zone laid down by the Law of Reconstruction (Article 7). As defined by the Article 1.08, (Paragraphs A.B.C) of the by-law, (see footnote No 7) this is a zone which begins from the natural boundary line of the coast, the width of which is determined by the Ministry of Reconstruction and Settlement not less than 10 meters. In this zone, no permission is given for buildings which are not open to public use, or for the extensions and alterations on the existing ones. The width of the coastal strip has been determined, in general, as 100 meters. This may be enlarged or shortened through planning decisions, by the planners, by taking the local conditions and public interest into consideration.

The coast is open to all on an equal, free and common basis. Therefore, buildings of any kind are prohibited definitely in the coast, with the exceptions of certain installations and infrastructure necessary for economic and rational use, and protection of the coast for public interest. Nor is it permitted to erect walls, fences, banisters, barbed-wires trenches or any other type of barriers impeding the access of the people to the coast, and consequently free utilization of the coast (By-law, Article 1.06)³.

c) Borders of seas, lakes (natural and man-made) and rivers: Border as mentioned in the supplementary article 7, 7, added to the Act numbered 6785 by the Act numbered 1605, means the line along which the coasts of seas, lakes and rivers meet with inner land.”

3 Text of Article 1.06 is as follows:

“Article 1.06 As coasts are available for public use in accordance with the principles of absolute equality and freedom, no structures shall be permitted thereon.

Structures and facilities such as quays, harbour facilities, breakwater, wharves, retaining walls, dock-yards, boat-houses, careening-beaches, vessels maintenance and service stations, bridges, apertures, light houses, guard-houses, shades, salt-pans, fishgarths, technical infrastructure and other installations, constructed for the purposes of preserving the coast, or other installations, constructed for the purposes of preserving the coast, or of facilitating the use of seas, lakes, rivers, and coasts in such a way as to secure public interest, shall be exempted for the purposes of this provision. The said structures may not, on any grounds, be utilized contrary to the specifications of this article.

In coastal development, structures that are available for public use such as tea and coffee houses, restaurants and beach-cabins may partly or totally be constructed on water if provision is made in this respect by the development plan. The said structures cannot under any circumstances be subject to private ownership, nor can they be planned so as to impede the accessibility of the coast.

Provisions of the Act numbered 1710 and of the supplementary article 6 added to the Act numbered 6785 by the Act numbered 1605, shall be reserved”.

E. Planning for the coastal areas

Reconstruction Law made provision for physical development planning for the coastal regions of the country in accordance with a priority list to be prepared by the Council of Ministers. Boundaries of the regions and the findings of the survey, and potentialities of tourism could be designated on a map with a scale of 1/200,000 or 1/500,000 that must be approved by the Council of Ministers. Since no physical plan at national scale has been made so far, such a planning for coastal areas is a rather difficult task to accomplish. By utilizing the accumulated information and experience at the State Planning Organization, and at the ministries of Reconstruction and Settlement, and of Tourism and Information, especially regional planning researches, this difficulty can be overcome. In setting priorities among coastal regions, existing capacity for accommodation, historical and natural assets, climatic conditions, and the duration of the tourism season should be taken into account. Therefore, an inventory of touristic potentialities of different regions, and analysis of existing and future tourism movements and trends within regions, as well as to and from other regions and countries, must be made. The basic aims of such a planning are as follows:

1. To realize free, equal and common access to the coast by the public.
2. To maintain the best use of land and water resources in accordance with national targets and with principles of social justice and public interest.
3. To guide and control the development in coastal areas.
4. To provide reliable and comparative data guidance to those interested in investing for tourism in the coastal areas.

Pursuant to the above mentioned legislation development plans must be prepared for priority regions. For this purpose, at least, two types of plans should be produced. The first is a *general plan* or *master plan* with a scale of 1/20,000 or 1/25,000, incorporating proposals for future land use and major road systems in the region, also designating the coastal areas to be preserved for future development, and areas not to be opened for use. Existing settlements, administrative boundaries and units, and the development of these areas must also be shown in this plan.

To implement these master or general development plans, more detailed plans must be prepared at a larger scale (differing from 1/10,000 to 1/1,000). These *implementation plans* incorporate land use de-

cisions as regards the locations and space requirements of desired and required activities and uses in the region, such as tourism, open and green space, parking areas, accomadation and public services, and local road systems to be developed.

In areas where prompt action is needed, even if the general and the implementation plans are yet to be ready, *partial development plans* for action could be made for land use, building and subdivision controls in a locality. Article 3.01 of the by-law⁴ provides that a minimum area of 15 ha. (= 4.9 acres) is required to have such a partial development plan made by private developers.

F. Basic Features of the By-Law

After more than two years of hesitation and delay until 1975, due mostly to political considerations, the Ministry of Reconstruction and Settlement used its power to issue the by-law that is a prerequisite for the implementation of the amendments made in the Reconstruction Law, in 1972. The Ministry, first issued a circular, on 4 October 1974, notifying that the by-law was under the process of preparation, and asking the provincial and other local authorities to implement the law so as to stop illegal building and subdivision activities being carried out in coastal areas. During this preparation period, the Ministry entered into cooperation with other concerned ministries and consulted members of the State Council as well as the legislative organs. The basic features of the by-law which appeared in the Official Gazette, on 18 January 1975, are as summarized below:

1. Since the planning powers and land use, zoning, building, subdivision controlls to be excercised are of the same nature, the by-law was meant not only for the coastal areas, but the rural areas as well.

⁴ Following is the text of Article 3.01:

“Concerning areas which lie outside the municipal and adjacent development area boundaries, the territory which the partial development plan to be prepared shall cover, may not be smaller than 150,000 m².

Upon a resolution by the Ministry of Reconstruction and Resettlement, the aforesaid restriction may be dispensed with, in the implementation of land-use decisions put forth by ratified tourism development plans of any scale.

Within the aforesaid territory, new large-scale developments may be permitted subject to the preparation and ratification of development plans in accordance with the related articles of this by-law.

For the initiation of development plans relating to areas which are covered under this by-law and are outside the municipal and adjacent development area boundaries, a permission of the Ministry of Reconstruction and Resettlement is to be obtained, and the conditions imposed by the said Ministry are to be complied with.

Provisions of the Land and Agricultural Reform Act numbered 1757, shall be reserved.”

2. The aim of the By-law has not been to solve the problems of ownership, but those of planning, guiding and controlling the use of land in the coast⁵. In accordance with the Civil Code, and decision of the Court of Cassation, in formulating the By-law, it is accepted as a starting point that the coast is under the rule and possession of the state, therefore, no private ownership can be established over it, and it is open to common, equal and free use of the public. Consequently,

a) Buildings and barriers in the coast, impeding access to the coast by the public, have been prohibited⁶.

b) Only those uses and activities "open to public use" are permitted within the "coastal strip".⁷

5 Text of Article 1.02 Concerning the objective and Scope of the By-Law is as follows:

"The objective of this by-law is to arrange the procedures and rules to be followed and the principles related to the use of land, subdivision and consolidation of plots at the register, construction and repairing of structures and extensions thereof, largescale housing construction and utilization of structures within the areas defined by the supplementary Articles 7 and 8 added to the Reconstruction Act numbered 6785 by the Act numbered 1605."

6 The text of Article 1.07 concerning this prohibition of constructions is given below:

"In order to provide public access to the seas, lakes and rivers in accordance with the principles of absolute equality and freedom, within 30 m. in the direction of land from the natural contour line indicating the level zero, determined as part of the countrywide surveying network, structures or barriers such as walls, hedges, railings, wire fences, ditches, stakes etc. may not be permitted on coasts and on coastal strips that are narrower than 30 m.

Excavations and carrying away of sand, pebbles, mosses, rushes etc. in such volume and scale as may alter the character of the coast, shall not be permitted thereon.

Wastes having polluting effects such as debris, scil, scoria, litter etc. may not be disposed of at the coast."

7 Following is the text of Article 1.08:

"Sea and lake shores, within the coastal strip of 100 m. or more, structures not available for public use may not be constructed, those in existence may not be altered or modified and no extensions may be undertaken.

Nevertheless:

a) Until the adjustment pursuant to the Article 11.01 of this by-law is accomplished, within the territory covered by the adopted development plan, this provision shall apply to coastal strips of at least 10 m. width, provided that the plan does not specify a wider strip.

b) Outside the territory which the adopted development plan extends over, within the compactly inhabited areas of villages and towns that are construed as permanent settlements, this provision shall apply to coastal strips of at least 30 m. width.

B- At river sides, within the coastal strip of at least 30 m. structures not available for public use may not be constructed, those in existence may not be altered or modified and to extensions may be undertaken.

C- In accordance with the last paragraph of the supplementary article 7 added to the Act numbered 6785 by the Act numbered 1605, vacant or built-up urban and rural land in public ownership within the coastal strips covered under the said article, may not under any circumstances be subject to private ownership nor may the land be acquired by private parties through sea-filling and reclamation of derelict land.

3. As regards existing abuses, mis-uses or non-conforming uses, the By-law is prospective, not retrospective. For a transitional period, all vested rights have been preserved, except ones which illegal.

G. The Council of State upholds the By-Law as Constitutionally and legally valid

The Council of State, the supreme court in administrative matters in Turkey, in a recent decision upheld the by-law as valid, legal and constitutional, in a suit brought by private persons. According to this decision taken by General Assembly of Judicial Departments of the Council of State, the restrictions imposed upon the land in coastal areas aim at making the public able to use the coast on an equal, free and common basis. The By-law and the law permitting only buildings open to public in the coastal strip are considered as legal by the Council of State, since they do not suspend or cancel the rights of ownership at all, but lay down only certain conditions binding the land owners in using their property. In the text of the same decision of the Council of State, it is also pointed out that there is nothing contradictory to the law, or to the principle of public interest in the by-law that aims at the opening of the coast to the use of public, on an equal, free and common basis. Therefore, the by-law is neither illegal, nor against the principle of public interest.

I. THE REALITY AND THE PROSPECT

Due to political considerations, the existing government composed of rightist parties, has neither given any support to, nor taken the measures necessary for the implementation of the law and the by-law concerning coastal areas.

Although the aero-photographic inventory of the coast was completed before the existing coalition came to power, it has not been utilized so far for planning and controlling land use and building activities in the coastal areas. This inventory could be a beginning of an archive of the coastal areas.

Activities to fix the natural coast lines have been too slow. Delineation of these boundaries are very important for ownership rights as well as restrictions over the land.

Provisions of the Act numbered 1710 and of the supplementary article 6 of the Act numbered 6785 shall be reserved.

A permission to build a structure for public use within the aforesaid areas, may be granted on the condition that the said restriction in usage is specified on the "declarations column" of the real-estate register."

The planning of coastal areas, at national, regional and local levels have been neglected, so have the priority list for the regions determined by the Council of Ministers. Necessary adjustments and modifications have not been made in the existing development plans of cities and villages in the coastal areas.

The central and provincial units of administration, engaged in coastal affairs, have not been reorganized to fulfil the new and extended powers and responsibilities necessary to implement the legislation.

Inspections and controls have been so inefficient that the barriers impeding the free access of the public to the coast have neither been cleared off, nor the erection of new ones stopped. On the other hand, provisions made for vested rights have been misconducted through collusions and deceit against law.

All these shortcomings and deficiencies may be attributed, to a great extent to the coalition in power today. The government program has not included any clause concerning coastal areas, or any official statement made against the legislation imposing restrictions over the use of land in coastal areas, or any tangible support given for the implementation of them. No sufficient funds have been made available for this purpose, so that an efficient planning can be carried out, and controls exercised.

Promulgation of laws and issuance of by-laws are not enough to open the coast to the public use. In order to realize the functions and responsibilities provided by the legislation, other necessary measures must be taken as regards the financial as well as manpower aspects of the problem.

Misuse and abuse in the coastal areas must be cleared off. This necessitates rational and long term measures and may therefore take time and be very costly. It is also a must that all illegally gained ownerships in the coast be abolished. On the other hand, the controls for protection and conservation are not enough. The coast must be used and developed in order to enable the people to utilize it freely, equally and on a common basis. The Constitution provides that the right of ownership must be used in accordance with the public interest, and that it is the duty of the governments to provide the people with free access to the coast.

SUMMARY IN FRENCH

L'utilisation, la protection et le développement des côtes en effet font partie des efforts majeurs déployés en vue de mettre au service du peuple des ressources naturelles.

Il est évident que l'utilisation des côtes ne saurait être soumise à la simple loi de l'offre et la demande. Malheureusement c'est précisément le cas en ce qui concerne la politique actuelle de la Turquie. Selon les dispositions légales en vigueur, les côtes sont mises à la disposition du peuple entier, en égalité et librement. En principe, la loi interdit aux particuliers de s'emparer des côtes afin d'en faire des parcelles de propriété privée. Or dans la pratique, on constate, dans notre pays, la violation de tous les textes légaux. C'est la situation contraire qui prédomine et que les côtes sont fermées à la quasi majorité du peuple.

Pourquoi? Parceque, le problème de l'utilisation des côtes se trouve contrariée en raison de la prise en considération "du droit de possession" comme critère de celle-ci. Aussi bien cette conception que les modalités de sa mise en application sont selon nous, diamétralement opposées aux principes énoncés dans la Constitution turque actuelle. Celle-ci en effet interdit:

— la formation de la propriété privée sur la bande côtière.

— l'utilisation des côtes d'une manière inégalitaire au détriment des intérêts du peuple.

La Constitution turque stipule également que tous les citoyens possèdent le droit de bénéficier d'utilisation des côtes, et l'Etat est chargé de leur en garantir le libre accès.

De même, plusieurs textes, lois ou décrets exigent l'obtention des permis par les usagers, permis que le Ministère de la Construction et du Logement est habilité de délivrer. Les mêmes textes prévoient la création dans le littoral une zone dont la largeur ne pourrait pas être inférieure à 10 mètres sur laquelle aucune propriété privée ne pourra être édiflée et dont l'accès est libre à tous.

En outre, selon les stipulations d'une loi (No:1605) datée de 1972 le gouvernement est tenu de publier un décret réglemantant l'utilisation des côtes et la formation des zones côtières en tenant compte de leurs positions géographiques. Ce décret en question devait entrer en vigueur en 1975. Il énonce les principes de base suivants:

— Résoudre au préalable les problèmes de planification des régions côtières;

— Geler dans l'immédiat les problèmes relatifs aux contentieux entre les particuliers;

— La largeur de la bande de protection de la zone habitée est fixée à 100 mètres avec toute fois des exceptions pouvant réduire la dite zone protégée jusqu'à 30 mètres.

Il faudra observer cependant qu'à la suite du changement de gouvernement le dit décret a été "oublié" par des nouveaux détenteurs venant de quatre partis de la droite turque.

En résumé ce décret, et par conséquent les deux lois de 1957 et 1975 avec toutes les mesures qui en découlaient, sont à l'heure actuelle tacitement abolis ou bien mis en veilleuse. Mais le véritable goulot d'étranglement n'est résidé pas là. Quelles que soient la valeur des dispositions légales entreprises ou envisagées, on ne saurait offrir les côtes à l'usage du peuple tout entier. Si on ne réalisait de prime abord une planification viable aussi bien nationale que régionale. Notons, à cet égard tant les programmes d'investissement que les mesures de contrôle de construction privée sur les côtes laissent souvent à désirer. En un mot toutes les mesures actuelles entreprises, nous paraissent insusceptibles de produire des résultats tangibles par les promoteur d'une politique réaliste de l'utilisation et de la protection des côtes turques. Les côtes ne pourront être mises à la disposition de tous les citoyens tant que l'État turc n'entreprenne et mette en vigueur de strictes mesures de contrôle barrant l'avidité des particuliers nantis. Et d'ailleurs un tel impératif est inscrit dans la Constitution turque.