

Regulation on the Substance and Procedures of the Establishment and Duties of the Site Management and the Monument Council and Identification of Management Sites

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CHAPTER ONE

Aim, Scope, Legal Ground and Definitions

Aim

Article 1 — The aim of this regulation is to ensure that archaeological sites, conservation sites, their interactive areas and junction points be conserved and evaluated within the scope of a sustainable management plan in coordination with public institutions and organisations, civil society organisations, and put forward the substance and procedures for the identification and development of management sites, preparation, approval, implementation and supervision of management plans and the determination of the duties, powers and responsibilities of the advisory board, site manager, coordination and audit board, audit unit and monument council that will have the function of managing the site.

Scope

Article 2 — This regulation covers the substance and procedures regarding the identification of the management sites of conservation sites, archaeological sites and interactive areas and junction points, the drawing up, approval, implementation and supervision of management plans and the terms of reference of the advisory board, site manager, coordination and audit board, audit unit and monument council that will manage the site.

Legal ground

Article 3 — This regulation is based on additional article 2 of the Law on the Conservation of Cultural and Natural Property numbered 2863 and dated 21/07/1983.

Definitions

Article 4 — In this regulation the following shall mean:

Ministry: Ministry of Culture and Tourism,

Law: the Law on the Conservation of Cultural and Natural Property numbered 2863

General Directorate: General Directorate for Cultural Property and Museums,

Competent authority: the Ministry or the relevant municipality authorised to identify a Management Site within the scope of this Law and Regulation,

Civil society organisation: Representatives of the Union of Chambers of Turkish Engineers and Architects (TMMOB), Turkish Union of Chambers and Commodity Exchanges (TOBB), Turkish Bar Association, Turkish Medical Association, Chamber of Tradesmen and Artisans, and if applicable, relevant associations, foundations and universities,

Interactive area: Areas integral to conservation sites, envisaged to be and develop in harmony with conservation sites in terms of density and settlement, completing, affecting or affected by the conservation site and connecting the conservation site with areas not under the scope of the conservation plan,

Monument: Immovable cultural property identified by the Ministry by taking into account its state of use, location, function, concentration of visitors, historical and artistic characteristics,

Monument Council: A board set up exclusively for an immovable cultural property that has the quality of a monument,

Urban conservation site: The area of a city or the area of the remains of a city that is product of various civilizations before and after recorded history and reflects the social, economic, architectural a.s. characteristics of the periods of these civilizations,

Archaeological conservation site: Area with concentrated cultural property that has been the stage of social life or important historic events,

Natural conservation site: Area to be protected due to its documented characteristics,

Advisory Board: Board set up to present proposals to assist decision-making and implementation of the draft management plan of the site management,

Coordination and Audit Board: Board authorised to approve and supervise the implementation of the management plan,

Audit unit: Unit of the coordination and audit board that executes audit, if deemed necessary,

Proposed management site: An area proposed as such where the powers of the site management are yet to be determined,

Management Site: Areas that have been delineated by the Ministry by obtaining the view of the relevant administrations to ensure coordinated planning and conservation between central and local government and civil society organisations with the aim of preservation the natural beauty, revitalization, evaluation, development around a specific vision and theme of conservation sites, archaeological sites and interactive areas and with the view of meeting the cultural and educational needs of the society.

Cultural property: All movable and immovable property on the ground, under the ground or under the water pertaining to science, culture, religion and fine arts of before and after recorded history or that is of unique scientific and cultural value for social life before and after recorded history.

CHAPTER TWO

Principles of Site management

Objectives of site management

Article 5 — The following shall be the objectives of site management:

a) Accurate delineation of the area for conservation, development and evaluation in its historical, social, cultural, geographical, natural, artistic integrity, and of its interactive areas and associated historical, cultural, geographical, natural, artistic junction points,

b) within the scope of a management plan, demonstrating ways to find an appropriate balance between the needs for conservation, access, sustainable economic development and the interest of the local community,

c) development of overall strategies, methods and tools to raise the value of the area to an international level, location of resources and fund raising,

d) set up an active network of international cooperation and sharing with the view of developing cultural tourism,

e) drafting implementation plans to develop regional cultural systems comprising conservation sites that have the potential to form a cluster by being associated with each other in a specific region,

f) cooperation between public institutions and organisations, civil society organisations, persons with right to property in the area, persons and organisations working on a voluntary basis and the local community in conserving and evaluating management sites,

g) in addition to conservation through maintenance, repair, restoration, restitution, exhibition, arrangement and landscaping of conservation sites, architectural sites and interactive areas in line with site management objectives within the framework of international principles of conservation and convention provisions, determination of principles and limits of use and development,

h) Utilisation of high standards in the management of cultural property, site of conservation, design and implementation, expertise and equipment.

Identification of the management site

Article 6— The competent authority shall identify the Management Sites. The following shall be abided by in the identification of management sites:

a) Studies shall be conducted to explore conservation sites, architectural sites and their interactive areas and junction points and evaluate the collected data. According to the study results, in line with the Law, Regulation and Resolutions, the proposed management site shall be delineated or demarcated. For the delineation of the proposed management site, the views of the relevant institutions and organisations, professional chambers,

universities and civil society organisations and persons with right to property in the area shall be taken into account.

b) The borders of the proposed management site shall be notified to the relevant public institutions and organisations the services of which are necessary for the area. The organisations shall forward their proposals and views within thirty days to the competent authority. A coordination meeting shall be organised to coordinate the planning and conservation of the area with central and local government and civil society organisations with the view to obtain their views.

c) If the relevant civil society organisations submit their views on the identification of the management site, their views shall be evaluated by the competent authority in line with these principles.

d) The final management site determined as a result of these studies shall be notified by the competent authority to the relevant institutions and organisations.

Management plan

Article 7 — The draft management plan shall be prepared by a team composed of experts and consultants from different professions depending on the characteristics of the area in coordination with the site manager appointed by the competent authority according to these principles.

Prior to and during the preparation of the draft plan by the competent authority, at least two meetings shall be organised and attended by stakeholders such as public institutions and organisations, local community, civil society organisations, professional chambers, universities, selected private sector representatives and persons with right to property in the area to give information and determine the issues that will constitute the data of the management plan. These meetings shall be announced to the public by means of posters attached by local governments and to the others by the competent authority.

Authority and methodology

Article 8 — The draft management plan of conservation sites, architectural sites and their interactive areas that have been delineated as management site shall be directly prepared by

- a) the municipality responsible for the urban conservation site,
- b) the Ministry for archaeological, natural and historic conservation sites,
- c) the Ministry, if the urban conservation site is not attached to any municipality,
- d) by the relevant municipality if urban conservation sites and other conservation sites are located together,
- e) by the relevant municipalities in a coordinated manner, if the urban conservation site borders extend into more than one municipality, by the Metropolitan Municipality if the area is within its borders; if the area is outside its borders by the Ministry in coordination with the relevant municipalities

Alternatively, the above shall be tendered out by these in line with the substance

and procedures of the procurement legislation.

The General Directorate shall execute works undertaken by the Ministry with regards identification of the management site, preparation of the management plan and site management.

Preparation of the management plan

Article 9 — The content of the management plan of the management site shall be composed of the following parts:

a) Existing situation: needs analysis related to the management, function and conservation of the area and contacts with relevant institutions and organisations.

b) Site analysis: identification of the significance, problems, bearing capacity of the area and functional and managerial analysis of the area.

c) Vision of the site and basic policies: Policies and strategies on management, conservation, use, presentation, promotion and visitors within the scope of the management plan that will point out the future vision of the area with the aim of presenting and promoting the area at the national and international level by putting forward operational, managerial, administrative and financial models.

d) Work schedule, timing and generation of projects: Terms of reference of institutions and persons to participate in the site management, their work schedules and budget analysis, identification of financial resources, an action plan entailing short-term, medium and long-term activities to be carried out and promotion of projects.

The table to be used in the action plan shall be as follows:

Topic	Required activity	Institution in charge of activity	Financial resources	Target date
Topic 1				
Topic 2				
Topic 3				

e) Definition of monitoring, evaluation and training processes: drawing up programmes to monitor, evaluate and train stakeholders to implement the management plan.

Management plan team

Article 10 — If management plans are prepared by the competent authority or the competent authority tasks another party with preparing it, a team to draft the plan shall be set up under the responsibility of an expert consultant. The team shall have at least the following members:

a) for urban conservation sites and historic conservation sites: graduates from architecture, urban and region planning, art history, public administration, business management and economic departments of universities,

b) for archaeological conservation sites: graduates from architecture, urban and region planning, art history, archaeology, public administration, business management and economic departments of universities,

c) for natural conservation sites: graduates from urban and region planning, public administration, business management, environmental engineering, depending on the nature and characteristics of the area graduates from forestry engineering, geology/geomorphology/geology engineering, agricultural engineering, landscaping architecture, hydrology, biology, zoology a.s. departments of universities.

Depending on the quality of the area, sociologists, anthropologists, historians, economists, tourism business managers, advertisers, public relations managers, and communication experts and a management plan consultant may take part in the team.

Evaluation of the management plan

Article 11— The advisory board to be set up in line with the principles of this Regulation shall evaluate the preliminary draft of the management plan. The site manager shall be present at the evaluation meeting of the board.

The competent authority shall finalise the preliminary draft of the management plan by taking into account the proposals and decisions of the advisory board at the end of its meeting.

Approval of the management plan

Article 12 — The draft management plan shall be examined and submitted by the competent authority to the coordination and audit board for approval by consensus that is set up according to the principles of this Regulation.

The coordination and audit board shall examine the plan and, if necessary, shall instruct the plan drafting team to make the necessary corrections. The management plan shall be adopted with the votes of three forth of the board members attending the meeting. The adoption procedure shall be completed in six months at the latest.

After the adoption of the management plan, it shall be copied and disseminated to the relevant institutions and organisations. Management plans shall be open. The competent authority shall have the duty to ensure openness.

Objections before administrative courts against the decisions of the coordination and audit board can be raised in due time.

Implementation and control of the management plan

Article 13 — Public institutions and organisations, municipalities and real and legal persons shall be obliged to follow the management plan approved by the coordination and audit board. Competent authorities shall prioritise the services covered by the plan and be obliged to allocate funds from their budget to this end.

The site manager, institutions and organisations responsible for the implementation and the competent authority shall work in coordination to perform the tasks defined in the management plan.

The management referred to in the management plan shall make an annual performance assessment with the help of the audit unit regarding the work undertaken in the area in line with the strategies of conservation, presentation, promotion and visitor management, and shall prepare the work schedule and budget for the following year. The assessment reports shall be evaluated by the coordination and audit board and the work schedule and budget of the following year shall be adopted. In addition to the annual assessment, the audit unit shall review the objectives and policies once every five years and submit them to the coordination and audit board for consideration.

During the implementation process of the management plan by the coordination and audit board, the competent authority shall prepare a draft addendum to the management plan, if the audit unit proposes a change in the vision, objectives and policies, and consult with the advisory board before the coordination and audit board adopts it.

The competent authority can form temporary project teams for technical assistance in project development and implementation regarding the works defined in the management plan.

All kinds of building and physical works and functional changes in immovable cultural and natural property and conservation sites of the management site to be undertaken within the scope of the management plan and the related plans and projects shall be decided by the Regional Council for the Conservation of Cultural and Natural Property.

CHAPTER THREE

Establishment and Duties of the Site Management Units

Site manager and his/her duties

Article 14 — A site manager, who has previously worked on the area, has adequate knowledge of the area, can develop a specific vision for the area, has knowledge on new approaches to cultural and natural property management, is experienced in management policies and implementations, is a graduate from university departments such as architecture, urban and regional planning, archaeology, art history, public administration, business management and economics shall be appointed by the relevant municipality to manage the area of urban conservation sites and shall be appointed by the Ministry to manage non-urban conservation sites.

Persons, who are site managers ipso facto shall receive payment from the Revolving Funds Operations Central Directorate of the Ministry of Culture and Tourism exempt from taxes except for the stamp tax at the beginning of each month following work, the amount of which shall be determined by the Minister, but which shall not exceed

the amount calculated by multiplying the monthly coefficient for government officials (20000) with the indicative number.

The competent authority shall execute the secretariat work of the site management. The competent authority shall provide an appropriate place for the site management units to be able to do their work. It shall allocate a sufficient number of staff and adequate funds from its budget.

The duties of the site manager shall be as follows:

- a) Devise the work schedule together with the competent authority to attain the annual objectives set forth in the management plan, to raise funds,
- b) Prepare the annual budget proposal,
- c) Prepare together with the competent authority all kind of contracts and draft specifications regarding the procurement of services and equipment for the presentation, promotion, education, repair, safety and needs of visitors,
- d) Ensure cooperation between institutions and persons involved in the management of the natural and cultural property of the area,
- e) Coordinate the preparation of the annual audit reports by the audit unit and the presentation of these reports to the coordination and audit board.

Establishment and duties of the Advisory Board

Article 15 — The advisory board shall be composed of at least five members from persons with the right to property in the area, professional chambers, civil society organisations, relevant university departments, site manager and members to be determined by the competent authority. The advisory board shall elect a chairperson from among its members.

The advisory board shall meet at least once a year. If deemed necessary by the competent authority, and coordination and audit board, the advisory board can be summoned to an extraordinary meeting. The advisory board shall hold its meetings locally.

The advisory board shall examine the draft management plan and submit proposals for decision-making and implementation regarding the plan.

All issues and proposals negotiated by the advisory board shall be protocolled for submission to the coordination and audit board.

The Coordination and Audit Board and its duties

Article 16 — The coordination and audit board shall be composed of at least five members, one of them being the site manager, two members to be elected by the advisory board from among its own members and at least one representative from each of the administrations the services of which are needed within the scope of the management plan. The site manager shall be at the same time the head of the coordination and audit board.

The competent authority shall summon the coordination and audit board at least twice a year. The audit unit and the competent authority shall identify the agenda of the

board meeting.

Upon request of the site manager or the competent authority, the board can be summoned extraordinarily. The board shall meet with absolute majority and decide based on at least three fourth of the votes of the attending members. The coordination and audit board shall meet locally.

The coordination and audit board shall examine the draft management plan, approve it in six months and control its implementation.

Audit unit and its duties

Article 17 — An audit unit can be set up to perform the control function of the coordination and audit board.

The audit unit shall have at least five members who shall be the controlling officers taking part in the preparation and implementation process of the management plan and expert personnel with a university degree in architecture, urban and regional planning, art history, archaeology, public administration, business management and economics to be appointed by the competent authorities.

The audit unit shall supervise the implementation of the management plan. It shall make the annual performance assessment of the work undertaken by the unit in the area in line with the strategies of management, conservation, presentation, promotion and visitor management identified in the management plan and prepare the work schedule and the budget for the following year.

The audit unit shall be authorised to request any kind of information and documentation from the relevant institutions and organisations and third parties regarding the management plan and its implementation.

CHAPTER FOUR

Establishment, Duties and Working Principles of the Monument Council

Establishment of the Monument Council

Article 18 — Each immovable cultural property of monumental quality shall have a dedicated monument council. The monuments to have a dedicated council shall be determined by the Ministry with the approval of the administration having a right of discretion on the monument.

The monument council shall be composed of at least seven members with at least one of them an academic representing local universities, professional chambers, civil society organisations, local governments and donors contributing to the conservation and development of the monument as deemed appropriate by the Ministry and representatives of the administration with the right of discretion regarding the monument.

The tenure of the council members shall be five years as of appointment to the council. Members can be re-elected at the end of their tenure. If a member resigns, a new member shall be elected with the same procedure to substitute the former for the rest of the tenure.

The secretariat work of the monument council shall be undertaken by the administration that has right to discretion on the monument. The Ministry or the administration that has right to discretion on the monument shall provide a place to the monument council to be able to carry out its work. It shall allocate a sufficient number of staff to this work and adequate funds from its budget.

Duties of the Monument Council

Article 19 — The council shall perform the following duties:

- a) Prepare and implement annual and five-yearly conservation and development projects covering spatial, physical and thematic development and vision, conservation and development, promotion and exhibition of the monument.
- b) Promote the monument.
- c) Collect donations to conserve and develop the monument.
- d) Extend awards to honour persons who provide in kind, cash or in person aid and assistance to conserve and develop the monument.
- e) Prepare regular reports on the level of conservation and development of the monument, submit these reports to the relevant administration and have them implemented.

Chairperson of the Council and his/her duties

Article 20— A representative from the administration with the right to discretion shall chair the monument council.

The chairperson of the council shall assume the following duties:

- a) Execute activities aimed at conserving, maintaining, repairing the monument and visitor management.
- b) If necessary, summon the board extraordinarily.
- c) Organise the council meetings.
- d) Ensure coordination between the administration and real and legal persons.

Principles of the work of the Monument Council

Article 21 — The council shall meet at least twice a year with two third quorums. It shall decide with absolute majority of the quorum.

The bureau and secretariat work of the board shall be undertaken by the administration with the right to discretion on the monument.

All kind of physical intervention to the monument must be permitted and controlled by the regional council for conservation of natural and cultural property.

The administration with the right to discretion on the monument shall be obliged

to take note of the council reports. The administration with the right to discretion on the monument shall justify in writing before the council issues related to activities referred to in the report that cannot be realised.

CHAPTER FIVE

Final provisions

Enforcement

Article 22 — This regulation shall take effect as of its publication.

Execution

Article 23 — The provisions of this regulation shall be executed by the Minister of Tourism and Culture.