Figure 1: Rock-cut tomb near Fethiye (Telmessos), Turkey.

Resim 1: Fethiye (Telmessos) yakınında kaya mezar, Türkiye.

Credit: Glenn Wharton

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Excerpts from Turkish legislation governing the care of cultural property have been selected for this leaflet to help archaeologists and conservators understand the current status of governance. The aim of the guide is to provide the contents of the articles without interpretation or critical review. The selected articles are only those that specifically concern the archaeologist and indirectly the conservator, whose cooperation is invaluable for the success of an excavation. Clearly, they contain very little specific reference to the conservation or restoration of movable cultural property.

Excerpts from the Turkish “Legislation for the Protection of Cultural and Natural Property of Turkey”:

PART I—Definitions—Article 3.a

Cultural property: All the movable and immovable property found above- or underground or underwater that is dated to prehistoric and historical eras of cultural, religious, and artistic value.

Natural property: All property that is found above- or underground or underwater relating to geological, prehistoric, and historical periods and which deserves to be protected due to its aesthetic, typically characteristic, and unique value.

Sites: Areas that are works of ancient civilizations, from prehistoric times to the present, which reflect social, economic, architectural, and other similar features of the cities or their ruins; places where significant historical events have occurred and are certified as territories which are to be preserved for their natural characteristics.

Conservation: Treatments of preservation, maintenance, repair, restoration, and functional modification of immovable cultural and natural property, as well as preservation, maintenance, repair, and restoration of movable cultural property.

Areas to be protected: Areas of importance for the protection of immovable cultural and natural property within their historical environment.

Disposition: Exhibition, arrangement, and presentation of cultural and natural property using scientific methods.

Exhibition: Display, arrangement, and presentation of cultural and natural property using scientific methods.
PART III—Movable Cultural and Natural Property to be Protected—Article 23

Movable cultural and natural property to be protected is defined as follows: a. All types of cultural and natural property that is dated to geological, prehistoric, and historical periods with documentary significance in geology, anthropology, prehistory, protohistory, archaeology, art history, and ethnography; that reflect the social, cultural, technical, and scientific features and levels of a certain era or that have unique characteristics.

Administration and Supervision—Article 24 a

Immovable cultural and natural property is state property and will be kept and preserved by the state in museums. According to the principles described in the legislation, Ministries of Culture and Tourism may control the registration and maintenance of these properties.

State Museums, Private Museums & Collections—Article 26

The establishment and improvement of museums to preserve natural and cultural property that are within the scope of this legislation are among the obligations of the Ministries of Culture and Tourism.

Prohibition of Smuggling Outside the Country—Article 32

All movable cultural and natural property will be preserved in the country and cannot be taken out of the country. However, for reasons of national benefit, cultural property may be sent abroad for temporary exhibitions, on the condition that all security measures are taken and insurance is provided by the host country against any damage, threat, and attack to the property. Proposals for temporary exhibitions will be made by a commission that consists of the directors of the departments of archaeology and art history. The decision to organize such an exhibition will be made by the Council of Ministers upon the request of the Ministries of Culture and Tourism.

Diplomats in Turkey will declare their cultural property of foreign source when they enter the country and may depart with it when they leave.

Principles for organizing temporary exhibitions of cultural and natural property abroad are defined in the regulations issued by the Ministries of Culture and Tourism, Ministry of Defense, and Ministry of Foreign Affairs.

Making Reproductions, Taking Photographs, and Filming—Article 34

Permission for taking photographs, filming, and making reproductions of movable and immovable cultural property that is on site or in a museum, for educational, scientific, and informative reasons, is given by the Ministry of Culture.

Transportation of the Excavated Finds to the Museum—Article 41

At the end of each excavation campaign, all excavated movable cultural and natural property will be transferred to the state museum that is designated by the Ministry of Culture. If approved by the Ministry of Culture, human and animal skeletons and all fossils uncovered during excavations and soundings may be submitted to natural history museums, universities, or related national science institutions. With the consent of the Office of the General Staff, all the movable property related to military history of Turkey that is uncovered

Yurdşına Çıkarma Yasası—Madde 32

Yurt içinde korunması gereken taşıtnak kültür ve tabiat varlıkları yurdşına çıkarlanmaz. Ancak, milli çıkarlar yurdunda dikkate alınarak, bunların her türlü hasar, zarar, tehliken veya tecvüzu ihtimaline karşı, gideceğii ilke makamlarından temin edilmek almak ve sigortalamanAK saràti ile, yurdda geçici olarak sergilenединen sonra geri getirilmelere; Kültür ve Turizm Bakanlığına teşkil edilecek yükseköğretim kurumlarının Arkeoloji ve Sanat Tarihi bilim dallarının başkanlarından oluşan bilim kurulunun kararı ve Kültür ve Turizm Bakanlığı'nın teklifi üzerine Bakanlar Kuruluna karar verilir.

Türkiye’deki koridorlukta mensupları, Türkiye’ye girişlerinde beyan ederek beraberinde getirdikleri yabancı kökenli varlıklarını, çıkışlarında beraberinde götürebilirler.

Yurdşında geçici olarak sergilenmek üzere kültür ve tabiat varlıkları gönderilmesi esasları.... Kültür ve Turizm Bakanlığı ve Dişleri Bakanlığı'nın birlikte düzenleyeceleri yönetmelikleri belirtilir.

Kopya Çıkarma, Fotoğraf ve Film Çekme—Madde 34

Kültür ve Turizm Bakanlığına bağlı önör yerleri ve müzelerdeki taşınır ve taşınmaz kültür varlıklarının alınış, eğitimi, bilimsel araştırma ve tespit edilecek bilgileri alanı ile fotoğraflarının ve film oluşturulmasını Kültür ve Turizm Bakanlığı'nın iznine bağlıdır.

Kazıdan Çıkan Eserlerin Müzelerle Nakli—Madde 41

Kazılardaki meydana çikan bütün taşınır Kültür ve tabiat varlıkları, kazı yapılan hevet ve kurumlar tarafından her yıl yapılan kaz sonuçları Kültür ve Turizm Bakanlığı'nın gözetmesi ve Devlet Müzesine nakledilir. Kazı ve sondajların sonuçlarına elde edilen insan ve hayvan ikişikleri ile bütün fosiller, Kültür ve Turizm Bakanlığına uygun görüntüdülük yapılar, tabiat tarihi müzelerine çeşitli üniversiteler ve ilgili diğer Türk bilim kurumlarına verilebilir.

Yayın Hakları—Madde 43

Kazı, sondaj ve araştırmalarında, meydana çikanak elde edilen varlıkların yorum hakkını 5846 sayılı Fikir ve Sanat Eserleri Kanunu hükümleri gereğince, kazı, sondaj ve araştırmaları ileride ödenekle ait kazi kazısı, her kazı dönemi sonunda, Kültür ve Turizm Bakanlığına bilimsel bir rapor vermekle yükümlüdür. Kazının bitiminden itibaren, kazı dönemi çalısmalarına ait bilimsel raporların en geç iki yıl, nihais bir bilimsel raporlarını ise beş yıl içinde yayımlanman kayı helerinin kazı, sondaj ve araştırmalarında bulundukları kültür ve tabiat varlıkları üzerindeki her türlü yasak hakkı Kültür ve Turizm Bakanlığına geçer.... Kültür ve Turizm Bakanlığına uygun görüntüdedek muzelerdeki sanatın ve bilim heveti ve kişisel yani bir kazı için rahasını verilmemek.

Koruma ve Çevre Düzenlemesi—Madde 45

Kültür ve Turizm Bakanlığı tarafındanتزın işleyip kazılarla ortaya çıkan taşınmaz kültür ve tabiat varlıklarını bakım, onarım ve çevre düzenlemelerini ile taşınır Kültür ve tabiat varlıklarının bakım ve onarımında kazı başkanlığına yapılar.

Müzelerle Müzelerle Bağlı Birimlerde ve Üzerindeki Kültür Varlıklarının Film ve Fotoğrafın Çekilmesi, Mulaj ve Kopyalarının Çıkartılması Hakkında Yönetmelik

Bu yönetmelik 2863 sayılı Kültür ve Tabiat Varlıklarını Koruma Kanunu’nun 34. maddesi gereğince hazırlanmıştır.
at excavations and soundings will be delivered to the military museums by the Ministry of Culture.

Publication Rights—Article 43
In accordance with the Legislation for the Intellectual and Artistic Works (No. 5846), publication rights of property uncovered at excavations and soundings belong to the directors of these campaigns on behalf of the team or institution who holds the permission to conduct the work. At the end of each excavation campaign, directors of excavations are obliged to submit reports to the Ministry of Culture. Publication rights of excavation teams who fail to publish the annual reports within two years and the final reports within five years will be inherited by the Ministry of Culture. Excavation teams and directors who fail to publish the final excavation reports in the period mentioned above will not be given permits for new excavations.

Preservation and Disposition of the Site—Article 45
Excavation directors are responsible for the maintenance, repair, and arrangement of the immovable cultural and natural property, as well as the maintenance and repair of the movable cultural property that is uncovered at the excavations. Directive for Filming, Taking Photographs, and Reproduction of the Cultural Property at Museums and Sites
This directive has been established in relation to Article 34 of the Legislation for the Preservation of Cultural and Natural Property of Turkey.

Principles of Work—Article 11
Property will not be taken out of the museum during the work. It is obligatory to obey the working rules of the museum and to avoid activities which may harm the property. When necessary, a working protocol should be prepared. The following principles will be considered during the work: a) Property; b) fixed display should not be removed; b) Utmost care should be taken for the welfare of the property. c) Visitors should not be blocked and the display order should not be altered; d) Timing of the work should be adequate for the museum staff; e) All security precautions should be taken; f) Property to be worked on should be specified prior to the work.

Article 12
All damage caused during work will be compensated by the researcher.

Article 13
Two copies of publications with photographs or slides which are taken at museums and sites will be given to the museum concerned.

1. Legislation for the Preservation of Cultural and Natural Property of Turkey, legislation No. 2863, was adopted in 1983. Requests for copies and other inquiries should be directed to the Ministry of Culture, General Directorate for the Preservation of Cultural and Natural Property, Ulus–Ankara.

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