

Privatization of Archaeology: Case of Turkey

by

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A Thesis Submitted to the

Graduate School of Social Sciences

in Partial Fulfillment of the Requirements for

the Degree of

Master of Arts

in

Anatolian Civilizations and Cultural Heritage Management

Koç University

January 2009

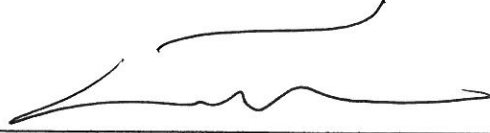
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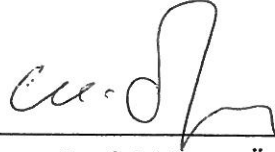
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Abstract:

This thesis examines the concept of privatization in the field of archaeology and investigates the types of private intervention by analyzing cases with specific reference to Turkey. In the 21st century, the boundaries of archaeological work are being enlarged since the expectation from excavations has shifted from mere scientific work to a more community based one which involves education and public outreach. Therefore, the “privatization of archaeology” refers to occasions in which accompanying activities are finding alternative income sources. For this study, these activities are identified as: *ownership, rental and acquisition of archaeological property, contract archaeology, management of archaeological sites, sponsorship of archaeological practices*. The study compares the international movements towards privatization under these headings to the recent endeavors in Turkey. Related legal framework, international conventions, local legislations are the main considerations of the analyses.

In many instances, archaeological heritage is protected as long as it can stick itself to an economic activity by generating income through tourism, local development or re-use of archaeological assets. Accordingly, a range of recent legislative initiatives ratified in Turkey indicate the willingness of the state to ensure re-use and conservation through economic exploitation of heritage in collaboration with the private sector. Consequently, the study aims to explore the motivations of the private enterprises for investing in archaeology in Turkey and their attitudes towards the selection of particular sites. A part of the study is devoted to research

on press releases, excavation reports and interviews with the current sponsoring companies to grasp their intentions.

Arkeolojinin Özelleştirilmesi: Türkiye Örneği

M. Işıl Gay Gürsu

Özet

Bu tez arkeoloji alanındaki özelleştirme kavramını ve özellikle Türkiye örneklerinden yola çıkarak farklı özelleştirme yöntemlerini incelemektedir. 21. yüzyılda arkeoloji uygulamalarının sınırları genişletilmekte ve kazılardan beklentiler bilimsel araştırmaların yanı sıra eğitim ve sosyal hizmetleri de kapsayacak şekilde toplum odaklı olarak biçimlenmektedir. Bu durumda “arkeolojinin özelleştirilmesi” tüm destekleyici aktivitelerin devlet dışındaki kurumlardan kaynak bulması durumuna işaret etmektedir. Arkeoloji pratiğinde önemli yer tutan destekleyici aktörler bu çalışma kapsamında dört başlıkta toplanmıştır: *arkeolojik alanların mülkiyeti, kiralanması ve devri, kontrat arkeoloji, arkeolojik alan yönetimi ve arkeoloji uygulamaları sponsorlukları*. Çalışma sözü geçen başlıklar altında ortaya çıkan özelleştirme uygulamalarının dünyadaki örneklerini Türkiye örnekleri ile karşılaştırmaktadır. İlgili yasal çerçeve, uluslararası anlaşmalar ve yerel düzenlemeler incelemenin ana temalarını oluşturur.

Pek çok durumda arkeolojik miras, turizm, yerel kalkınma veya yeniden kullanım yollarıyla finansal bir kaynak yaratabildiği sürece daha iyi korunmaktadır. Buna paralel olarak Türkiye’de son yıllarda yürürlüğe giren pek çok yasa devletin özel sektör ile işbirliği yaparak kültürel mirasın kullanılarak korunmasına sıcak baktığını göstermektedir. Buradan yola çıkarak, çalışmanın diğer bir amacı özel sektörün arkeolojiye ve özellikle belli arkeolojik alanlara yaptıkları yatırımların nedenlerini incelemektir. Şirketlerin amaçlarını anlamak için, çalışmanın bir

bölümü medya haberleri, kazı raporları ve söz konusu şirketlerle yapılan şahsi görüşmelere ayrılmıştır.

ACKNOWLEDGEMENTS

My undergraduate studies at Boğaziçi University have taught me to be a team player because all the projects we were responsible were to be prepared in teams. That was the time I realized that I easily get motivated when I am working with a group of people who shares the enthusiasm of ‘being together’.

When I started at Koç University, I thought the most challenging part of my graduate studies would have been writing the thesis for the entire year on my own. But thanks to several people who have supported me in different ways my experience of writing this thesis did not become a lonely process. The most important contribution always came from Gül Pulhan. I would like to thank my dear advisor for her continuous support, not only for my thesis, but in every aspect of my life during these two years of journey at Koç University.

I sometimes found myself talking about my thesis to a group of people with whom I had just met and it has usually been a good start. Damla Arslan has been my permanent audience to whom I have preached and they listened to the same story patiently over and over again. I warmly thank her.

There were times especially in the beginning that, I felt lost and Aslı Canan Yılmazsoy has been my address at those times since she always found the right words to comfort me. I also want to thank Bige Varlier for the colorful office days we had.

I would like to thank to all my professors at Koç and Boğaziçi Universities. Professor Şükrü Yarcın and Dilek Yarcın from Boğaziçi University have played an important role in shaping my career. Thanks to their guidance that I was able to figure out where to go.

I would like to thank to Dr. Kutalmış Grkay who has been very generous in sharing his real life experiences in the field of cultural heritage management at the site of Zeugma.

Ebru Bařar Hatip has made the archival surveys in the Hrriyet newspaper and my dear cousin Filiz Hatip has acted as my personal amazon.com and has instantly provided me the materials that I needed.

Lastly, I would like to thank my family, Tamer, Nuran, Sertay Grsu and Murat Grel for their love and support in every way that enabled me to complete my work.

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Chapter 1

INTRODUCTION

This thesis is the product of the statements of Turkish authorities who favour the private and public sector partnerships in the management of archaeological assets. It is also the product of a search for a site management model. For a larger perspective it also looks into the foreign practices in the field of archaeology with regards to their attachment to privatization movements.

During my graduate studies my focus has always been on the management of archaeological sites. In order to understand the internal dynamics that are faced by the excavation teams who are engaged with the management side of archaeology, I have made my internship at a site where I could experience a real situation. The Roman site of Zeugma was famous for the campaigns that were organized by different groups of people as a reaction to the Birecik Dam which would cause the site to submerge under its waters. Although this happened eight years ago, the site still holds an important place in Turkish archaeology. After interviewing different stakeholders of the site, we began to do brain storming on the future of the site. What came out of our discussions was a site management plan which was approved by the official organs in addition to the inspiration for this thesis. As our ideas developed on the better management of the site, I started to look at the general picture as well.

Private sector was a source that one could turn to for alternative funding or more diversified expertise on the managerial issues. As I began investigating more deeply about this topic, I have come across with different implementations from all around the world.

Within the scope of neo liberal political movements in the global arena, privatization has become a strong alternative that the states could turn to. Apparently, in the field of culture and archaeology, there are various transactions that can be associated with privatization but the level of this association may differ in scale. In other words, contracting out the management of the care of an archaeological site is not equal to leasing the total site to a private party in terms of its association with privatization. As it is suggested by Schuster, in these cases it is difficult to pin down the tipping point in any systematic way and there would be many disagreements on the exact moment of the occurrence of the tipping point, but many would agree that one exists (Schuster, 62). The second chapter of the thesis gives a conceptual background which aims to depict a framework in which these ‘tipping points’ can be analyzed.

The instances of privatization in the field of archaeology can be understood by looking at the experiences of different countries. Since every country has its own legal systems and traditions about the archaeological practices, every experience is unique in this field. The third chapter touches upon these experiences with specific reference to significant practices of archaeology.

The last two chapters examine the Turkish examples and laws. The results of three investigations on the corporate sponsorship of archaeology are presented in order to analyze the emerging trends related to the corporate social responsibility projects.

The term privatization has been used by so many people in so many different ways to mean different things that it is hard to use it with much confidence (Schuster, 58). However, it is the only term which is general enough to embrace

the existing actions under its umbrella; it is the only available term to cover all different headings in the practice of archaeology that will be dealt in this study.

In the field of archaeology, it is not possible to find examples to total privatization. Within the context of international conventions and the national legislations, states act as the controller in the protection and management of their archaeological heritage. The activities which are discussed in this thesis refer to those instances in which private intervention was an important component. Besides, the accumulated experience in the field of cultural heritage management in the last two decades clearly shows that the states have gradually gained important roles in the conservation and management mechanisms. However, this does not mean that the states are the only stakeholders in the management of archaeological sites. In any given archaeological project, the research team, the local population and governments, tourism organizations, private sector and general public along with the state can be among the stakeholders of the archaeological site. The cases which will be analyzed throughout this thesis are tools to provide an understanding of the changing role of private sector in Turkey and other countries while considering the state as the supervisor and the controller.

The private ownership of movable archaeological assets that is antiquities through legal or illegal collecting trading is not a subject within the scope of this thesis. Illicit antiquities trade and collecting are among the main reasons of the destruction of archaeological heritage. Although collectors, traders, dealers and in some cases private museums form various pressures all around the world and

in Turkey¹ for wider access and free trade of antiquities, these issues require an independent study of their own. And moreover, in this study purchase and private ownership of archaeological objects have not been understood as part of private interventions in the field of archaeology.

This thesis does not aim to come to concrete conclusions as a result of its analyses. It is to the knowledge of the researcher that every country, every city and every ancient site is unique thus requiring special attention. Under such circumstances, general conclusions are not desirable. Rather a snapshot of the current picture from different places around the world and from Turkey is taken to see if there are similar patterns or lessons to be learned without taking sides in the privatization discussions.

The purpose of this study is not to present solutions and answers, but to raise the right questions.

¹ This demand came from a group of collectors during a meeting in Yıldız University, İstanbul in 10-12 January 1991. For the meeting and the reactions which came after it, see: Ayda Arel, Devlet Kültürel Mal Varlığının Mutemetidir, Pazarlayıcısı Değil! in Arkeoloji ve Sanat, Vol: 52-53, 1991 and Nezh Basgelen, Türkiye’de Koleksiyonculuk ve Arkeolojik Mirasın Korunması, 2007.

For more information on the illicit antiquities trade or collection issues see: Rezan Has Müzesi Konferansları II, Arkeoloji Mercek Altında. I. Oturum: Arkeoloji ve Koleksiyonerlik. Rezan Has Müzesi, 2008: 11-40.

Geçmişten Geleceğe Türkiye’de Müzecilik I. Sempozyum 21-22 Mayıs 2007, Ankara. I. Oturum Koleksiyonculuk. Vehbi Koç ve Ankara Araştırmaları Merkezi (VEKAM), 2008: 5-61. A new legal arrangement proposal which is opened for signs on 12-06-2008 require a changes in the Law for the Conservation of Cultural and Natural Property. The change allows collectors to own immovable historical monuments which are not attached to a whole cultural property.

Chapter 2

CONCEPTUAL BACKGROUND FOR PRIVATIZATION OF ARCHAEOLOGY

2.1. Introduction

Privatization became one of the pushing engines of political and economical change towards the end of 20th century. It is most commonly defined as “a change in the ownership of a state-owned enterprise or service” (Köthenbürger 10). In line with this, according to Boorsma the most known model of privatization is “selling off formerly nationalized industries or public utilities to private investors” (23). However this definition and model are not comprehensive enough to enlighten different modes of privatization.

This part of the study aims to examine the overall evolution of privatization as a political move and as a world wide issue especially in the fields of culture and archaeology. Additionally it is aimed to enlighten the modes of privatization evident in the field of culture and conceptualize the ones that can be applied to archaeological practices. The alternative ways of privatization will be analyzed by comparing different examples from the world in the consequent chapters.

2.2. Recent History and the Evolution of the Concept

Privatization of public enterprises and services has been discussed in the political and economical arenas over the past two decades. It has become an issue in political agendas first in the UK and the US and partially in Europe. The introduction of institutions like International Monetary Fund or World Bank to the developing countries has made privatization a world wide political

move. Former communist states have been the last ones which had a changed role in managing the traditionally state owned enterprises (Boorsma 24). This change in the ideology of the state is characterized by focusing on these four new concepts for politics:

- decreasing the value of the state
- abolishing government intervention
- total privatization
- management culture (Wu 18).

These conditions point out to a change in the presence of the state. Still, the state holds a considerable place as the policy maker and the controller of the activities.

In most of the cases, the reasons for having these elements inserted into the politics of a state are the budgetary reasons, efficiency and effectiveness issues and the reaction to the growth of the public sector. In line with the motives to introduce the concept of privatization into the different sectors of the public realm, there are different modes and outcomes of this introduction. These modes and outcomes take different forms in different fields of public enterprises and services. As an example, culture has traditionally been one of the responsibilities of the state; however, as a result of the changes in the ideologies of the states and different pressures arising due to a free market economy, there are many discussions related to the private intervention in the field of culture.

2.3. Conceptual Background in Privatization of Culture and Archaeology

The world has witnessed a period full of discussions related to the events in the areas of privatization. Whether in the sector of health or telecommunications,

the issue obviously became a focus of interest not only for the media and public but for academia as well. Therefore a survey through the literature related to privatization provides a lot of information in very diverse fields. In its simplest sense we can refer to three categories of privatization. Vogelsang distinguishes simple privatization which is a change in the ownership from liberization and deregulation (50). Liberization refers to the changes in the rules of market of market participation and conduct whereas deregulation is the change in public regulation and introduction of fewer constraints to the market (51). This basic distinction by Vogelsang provides an outline to study the existence of private intervention in the field of culture which would in turn shed light on classification of privatization in archaeology.

2.3.1. Privatization of Culture

Although the laws and regulations related to the introduction of the private sector to the field of culture have been in force in many countries especially after 1980s in the forms of sponsorships or tax benefits, it is still among those fields that has attracted limited number of academic research. Additionally Boorsma complains that articles on privatization are generally confined to a specific type of privatization to a wider framework (25). Definitions of privatization and culture in the literature point out to three main categories. These are similar to those provided by Vogelsang (51). The first is the sale of state-owned enterprises, the second is the transfer of public property to private sector and the third is the kinds of increased autonomy which puts the organization at a greater distance from the government. Related to the concept of autonomy, Boorsma (26) gives five other subcategories. The first is the sale

of public organizations or public assets followed by the creation of more internally independent public or private organizations. The third is contracting out; and the fourth refers to the mobilization of volunteers through which work is carried out for the public by non-public workers. The last concept of autonomy is the application of user fees (Boorsma 26). In this sense, privatization refers to a change in ownership, legal status of the organization, the type of personnel who is doing the work and most importantly in funding. Another important distinction in the course of the privatization argument is the one between financing which refers to investment and funding which is related to sponsorships and sales of public belongings.

2.3.2. Types of Privatization in the Culture Sector

In line with the definitions provided, Boorsma lists 7 different types of privatization in the cultural sector:

- Divesture: organization is sold to a private enterprise.
- Free transfer of property rights.
- Transformation of a state organization into a more independent organization like foundations/trusts.
- Agency model which empowers a public manager in the course of 'new managerialism' which refers to the self administered integral management.
- Contracting-out in which work is done by hired private companies like security and cleaning.
- Use of volunteers.
- Private Funding (30).

In the course of my discussion of private intervention in archaeology, the model provided by Boorsma will be referred to and examples from different countries will be evaluated based on these criteria. It is important to note that these alternatives allow us to choose various kinds of arguments to be used for and against a specific model of privatization. Considering the dynamics of cultural sector and archaeology, every situation calls for a unique solution. In this sense it is possible to choose a viable option among these alternatives which would better suit the needs of a particular situation.

2.3.3. Archaeological Practice

The literature on privatization and culture or ‘culture industry’ point out the possibility of commercialization of culture and the increase of the expectation of monetary return from cultural facilities. In this regard, archaeology holds a distinctive place therefore it is more challenging to form a conceptual model for the private intervention to archaeological practice.

Renfrew and Bahn define archaeology as the “study of human past.” (13). However this definition does not cover all archaeological activities which form an important part of the archaeology practiced in the 21st century. The boundaries of archaeological work are being enlarged. For example expectations from an archaeological excavation shifted from a mere scientific work to a more community based work which involves education, conservation of ancient ruins and public outreach as well. The involvement of the public in the expanded activities in the field of archaeology increases while the states still

act as the supervisor and the controller of any kind of private initiative. Therefore the “private intervention to archaeology” not only refers to the situation in which costs of an excavation and scientific investigation are paid for by some private company, but to the occasion in which all other activities accompanying the scientific work are finding a source of income that is other than the state. These activities which constitute an important part in the practice of archaeology are chosen as acquisition and ownership of archaeological sites, sponsorship of research and publication, contract archaeology and management of archaeological sites. Different modes of privatization are evident in these four areas of practice.

As Aitchison points out, although the archaeological practice rarely results in a financial return, it can not be undertaken in the essence of monetary investment.² The funding of archaeology, as Aitchison clarifies in simple terms, can be grouped under three main headings as the money to preserve, money to record and money to understand (5). A suggestion to this list as the fourth requirement is the money to present. The money to preserve is directed to the maintenance needs of the site which includes restoration and conservation projects. The scientific investigations including surveys and excavations are directed to the production and understanding of the knowledge generated from the site. This information is analyzed and recorded by various technical means and the recorded information is transferred to the general public and academia through publications and conferences. The money to present is needed to open

² For some prominent archaeological sites, the entrance fees and souvenir sales have the potential to bring financial return to the excavated site. An important point in this context is the spending of this generated income in a sustainable way so that the site can be better conserved and presented.

the site for visitors and promote the awareness about the site by using various means.

Besides the monetary value of the archaeological heritage, there is the notion of social wealth meaning moral values and social satisfaction which refers to the attachment of the public to the knowledge that is gained through archaeology.

The classification provided by this study comes not only from the financial requirements of the archaeological practice, but also from the discussions about the conservation which currently surround the practice.

2.4. State and Private Intervention to Archaeology

As it can be observed from the news disseminated through public media, the public makes prompt generalizations regarding the undertakings of the private sector versus the state. The general tendency about public or private involvement into some business is based on these two assumptions:

1. State=Bureaucracy. General impression in the societies in Turkey or elsewhere is that state workers and state mechanism are never talented and motivated enough to accomplish something and even if they do, the process will take ages.

2. Private=Profit. Another assumption is that private institutions only want to increase their profits. These institutions give the feeling that they can do whatever it takes to achieve this goal and appear to be only concerned with self-interest (Zan 90).

Throsby argues against these beliefs as:

“There is no reason why a private firm should be more or less efficient than a public one simply by virtue of the fact that the former one is

owned by shareholders and the other is owned by the government on behalf of the community at large” (50).

Although these assumptions are not limited to one aspect of public versus private sector characteristics, there are some established patterns that are used by those who defend or criticize privatization. The advantages are listed as efficiency, quality, technological development and innovative capacity, budgetary and improved management whereas the disadvantages are production costs, quality, unemployment, and change in non-economic values (Boorsma 61). In other words, every situation calls for a unique solution in the sector of culture and archaeology. These advantages and disadvantages may not be relevant at all in different instances. However, since the aim here is to analyze the current situation of archaeology which is making new acquaintances with the initiatives from private sector, the listed advantages and disadvantages can become a checklist for examining the progress of events.

Regarding the analysis of the current situation of cultural institutions and their relations with the realities of economy, Zan concludes:

“Most cultural institutions are or were public sector bodies or dependent on public funding to a great extent. In either case they are increasingly coming under pressure in the search for economic efficiency and value for money. In some cases funding is drastically cut back, in others institutions become candidates for privatization or at least candidates in the call for “companization”, “managerialization”: an additional territory for the inexorable diffusion of the managerial rhetoric” (89).

The cultural or archaeological sector of a country cannot isolate itself from the dynamics of politics, cultural setting or economy. In this regard subsequent chapters will provide examples of different models of the private sector presence in the field of archaeology which come from different parts of the world.

2.5. Evolution of Privatization in Turkey

Prior to 1980, the economy of Turkey relied mainly on state enterprise (Gold 1). The reversion of the longstanding policy of state dominance took place on January 24, 1980. Turkey adopted free market policies through liberalizing foreign trade, streamlining and privatizing state run industries, devaluing the currency, removing price controls and reducing the budget deficit by eliminating government assistance in state run businesses by Özal government (Gold 2).

At the first stage of privatization program the focus was on telecommunication, cement industry and airport services. The rationale for the Turkish privatization program is the reduction of state activities in industry and commerce and the allocation of government funds mostly to traditional public services such as education, defense, health and to infrastructural investments (Tecer 10).

The political analysis of the last two decades displays a constant relationship with privatization movements. For nearly 25 years, Turkey has been attempting to transfer its state-owned businesses to the private sector. Following a financial

crisis in 1994, and another in 2001, the country has begun to privatize many sectors of its economy.

A gaze on the realized privatization transactions that took place between 1986 and 2008 shows that the last two years are the most extensive period of privatization. The transactions of 1986 to 2006 amounted nearly to 25 billion dollars whereas 2007 and 2008 had a volume of nearly 10.5 billion dollars³. The privatization movements have penetrated into different sectors of economy with the proposals of the current Turkish government, AKP (Justice and Development Party). The wide range of sectors into which the privatization has been introduced is a source of concern with the current AKP government since the government is seeking to privatize many sectors as a remedy to budget deficits and insufficient management.

In the given context, the instances and the extent of privatized archaeology are constantly being shaped in parallel to the general political climate of the country which welcomes the private intervention into various fields of Turkish economy.

³ The detailed chart of the privatization transactions that are realized between the years 1986 to 2008 can be found at the Appendix part.

Chapter 3

PRIVATIZATION IN ARCHAEOLOGICAL PRACTICE: EXAMPLES FROM AROUND THE WORLD

3.1. Introduction

The aim of this chapter is to analyze the private intervention in the field of archaeology and to understand in what ways these interventions took place in different parts of the world. As long as the relevant legislation and laws permit, privatization can be an issue for different practice types related to archaeology.

These practices are congregated under four main headings as;

- Ownership, Rental or Acquisition of Archaeological Property
- Contract Archaeology
- Management of Archaeological Sites
- Sponsorship of Archaeological Practices

The motivation for the introduction of the concept of privatization to these fields of archaeology seems fairly simple: The need to find alternative funding sources. However as Thorsby (52), points out privatization in the cultural sector which includes archaeology as well, can not be taken as if it were only an economic issue to be judged solely on grounds of some economic criteria. In this regard, the partnerships between public and private sector for the provision of funding for the excavation, site management, research and publication or the acquisition and rental of the sites have different outcomes which can not be limited to monetary motivations. This part of the study will focus on these outcomes as well as the context which allowed private intervention to take place in the listed practices of archaeology in different parts of the world.

3.2. Privatization in Archaeological Practice

3.2.1. Ownership, Rental and Acquisition of Archaeological Property

According to Boorsma, the most known form of privatization is by “selling off formerly nationalized industries or public utilities to private investors.” (23) This model is closely related to the concept of ownership as a legal right. The most appropriate example for this kind of privatization in the field of archaeology is the sales and acquisition of archaeological sites and properties. The sale of sites and artifacts by the state to the private parties is not a common practice around the world because cultural property in particular archaeological assets are treated as public assets and they are protected and managed by the state on behalf of the public. In this regard, it is not surprising to find out that whenever there is a heated debate regarding the privatization of archaeology, the occasion is about the sales of monuments or remains of archaeological value.⁴

An important factor in the related discussions is the notion of ‘non-profit versus for-profit.’ Even in the countries where there is the long tradition of having private support in the field of archaeology or museology like USA, the ultimate aim is not to make profit to be distributed to the shareholders. The source of income is private donations or philanthropy and there is no expectation of return on investment in financial terms. In this context, the usage of cultural and archaeological goods as assets with pure economical value is not the traditional practice.

In the legal context, every right creates a liability. As a matter of fact, once the right of ownership is granted to the private parties, the liabilities associated with

⁴ See Italy Case in this chapter.

this right are transferred as well. Since the protection of archaeological sites and properties are among the traditional duties of the state, any change in the ownership needs a special arrangement between the parties. In this regard, every country has its own system of organizing the relations with the private land owners whom lands possess archaeological remains in order to prevent dual responsibilities.

3.2.1.1. Italy's Cultural Heritage on Sale

Related to the discussions about the sales and acquisition of cultural and archaeological goods, latest developments in Italy represent a distinctive example. The nature of cultural and archaeological heritage as assets with more than pure economical value is the main reason why the recent legislation about the cultural heritage of Italy was criticized.

In April 2002, the so-called Tremonti law⁵ was approved by the right-wing Berlusconi Government. Consolidated as of 15 June 2002 with the number 112-2002, Tremonti law made it possible to sell the cultural assets of the country which in turn had significant consequences on 'the public understanding of state ownership of cultural heritage' (Zan et al 60).

Benedikter (370-71) analyses the period from 2002 to 2004 focusing on the outcomes of the Tremonti law. Upon the enforcement of the act, two shareholding companies are established. The first is 'State Patrimony Plc' which is completely state-owned and administered by Ministry of Economic Affairs and possesses all cultural objects that belong to the state. The second company is 'Infrastructure Plc'. The law allows the State Patrimony to transfer its objects to

⁵ Articles 7 and 22, introduced in the Financial Act 2002 with the name 'Law 112/2002' by the Italian government, are privatising part of the cultural heritage of the country.

the later company to be privatized or leased. If the objects are under a preservation order, Ministry of the Economy and Ministry for the Protection of Historical Monuments must agree (Benedikter 370-71). Among the state properties which are transferred to State Patrimony Plc, there are more than 3000 museums, 2000 archaeological sites and many castles, gardens and historical buildings (Darlington 1). Benedikter (371) notes that in sales during 2003, 36 of these listed properties are sold. The acquisition of a considerable part of these objects by an American company, Carlyle Group, is another source of discussion (Sgarbi 2).

The law introduced in Italy is not only directed to cultural assets, it is also known as deficit saver law which indicates that it is a program for the betterment of economy (Benedikter 370). Italy's Minister of Culture Giuliano Urbani who was in charge at the time of the legislation, declares:

“Considering the size of its enormous cultural heritage, Italy spends too little of its GDP to protect it.”⁶

Additionally he comments as:

‘Italy is like a person with many houses, but also with many debts. So we have to look at which houses are dispensable.’⁷

As a result, the first solution that the Italian government creates is to go for a cut in the state funds which would be compensated with private investment through tax breaks and with a lottery that would finance only cultural projects

⁶ Quoted in ‘Italian Art Chief Arms Revolution, Not Privatization’ by Shasta Darlington. <<http://www.museum-security.org/03/023.html#3>>

⁷ For more statements of Giuliano Urbani, see Roland Benedikter, Privatization of Italian Cultural Heritage.

(Darlington 1). According to Darlington (1), the ultimate plan belonged to Giuliano Urbani and the aim was to put some sites under private management and to foster a broader government proposal to sell off some state estates, including those belonging to the culture ministry.

The Tremonti law was criticized for being too flexible, leaving room for merchandising the cultural heritage of the country. According to Carman, public spends valuable resources for the preservation and non-consumption of cultural heritage and it is through this spending that the aura of public domain would be created (Carman 23). This aura in turn gives the impression that cultural heritage does not serve for an everyday consumption through which things are used up, discarded or ignored (Carman 23). However by making it possible to sell some part of this heritage with the introduction of the law in Italy, elements of cultural heritage become sellable and this situation deteriorates the value ascribed to public domain of heritage.

The government that is responsible for the making of the law declared that they had no intention to sell Colloseo but according to Salvatore Settis⁸ even though it is possible to believe the minister, in theory the law allows the government to sell whatever it wants. Benedikter highlights two points among other criticisms (373-75). The first one is that the lists which only have the names of sale items lack the information about preservation requirements. The second one is that some of the sales were realized under market value and the buyer was an international company (Benedikter 373-75).

⁸ Salvatore Settis is the former director of Getty Conservation Institute, Los Angeles. His speech is quoted in 'Italian Art Chief Arms Revolution, Not Privatization' by Shasta Darlington.

After the sales of monuments, the news started to find place in the media, the issue became important in the international arena as well.

As it is stated by Benedikter ;

“The rumors that Italy’s cultural possessions...archaeological sites and museums... might be privatized triggered an unprecedented alarm in the history of international museology. An open letter emphasizing the museums as cultural institutions which are nonprofit and for the public benefit is sent to the Italian government which is accused of commercializing the culture.” (383).

On the other hand, supporters of the law point out the situation that there are more than 3000 museums and 2000 archaeological sites which are very costly to preserve and that these goods are not only the wealth but also the burden of the country (Benedikter 375).

The suggestions are also available as to propose a new sponsoring initiative as well as new state run management forms instead of privatization. An initiative to found a state lottery and a Cultural Heritage Observatory in Italy for the optimization of European funds is among the alternatives (Benedikter 385).

The impacts of the Tremonti law were discussed widely because Italy has always had a strong tradition and attachment to centralized system which had many complex regulations related to the protection of its cultural heritage and it presents strong similarities with the management of cultural heritage in Turkey. Zan et al discusses the ownership of archaeological sites and cultural goods as it is interpreted in Italy:

“Italy is one of the few countries in the world where preservation of cultural heritage is inscribed in its constitution as a duty of the state. Moreover the notion of cultural goods is a legal construct and cultural goods are specifically defined and recognized by the law. Ownership of these cultural goods can be public (state or local) or private (individual citizens, company or others). Public or private, cultural goods are a matter of public interest, instrumental in the intellectual growth of citizens. This is why they are not subject to private law but to a specific public law. Compliance with this particular public law implies that private citizens cannot freely determine the use of cultural heritage in their ownership or its transmission because the goods must demonstrably be seen to serve the public interest.” (Zan et al 52)

According to the tradition in Italy, almost all of Italy’s treasures are protected by the state. But fiscal pressures are forcing Italy, like many other countries, to rethink and restructure the way they look after its artistic pasts (James 1). As a matter of fact the Tremonti law did not come out of the blue. Since 1993, there was a movement of decentralization through outsourcing, devolution, managerialization and privatization as a result of financial pressures (Zan et al 55). Italians like the other governments across Europe are pressuring cultural organizations to become more self sufficient even to imply once-taboo methods like privatization and corporate sponsorship (James 1). As a result of these pressures the economic gain prevails over the notion of social wealth.

In the list of sale in Italy, two examples are more interesting in terms of their close links to the discussions about privatization of archaeology. The first example is the Magna Graecia city of Cosilinum in Salerno which is an entire archaeological site at the heart of the Lucania region (Benedikter 379). The second one is the site of Alba Fucens which ended up on the list even though Alba Fucens' local authorities offered to use the site as a tourism destination and create income. The site almost went under the hammer after it was put on the list of sales by Italian government until Abruzzo Region took control of the site preventing it to be sold to a private company or a person.⁹ Although none of the sites showed up in an auction, even their presence on a sale list generates a lot of questions regarding the issues of ownership of unexcavated material, public access to the sites and maintenance of the archaeological pieces.

The example of Italy deserves a special attention in the discussions of ownership and management of archaeological sites and goods. It is a special case that shows the privatization process of a very centralized state because its rich cultural heritage became a financial burden to state. The process was a source of heated debates in the archaeology world; it was criticized for being one of the precarious outcomes of the neo-liberal politics of the Berlusconi government.

⁹ The information is obtained via e-mail from the Cooperative of Alba Fucens which providing tour guiding services in the site:
<http://www.albafucens.info/sito/homeinglese/chisiamo/chisiamo.html>

3.2.1.2. Archaeology on Private Lands

One of the most ancient legal doctrines regarding the ownership of unearthed material is the Treasure Trove of Britain. It states that any unclaimed gold or silver material hidden under the earth, without a reference to its archaeological value, is owned by the Queen (Carman 21). A similar Ottoman law regulated the ownership of the archaeological objects.

“Wherever antiquities are undiscovered (lying upon the ground), they belong to the state.... As for the antiquities that are found by those with research permission a third belongs to the excavator, a third to the state treasury, and a third to the landowner. If the excavator and the landowner are the same, this person will receive two-thirds of the finds and the state shall receive one-third.... The division of antiquities will occur according to the desire of the state and according to the nature or the value [of the finds].... The state is responsible for the preservation of sites that cannot be moved and for the appointment of an administrator to such sites.” (Shaw, 90-1)

In many countries of the world there are regulations about the protection, preservation or acquisition of the archaeological sites, since many of them are under private property requiring a special designation. Due to the limited enforcement of these regulations, it is common to find out that the artifacts become the architectural pieces used in the modern houses located in the areas close to heritage sites. For example the Mayan archaeological sites in Mexico Yucatan Peninsula suffered such a problem. The comment of Castillo, an

archaeologist from the US National Institute of Anthropology and History provides a valuable snapshot about the situation¹⁰:

‘Our biggest problem in preserving ancient sites is the Mayas living there now.’

In order to protect the Yucatan heritage together with the tourism income derived from the ruins, archaeologists have begun a program to teach the modern residents of the area that ‘raping the sites meant destroying their identity’. (Padgett, 379)

It is not only the Mayan heritage that suffers from a complicated ownership issue, even when there are enforced laws about the protection of archaeological heritage the issue of ownership has the potential to create problems in the presence of more than one or two owners like the case of Hadrian’s Wall of UK (Young 62). Any kind of initiative directed towards the betterment of the site is faced with the ownership problem¹¹.

Since the property rights are protected by the state as well as the cultural heritage, the issue of ownership of the property entailing a cultural heritage is a natural source of conflict. An example is Canada de la Virgen Project which is an excavation, interpretation and presentation project for the site of Canada de la Virgen in Guanajuato State, Mexico. The project had many implications as to

¹⁰ Padgett gives the direct quotation in his article, *Walking on Ancestral Gods*, Newsweek Oct 9, 1989.

¹¹ For more information on the management of Hadrian’s Wall: http://www.english.gov.uk/ArchRev/rev95_6/hadrian.htm; http://www.hadrians-wall.org/ResourceManager/Documents/Hadrian's_Wall_Management_Plan_-_PART_6_Issue_1.pdf and http://www.antiquities.net/new_page_10.htm

create public awareness regarding the cultural heritage and to educate the public and to foster cultural tourism in the area by creating some visitor facilities on the site (Kreutzer, 53). The archaeologists working on behalf of the National Institute for Anthropology and History in Guanajuato State were playing an intermediary role between local community, government and the actual owner of the site. Since the property was on the private lands, the actual owner had to be negotiated for the project. The owner was supportive and therefore confiscation never became an issue. The project was funded both publicly and privately but an important amount came from local community around the site (Kreutzer, 53). The project was carried on for three consequent years from 1996 to 1999 when the owner of the site decided to sell the property to a new owner who showed no sympathy towards the project and caused it to come to an end by restricting the access to the site. Although confiscation is kept as a right on behalf of the state, the case never showed up at the courts and all the invested money is losing value every day (Kreutzer, 54).

Another similar example from Mexico is about a property sold to Wal-Mart, the supermarket chain of American origin. The land is very close to Teotihuacan which is a UNESCO World Heritage Site since 1987. The property of Wal-Mart is located in San Juan de Teotihuacan which is the modern settlement around the ancient site (Kreutzer, 55). There are some criticisms related to the construction permits given by the Mexican government. However the interesting point is the opposing attitudes of two different groups within the local community. The first group is very satisfied with the establishment of the supermarket chain nearby their town since they believe that it would contribute to the betterment of the economy. The second group cooperates with the activist

groups who are against the Wal-Mart. They criticize the government severely for their permission to such a construction which would damage 'their heritage'. However a closer investigation of the second group reveal that they are mostly from the associations of small businesses whose sales would be negatively affected under the competition with the huge chain (Kreutzer, 56-8).

3.2.1.2.1. Legal Arrangements of Archaeology on Private Lands: Examples from Europe

During his analysis of 1980s in terms of increased scheduling for formal designation of nationally important monuments for protection, Iles points three groups that are important to influence: the politicians, landowners and general public (134-135). These groups have to be in interaction in order to define status of archaeological remains on private property (Palumbo 10). Without this definition, the archaeological assets may be put under threat. In this regard, every state has its own laws and traditions regarding the designation of archaeological sites and how the interaction between politicians, landowners and general public should be handled. Through these legal arrangements, the liabilities and rights of each party are established.

For example, the archaeological heritage legislation of Spain which was issued in 1985, assigns not only the protection but also the promotion duty to the state (Fernandez 188). Unlike the countries where the property rights are protected, this law of Spain clarifies that the administration can, if needed, realize compulsory purchase of private lands where there is the expectation of existence of archaeological remains (Calvo 278). According to Greek laws, although private ownership is recognized in forms of collections, the state has the eternal,

sole and unlimited ownership of antiquities within the borders of Greece (Dimitriadi 112).

In Denmark there were no legislations directed towards the protection of archaeological heritage until 1937. Upon the realization of this need, the state decided to nationalize all archaeological monuments without any compensation to landowners (Kristiansen 25). Denmark's attitude in nationalizing the monuments is an outcome of a world with great expectations from the states: the protection of archaeological heritage is a duty of the state (Kristiansen 25).

Conversely, during the re-privatization in the former communist countries, the states wanted to restore formerly nationalized monuments to their original owners but the owners did not want them back since they did not have the financial and legal power to maintain these as required by the law (Smithuijsen, 85).

3.2.1.2.2. US Approach to Archaeology on Private Lands

The existence of property rights which are under the protection of law represents a complication regarding the archaeology to be practiced on private lands. Those countries with a socialist regime did not use to have such concerns since all land and property were owned by the state (Cleere 11). However the protection of absolute property rights is a crucial component of the archaeology in the countries like UK or USA. Moreover, the concept of private property rights is a sacred one for Americans. In the United States, the land owner has the right to own whatever is contained on and in his property (Jameson Jr. 39). In this regard, archaeological sites which are found in private lands are private property contrary to the common practice of nationalizing the archaeological heritage as they are unearthed regardless of their original ownership (Sebastian

14). Under these circumstances, USA has also formed its own approach to manage and protect its heritage by acquiring some lands for conservation within the context of very rigid and precise rules which put the state in the position of the controller.

There are three different ways of acquiring the privately held lands of archaeological value on behalf of the public in the USA. The first one is the 'acquisition by purchase' which not only refers to the situation of buying the parcels of archaeological sites but also to the provision that the sites that already belong to the government will not be sold. (Rosenberg 239-240). The second method is the 'acquisition by condemnation' which is not a favorable method due to the juridical complexity it entails and requires payments for the compensation of the sites. The last method is the 'protective restrictions'. The most common type of these restrictions is the 'conservation easements' (Rosenberg 241).

In US, in addition to the state requirements, federal laws are created to protect the historic structures or archaeological sites which are found on private lands. Conservation easements offered by Florida is an example. A conservation easement is a 'legal agreement a property owner makes with a nonprofit or government organization to protect cultural and natural resources on his property. With this document, the owner agrees to donate, lease or sell some or all of his rights of property to a non profit organization in return for a tax incentive.'¹²

¹² Conservation Easements: Protecting Archaeological Sites and Historic Buildings on Private Lands by Bureau of Archaeological Research, Division of Historical Resources, Florida USA

In addition to the legal side, ownership is a focus point of public perception. It is often referred as the most important tool in creating a sense of belongingness regarding the historical monuments. If this aura is successfully created, the locals living close to the sites and monuments become the guardians of them. In some other cases, dispute arises because the past is treated as cultural property owned by some and not others (Renfrew and Bahn 221). Furthermore damage caused by vandalism can be sometimes on purpose when one groups' interests are ignored while trying to protect the site by law (Palumbo 7).

3.2.2. Contract Archaeology

3.2.2.1. Definition and Evolution

The contract archaeology is defined as the archaeology that is practiced by public agencies such as National Parks Services in United States of America or English Heritage in United Kingdom or by private commercial firms which are operating under contract in order to do the documentation of archaeological data that is threatened by a development project (Renfrew and Bahn 220). This type of archaeology can not be practiced by using the same methods in every country. Different countries with different traditions, economic and political systems may present various implementations if the laws of the states allow having private companies engaged in archaeological work. For this reason most of the discussions related to contract archaeology come from USA or UK since these countries have the longest tradition of the practice.

The contract archaeology is first practiced as rescue archaeology which was an unknown concept prior to World War II. During and after the war, in most parts of Europe there was a movement of undertaking large scaled development

projects as a result of the damages of the war (Dormor 44). This increase in the amount of construction work went on during the following years due to the rising population. By 60s, it became clear that urban and infrastructural development was a serious threat to archaeological remains and the local volunteer foundations that were established to protect the remains within their borders were unable to keep pace with the destruction (Everill 160). There was a need to do timely excavations which would not cause long delays in the schedules of the businesses and which would at least help to record the archaeological data that would otherwise be lost. Universities and museums' lack of expertise in timely excavations indicated the need for NGOs or for-profit firms for salvage projects which in turn shifted the costs of archaeology from taxpayer to the developer (Dormor 44). Hence the more effective response was to incorporate attention to archaeology early on in the planning and building development (Everill 160). In the US experience, this response has become the leading reason for the establishment of private companies to do the requirements of contract archaeology in the form of preparing documents or doing the excavation if necessary. Some graduate students and professors saw the opportunities to set up small or larger firms or some started working for larger engineering firms that were setting up archaeology departments. However this new work force was not familiar with business management and the end results were becoming dissatisfactory not only for the clients but also for the university administrations. This situation has resulted in a natural selection among the contract archaeology firms and in 1980s there was room only for large and responsible firms with good command of business management. By mid 90s private firms forced to learn business, the cultural resource laws,

efficient field methods and computerized data management and the bidding process was also structured and controlled by American Cultural Resources Association (ACRA) for mutual interests of the cultural resource consulting industry (Wheaton 193). The control mechanism functions very accurately in UK and USA, this leads to the natural elimination of those companies which can not guarantee an acceptable quality in their researches.

3.2.2.2. Nature of Contract Archaeology

In the contract archaeology there is most of the time a situation of emergency which means that there is a pressure of time, an arbitrary restriction of geographic area of the study, an obligation to sample adequately the full range of cultures represented and a possibility of facing a problem of dealing with a large volume of data. However, as it is underlined by Jennings (282) these are common characteristics of the field:

“archaeology itself is a complex of attitudes supported by a few simple field techniques and is always done in the face of limiting factors, time, money, equipment and labor competence, to name a few.” (Jennings 282)

The contract archaeology mostly deals with surveys in addition to small number of excavations done to comply with legislation and as part of planning procedures (Renfrew and Bahn 220). So there are obviously more consultants working on survey projects than actual excavations. These consultants have the potential to become the scapegoat of everything that is not going in line with the

desires of the client. On the other hand state sees them as the man of the client as well. For the public, the consultants are the experts and the other players in the system within which consultants work is ignored (Wheaton 190). This situation is due to the fact that these consultants work for private businesses which aim to make profit and the company that recruits them is sharing this aim on its side. The nature of businesses is a natural source of conflict of interest.

The private for-profit sector generally works for clients who are being forced to do archaeology because of legislation in their country or requirements placed on obtaining a loan from a multilateral development bank or international development agency (Wheaton 196). In this regard, bearing the costs of a survey or an excavation prior to construction is most of the time not a voluntary and a pleasing action. As one private developer clarifies:

‘We are in the business of construction, not archaeology.’

Similarly another private developer comments that having to do CRM was ‘an uncompensated taking’ (Bergman & Doershuk 90).

3.2.2.3. Critics and Current State

There are obviously many critics against the contract archaeology. Some tend to conclude that through contract archaeology, archaeological remains are treated as a contributor to ‘site contamination’ and that they are ‘cleaned up’ by specialists who are paid by the developers (Aitchison 26). The articles that were published before 1980 usually emphasize the distinction between university and private sector and point out the danger of problematic researches. Raab, Klinger, Schiffer and Goodyear recognize that winning contracts is sometimes

more important than completing them (544). In line with this, the client-oriented approach to contract archaeology is claimed to be a technical service rather than genuine scientific research (Raab et al 539). The tendency of large multidisciplinary firms to believe that any archaeologist can excavate any site any time creates problems about job specifications (Bergman & Doershuk 91). Another point is the way that the quality of work contract archaeology produces is measured (Wheaton 200).

In this regard, the subject of publication becomes an important issue. By contract archaeology, great amount of data recovered, if they are published this research contributes to preservation effort and to make synthesis of regional archaeology. One of the pioneers of this type of research is the 'Archaeological Research of the Cache Project'¹³, which wanted to replace the conception of contract work as a suspect, illegitimate activity with the recognition that management resources can and must produce and is producing significant contributions to scientific work (Schiffer et al 44). Other than contribution to scientific work, there are some additional advantages of the for-profit sector. These can be listed as being goal oriented, employing skilled personnel, ensuring accountability and availability, being responsive, having skilled management, accumulating more experience and reduced cost (Wheaton 198-200).

In 1970s papers which were published or presented by company archaeologists were ignored and treated as the products of 'contract archaeology' and therefore

¹³ The Cache River Archaeological Project was supported by the U.S. Army Corps of Engineers and two papers related to the archaeological survey and excavation undertaken in the area is presented at the 1975 annual meeting of the Society for American Archaeology, Dallas.

useless. Today that view has been challenged in UK and US. In US as a result of the National Historic Preservation Act, an increasingly aware public has come to realize that the preservation of its local history is important and its heritage is worth protecting (Wheaton 202).

EU legislation promotes privatization and open competition among all European citizens and requires that a qualified archaeologist in Germany must be considered the same in France. For France archaeology is a cultural activity and it is all public. Italy, Sweden and Norway also do not appear to be accepting of the development of a private sector. In Panama new laws have been passed which will begin requiring more contract work but there are not enough personnel in government. Venezuela has environmental laws requiring that archaeological remains be protected and related work is carried out by universities (Wheaton 195).

3.2.3. Management of Archaeological Sites

In the second chapter, seven different methods of privatization of culture and archaeology including agency model, contracting-out, use of volunteers and private funding were listed (Boorsma 30). There are many examples of these methods evident in the practices related to the management of archaeological sites which requires investments on facilities like visitor centers, sightseeing arrangements or human resources. In the most traditional format these investments are undertaken at public expense. If the public enables the private sector to take part in these fields, then the source of income for these investments change and it becomes an example to the 'private funding' type of privatization in the field of archaeology. Similarly, the private sector can

become a partner in the site management by contracting its workforce and know-how to the state or the party which provides the funding. The other category is the use of volunteers. A functioning site management requires a qualified workforce for the positions that require interpersonal relationship skills that can be supplied from the volunteer force. If the volunteers are substituted for public employees, it also refers to a type of privatization. The agency model, to which 'Soprintendenza of Pompeii' constitutes a good example, refers to a self administered integral management (Boorsma 30). In some cases, public can still be the superior responsible and the supervisor organ for the management of archaeological sites but it can empower third parties and give them an autonomous character for the issues regarding particular sites. Being the world's most famous Roman archeological site, attracting millions of visitors from all over the world each year, Pompeii has been subject to many discussions about the archaeological site management and conservation. All the archaeological sites of Italy including Pompeii were subject to the supervision of the 'soprintendenze' which are territorial administrations of the state. (Zan et al 58). In 1997, the 'Autonomous Soprintendenza of Pompeii' was given a new status and obtained financial autonomy from the Italian Ministry of Culture through a special law¹⁴ (Zan et al 59). This status enables the site to keep its revenues for local use rather than sending them to national treasury. There has been an evoked interest towards investing in the conservation and interpretation facilities of the site and the Italian industry has been the first supporter (Burnham 152). The revenue of the site is composed of visitor tickets and royalties from additional services in addition to private sponsorship (Zan 124).

¹⁴ Disposizioni sui Beni Culturali, Legge 8 Ottobre 1997, n.352 in Gazzetta Ufficiale della Repubblica Italiana, 17 Ottobre 1997, 3-20.

The introduction of a City Manager, to work side-by-side with the scientific director was another outcome of the new arrangement. According to Galvani the new Pompeii has realized the importance of the site as a local “gold mine” and proved that the new arrangement was a success due to the fact that the site increased its revenue six-fold since the introduction of financial autonomy and the support given to the scientific director by providing him with a cultural manager (11). New road signs, new activities in the merchandising and licensing sector including the opening of a new bookstore are also shown as indicators of success (Galvani 12). As a result of this experiment for the management of archaeological sites, Italian Ministry of Culture has given autonomy to five more Soprintendenze and the cultural assets have become for the first time one of the strategies of the European Union for the development of structurally underdeveloped regions (Galvani 12). Besides these two immediate consequences, Zan argues that this new arrangement still needs time to have its outcomes investigated properly (92). However at the first stage, the change seems to have justified itself on the grounds of economic success and Galvani lists five conditions that has lead to this achievement:

1. A real autonomy from the central Ministry of Culture in the daily decision on logistics, management, and finance.
2. Institutional support by the Ministry of Culture in the strategic decision of both the scientific director and the city manager.
3. An efficient management that refused to support nepotistic forms of connection with the local private sector and instead has involved national and international service providers.
4. The hands-on training in management and marketing of a part of the local youth.
5. An efficient orientation towards the improvement of the services for the tourists without commercializing the site (Galvani 12).

Within the sphere of privatization in the site management, the most extreme form would be transfer of the management of the entire site to a private

company. The underlying philosophy for the justification of the money spent for the management of an archaeological site is directly linked with the conviction that the sites can contribute to the well being of the society if they are adequately presented.

3.2.3.1. Presentation of Archaeological Sites

As it was stated in the previous chapters, the boundaries of archaeological work are being enlarged as the expectations from an excavation has shifted from mere scientific work to a more community based one which involves education and public outreach. In this regard, the management of archaeological sites has become an important concept since it allows the professionals to present the sites to the general public.

Binks (2-3) explains motivations for the site presentation as follows:

‘Good on-presentation of the archaeological dig is good for generating income and support for continued work. Your visitors should go away interested in and understanding the value of digging up the past and appreciative of the role of the archaeologist. Heritage is now a considerable marketable commodity.’

Besides the framework provided by Boorsma, Bink highlights other aspects related to the site management and presentation of sites to the public. This account is useful for understanding the ways of turning archaeology into a sellable commodity (10). Entrance fees and revenue from the additional services like souvenir or food and beverage sales become sources of income for a

particular archaeological site which is presented to the public. It is through these sales that it becomes possible to make heritage sellable (Bower 35).

When archaeological sites satisfy the popular interest with accessible and understandable information presented on the site, they deserve and are likely to receive public support (Mayer-Oakes 55). The reason why some archaeologists opt for creating 'user-friendly' sites which would tell their stories for non-professional visitor is to avoid any visit resulting in a loss of sympathy towards archaeology (Cleere 14). Besides the discussions of authenticity and commodification of archaeological heritage, any kind of popular interest in the sites would bring recognition from politicians and additional attention and income for the research and the management of the site.

In order to show the existence of different perspectives that the public and the private sector might have regarding the site management issues, the case of Stonehenge development scheme disputes can be given. UK is among those countries which produce both theoretical and practical information with different opinions of private and public sector on the archaeological site management. In this regard, it is not surprising to find disagreements regarding the management of the country's most famous site, Stonehenge. For a better presentation of the site the Historic Buildings and Monuments Commission (HBMC) was formed in 1984 in the search for a new development scheme. As a response to this search, Heritage Projects Company has presented a plan for the redesign of the site. The company was so convinced of the site's commercial potential that they offered their services with no expectation of expenditure

from governmental bodies responsible for the management of the site (Addyman 266). The project aimed to create cultural, touristic, recreational and educational asset by imaginative presentation which would minimize disturbance to the site while increasing the number of visitors and income for the site in turn. Although the company believed that the project would be appealing to HBMC in all aspects, the commission managed to shock the company upon the rejection of their proposal. The preferred proposal aimed to balance the over-demand to the site and attract only those who had substantial time and determination to visit the site. The project did not have a clientelistic approach at all which made Heritage Projects criticize it for causing such a missed opportunity (Addyman 267). Unlike most of the archaeological sites, Stonehenge has the potential to create a good return on investment and it makes the site a vulnerable one for private sector. Upon the rejection of their project, Heritage Projects expresses that:

“Such projects as a presentation scheme for Stonehenge not only could, but should, be achieved commercially. Indeed they are vital means of financing the interpretative facilities on other monuments where visitor numbers will never be large enough to justify investment, but which are just as important a part of the nation’s cultural baggage.” (Addyman 270)

3.2.3.2. Conservation and Re-Use

The archeological heritage is a fragile and non-renewable cultural resource. The value of this kind of a resource is determined not only by its presence, but also mainly by its absence, given that it cannot be substituted. In this regard, the

principal objective in dealing with an archeological site is its conservation due to the fragility and uniqueness it entails (Galvani 9).

The search for a counterbalance between the conservation and management or re-use of archaeological resources is a complicated issue and has different dimensions and various unknown components. As it is often stated in the site management plans, every archaeological site is unique and requires specific solutions for each case. The common concern for the sites is that, they require expensive and constant maintenance. The high amount of costs associated with the conservation leads to a search for integration of cultural heritage within the economic spheres of society. The partnerships with the private sector as a way of mitigating the economical burdens of conservation raises the question of the level of care given to conservation and preservation. The need for conservation is felt in the long run, although some of the damages are not repairable, they are not visible at the first glance and may mislead the unprofessional eye. In the case of a liberal use of this fragile resource, these needs may easily be overlooked since these resources are most of the time owned by the states and the third parties are given the right to use them for a determined period of time, it is inevitable to stop them from desiring to transfer the costs to the next potential user.

The issue of re-use is usually associated with the adaptation of historical or archaeological monuments for modern uses. There are many examples like hotels, cultural centers or public buildings like universities which used to have other functions years ago. In the context of archaeological sites, the adaptation examples are not very common but what is more accustomed is to stage cultural

events by using the monuments that are found in the archaeological sites. Scoullou and Constantianos state that large scale cultural events take place in and around important archaeological sites of different original uses such as ancient temples, castles, theaters and churches (4). An important factor that is highlighted is the fact that these monuments were not designed for this purpose and besides their historical value this is why they need special treatment and consideration on their carrying capacity. Not all monuments are suitable for contemporary uses and every kind of performance. It is crucial, when such cultural events are planned, to implement and enforce the relevant legislation on the protection, conservation and maintenance of the remains and avoid pressures that may have risks to the site or the audience (Scoullou and Constantianos 12). The integration of private sector to the issues related to the archaeological site management is also through these staged cultural events. The private sector can be a strong option in the provision of funding to these events as they are investing more and more in culture. The high expenses required for the proper maintenance of archaeological sites and the organization of high quality cultural events do not easily allow self-financing (Scoullou and Constantianos 13).

In most of the cases, the general public believes that the private sector is waiting eagerly for an archaeological site management option or for an opportunity to rent or buy heritage properties. Even when the state decides to lease or sell the properties, to what extent would it be attractive to the private sector is not predictable. This surely depends on the conditions of each country and the values that are attributed to the heritage. However the convertibility of these values into economic values is an important rule for the private sector. In the

case of East Germany when they offered 500 heritage properties for possible exploitation by private enterprises, there was an interest for only three of them. There were obviously many reasons one of which is the strict rules of use by the state and the lack of attention to the interests of the private sector (Schuster 75). In Greece, there is an interest to use the old buildings as cultural centers, university buildings and storage or functional areas for excavation projects. The Greek National Tourism Organization, in a program of the revitalization vernacular settlements, signed 10 year contracts with the owners for the restoration of their houses to be used as hotels and museums. After 10 years owners will get their property back (Dimitriadi 115).

3.2.3.3. Tourism

Tourism is an important component of the management of archaeological sites for presenting it to the public. The economical benefits of tourism are very evident; it is one of the largest and fastest growing industries in the world, 'Tourism 2020 Vision'¹⁵ forecasts that international arrivals are expected to reach nearly 1.6 billion by the year 2020.

It is not only the economic benefits but also the fact that people consume archaeological resources to create a sense of belonging, and it is through the tourist's experience that a sense of place and 'hereness' is formed (Levine, Britt and Dele 401). While a shared sense of heritage is part of the process by which groups create their own corporate or shared identity, the powerful role that place plays in the negotiation of the meaning of self can be marketed and sold to

¹⁵ <http://www.unwto.org/facts/eng/vision.htm>

tourists seeking to create or change their own sense of identity. It is this marketability that has permitted the heritage tourism industry to prosper.

Tourism has also been an important aspect of the decision on what to preserve; the potential of an archaeological site to attract external visitors helps it to be declared an archaeological area or protected to save the natural environment surrounding it (Galvani 6). But tourism is not always the best thing to be incorporated with archaeology since it is often seen both as a potential problem and a potential opportunity (Borley, 167).

In this context it is possible to state that archaeology and tourism should go together because tourism on its own might have a destructive effect. It has to be controlled and carefully organized. Otherwise, it is just a huge group of people traveling from one place to another and moving in long queues visible from the moon during vacation periods. Fortunately, new trends in tourism enable archaeology to benefit from it. There is a growing interest in hitherto unappreciated aspects of history and regional approaches (Brink, 62). Due to this rising interest, archaeology is justified as contributing to the economic development. It is not always easy to determine the economical consequences of tourism due to the complex nature of tourism economics. However the well established notion of tourism as a deficit saver sector makes archaeology dependent on it on the practical side. In some examples the development of tourism in the archaeological sites has been promoted by the archaeologists themselves (Chambers 202). Chambers assumes that future archaeologists will be required to have skills to determine tourism carrying capacity, environmental mediation or marketing of heritage resources (202).

There are three categories of information that could be of use to tourism professionals who are presenting archaeological sites for touristic purposes. These include information about:

- (1) well managed sites and museums available for visits;
- (2) excavations underway and available for visits; and
- (3) opportunities to participate in legitimate, scientific, excavations and laboratory work (Mc. Manamon, 133)

If tourism is one of the aims for the use of the site, it requires high standards in services, which require well-developed human capital among the personnel in contact with the visitors and effective strategy of marketing which is be coherent with the services offered in the site (Galvani 14).

Besides from the economic dimension of tourism, there are the consequences of mass tourism associated with high number of visitors to fragile sites. There are many instances in which tourists climb walls to take better pictures of the mosaic floors or collect pottery pieces to take as souvenirs. In other instances large scale tourism investments and visitor facilities puts a pressure on the sites (Palumbo 6).

3.2.3.4. Site Management Plans

Site Management Plans are prepared to guarantee an appropriate balance between the needs of conservation, access, sustainable economic development and the interests of the local community (Teutonico and Palumbo 126). They are also useful tools to ensure the communication between the stakeholders of the site. It is important the plans are developed by consulting to all those able to

affect the site or who may be affected by policies applied to the site. Sustainability is crucial principle since it helps to find a balance between maximization of enjoyment and use of the site while still preserving its values ensuring that the universal significance is not spoiled for future generations.

United Nations Educational Scientific and Cultural Organization (UNESCO) says that effective management involves a cycle of long-term and day-to-day actions to protect, conserve and present the property. UNESCO also suggests that common elements of an effective management system are:

- a) a thorough shared understanding of the property by all stakeholders;
- b) a cycle of planning, implementation, monitoring, evaluation and feedback;
- c) the involvement of partners and stakeholders;
- d) the allocation of necessary resources;
- e) capacity-building; and
- f) an accountable, transparent description of how the management system functions.¹⁶

As presented on the list, these plans have to consider the allocation of resources in order to become more realistic by offering self-sufficient solutions to the threats surrounding the sites, in this way they lead to a sustainable development. The economic inefficiencies of the responsible parties of the site are a major constraint on proper presentation and maintenance of the site. That is why the action plans of the management plans entail a part dedicated to the identification of the potential funding sources for each different task that is offered for the betterment of the site. This part of the plan is the room for private intervention

¹⁶ Quoted from the 'Management Plan 2002-2007: Hadrian's Wall World Heritage Site'

in the site management. It is also true that most of these site management plans are prepared by private consulting companies who are either paid by private donors of the archaeological site or by the government bearing the costs of conservation and the management of the site by itself

3.2.4. Sponsorship of Archaeological Practices

An archaeological project may have different sources of income other than the public budget. In most of the cases there are specialized organizations or NGOs which are founded in order to raise funds for archaeology. In some other instances, private businesses sponsor the projects for various reasons. The integration of private sector in the archaeology related fields refer to a lessened governmental administration. In this regard, sponsorship of archaeological projects together with management of archaeological sites constitute an important place in the story of private intervention in archaeology since they indicate an ‘increased autonomy which puts the organization at a greater distance from government’ (Vogelsang 51). When the state is not funding the projects, it becomes the center for regulation but compromises its authority on administration.

In order to investigate the world wide trends about the sponsorship of archaeology and to decipher the corporate language used to identify the types of economical support given to archaeological projects, a conceptual background is needed. For this purpose the definitions of the key marketing and public relations concepts such as ‘corporate social responsibility, sponsorship and philanthropy’ along with the recent and projected future trends regarding these concepts will be provided. The terminology that is used to define the types of

financial support given by the private sector to the culture and archaeology is often congregated under the umbrella of public relations activities of a company. The related terms that are often used are sponsorship, philanthropy or corporate social responsibility.

3.2.4.1. Sponsorship and Philanthropy as Public Relations Activities

Public Relations is described as:

“Building good relations with the company’s various publics by obtaining favorable publicity, building up a good corporate image and handling off unfavorable rumors, stories, and events” (Kotler and Armstrong 518).

Public relations tools as part of a communication mix of a company include sponsorship, press conferences, news release and special events. (Lovelock and Wright 203). In this regard, the sponsorship of archaeology is identified among the PR activities of a company and it is directed towards the formation of a good publicity.

A more specific definition of sponsorship is ‘a two way contract which makes both the sponsoring party and the sponsored one liable to each other’ (Wu 214). In UK the term ‘sponsor’ is used for the developers who are forced by the law to realize mitigation projects in order to receive approval for their construction projects (Andrews and Thomas 190). Due to its mandatory nature, the sponsors of developer origin are excluded from the discussions which form the main

point of this subsection. The emphasis is on those voluntary sponsors who invest in archaeology for various reasons.

As an alternative to sponsorship, the archaeological projects are sometimes funded through philanthropy. Kotler and Lee define this type of contribution as ‘a direct contribution to a charity or a cause most often in the form of cash grants, donations and in-kind services.’ (144). Philanthropy has historically been a major source of support for social issues among the corporate social initiatives. If the word is taken literally then there should be no expectation of return on the given money. However when philanthropy is used by the corporations, the terminology gains a contradictory character. As Irving Kristol¹⁷ puts forward:

“Some corporate executives seem to think that their corporate philanthropy is a form of benevolent charity. It is not. An act of charity refines and elevates the soul of the giver- but corporations have no souls to be saved or damned. Charity involves dispensing your own money, not your stockholders’. When you give their money, your philanthropy must serve the long-term interests of the corporation.”

Both of the definitions refer to the nature of corporate financial contributions as to prove their relevance to the corporate strategy and to create a mutual liability. They are among the PR activities of a company, therefore regardless of their nuances they are used in order to build up good relations with the community.

¹⁷ Quoted from: “Baskin, Otis and Aronoff, Craig. Public Relations: The Profession and the Practice. 3rd ed. Dubuque: Wm. C. Brown Publishers, 1992.”

3.2.4.2. Corporate Social Responsibility

Another important concept about the corporate presence in the field of art, culture and archaeology is Corporate Social Responsibility, CRS.

According to the definition of the European Union:

“CSR is a concept whereby companies integrate social and environmental concerns in their business operations and in their interaction with their stakeholders on a voluntary basis.”¹⁸

In line with EU's definition Kotler and Lee label corporate social responsibility as a commitment to improve community well-being through discretionary business practices and contributions of corporate success (3). Support from corporations may take many forms including cash contributions, grants, paid advertising, publicity, promotional sponsorships, technical expertise, in-kind contributions, employee volunteers and access to distribution channels (4).

The change in the corporate agenda is often reflected in a series of activities undertaken to contribute to social issues and this endeavor is preferably called corporate social responsibility since it is an indication of ‘voluntary pay back’ and allows the companies to set long-term strategies to shape their image.

The trends of the last decade indicate increased corporate giving and corporate reporting on social responsibility initiatives, the establishment of a corporate

¹⁸ Commission Green Paper 2001 “Promoting a European Framework for Corporate Social Responsibility”, COM (2001)366 Final

social norm to do good and a transition from giving as an obligation to giving as a strategy (Kotler and Lee 4)

Additionally , Kotler and Lee list a series of benefits including:

- Increased sales and market share
- Strengthened brand positioning
- Enhanced corporate image and clout
- Increased ability to attract, motivate and retain employees
- Decreased operating costs
- Increased appeal to investors and financial analysts (10-11).

Besides the benefits of CRS limited to private companies, there are other elements which are essential to make CRS activities beneficial to the general public. One of the important considerations is that the sponsorship should be in line with company objectives and should be directed to the general target of the company. The other important aspects of sponsorship and CRS activities are duration and sustainability. It is especially crucial for sponsorships which are given as part of corporate social responsibility activities to last at least three years and to guarantee the sponsored party that the support will be sustainable and will not be quitted in the case of economic instabilities because the targeted audience of such activities will only be captured by long term sponsorships.¹⁹

Considering the rising interest in the CRS projects and the presented results of academic investigations about its benefits, it would be appropriate to expect for

¹⁹ Quoted from the speech of Oya Karaağaç, The CEO of the ARYA Sponsorluk, <http://www.dernekturk.com/forum/forum_posts.asp?TID=3520>

a substantial spread of CRS activities that would be regarded as the fruits of public-private partnerships.

3.2.4.3. Public Private Partnerships

In most of the European countries including Turkey, the states provide necessary services in the areas like health, education or culture which correspond to the preferred donation areas of the charitable organizations from the private sector. When the area that is supported by the private company is normally a state responsibility, the private sector entity engages in a contractual agreement with a public agency and forms a 'Public-Private Partnership, PPP'. Through this agreement, the skills and assets of each sector are shared in delivering a service or facility for the use of the general public.²⁰ These kind of cooperative ventures between the state and the private businesses to fulfill public functions are on the rise (Linder and Rosenau 2). Many different institutions are in the search of forming these kinds of ventures since they have been interpreted as strategic tools for providing flexibility in the changing environments. The increase in these kinds of partnerships constitutes a step in the direction of systematic integration of private for-profit sector to the traditionally publicly regulated sectors like archaeology.

Regardless of the form or the purpose of the endeavor, public-private partnerships share four characteristics which make them an appropriate option for archaeology:

- (1) they are of long duration, usually 25 to 99 years;
- (2) there is funding, often substantial, from the public sector;

²⁰ <http://www.ncppp.org/howpart/index.shtml#define>

- (3) there is an important role for the economic operator;
- (4) the risks are shared by the partner best able to assume those risks (Rypkema 132).

The importance of public-private partnerships is acknowledged by international conventions on the fields of architecture and archaeology through Granada²¹ and Malta²² Conventions. In both conventions the articles 6 give detailed accounts of ways to finance the archaeological and architectural heritage of the member states. The article 6 of Granada Convention points out to the fact that the private sector, foundations and other mechanisms are needed to provide funding and assist in developing strategies. The article urges measures to expand the role of private citizens and associations. The burden of conserving an ever more extensive heritage should be shared by the community as a whole; it cannot be borne by public authorities alone. The text covers the solutions introduced in the various member states in the light of the means available and the general economic situation²³.

Similarly the article 6 of Malta Convention is about the financing of archaeological research and conservation²⁴. The convention puts forward two

²¹ Convention for the Protection of the Architectural Heritage of Europe, 1985

²² European Convention on the Protection of the Archaeological Heritage, 1992

²³ The article itself and extensive explanation is provided in the Explanatory Report “Convention for the Protection of the Architectural Heritage of Europe”
<http://conventions.coe.int/Treaty/en/Treaties/Html/121.htm>

²⁴ Malta Convention, “European Convention on the Protection of the Archaeological Heritage”
<<http://conventions.coe.int/Treaty/en/Treaties/Word/143.doc>>

main conditions as to arrange for public financial support for archaeological research and to increase the material resources for rescue archaeology.

The formation of a public-private partnership in the field of rescue archaeology is acknowledged by the Convention. Hence the founding for the rescue projects should be increased;

- a by taking suitable measures to ensure that provision is made in major public or private development schemes for covering, from public sector or private sector resources, as appropriate, the total costs of any necessary related archaeological operations;
- b by making provision in the budget relating to these schemes in the same way as for the impact studies necessitated by environmental and regional planning precautions, for preliminary archaeological study and prospection, for a scientific summary record as well as for the full publication and recording of the findings. (Malta Convention, “European Convention on the Protection of the Archaeological Heritage”, 1992).

As it is stated in the international conventions, the agreements between public and private sector regarding the funding of archaeological and similarly architectural projects are regarded as a good option for diversifying the sources of income. These agreements do not refer to a total privatization in the heritage related fields but they are a clear indication of the tendencies of both the private and the public sector to do a redistribution of the traditional workloads. The

public still keeps its position as the regulator of the activities in these fields. However, as they go through the work breakdown for specific actions they are willing to accept both professional and charitable assistance from the private sector.

In order to illustrate the relationship between the private sector and the archaeology and how this relationship can be built, a case from Brazil is helpful (Miller and Pitagula 67-70). Upon the realization of the fact that the Brazilian state was not actively participating in the protection and promotion of the archaeological sites in Andrelândia, a town in the state of Minas Gerais, five young people founded an NGO called NPA (Núcleo de Pesquisas Arqueológicas do Alto Rio Grande). The organization acts as an intermediary between the government, private sector, academia and general and local public in order to foster the preservation of archaeological heritage. Their first project was to create an archaeological park with the funds from an international organization. The park was designed to create awareness about archaeology, to stop the destruction of sites and to generate tourism and different jobs for the local people. The project had already gained support from the citizens when they discovered the international organization had budget cuts and they would not finance the project anymore. Under these circumstances the founders of NPA has turned to their local community and the private sector for adequate funding for the project. As a group of professionals who are accustomed to dealing with governmental and international organizations for obtaining funds, they had to discover new ways to show the private sector that their contribution would be appreciated not only by NPA but also by the general public. It was in the end, the public who were the customers of the private businesses. In order to

become a socially responsible firm in the eyes of the target market, sponsoring this particular project was an opportunity for the private businesses. The NPA founders were very successful in conveying their message by using the park to serve as stage for the promotion of arts and crafts cooperatives among the local residents and small businesses. The success lied in the fact that the archaeologists began to realize one of the most fundamental principles of marketing: they managed to use the executives' language and to understand what their particular considerations were for investing in the project. Corporate social responsibility was the key word since the strategy was based on it by underlining the importance of developing a marketing strategy (Miller and Pitagula 67-70).

3.2.4.4. Sponsoring Archaeology

The archaeological projects are traditionally funded through public budget. However, there are other important institutions which contribute to the funding of these projects. These institutions can be foundations/non-profit organizations, international organizations, private sector and private persons.

The archaeological projects are not only composed of excavations and scientific investigations but also of conferences, publications, conservation and restoration facilities, educational and promotional activities. All these accompanying activities are helpful to transform the archaeological data into more popular information which makes the site more appealing to larger groups of people. The availability of funding diverse activities in the body of a single excavation makes the sponsorship a viable option for the private sector. Besides this the sponsors welcome larger audiences who would appreciate their

contribution to archaeology. However, it is important to draw the responsibilities of the sponsors and prevent any kind of intervention to the decisions of the scientific research team who are working at the sponsored site.

One of the first examples of sponsorship in the archaeology is that of El Paso Pipeline Company's in 1950. El Paso Natural Gas Company had hired several archaeologists to conduct a rescue program within their area of influence although it was not required by legislation. Towards the end of project, the company has found out that their attitude towards the salvage archaeology resulted in public satisfaction. Consequently they decided that the project 'had benefits in public relations which outweighed the cost.' (Wendrof 286).

Due to the financial pressures which is put on cultural institutions, these institutions including archaeological excavation teams are after finding long-lasting sponsors for their projects. They would in turn emphasize the character of their private partner as a 'culture supporter' in media or wherever appropriate. Indeed when public relations specialists recommend a project to a potential corporate sponsor, they do so because they feel that it will achieve widespread media attention (Finn 60). These activities result in image building of private businesses. Apart from image building through sponsorships, some companies contribute to the archaeological projects of their countries due to the availability of tax incentives.

The important balance in the sponsorship agreements is that both parties would be clear about their expectations. Therefore the results would be satisfying for all. It is worth underlining that the archaeologists can turn to private sector for

diversifying their sources of income. The contribution of the private sector can be justified by enjoying the positive PR generated out of project. Even when the companies operating in UK and USA were obliged to carry out archaeological surveys and get approval for their projects many of them create ways to turn this situation into public relations projects (Hester 494).

Sponsorships can be examples to the marketing strategies that are used by archaeologists and related professionals to promote the activities on their site of excavation since they indicate that archaeologists can work with the private sector to encourage investment in the responsible management of cultural resources. Not surprisingly, there are some traditional archaeologists who reject to have sponsors, associating it with commercialization or advertising. The idea that marketing is useful to their discipline is unthinkable because they are afraid that marketing would compromise scientific standards. However the rise in the public private partnerships in the funding of archaeological projects indicates that there are many opponents to the idea of marketing.

Different approaches to the sponsorship of archaeology and the expectation of companies from their contributions is defined by Finn with the following example:

‘The range of motivation in business support of the arts resembles levels of ethical behavior. It has been said that the highest moral act is when a person anonymously helps a total stranger and expects no thanks. The next level is when a person anonymously helps a friend and makes it difficult to be thanked. The third level is when a person openly helps a friend and is gratified by the friend’s appreciation.’ (Finn 64)

Within the course of this part, the discussions on sponsorship of archaeology in addition to the private intervention to the fields as the ownership, rental and acquisition of archaeological property, contract archaeology and management of archaeological sites have been analyzed by referring to world examples in order to form a framework in which Turkey examples can be examined.

Chapter 4

PRIVATIZATION OF ARCHAEOLOGICAL PRACTICES IN TURKEY

4.1. Introduction

The previous chapters of this study presented a conceptual background on the privatization issue in general in addition to an examination of the world wide trends and examples of the private intervention to the field of archaeology. This chapter specifically aims to provide an analysis of the recent endeavors in Turkish archaeology within the framework drawn from the results of the conceptual background and examples around the world in privatization of archaeology.

In order to generate healthy conclusions, the legal framework of the country has to be considered with specific reference to laws on the protection, funding and management of cultural assets²⁵. That is why, in every subsection of the chapter relevant laws and legislations in addition to their current or possible implications are discussed. These subsections show parallelism to the ones analyzed in the third chapter. In this context, practices under the headings of ownership, rental or acquisition of archaeological property, contract archaeology and management of archaeological sites in Turkey will be considered. The sponsorship issue will be analyzed in a separate chapter with the presentation of the results of three different inquiries concerning the motivations of the Turkish private companies to support archaeological projects.

²⁵ The archaeological heritage of the country is referred as part of the cultural assets in Turkish laws; in this regard the laws which are applicable to archaeological heritage are considered under the umbrella of the term 'cultural assets.' The legal arrangements which form the focus point of this study are those which talk about the archaeological sites and heritage however in most of the instances they are discussed within the framework of cultural assets/properties. Thus both terms are used throughout the study.

Regarding the privatization movements in different contexts and specifically in the field of culture which includes archaeological practices, Boorsma asks:

“What have we learned from privatization in other countries or sectors? To what extent is it possible anyhow to learn from other countries or other sectors?” (24).

Based on this inquiry, the previous chapter aimed to review the experiences of different countries in order to form an understanding of the trends in the field of archaeology and its interaction with private initiatives. As it is stated in the second part of the question, it is not an easy task to form a framework for Turkey by looking at different examples. However it is worth noting that examples from different countries that have experienced privatization in the field of archaeology are helpful to cope with changes in the new operating environment at least to understand the common concerns about the issue.

4.2. Privatization of Archaeological Practice in Turkey

Turkish Ministry of Culture and Tourism is the responsible organ for the conservation and the protection of the cultural and natural heritage of the country.

The Ottoman laws which aim to prevent the free transfer of antiquities from the empire to other countries and to define the cultural heritage and related arrangements were firstly enacted in 1869 with the name *Asar-ı Attika Nizamnamesi*. The preceding legal arrangements were made in the years 1874,

1884 and 1906.²⁶ The Turkish archaeological heritage is managed and protected within a legal context which was created by the enactment of the listed Ottoman laws (Pulhan 3).

Another important initiative is the establishment of High Council of Immovable Monuments and Antiquities in 1951. The duties of the council that were decided in different years are as follows:

- To determine the standards and programs about the conservation, repair and restoration of immovables and monuments with historical value
 - To assign functions to the historical monuments in order to enliven them
 - To repair the monuments instead of reconstructing them even when there is the threat of collapse
 - To send the relieves of the monuments which are excluded from conservation deeds by the council before they collapse
 - To safeguard the city and sea walls of Istanbul
 - To establish a relationship between tourism and historic monuments
- (Zeren 6).

The first law regarding the preservation and the conservation facilities in Turkey was enforced in 1973. The law numbered 1710 ‘The Antiquities Law’ was followed by the enactment of the law numbered 2863 with the name ‘The Law on the Conservation of Cultural and Natural Property’ in 1983 (Yücel 113).

²⁶ For more information on the Ottoman legal arrangements see: Ferruh Gerçek. Türk Müzeciliği. T.C. Kültür Bakanlığı Yayınları, 1999. Emre Madran. Tanzimat’tan Cumhuriyet’e Kültür Varlıklarının Korunmasına İlişkin Tutumlar ve Düzenlemeler: 1800-1950. ODTÜ Mimarlık Fakültesi Yayınları, 2002. Ali Karaca. Arşiv Belgelerine Göre Osmanlı İmparatorluğu’nda Arkeoloji Bilinci (1837-1909), CIEPO XIV. Sempozyumu Bildirileri 18-22 Eylül 2000, Çeşme. Türk Tarih Kurumu Yayınları, 2004: 381-392. Hüseyin Karaduman. Belgelerle İlk Türk Asar-ı Atika Nizamnamesi. Türk Tarihi Belgeler Dergisi XXV,29,2004: 73-92.

Currently, the law 2863 is the basic law which draws the framework for the rights of ownership and the possible use of cultural properties. In addition to this specific law, there are regulations, laws and statutes which form the whole legal structure regarding the ownership, management and funding of cultural properties including archaeological resources and these laws need to be analyzed in order to clarify the extent in which they allow privatization to take place.

The laws which will be referred with their numbers throughout the study are as follows:

- The law number 2863, 'The Conservation of Cultural and Natural Property' enacted in 1983.
- The law number 5226, 'Changes in the Law for the Conservation of Cultural and Natural Property' enacted in 2004.
- The law number 5225, 'Incentives for Cultural Investments and Initiatives' enacted in 2004.
- The law number 5228 'The Law regarding the Changes in some Previous Laws' enacted in 2005.
- The statute (ilke kararı) number 745 'The Assignment of Archaeological Sites and Immovable Archaeological Properties to Legal Persons by the Ministry' enacted in 2008.
- The statute (ilke kararı) number 717 'The Preservation of the Cultural Assets which are Affected from the Dam Areas.
- The Constitution of the Turkish Republic, Article 63.

Every country has its own customs regarding the management of cultural sources. Traditionally, in Turkey, the state is the main supporter of the culture bearing the rights and liabilities of ownership of cultural assets²⁷. However by analyzing the recent laws which are passed between 2005 and 2008, it is possible to see the willingness of the state to welcome partnerships with the private sector and the local governments.

Turkey, like France²⁸ and other continental European countries, has a centralized approach regarding the use and the ownership of cultural properties. In Turkey, the law 5226 has added some new articles to the law 2863 and has empowered local governments regarding the use and preservation of the cultural assets under the supervision of the ministry. With the new arrangement the municipalities are given the authority to purchase the land with archaeological value so that they are able to conserve, preserve and evaluate the archaeological heritage on those lands. The decision of the municipality is under the supervision of the ministry and the Higher Preservation Council.

The changes in the law 2863 are important in the sense that they indicate a shift from the centralized approach to a more decentralized one. Although decentralization movements are not equal to privatization, they indicate a more flexible approach. In this regard, the decentralization results in a step towards privateness on the 'publicness and privateness hybrids' scale (Schuster, 62).

²⁷ This notion is also described in the Turkish Constitutions of 1961 and 1982.

²⁸ For more information about the French approach see Wheaton, Private Sector Archaeology: Part of the Problem or Part of the Solution pg 195-196.

4.2.1. Ownership, Rental and Acquisition of Archaeological Property

4.2.1.1. Legal Basis of Ownership

The Constitution of the Turkish Republic, Article 63 regarding the conservation of cultural and natural properties states that²⁹:

“Article 63: The state shall ensure the conservation of the historical, cultural and natural assets and wealth and shall take supporting and promoting measures towards that end.

Any limitations to be imposed on such privately owned assets and wealth and the compensation and exemptions to be accorded to the owners of such, as a result of these limitations, shall be regulated by law”³⁰

It is possible to own the lands which contain an archaeological property but not the material itself since the sole owner of the archaeological material is the state itself (Kanadoğlu 126). In this regard, the article 12 of the law 2863 affirms that preservation, conservation and protection of these archaeological and cultural assets are duties of the state even if the land in which these assets are found is under private property.

In Turkey, private persons and legal entities (corporations, foundations) can own property. According to the Administrative Law, no private property can become public property until it is nationalized (Kanadoğlu 33). One of the aims

²⁹ The Turkish Constitution of 1961 has also an article on the monuments as follows:
“The state shall provide for the preservation of works and monuments of historical and cultural value.” < <http://www.anayasa.gen.tr/1961constitution-text.pdf>>

³⁰ <http://www.anayasa.gov.tr/images/loaded/pdf_dosvalari/THE_CONSTITUTION_OF_THE_REPUBLIC_OF_TURKEY.pdf>

of the law 2863 is to clarify the characteristics of the cultural properties and to determine how they fall into the category of public property and to prevent any kind of confusion arising from the rights declared on civil law.

The right of the state to own the cultural property on behalf of the public does not bestow the right to sell these properties to a third party (Kanadoğlu 84). That is why cultural properties are subject to a special law rather than the civil law. The law 2863 exempts the state from the right to buy and sell these properties. Indeed ownership is about the right to buy and sell which is applicable to public properties but not to cultural properties in any case.

Carman states that materials which are normally under the protection of law become archaeologically important due to that body of law but this situation does not work the way around (22). Therefore he points out the importance of the identification and registration of cultural assets. In the case of Turkey, according to the law 2863, the identification and registration do not assign values to the cultural properties. They are only tools to manifest the values that the cultural property already has. In this case, a cultural property is under the protection of the state by its nature, even before it is formally registered (Kanadoğlu 101). Additionally, any kind of collection facilities are also under the supervision of the ministry. It is apparent both from the constitution and the relevant laws that the ownership of archaeological sites and artifacts belong to the state. While creating room for multi-vocality about the management of cultural resources of the country, the law 2863 still states very clearly that the sole owner of these resources is the state itself.

4.2.1.2. Archaeology on Private Lands

According to Benedikter the Italian model of privatization of cultural heritage could spread to other European countries that have similar economical problems (387). Although Italy is among those countries which have a rigid tradition of public ownership of cultural assets, under the economic pressures they created new laws which enabled the state to sell some of those assets. This can constitute as a model to a country like Turkey since, as it was stated by Ekrem Akurgal many years ago, Turkey is so rich of archaeological assests whereas the ministry is so poor to be able to preserve them. In this context Italy can present an example of possible private intervention to the ownership of archaeological assets and the need to take necessary precautions prior to similar decisions. The presence of such an example is a threatening fact for the field of archaeology since it contradicts the articles of international conventions regarding the archaeological culture.

Another important issue in the case of Turkey regarding the conflicting interests in ownership of archaeological assets is the private ownership of lands with archaeological properties. In many archaeological projects the archaeologists are faced with the problem of negotiating with the actual owners of the site. Although the laws are clear about public ownership of properties with archaeological value, in the real cases long time passes before the state actually purchases the land. Even though it is possible to change the borders of the sites under private property, it is not a favorable undertaking for the parties involved. As an example of the dual ownership of archaeological sites, in Antandros archaeological site which is located in Balıkesir, the local people continued to carry out the agricultural activities along with the excavations. Among many

other similar examples the Roman site of Zeugma can also be given. Since the land around the excavation site had not been totally nationalized, the private owners of the land are usually around, to do picnic by the Euphrates and their presence is not always welcomed.

As it is stated by Dormor, it is crucial to make people realize the fact that archaeology is finite and it is worth to replace the borders of one's field in order to preserve a site rather than totally ignoring it (45).

In Turkey, the archaeological sites are mostly ignored due to agricultural and developmental reasons. The reports of TAY project³¹ (Turkish Archaeological Settlements Project) demonstrate that the most severe and widespread form of damage to archaeological remains is due to agriculture and development projects. On the one hand this fact is closely related to the lack of conservation practices of the country, on the other hand it points out to the complexity of the issue of authority regarding the preservation of the archaeological assets.

4.2.1.3. Ownership and Authority

The practices of ownership and authority are intermingled. As the owner of the archaeological heritage of the country, the state has the authority over the sites. However this situation causes different governmental organs which operate in different fields to have a say regarding the public cultural assets. One of the most common problems encountered during the management, registration and excavation of the sites is the lack of coordination between the governmental bodies which are responsible for the site for different domains. An example to this is the case of Hattuşa which is not only a first degree archaeological site but

³¹ There are 5 reports of the project which present the results of the expeditions of the TAY team between the years 2000-2003. The damages to archaeological settlements in all seven regions of Turkey are investigated and results are discussed through these reports.

also a registered UNESCO World Heritage Site. Despite the character of the site, the applicants for mine searching in the area of Hattuşa received approval from the related governmental body. Obviously, the conservation board did not permit the survey in the area but the related governmental organ about mines is unaware of this situation due to various reasons. In his article about the relationship between archaeology and law, Sebastian emphasizes different acts related to the protection of archaeological heritage in USA (6). In addition to more general laws and regulations, there are also those which are to be referred in specific cases. The Reservoir Salvage Act, Department of Transport Act and Historic Archaeological Data Preservation Act aim to collect data before sites are lost and to integrate the concerns for archaeological heritage into the plans of different governmental departments which are responsible for highway or dam construction (Sebastian 10). In the conservation boards of Turkey, there are members from forestry and mining departments, this composition of different members should have ensured the coordination between these organs but interestingly there is permission from mining department for Hattusa.³²

4.2.1.4. Site Renting: The Statute '745'

The statute 745 issued on 22 July 2008 states that the archaeological sites and the immovable archaeological properties of these sites can be assigned to the use of legal persons within the limits of the laws 5225 and 5228 so that these persons can maintain, repair, restorate and evaluate the sites while keeping them accessible to the public. The assignments of the archaeological sites are undertaken with the authorization of special protocols, in the context of all kind

³² The Article 53 of the Law 2863 'The Conservation of Cultural and Natural Properties' provides the list of nine board members. See appendix for the full list.

of previous plans and projects, considering the opinions of the excavation leader or the museum directorate. In this regard, all the venues needed for the excavation, conservation or the presentation of the sites can be designed and created on a temporary basis under the supervision of the related regional preservation council. This recent statute on the management of the archaeological sites arouses many questions about its implementation. Although it was possible to rent some parts of the archaeological sites or museums for staging cultural events for a financial gain, this statute makes it possible to transfer the entire usage rights to a private party. The facilities such as security, ticket office, on site interpretation activities become the responsibilities of the tenant whereas the state still acts as the control mechanism by imposing various legislations about the cultural heritage of the country.

The SOL magazine (a left-wing publication) presents concerns about the implementation of the statute.³³ According to the magazine, the new arrangement is an attempt for privatizing the museums and the ancient sites. The discussions on the transfer of the Museum of St. Nichola Church in Demre and Perge Ancient Site to Koç family in addition to the transfer of Aspendos Theater to Mustafa Erdoğan³⁴ have been finalized and it is announced that the ministry is supporting the transfers.

Under the protocol between the ministry and the Koç Group, all the entrance fees and the security facilities will be the responsibility of Koç Group. The

³³ <http://www.ayrintilihaber.com/news_detail.php?id=25688&uniq_id=1222034414>

³⁴ Mustafa Erdoğan is the art director and the founder of a folk dance group with the name of Sultans of the Dance- Anadolu Ateşi. The group has realized many performances in and outside Turkey. The performances in the ancient theater of Aspendos and the construction of a replica of the theater nearby the original one for staging this particular event have been discussed widely. The archaeologists displayed their concerns on the construction of the Aspendos Arena which covers a total area of 25.000 m2 with a capacity of 4500 people. The statute 745 is being criticized for legitimizing the Aspendos Arena.

income derived from the entrance fees will be paid to the ministry at an agreed percentage. These rules will be applicable to other leased sites as well. The ministry will have the option to make new arrangements upon the termination of the contracts. Although none of the details about the arrangements are publicly discussed, one of the main considerations that are put forward by the SOL magazine is the possibility of replacing the current workers of these sites with those of the private sector. Another concern that is put forward by the archaeologist Prof. Numan Tuna is that the new arrangement counters the international conventions since the conventions put forward by UNESCO or ICOMOS clearly state that the archaeological sites can not be given to the use of private parties.³⁵ Similarly the project coordinator of the TAY (Turkish Archaeological Settlements) Project, the archaeologist Oğuz Tanındı, interprets the statute as a way of commercialization of the sites. He argues that upon the enactment of the statute, the archaeological sites will be turned into construction areas for the purpose of generating more income by the private parties with pure commercial interests³⁶.

4.2.2. Contract Archaeology

4.2.2.1. Contract Archaeology as Rescue Archaeology

In Turkey, organizing the archaeological projects in the format of contract archaeology is not a common practice. The excavations are under the supervision of the ministry and most often conducted by the museums or the universities. Under these circumstances, the permission for excavation is not given to a private organization. Although there are some cases where funding is

³⁵ <<http://www.kesfetmekicinbak.com/gundem/07896/>>

³⁶ <http://www.vapi.com.tr/Haberler/sit-alanlari-insaat-alani-mi-oluyor_62975.html>

provided by a development company, the lack of professional companies which provide archaeological research services for income differentiates the actual practice of contract archaeology in Turkey and in Europe or USA. Macdonald and Townsend underline the nature of the contract archaeology as an obligatory type since the contracting agencies agree to pay for such services only because it is mandated by law (36). The lack of laws of this kind is another reason why the contract archaeology is not a common practice in Turkey.

The key players of contract archaeology belong to three different groups. That of government side who controls the work being done and gives permissions, the other group is the developers who need the permission and have a ground analysis prior to construction. Last group is the archaeological unit as the doer of the actual work (Andrews and Thomas 190). In Turkey two of these parties are available but the structure does not allow the formation of private archaeological units.

In UK and USA the emergence of contract archaeology was due to the rising need for rescue archaeology projects. Recently, as Cleere points out (12) in countries like Denmark, UK and USA, the planning decisions are approved only after their impact on archaeological remains is determined and required precautions are presented to mitigate this impact whereas in Turkey, the contract archaeology is still in line with the needs of rescue archaeology. In some cases like the Yenikapı Metro or Baku-Tiflis-Ceyhan Pipeline salvage excavations, the construction companies bear the costs of the excavation. Although the actual work is performed by professional archaeologists there are

currently private agencies which provide the workforce and organizational details for these undertakings.

Wheaton proposes several stages which can be used as a guideline for Turkey before the governments and developers see private sector as a viable alternative for archaeological heritage management:

- a.* Laws requiring concern for archaeology on a major portion of the ground disturbing projects in a country.
- b.* Will to actually enforce those laws.
- c.* Realization on the part of the government that funding of all these projects is beyond the capability of the government and that the developer should pay for the work according to the 'polluter pays' principle.
- d.* Realization on the part of developers that universities cannot keep up with the load in a reasonable time span.
- e.* Realization on the part of the government, the developers and the archaeological community that the private sector is a possible solution (195).

According to the stages proposed by Wheaton, the governments and developers come to an agreement as to find the balance between development and preservation of cultural heritage via professional archaeology. Similarly Özdoğan analyzes the contradictory perception on the development versus preservation. Those who invest in development projects interpreted archaeological remains as an obstacle to the growth of the country whereas the countries which make large scale developments like Japan or Germany has

managed to balance the development and preservation without compromising either cultural heritage or development needs (Özdoğan 43).

The discussions related to the archaeological heritage management through contract archaeology are further complicated by each country's view of the role of government in people's lives. The view of the role of private business, the role of heritage in people's lives and who owns it, the view of ownership of the land and the resources in the land make it even more complicated (Wheaton 196). Under these circumstances it is not an easy task to find ways for the development of contract archaeology. Nevertheless for analyzing the recent undertakings in Turkish archaeology, these stages can show the progress. As the number of rescue projects increase, the developers will realize the need for private sector within a reasonable time span.

Özdoğan points out another interesting fact about the costs that a construction company has to bear if faced with archaeological deposits and stop the construction for a period of time. In such a case the company has to pay more money than the amount it would have paid for a planned excavation prior to the construction (92).

In Turkey, museums have the authority and the responsibility for the protection of the cultural heritage. However the museums lack the field personnel who are supposed to be controlling their area of supervision to be able to detect any illegal or inappropriate or destructive activity. The only way that a museum sends an expert team for an investigation is upon a denouncement. In this case, a report is sent to the conservation board and if needed the construction can be halted. The final decision comes from the conservation board and in many unfortunate cases the construction continues (Yücel 113).

4.2.2.2.Baku-Tiflis-Ceyhan Rescue Projects

Under the course of Baku-Tiflis-Ceyhan Pipeline development project which was completed in the year 2005, there have been environmental and social investment programs. These programs included the archaeological endeavors which were directed towards two goals: The first one is the identification and localization of the archaeological settlements which were already registered along with the identification of the areas which have a high potential of sheltering archaeological resources. The second one was to decrease the affects of the project on the designated areas including changes in the route and rescue excavations. Within two years 17 rescue projects were realized in the cities of Ardahan, Kars, Erzurum, Sivas, Kahramanmaraş, and Adana. The personnel for these excavations was composed of 30 academicians, 125 field archaeologists, art historians, anthropologists, restorators and approximately 1000 local workers. The artifacts from these rescue excavations are on display in the museums of the five cities (Kars, Erzurum, Sivas, Kahramanmaraş and Adana), in the display cases with the label of BTC (Baku-Tiflis-Ceyhan)³⁷.

In the case of BTC, none of these excavations were made at the public expense project which can constitute an example to the projects which shift the costs of archaeology from taxpayer to the developer.

4.2.2.3.Damming the Past³⁸

Turkey has started a process of rapid development through the construction of dams which would provide irrigation facilities in addition to electricity

³⁷ <http://www.bp.com/sectiongenericarticle.do?categoryId=9018404&contentId=7033950>

³⁸ 'Damming the Past' is the name of the book by Steven A. Brandt. [Damming the Past: Dams and Cultural Heritage Management](#)

generation. Until recently, preserving cultural heritage and the necessity of investing in developmental and infrastructure projects were interpreted as a source of conflict. However, with the introduction of archaeological salvage projects in these areas, the steps towards the development of mutual understanding have been taken. The first example to this cooperation is the work initiated by METU (Middle East Technical University, Ankara) in the Keban Dam Reservoir in 1968 which is followed by the salvage projects in Karakaya and Atatürk Dam Reservoirs in the Lower Euphrates basin. These endeavors aim to 'prepare a multi-purpose project related to cultural heritage that converts data from the past into knowledge that will benefit all humanity, as well as improving the economy of the country and the region'.³⁹

The statute with the number 717, enacted as of 04.10.2006 can be regarded as an outcome of these projects. The statute is about the preservation of the cultural assets which are or going to be affected from the dam areas. According to the statute, any dam project is subject to preliminary archaeological surveys. In the case of a presence of an archaeological settlement in the route of the dam, the route has to be reconsidered by DSI (State Hydraulic Works). If it is not technically possible to change the route, a scientific commission which is composed of academicians of related fields has to be brought together by the Ministry of Culture and Tourism and DSI. The commission is responsible for preparing an emergency action plan in order to identify the cultural assets in the area. In the course of the plan, the documentation, excavation and land surveys are conducted at the expense of DSI. The reports derived from the investigations of the commission are presented to the Preservation Councils, to be decided on

³⁹ http://www.tacdams.metu.edu.tr/index.php?option=com_content&task=view&id=23

the protection on site, transfer of the archaeological material to another place or abandon them under the dam water after documentation. Any of these decisions are implemented under the permission of Preservation Councils and all the associated costs are undertaken by DSI. The time needed for the archaeological work has to be provided and the information gathered from the surveys has to be published. The archaeological property that is under the threat of the dams which were started before the enactment of this statute has to be documented to be presented to the Preservation Councils so that the council can prepare an emergency plan for them.

As noted previously, contract archaeology is firstly practiced as rescue archaeology due to large scale developmental projects in the international arena. Similarly in Turkey, the first initiatives to form conservation policies are undertaken upon the realization of potential damage to the archaeological remains on the areas of the dam projects. Still, according to the TAY project reports of 2003, 15% of the total damage to the archaeological settlements in Eastern Anatolia and Black Sea regions is due to dam constructions. The remaining damaged parts are exposed to illegal digs and agricultural activities. Another example is that GAP and Yortanlı dam projects were planned in 1970s without any focus on the archaeological remains and as a result important archaeological sites will be lost under the water (Yücel 114). The lack of proper planning and the lack of integration of archaeological settlements in the development plans is the result of the ignorant attitudes towards the protection of archaeological remains. The statute 717 can be regarded as a late reaction to the damages caused due to the dam constructions in Turkey.

4.2.2.4. Zeugma: A Case of Social Awareness

The laws on the integration of concerns on the archaeological resources in the planning phase of development projects are usually the outcomes of aroused public interest about the loss of archaeological resources. In Turkey, as it is discussed earlier, this public interest and the laws were neglected until very recently. In the 21st century we see a change in this attitude. Due to the huge international and national media coverage and pressure related to the issue, the decision makers start to feel themselves obliged to pay attention to the cultural heritage of the surrounding area before they approve a proposal of a large developmental project. In this regard, the development of a hydroelectric power plant on the Euphrates River in the southeastern part of Turkey and its affects on the ruins of the Roman site of Zeugma presents a unique case in the archaeological history of Turkey due to massive national and international media coverage it received during the final year of the rescue work (Yağız 255). To develop a strategy for the site, urgent excavation and rescue work launched under the coordination of the GAP (Southeastern Anatolia Project) Administration. Examinations and observations were conducted at the site in May 2000 with the participation of staff from the GAP Administration, Turkish and foreign scientists, experts from Gaziantep Museum, Director of Cultural Affairs in Gaziantep and representatives of Birecik A.S. An international team was coordinated by the Oxford Archaeological Unit of England. The team was composed of specialists from the United States, Turkey, Britain, France and Italy. There were more than 150 archaeologists and 250 workers helping to excavate and process the thousands of finds (Yağız 258).

The public interest for the site was triggered by the media. The press interest has been a stimulating factor for the accelerated campaigns for the salvage of the remains from the site. To illustrate the extent of the media coverage, the results of an archival survey of the Hürriyet newspaper between the years of 2000-2005 will be presented. News related to Zeugma appeared 27 times in the Hürriyet newspaper in 2000. In 2001 there was only one news, and in the year 2005 Zeugma appeared in the paper only in five occasions. The news that were given during the time of rescue excavations, in the year 2000, can be classified under four main subjects depending on the progress of the work on the site.

The first subject is on the dam construction itself as it was inspired from the Times Magazine. The magazine had played an important role in spreading the news about the threat of the dam by carrying the situation in Zeugma to its front page. The second subject is on the extra time given to the excavation team by the President of the time, Ahmet Necdet Sezer. The third subject is about the interest of celebrities and private sector, especially due to the efforts of the Zeugma Initiative that was founded by various rich business people for raising funds for the salvage excavations. The last subject is the updated news from the site; the main consideration is on the archeological material that is unearthed.

An analysis of the first subject reveals that some of the newspaper articles are directed towards self-questioning on the issue about cultural heritage. In most of the newspapers and magazines, there are self-critiques for being indifferent to the loss of archaeological wealth of the country and for falling behind the international media on realizing the importance of such issues.⁴⁰ Another striking outcome of the Zeugma rescue project was the formation of the Zeugma

⁴⁰ The analyses are drawn based on the information of the media archive of the site of Zeugma which was digitalized during my internship of 2007 excavation season at the site.

Initiative by the business people, media members, bureaucrats and scientists. The mission of the initiative was to launch a campaign towards the protection of the site of Zeugma. Some of the names who founded the initiative are as follows: "CEO of Tofaş Jan Nahum, TÜRSAB⁴¹ Director Başaran Ulusoy, MNG Holding CEO Mehmet Nazif Günal, TEMA Foundation director Hayrettin Karaca, İş Bank CEO Ersin Özince, Professor Önder Küçükerman, Professor Veli Sevin, archaeologist Nezhil Başgelen, Assistant Professor Esra Ekmekçi, Hürriyet Newspaper Executive Editor Ertuğrul Özkök, Hürriyet Newspaper Publishing Coordinator Seçkin Türesay, Hürriyet Newspaper Publishing Consultant Doğan Hızlan, Milliyet Newspaper Executive Director Doğan Heper, Türkiye Newspaper Executive Editor Kenan Akın, Sabah Newspaper Vice President Öney Bilgin, Sabah Gazetesi Executive Director and Publishing Coordinator Zafer Mutlu." As it can be understood from the list, the initiative managed to bring together a range of business people and media executives. They state the aims of the initiative as:

- ✓ To complete the excavation of the entire site in order to unearth the archaeological material.
- ✓ To transfer these materials to a close place to ensure their conservation, the place shall be converted into an open air museum after a while.
- ✓ To create funds for the mentioned projects.
- ✓ To report these activities so that they can become examples for the future conservation projects.
- ✓ To foster the tourism facilities in the region within the context of southeastern region.

⁴¹ Turkish Travel Agencies Association

- ✓ To promote a good image in the international arena in the name of Turkey. The success of the initiative will create the opportunity to safeguard the cultural assets that belong to all human kind (Kınalı/Hürriyet Newspaper).

The formation of such an initiative can be given as an example of the aroused interest of the private sector regarding the protection of the cultural assets. The media interest on Zeugma is another factor why it was so widely recognized and it had been the first case in Turkish archaeology where professional archaeology teams worked with the donations of the unprecedented private funds.

The site offered a thematic story with the picturesque scenes as the archaeologists were working while the water was rising constantly. The interest triggered by the media spread both to local residents and to national and international organizations. The famous 'Gipsy Girl' mosaic that is excavated from the site has become the symbol of the rescue excavations. The luxurious villas of the site had high quality mosaic pavements each with a different mythological stories or geometric designs. The visual wealth of the site made it newsworthy.

Zeugma used to cover an area of 2 million 40 thousand square meters, the 25% of this area is flooded and the excavated material from this part is now on display in the Gaziantep Museum. The part that is not affected from the dam waters is being investigated and excavated by Dr. Kutalmış Görkay from Ankara University but the interest which was evoked during the time of salvage excavations is not shown towards the site anymore.

It is therefore crucial to know what the country has lost up to this time and evaluate other countries' ways of dealing with similar situations in order to form

a guideline for further project planning phases. In most of the cases in Turkey, those who were against the construction of such dams which would destroy the cultural heritage of the country were blamed to be elitists who were far from understanding the real dynamics of the economics. In some instances this attitude has been a leading factor for creating a distance between the archaeologists and those who were for the economic development of the country. The archaeologists were believed to be couple of adventurers.

Through proper planning and practical legislations these kinds of attitudes would not be necessary and the protection of the cultural heritage would not be the job of ‘couple of archaeologists’ but would be the obligation of the state.

4.2.3. Management of Archaeological Sites

4.2.3.1. New Approaches to Site Management

Tatar, Özdoğan and Başgelen propose a new title for the law 2863 rather than ‘The Conservation of Cultural and Natural Properties’. The proposed title is ‘The Use and Evaluation of Cultural and Natural Properties’ (6). This proposal points out the fact that there is a considerable change in the mentality of the Turkish approach to cultural assets. In other words, possible implementations of the law have the potential to create new uses and it encourages private partnerships in the management and protection of cultural properties.

Kanadoğlu’s opinion regarding the protection of cultural and natural properties as to assign them to be re-used for different functions forms the basis of the recent changes in the Turkish laws and regulations related to the cultural and natural heritage (Kanadoğlu 49).

As a result of the changes in the law 2863, there has been new approaches to the management of the archaeological assets of the country as to implement a more flexible method and it was the first time that the partnerships with the private sector was seen as a viable option. In line with this, in August 2005, during a meeting in the Turkish Ministry of Culture and Tourism, Atilla Koç, as the minister of the time, has announced that the management of museums and archaeological sites were going to be privatized:

“The first examples chosen for the privatization are the management of Topkapı Palace and St. Sophia. This is the first initiative of its kind in Turkey and we have worked very well on the regulations and we decided to try it on some sites. If we can adopt this system to all of our archaeological sites and have the Turkish companies involved into this business we will make a great progress regarding our income and the preservation of our sites. If we have private firms, their performance based evaluations will put an end to the scandals in the sector.” (Atilla Koç⁴²)

Upon this statement of Atilla Koç, professionals from different sectors have made various comments. Prof. Dr. Haluk Abbasoğlu, the head of Perge Excavations, has pointed out the dangers of privatization and offered the use of site management plans as an alternative to privatization. As a counter opinion Osman Ayık who is director of Antalya Hotels Association interpreted this new initiative as a guarantee for the generation of the current income for the ministry. Ayık claimed that the involvement of private firms in the management

⁴² The speech is quoted from
<http://www.millicozum.com/index.php?option=com_content&task=view&id=347&Itemid=92>

of archaeological sites and museums would cause an increase in the number of visitors therefore more income and increased sales of souvenirs. Consequently this additional income could be used for conservation purposes. Şerif Yenen, director of the Istanbul Tourist Guides Association has underlined the lack of expertise in the management of cultural assets. In this regard, the proposed initiative would have favored the international firms who would in turn concentrate on increasing their profits through the ticket, food and beverage and souvenir sales. This situation would discourage the national visitors who are price sensitive. It would also result in problems regarding the carrying capacity of the sites and museums. Özgen Acar from Cumhuriyet newspaper questioned the actual contributions of current sponsors to archaeological sites and displayed his concerns on the real intentions of private intervention to the management of archaeological sites and museums. Lastly, Kemal Sevgisunar, director of Kültür Sanat-Sen (a union of culture and arts), states that ‘government has pushed the button first to localize and then to privatize the cultural resources of the country.’

Although the privatization of management of archaeological sites and museums lost its place in the agenda for a while, it has recently re-appeared as a source of debate upon the formation of a new statute. The statute with the number 745 which came three years after the statement of Atilla Koç, enables legal persons to rent and to manage and the archaeological sites along with the immovable archaeological assets they entail.

4.2.3.2. The Most 'Valuable' Sites

Some of the archaeological sites in Turkey are attractive for their availability for hosting cultural events or for other re-use purposes. The regulatory statute which is enacted as of March 2008 displays the rules and regulations for the use of archaeological resources for culture and tourism facilities along with scientific, artistic and other activities with the rent prices that differ for each monument. Notably, the prices are determined by a simple demand-supply calculation. The higher the demand for a particular site, the more expensive it gets. The Ministry of Culture and Tourism rents these sites within a framework of a protocol signed with the tenant. The lists of prices that are presented on the web site of the ministry belong to museums, ancient sites or some monuments of archaeological importance. In this regard, the most expensive sites are Aspendos Theater, Bodrum Theater, and the Rumeli Castle. They are all prestigious spots for the cultural events and they are being constantly rented for such purposes. The remaining itineraries on the list give an idea about the characteristics of the most 'valuable' or 'expensive' sites of the country. The visibility of the site together with its adaptability to a modern use is an important factor for a place in the list.

Name of the Site	Weekend Price in YTL	Weekday Price in YTL
Antalya- Aspendos Theater	15.000	12.000
Antalya- Side Theater	10.000	8.000
Antalya- Myra Ruins	5.000	3.000

Istanbul – Rumeli Castle	15.000	12.000
İzmir – Celcius Library	10.000	8.000
İzmir – Marble Road	8.000	7.000
İzmir – Harbor Road	8.000	7.000
İzmir – Odeon	10.000	8.000
İzmir – Bergama, Asklepion	5.000	4.000
Muğla – Bodrum Theater	15.000	12.000
Other	3.000	2.500

Fig 2: The price list for listed archaeological monuments and site
<http://www.kultur.gov.tr/teftis/BelgeGoster.aspx?F6E10F8892433CFFF7BA884A184682F128651719F05C74BF>

It is often stated that the creation of archaeological projects which are self sufficient is a desirable situation. This desire can come through a well managed, presented and promoted site which hosts cultural events or enjoys a considerable tourism income. The list that is provided above can highlight the characteristics of the sites which can generate income. Considering the high maintenance costs of the archaeological monuments, one has to question the possibility of creating self sufficient sites. The expectation of the governments both in Turkey and Europe is to have not only archaeology but also a considerable amount of culture and art facilities to generate income. In this regard, there are attempts to assign, rent or in some extreme cases to sell the monuments and sites to private sector. However, these attempts may not always solve the economical problems and reduce the financial burden of the state. As it is stated by Örnek⁴³ in most of the cases the private sector would not be

⁴³ Quoted from “Kültür Varlıkları Yerelleşiyor” article of Nermin Bayçın, Milliyet Sanat Magazine.

willing to invest in archaeology since the return on investment falls behind the desires of the businesses.

The interest of the private sector is usually evoked for re-use opportunities that would be reflected to the profits that can be derived from the ticket sales. Another important element that can ascribe direct financial values to the sites is undeniably tourism. In Turkey's economy, tourism is a considerably large sector. Over the past two decades, a significant growth has been observed within the tourism sector in Turkey. In 2006 tourism accounted for the 5.2% of the total GDP⁴⁴. In the world tourism market, Turkey ranks as the tenth country in the world in terms of tourism revenue according to year 2006 figures. The tourism plans of 2023 have the target of being among the first five countries with the biggest tourism share in the world.⁴⁵ Given the rising economic potential of the tourism sector, the stakeholders in the Turkish archaeology cannot be expected to stay indifferent to this growing sector. In this regard, a scan through the excavation reports that submitted to the yearly archaeology conferences organized by the ministry of culture and tourism indicates the general tendency of excavation teams to welcome tourism and local interest backed up with management plans for their site of investigation.

4.2.3.3. 'Immortalize Your Name' Campaign of Aphrodisias

For some of the archaeological sites in Turkey, the foundations play an important role. They are usually founded by a group of people who are interested in archaeology and cultural heritage; and who have the potential to

⁴⁴ <<http://www.tursab.org.tr/content/turkish/istatistikler/gostergeler/gsmh1hr.asp>>

⁴⁵ Dünya'da ve Türkiye'de Turizm Report.

<http://www.kultur.gov.tr/TR/Tempdosyalar/242656_sonturizmraporu.DOC>

raise funds in order to contribute to the betterment of the site. The foundations play an intermediary role between the private initiatives which aim to evoke awareness and interest about a particular archaeological or cultural asset and the government. In this regard, they are the tools to create a more flexible administration for a site and to present the site to the government on behalf of its stakeholders. One of the examples to the foundations that support an archaeological site is the Geyre Foundation of Greek and Roman site of Aphrodisias which has enjoyed a prosperous existence from the first century B.C. through the sixth century A.D. Today, many of the city's ancient monuments remain standing, and excavations have unearthed numerous fine marble statues and other artifacts.

The Geyre Foundation, which was established in 1987 by a group of friends of the archaeologist Professor Kenan Erim who had devoted a considerable amount of his professional career to the excavations in Aphrodisias, aimed to create funds for the continuation of the scientific work at the site and for the presentation of the site to the public. The charter⁴⁶ of Geyre Foundation gives an account of the first meetings of the founders and the process they have been through since the establishment of the Geyre Foundation. They underline the importance of the site in addition to the responsibility of safeguarding the cultural heritage in general.

The foundation aims to support the scientific investigations and surveys in the site of Aphrodisias, to organize national and international conferences or to support such initiatives, to contribute to the conservation and restoration of the excavated material in order to present them to Turkish culture and tourism, to

⁴⁶ The charter of the foundation can be found at the appendix.
< <http://www.geyrevakfi.org/vakif/index.html> >

exhibit the artifacts from Aphrodisias in Turkey and abroad and to train the personnel needed for these facilities. In order to create funds for the realization of these aims the foundation has the permission to diversify its sources of income within the limits imposed by the laws concerning the foundations.

Additionally the foundation has the right to exhibit the artifacts from the Aphrodisias excavations and to open and manage exhibition halls and museums for this purpose, to arrange promotional facilities in order to present the artifacts using visual and written means, or it has the right to found a private business enterprise for the execution of these facilities.

The 19th article of the charter gives an account of the possible income sources for the foundation, these sources can be listed as:

- the income, rent and interest from the real estate property
- income derived from the conferences, exhibitions, shows, entertainments, touristic tours, sportive competitions, balls, lotteries or fairs
- donations and aids
- the donations that are sent from the foundations which are established abroad for supporting Aphrodisias exhibitions under the permission of External Relations Ministry
- the fees charged from the magazines and newspapers for the use of visual and written material about the site
- the fees on the souvenirs and touristic facilities and publications
- the income from the business enterprises and the partnerships of the foundation (Geyre Foundation charter 13-14).

In 2005 the founders of Geyre have started an innovative campaign for fund raising in order to build a new museum at the site. Since the members of this particular foundation are very successful business people, they have the potential to create new approaches in the managerial issues. As an example, they have organized an auction with the theme of ‘Immortalize your name with an ancient marble relief’ in order to raise funds from the wealthy members of the foundation. At the end of the auction, name holders of 72 ancient marbles that were excavated from the site had contributed to the budget for the construction of the new gallery. The relieves are put on display in the New Sebasteion Gallery, Sevgi Gönül Hall as of May 2008 together with the names of those who sponsored their restoration and the construction of the new museum.

There are various motivations for supporting an archaeological activity. An interesting perspective that can be found in the Geyre Charter is an example to the different motivations. A paragraph that is written after having given an account on the historical and mythological relations of the famous Roman emperor Augustus – Octavius with the Aphrodite to whom the city was dedicated is as follows:

“Today, we do not obviously compete with Augustus or his relatives who have made various favors to their beloved city. However, we hope that ‘the friends of Aphrodisias’, no matter where they are, will never forget that the city of Aphrodisias which was once patronized by the gods and the emperors, is a precious diamond of the Mediterranean cultural treasure and the privileged status which is bestowed to the city has to be maintained.” (Geyre Foundation Charter 7).

4.4. Projections on Privatization of Archaeology in Turkey

The period from 2005 to 2008 has been remarkable in connection with a range of legal initiatives which are directed towards the management of archaeological assets. The current minister of culture and tourism, Ertuğrul Günay, underlines the importance of public private partnerships in the field of culture and archaeology. The statute which assigns archaeological sites and immovables to private parties can be considered as an outcome of these new approaches.

There has not been any case in which the implementations of this particular statute can be discussed. However this does not put a restriction on various comments on the future implementations. One of the main considerations that can be derived from the leasing of archaeological sites is that the income that they are currently generating will not be sent to the central budget to be redistributed to the entire archaeological sites all around Turkey. Even though one can argue that these fees will be replaced with the rental fees which will be paid to the ministry, it is not precisely known what percentage of the income will be turned into rents. In this regard, these sites will be given autonomy to find innovative solutions to their economic problems while other smaller sites will continue to remain silent. The sites which are attractive to private sector are the ones which are already creating income either through cultural events staged on them or through tourism.

Another consideration that we have to bear in mind is the motivations of different private groups, companies or people for renting the particular sites. This situation would eventually create different approaches to the management of archaeological assets, and the success of these approaches would be

dependent on the entity managing them. In many of the instances, the parties which would be willing to sign protocols to run the sites would have various other operations in different fields. In other words, once the entity is given the permission to manage the facilities on the site, they would have the power to transfer their own workforce and expertise which had already accumulated in their areas of operations. In the hypothetical case of Koc Group managing any of the sites, the facilities like restaurants or security can easily be provided through the channels that already belong to the group. This would undeniably increase the level of service provided at the site, however this change would have different affects on various stakeholders of the site including the local population.

With regards to contract archaeology, Turkey has been through many of the steps that are enlisted by Wheaton (195). The change in the public perception about the protection of the cultural assets as a matter of public interest has been reflected in many campaigns like Zeugma, Allianoi or Hasankeyf. These reactions have been stimulating factors for the consideration of cultural heritage of the country. In this regard, it is possible to expect that there will be more legal arrangements to ensure the protection and therefore the need for a better arrangement that will enable the work of contract archaeology. The concerns over the ownership of excavated material would be solved like the model in Italy whereby they make clear that everything from an excavation belongs to public even if the excavator is a private agency (Gianighian 191).

The political agendas of the developing countries can also become determining factors in the formation of certain policies. According to Iles, the developing countries which have an agenda of becoming a member of the European Union

need to lobby European politicians on the issues which include heritage management as well. In this regard, Turkey with such an agenda has to update its practices on these issues to other member states which may provide useful recommendations since they have established rules and accumulated experience (139). The presence of a General Directorate of European Union and External Relations Coordination among the units of the ministry shows this coordination is taken seriously. The directorate is supposed to coordinate the relations of the ministry with the EU, to ensure adaptation and implementation of the general policies of the state and to monitor the EU policies on culture and tourism in order to arrange facilities regarding these policies.

In parallel to these policies, the new endeavours regarding the dams and the protection of cultural heritage are reflecting the change in the mentality on the development and preservation realities. The effects of the Carchemish and Ilisu Dam projects within the scope of the GAP on the cultural remains in the areas are being considered. In 1998 a protocol was signed by the Ministry of Culture, DSI (State Hydraulic Works) and METU (Middle East Technical University). In a short time, there was wide support and participation in the project from national and foreign universities. Currently the salvage excavations are in progress.

In this regard, it seems that Turkey will be employing different methods for the management, ownership and funding of the archaeological facilities of the country in line with the country's general cultural policies and public interest. The introduction of the site management concept can be regarded as an outcome of this interest. Even though the law has created the position of site manager,

there is apparently a lack of expertise in this field since the requirements are not clearly announced leaving the public in confusion. In many international organizations, like UNESCO, Turkey has been criticized for lacking this kind of position especially at sites like Istanbul Historical Peninsula.

The notable factor in these discussions is the extent to which the state will opt to form partnerships with the private sector and the outcomes of these formations.

Chapter 5

SPONSORSHIP OF ARCHAEOLOGY IN TURKEY

5.1. Introduction

Sponsoring archaeological projects as part of the corporate social responsibility activities by the private enterprises is a new concept in Turkey. The integration of the concept of ‘corporate social responsibility’ to the Turkish corporate culture has resulted in a search for diversification in the areas to support. The shift from traditional areas like education and health to more specific ones like archaeology refers to a change in the mind set of the corporations. The new approach is characterized by its struggle to stick itself to a more strategic and systematic selection process. In the given context, this part of the study aims to explore the methods and the motivations of the Turkish companies to invest in archaeology and to identify various stakeholders in the circle of this investment. The conspicuous stakeholders are identified as the private companies, government, general public, professionals and the media acting as an informative intermediary between these parties. Views from private sector side, public side and profession side are analyzed through three investigations. The first one is the media search on archaeology sponsorship in Turkey. The second one is the analysis of the acknowledgement parts of the excavations reports submitted by the archaeologists in the yearly conferences of the Turkish Ministry of Culture and Tourism. The last investigation is composed of the analysis of the companies which are sponsoring an archaeological project as of 2007-2008 seasons. Additionally an analysis of the relevant laws and legal

arrangements regarding the encouragement of public private partnerships in the field of culture and archaeology is presented.

In the case of Turkey, many companies display their support to archaeological projects under the heading of corporate social responsibility and the type of support is sponsorship. In order to clarify these concepts and demonstrate under which circumstances they can be used interchangeably, an introductory account that is provided in the third chapter can be referred. .

5.2. Corporate Social Responsibility (CSR) Projects in Turkey

It was not until 1960s that the public relations tools as part of a company's communications mix were utilized by the private sector in Turkey. The importance of public relations was firstly realized by some big cooperations and leading banks. Currently, many large scale firms either have their own public relations departments or outsource the execution of their PR activities to specialized organizations (Peltekoğlu 98). The absence of the PR concept in the corporate agenda does not necessarily refer to the lack of support to social issues in Turkish history; it only indicates the lack of systematic and strategic decision making process in today's sense. The experience of the philanthropic stage of CSR in Turkey goes back to the Ottoman times. In the Ottoman era, the "vakıf" (foundation) was the premier institutional mechanism for philanthropic provision of public services such as education, health and social security. In this sense, the public demand from the companies is shaped within the historical "vakıf" philosophy and social responsibility becomes identical with the donations and philanthropic actions of the companies (United Nations Development Program Report 43).

In Turkey corporations have diverse practices regarding the use of CRS projects. In most of the cases, the number of sustainable projects which is in line with the corporations' goals is very few. Accordingly, there is a tendency to employ traditional means to fulfil the social responsibility. The most preferred way is to support social issues through donations. The decisions regarding which fields to support are mostly taken by the owners or top managers of the companies or by the desires of a prominent civil society organ. The absence of strategic decision making in these endeavours results in 'silent' campaigns in which the institutions do not publicly announce their social support. In other cases the corporations want the general public to be aware of their support and have their PR departments engage in activities in order to publicize their donations.⁴⁷

In a research conducted by Capital Business Magazine in partnership with the market research agency GfK, the expectations of the companies as well as the expectations of the society are reviewed. The research indicated that Turkish society expects that companies should support education, followed by health, environment and elimination of violence in family. 89% of the interviewed companies believe that social projects (projects on education, health, environment and archaeology) have most positively responded.

The most successful companies in the execution of CRS projects according to a research published in April 2007 are the following⁴⁸:

⁴⁷ The information is gathered from the web-site:

<http://www.dernekturk.com/forum/forum_posts.asp?TID=3520>

⁴⁸ United Nations Development Program. Corporate Social Responsibility Baseline Report. <http://www.undp.org.tr/publicationsDocuments/CSR_Report_en.pdf>

1. Sabancı Holding	11. Dođuş Holding
2. Koç Holding	12. Efes Pilsen
3. Turkcell	13. İş Bankası
4. Ülker	14. Vestel
5. Dođan Holding	15. AVEA
6. Eczacıbaşı Holding	16. Coca-Cola
7. Akbank	17. Sanko Holding
8. Arçelik	18. Milliyet
9. Zorlu Holding	19. Garanti Bankası
10. Danone	20. Anadolu Hayat Emeklilik

Fig 1: The most successful 20 companies of CRS projects as of 2006

In line with the expectations of the public, these 20 companies are mostly known for their support to education. The Turkish society demands the support of companies through donations and sponsorships – with the resemblance of the waqf philosophy. The institutions such as NGOs and PR companies supply this demand with their expertise to sustain themselves financially, matching the CSR definition with projects related to social issues (United Nations Development Program Report 44). Among these social issues, sponsorship for archaeological projects is a new concept, but has a potential to grow since it evokes interest among decision makers, company owners and in the top management. Also it is a powerful tool to draw media and hence public interest. The companies are supporting the costly archaeological excavations through donations in the forms of direct monetary support, technical expertise or contributions in kind. In some other cases they bear the costs of publishing the books or making documentaries which convey the histories behind the excavated sites artifacts.⁴⁹

An investigation through the web sites of Turkish private companies which are sponsoring an entire or a partial archaeological project reveals that they present

⁴⁹ Quoted from <http://www.kobi-efor.com.tr/haber_detay.asp?id=803>

their support as a CSR project. Generally, part of their web sites is dedicated to the statements regarding the social activities of the companies. Archaeological sponsorships are among these activities and they are mostly under the umbrella of ‘culture and arts sponsorships’.⁵⁰ The half of the companies which sponsor archaeological projects can be found on the list of ‘the most successful 20 companies of CRS projects as of 2006.’

5.3. Archaeology as a ‘Corporate Social Responsibility’ Area

The support given to social issues by the private sector in Turkey is shifting from passive philanthropy to active involvement with society (United Nations Development Program Report 44). This change refers to a more strategic selection process so that companies can associate these projects to their business strategies. As an example of the outcomes of this shift, the selection process for archaeological projects can be analyzed. Due to the perceived romanticism of archaeology there has been no shortage of people who were willing to act as private sponsors. However, in today’s corporate world sponsorship has lost this spontaneous character, even if the owners or managers prefer to support the fields of their own choice, they have to associate this support with the overall company objectives.

In this regard, Harrison states:

“This may seem obvious, but the days when sponsorship activities were undertaken on the chairman’s whim are by no means over” (135).

⁵⁰ The web sites of 17 companies which are supporting an archaeological project are investigated. The list can be found at the Bibliography ‘Sponsor Corporations’ part.

Additionally, the target group and the means to reach this group has to be considered. In the case of sponsoring archaeological projects the general tendency is to have the general public as the target group, and the media as the most important tool in reaching the people. Besides the national and local public and the media, other stakeholders are the archaeologists and other professionals who undertake the actual field work and the scientific investigation; private company as the sponsor and the bureaucrats and politicians at local and national level who act as the supervisors.

The motivations of these stakeholders can be different. The professionals' primary concern is to produce scientific information from the excavation. They may or may not welcome having many stakeholders who have various opinions on the site. Private companies or the other sponsoring enterprises are motivated by image building through a label of socially responsible firm; they aim to have increased awareness about the firm by appearing on media and they also want to build trust among the locals by making contributions to local development. For a successful sponsorship, the motivations and the needs of different stakeholders have to be addressed.

The conditions for a successful sponsorship which is given as part of a corporate social responsibility fulfillment are listed in the third chapter. These conditions such as the duration and the sustainability of the project are also valid conditions for sponsorships in archaeology. By nature, archaeological projects extend to a long period of time and in this sense they are very costly. Sponsoring an archaeological project for a period less than three years is not meaningful. Additionally when the excavation team is provided with the guarantee that the sponsoring company will continue to support the project for a

long period of time without being subject to economic instabilities, the team will be comfortable and in return, only through a sustainable campaign the company will enjoy the outcomes of the PR activities raised due to the sponsorship or CRS.

In order to investigate the opinions of the previously mentioned stakeholders on the sponsorship of archaeology, along with some recent examples of types of sponsorship, the following four subsections are formulated. The first part is devoted to the analysis of the legal context in order to understand the government policy towards the sponsorship of archaeology. In the second part, the survey on the media coverage related to archaeological sponsorships is presented. The press coverage is helpful in seeing the comments of the parties involved in the sponsorship agreement. The third part is composed of the list of sponsoring companies that is extracted from the excavation reports. These reports are prepared by the archaeologists so they show the attitudes of the professionals.

The last part is composed of the review of the sponsor private companies; the aim is to understand their motivations to invest in archaeology.

This investigation concentrates on the last decade of the archaeological sponsorship. However this does not mean that there were no private engagements to archaeology before this period. Some examples can be listed as the philanthropic involvement of the Devres Family to Side excavation and their contribution to the Antalya Museum in 1950s. Another remarkable and pioneer sponsorship campaign was organized by Milliyet Newspaper in 1968 for raising awareness and creating social consciousness for the Keban Dam rescue projects of METU-TAÇDAM. In 1966, after the decision of construction, METU

(Middle Technical University) has sent an expert team to Keban area which turned out to be a very rich region in terms of archeological heritage. The results of this preliminary survey were published. The publication of ‘Doomed by the Dam’ which was the survey of the monuments threatened by the creation of the Keban dam flood area has been helpful to communicate with larger groups of people and create awareness about the site (Kurdaş 2). The project was welcomed by the highest authorities of the country such as the president Cevdet Sunay and the Ministry of Education. However, despite the goodwill and support, there were no funds available to support the project.

The absence of the budget was the critical problem for the rescue project but then it was created with funds raised from governmental bodies due to the efforts of the project team. Another financial contribution came from the campaign of Milliyet newspaper⁵¹. The budget which was created with the donations from the public has formed around the 20% of the whole budget⁵² (Kurdaş 3).

Another group is the Ege Gübre and Seyitömer Linyit İşletmeleri which are in a way ‘obligatory sponsors’. The Ege Gübre archaeological site is situated within the grounds of the Ege Gübre factory in the Aliğa area and since 2004 the very small part of the site not occupied by the factory has been excavated by İzmir Museum and Ege University.⁵³ The Seyitömer Mound which is within the reserve grounds of Seyitömer Linyit İşletmesi Müdürlüğü, has been excavated since 2006 in order to use the 12 million tons of coal reserves under the mound⁵⁴. This kind of sponsorships are not investigated since their primary motivation is to comply

⁵¹ <http://www.milliyet.com.tr/ozel/tarihce/6569.html>

See Appendix for the newspaper articles on the campaign.

⁵² The whole budget was 3.600.000 TL, 600.000 was collected by the newspaper.

⁵³ <http://cat.une.edu.au/page/ege%20gubre>

⁵⁴ <http://www.freewebs.com/sevitomer/pdf/1TR07.pdf>

with the rules and laws determined by international conventions, but it is worth noting that in both instances the monetary support given to the scientific investigation is remarkable.

Government

Sponsoring an archaeological project has a twofold affect on public since it contributes to the betterment of the cultural/public asset without directly using the public budget. Additionally, it creates an added value in the form of increased public education by increasing the awareness of the sites due to the media coverage. In the case of Turkey, archaeology is a state-controlled and regulated activity; any kind of private commitment to this field is bound by the governmental policies and considered to be a type of assistance provided for the state. Hence, they are mostly appreciated and encouraged by the government.

Considering the benefits of these sponsorships, Turkey has made legal arrangements on the incentives for the private commitment to culture and art. The legal terminology incorporates archaeology into 'culture and arts'. The legislations that are examined in relation to the archaeological projects were mostly not enacted in the service of archaeology specifically.

The Law number 5228 'The Law regarding the changes in some previous laws' issued in 2005 clarifies the incentives given to private initiatives that are investing in culture. The law states that the whole amount distributed as aids and donors to excavations and surveys can be deducted from the income tax.

Another important law about the encouragement of private partnerships in the field of culture is the law numbered 5225 'Incentives for Cultural Investments

and Initiatives'.⁵⁵ It is worth highlighting that 'the purpose of the law is to make use of our country's cultural properties as elements providing benefit to the economy of the country'. This law stimulates the tendency to create a dynamic structure for the preservation of the cultural heritage (Madran 7).

The incentives in the cultural sector are given in the forms of:

- the assignment of property
- reduction in income tax collection
- reduction in insurance premiums paid by employers
- reduction in water and energy rates
- permission for foreign artists and experts to work
- permission for operations to continue on official holidays and weekends

(Madran, lecture notes).

The need to find alternative sources for the upkeep of the cultural heritage has been a promoting factor in the making of the law 5225. Incentives for cultural investments and initiatives foster the development of cultural centers for the benefit of the society. It is worth mentioning that the law does not require that the properties will be run on a non-profit basis. Therefore this law has the room for private commitment through its dynamic structure. While the property is definitely owned by the state, private companies are given the incentives to adopt the monuments into modern using and to create commercial and cultural facilities (Madran 30).

⁵⁵ The full purpose of the law is provided at the Appendix.

The law 5226⁵⁶ states that for all museums and monuments, individual boards will be established. The proposed members of these boards are from different backgrounds and there is a tendency to create public, academic, local and private partnerships. Donors to the preservation of the monument of the museum are among the members of the board. This article is another indication of the recognition and encouragement of private commitment to the creation cultural facilities.

A more specific legal arrangement which was planned but was not launched was the 'Kazı Dostu (Friends of Excavations)'. Within the scope of 'Kültür Dostu (Friends of Culture)' Project, the ministry had a new project which would enable private companies to sponsor cultural activities by reducing the amount they invest from their income taxes. This attempt was considered to be a pilot project that would have taken place until 2010.

The specific project of 'Kazı Dostu' included support which would be given to the excavation house, excavation workers or to the survey and registering the ancient sites of significant value. It would also take the form of sponsorship of some food company for bearing the food costs of an excavation team.

The primary objective of the Ministry of Culture and Tourism regarding the culture is to 'enliven, improve, spread, communicate and protect the cultural values by enhancing the coordination and cooperation between government, NGOs and the private sector.' The current Minister of Culture and Tourism Ertuğrul Günay points out to the fact that the budget of the ministry is limited

⁵⁶ The part 7 of the law 2863 presents additional articles which are issued as the law 5226 . The second additional article gives an account of members of museum and monuments boards. See Appendix for the law 2863 .

and there is a great need to have private support especially in the fields that are classified under the 'Kültür Dostu Project.' Therefore, the mentioned project would become an important example of private and public cooperation for the protection and the betterment of excavations and also would distribute the financial burden of the ministry.

In addition to local and national legal arrangements, there are two international conventions that regulate private commitment to the fields of archaeology and architecture. As a member state since 1992 of the "European Convention on the Protection of the Archaeological Heritage" and "Convention for the Protection of the Architectural Heritage of Europe" since 1985, Turkey has accepted to consider the available methods of finding financial sources for the protection of the archaeological and the architectural heritage of the country. As it is stated in the Malta Convention, the member states are expected to diversify their sources of public income as well as creating rules to incorporate the private developers in the protection of archaeological heritage. Both conventions indicate the general tendency to have multiple sources of support and to welcome the private intervention to different fields of culture.

The new private initiatives in Turkey are often regarded as the outcomes of the law number 5226 since it promotes the reuse of cultural heritage in order to make culture and arts a viable option to invest in. The state has found its own way of defining the article 6 of the Malta and the Granada Conventions and created new terms of support for the reuse of archaeological and architectural heritage of Turkey. Under these circumstances, the companies have started to

support different sectors and distribute their budget of sponsorship in the fields of culture and archaeology as well.

5.3.2. News on Sponsors of Archaeology

5.3.2.1. Methodology

Media coverage regarding the sponsors of archaeology is analyzed in order to form an understanding of the issues that are found 'newsworthy'. It is also important to grasp the highlights which are conveyed through media. The Hürriyet Newspaper is the main source for the press survey. An archival research has been conducted by using the keywords 'archaeology sponsorship' for the years between 2000 and 2008. The paper has the highest circulation rate in Turkey. Another important source of investigation is the Aktüel Arkeoloji Magazine. Since it is a popular archaeology magazine, a search in its entire issues has been conducted. There are other sources like Milliyet newspaper or NTV news to a limited number. The news that are displayed other than Hürriyet or Aktüel Arkeoloji are found by using the 'google' search with the key word of 'archaeology sponsors' to find out diverse sources. This type of investigation is useful because it is possible to find more comments in the news both from the professionals and the sponsors. The results of this survey are presented below. Every privately sponsored excavation is given a short summary including the sponsors, source and the date of the news, and the details on the sponsorship.

The aim of this survey is not to provide a full list of every sponsor of every excavation; rather it is prepared as a snapshot which depicts the areas of media interest.

5.3.2.2. Survey⁵⁷

1. METROPOLIS – Izmir

<i>Excavation Team:</i> 9 Eylül University, İzmir, Turkey
<i>Sponsor:</i> Phillip Morris- Sabancı Holding
<i>Source and Date:</i> Hürriyet Newspaper, 2002 and 2003
<i>Details:</i> The sponsorship budget is transferred to MESEDER foundation. The first initiative was to complete the restoration of the theatre. In some years the firm gives the half of its sponsorship budget only to the Metropolis archaeological project. Normally the sponsorships are given based on the needs of the company and to long term projects. There has been cooperation between the KURED (The Guides Association in Kuşadası) and the sponsor firm for the promotion of the site. The geographical proximity of the site to the factory of the company has been an important factor for the sponsorship decision.

2. NYSA – Aydın

<i>Excavation Team:</i> Ankara University, Ankara, Turkey
<i>Sponsor:</i> Sultanhisar Nysa Foundation , Aegean Chamber of Commerce
<i>Source and Date:</i> May 2007, Türk Medya
<i>Details:</i> The sponsors are looking forward the development of tourism in the area. The sponsor pays the salaries of the excavation workers.

3. TROIA – Çanakkale

⁵⁷ In some rare instances, the news presents wrong information about the excavation team or other details. In these cases the details have been corrected.

Excavation Team: Tübingen University, Germany; University of Cincinnati, USA
Sponsor: Siemens (Mercedez Benz Türk A.Ş. for the previous 15 years but not anymore)
Source and Date: August 2004, BT İnsan
Details: The site has many other sponsors besides Siemens but they are of foreign origin and they operate outside of Turkey which leaves them beyond the scope of this investigation. The sponsorship budget is transferred through a foundation so that the income is sustainable and it is composed of not only donations but also souvenir sales. Siemens declares that the site is like a bridge between the two continents, and the company itself is like that as well. It is also important that Troia is a very well known and prestigious site to sponsor.

4. POMPEIOPOLIS – Kastamonu

Excavation Team: 9 Eylül University, İzmir, Turkey
Sponsor: Taşköprü Municipality
Source and Date: IHA, March 2008
Details: The municipality is providing accommodation and logistics to the excavation team, they are using media in order to diversify the income sources of the project and find more sponsors other than the municipality itself.

5. NEMRUT – Adıyaman

Excavation Team: Amsterdam University, Netherlands
Sponsor: Akbank – Main sponsor, Enka – Technical Support

Source and Date: Hürriyet, 2003

Details: The sponsorships were received as a result of the struggles of the excavation team. They are an example of the new mind set of the archaeological projects as to have diverse income sources in order to do a complete scientific search together with presenting the site properly.

6. ALLIANOI – Izmir

Excavation Team: Trakya University, Edirne, Turkey

Sponsor: Phillip Morris Sabancı, DSI – as the previous sole sponsor, Öztüre Kireççilik, Ayazkent and Bergama Municipalities.

Source and Date: Hürriyet, 2003

Details: Since the site is affected from a dam project, DSI appears among the sponsors. The establishment of a foundation as Bergama Yortanlı Kurtarma Derneği enables the project to have diverse sources of income. This income provides flexibility to the excavation about the payments and time.

7. ANTANDROS – Balıkesir

Excavation Team: Ege University, İzmir and Balıkesir Museum, Turkey.

Sponsor: Hedef Alliance

Source and Date: Hürriyet, 2003

Comments: With the support of the municipality a foundation is established and the sponsors are seen the guarantee of a sustainable excavation season.

8. ÇATALHÖYÜK – Konya

<i>Excavation Team:</i> British Institute of Archaeology, Cambridge University, UK
<i>Sponsor:</i> Koçbank and Boeing as main sponsors, Shell and IBM long term sponsors, Visa, KoçSistem, Meptur, Pepsi, Arup, Eczacıbaşı, Fiat, Merko, British Airways as the others.
<i>Source and Date:</i> Hürriyet, 2003
<i>Comments:</i> There are also many foreign foundations which support the excavation. Ian Hodder, the excavation leader, underlines the importance of sponsors for the continuation of the project. KoçBank declared that it gives ¼ of its entire sponsorship budget to this excavation.

9. APOLLON SMINTHEUS TEMPLE – Çanakkale

<i>Excavation Team:</i> Ankara University, Ankara, Turkey
<i>Sponsor:</i> Efes Pilsen (Mercedes Türk as the previous sponsor before they started sponsoring Troia)
<i>Source and Date:</i> Hürriyet, 2003
<i>Comments:</i> Efes Pilsen declared that they prefer to sponsor a Turkish excavation and that is why they came together with Ankara University. They believe that the foreign excavations that are carried out in Turkey do not have budgetary problems since they previously arrange their own funding.

10. HATTUŞA - Çorum

<i>Excavation Team:</i> German Archaeological Institute, Germany
<i>Sponsor:</i> Japon Tobacco International
<i>Source and Date:</i> Hürriyet, 2003
<i>Comments:</i> JTI pointed out that they did not need any PR activities for this sponsorship which indicates the company's willingness to have a philanthropic philosophy. There are also serious legal issues for the sponsorship activities of the tobacco companies and they should not appear in press. Due to this characteristic of the company, they have limited areas to sponsor and they opt to spend it on an excavation since they believe that they are in contact with a serious scientific team. They give half of their sponsorship budget to this excavation.

11. EPHEOSOS – İzmir

<i>Excavation Team:</i> Austrian Archaeological Institute, Austria
<i>Sponsor:</i> 14 different Austrian companies and Opel İzmir Office
<i>Source and Date:</i> Hürriyet, 2003
<i>Comments:</i> Although the excavation has a budget that is composed of the income coming from different Austrian companies and foundations, there is also the mention of the Opel, İzmir since they are provide the minibus for the excavation.

12. APHRODISIAS - Aydın

<i>Excavation Team:</i> New York University, USA
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Sponsor: Geyre Foundation.
Source and Date: Hürriyet, 2003
Comments: Personal initiatives for the establishment of the foundation for a sustainable support for the excavation.

13. PATARA – Antalya

Excavation Team: Akdeniz University, Antalya, Turkey
Sponsor: Istanbul Chamber of Marine Commerce.
Source and Date: Milliyet, July 2005
Comments: The reerection of the lighthouse in Patara by the sponsors of related areas of operation.

14. ALABANDA – Aydın

Excavation Team: Aydın Museum, Aydın, Turkey
Sponsor: Çine Municipality
Source and Date: NTV-MSNBC, July 2004
Comments: Salaries of the workers and food and beverage costs of the excavation is handled by the municipality

15. ALACAHÖYÜK - Çorum

Excavation Team: Ankara University, Ankara, Turkey
Sponsor: Yüksel Construction, DSI, Ministry of Environment, Governorship of Çorum and Municipality of Alacahöyük.
Source and Date: Aktüel Arkeoloji, October 2007

Comments: The restoration of the Hittite Dam by using the funds from Yüksel Construction and the municipality has provided the equipment for the cleaning of the dam.

16. TÜRBEHÖYÜK – Siirt

Excavation Team: Ege University, İzmir, Turkey

Sponsor: Hedef Alliance

Source and Date: Arkeoloji Dünyası, August 2006

Comments: A rescue project in the Ilısu dam area.

17. KYZIKOS - Balıkesir

Excavation Team: Atatürk University, Erzurum, Turkey

Sponsor: Erdek Municipality

Source and Date: Hürriyet, October 2007

Comments: Tourism potential is emphasized by the mayor.

18. MYNDOS - Bodrum

Excavation Team: Uludağ University, Bursa, Turkey

Sponsor: Yapı Endüstrisi Construction

Source and Date: turizmdosyası.com, September 2006

Comments: Gümüşlük is a candidate for becoming a center for cultural tourism with an archaeopark.

19. ASSOS - Çanakkale

Excavation Team: Onsekiz Mart University, Çanakkale, Turkey

Sponsor: Efes Pilsen

Source and Date: Aktüel Arkeoloji, January 2008
Comments: Assos Excavation and Restoration Project with a special attention to the restoration of Antonine Fountain is being sponsored by Efes Pilsen.

20. NIKOMEDIA - Izmit

Excavation Team: Kocaeli University, Kocaeli, Turkey
Sponsor: CNR Holding
Source and Date: NTV, August 2007
Comments: The promotion of cultural tourism is the main focus of the sponsorship.

21. KLAZOMENAI - Izmir

Excavation Team: Ege University, İzmir, Turkey
Sponsor: The previous sponsor is Komili -Olive Oil Company-
Source and Date: arkitera.com, April 2003
Comments: Komili used to be the sponsor but quitted which caused difficulties for the excavation. The restoration of the workshop of olive oil was the primary aim of the sponsorship which is obviously the production area of the company.

22. ZEUGMA - Gaziantep

Excavation Team: Gaziantep Museum, Gaziantep, Turkey
Sponsor: Sanko Holding
Source and Date: Hürriyet, June 2000
Comments: Although the site had different sponsors, Sanko Holding was the one who had enjoyed most of the PR activities of the site. The case of Zeugma

has been analyzed from various perspectives in the fourth chapter, however it is included in this list since it has been one of the most famous excavation sponsorship reflected in the media and it was a pioneer site in getting private support.

5.3.2.3. Analysis and Conclusion

Once a company decides to invest in archaeology, reasons of becoming a sponsor for a particular site and the selection of this site become two important issues. In some cases excavation teams do present their projects and the firm decides to be a sponsor to an excavation although it was not particularly on its agenda. Most of the time there is a call for a sponsor in order to shorten or extend the amount of time devoted to the excavation and increase the volume of workload. Two different kinds of sponsors are evident. The first group is the large national or international firms like Efes Pilsen, Akbank or Phillip Morris. The second group is those of the local firms and municipalities. An interesting factor about municipalities is that if the town has enjoyed an income from sea, sun and sand tourism or from cultural tourism previously, they are more willing to invest into an excavation since they want to become culturally attractive for the tourists. In some special cases fields of sponsorships or advertisement by certain types of companies are limited but archaeology remains as a possibility like the case of Phillip Morris or Japan Tobacco Company.

If there is a salvage program, then the company which would cause the damage is likely to be the sponsor like DSI or Botaş in Bakü-Ceyhan Pipeline Project. The international excavations are supported by institutions or private companies from the home country of the team. Excavations are long term projects and the

support needs to be sustainable, outcomes are not instantly visible and most of the time an excavation consumes half of the entire sponsorship budget of the firm. Denizli County Council (İl Meclisi) has once decided to cut the funds to the excavation since they believed that ‘they were so time and money consuming’. Establishment of a foundation which would provide a sustainable income for the excavation is another option. It is most of the time through these foundations that the excavation receives the cash from the sponsors.

The new laws and regulations about sponsorship –that the costs will be deducted from the tax- are supportive.

There is a tendency to search for a local company as a sponsor. In some cases various small and local firms provide contributions in kind.

One of the former directors of German Archaeology Institute in Istanbul, Adolf Hoffmann emphasizes the importance of the sponsors who do not claim a right on the scientific research.

In some cases, the excavation teams search for a sponsor in order to present site to the local, national and international public.

Expectations of the sponsor may differ but one of the repeated illusions that arise is the expectation to see sites like Ephesus or Bergama upon the completion of the archaeological project.

The decision to become a sponsor for an excavation is a serious long term commitment especially when large scale companies are involved. In this sense, the expectation of having positive PR out of the project may turn to be the opposite case. When Komili quitted sponsoring the Klazomenai excavation, it became a negative PR for them.

5.3.3. Acknowledgement Parts of the Excavation Reports

5.3 3.1. Methodology

The excavation reports which are submitted to the yearly conferences of the Turkish Ministry of Culture and Tourism are surveyed. In 90% of the reports there is an acknowledgement part in which the contributors are thanked by the excavation team. If there is a private company, a foundation or any governmental organ supported the archaeological project that year, they are named in the report. The study covers the period between 2004-2007.

However, interviews with some of excavation directors revealed the fact that there are various social obligations as well in the naming of people or companies. The fact that a person or an organization is thanked in these reports does not necessarily mean that they have made a significant financial contribution to the excavation. However, for an outsider reading these reports, it is very difficult to understand the extent of the contribution or the level of excavation team's gratitude for the support. It would be an appropriate warning that this analysis can not create an understanding of the budgets of excavations by looking at their acknowledgement parts. However, it aims to determine who the interested parties are and who are found to be important to be thanked for various reasons. The emphasis is to form a stakeholders' network and understand their support to archaeology.

The Turkish Ministry of Culture and Tourism, the General Directorate for Cultural Heritage and Museums, Special Provincial Administrations and DÖSİMM (Revolving Funds Administration) and Provincial Tourism Directorates are always acknowledged for their support. However they are beyond the scope of the investigation since they are the traditional financers for

the archaeological works in Turkey. In some other instances, the excavation is organized as a rescue project which is carried out at the expense of the construction or development enterprise. These examples are also out of the scope of this. The universities or organizations affiliated with universities which contribute to the excavations that are carried out by their faculty are among the traditional financers of the excavations and that is why they are analyzed.

Municipalities and governorships are analyzed at a separate part based on their contribution to the excavations within the borders of their administration. The important point is that they are specifically thanked for their financial support besides the customary acknowledgement of these organs for their corporation. Therefore, it is questioned whether the type of support they provide is specified or not. Similarly the contributions from foundations such as Turkish Historical Society (TTK) or Turkish Science Foundation (TUBITAK) are given at a separate part of this investigation.

If private individual donors are acknowledged with their names, they are taken into consideration as 'private contributors', unless they are affiliated with an organization. In such instances, only the name of the organization is specified.

The foundations or companies operating outside of Turkey yet sponsoring an archaeological project in Turkey, are analyzed in a separate section in order to present a comparative analysis between the Turkish private sponsors and the foreign ones. The foreign sponsor analysis is limited to the reports annual conference in 2007.

In the main survey part, the focus is on the firms which are supporting archaeology through sponsorship. Only the companies that operate in Turkey are taken into consideration. The nationality of the excavation team is not a

distinguishing factor. When an excavation has multiple sponsors from different countries, only those that operate in Turkey are considered. The comments part is consist of explanations that are given in the excavation reports by the submitters themselves. Sometimes, the projects had different sponsors in different years; then they are listed all together without referring to their specific year of contribution.

5.3.3.2. Survey

1. MAGNESIA, Aydın

<i>Excavation Team:</i> Ankara University, Ankara, Turkey
<i>Sponsor:</i> Batisöke Çimento – Cement Company , Ericsson.
<i>Comments if any:</i> The contribution to the excavation is in the forms of logistics and food.

2. LAODIKEIA, Denizli

<i>Excavation Team:</i> Pamukkale University, Denizli, Turkey
<i>Sponsor:</i> DEBA Holding, Kömürcüoğlu Marble Company-, Denizli Dentists' Association, Durtaş LTd, Sulayıcı Construction Equipment Company, Birtaş Construction, Yurdal Consulting, Modern Optik, Can Furnishes, Orpa Forest Products, Denizli Chamber of Industry, Denizli Soroptomist Foundation, Modern Optik, Denizli Electrical Engineers Society
<i>Comments if any:</i> -

3. MYNDOS, Bodrum

<i>Excavation Team:</i> Uludağ University, Bursa, Turkey
<i>Sponsor:</i> Bodrum Chamber of Commerce, Yapı Construction and Private Contributors: Sevgi Gönül and Vural Gökçaylı
<i>Comments if any:</i> The excavation house was constructed by Yapı Construction

4. KLAROS, İzmir

<i>Excavation Team:</i> Ege University, İzmir, Turkey
<i>Sponsor:</i> Tübitak, Arkas Holding, Japan Tobacco Company
<i>Comments if any:</i> These companies were the sponsors of the symposium on the ‘Apollo and the Oracle Centers’ in Ege University in 2005.

5. PARION, Biga

<i>Excavation Team:</i> Atatürk University, Erzurum, Turkey
<i>Sponsor:</i> Osmanlı Kristal –glass production company, İÇDAŞ
<i>Comments if any:</i> İçdaş is among the biggest companies of the country. However Osmanlı Kristal is a local company operating in the region of the excavation. Osmanlı Kristal has been the sponsor of the project since 2004 and the team has recently received sponsorship from İçdaş as well.

6. BADEMAĞACI, Antalya

<i>Excavation Team:</i> İstanbul University, İstanbul, Turkey
<i>Sponsor:</i> Ulusoy Transportation

Comments if any: Free transportation for the excavation team is provided by the company

7. NYSA, Aydın

Excavation Team: Ankara University, Ankara, Turkey

Sponsor: Nysa Foundation, Türk Henkel Ltd, Nysa Hotel, TURSAB (Turkish Travel Agents Association), Yaşar Education and Culture Foundation, Jantsa and Optronik Optik.

Comments if any: The site has found new sponsors every year and has managed to diversify its sources of income.

8. HATTUŞA, Çorum

Excavation Team: Istanbul German Archaeology Institute, Germany

Sponsor: Japan Tobacco International and Real Turkey

Comments if any: The sponsorship of JTI was specifically for the project of Hittite Fortress reconstruction. Real Turkey has donated a container that is used as an office in the field.

9. ANTANDROS, Edremit

Excavation Team: Ege University, İzmir, Turkey

Sponsor: Hedef Alliance, Akbank, Antandros Foundation and Private Contributor: Remzi Erkurem

Comments if any: -

10. APHRODISIAS, Aydın

<i>Excavation Team:</i> Oxford University, UK
<i>Sponsor:</i> The Friends of Aphrodisias in New York, Izmir, London and Paris, Geyre Foundation in Istanbul
<i>Comments if any:</i> An example of a systematic and sustainable support to an excavation through the foundations that are established in different cities.

11. GÜVERCİNKAYASI, Aksaray

<i>Excavation Team:</i> Istanbul University, İstanbul, Turkey
<i>Sponsor:</i> Mercedes Benz Türk Ltd, ISE (Otomotiv Geliştirme Sanayi ve Ticaret LTd), Doğan Companies Holding LTd, Mithat Textile and Perek Textile
<i>Comments if any:</i> Mercedes Benz provides food, cleaning staff and technical equipment to the excavation house. ISE supplies technical equipment and a limited financial contribution. The governorship provides support for landscaping of the site.

12. ST. NICHOLA CHURCH, Demre

<i>Excavation Team:</i> Hacettepe University, Ankara, Turkey
<i>Sponsor:</i> Vehbi Koç and Onasis Foundations
<i>Comments if any:</i> The support for the restoration and conservation of frescoes and promotional activities.

13. KLAZOMENAI, İzmir

<i>Excavation Team:</i> Ege University, İzmir, Turkey
<i>Sponsor:</i> InterGen-Enka, Izmir Elektrik Üretim Ltd (Electricity Production)

Comments if any: -

14. METROPOLIS, İzmir

Excavation Team: 9 Eylul University, İzmir, Turkey

Sponsor: Phillip Morris Sabancı

Comments if any: -

15. ALACAHÖYÜK, Çorum

Excavation Team: Ankara University, Ankara, Turkey

Sponsor: Yüksel Construction

Comments if any: : The restoration of the Hittite Dam.

16. SAGALLASSOS, Burdur

Excavation Team: Belgium

Sponsor: Aygaz

Comments if any: For the restoration of the Antonine Nymphaeum

17. KINET MOUND, Hatay

Excavation Team: Bilkent University, Ankara, Turkey

Sponsor: BP Gas Dörtyol Terminal and Delta Petroleum

Comments if any: - BP and Delta are found in the vicinity of the site.

18. TROIA, Çanakkale

Excavation Team: Tübingen University, Germany

Sponsor: Siemens Türk as the main sponsor, Akçansa, Kale and Tusan Hotel
Comments if any: Akçansa has undertaken the costs of the pathway construction on the tour route. Tusan Hotel has supplied the refreshments for the visitor center.

19. AÇÇANA, Hatay

Excavation Team: University of Chicago, USA
Sponsor: Private contributors (Kuseyrioğlu, Mistikoğlu and Mertayak families)
Comments if any: There are no companies as sponsors, but three families are on the acknowledgement list for their contribution to the excavation

20. LABRAYNDA, Denizli

Excavation Team: Stockholm University, Sweden
Sponsor: Eczacıbaşı Esan
Comments if any: The sponsor is thanked for the creation of a parking place and traffic arrangement for buses at the entrance of the site.

21. KERKENES, Yozgat

Excavation Team: Middle East Technical University, Ankara, Turkey
Sponsor: Yibitas (Cement) Lafarge, Yenigün, MNG Holding
Comments if any: Main sponsors, publications sponsors and Kerkenes house sponsors are different and they are all acknowledged on the web site. http://www.kerkenes.metu.edu.tr

22. YUMUKTEPE, Mersin

<i>Excavation Team:</i> Università degli Studi, Italy
<i>Sponsor:</i> İçel Culture Foundation
<i>Comments if any:</i> -

23. PATARA, Antalya

<i>Excavation Team:</i> Akdeniz University, Antalya, Turkey
<i>Sponsor:</i> Unilever, Baba Vinç, Kuğu Temizleme Fabrikası (Dry Cleaning Factory), Tespo
<i>Comments if any:</i> -

24. OLYMPOS, Antalya

<i>Excavation Team:</i> Anadolu University, Eskişehir, Turkey
<i>Sponsor:</i> Vasco Tourism and Ekol Mimarlık (Architecture)
<i>Comments if any:</i> -

25. EPHEOSOS, İzmir

<i>Excavation Team:</i> Austrian Institute of Archaeology, Austria
<i>Sponsor:</i> GM Türkiye, TURSAB (Turkish Travel Agents Association)
<i>Comments if any:</i> Only the Turkish sponsors are listed.

26. ADRAMYTTEION, Balıkesir

<i>Excavation Team:</i> Sakarya University, Sakarya, Turkey
<i>Sponsor:</i> Private Contributor (Birsel Lemke, a tourism professional) and Club Orient
<i>Comments if any:</i> -

27. SMINTHEION, İzmir

<i>Excavation Team:</i> Ankara University, Ankara, Turkey
<i>Sponsor:</i> Efes Pilsen
<i>Comments if any:</i> The contribution of Efes Pilsen for organizing the III. Apollon Smintheus Festival, the municipality has also provided support for the festival.

28. KYZIKOS, Balıkesir

<i>Excavation Team:</i> Atatürk University, Erzurum, Turkey
<i>Sponsor:</i> Tekgıda-İş Enterprise
<i>Comments if any:</i> Erdek municipality has provided every kind of support covering the expenses of the excavation house.

29. KIRKLARELİ MOUND, Kırklareli

<i>Excavation Team:</i> Istanbul University, Istanbul, Turkey
<i>Sponsor:</i> Private Contributors (Ergün Kalınoğlu, Aydın Karakoç, Mithat Sazara, Casim Karabaş), Köy-Koop (cooperative society), Trade Corporations, Drivers Association, Forests Administration, İstanbul Architects Corporation.
<i>Comments if any:</i> İstanbul Architects Corporation has supported the 'Culture Sector' project, other sponsors have provided in-kind support.

30. AIGIA, Manisa

<i>Excavation Team:</i> Ege University, İzmir, Turkey
<i>Sponsor:</i> Anemon Tourism
<i>Comments if any:</i> -

31. LABRAUNDA, Denizli

<i>Excavation Team:</i> Uppsala University, Uppsala, Sweden
<i>Sponsor:</i> Eczacıbaşı Esan
<i>Comments if any:</i> There are also foreign sponsors.

32. KELENDERİS, Mersin

<i>Excavation Team:</i> Selçuk University, Konya, Turkey
<i>Sponsor:</i> Turkish Underwater Research Foundation
<i>Comments if any:</i> -

33. RHODIAPOLIS, Antalya

<i>Excavation Team:</i> Akdeniz University, Antalya, Turkey
<i>Sponsor:</i> General Directorate of Forestry in Kumluca, General Command of Mapping.
<i>Comments if any:</i> Governmental bodies have provided technical and in kind services.

34. POMPEIPOLIS, Kastamonu

<i>Excavation Team:</i> Ludwig-Maximilians University, Munich, Germany
<i>Sponsor:</i> Gerda-Henkel Foundation.
<i>Comments if any:</i> There are also foreign sponsors.

35. PHOKAIA, İzmir

<i>Excavation Team:</i> Ege University, İzmir, Turkey
<i>Sponsor:</i> Private Contributor (Bülent Özgürel).
<i>Comments if any:-</i>

36. SIDE THEATER, Antalya

<i>Excavation Team:</i> Ülkü İzmirligil, Professional Archaeologist on behalf of Turkish Culture and Tourism Ministry, Conservation Laboratory in Istanbul.
<i>Sponsor:</i> AKMED (Mediterranean Cultures Research Institute).
<i>Comments if any:-</i>

37. DORYLAION, Eskişehir

<i>Excavation Team:</i> Anadolu University, Eskişehir, Turkey
<i>Sponsor:</i> Private Contributor (Ömer Koç).
<i>Comments if any:-</i>

38. PHRYGIA HIERAPOLIS, Denizli

<i>Excavation Team:</i> Lecce University, Lecce, Italy
<i>Sponsor:</i> Kömürcüoğlu Mermer (Marble)
<i>Comments if any:</i> There are also foreign sponsors

Municipality and governorships which are acknowledged for their financial support are as follows:

- Denizli Municipality: LAODIKEIA

- Gümüşlük Municipality: MYNDOS
- Aksaray Governorship: GÜVERCİNKAYASI
- Torbalı Municipality: METROPOLIS
- Çorum Governorship, Alacahöyük Municipality: ALACAHÖYÜK
- Dört Yol Municipality: KİNET MOUND
- Erdek Municipality: KYZIKOS
- Çine Municipality: TEPECİK MOUND
- Bitlis Governorship: BİTLİS CASTLE
- Gökçeada Governorship and Municipality: GÖKÇEADA,
YENİBADEMLİ MOUND
- Kumluca Municipality: RHODIAPOLIS
- Taşköprü Municipality: POMPEIPOLIS
- İzmir and Foça Municipality: PHOKAIA
- Side Municipality: SIDE THEATER
- Erzincan Governorship and Municipality: ALTINTEPE
- Kastamonu Governorship: KINIK
- Çorum Governorship: HÜSEYİNDEDE - FATMAÖREN

The TTK (Turkish Historical Society) and TUBITAK (Turkish Research Institute for Science and Technology) supports are given to the:

- TTK: BAGDEMAGACI
- TTK: ALACAHÖYÜK
- TTK: TEPECİK MOUND
- TTK: ANZAF URARTIAN CASTLE
- TTK: İKİZTEPE

- TTK: ORTAKÖY
- TTK: AINOS
- TTK: ACEMHÖYÜK
- TTK : KARATEPE- ASLANTAŞ
- TTK and TUBITAK: PANAZTEPE
- TUBITAK: BİTLİS CASTLE
- TUBITAK: KÖŞK MOUND
- TUBITAK: PATARA

Foreign support (from the archaeological reports of 2007):

1. GORDION, Ankara

<i>Excavation Team:</i> University of North Carolina, North Carolina, USA
<i>Sponsor:</i> University of Pennsylvania Museum, the Joukowsky Family Foundation, the Loeb Foundation of Harvard University, the 1984 Foundation, the Social Sciences and Humanities Research Council of Canada, and the Samuel H. Kress Foundation

2. SALAT CAMİİ YANI, Diyarbakır

<i>Excavation Team:</i> Tokyo Kaseigakuin Üniversitesi, Tokyo, Japan
<i>Sponsor:</i> Japan Science Foundation

3. MİLET, Aydın

<i>Excavation Team:</i> Bochum-Ruhr University, Bochum, Germany
<i>Sponsor:</i> German Research Foundation (Deutsche Forschungsgemeinschaft); German Archaeological Institute in Berlin and Istanbul (Deutsches Archäologisches Institut)

4. KIRKLARELI MOUND, Kırklareli

Excavation Team: İstanbul University, İstanbul, Turkey

Sponsor: German Research Foundation, The Institute for Aegean Prehistory (INSTAP).

5. ZIYARETTEPE, Diyarbakır

Excavation Team: University of Akron, Akron, USA

Sponsor: The National Endowment for the Humanities (USA)

6. TILBESHAR, Gaziantep

Excavation Team: University of Paris, Paris, France

Sponsor: French Ministry of Foreign Affairs, French National Center for Scientific Research (CNRS), French Institute for Anatolian Studies – Istanbul

7. LABRAUNDA, Denizli

Excavation Team: Uppsala University, Uppsala, Sweden

Sponsor: Ake Wiberg's Foundation, Magn. Bergvall's Foundation, Gunvor and Josef Anér's Foundation, Helge Ax:son Johnson's Foundation and E. Hellgren's Foundation for the Maintenance of the Cultural and Natural Heritage.

8. IASOS, Muğla

Excavation Team: National Archaeology Museum, Ferrara, Italy

Sponsor: Italian consul of Izmir, Italian Ministry of Foreign Affairs, Italian Ministry of University and Research.

9. PRIENE, Aydın

Excavation Team: Goethe University, Frankfurt, Germany

Sponsor: German Research Foundation, German Archaeological Institute.

10. PHRYGIA HIERAPOLIS, Denizli

Excavation Team: Lecce University, Lecce, Italy

Sponsor: Italian Ministry of Research, Italian Ministry of Foreign Affairs, National Research Committee of Italy, FOWA-Torino, Astaldi LTd, FIAT

11. GÖKÇEADA, YENİBADEMLİ MOUND, Çanakkale

Excavation Team: Hacettepe University, Ankara, Turkey

Sponsor: INSTAP

12. AMORIUM, Afyon

Excavation Team: The Metropolitan Museum of Art, New York, USA

Sponsor: British Institute of Archaeology, Dumbarton Oaks, Loeb Library Foundation and Leon Levy Foundation.

13. PANAZTEPE, İzmir

Excavation Team: Hacettepe University, Ankara, Turkey

Sponsor: INSTAP

14. TAYINAT, Hatay

Excavation Team: University of Toronto, Toronto, Canada

Sponsor: INSTAP and Social Sciences and Humanities Research Council of Canada
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15. AÇÇANA, Hatay

Excavation Team: University of Chicago, Chicago, USA

Sponsor: INSTAP and Fund for Amuq Valley Excavation
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5.3.3.3. Analysis and Conclusion

The acknowledgement parts of the excavation reports indicate that there are different kinds of sponsorships and the sponsor firms vary in sector and scale.

The indication of the area of contribution is another distinction.

The types of sponsorship are mainly in-kind, financial and promotional. There are many cases in which the sponsoring company donates the products of its own. In other instances there are financial contributions as well though most of them are in small amounts. The local and small scale companies which are operating in the region of the excavation site represent a considerable part of the sponsors. The extent of their contribution is not clearly stated but the interesting point about these local firms is that there is usually more than one local firm appearing as a sponsor. This may indicate the snowball affect of evaluating archaeology sponsorship as a successful tool of marketing or the personal relations of the excavation team with the local firms and community. In a few cases, a large scale company is accompanied by a small scale local company in the sponsorship.

Although the specializations of the sponsoring firms vary, it is evident that 'cement production' and 'construction' companies form a category. Another category can be 'tourism', since tourism related firms and foundations are

mentioned seven times as sponsors including TURSAB, different hotels and tourism professionals. The cement producers together with the construction companies are mentioned six times as sponsors in different archaeological projects. In case of construction companies, they are sponsoring the construction of the excavation house or there is usually a reconstruction project such as Yüksel Construction's sponsorship for the Hittite Dam reconstruction in Alacahöyük. When the companies feel attached to the project, they are more willing to become sponsors. If, they are offered to provide in-kind or promotional services, like their own products they are even more flexible. In other cases, they want to be the sponsors of a certain section of the archaeological project. In the case of Aygaz's contribution to Sagalassos excavations, the entire budget is given for the restoration of the Antonine Nymphaeum. In similar instances, large scale companies offer financial contributions to archaeological projects. It portrays the sponsors' will of the sponsor to see an entire architectural piece re-erected. It is also worthy to note that some sponsors are willing to contribute to the site management projects and help to increase the tourism potential of the site. Akçansa sponsorship of Troia or Eczacıbaşı Esan in Labyranda can be cited as examples. Two other categories of sponsors are the foundations and the families of local origin. The foundations are attested in the reports come in two types: The ones founded for a particular archaeological project such as Geyre Foundation of Aphrodisias and the others which were already operating in the region such as İçel Culture Foundation.

The reports of the year 2007 are analyzed to get a sense of the foreign support that are given to the excavations in Turkey. Not surprisingly, great majority of the foreign support is given to the foreign excavation teams. Since the Ministry

of Culture and Tourism requires a financial guarantee from the foreign applications for excavating a site in Turkey, they are usually funded through scientific or academic institutions which operate in their home country. However, in a few cases, in foreign institutions support excavations which are carried out by Turkish universities. In some cases, some governmental organs such as the ministries support the excavations of their teams. Italy can be given as an example to this form of support.

Among the foundations of foreign origin that support archaeological projects, INSTAP (The Institute for Aegean Prehistory) has a prominent place. It supports not only the excavation teams of foreign origin, but also those of Turkish the ones.

5.3.4. Analysis of the Current Sponsors of Archaeological Projects

5.3.4.1. Methodology:

The total number of analyzed companies is sixteen. The primary criterion for the selection of these companies was their active sponsorship to an archaeological project in the 2007-2008 seasons. The information about these companies is gathered from excavation reports, media coverage and through an investigation of the web sites of ISO-100⁵⁸ companies in Turkey. Actual interviews are conducted either face to face or on telephone with companies who are currently supporting archaeological excavations, publications or conservation/restoration projects. Six of these companies are contacted personally while the investigation about the remaining is based on their web sites.

⁵⁸ Istanbul Chamber of Industry (ISO) declares the largest companies of the country every year. The list is for 2007 is used for the investigation from following the web site: <http://www.iso.org.tr/tr/web/besvuzbuvuk/bb1-25.htm>

5.3.4.2. Survey⁵⁹

AKÇANSA: Akçansa is a cement production company which is a joint venture between Sabancı Holding and HeidelbergCement. Akçansa is operating in Marmara, Aegean and Black Sea regions and manufacturing cement and ready mixed concrete sectors. The company has three cement plants in Istanbul and Çanakkale. The company gives financial support to the Troia excavations. With this support materials needs of the excavation are provided. The site of Troia was selected due to regional focus since the company has cement production facilities in Çanakkale region. They make annual sponsorship contracts with the excavations that they support⁶⁰. In their web site, under the link of ‘Akçansa and Community’ they provide a full list of the projects that they sponsor. The significant fields that the company supports are education, cultural heritage, environment, sports, education, health and culture.

AYGAZ: Being the first and the largest Koç Group company in the Turkish energy sector, Aygaz was founded in 1961. The company is the sponsor of the restoration of the Antonine Nymphaeum at the site of Sagalassos. The sponsorship contract has started in 2005 and is valid till 2010. The encouragement of the top management and the relevancy of sponsoring an archaeological project to the general social responsibility mission of the company have been two important factors in supporting the field of archaeology. Aygaz emphasizes the importance of culture and education in their overall company mission that is why they tend to select the projects in the

⁵⁹ The companies are presented in alphabetical order.

⁶⁰ Based on a personal interview with Banu Üçer

related fields⁶¹. The specific reason for selecting the site of Sagalassos lies in the personal connections since Semih Ercan who is running the restoration project is a friend of Koç family. The company organizes trips to the site for the members of the media to increase the awareness about the site. Aygaz cooperates with the members of the excavation team for organizing different events in addition to specific projects for the promotion of the site. In order to evoke interest for the site especially, in the areas where there is already a high tourist circulation like Antalya, the company undertakes promotional activities. They have distributed informative brochures about the site to the hotels which are operating in the Antalya region. The promotional activities aim to create awareness at the local, national and international level. Belgium as the home country of the excavation team has already responded to the campaigns and they show interest to the site. In order to create target oriented and sustainable campaigns, Aygaz has prepared a questionnaire about the site to be distributed to the visitors. Therefore based on this visitors' survey more strategic plans can be put into action.

BATI SÖKE ÇİMENTO: The Batı Söke Cement Company is among the biggest production companies which are located in the İzmir and Aydın line. This region is very rich in terms of archaeological assets. The company supports the excavations in Magnesia which is situated by the Meander River with a philanthropic approach. Unfortunately, the economic crisis of 2008 had severe affects on the financial situation of the company. This new condition would probably be reflected to the social responsibility projects of the company in the coming seasons.

⁶¹ Based on a personal interview with Eda Gökay.

CNR HOLDING: CNR Holding has started its business as a trade fair organizer and by adding differentiated sectors to their area of operation it has become a corporation. CNR is providing financial support for the excavations in Nikomedia, İzmit. The sponsorship contracts are renewed every year. The excavation director the of Nikomedia team, Ayşe Çalık Ross from Kocaeli University has made personal efforts for the attainment of the sponsorship⁶². There is not a strategic decision making process for the selection of archaeology as a social responsibility area, rather there is a philanthropic approach.

EFES PİLSEN: Efes Pilsen is a beer production company. It is owned by Anadolu Group which is operating in various sectors including health, finance and alcoholic and non- alcoholic beverages. Efes Pilsen is famous for its sponsorship activities in the fields of sports, culture, tourism and entertainment. As it is stated by Atilla Yerlikaya⁶³ Efes Pilsen is among the very few companies where there is a sustainable and strategic approach to the corporate social responsibility projects. As it is emphasized by the company, sponsoring archaeological projects can be directly linked with the overall company strategy. Based on this approach, they have been sponsoring the Assos excavations since 1995, in addition to Gülpınar Apollon Smintheus Temple excavations and restoration projects since 1998. The sponsorship campaign of Assos excavations are carried out with the slogan “Assos in the Age of Efes”. The main emphasis was on the excavation of the theatre which was completely unearthed with the financial support of the company. The theatre is now a suitable venue for staging cultural events. The restoration project of the Apollon Smintheus Temple has been finalized as well. The web site of the company gives historical

⁶² Based on a personal interview with Selen Ontaş

⁶³ Personal Interview

background of both sites emphasizing their uniqueness for the Anatolian history.

GARANTİ BANK: Garanti Bank is the second largest private bank in Turkey. They have taken active role in sponsoring social responsibility projects on culture and arts, sports, education, environment and museums. They are sponsoring the Arykanda archaeological project for ten years with the mission to discover the archaeological heritage of the country and to contribute to the universal culture of humankind.

HEDEF ALLIANCE: Hedef Alliance is a pharmaceuticals and perfumery distribution company. It is specifically involved in social responsibility projects about archaeology and museums. It is one of the two main sponsors of the Istanbul Modern Museum in addition to the Antandros and Türbe Höyük archaeological projects. The sponsorship of Türbe Höyük has been finalized, the company has Antandros excavations in its current sponsorship portfolio.

İÇDAŞ: İçdaş is a steel production company and it is the largest private steel production company in Turkey. It has ranked as the 10th largest company of Turkey according to the 2007 ISO results. Besides steel, the company is operating in sectors like shipyard and port administration, sea and overland transportation, international trade, tourism, construction and energy. The production is carried out in İstanbul and Çanakkale. The company has various social responsibility projects in the fields of education, sports, environment and culture. They have provided financial aid to the constructions of halls to universities and high schools within the borders of their operations in addition to the restorations of mosques in Biga region which is close to Çanakkale.

Amongst these projects, they contribute to the excavations of Parion which is in Çanakkale, Kemer Village. They tend to respond positively to the calls for sponsorship which comes from their local production area.

JAPAN TOBACCO INTERNATIONAL: JTI is a tobacco company with a central office in Switzerland. It is operating in 120 countries including Turkey. The company is involved in social responsibility projects in the fields of art, archaeology and environment. There are two archaeological projects that are supported by the company. The first one is Phokaia (Foça) excavations to which the company contributes since 1998. The second excavation is sponsored since 2001 and the site is the famous Hittite capital, Hattuşa. The company has an important centre in the İzmir region and the geographical proximity to the site of Phokaia has been a considerable factor on the selection of the site.

SHELL TURKEY: Shell has been operating in Turkey since 1923. They have been contributing to diverse areas including education, culture and arts, environment and sports. They are among the sponsors of Çatalhöyük excavations since 1995. The company aims not only to contribute to the scientific side of the archaeological projects but also to create a unique and attractive site for the visitors.

SIEMENS: Siemens is among the sponsors of the Troia excavations and has contributed to the establishment of the Troia Foundation. They interpret the site as the melting point of Anatolian and European cultures. As an international company operating in different countries, this aspect of the site has been a considerable element in the sponsorship decision. The main emphasis is on the creation of a visually attractive site to the visitors.

TOFAŞ: As a member of Koç Group, Tofaş is an important automobile production company. The company supports three main areas; education, culture and arts and environment. For ten years they have been sponsoring the Hierapolis excavations in addition to the Küçükyalı excavations to which they give financial aid since the start of the excavations in 2001.

TOTAL: Total Oil Turkey is the representative of the French oil company Total. They sponsor the excavations at the ancient site of Smyrna. They state that Smryna excavation are among the most important archaeological projects carried out in Turkey, in this regard they are proud to be a part of this project.

YAPI ENDÜSTRİSİ: Yapı is another construction company which has a head office in Istanbul but is actively operating in Bodrum. It is famous for the luxurious development projects. It is currently supporting the excavations in Myndos in Bodrum.

YAPI KREDİ BANK: Yapı Kredi is one of the biggest banks of Turkey. In 2006 KoçBank which belonged to Koç Group have merged with Yapı Kredi Bank. There are two archaeological projects with which the bank is involved as the sponsor. The first one is the Aphrodisias excavations. As it was analyzed in the fourth chapter, the Geyre Foundation is providing substantial financial aid for the archaeological project. Yapı Kredi is acting as a supporter of the foundation and uses its own channels in order to launch campaigns for the site. As an example, the organization for the auction of the Aphrodisias relieves was carried out by a branch of Yapı Kredi. The branch is the ‘private banking’ and it serves to the distinguished customers. As a strategic marketing movement, the private banking branch has organized the event at the Rahmi Koç Museum in

collaboration with advertising agencies. Although the idea belonged to the Geyre Foundation, it was Yapı Kredi Private Banking which undertook the organizational details.

Another archaeological project which is supported by Yapı Kredi is Çatalhöyük. Before Yapı Kredi, Çatalhöyük was supported by KoçBank. The company has found it strategic to continue this sponsorship. The bank has a tradition of cultural activities and it has a cultural centre devoted to these activities such as exhibitions, conferences and the publishing house. The centre which has a museum under its umbrella is supposed to be staging an archaeological exhibition every year. Çatalhöyük has been selected as a theme in 2006.

As it is stated by Tülay Güngen⁶⁴, Yapı Kredi opts to fund specific projects within an archaeological excavation rather than putting their money into a pool which can be used by the excavation team based on their needs. They believe that this is a motivating factor for the excavation team as well. Another crucial point regarding the sponsorship of archaeological projects is their role in creating satisfaction among the workers of the company. Archaeology is an exciting subject by its nature. That is why the level of motivation is increased when the workers of the companies are given tasks related to the sponsorship of archaeological projects.

Besides Yapı Kredi, Çatalhöyük has many other sponsors. The bank is following the projects that they are supporting and organizing meetings with other sponsors in order to share ideas about the future of the site and to find out about the possible areas where it is possible to create mutual assistance.

⁶⁴ Personal Interview

Sustainability is another aspect of the corporate social responsibility projects that are selected by the bank. In this regard, they find archaeology as an appropriate field, since archaeological projects have to be sponsored in longer periods of time in order to see the fruitful results of the projects. It is also worth noting that archaeological projects have different aspects like tourism and education which are interpreted as areas through which sustainable development can be achieved.

YÜKSEL İNŞAAT: Yüksel Construction company is carrying out significant development projects like dams, highways or ports both in Turkey and abroad. The headquarters of the company is found in Ankara, but it also owns other companies which are operating in different cities in Turkey and Saudi Arabia.

The company has provided in-kind support for the excavations on the Hittite site of Alacahöyük. Professor Aykut Çınaroğlu, as the excavation leader, has contacted the firm and they have responded positively to his call. The support was specifically for the Alacahöyük Hittite Dam restoration. Although the sponsorship of the firm was not scheduled until the completion of the restoration, the firm believes that their support has created a motivating atmosphere at the site. The paragraph below is directly translated from the web site of the firm⁶⁵:

“We have been to the site on the 9th and 10th of July. The conditions are really very hard... We spent two days together. The most emotional

⁶⁵ For the full site see: <http://www.yuksel.net/www.yuksel.net/sosyal/hititbaraji.htm>

moment was when we had the dinner pray as: Praise be to God, Praise be to our nation and Praise be to Yüksel Construction.”

The social responsibility list of the company is not limited to Alacahöyük Hittite Dam Project. There are other activities of the company mostly in the field of education and they have sponsored the symposium of IMO (The Chamber of Civil Engineering) on the protection of historical assets, the 24th International Music Festival and Athleticism Competitions.

5.3.4.3. Analysis and Conclusion

The conclusions that are drawn from the analysis of the sponsoring companies can be classified under six main headings:

➤ *Strategic versus Philanthropic*

Some of the companies (such as Aygaz, Yapı Kredi, Siemens and Efes Pilsen) clearly state that they sponsor particular projects since they believe that those projects can be linked to the overall company missions. In these cases the sponsorship is undertaken as a campaign and mostly with a slogan (Assos In the Age of Efes, From Past to Future) whereas in some instances the underlying philosophy is philanthropic motivations. CNR Holding does not even mention its support to Nikomedia excavations or Yüksel İnşaat states that they are contributing to the excavations since the excavation team needs it very much. But, they do not display their mission in the sponsorship campaign. In the strategic sponsorships, many details that can become beneficial for the company are considered. An example to these details can be the motivation of employees;

archaeology is found to be an exciting field to support and this attitude is shared by the employees of the company. In this regard, it is possible to expect that some companies may form 'archaeology groups' from their employees and send them to the excavations to do experiment archaeology and come back to their routine work motivated.

➤ *Long term versus Short Term*

Archaeological projects are usually long term projects. In order to see the end results of a particular project within the scope of an excavation, the supports need to be given for long periods of time. This aspect of archaeology sponsorship is linked with the mentality of the company. If they are willing to act more strategically in their selection processes, they pay attention to the progress of their projects and foresee the needs of the project. In these instances, the length of time devoted to the sponsorship is a determinant factor in the overall mission of the company.

➤ *Locality*

For those companies which do not consider the sponsorship of archaeological projects as a corporate communication campaign, the geographical proximity of the ancient site to the head offices or production facilities of the company is an important factor. This situation can be evaluated as an outcome of philanthropic approach to the sponsorship. In these instances, the companies select particular sites because they are within the immediate vicinity to them. Most probably it is easier for the excavation team to get to know the decision makers of the companies which are close to their excavation site. Personal contacts are

established simply due to this proximity. To name some of the sponsors of this kind: Yüksel İnşaat, Yapı Endüstrisi, Akçansa, JTI and Batı Söke Çimento.

➤ *Concrete Projects*

The term concrete projects refer to those projects which can begin and finish within a predictable amount of time and budget in the course of a whole excavation project. These are the types of projects that are attractive to strategic sponsors since they indicate they want to see the end results of their support. The examples to concrete projects are the theatre restorations like Assos Theater or the restoration of Antonine Nymphaeum in Sagalassos or the Çatalhöyük exhibitions. One of the main reasons for selecting concrete projects is their potential to be seen by larger groups of people. Even when the company is sponsoring an archaeological project without special devotion to a particular component of the excavation, they tend to contribute to the publishing of popular books which would deliver the results of the excavations and research. The books become something tangible with the name of the company on it and they have the potential to reach to larger groups.

➤ *Availability of Accompanying Activities*

When the sites have tourism potentials or are suitable for staging cultural events, they become stronger candidates for obtaining a strategic sponsorship. The companies which support archaeological projects usually have other corporate social responsibility missions on their agenda. These endeavours, whether in the field of education or local development, can be linked to their archaeological sponsorship projects. In these instances the companies can create

multiple projects from one sponsorship. They can also help to create these links which may not have been considered without their initiatives.

➤ *Nature of the Company*

For some companies who want to have corporate social responsibility projects, it is not possible to sponsor the area of their choice. This is because of the nature of the company. For example tobacco companies are bound with a series of legal restrictions which specify their sponsorship fields as well. JTI is among those companies which are bound to determine legal details before they select a particular project.

Another consideration about the nature of the sponsoring company is its area of operation. The construction companies constitute a significant part at the list since there is a link in the nature of the work and they can provide materials and machines to the excavations when there is a need. Another underlying reason for the construction companies to give support to archaeological projects might be their willingness to clear themselves from the accusation of 'destroying the past'.

The support that is given in the form of in kind services or products is another extension of the nature of the company. In these instances, they can become more generous. Even when there is no obvious connection between the areas of operation of the company and the excavation project, a strategic approach can create one. As an example, the CEO of İdaş states that⁶⁶:

⁶⁶ <http://www.referansgazetesi.com/haber.aspx?HBR_KOD=102029>

“İçdaş sheds light on Turkish nation by its environmentalist energy stations and it sheds light on past by Parion excavations.”

5.4. Conclusion

Due to the financial pressures that are faced by many fields including archaeology, it is important to have alternative funding sources. Therefore private sector support is a good and strong option not only for the current situation, but also for the future. In this sense the professionals need to be inspired about the fund-raising opportunities in archaeology. Analysis of data obtained from interviews, media and excavation reports indicate that more archaeologists and more corporations are forming partnerships of mutual interest.

Another general conclusion regarding sponsorship of archaeology in Turkey is the active involvement of the two Turkish families in archaeology. The companies that are owned by Koç and Sabancı families are examples to the ownership of Turkish companies which are highly concentrated with the families or individuals being the dominant shareholder. Regarding archaeology sponsorship, the companies that belong to these families are very active.

The interest of Koç family on archaeology is also reflected to the Koç Foundation Rewards of the year 2008. The reward was given to Professor Mehmet Özdoğan for his contributions to the prehistoric archaeology of Marmara Region⁶⁷.

In 2003, during an interview Sakıp Sabancı underlines the turning points of his personal attachment to social responsibility projects.

⁶⁷ For the full list of previous years' rewards see:
<http://www.vkv.org.tr/data/BasinBultenleri/2008.06.03.pdf>

He states⁶⁸:

“If someone had told me to finance the construction of a classroom of a school 40-50 years ago, I would have given a second thought on that. However as my life moved forward, I was able to construct a whole school. Today we have more than 100 schools around Turkey and our university, Sabancı University. After our commitment in education, we have started to collect paintings. On the contrary to Turkish habit of buying carpets or gold, we bought painting as a result of our journey. Then people like me became collectors and we had our collections presented on the catalogues. The catalogues became tools to present our collections to Metropolitan or Louvre. After the paintings, our interest shifted to calligraphy. Now, I came to the outmost limits in my search of these kinds of interest. It is archaeology. Regarding archaeology we have the god’s grace as a nation. The valuables under the earth are a kind of petroleum. Not in short term but if we use it sensibly; in long term this new kind of petroleum is another power.”

One of the main concerns about the future of the sponsorships in these fields is the world wide economic crisis of 2008. As it is stated by Cumhur Güven Taşbaşı⁶⁹, the cuts in the sponsorship funds would negatively affect the operations in the cultural heritage fields. On the normal grounds, as the social responsibility concept becomes widespread in the corporate agenda, there would

⁶⁸ The speech is translated from its original format taken from the following site: <http://www.arkitera.com/v1/haberler/2003/07/12/sabanci.htm>

⁶⁹ The Ministry of Culture and Tourism, The Directorate of Promotion. The statement is quoted from a conference on ‘The Effects of Economic Crisis on Tourism’ organized by Turkish Tour Guides Association in October 2008.

be a rise in the sponsorships in the number of archaeological projects due to the advantages that are promised by this particular field.

Chapter 6

CONCLUSION and LIMITATIONS

This thesis has analyzed the wide range of privatization movements in the archaeological practices from an extreme point of the sales of cultural assets in Italy to decentralization issues in Turkey within the scope of international conventions, national laws and local regulations.

The study has touched upon both traditional and innovative practices in the protection, funding and management of archaeology. As an instance the issue of doing archaeology on private lands has a very long history whereas the leasing of archaeological sites to private entities is a new undertaking. However, they are all analyzed due to their interaction with private sector or entities.

As more people discuss about archaeological heritage from different perspectives, there will be a tendency to create alternative structures for its protection and management. The rise in the number of people and institutions with archaeological heritage on their agenda is reflected in the changing roles of the archaeologists. As it is stated by Vinton:

“In order to dispel the myth that archaeology equates to treasure hunting expeditions carried out by elite scientists, we must provide local communities and their visitors with abundant opportunities to experience archaeology for themselves. After all, our archaeological resources are a community asset” (1).

The nature of the archaeological resources as a community or public asset is the underlying reason for the emergence of various questions regarding their management, ownership, protection and funding. If the archaeological assets

belong to the community, what will be consequences of the new statute 745 of Turkey? Does this refer to the creation of elite sites, with special security teams at the doors or to the privatization of the archaeological sites which will be managed based on economical concerns? How about the nature of cultural heritage as being in the service of public and how about accessibility of the locals and their support to the conservation of the site? Will the state be able to show the same susceptibility that it holds for the foreign scientific excavation teams to the private sector representatives who want to rent the sites?

If the contract archaeology grows as a viable option for Turkey, will the state be able to apply the strict control regulations to the contract and rescue projects in Turkey? If not, who will be charged responsible for the deterioration and loss of the 'fragile archaeological heritage' as it is put forward in many in international conventions?

Moreover, there are questions regarding the growing corporate interest in the sponsoring of archaeological projects. As the companies realize the importance of corporate responsibility projects, they tend to become more strategic in their selection process and avoid doing philanthropic aids. In this regard, they expect the excavations to be more ready to answer to their demands and to create projects that would result in mutual benefits for the excavation and the company. This situation brings up the question of availability of competent excavations. The support is given to those archaeological projects which are found to be important by the company. Through which criteria is it possible to measure the importance of the sites?

To what extent do the companies which support some archaeological projects intervene with the scientific research? Whether with good or bad intentions they

may contribute to the creation of a falsified image of an archaeological site or they may be the defenders of some reconstructions that contradict the international conventions. So who has to teach the sponsor companies the limits of proper sponsorships?

Some answers will remain unknown until the actual practices are seen.

Limitations

It is a difficult task to separate the activities and related regulations concerning the museums and the archaeological sites. This is true not only for Turkey where the responsible body for state museums and all archaeological sites is the same and that is 'General Directorate For Cultural Heritage and Museums' but also for other countries like Italy where there is a tendency to emphasize the transformations that the museums have been through with a little mention about the archaeological sites.

The examples for privatization of archaeology can be found at many instances both in Turkey and other countries and there has not been a systematic selection method for this study, the examples were chosen due to their familiarity and their relevancy to the subject matter. Since the concept covers a range of practices related to archaeology readers may expect to find other examples which they are more familiar with. The wide spectrum of the activities disabled me to touch upon every example appropriate for the discussions presented.

The living nature of the subject has made it both exciting and stressful to study. It was stressful because it was possible miss some important news on the subject that would make most of the discussions pointless. It was also exciting to see that the subject was becoming important in the political, academic and popular agenda.

To conclude, in his article 'Every Generation Gets the Stonehenge It Deserves', Addyman points out the different mentalities that dominated the way the famous site was managed. While the 70s and 80s were remarked by the means of protection with the policemen and barriers, the current discussions are on the new visitor center. Thirty years ago, the idea was to protect the site from people and now it is to make it accessible to more people (Addyman 263).

This thesis has tried to shed light on the possible Stonehenges that our generation deserves or gets.

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APPENDICES

Appendix A

Laws and Regulations

Law on the Conservation of Cultural and Natural Property

Law Number: 2863

Published in the Official Gazette on: 23/07/1983 number: 18113

CHAPTER ONE

General Provisions

Aim:

Article 1 – The aim of this law is to define movable and immovable cultural and natural property to be protected, regulate proceedings and activities, describe the establishment and duties of the organisation that shall set principles and take implementation decisions in this field.

Scope:

Article 2 – This Law covers issues regarding movable and immovable cultural and natural property to be protected and the relevant duties and responsibilities of real and legal persons.

Definitions and abbreviations:

Article 3 –Definitions and abbreviations used in this law:

a) Definitions:

(1) (Amended:14/07/2004 – 5226/1. article)"Cultural property" shall refer to 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.

(2) "Natural property" shall refer to all assets on the ground, under the ground or under the water pertaining to geological periods, prehistoric periods until present time, that are of unique kind or require protection due to their characteristics and beauty.

(3) "Conservation site" shall be cities and remains of cities that are product of various prehistoric to present civilizations that reflect the social, economic, architectural a.s. characteristics of the respective period, areas that have been stages of social life or important historical events with a concentration of cultural property and areas the natural characteristics of which have been documented to require protection.

(4) "Conservation" shall mean all conservation, maintenance, restoration works and function modification of immovable cultural and natural property and the conservation, maintenance, repair and restoration works of movable

property.

(5) "**Conservation zone**" shall mean an area to be protected mandatorily with activities to conserve its cultural and natural property or its historical environment.

(6) (Amended: 17/06/1987 - 3386/1 article) "**Evaluation**" shall mean the exhibition, organisation, use and scientific promotion of cultural and natural property.

(7) (Added:14/07/2004 – 5226/1 article) "**Archaeological site**" shall mean an area where man-made cultural and natural property converges as the product of various prehistoric to present civilisations, that is adequately defined by topography and homogenous, at the same time historically, archeologically, artistically, scientifically, socially or technically valuable, and exhibits partial structures.

(8) (Added:14/07/2004 – 5226/1 article) "**Conservation plan**" shall mean the plan of a conservation site as defined by the law, of the scale prescribed for a master and implementation development plan comprising the entirety of objectives, tools, strategies, planning decisions, positions, planning notes, explanation reports, drafted in a way to entail strategies on job creation and value addition, principles of conservation, terms and conditions of use, settlement limitations, rehabilitation, areas and projects of renewal, implementation phases and programmes, open space systems, pedestrian walkways, vehicle transport, design principles of infrastructure facilities, densities and parcels of land designs, local ownership, participatory area management models on the basis of financial principles of implementation, improving the social and economic structure of households and offices situated in the conservation site on existing maps on the basis of field studies providing archaeological, historical, natural, architectural, demographic, cultural, socio-economic, ownership and settlement data taking into account surrounding interactive areas with the view of protecting cultural and natural property in line with the sustainability principle.

(9) (Amended:14/07/2004 – 5226/1 article) "**Landscaping project**" shall mean projects by the scale of 1/500, 1/200 and 1/100 taking into account the unique characteristics of each architectural site with the view of protecting the archaeological potential of the area, controlled opening of the area to visitors, promotion, solving existing problems related to use and circulation and meeting the area's needs through modern state-of-the-art facilities.

(10) (Amended:14/7/2004 – 5226/1 article) "**Management site**" shall mean an area that is delineated by the Ministry by obtaining the view of the relevant administrations to ensure coordination in planning and conservation with the competent central and local administrations and civil society organisations with the aim of effective protection, revitalization, evaluation, development of conservation sites, architectural sites and surrounding interactive areas in their natural beauty around a specific vision and theme and meeting the community's cultural and educational needs.

(11) (Added:14/07/2004 – 5226/1 article) "**Management plan**" shall mean a plan revised on a five-yearly basis drafted with the view of protecting the management area, ensuring its revitalization, evaluating, also indicating the annual and five-yearly implementation phases and budget for the conservation and development project prepared by taking into account the operational project, excavation plan and landscaping project or conservation plan.

(12) (Added:14/07/2004 – 5226/1 article) "**Junction point**" shall mean cultural property not within the boundaries of the management area, but associated with the same in terms of management and development on the basis of archaeological, geographical, cultural and historical considerations or the same vision or theme.

b) (Amended: 17/06/1987 - 3386/1 article) Abbreviations:

(1) "Ministry" shall mean the Ministry of Culture and Tourism.

(2) "Superior Council for Conservation" shall mean the Superior Council for the Conservation of Cultural and Natural Property.

(3)(Amended:14/07/2004 – 5226/1 article) "Regional Council for Conservation" shall mean the Regional Council for the Conservation of Cultural and Natural Property.

Obligation to notify:

Article 4 – Persons that discover movable and immovable cultural and natural property, owners, proprietors or occupants that know or have recently found out about the existence of cultural and natural property on the land they own or use shall be obliged to notify the nearest museum directorship or the village headman or the local administrators of other places within at the latest three days.

If such property is in military garrisons and restricted areas, the relevant command levels shall be notified in line with the relevant procedure.

The village headman, the local administrator receiving such notification or the relevant authorities that are directly notified of such property shall take the necessary measures to protect and secure such property. The village headman shall notify the nearest local administrator as of the situation and the measures taken on the same day. The local administrator and other authorities shall notify in writing the Ministry of Culture and Tourism and the nearest museum directorship within ten days.

Upon receiving this notification, the Ministry and Museum Director shall instigate due proceedings as soon as possible in line with the provisions of this law.

Quality of state property:

Article 5 – Immovable property belonging to the state, public institutions and organisations and movable and immovable cultural and natural property to be protected that is known to exist or will be discovered on an immovable property

owned by real and legal persons subject to civil law shall have the quality of state property.
Registered and annexed foundation property subject to a separate status due to its special qualities shall not be covered by this provision.

CHAPTER TWO

Immovable cultural and natural property to be protected

Immovable cultural and natural property to be protected:

Article 6 – The following is immovable cultural and natural property to be protected:

- a) Natural property to be protected and the immovable property built until the end of the 19th century.
- b) The immovable property created after the mentioned date that the Ministry of Culture and Tourism deems necessary to be protected considering its importance and characteristics.
- c) Immovable cultural property situated in the conservation site,
- d) Buildings that were stages of great historic events during the National War of Independence and the Foundation of the Republic of Turkey that are not subject to time and registration rules due to their importance for national history, areas to be identified as such and houses used by Mustafa Kemal ATATÜRK.

However, the immovable property not decided to be protected by the Conservation Councils on the basis of their architectural, historical, aesthetic, archaeological and other important characteristics shall not be regarded as immovable cultural property to be protected.

Rock-cut tombs, stones with inscription, painting, and relief, cave paintings, mounds (höyük), tumuli, archaeological sites, acropolis and necropolis, castle, fortress, tower, wall, historic barrack, bastion and fortification with their fixed weaponry, ruins, caravanserai, khan, public bath and madrasah, cupola, tomb and tablets, bridges, aqueducts, waterways, cisterns and wells, ancient road ruins, stones indicating distance, stones with holes delineating ancient borders, obelisks, altars, shipyards, quays, ancient palaces, pavilions, dwellings, waterside residences and mansions, mosques, masjids, musallahs, namazgahs, fountains and sebils, imarethane (communal kitchen), mint, şifahane (hospital), muvakkithane (room for the mosque timekeeper), simkeşhane (silver shop), tekke (dervish lodge) and zaviyahs, cemeteries, hazire (graveyard), arasta, bedesten, bazaar, sarcophagi, stelae, synagogue, basilica, church, monasteries, külliye (complex of buildings adjacent to a mosque), ancient monuments and mural ruins, frescoes, reliefs, mosaics, chimney rocks a.s. immovable are examples of immovable cultural property.

Historic rock shelters, tree and tree populations with special characteristics a.s. are examples of immovable natural property.

Identification and registration:

Article 7 – (Amended: 17/06/1987 - 3386/2 article)

(Amended first paragraph: 26/05/2004-5177/26 article) The identification of immovable cultural and natural property and natural sites shall be coordinated by the Ministry of Culture and Tourism by obtaining the view of the relevant institutions and organisations the activities of which will be affected.

Such identification shall take into account the history, art, region and other characteristics of the cultural and natural property. An adequate number of antiquities of exemplary nature reflecting the characteristics of the period they pertain to shall be identified as cultural property to be protected to the extent of the means of the state.

Following identification, the immovable cultural and natural property to be protected shall be registered with a decision to this end by the Regional Council for Conservation.

Procedures, principles and criteria regarding the identification and registration process shall be specified in the regulation.

Immovable cultural and natural property owned by registered and annexed foundations administered and controlled by the General Directorate for Foundations, mosques, tombs (türbe), caravanserais, madrasahs, khans, public baths, masjids, zaviyahs, sebils, mevlevihanes (lodge of Mevlevi dervishes), fountains a.s. immovable cultural and natural property to be protected owned by real and legal persons shall be identified and inventoried by the General Directorate for Foundations.

Publication and notification of these decisions and their entries into the title deeds register shall be specified in a regulation.

Decision-making powers related to the conservation site:

Article 8 – Conservation Councils shall identify the conservation site of the cultural and natural property to be protected that has been registered according to article seven. and make decision on whether or not to build and install in this area. The decision of the Conservation Councils can be objected to according to paragraph two of article 61.

An adequate area shall be designated for the conservation of cultural and natural property to be protected and the preservation of its appearance and cohesion with its surroundings. The related principles shall be specified in a regulation to be drafted by the Ministry of Culture and Tourism.

Prohibition of unauthorized intervention and use:

Article 9 – (Amended: 14/07/2004 - 5226/3 article)

Immovable cultural and natural property to be protected and conservation sites shall not be interfered with physically or by any way of construction, and used for service or modified for use contrary to the decisions of the Regional Conservation Councils within the framework of the resolutions of the Superior Council for Conservation. Substantial repair, construction, installation, sounding, partial or complete demolition, incineration, excavation or similar works shall be regarded as physical intervention and intervention by way of

construction.

Authorities and methods:

Article 10 – The Ministry of Culture and Tourism shall be authorized to take the necessary measures or have others take the necessary measures to conserve immovable cultural and natural property, regardless of ownership or administration, control or have public institutions and organisations, municipalities and governorships carry out control. (1)

The Presidency of the Turkish Grand National Assembly shall guarantee the conservation of cultural and natural property administered and controlled by the Turkish Grand National Assembly.

To ensure conservation the Ministry of Culture and Tourism shall provide technical assistance and cooperation, if necessary.

The Ministry of National Defence shall conserve and evaluate cultural and natural property under its administration and control or along the borders and in restricted zones. Such conservation shall be agreed upon by protocol between the Ministry of National Defence and the Ministry of Culture and Tourism.

(Amended: 17/06/1987 - 3386/4 article) Immoveable cultural and natural property owned by registered and annexed foundations administered and controlled by the General Directorate for Foundations, mosques, tombs (türbe), caravanseries, medreses, khans, public baths, masjids, zaviyahs, mevlevihanes, fountains a.s. cultural property owned by real and legal persons shall be conserved and evaluated by the General Directorate for Foundations after the Conservation Council decides to conserve.

The conservation and evaluation of immovable cultural and natural property owned by other public institutions and organisations shall be under their responsibility in accordance with the provisions of this law.

The conservation of immovable cultural and natural property owned by public institutions and organisations shall be supported with an annual budget allocation to this end.

The Ministry of Culture and Tourism shall receive adequate budget appropriations each year to deliver this service.

(Repealed paragraph eight:14/07/2004 – 5226/4 article)

(Added: 17/06/1987 - 3386/4 article) The Ministry shall be responsible for the conservation and evaluation of the area that is surveyed, excavated and sounded.

(Additional paragraph:14/07/2004 – 5226/4 article) Conservation, implementation and inspection offices composed of experts on art history, architecture, city planning, engineering, archaeology a.s. professions shall be established in metropolitan municipalities, governorships, municipalities

authorized by the Ministry to process and implement various aspects of cultural property. Moreover, project offices shall be established in special provincial administrations to prepare and implement surveys, restitution, restoration projects with the aim of conserving cultural property and training units to provide certified training to construction masters.

(Additional paragraph:14/07/2004 – 5226/4 article) Municipalities shall be competent within their municipal boundaries and adjacent areas, governorships shall be competent outside municipal boundaries.

(Additional paragraph:14/07/2004 – 5226/4 article) The above offices shall be obliged to control the implementation of conservation plans, project and material changes and undertake building inspection as deemed appropriate by the Regional Conservation Council.

(Additional paragraph:14/07/2004 – 5226/4 article) The composition of experts, the operation and work of these offices and the related procedures and principles of permission shall be specified in a **regulation** to be prepared by the Ministry and the Ministry of the Interior according to the characteristics of the area.

Rights and obligations:

Article 11 – Provided that maintenance and repair done by the owners of immovable cultural and natural property is in compliance with the maintenance and repair orders and instructions of the Ministry of Culture and Tourism stipulated in this law, they shall exercise the rights and exemptions defined on their behalf in this law. However, cultural and natural property to be protected and their conservation sites cannot be acquired by means of possession or occupation.

The owners shall exercise all their rights of ownership and powers pertaining to the property as long as these do not contradict with the provisions of this law.

The property of persons who fail to fulfil their responsibilities of maintenance and repair as defined by this Law shall be duly expropriated. Registered and annexed foundation property shall not be subject to this provision.

If deemed appropriate by the Ministry of Culture and Tourism, the General Directorate for Foundations, special provincial administrations, municipalities and other public institutions and organisations can assist the above-mentioned owners, if necessary, in conserving, maintaining and repairing the immovable cultural and natural property with technical expertise and allocation from their funds.

Aid for repair of immovable cultural property and contribution fee

Article 12 – The Ministry of Culture and Tourism shall provide aid in kind, in cash and technical assistance for the conservation, maintenance and repair of cultural and natural property to be protected and owned by real and legal persons subject to civil law.

(Repealed second and third paragraphs: 21/02/2001 - 4629/6 art.)

(Repealed 4. paragraph: 14/04/2004 - 5226/6 art.)

(Additional paragraph: 14/07/2004 - 5226/6 art.) The budget of the Ministry shall receive adequate appropriations to this end. The procedures and principles of such aid and assistance to be provided by the Ministry shall be specified in a regulation.

(Additional paragraph: 14/07/2004 - 5226/6 art.) 10% of the property tax collected from the tax payer according to article 8 and 18 of the Property Tax Law numbered 1319 shall be utilized as "Contribution Fee for the Conservation of Immovable Cultural Property" and collected together with the property tax by the relevant municipality with the aim to conserve and evaluate cultural property under the responsibility of municipalities.

(Additional paragraph: 14/07/2004 - 5226/6 art.) The collected amount shall be deposited in a special account to be opened by the special provincial administration. The governor shall transfer this amount to municipalities situated in the province for expropriation, project design, planning and implementation within the scope of the projects drafted by the municipalities to conserve and evaluate cultural property. The governor shall supervise the use of the contribution fee.

(Additional paragraph: 14/07/2004 - 5226/6 art.) Contribution fees accruing as per this article shall be subject to the provisions of Law numbered 1319, chapter three.

The Ministry of the Interior and the Ministry shall determine procedures and principles regarding contribution fees.

(Additional paragraph: 14/07/2004 - 5226/6 art.) Minimum 10% of the loans given according to the Housing Development Law numbered 2985 shall be allocated to the maintenance, repair and restoration of registered cultural property. The Ministry and the Housing Development Administration shall determine priority projects within this scope jointly.

(related legislation:**

1) regulation on the contribution fee for the conservation of immovable cultural property

2) regulation on aid and assistance in the repair of immovable cultural property

Prohibition of transfer:

Article 13 – No immovable cultural and natural property to be protected owned by the Treasury and other public institutions and organisations registered and declared duly and immovable property belonging to these that are within the designated conservation site can be sold and donated to real and legal persons without the permission of the Ministry of Culture and Tourism.

Use:

Article 14 –The transfer of usufruct rights pertaining to immovable cultural and natural property to be protected to state departments, public institutions and organisations for periodic use in public service, to national associations serving the public interest or leasing such property to real and legal persons shall be subject to permission by the Ministry of Culture and Tourism.

Transfer of usufruct rights of the mentioned property of foundations that are registered and annexed foundations administered and controlled by the General Directorate for Foundations and the administration of which has been transferred to the General Directorate for Foundations as per the Law on the Transfer of Ancient Structures of Historical and Architectural Value That Have Been Originally Foundations to the General Directorate for Foundations numbered 7044 to state departments, public institutions and organisations for the purpose of rendering public services and national associations working in the interest of the public for certain periods of time or leasing these to real and legal persons on the condition that they be used without violation of their character shall be authorized by the General Directorate of Foundations.

The above users of cultural and natural property to be protected shall be obliged to maintain, repair and restore these in line with the principles defined in this Law and undertake the related expenses.

Expropriation:

Article 15 – Immovable cultural property and its conservation site shall be expropriated according to the below principles:

a) Immovable cultural and natural property to be protected and conservation sites partially or wholly owned by real and legal persons shall be expropriated according to the programmes of the Ministry of Culture and Tourism. To this end, the Ministry of Culture and Tourism shall receive adequate budgetary appropriations.

(Added: 17/06/1987 - 3386/5 art.; Amended:14/07/2004 – 5226/7 art.) Public institutions and organisations, municipalities, special provincial administrations and unions of local administrations can expropriate registered immovable cultural property provided these be used in line with the functions prescribed by Regional Conservation Councils.

b) The expropriation of immovable cultural and natural property to be protected and its conservation site originally owned by a foundation, but presently partially or wholly owned by real and legal persons shall be undertaken by the General Directorate for Foundations. The General Directorate for Foundations shall receive adequate budgetary appropriations to this end.

c) The expropriation of conservation sites of immovable cultural and natural property to be protected that conjoin with roads, parking lots, green space on the development plan shall be undertaken by the municipality. These shall undertake the expropriation of conservation sites of cultural property under the responsibility of other public institutions and organisations in terms of maintenance and repair or where these have usufruct rights.

d) The appreciation of the cost of expropriation shall not be based on the age, uniqueness and artistic value of the immovable cultural property.

e) (Amended: 17/06/1987 - 3386/5 art.) Expropriation proceedings shall be subject to the provisions of this Law and to such provisions of the Expropriation Law numbered 2942 that do not contradict with this Law.

f) (Added: 17/06/1987 - 3386/5 art.) (bak) Parcels that are part of the immovable cultural and natural property to be protected on which construction is definitely prohibited due to the conservation site status can be exchanged with other parcels of the land upon request of the owner. If there is a building or facility on it, the fair market value thereof shall be determined as per the provisions of article 11 of Law numbered 2942 and paid out to the owner upon filing an application.

The procedures and principles of this provision shall be specified in a **regulation**.

Prohibition of unlicensed building:

Article 16 – Unlicensed construction on immovable cultural and natural property to be protected and on the related conservation site is prohibited. Unlicensed construction on the property and building in contradiction with the terms and conditions of the conservation plans and, for conservation sites, in conflict with the terms and conditions of the conservation site shall be duly processed according to the land development legislation.

**Conservation principles and terms of use during the transition period
regarding conservation sites and conservation plans**

Article 17 – (Amended: 14/07/2004 - 5226/8 art.)

a) The proclamation of an area as a conservation site by the Regional Conservation Council shall halt all kind of planning implementation of any scale in this area. If applicable, any planning decisions and notes of the scale of 1/25.000 pertaining to the surrounding interactive area of the conservation site shall be revised by taking into account the status of the conservation site and be approved by the relevant administration.

Until completion of the conservation plan, the Regional Conservation Council shall determine the principles and terms of use to apply for the transition period within three months.

Municipalities, governorships and the relevant institutions shall hold meetings in the area with the participation of the relevant professional organisations, civil society organisations, and residents affected by the plan, have the conservation plan prepared, examined, finalized and submit it to the Regional Conservation Council. Unless the conservation plan is prepared in two years, the

implementation of the principles of conservation and terms of use pertaining to the transition period shall be suspended until the conservation plan is completed.

Provided there is a forceful reason for not preparing the plan in two years' time, the Regional Conservation Council can provide extension for one additional year.

Conservation plans negotiated and deemed appropriate by the Regional Conservation Council shall be submitted to the relevant administrations for approval.

The relevant administrations shall negotiate the conservation plan within at the latest two months and, if any, submit alterations to the Regional Conservation Council. The Regional Conservation Council shall evaluate these alterations and, if deemed appropriate by the Regional Conservation Council, the plan shall be resubmitted to the relevant administration for approval. Plans not approved within sixty days shall be deemed final and put into force. With the enforcement of the conservation plan, the transition period principles of conservation and terms of use shall be invalid without requirement for any decision to affect it.

The Ministry shall undertake, commission and approve the implementation and alteration of landscaping projects regarding archaeological sites with the consent of the relevant Regional Conservation Council.

Alterations of conservation plans and landscaping projects shall be subject to the above procedures.

Conservation plans shall be prepared by professional experts appointed by the Ministry from the disciplines of architecture, restoration architecture, art history, archaeology, sociology, engineering, landscaping architecture **the author being an urban planner** by taking into account the location of the area, conservation site status and characteristics.

Procedures and principles pertaining to the preparation, demonstration, implementation, control of conservation plans and landscaping projects and the qualification of persons preparing the plan, their duties, powers and responsibilities shall be specified in a **regulation** to be issued by the Ministry and the Ministry of Public Works and Settlement.

The General Directorate of the Bank of Provinces shall receive sufficient budgetary appropriations for transfer to municipalities to be used in the implementation of the conservation plan. Special Provincial Administrations shall allocate funds from their own budget to implement the conservation plan.

In areas declared conservation sites by the Regional Conservation Council, the construction of buildings the subbasement level of which has been completed prior to the publication of the above decision in conformity with the building license and its attachments obtained in line with the development legislation and approved development plan shall be continued, however the

relevant administrations shall have the authority to execute ex officio the transfer of the right to construction according to paragraph (c) of this article. The building license for structures the subbasement level of which has not been completed shall be cancelled. The provisions of this article shall not apply for conservation sites subject to absolute prohibition of building.

b) Immovable property owned by real and legal persons of civil law in conservation sites with an absolute prohibition of building according to the conservation plan, can be bartered with immovable property belonging to the municipality and the special provincial administration upon request of the owner.

c) For municipal boundaries and their adjacent areas, municipalities, outside such boundaries governorships shall have the authority to transfer ownership of registered immovable cultural property the building rights of which have been restricted or of the immovable property situated on its conservation site or the building right of which has been restricted through a conservation plan or parts thereof subject to building restriction to areas owned by them or by third parties that are marked as cleared for building in the development plans within the scope of a programme prioritizing exercising the rights from such transfer.

The transfer shall be based on the fair market value offset of a real estate valuation company that has been approved by the Capital Market Board. However, if the to be transferred right is related to the registered immovable cultural property the value of the structure shall not be considered.

The relevant administrations shall have the authority to issue documents to ensure that the right to build that has been restricted be enjoyed in other areas cleared for building and allocated as transfer areas within the scope of the development plan; this right is converted into securities registered in the name of the holder, and to present these documents to the eligible owners of the immovable property in areas where building rights are restricted with a due annotation in the title deed and to collect these to license areas allocated as transfer areas in the development plan with a due annotation in the title deed. The Bank of Provinces shall print, keep, approve the transaction of this change of hands, set up and monitor the database related to these securities.

If the right to build is completely transferred due to an absolute building prohibition in the area, the ownership of the immovable property where there is a restriction of right to build shall pass to the relevant administration along with its annexes and parcels, be registered in the name of the administration and never be sold.

If the owner has a protectable right to build in the parcel to be transferred, the right to build shall be deemed as partially transferred. Thus, his/her ownership in the area subject to a building restriction shall continue.

However, if the transferable right is related to a registered immovable cultural property, the owner shall be obliged following receipt of securities to commence and complete maintenance, repair and restoration works necessary to

conserve and revive the mentioned property in conformity with a protocol to be signed with the relevant administration. Otherwise, the relevant administration shall have the authority to collect from the owner the price and interest of the received security. This and the protocol shall be recorded in the title deed exempt from any kind of charges, fees and stamp duties before the delivery of the security by the relevant administration.

If it is not possible to determine the area to be transferred within the municipal boundaries where the restricted right exists, the relevant administrations shall have the authority to implement joint programmes.

Principles and procedures related to the implementation of the above paragraph shall be specified in a **regulation** to be prepared by the Ministry of Public Works and Settlement, Ministry of the Interior and the Ministry.

Principles of building:

Article 18 – (Amended: 17/06/1987 - 3386/7 art.)

The Regional Conservation Council shall group the immovable cultural property to be protected within three months following the application of the owners.

The grouped immovable cultural property shall be recorded under the declarations field in the title deeds registry. Repair and building principles cannot be determined without grouping.

(Additional paragraph:14/07/2004 – 5226/9 art.) A restoration architect or an architect must be present during the survey, restoration and restitution projects and their implementation. The survey, restoration and restitution project implementation works of group 1 shall be undertaken by experts in engraving, wood, iron, stone and restoration based on the characteristics of the structure.

(Additional paragraph:14/07/2004 – 5226/9 art.) Persons who are directly or indirectly involved in implementation outside the scope of approved plans and projects in conservation sites, cultural property to be protected and their conservation zones thereof shall be banned for five years from plans, projects and management of implementation of activities related to the Regional Conservation Councils. The relevant municipality or governorship shall supervise persons in charge of implementation. Contradictory acts shall be reported to the Ministry and the relevant professional chamber.

(Additional paragraph:14/07/2004 – 5226/9 art.) Irrespective of the reason, if the person in charge of implementation leaves during the implementation phase of the project, the Ministry shall be informed and implementation suspended until a replacement is found.

(Additional paragraph:14/07/2004 – 5226/9 art.)The building principles, inspection and procedures and proceedings of the implementation of this article shall be specified in a **regulation** to be prepared by the Ministry.

Local administrations cannot alter decisions of the Regional Conservation Councils regarding a new construction or an addition or auxiliary building on the parcel of the immovable cultural property or the approved cultural property projects. However, they shall check the conformity of the structure to be built with technical and health legislation.

The parcels of immovable cultural property to be protected cannot be divided and combined in a way to affect the cost of the immovable cultural property.

Obligation of the owners to give permission:

Article 19 – The owners of immovable cultural and natural property shall be obliged to permit and facilitate the work of experts assigned by the Ministry of Culture and Tourism, when necessary, to inspect, examine, prepare the map, plan and survey, photograph and copy of the property. However, officials shall perform their tasks without violating private property and life.

Transport of immovable cultural property:

Article 20 – Immovable cultural property and its components shall be conserved in-situ. However, if transporting the immovable cultural property to another location is mandatory or necessary due to its characteristics, the Ministry of Culture and Tourism can undertake the transport with the consent of the Regional Conservation Council by taking the necessary security measures. If the owner of the immovable property incurs damage because of the transport of the cultural property, compensation shall be determined by a commission formed by the Ministry of Culture and Tourism and paid to the aggrieved.

Exceptions and exemptions:

Article 21 – (Amended: 17/06/1987 - 3386/8 art.)

(Repealed first paragraph: 14/07/2004-5226/27 art.)

(Repealed first paragraph: 14/07/2004-5226/27 art.)

Immovable cultural property registered as “immovable cultural property to be protected” and classified as group I and II and parcels of immovable cultural and natural property in archaeological sites and natural sites with absolute building prohibition shall be exempt from all kind of taxes, duties and levies.

On the condition that they be used for identification, projects, maintenance, repair, restoration, excavation and security in museums aimed at conserving cultural property all kind of tools, equipment, machinery, technical materials and chemical substances, gold and silver leaf to be imported by the Turkish Grand National Assembly, the Ministry of National Defence, the Ministry and the General Directorate for Foundations shall be exempt from all kind of taxes, duties and levies.

Repair and construction works concerning immovable cultural property undertaken in line with the decisions of the Regional Conservation Council shall be exempt from taxes, duties, levies and expenditure contribution collected according to the Municipal Revenues Law.

(Additional paragraph: 14/07/2004-5226/27 art.) Immovable cultural property registered as per this Law shall not be subject to the provisions of the Law on Building Inspection numbered 4708 and dated 29/06/2001.

Article 22 – (Repealed: 17/06/1987 - 3386/18 art.)

CHAPTER THREE

Movable Cultural and Natural Property to be Protected

Movable cultural and natural property to be protected:

Article 23 – The following shall be movable cultural and natural property to be protected:

a) (Amended: 17/06/1987 - 3386/9 art.) All kind of cultural and natural property from geological periods, prehistory and recorded history, having documentary value in terms of geology, anthropology, prehistory, archaeology and art history reflecting the social, cultural, technical and scientific characteristics and level of the period they belong to.

All kind of animal and plant fossils, human skeletons, firestones (sleks), volcanic glass (obsidian), all kind of tools made of bones or metal, tiles, ceramics, similar pots and pans, statues, figurines, tablets, weapons to cut, for defence and assault, icons, glassware, ornaments (hülliyat), ring stones, earrings, needles, pegs, stamps, bracelets a.s., masks, crowns (diadems), leather, cloth, papyrus, parchment or documents inscribed or described on metal, balances, coins, stamped or inscribed tablets, handwritten manuscripts or books with tezhip (gilding), miniatures, embossing of artistic value, oil or water colour paintings, reliques (muhallefat), arms (nişan), medals, portable goods and their parts made of tiles, soil, glass, wood, textiles a.s.

Cultural property of ethnographic quality relating to science, religion and mechanical (mihaniki) arts including artefact tools and equipment reflecting the social mission of peoples.

Coins pertaining to the period of the Ottoman Sultans Abdülmecit, Abdülaziz, V. Murat, II. Abdülhamit, V. Mehmet Reşat and Vahdettin can be bought and sold domestically without being registered according to this Law.

Coins that do not fall under the scope of this article shall be subject to the general provisions of the Law.

b) Due to their importance for national history, documents and goods of historic value relating to the National Independence War period and the Foundation of the Republic of Turkey, personal belongings, documents, books, correspondences and similar movables of Mustafa Kemal ATATÜRK.

Management and supervision:

Article 24 – (Amended: 17/06/1987 - 3386/10 art.)

The State shall have the responsibility to ensure that movable cultural and

natural property to be protected owned by the state (state property) is preserved by the state or in museums, is conserved and evaluated. The Ministry can buy such property from real and legal persons by paying for their cost.

Buying, selling and transfer of ethnographic cultural property specified in paragraph (a) of article 23 shall be free within the borders of the country. To which period the ethnographic antiquities free to be bought and sold belong and other features thereof, terms and conditions for their record and registration shall be specified in a **regulation**.

The Ministry, Ministry of National Defence or the Higher Institute for Atatürk, Culture, Language and History can purchase movable cultural property relating to the National Independence War period and the History of the Republic of Turkey and Atatürk.

However, museums affiliated to the Ministry or specialist staff available at some of the customs exit gates can check the transport of such antiquities out of the country. A regulation shall specify the border gates where such specialists shall be available.

Antiquities that are not allowed to be taken out of the country resulting from the control shall be identified and returned to the owner on the condition that they be evaluated in the country.

The State's right to preference shall be reserved regarding antiquities that can be bought and sold freely as specified in this article.

Transfer to museums:

Article 25 – The Ministry of Culture and Tourism shall classify and register based on scientific principles movable cultural and natural property declared to the Ministry of Culture and Tourism according to article four and movable cultural and natural property to be protected as specified in article 23. Antiquities that need to be conserved in state museums shall be duly transferred to museums.

The criteria, procedures and principles for classification, registration and transfer to museums of movable cultural and natural property to be protected shall be specified in a **regulation**.

The historical features of all kind of weapons and materials concerning Turkish military history shall be surveyed, examined and evaluated by the General Staff at the location they are found or are reported to be found.

Antiquities excluded from the classification and registration and not needed to be placed in museums shall be returned with a document to their owners. The cultural property that has been returned with a document shall be at the discretion of their owner. Antiquities not taken back within one year by their owners can be kept at the museum or sold duly by the State.

Museum, private museum and making collection:

Article 26 – The Ministry of Culture and Tourism shall have the mandate to build and develop museums of cultural and natural property falling under the scope of this Law.

Ministries, public institutions and organisations, real and legal persons and foundations can create collections of all kind of cultural property to develop their service or fulfil their purpose and establish museums, if they obtain permission from the Ministry of Culture and Tourism. However, the specialty and field of activity of museums to be established by real and legal persons and foundations, their declared interests shall be evaluated in their application and reflected in the permit to be issued by the Ministry of Culture and Tourism.

Museums to be established by real and legal persons can keep and exhibit movable cultural property provided that they remain within the field of activities recorded in the permit issued by the Ministry of Culture and Tourism. Museums that conserve movable cultural property shall have the status of state museums.

The aim of establishment, duties and management, supervision and control of the mentioned museums shall be specified in a **regulation**.

The General Staff shall have the authority to establish, revive, and identify the materials and field of activities of military state museums that are specialty and research museums. The duties, authorities, responsibilities and work of these museums shall be specified in a **regulation** to be jointly prepared by the Ministry of National Defence and the Ministry of Culture and Tourism.

Real and legal persons can create collections of movable cultural property to be protected by means of a permit issued by the Ministry of Culture and Tourism.

Collectors shall be obliged to report their activities to the Ministry of Culture and Tourism and record their movable cultural property in the inventory logbook according to the regulation.

Collectors can exchange and sell all kind of antiquities in their collection to each other by registering these in the relevant museum on the condition that they inform the Ministry of Culture and Tourism fifteen days in advance. The Ministry of Culture and Tourism shall be given priority in buying these.

****related legislation:**

1) regulation on collections of movable cultural and natural property to be protected and their inspection

2) regulation on private museums and their inspection

3) regulation on military museums

Trade of cultural property:

Article 27 – Movable cultural property left out of the scope of classification and registration as per article twenty-five and not deemed necessary to be kept in state museums can be traded with a permit to be provided by the Ministry of Culture and Tourism.

Persons who want to engage in this trade shall be obliged to obtain a license from the Ministry of Culture and Tourism. These licenses shall be valid for three years. The license can be extended one month before its expiry. The licenses of persons acting in contradiction with the provisions of this Law shall be cancelled regardless of their duration.

(*related legislation: regulation on the trade of movable cultural property and the inspection of offices and storage areas used for this trade)**

Prohibition to declare the residence as office:

Article 28 – Persons engaged in the trade of cultural property shall declare a place for their trade activities. However, they cannot declare their residence as office or storage area.

Inspection of offices and storage areas:

Article 29 – Officials from the Ministry of Culture and Tourism shall inspect the offices and storage areas of persons trading with cultural property in line with principles set forth in a regulation.

Obligation to inform:

Article 30 – Public institutions and organisations, (including municipalities and special provincial administrations), foundations, real and legal persons shall be obliged to, first of all, inform and show state museums movable cultural and natural property and collections that are commodities and estate for sale or objects for sale at an auction. The Ministry of Culture and Tourism can buy collections of cultural and natural property over the value appraised by a commission it shall establish. Among these, those that have been referred to the treasury and need to be included in the museum collection shall be transferred to the Ministry of Culture and Tourism according to the provisions of the Regulation on Official Goods.

Public institutions and organisations, foundations, real and legal persons mentioned above shall be obliged to inform and show the General Staff cultural property relating to our military history, weapons and collection of military materials that are for sale and among their estate or for sale at an auction. Among these, those that have been referred to the treasury and need to be included in the military museum collections shall be transferred to the Ministry of National Defence according to the provisions of the Regulation on Official Goods.

Article 31 – (Repealed: 17/06/1987 - 3386/18 art.)

Prohibition to take abroad:

Article 32 – Movable cultural and natural property to be protected in the country cannot be taken abroad. However, on the condition that, foreign officials provide guarantee and insurance against the possibility of all kinds of damage, loss, threat or violations, and in respect of national interests, the Council of Ministers shall make decision on a temporary exhibition abroad and the return of the property following the decision of the scientific council

composed of the heads of archaeology and art history departments of higher education institutions and the proposal of the Ministry of Culture and Tourism.

Members of the diplomatic corps in Turkey can take abroad cultural property of foreign origin they brought with them, which was declared upon entry into the country.

The principles for transporting cultural and natural property for temporary exhibition abroad, procedures to apply at the entry and exit of property that is brought by the diplomatic corps to Turkey, documents requested and all other relating issues shall be specified in a **regulation** to be jointly prepared by the Ministry of Culture and Tourism, the Ministry of National Defence and the Ministry of Foreign Affairs.

Bringing property into the country:

Article 33 – Cultural property can be freely brought into the country.

Copying:

Article 34 – The Ministry of Culture and Tourism shall have the authority to permit photographing and filming, making the impression and copy of movable and immovable cultural property at archaeological sites and museums affiliated to the Ministry of Culture and Tourism for the purposes of education, training, scientific research and promotion.

The principles thereof shall be specified in a **regulation**.

CHAPTER FOUR

Survey, Sounding, Excavation and Treasure Hunting

Permit to survey, sound and excavate

Article 35 – The Ministry of Culture and Tourism shall have the exclusive right to survey, sound and excavate with the view of recovering movable and immovable cultural and natural property subject to the provisions of this law. Permit to survey shall be given by the Ministry of Culture and Tourism to Turkish and foreign teams and organisations whose scientific and financial capacity has been appraised and approved by the Ministry. Permit to survey and excavate shall be given by the Council of Ministers upon proposal of the Ministry of Culture and Tourism. Survey, sounding and excavation undertaken by Ministry of Culture and Tourism officials or Turkish scientists assigned by the Ministry shall be bound to a permit by the Ministry of Culture and Tourism. A license for survey, sounding and excavation in restricted military zones shall be issued in the name of the experts that have been notified by the above mentioned teams and organisations upon permission of the General Staff. Unless a justification is provided to the Ministry of Culture and Tourism, the teams and organisations cannot change the names on this license.

The Ministry of Culture and Tourism shall determine regions underwater with a cultural and natural property to be protected with the cooperation of the relevant institutions and organisations and publish these via a Council of Ministers

decision. In these regions, sports diving shall be prohibited and excavation and sounding shall be allowed provided that a permit be obtained according to the provisions of article two.

(related legislation: regulation on survey, sounding and excavation of cultural and natural property)**

Excavation on private property:

Article 36 – Survey, sounding, excavation to be undertaken by the owners of immovable cultural property on their own property with the aim of looking for cultural property shall be subject to the provisions of article 35 and 41 of this Law.

Procedure concerning the permit for excavation:

Article 37 – An excavation team or person cannot receive permits to excavate and sound at more than one location at the same time except for recovery excavations undertaken by the Ministry of Culture and Tourism. Permission, survey, sounding, excavation, terms and conditions of the preservation of cultural and natural property found, other rights concerning these findings to be granted to surveyors, sounders and excavators shall be specified in a regulation.

Non-transferable permit for excavation:

Article 38 – The license of excavation and sounding issued to Turkish and foreign scientific institutions or persons acting on the behalf of such and the permit of survey cannot be transferred without the consent of the Ministry of Culture and Tourism. These tasks cannot be delegated to other persons.

Invalidity of permits for survey, sounding and excavation:

Article 39 – If works are not commissioned within at the latest six months as of the date of issuing the license, the permits and licenses of survey, excavation and sounding shall be rendered null and void, unless a justification is presented to and accepted by the Ministry of Culture and Tourism. Survey, sounding and excavation works cannot be suspended for more than two months without justification. The permit and license of persons who exceed this period shall be deemed cancelled. Moreover, the permit and license of persons contradicting with the provisions of this Law shall be cancelled and not reissued.

Duration of the permit for survey, sounding and excavation:

Article 40 – The license of excavation and sounding and the permit for survey shall be valid for one year. Provided that at expiry of the license and permit the director of the excavation notifies in writing that excavation, sounding and survey works will continue, these rights shall be reserved for the next years on the condition that the applicant submit an application every year.

Transport of excavated antiquities to museums:

Article 41 – All movable cultural and natural property that has been excavated shall be transported by the excavation team or institution to a state museum to be determined by the Ministry of Culture and Tourism at the end of the excavation year. Human and animal skeletons and all fossils discovered during

excavations and sounding can be given to natural history museums, universities or other Turkish scientific institutions, if deemed appropriate by the Ministry of Culture and Tourism. Moreover, all kinds of movable cultural property relating to military history discovered during excavation works and sounding shall be transferred to military museums by the Ministry of Culture and Tourism with the consent of the General Staff.

Obligation to compensate for damage:

Article 42 – If persons with a permit to excavate and sound undertake these works on private property, they shall be obliged to compensate the property owners for damage that occurs during the excavation, sounding and survey. Property owners shall be obliged to allow excavation, sounding or survey in return for a compensation, the amount of which shall be appraised by a commission to be formed by the Ministry of Culture and Tourism.

Such areas can be expropriated by the Ministry of Culture and Tourism, in case of necessity. If the excavation is undertaken by foreign scientific organisations, the excavation director shall pay the cost of expropriation. For the appraisal of the cost of expropriation of the areas to be registered in the name of the Treasury, general expropriation provisions shall apply. For the appraisal of the compensation and the cost of expropriation as per this article, the age, uniqueness and artistic value of the existing cultural and natural property determined before the excavation, sounding and survey activities take place and the value of the cultural property that will be determined as a result of these activities shall not be taken into account.

Right to publication:

Article 43 – According to the provisions of the Law on Intellectual and Artistic Works numbered 5846 persons actually managing the excavation, sounding and survey on behalf of teams and institutions that received permit for excavation, sounding and survey shall have the right to publicize the property discovered during the excavation, sounding and survey works. The directors of excavation shall be obliged to submit a scientific report to the Ministry of Culture and Tourism at the end of each excavation period. If the excavation teams do not publish scientific reports concerning the excavation periods at the latest within two years and the final scientific reports within five years' time as of the end of excavations, all kinds of publication rights regarding cultural and natural property discovered during the excavation, sounding and survey shall pass over to the Ministry of Culture and Tourism.

Scientific reports on the excavation, sounding and survey conducted on behalf of the Ministry of Culture and Tourism shall be prepared for publication by the directorship of excavation. The Ministry of Culture and Tourism shall publish reports it deems necessary.

Teams and persons not having their final reports published within the above-specified period except for excuses accepted by the Ministry of Culture and Tourism shall not be given any license for a new excavation.

Expenses:

Article 44 – Wages and expenses relating to guards to be recruited temporarily to protect the excavation, sounding and survey site and the cultural property found during the survey, sounding and excavation, the expenses concerning the reassembling of the site, compensation for potential damage to arise during the excavation a.s. expenses shall be paid through the money deposited to the revenues authority collected from the excavation directors according to a regulation, at the time the Ministry of Culture and Tourism issues the license or extends the period money deposited to the revenues authority. If the Ministry of Culture and Tourism provides funds, provisions for these expenses do not have to be deposited with the revenues authority.

Conservation and landscaping:

Article 45 – Maintenance, repair and landscaping of immovable cultural and natural property found during excavations that have been permitted by the Ministry of Culture and Tourism and maintenance and repair of movable cultural and natural property shall be undertaken by the directorship of excavation.

Temporary and permanent suspension of survey, excavation and sounding:

Article 46 – Survey, excavation and sounding in contradiction with the provisions of this Law shall be suspended on a temporary or permanent basis by the Ministry of Culture and Tourism.

Transfer of facilities:

Article 47 – Storage areas, lodgings and similar facilities and materials acquired on various occasions or built to commence works or during ongoing works by persons carrying out the excavation, sounding and survey works on behalf of the team and institutions shall be transferred to the Ministry of Culture and Tourism free of charge. The Ministry of Culture and Tourism shall determine the purpose of use of these facilities.

Assignment to work in the survey, excavation and sounding:

Article 48 – One or more expert representatives from the General Directorate for Cultural Heritage and Museums affiliated to the Ministry of Culture and Tourism shall be present at the survey, excavation and sounding undertaken by foreign teams and institutions. An authorized expert shall participate in the survey, excavation and sounding works undertaken by Turkish teams and institutions on behalf of the Ministry of Culture and Tourism. The selection procedure and duties of the representative and experts shall be specified in a regulation.

The Ministry of Culture and Tourism shall cover the travel expenses, per diems and exigencies of representatives of the Ministry at excavations of Turkish teams and institutions according to the provisions of Allowance Law numbered 6245.

Travel expenses, per diems, representation allowance and underwater diving expenses of representatives of the Ministry of Culture and Tourism to be assigned to work in the survey, excavation and sounding undertaken by foreign institutions and teams shall be collected in advance by the Ministry of Culture

and Tourism from the excavation directorship and deposited to a state bank. The amount of the representation allowance shall be determined every year by the Ministry of Culture and Tourism.

Prohibition of survey, excavation and sounding:

Article 49 – Members of embassies and consulates in Turkey shall not be given permission to survey, excavate and sound.

Treasure hunting:

Article 50 – The Ministry of Culture and Tourism can issue to interested persons a license to hunt for treasures except in areas defined as immovable cultural and natural property to be protected according to article 6 of this Law, and identified and registered as conservation sites and graveyards.

Persons interested in treasure hunting shall not be given permission to survey in more than one area at the same time. The permit to treasure hunt cannot be transferred. This task cannot be delegated to other persons.

The hunter shall pay for the travel expenses, per diems and exigencies of persons sent to the area as representatives of the Ministry of Culture and Tourism and other public institutions and organisations. The necessary funds shall be collected in advance by the Ministry from the treasure hunter and deposited to a State bank.

Issuing the survey license, documents to be requested by the treasure hunter, surveying, rights for the hunter relating to the excavated treasure shall be specified in a **regulation** jointly prepared by the Ministry of Culture and Tourism and the Ministry of Finance.

CHAPTER FIVE

Superior Council for Conservation of Cultural and Natural Property and Regional Conservation Councils

Establishment, duties, authority and work:

Article 51 – (Amended: 17/06/1987 - 3386/11 art.)

A “Superior Council for the Conservation of Cultural and Natural Property” affiliated to the Ministry of Culture and Tourism and “Regional Councils for the Conservation of Cultural and Natural Property” determined by the Ministry shall be established to conduct the services regarding immovable cultural and natural property to be protected in the country and under the scope of this Law scientifically.

The following shall be the **duties and powers of the Superior Council for Conservation of Cultural and Natural Property:**

- a) To determine the principles to apply for the conservation and restoration regarding immovable cultural and natural property to be protected.
- b) To ensure the coordination among Regional Conservation Councils.

c) To assist the Ministry by evaluating the general problems encountered in practice and presenting an opinion.

The Superior Council for Conservation shall meet at least twice a year. The Ministry shall summon the Council to an extraordinary session, in case of necessity.

The Superior Council for Conservation shall convene by absolute majority and decide with at least three fourth of the votes of the members present at the meeting.

Procedures, principles and other issues relating to the work of the Superior Council for Conservation shall be specified in a **regulation**.

Article 52 – (Repealed: 17/06/1987 - 3386/18 art.)

Membership to the Superior Council for Conservation:

Article 53 – (Amended: 17/06/1987 - 3386/12 art.)

The members of the Superior Council for the Conservation of Cultural and Natural Property shall be:

- (1) Undersecretary of the Ministry.
- (2) Deputy Undersecretary of the Prime Ministry.
- (3) The related Deputy Undersecretary of the Ministry.
- (4) Director General for Cultural Heritage and Museums.
- (5) Director General for Tourism.
- (6) The related Director General or Deputy Director General from the Ministry of Public Works and Settlement.
- (7) Director General or Deputy Director General for Forestry.
- (8) Director General or Deputy Director General for Foundations.
- (9) Six chairpersons of Regional Conservation Councils to be selected by the Ministry.
- (10) (Addition: 26/05/2004-5177/27 art.) General Director or Deputy Director General for Mineral Works.
- (11) (Addition: 26/05/2004-5177/27 art.) General Director or Deputy Director General for Nature Protection and National Parks.

The chairperson of the Superior Council for Conservation shall be the Undersecretary of the Ministry.

In the absence of the undersecretary, the deputy undersecretary shall chair the Council.

Qualifications of representative members

Article 54 – Representative members of the Superior Council for Conservation shall be the graduates of the higher education, recognised for one or more of the disciplines specified in Article 53, undertaken studies in these disciplines, preferably with published works nationally or internationally.

End and duration of membership to the Superior Council for Conservation and Regional Conservation Council and the right to attendance fee (honorarium)

Article 55 – (Amended: 14/07/2004 - 5226/10 art.)

The Membership of members from the institutions to the Superior Council for Conservation and Regional Councils for Conservation shall continue until the end of their function in their respective institutions.

The tenure of members of Regional Conservation Councils selected by the Ministry and Higher Education Council shall be five years.

Members of the Superior Council for Conservation and Regional Conservation Councils cannot be a direct or indirect party to a matter falling under their mandate and power and, on no account, pursue any interest. The Ministry shall terminate the membership of those contradicting this provision.

Members of the Superior Council for Conservation and Regional Conservation Councils shall be paid attendance fee for each meeting but not more than six meetings per month, the amount of which shall be determined by multiplying the indicative number with the monthly coefficient (3000) assigned to public officials.

The membership to Regional Conservation Councils of members that do not attend four or two consecutive meetings in one year irrespective of the reason except for annual leave, illness and other legitimate excuse shall be terminated.

Article 56 – (Repealed: 17/06/1987 - 3386/18 art.)

Duties, powers and work of Regional Conservation Councils:

Article 57 – (Amended: 17/06/1987 - 3386/14 art.)

Regional Conservation Councils shall have the following duties and powers bound to the resolutions of the Superior Council for Conservation:

- a) To register cultural and natural property to be protected as determined by the Ministry,
- b) To group cultural and natural property to be protected.
- c) To identify terms and condition for building in the transition period within three months after the registration of conservation sites,
- d) To examine and decide conservation plans and all kind of related alterations,
- e) To determine the conservation site of immovable cultural and natural property to be protected,
- f) To delete records of cultural and natural property to be protected that have

lost their specific characteristics.

g) To make decisions on implementation relating to immovable cultural and natural property to be protected and conservation sites. (1)

(Amended paragraph: 14/07/2004 - 5226/11 art.) The Council shall elect the chairperson and deputies of the Regional Conservation Council from among their members. In the absence of the chairperson, the deputy shall chair the Council.

(Amended paragraph: 14/07/2004 - 5226/11 art.) Regional Conservation Councils shall convene by absolute majority of the members that have to attend and decide by absolute majority of the members that attend the meeting. However, the quorum cannot be less than the absolute majority of the number of members elected by the Ministry and Higher Education Council. The decisions shall be recorded together with their scientific rationales and grounds related to this Law and resolutions.

(Amended paragraph: 14/07/2004 - 5226/11 art.) The directorships of Regional Conservation Councils shall deliver technical and administrative services of Regional Conservation Councils.

(Additional paragraph: 14/07/2004 - 5226/11 art.) The Regional Conservation Council shall decide conservation plans within at the latest six months and implementation projects within at the latest three months as of the date of presentation of complete documents to the Regional Conservation Council.

(Additional paragraph: 14/07/2004 - 5226/11 art.) Restoration and repair relating to immovable cultural and natural property and their conservation sites not licensed according to article 21 of the Land Development Law numbered 3194 shall be undertaken consistent with its unique shapes and materials with the permission and under the supervision of the administrations that have established in-house conservation, implementation and inspection offices. All other construction and physical interventions have to be permitted by the Regional Conservation Council.

(Additional paragraph: 14/07/2004 - 5226/11 art.) However, for conservation sites the conservation plan of which has been approved, construction and physical intervention in parcels other than immovable cultural and natural property parcels shall be subject to the permission and supervision of administrations that have in-house conservation, implementation and inspection offices in line with the provisions regarding conservation plans.

(Additional paragraph: 14/07/2004 - 5226/11 art.) Restoration and repair of cultural property owned by registered foundations or annexed foundations administered and supervised by the General Directorate for Foundations that are not covered by the license as per article 21 of the Land Development Law numbered 3194 shall be undertaken by the General Directorate for Foundations in compliance with their unique shapes and materials.

(Additional paragraph: 14/07/2004 - 5226/11 art.) Reports and documents pertaining to pre- and post repair and restoration works of immovable cultural and natural property and their conservation sites shall be submitted to the relevant Regional Conservation Council directorships by the administrations involved and the General Directorate for Foundations.

(Additional paragraph: 14/07/2004 - 5226/11 art.) Matters regarding the implementation of this article shall be determined in a regulation to be issued by the Ministry.

(relating legislation:**

1) regulation on the establishment, permit, working procedures and principles of conservation, implementation and inspection offices, project offices and education and training units k

2) regulation on objections to the Superior Council for Conservation and the works of the Superior Council for Conservation of Cultural and Natural Property and Regional Conservation Councils)

The constitution of Regional Conservation Councils:

Article 58 – (Amended: 17/06/1987 - 3386/15 art.)

The members of Regional Conservation Councils shall be:

- a) five persons to be elected by the Ministry that are specialized in archaeology, art history, law, architecture and city planning, (1)
- b) two academicians not from the same discipline to be elected by the Higher Education Council from science disciplines such as archaeology, art history, architecture, urbanisation of the relevant institutions,
- c) If the subject of negotiation is within municipal borders, the mayor or his/her technical representative. if it is outside municipal borders a technical representative to be appointed by the governorship,
- d) If the subject of negotiation is related to the Ministry of Public Works and Settlement, a technical representative from the Directorate of Public Works and Settlement,
- e) If the subject of negotiation is related to the General Directorate for Foundations, the regional director for foundations or his/her technical representative,
- f) If the subject of negotiation is related to the Ministry of Environment and Forestry, the relevant technical representative.
- g) (Addition:14/07/2004 – 5226/12 art.) If the issue is related to the museum directorship, the relevant museum director.

The Council can consult an expert who shall not have any right to vote.

(Additional paragraph:14/07/2004 – 5226/12 art.) The relevant professional organisations can attend the regional conservation council meetings as observers.

Article 59 – 60 – (Repealed: 17/06/1987 - 3386/18 art.)

Obligation to comply with the decisions

Article 61 – (Repealed: 17/06/1987 - 3386/18 art.; new regulation:14/07/2004 – 5226/13 art.)

Public institutions and organisations, municipalities, real and legal persons shall be obliged to comply with the decisions of the Superior Council for Conservation and Regional Conservation Councils.

The decisions of the Superior Council for Conservation shall be published in the Official Gazette.

Public institutions and organisations, governorships and municipalities with planning authorities and powers can object within sixty days to the past and future decisions of the Superior Council for Conservation regarding the conservation site, its grading, principles of conservation and terms and conditions of use to apply during the transition period of the conservation site, conservation plans and their revision.

These objections shall be considered by the Superior Council for Conservation and decided within at the latest six months. Procedures and principles regarding objections to be made to the Superior Council for Conservation shall be specified in a **regulation** to be issued by the Ministry.

Travel expenses and per diems of Council Members:

Article 62 – The travel expenses and per diems of habitual members of the Superior Council for Conservation and Regional Councils for Conservation that are subject to general allowance provisions and travel outside their area of official service for the council meetings shall be covered by the institutions they work for and that of the other members by the Ministry of Culture and Tourism.

Council regulation:

Article 63 – Duties, powers and responsibilities of the Superior Council and Regional Council and their relation with the Ministry of Culture and Tourism shall be specified in a **regulation**.

CHAPTER SIX

Prizes and Penalties

Prizes to persons finding cultural property:

Article 64 – For persons that report movable cultural property found on the ground, under the ground and under the water within the borders of the Republic of Turkey to the competent authorities within the periods mentioned in article 4 the following shall apply:

- a) If the find is on their property, article 24 and 25 of this Law shall apply. No additional bonus shall be given.
- b) If the find is on the property of a person, 80% of the amount estimated by the Ministry of Culture and Tourism as the value of the property shall be divided equally as bonus between the person finding the property and the owner of the property.
- c) If the cultural property is found on land owned by the state, 40 % of the appraised value shall be given to the finder as bonus.
- d) Irrespective of where it is found, if the reported cultural property does not have characteristics requiring protection, persons that report it shall be processed according to article 25 of this Law. No additional bonus shall be given.
- e) Irrespective of where it is found, persons reporting newly found cultural property that has not been declared until the deadlines in article 4 and public officials intercepting such property shall receive a bonus the value of which shall be determined over the rates indicated for movable goods according to the “Law on Bonuses to be Given to Persons Reporting Concealed Movable and Immovable Properties and their Usufruct Rights and Permanent Taxes” numbered 1905.
- f) If more than one person finds, reports or intercepts cultural property according to one of the above paragraphs the bonus shall be divided equally between them.
- g) Issues related to the accrual and payment of the above bonuses shall be specified in a **regulation** to be prepared jointly by the Ministry of Finance and the Ministry of Culture and Tourism.

Penalties:

Article 65 – Contradiction with article 9 of this Law:

- a) Persons who demolish, degrade, destroy, make disappear or, in any manner, damage immovable cultural and natural property to be protected or give rise to such acts by intent shall be punished with a prison sentence from two to five years and a fine from five to ten billion Lira.

If such acts are committed with the intent of smuggling cultural and natural property to be protected out of the country the above penalties shall be increased one fold.

- b)(Amended:14/07/2004 – 5226/14 art.)** Persons undertaking unlicensed construction and physical intervention in conservation sites contrary to the principles of conservation and terms and conditions of use pertinent to the

transition period, conservation plans and prerequisites envisaged for the conservation sites identified by Regional Conservation Councils or persons soliciting such acts shall be punished with heavy imprisonment of two to five years and heavy fine of five to ten billion Lira.

c) Persons allowing demolition or development irregularities not in line with the procedures covered in this Law shall be punished with heavy imprisonment between two to five years and heavy fine between five and ten billion Lira.

d) (Addition:14/07/2004 – 5226/14 art.) Persons who undertake repair and restoration works without the permission or contrary to the permission of the administration that has conservation, implementation and inspection offices according to paragraph six and seven of article 57 of this Law or who undertake construction work and physically intervene without permission or who solicit such acts shall be punished with heavy imprisonment of one to three years and heavy fine of three to six billion Lira.

Irregularities in documents, declarations and notifications:

Article 66 – Persons who issue documents in contradiction with the prohibitions as per article 16 of this Law, shall be punished with heavy imprisonment of one to three years and heavy fine of twenty five thousand to one hundred thousand Lira, if other laws do not foresee heavier penalties for this crime. Persons who intentionally do not declare and notify duly by the deadline as per article 7 of this Law shall be punished with a prison sentence of three months to one year and a fine of five thousand to thirty thousand Lira.

Contradiction with the obligation to report and the prohibition to trade cultural property and to record residence as commercial enterprise:

Article 67 – Persons who contradict with articles 4, 27, 28 of this Law shall be punished with a prison sentence of one to three years and a heavy fine of twenty five to one hundred thousand Lira.

Contradiction with the prohibition to take abroad:

Article 68 – Persons who contradict with paragraph one of article 32 of this Law shall be punished with heavy imprisonment from five to ten years and heavy fine from one hundred thousand to three hundred thousand Lira.

In addition, cultural and natural property shall be confiscated and given to the museum.

All kind of goods and equipment used in committing these acts shall be confiscated. Goods and equipment belonging to public bodies shall not fall under the scope of this provision.

Opposition to examination and control:

Article 69 – Persons opposing examinations and controls as per article 29 of this Law and who contradict with the transport procedures as per article 41 of this Law shall be punished with a prison sentence of six months to one year and heavy fine of twenty five thousand to one hundred thousand Lira.

Private ownership:

Article 70 – Persons who act against article 24 of this Law shall be punished with a prison sentence of one to three years and twenty five thousand to one hundred thousand Lira.

Contradiction with provisions on excavation, sounding and survey:

Article 71 – Persons who contradict with articles 38, 42 and 43 of this Law shall be punished with heavy fine of fifty thousand to two hundred thousand Lira.

Decisions relating to public staff:

Article 72 – Works and proceedings related to public staff tasked with the implementation of this Law and all kind of decisions relating to them and objection to decisions relating to them shall be investigated and decided on priority basis.

Contradiction with provisions relating to private museums and collectors:

Article 73 – Persons who contradict with articles 26, 30 and 31 of this Law shall be punished with a prison sentence of three months to one year and a heavy fine of twenty five thousand to one hundred thousand Lira. if this crime does not require a heavier penalty.

Unlicensed survey, excavation and sounding:

Article 74 – Persons who sound and excavate without a license shall be punished with heavy imprisonment of two years to five years and a heavy fine of fifty thousand to two hundred thousand Lira. Persons who hunt for treasures without permission shall be punished with one year to five years heavy imprisonment and a fine of twenty five thousand to one hundred thousand Lira. Persons who conduct survey without permission shall be punished with a heavy fine of fifty thousand to two hundred thousand Lira. Persons who commit these acts with the aim of smuggling cultural property out of the country and persons who have the duty to protect cultural property shall be given two fold the penalty mentioned in this article. Cultural property found with these persons shall be taken from them without any payment and given to museums.

Aggravated penalty:

Article 75 –If the object of the crimes enlisted in Book two, section ten, chapters 1 and 2 of the Turkish Criminal Code is cultural property within the scope of this Law, the given penalty shall be increased not less than by one third and by up to two fold.

(Additional paragraph:14/07/2004 – 5226/15 art.) If the object of the crimes enlisted in book two, section ten, chapter seven of the Turkish Criminal Code is movable cultural property falling under the scope of this Law, the given penalty shall be increased not less than by one third up to by two fold.

CHAPTER SEVEN

Other provisions

Repealed laws:

Article 76 – The “Law on the Expropriation of Antiquities and Historic Monuments Owned By Private Persons” dated 28/02/1960 and numbered 7463, “Law on Antiquities” dated 25/04/1973 and numbered 1710, “Law on the Establishment and Duties of the Superior Council for Immovable Antiquities and Monuments” dated 02/07/1951 and numbered 5805, “Law Amending the Law on the Establishment and Duties of the Superior Council for Immovable Antiquities and Monuments dated July 2nd, 1951 and numbered 5805” dated 18/06/1973 and numbered 1741 have been repealed.

Additional article 1 – (is a provision of the article added through article 16 of Law numbered 3386 dated 17/06/1987 and has been numbered for sequencing purposes. Amended: 14/07/2004 – 5226/17 art.)

The term “Conservation Council” used in this Law has been changed as “Regional Conservation Council”.

Site management, museum management and Monument Council.

Additional article 2 – (Added: 14/07/2004 – 5226/17 art.)

For management sites and site management, for national museums a museum management and for monuments a Monument Council shall be established.

a) If more than one municipality is involved, the relevant municipalities under the coordination of the metropolitan municipality, if only one municipality is involved, the said municipality, in all other areas the Ministry shall prepare a draft management plan or have it prepared with the view of protecting, evaluating and developing management sites and their junction points in urban areas.

An advisory board shall be formed composed of persons with the right to property, professional chambers, non governmental organisations and representatives of the related departments of universities to put forward proposals on the draft plan to be decided and implemented.

The municipality responsible for the urban conservation site, in other areas the Ministry shall appoint a site manager to coordinate efforts. Persons, who are site managers shall receive payment from the Central Directorate of the Revolving Funds of the Ministry of Culture and Tourism exempt from any 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 state officials (20000) with the indicative number.

A coordination and audit board shall be established composed of one representative of each administration the services of which are needed for the draft management plan and two members to be elected by the advisory board. The site manager shall be at the same time the chairperson of this board. The board shall be authorized to examine and approve by consensus this draft within six months and audit its implementation.

An audit unit can be established made of expert staff from the relevant institutions and inspection staff with the aim of performing the audit function of the board. This unit shall be authorized to request any type of information and document necessary for the management plan and its implementation from public institutions and organisations and third persons.

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 and the relevant administrations shall be obliged to prioritise services envisaged in the plan and allocate the needed funds from their budget to this end.

b) For national museums determined by the Ministry, a museum management shall be established made up of the museum chairperson, the museum director affiliated to him/her, the operations director and museum board.

In museums, the director of the museum shall be in charge of records, registration, inventory, and storage, all kind of maintenance and repair of exhibits, exhibitions and protection, cultural, educational and scientific activities. The operations director shall be in charge of promotion, sales unit management, event organisation, management of visitors, landscaping, maintenance, repair and housekeeping.

The chairperson of the museum shall be authorized to coordinate and audit the museum directorships and represent the museum at national and international level.

The Ministry shall appoint a chairperson of the museum from among persons with an education in archaeology, art history, anthropology, ethnology, economics, business administration, public administration **to perform the function of chairperson of the museum.**

Every museum shall form an exclusive museum board. The museum board members shall be academicians from the related departments of local universities, professional chambers, non-governmental organisations, local administration and sponsors of the museum approved by the Ministry. The museum board shall elect a chairperson from its members.

Guided by the opinion of the museum board, an annual and five-yearly conservation and development project entailing spatial and physical development, thematic development and vision, conservation and development of collections, promotion and exhibition shall be prepared. The museum board shall be authorized to supervise the implementation of the conservation and development project, to promote the museum, to collect donations for the museum, to extend honorary friend of museum awards. The museum board shall draft reports on museum activities and operations each year. The Ministry shall be obliged to take note of these reports.

c) A monument specific board shall be established for monuments that qualify as immovable cultural property. Board members shall be academicians from the

related departments of local universities, professional chambers, civil society organisations, local administrations and persons who donate money to conserve and develop the monument subject to approved by the Ministry and the administration that has discretionary powers with regards the monument. The representative of the relevant administration shall chair the board.

The board shall draft an annual and five-yearly conservation and development project entailing spatial and physical development, thematic development and vision, conservation and development of collections, promotion and exhibition of the monument. The monument board shall implement the conservation and development project, promote the monument, collect donations for the monument, and extend honorary awards. The board shall prepare annual reports on the conservation, revitalization and development of the monument. The relevant administrations shall be obliged to take note of these reports.

Procedures and principles related to the implementation of this article shall be specified in a regulation to be prepared by the Ministry.

Additional article 3 – (Added:14/07/2004 – 5226/17 art.)

The provisions of paragraph (a) of additional article 2 shall not apply for areas falling under the scope of the Decree to the Effect of Law on the Establishment of the Environmental Protection Agency for Special Areas numbered 383, Law on National Parks numbered 2873, Law on Hunting on Land numbered 4915, Law on the Historic National Park of Gelibolu Peninsula numbered 4533.

Provisional Article 1 – Owners of immovable cultural property pertaining to the period until the end of the 19th century can request from the Ministry to document that this property need not be protected during the identification and registration proceedings according to article 7 of this Law. The Ministry of Culture and Tourism shall task experts with examining these applications entailing information as per the regulation of the Ministry of Culture and Tourism and submit these to the Superior Council in at the latest three months. The Superior Council shall examine the issue and decide on it at the latest in six months.

Provisional Article 2 – Real and legal persons, collectors can sell movable cultural and natural property to be protected that they own to state museums according to article 24 and 25 within three months as of enforcement of the regulation to be issued according to this Law without having to declare the origin, or benefit from the provisions of article 24 of the Law on the condition they record the property in the inventory logbook and present it to the nearest museum for approval.

Provisional Article 3 – (Amended: 14/07/2004 - 5226/16 art.)

As of the enforcement of this Law, Conservation Councils for Cultural and Natural Property shall become Regional Councils for the Conservation of Cultural and Natural Property, and the Regional Council Chief Offices for the Conservation of Cultural and Natural Property shall become Regional Council for Conservation Directorships.

Regulations referred to in the Law shall be issued within one year as of the publication of the Law. Until the regulations are drafted, the provisions of the current regulations that do not contradict with this Law shall apply.

Provisional Article 4 – (Repealed: 17/06/1987 - 3386/18 art.)

Provisional Article 5 – Regulations referred to in the Law shall be prepared and enforced at the latest within six months as of the publication of the Law.

These regulations shall be published in the Official Gazette.

Provisional Article 6 – Until the General Cadre Law is passed, the cadre sheet of Regional Councils attached to this Law shall apply.

Enforcement:

Article 77 – This Law shall be enforced as of the date of its publication.

Execution:

Article 78 – The provisions of this Law shall be executed by the Council of Ministers.

KÜLTÜR YATIRIMLARI VE GİRİŞİMLERİNİ TEŞVİK KANUNU

(Bu mevzuat sayfaları Kültür ve Turizm Bakanlığı Teftiş Kurulu Başkanlığı tarafından derlenmekte ve güncellenmektedir.)

Kanun Numarası : 5225

Yayımlandığı R.Gazete : Tarih : 21/7/2004 Sayı :25529

BİRİNCİ BÖLÜM

Amaç, Kapsam ve Tanımlar

Amaç

Madde 1- Bu Kanunun amacı; bireyin ve toplumun kültürel gereksinimlerinin karşılanmasını; kültür varlıkları ile somut olmayan kültürel mirasın korunmasını ve sürdürülebilir kültürün birer ögesi haline getirilmesini; kültürel iletişim ve etkileşim ortamının etkinleştirilmesini; sanatsal ve kültürel değerlerin üretilmesi, toplumun bu değerlere ulaşım olanaklarının yaratılması ve geliştirilmesini; ülkemizin kültür varlıklarının yaşatılması ve ülke ekonomisine katkı yaratan bir unsur olarak değerlendirilmesi, kullanılması ile kültür merkezlerinin yapımı ve işletilmesine yönelik kültür yatırımı ve kültür girişimlerinin teşvik edilmesini sağlamaktır.

Kapsam

Madde 2- Bu Kanun; münhasıran bu Kanunun amacına yönelik faaliyetlerde bulunmak üzere kurulan yerli veya yabancı tüzel kişilerin yatırım veya girişimlerinin teşvik edilmesi, belgelendirilmesi ve denetlenmesi işlemlerine ilişkin usul ve esasları kapsar.

Tanımlar

Madde 3- Bu Kanunda yer alan;

a) Bakanlık: Kültür ve Turizm Bakanlığını,

b) Kültür merkezi: Bireyler arasında sosyal ve kültürel iletişim ve etkileşim ortamlarının kurulması ile ulusal kültürün yaşatılması temel amaçlarına dönük olmak üzere; asli unsur olarak güzel sanatlar, sinema, geleneksel ve çağdaş el sanatları gibi her türlü kültürel ve sanatsal faaliyetlerden en az birkaçının üretildiği, sergilendiği, bunların eğitim, öğretim ve bilimsel çalışmalarının yapıldığı bölümler ile sağlık, spor, eğitim ve alışveriş gibi gereksinimlerin karşılandığı birimlerin de bulunduğu yapıları,

c) Kültür varlığı: 2863 sayılı Kültür ve Tabiat Varlıklarını Koruma Kanunu kapsamında korunması gerekli taşınmaz kültür varlıklarını,

d) Somut olmayan kültürel miras: Sözlü kültür ortamlarında halk tarafından yaratılan ve halkbilimi araştırmaları içinde yer alan; sözlü anlatımlar ve sözlü gelenekler, gösteri sanatları, toplumsal uygulamalar, ritüel ve festivaller, halk bilgisi, evren ve doğa ile ilgili uygulamalar, el sanatları geleneği gibi kültürel ürünleri ve üretim süreçlerini.

e) Kùltür yatırımı: Bu Kanunun amacı dođrultusunda, kùltür merkezleri ile her türlü kùltürel ve sanatsal faaliyetlerin üretildiđi, sergilendiđi, eğitim ve öğretimi ile bunlarla ilgili bilimsel çalışmaların yapıldığı alan, yapı ve mekânların yapımına, teknolojik alt yapıların kurulmasına veya donatılmasına yönelik yatırım faaliyetlerini,

f) Kùltür girişimi: Bu Kanunun amacı dođrultusunda, kùltür merkezlerinin işletilmesi veya her türlü kùltürel ve sanatsal faaliyetlerin üretilmesi, sergilenmesi, eğitim ve öğretimi ile bunlara ilişkin bilimsel çalışmaların yapılması faaliyetleri ile bu faaliyetlerin yapıldığı alan, yapı veya mekânların işletilmesini,

g) Kùltür yatırımı belgesi: Bu Kanunun amacına uygun yatırım yapanlara Bakanlıkça belli bir dönem için verilen belgeyi,

h) Kùltür girişimi belgesi: Bu Kanunun amacı dođrultusundaki girişimlere Bakanlıkça verilen belgeyi,

i) Belgeli kùltür yatırımı veya girişimi: Bakanlıkça belgelendirilmiş yatırım veya girişimleri, İfade eder.

İKİNCİ BÖLÜM

Teşvik Konuları, Unsurları ve Esasları

Teşvik konuları

Madde 4- Bu Kanunda belirtilen kùltür yatırımı veya girişimi kapsamındaki teşvik veya indirim konusu olacak faaliyetler şunlardır:

a) Kùltür merkezlerinin yapımı, onarımı ve işletilmesi.

b) Kùtùphane, arşiv, müze, sanat galerisi, sanat atölyesi, film platosu, sanatsal tasarım ünitesi, sanat stüdyosu ile sinema, tiyatro, opera, bale, konser ve benzeri kùltürel ve sanatsal etkinliklerin ya da ürünlerin yapıldığı, üretildiđi veya sergilendiđi mekânlar ile kùltürel ve sanatsal alanlara yönelik özel araştırma, eğitim veya uygulama merkezlerinin yapımı, onarımı veya işletilmesi.

c) 2863 sayılı Kanun kapsamındaki taşınmaz kùltür varlıklarının, bu Kanunun amacı dođrultusunda kullanılması.

d) Kùltür varlıkları ile somut olmayan kùltürel mirasın araştırılması, derlenmesi, belgelendirilmesi, arşivlenmesi, yayınlanması, eğitimi, öğretimi ve tanıtılması faaliyetleri.

Teşvik unsurları

Madde 5- Bu Kanun kapsamındaki kùltür yatırımı ve girişimleri için uygulanacak teşvik unsurları şunlardır:

a) Taşınmaz mal tahsisi; Bakanlık, bu Kanun kapsamında kùltür yatırımı ve girişimleri için taşınmaz mal tahsis etmeye yetkilidir. Bakanlıkça tahsisi uygun görülen taşınmaz mallardan:

1. Hazine adına tescilli olanlar Bakanlığın talebi üzerine Maliye Bakanlığının uygun görüşü ile en geç üç ay içerisinde,

2. Mülkiyeti 5018 sayılı Kamu Mali Yönetimi ve Kontrol Kanununun eki (II) sayılı cetvelde yer alan kamu idareleri ile mahalli idarelere ait olanlar. Bakanlığın talebi üzerine ilgili idarenin uygun görüşü ile en geç üç ay içinde bedelsiz olarak Hazine adına tapuya tescil edilerek,

Bakanlığa tahsis edilir.

Hazineye ait olup halen Bakanlığa tahsisli taşınmaz mallar, bu Kanun kapsamında Bakanlıkça tahsis edilebilir.

Bu taşınmaz malların tahsisi, kiralanması ve bunlar üzerinde bağımsız ve sürekli üst hakkı tesisine ilişkin esaslar ile süreler, taşınmaz malın bulunduğu yer itibariyle bedeller, hakların sona ermesi ve diğer şartlar, Bakanlık ve Maliye Bakanlığınca 2886 sayılı Devlet İhale Kanununa bağlı olmaksızın müştereken tespit edilir.

Bu taşınmaz mallar üzerinde bağımsız ve sürekli nitelikli üst hakları dâhil olmak üzere irtifak hakkı tesis ve bunlardan alt yapı için gerekli olanlar üzerinde, alt yapıyı gerçekleştirecek kamu kurumu lehine bedelsiz irtifak hakkı tesis. Bakanlığın uygun görüşü üzerine, Maliye Bakanlığınca belirlenen koşullarla ve bu Bakanlık tarafından yapılır.

Bu Kanuna göre tahsis edilen, ancak tahsisi iptal edilen veya tahsis süresi sona eren taşınmaz mallar üzerinde bulunan yapı, tesis ve müstemilat bedelsiz olarak Hazineye intikal eder. İlgililer, bunlar için herhangi bir hak veya bedel talep edemez.

İl özel idareleri ile belediyeler, mülkiyetlerinde olan taşınmaz malları, Bakanlığın uygun görüşü üzerine bu Kanun hükümlerine göre tahsis edebilirler.

Bu bendin uygulanması ile ilgili usul ve esaslar Maliye Bakanlığı ve Bakanlıkça müştereken çıkarılacak bir **yönetmelikle** düzenlenir.

b) Gelir vergisi stopajı indirimi: bu Kanun uyarınca belge almış kurumlar vergisi mükellefi yatırımcı veya girişimcilerin, ilgili idareye verecekleri aylık sigorta prim bordrolarında bildirdikleri, münhasıran belgeli yatırım veya girişimde çalıştıracakları işçilerin ücretleri üzerinden hesaplanan gelir vergisinin, yatırım aşamasında üç yılı aşmamak kaydıyla % 50'si, işletme aşamasında ise yedi yılı aşmamak kaydıyla % 25'i, verilecek muhtasar beyanname üzerinden tahakkuk eden vergiden terkin edilir.

Bu bendin uygulanmasına ilişkin usul ve esaslar Maliye Bakanlığınca belirlenir.

c) Sigorta primi işveren paylarında indirim: bu Kanun uyarınca belgelendirilmiş kurumlar vergisi mükellefi yatırımcı veya girişimcilerin, ilgili idareye verecekleri aylık sigorta prim bordrolarında bildirdikleri, münhasıran belgeli yatırım veya girişimde çalıştıracakları işçilerin, 506 sayılı Sosyal Sigortalar

Kanununun 72 ve 73 üncü maddeleri uyarınca prime esas kazançları üzerinden hesaplanan sigorta primlerinin işveren hissesinin, yatırım aşamasında üç yılı aşmamak şartıyla % 50'si, işletme aşamasında ise yedi yılı aşmamak şartıyla % 25'i, Hazinece karşılanır.

Bu bendin uygulanması ile yatırım veya işletmenin niteliği dikkate alınarak mükellefin çalıştırabileceği azamî işçi sayısına ilişkin usul ve esaslar Maliye Bakanlığı, Çalışma ve Sosyal Güvenlik Bakanlığı ile Hazine Müsteşarlığının bağlı olduğu Bakanlıkça müştereken belirlenir.

d) Su bedeli indirimi ve enerji desteği; kültür yatırımı ve girişimleri; su ücretlerini yatırım veya girişimin bulunduğu yörede uygulanan tarifelerden en düşüğü üzerinden öderler. Bu yatırım veya girişimin elektrik enerjisi ve doğal gaz giderlerinin % 20'si beş yıl süreyle Hazinece karşılanır.

Bu bendin uygulanması ile enerji giderlerinin iadesine ilişkin süreler, iadenin nakden veya mahsuben yapılmasına ilişkin usul ve esaslar, Maliye Bakanlığı, Enerji ve Tabii Kaynaklar Bakanlığı ile Hazine Müsteşarlığının bağlı bulunduğu Bakanlıkça müştereken belirlenir.

e) Yabancı uzman personel ve sanatçı çalıştırabilme; belgeli yatırım veya girişimlerde, Bakanlık ve İçişleri Bakanlığının görüşü alınarak Çalışma ve Sosyal Güvenlik Bakanlığınca verilen izinle yabancı uzman personel ve sanatçı çalıştırılabilir.

Ancak bu şekilde çalıştırılan yabancı personelin sayısı toplam personelin % 10'unu aşamaz. Bu oran Bakanlıkça % 20'ye kadar artırılabilir. Bu personel, en erken işletmenin faaliyete geçmesinin üç ay öncesinden itibaren çalışmaya başlayabilir.

f) Hafta sonu ve resmi tatillerde faaliyette bulunabilme; belgeli girişimler ile belge kapsamındaki diğer birimler belgede belirlenen çalışma süresi içinde hafta sonu ve resmi tatillerde de faaliyetlerine devam edebilirler.

Bu maddenin (b), (c) ve (d) bentlerinin uygulanmasında yöresel gelişim farklılıkları, proje türleri ile faaliyetin yapıldığı yerin tescilli taşınmaz kültür varlığı olması dikkate alınarak, bu bentlerde belirtilen oranları yarısına kadar indirmeye veya kanunî oranlarına çıkarmaya Bakanlar Kurulu yetkilidir.

Teşvik esasları

Madde 6- Bakanlık, bu Kanunun uygulanmasına yönelik tercih ve öncelikleri belirlemeye yetkilidir.

5 inci maddenin (b), (c) ve (d) bentlerindeki teşvik ve indirim unsurlarından yararlanan kültür yatırım ve girişimleri için başka bir teşvik mevzuatında da benzer teşvik ve indirimlerin bulunması halinde, yatırımcı veya girişimcinin lehine olan hükümler uygulanır.

Kültür yatırımı veya girişimlerine yönelik teşvik ve indirim unsurları ile bunlardan yararlanmaya yönelik diğer usul ve esaslar, Bakanlık ve ilgili

bakanlıklar ile Hazine ve Devlet Planlama Teşkilatı müsteşarlıklarınca müştereken tespit edilir.

ÜÇÜNCÜ BÖLÜM Genel Hükümler

Belge

Madde 7- Kültür yatırımı belgesi veya kültür girişimi belgesi Bakanlıkça verilir. Belge, yatırım veya girişimin nitelik ve nicelikleri esas alınarak düzenlenir. Belge alanlar, bu Kanun ve ilgili mevzuatta yer alan diğer teşvik ve indirim unsurlarından yararlanırlar.

Yatırımların Bakanlıkça belirlenen süreler içinde başlaması, tamamlanması ve işletme aşamasına geçilmesi zorunludur. Ancak, mücbir sebeplerden dolayı Bakanlıkça bu süreler uzatılabilir.

Belgelendirme işlemlerinin usul ve esasları Bakanlıkça çıkarılacak **yönetmelikle** belirlenir.

Alt yapı hizmetleri

Madde 8- Kültür merkezlerinin yol, su, kanalizasyon, doğalgaz, elektrik, telekomünikasyon ve diğer altyapı ihtiyaçlarının ilgili kamu kuruluşlarınca öncelikle tamamlanması zorunludur.

İzin alma ve bilgi verme zorunluluğu

Madde 9- Belge sahibi tüzel kişiliğin şirket ana sözleşmesinin, ortaklık statüsü veya yapısının değiştirilmesi, belgeye konu yapı veya tesisin veya aynı amaçlarla kullanılmak üzere devredilmesi, kiraya verilmesi ile girişim konularının kültür girişimi niteliğini koruması kaydıyla kısmen veya tamamen değiştirilmesi Bakanlığın iznine tabidir.

Ancak, tesisin bütünlüğünün bozulmaması ve Bakanlığa bilgi verilmesi kaydıyla, kültür merkezlerinin sınıflandırma ve belgelendirilmeye esas asgari bölümlerinin dışında kalan birimleri kiraya verilebilir.

Belgeli yatırım ve girişimler, yıllık faaliyet raporlarını bir sonraki yılın ocak ayı içerisinde Bakanlığa bildirmekle yükümlüdürler.

Devir ve faaliyetin sona ermesi hallerinde teşvik hükümleri

Madde 10- Belgeli yatırımı veya girişimi Bakanlığın izni ile devralanlar da kalan süre için bu Kanun hükümleri çerçevesinde teşvik ve indirim uygulamasından yararlanırlar.

Yatırım veya girişimlere 213 sayılı Vergi Usul Kanununda belirtilen mücbir sebeplerle son verilmesi halleri hariç olmak üzere, bu Kanun uyarınca belge alan yatırımcılar veya girişimcilerin, faaliyetlerini sona erdirmeleri ve bir yıl içinde tekrar başlamamaları halinde, yatırım aşamasında yararlandıkları istisna, muafiyet ve hakların parasal tutarını ilgili mevzuat hükümleri gereğince ödemekle yükümlüdürler. İstisna hallerinde ödeme yükümlülüğünün

kaldırılmasına Maliye Bakanlığı ve Devlet Planlama Teşkilatı Müsteşarlığının uygun görüşü alınarak Bakanlıkça karar verilir.

DÖRDÜNCÜ BÖLÜM **Denetleme ve Cezalar**

Denetleme yetkisi

Madde 11- Belgeli yatırım veya girişimleri, bunların belgeye esas olan niteliklerini, bu niteliklerini koruyup korumadıklarını denetleme; bulunduğu yerin kültürel gereksinimlerini dikkate alarak kültür merkezlerini sınıflandırma ve belgelendirmeye esas asgarî bölümleri ile diğer bölümleri arasında farklı oranlar belirleme yetkisi münhasıran Bakanlığa aittir.

Bakanlığın gerek görmesi halinde belgelendirme, denetleme ve sınıflandırmaya esas oluşturacak tespitler, Bakanlıkça yetkili kılınacak gerçek veya tüzel kişilere de yaptırılabilir. Ancak, karar alma ve uygulama yetkisi Bakanlığa aittir. Bu kişilerin nitelikleri, seçilme usulleri, görev, yetki ve sorumlulukları, çalışma ile tespite yönelik usul ve esaslar; Bakanlık denetim elemanlarının görev, yetki ve sorumlulukları ile çalışma usul ve esasları Bakanlıkça çıkarılacak yönetmeliklerle belirlenir.(1)

Cezalar

Madde 12- Bu Kanuna ve bu Kanunun uygulanmasına ilişkin düzenleyici işlemlere aykırı hareket edenlere diğer mevzuattaki ceza hükümleri saklı kalmak kaydıyla aşağıdaki bentlerde belirtilen uyarma, para ve belge iptali cezaları uygulanır.

a) Uyarma cezası, kültür yatırımı veya girişimlerinin yönetim veya işletilmelerinde görülecek kusur, aksaklık ve eksiklikler için, belge sahibine denetim elemanlarının tespitleri doğrultusunda Bakanlıkça verilir.

b) Belge sahibine, yatırım veya girişimin nitelikleri veya nicelikleri dikkate alınarak, aşağıda belirtilen durumlarda ve miktarlar arasında:

1. Uyarma cezasına rağmen, gerekli düzeltmenin yapılmaması veya ilk cezanın tebliğinden itibaren bir yıl içerisinde yeni uyarma cezasını gerektiren fiil veya fiillerin tespiti ile bu Kanunda belirtilen veya Bakanlıkça istenilen bilgi veya belgelerin süresi içerisinde verilmemesi veya yanıltıcı bilgi veya belge verilmesi hallerinde birmilyar lira.

2. Bakanlığa bilgi verilmeksizin, girişim belgeli tesisin tamamının veya kültür merkezlerinde kültürel faaliyetlerin yürütüldüğü belgelendirmeye esas bölümlerin, bir yıl içinde aralıksız olarak doksan günden fazla süreyle kapalı tutulması halinde birmilyar lira,

(1) Bu fıkrada yer alan "... Bakanlık denetim elemanlarının görev, yetki ve sorumlulukları ile çalışma usul ve esasları ..." ibaresi, Ana.Mah.nin. 8.12.2004 tarihli ve E.:2004/84, K.: 2004/124 sayılı Kararı ile iptal edilmiş olup, iptal Kararının sonuçsuz kalmaması için Kararın Resmi Gazete'de yayımlanacağı

güne kadar 8/12/2004 tarihli ve E.:2004/84, K.:2004/14 sayılı(Yürürlüğü Durdurma) Kararı ile yürürlüğü durdurulmuştur.

3. Yazı, reklâm, afiş, broşür ve benzeri araçlarla Bakanlığın veya üçüncü kişilerin yanıltılması veya yanıltıcı unvan kullanılması veya taahhüt edilen hizmetin verilmemesi veya eksik verilmesi halinde özel hükümler saklı kalmak kaydıyla ikimilyar lira,

4. Belgeli tesiste bulunanların can veya mal güvenliğinin sağlanmasında, belge sahibi veya tesis sahibi veya sorumlusu veya personelin kusuru veya ihmaliyle işletmede suç işlendiğinin tespiti halinde, özel hükümler saklı kalmak kaydıyla ikimilyar lira,

5. Bu Kanun ve ilgili mevzuatta yer alan diğer teşvik unsurlarından yararlanan belge sahiplerinin teşvik unsurlarını, amacı dışında kullanmaları halinde ikimilyar lira.

6. Genel sağlık açısından tesisin vasıflarını önemli ölçüde yitirmiş olduğunun tespiti halinde ikimilyar lira,

7. Belgeli yatırım veya girişimin belgelendirmeye esas vasıflarını yitirmiş olduğunun tespiti halinde ikimilyar lira,

8. Bakanlıktan tahsisli yatırım veya girişimin, tahsis koşulları saklı kalmak kaydıyla, izinsiz olarak tümünün veya bir kısmının devredilmesi, kiraya verilmesi, şirket ana sözleşmesinin, ortaklık statüsünün veya yapısının, değiştirilmesi hallerinde ikimilyar lira,

Para cezası uygulanır.

Para cezaları; ilk para cezasının tebliğinden itibaren bir yıl içinde ikinci kez para cezası gerektiren hallerde, uygulanmış olan birinci para cezası ile ikinci para cezası toplamına esas teşkil eden tutar kadar, üçüncü kez para cezasını gerektiren hallerde ise, uygulanmış olan birinci ve ikinci para cezaları ile üçüncü para cezasının toplamı kadar verilir.

Bu maddedeki para cezalarının uygulanmasına dair, denetim elemanları tarafından düzenlenen ceza tutanağı, yedi gün içinde ödenmek üzere, Bakanlıkça ilgili yatırımcı veya girişimciye tebliğ edilir. Bu süre içinde ödenmeyen para cezası, 6183 sayılı Amme Alacaklarının Tahsil Usulü Hakkında Kanuna göre Maliye Bakanlığınca tahsil edilir.

Bu bendin (5) numaralı alt bendi uyarınca para cezası verilmesi, 213 sayılı Vergi Usul Kanunu hükümlerine göre tarhiyat yapılmasına engel teşkil etmez. Dava açılması para cezasının tahsilini durdurmaz. Bu bentte yer alan para cezalarının tutarı her yıl Maliye Bakanlığınca ilân edilen yeniden değerlendirme oranında artırılır. Bakanlar Kurulu bu bentte yer alan para cezalarını iki katına kadar artırmaya veya yarısına kadar indirmeye, yatırım veya girişimin nitelik veya niceliklerine göre bu sınırlar arasında farklı oranlar tespit etmeye

yetkilidir. Bu bendin uygulanmasına ilişkin usul ve esaslar Bakanlıkça çıkarılacak yönetmelikle düzenlenir.

c) K lt r yatırımı veya k lt r giriřimi belgesi:

1. İlk para cezasının tebliđinden itibaren bir yıl iinde d rd nc  kez para cezasını gerektiren bir durumun tespiti,
2. Belgeli tesisin faaliyetine son verilmesi,
3. Bu maddenin (b) bendinin (4) numaralı alt bendindeki Őartların gerekleřmesi ve tesisin aık kalmasının kamu g venliđi aısından sakınca yaratması,
4. Tesisin aık kalmasının veya giriřimin s rd r lmesinin k lt r varlıkları veya k lt rel deđerler aısından sakınca yaratması,
5. Bu maddenin (b) bendinin (6) ve (7) numaralı alt bentlerindeki durumlardan birinin gerekleřmesi sonrasında eksikliđin iki ay ierisinde giderilmemesi, Hallerinde Bakanlıka iptal edilir.

Para cezalarına karřı yedi g n iinde Bakanlıka itiraz edilebilir. Bakanlık, itiraz  zerine en ge bir ay iinde denetim elemanlarınca verilen para cezalarını, aynen veya deđiřtirerek kabul edebilir veya kaldırabilir.

BEŐİNCİ B L M **Deđiřtirilen H k mler**

Madde 13- (16.4.2003 tarihli ve 4848 sayılı K lt r ve Turizm Bakanlıkı TeŐkilat ve G revleri Hakkında Kanun ile ilgili olup yerine iŐlenmiŐtir.)

Madde 14- (19.6.1979 tarihli ve 2252 sayılı K lt r Bakanlıkı D ner Sermaye Kanunu ile ilgili olup yerine iŐlenmiŐtir.)

Madde 15. — Bu Kanunda belirtilen y netmelikler Kanunun yayımı tarihinden itibaren bir yıl iinde ıkarılır.

Geici Madde 1- K lt r merkezlerinden, halen inŐaatı devam etmekte olup bu Kanun kapsamında tahsisi Bakanlıka uygun g r lenlerin, ihale s zleŐmeleri feshedilerek tasfiye koŐulları uygulanabilir.

Y r rl k

Madde 16- Bu Kanunun 5 inci maddesinin (b), (c) ve (d) bentleri yayımını izleyen aybaŐında, 5 inci maddesinin (a) bendinin (2) numaralı alt bendi 1.1.2005 tarihinde, diđer maddeleri yayımı tarihinde y r rl đe girer.

Y r tme

Madde 17- Bu Kanun h k mlerini Bakanlar Kurulu y r t r.

**BAZI KANUNLARDA VE 178 SAYILI KANUN HÜKMÜNDE
KARARNAMEDE DEĞİŞİKLİK YAPILMASI HAKKINDA KANUN**

Kanun Numarası: 5228

Kabul Tarihi: 16.07.2004

d) Genel ve özel bütçeli kamu idareleri ile il özel idareleri ve belediyeler, köyler ve kamu yararına çalışan dernekler, Bakanlar Kurulunca vergi muafiyeti tanınan vakıflar ve bilimsel araştırma faaliyetinde bulunan kurum ve kuruluşlar tarafından yapılan ya da Kültür ve Turizm Bakanlığınca desteklenen veya desteklenmesi uygun görülen;

i. Kültür ve sanat faaliyetlerine ilişkin ticari olmayan ulusal veya uluslararası organizasyonların gerçekleştirilmesine,

ii. Ülkemizin uygarlık birikiminin kültürü, sanatı, tarihi, edebiyatı, mimarisi ve somut olmayan kültürel mirası ile ilgili veya ülke tanıtımına yönelik kitap, katalog, broşür, film, kaset, CD ve DVD gibi manyetik, elektronik ve bilişim teknolojisi yoluyla üretilenler de dahil olmak üzere görsel, işitsel veya basılı materyallerin hazırlanması, bunlarla ilgili derleme ve araştırmaların yayınlanması, yurt içinde ve yurt dışında dağıtım ve tanıtımının sağlanmasına,

iii. Yazma ve nadir eserlerin korunması ve elektronik ortama aktarılması ile bu eserlerin Kültür ve Turizm Bakanlığı koleksiyonuna kazandırılmasına,

iv. 2863 sayılı Kültür ve Tabiat Varlıklarını Koruma Kanunu kapsamındaki taşınmaz kültür varlıklarının bakımı, onarımı, yaşatılması, rölöve, restorasyon, restitüsyon projeleri yapılması ve nakil işlerine,

v. Kurtarma kazıları, bilimsel kazı çalışmaları ve yüzey araştırmalarına,

vi. Yurt dışındaki taşınmaz Türk kültür varlıklarının yerinde korunması veya ülkemize ait kültür varlıklarının Türkiye'ye getirilmesi çalışmalarına,

vii. Kültür envanterinin oluşturulması çalışmalarına,

viii. 2863 sayılı Kanun kapsamındaki taşınır kültür varlıkları ile güzel sanatlar, çağdaş ve geleneksel el sanatları alanlarındaki ürün ve eserlerin Kültür ve Turizm Bakanlığı koleksiyonuna kazandırılması ve güvenliklerinin sağlanmasına,

ix. Somut olmayan kültürel miras, güzel sanatlar, sinema, çağdaş ve geleneksel el sanatları alanlarındaki üretim ve etkinlikler ile bu alanlarda araştırma, eğitim veya uygulama merkezleri, atölye, stüdyo ve film platosu kurulması, bakım ve onarımı, her türlü araç ve teçhizatının tedariki ile film yapımına,

x. Kütüphane, müze, sanat galerisi ve kültür merkezi ile sinema, tiyatro, opera, bale ve konser gibi kültürel ve sanatsal etkinliklerin sergilendiđi tesislerin yapımı, onarımı veya modernizasyon çalışmalarına,

İlişkin harcamalar ile bağış ve yardımların % 100'ü (Bakanlar Kurulu, bölgeler ve faaliyet türleri itibariyle bu oranı yarısına kadar indirmeye veya kanunî oranına kadar çıkarmaya yetkilidir.).

**745 nolu İlke Kararı) Ören Yerleri ve Ören Yerlerinde Bulunan
Arkeolojik Taşınmaz Kültür Varlıklarının, Bakanlıkça Tüzel Kişilere 5225
ve 5228 sayılı Kanunlar Kapsamında Kullanılabileceği hakkında İlke
Kararı**

KÜLTÜR VE TABİAT VARLIKLARINI KORUMA

YÜKSEK KURULU İLKE KARARI

Toplantı No. ve Tarihi : 79 22/7/2008 Toplantı Yeri

Karar No. ve Tarihi : 745 22/7/2008 ANKARA

Arkeolojik sit alanlarındaki tahsislerle ilgili olarak; alanı ihya etmek veya alanda bulunan mimari yapıları restore etmek üzere tahsisine ilişkin konunun bir komisyon tarafından yapılacak çalışma sonrasında değerlendirilmesi hususundaki Kültür ve Tabiat Varlıklarını Koruma Yüksek Kurulunun 26/5/2008 tarih ve 741 sayılı kararı gereğince oluşturulan komisyonca hazırlanan rapor okundu, açıklamalar dinlendi, yapılan değerlendirmeler sonucunda;

Ören yerleri ve ören yerlerinde bulunan arkeolojik taşınmaz kültür varlıklarının; koruma bölge kurulunca uygun bulunan koruma amaçlı imar planı, çevre düzenleme projesi dahil her ölçekteki projeler doğrultusunda yönetim alanı ve yönetim planı göz önünde bulundurularak, varsa kazı başkanı, yoksa müze müdürlüğü görüşleri alınmak suretiyle özel protokol maddeleri oluşturularak bakım, onarım, restorasyonu ve değerlendirilmesi amacıyla ziyaretçilere açık olmak üzere Bakanlıkça tüzel kişilere 5225 ve 5228 sayılı Kanunlar kapsamında kullanılabileceğine.

Ören yerlerinde bilimsel kazıların devam etmesi ve alanda bulunan yapıların korunması konusunda ihtiyaç duyulan mekânların (laboratuvar, atölye, depolama, sergileme üniteleri vb.), kazı evi, denetimli şantiye, meydan tanzimi, güvenlik ve satış üniteleri, kafeterya, açık otopark, tuvalet, bilet gişeleri vb. uygulamaların geçici olarak ilgili koruma bölge kurulunun izni ile yapılabileceğine, 5/11/1999 tarih ve 658 sayılı ilke kararının ilgili bölümlerinin de bu çerçevede değerlendirilmesi gerektiğine, karar verildi.

KÜLTÜR VE TURİZM BAKANLIĞI
KÜLTÜR VE TABİAT VARLIKLARINI KORUMA
YÜKSEK KURULU

Toplantı No. ve Tarihi : 72 04.10.2006
Toplantı Yeri

Karar No. ve Tarihi : 717
04.10.2006 ANKARA

İLKE KARARI

**BARAJ ALANLARINDAN ETKİLENEN TAŞINMAZ KÜLTÜR
VARLIKLARININ KORUNMASI**

Su kaynaklarına sahip ülkemizde, baraj projeleri ekonomik kalkınma açısından önemli bir potansiyel oluşturmaktadır. Ülke topraklarının çok sayıda ve çeşitli kültür mirasını barındırdığı göz önüne alındığında, yapılması planlanan baraj alanlarında kalacak olan taşınmaz kültür varlıklarının korunmasını sağlamak amacıyla, bu alanların koruma ve kullanma dengesi kapsamında değerlendirilmesi gerekmektedir.

Ülkemizdeki su kaynaklarının doğru ve yerinde kullanılması için yapımı zorunlu görülen baraj alanları içinde kalan taşınmaz kültür varlıklarının ve arkeolojik sit alanlarının koruma ve kullanma koşulları ile ilgili olarak:

1- Baraj yapılması planlanan alanlarda, Üniversitelerden ve Bakanlık uzmanlarından oluşacak bir heyet tarafından mevcut ve olası taşınmaz kültür varlıklarının çağdaş ve güncel bilimsel yöntemler aracılığıyla envanter ve belgeleme çalışmalarının yapılmasına, söz konusu alanda taşınmaz kültür varlıklarının ve arkeolojik sit alanlarının bulunması halinde Enerji ve Tabii Kaynaklar Bakanlığı (D.S.İ.) tarafından planlanan alanın dışında baraj alanı olarak başka yerlerin planlamasının yapılmasına.

2- Planlanan alanın dışında başka bir yerde yapılmasının mümkün olmadığı Enerji ve Tabii Kaynaklar Bakanlığınca (D.S.İ.) teknik, idari ve bilimsel açıdan tespit edilmesi sonucunda barajların, taşınmaz kültür varlıklarının ve arkeolojik sit alanlarının bulunduğu alanlarda yapımının zorunlu olması durumunda;

a) Barajdan etkilenecek veya baraj suları altında kalacak taşınmaz kültür varlıklarının korunmasına yönelik uygulamayı belirlemek üzere alanın büyüklüğü ve özelliğine göre Kültür ve Turizm Bakanlığı ile Enerji ve Tabii Kaynaklar Bakanlığı (D.S.İ.) tarafından, üniversitelerin konuyla ilgili öğretim üyelerinin (arkeolog, sanat tarihçi, şehir plancısı, mimar, jeolog ve restorasyon ve konservasyon uzmanı vb.) yer aldığı Bilim Komisyonu oluşturulmasına ve bu komisyonun baraj inşaatı sona erene kadar çalışmalarını sürdürmesinin sağlanmasına,

Any dam Project is subject to preliminary archaeological surveys. In the case of a presence of an archaeological settlement in the route of the dam, the route has to be reconsidered by DSI. If it is not technically possible to change the route, a scientific commission which is composed of academicians of related fields has to be brought together by Ministry of Culture and Tourism and DSI. The commission is supposed to prepare an emergency action plan in order to identify the cultural goods in the area. In the course of the plan, the documentation, excavation and land surveys are conducted at the expense of DSI.

b) Baraj alanında tespit edilen taşınmaz kültür varlıklarının niteliği ve yoğunluğu ile barajla ilgili diğer hususlar göz önüne alınarak Bilim Komisyonunca Acil Eylem Planının hazırlanmasına,

c) Acil Eylem Planının uygulanması ve bütçesi ile ilgili hususların Kültür ve Turizm Bakanlığı ile Enerji ve Tabii Kaynaklar Bakanlığı (D.S.İ.) arasında yapılacak bir protokol ile belirlenmesine,

d) Acil Eylem Planı kapsamında Bilim Komisyonu kararları doğrultusunda alandaki taşınmaz kültür varlıklarının tespit edilmesi amacıyla, öncelikli olarak çağdaş ve güncel bilimsel yöntemler aracılığıyla belgeleme ve kazı çalışmalarının yapılmasına, taşınmaz kültür varlıklarının rölövelerinin çıkarılmasına, taşınmaz kültür varlıklarının bulunduğu alanların jeolojik etütlerinin yapılmasına,

e) Bilim Komisyonunca yapılan çalışmaların değerlendirilmesi sonucunda elde edilen bilgi ve belgelere dayalı olarak alandaki taşınmaz kültür varlıklarının yerinde korunmasına, başka bir yere taşınmasına veya belgelenecek su altında bırakılmasına ilişkin önerilerin koruma bölge kuruluna sunulmasına,

f) Bilim Komisyonunun sunduğu öneri veya önerilerle ilgili koruma bölge kurulunca karar alınmasına.

Bu kapsamda taşınmaz kültür varlıklarının:

1) Yerinde korunmalarının uygun görülmesi halinde, buna ilişkin projelerin koruma bölge kuruluna sunulmasına,

2) Başka bir yere taşınmalarının uygun görülmesi halinde, mevcut yerleşim planı ve taşınacağı yere ilişkin 1/200 ölçeğinde hazırlanan öneri yerleşim planı ile uygulama projelerinin koruma bölge kuruluna sunulmasına,

3) Su altında bırakılmalarının zorunlu olduğu hallerde, hazırlanacak program çerçevesinde önem derecesine göre kazı, belgeleme, mimari dokümantasyonlar yanında yerleşimin ve tüm yapıların mekanlarını da kapsayacak şekilde dijital veri ve görsel kayıtlarının alınmasına, yerleşim planının çıkarılmasına, su altında kalacak taşınmaz kültür varlıklarının su sirkülasyonundan zarar görmemesi için alınacak tedbirlere ilişkin projelerin koruma bölge kuruluna sunulmasına,

g) Baraj alanlarında sürdürülecek kazı çalışması ve korumaya yönelik yapılacak her türlü harcama ile kamulaştırma

çalışmalarının Enerji ve Tabii Kaynaklar Bakanlığı(D.S.İ.) tarafından sağlanmasına,

h) Taşınmaz kültür varlıklarının korunmasına ilişkin projeler kapsamında yapılacak uygulamaların baraj inşaatına paralel olarak eş zamanlı yürütülmesine, bu projelerin uygulanması tamamlanana kadar barajların faaliyete geçmemesine,

i) Su altında kalacak taşınmaz kültür varlıklarının, baraj faaliyete geçtikten sonra belirli sürelerle su altı arkeologları tarafından incelenerek durumlarının tespit edilmesine,

j) Baraj alanındaki taşınmaz kültür varlıklarının korunmasına ilişkin çalışmalar sonucunda elde edilen bilgi ve belgelerin yayımlanmasına,

3- Bu ilke kararımızın alındığı tarihte yapımına başlanmış veya yapımı tamamlanmış, alanında taşınmaz kültür varlıkları ile arkeolojik sit alanları bulunan baraj inşaatlarında; taşınmaz kültür varlıklarının ve arkeolojik sit alanlarının korunmasına ilişkin önerilerin 2. maddenin (e) ve (f) bentlerinde belirtilen ilkeler doğrultusunda Enerji ve Tabii Kaynaklar Bakanlığı (D.S.İ.) tarafından proje halinde hazırlanarak değerlendirilmek üzere koruma bölge kuruluna sunulmasına, koruma bölge kurulunun alacağı karar doğrultusunda korumaya ilişkin uygulamaların ivedilikle gerçekleştirilmesine,

karar verildi.

Appendix B

Foundation Charter of Geyre Foundation

Appendix C

The Chart on the Privatization Facilities in Turkey,
<http://www.oib.gov.tr/yavinlar/yavinlar.htm>

1986 - 2008 DÖNEMİ GERÇEKLEŞTİRİLEN ÖZELLEŞTİRME İŞLEMLERİ

	1986 - 2006	2007	2008	TOPLAM
	(\$)	(\$)	(\$)	(\$)
	18.159.166.6		2.040.000.0	20.199.166.6
- Blok Satış	39	0	00	39
- Tesis/Varlık Satışı	2.525.240.73	2.295.982.8	2.255.540.6	7.076.764.25
- Halka Arz	3.341.559.62	1.838.642.9	1.911.000.0	7.091.202.61
- İMKB'de Satış	1.261.053.76			1.261.053.76
- Yarım Kalmış Tesis Satışı	4.368.792	0	0	4.368.792
- Bedelli Devirler	491.726.230	124.003.83	89.245.469	704.975.538
	25.783.115.7	4.258.629.6	6.295.786.1	36.337.531.5
TOPLAM	95	59	43	97

Appendix D

Photographs and logos that are used by sponsor companies to display the sites that they support:

1. Siemens – Troia Excavations

<http://www.siemens.com.tr/web/221,1322,1,1/siemens_tr/microsite_kurumsal_sosyal_sorumluluk/kultursanat/troia>



2. Aygaz – Sagalassos Excavations

<http://www.aygaz.com.tr/toplumsal_sorumluluk/content/sosyal/kultursanat_cekme.aspx>



3. İdaş – Parion Excavations

http://www.icdas.com.tr/icdas/etkinlik_kemer_tr.htm



4. Efes Pilsen- Assos

<http://www.efespilsen.com.tr/etkinlikler/default.aspx?SectionId=32>



5. Yapı Kredi – atalhyk and Aphrodisias

http://www.yapikredi.com.tr/tr-TR/kss/kssp_catalhoyuk.aspx





- From the Çatalhöyük Exhibition, Yapı Kredi, 2006
http://www.yapikredi.com.tr/tr-TR/kss/kssp_catalhoyuk.aspx

Soguk algınlıkları için



MİLLİYET, Türk kamuoyunu 4 milyon lirası hâlâ sağlanamayan kurtarma işine katılmaya çağırıyor



6 bin yıllık eserler için kampanya açıyoruz



Keban'daki hazineler için yapılacak bağışlar, Gelir ve Kurumlar Vergisi kazançlarından indirilecek.

ANAKKALE ANITI «Eski Anadolu'nun Tarihini ve Atatürk'ün Türkiye'ye kazandırdığı değerleri gelecek nesillere aktarmak için Milliyet, Türkiye'nin en büyük eserleri için kampanya açıyor. Bu kampanya ile 6 bin yıllık eserlerin kurtarılması için yapılacak bağışlar, Gelir ve Kurumlar Vergisi kazançlarından indirilecek.



Birkaç hafta önce Vietnam Kuvvetleri bir Vietkong saldırısı sonucu...

Vietkong 20 şehire saldırdı

Beklenen büyük saldırı sonuçlanarak Güney Vietnam kuvvetleri Genel Korongörü bombalandı.



BREJNEV: "KOMUNİZM MERKEZDEN YONETİLMEMEĞEK"

BRUSSELS, 14 Ocak (AP) - Sovyetler Birliği Devlet Başkanı Brejnev, Komünizm'in merkezden yönetilmeyeceğini söyledi.

karşı suçun askerî neye sevki istendi

Yayın Kurulu tarafından hazırlanan taslak, Askerî Şura'da...



Bölgedeki 2 cami de taşınacak

Özellikle şifalı ODTÜ'de bulunan binaların, çeşitli sivilardan çalışmalarına...

ANKARA, 14 Ocak (AP) - Ankara'da bulunan binaların taşınması için...

Koc: «Otomobillerimiz 1970 de yerli mal mofetlarla çıkacak»

ANKARA, 14 Ocak (AP) - Türkiye'nin otomobil...

YIKILIRMIYOR

Yüksek Hükümet, Hükümetin...

Yüksek Hükümet, Hükümetin...



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RESMİ SENEDİ



GEYRE VAKFI
APHRODISIAS KAZILARI
RESMİ SENEDİ



Tadil Tarihi ve Numarası:
07.09.2005, 55320 Kachıköy 4. Noteri
30.12.2005 T.C. Sarıyer İ. Ės. Huk. E.2005/184, K.2005/580
sayılı karar ile tadil edilmiş resmi senettir.
Vakıf Kuruluş Senedi 28 Ocak 1987
3459 T.C. Beyođlu 10. Noteri

ÖNSÖZ

Profesör Kenan Erim'in, Aydın ili Geyre köyünde sürdürdüğü önemli çalışmalarla yakından ilgilenen bir dostlar grubu, 1985 yılının bir sonbahar gününde İstanbul'da toplanarak çok ilginç sonuçlar veren bu girişime mümkün olan en geniş mali destek sağlamak çarelerini görüştüler. Geyre kazıları antik Afrodisiyas kentinin kalıntılarını ortaya çıkarmıştı. Bu kişiler ayrıca, Türkiye'nin en büyüleyici kazı yerlerinden biri olan Geyre'nin bütünlüğünü korumak gerektiğini de düşünüyorlardı. Tipik bir Batı Anadolu manzarasının mavi göğü altında, görkemli dağ silsilelerine açılan ve yumuşak meyilli tepelerle çevrili yüksek bir yaylada, mermerden yapılmış muhtesem bir kentin abideleri, buğday ve tütün tarlaları içinden, bostanlardan, meyva bahçelerinden yükseliyordu. Yirmialtı yıllık bir zaman içinde, bazı kuruluşların ve özel kişilerin sağladıkları mütevazı mali katkılarıyla, Profesör Erim mucizeler yaratmıştı ve karşılaştığı bazı cesaret kırıcı güçlüklerle rağmen, yöntemli ve sabırlı çalışmalarını sürdürmeyi başarmıştı. Müzeler ve Eski Eserler Müdürlüğümüz, her yıl idrak edilen güzel heykel, ilginç arkeolojik kalıntı hasatlarını barındırmak için, açılışı 1979'da yapılan bir müze inşa etmişti Geyre'de.

Maalesef, kazı için resmi veya özel kaynaklardan sağlanan katkılar, genellikle arkeologlara mali sıkıntılarını unutturacak miktarda olmuyor. Arkeologlar, mali kaygılardan kurtularak serbestçe çalışamazlar! Kazmanın toprağa her vuruşu yeni buluşlar, dolayısıyla yeni sorumluluklar getirdiğinden, arkeologlar tabii olarak çalışmalarının devamını sağlayacak mali imkanları ve kazı mahallerinin korunması çarelerini, düşünmek mecburiyetindedirler.

İstanbul'da yapılan bu toplantıya katılan kişiler, Prof. Erim'in Afrodisias'daki çalışmalarına destek sağlamanın en iyi yolunun, Türk mevzuatı çerçevesinde, gayesi bu önemli arkeolojik girişimi desteklemek ve –konferans, sergi, kolokyum gibi faaliyetlerle– daha iyi tanıtmak olan bir vakıf kurmak olacağı sonucuna vardılar. Gerçekten, antik kent Afrodisias'ın, Türkiye'nin ve Roma devri Akdeniz dünyasının birinci derecede önemli kalıntıları arasındaki mevkiinin artık tanıtılması, bilinmesi ilginç buluşlarını bu konularla ilgilenen kişilere tanıtmakla beraber, Vakıf gayelerinin gerçekleştirilmesinde faal bir rol oynayabilecek sanatseverlerin ve tarih meraklılarının da dikkatlerini çekmenin uygun olacağını düşündüler.

Başka düşünceler de kurucuları, Afrodisias kazılarının önemi üzerinde durmaya ve bu vakıf projesini benimsemeye yöneltti. Bugüne kadar meydana çıkarılan ilginç abidelere, sanat eserlerine ve epigrafik doküman bolluğuna bakılırsa, Afrodisias'ın gerçekten görkemli bir kent, eski Karya'da (İzmir'e 240 kilometre uzaklıktadır) Roma devrinin, bir takım özelliklere sahip muhteşem bir megapolis'i olduğunu kabul etmek gerekiyor. Yeni keşfedilen odeon'u, tiyatrosu ve stadyumu, klasik dönemin en iyi durumda kalan abideleri arasında yer almaktadır. Bundan sonraki kazıların, Roma devrinin çok görkemli bir kentini ortaya çıkarmasını bekleyebiliriz. Bu kentin ayrıca daha eski kökleri, daha eski bir geçmişi olduğu da anlaşılmaktadır. Daha önemlisi, Milat'tan önce I inci yüzyıldan Milat'tan sonra V inci yüzyılın sonuna kadar, Afrodisias'ın sanat eserleri yaratan ve üreten bir merkez oluşudur. Afrodisias atölyeleri, kent yakınlarındaki beyaz ve mavi-gri mermer ocaklarını kullanarak, yüksek kaliteli heykeltıraş eserleri yaratmışlar ve işlenmiş ve yarı işlenmiş heykellerini Roma İmparatorluğu'nun bütün bölgelerine ve tabii, Roma'ya da, sevketmişlerdir. Gerçekten, kazıların bu Karya kentinin heykeltıraş

sanatının bir merkezi olduğunu ispatlamasından iki yüzyıldan uzun bir müddet evvel, bir Afrodisiaslı sanatçı tarafından yapıldığı saptanan (ve bu sanatçının imzasını taşıyan) ilk heykellerden biri 1736'da, Roma'nın yakınlarında bulunan İmparator Hadrian'ın Tivoli'deki villasında keşfedilmişti. Afrodisias kentinde hellenistik heykeltıraş sanatını kendine özgü biçimde koruyan, bununla beraber orijinal bir üslupta eser üreten bir merkezin, Bizans devrinin başlangıcına kadar devam ettiğini artık kesinlikle öğrenmiş bulunuyoruz. Bu uzun dönem içinde bu merkez tarafından üretilen yapıların bizim için ayrı bir önem taşıdığını söyleyebiliriz, zira bunlar antik sanatın pek iyi bilinmeyen taraflarını aydınlatıyor.

Bir vakıf kurmak inisiyatifini alan kişiler aynı zamanda-ve bu mülâhaza ötekilerden daha az önemli değildir!-, Türkiye topraklarında yeseven bütün tarihi dönem kalıntılarını keşfetmek ve korumak için yapılan çalışmaları, imkanları ölçüsünde desteklemenin kendileri ve vatandaşları için, bir görev olduğunu düşünmüşlerdir. Zira eski uygarlıklara tanıklık yapan bu kalıntılar, beşeriyetin ortak kültür mirasının bir parçasıdır.

Bu "Afrodisias dostları" toplantısının yarattığı heyecanının kısa zamanda yayıldığını gördük. Gerçekten, Türk mevzuatı çerçevesinde bir vakıf kurmak fikri ileri sürüldükten hemen sonra, mali imkanlara sahip bazı kişiler, mevzuat gereğindedir gerekli mal varlığının oluşmasını sağlayan bağışlarda bulundular. Bu cömert kişilerin isimleri, bu kitapçıkta yayımlanan Vakıf Senedinin ayrı bir maddesinde minnettarlıkla yazılmıştır. Bu suretle kurulan Geyre Vakfı, kanuni varlığına 28 Ocak 1987'de kavuşmuştur.

Geyre Vakfının bütün üyeleri, meslek sahibi veya sürekli uğraşları olan kişiler oldukları halde, Vakfın gayelerine yardımcı olmak cabalarına

mümkün olduğu kadar zaman ayırmaya kararlıdır. Bu konudaki taahhütlerinin, Türkiye'de ve dışarıda sanat ve arkeoloji ile ilgilenen kişilerin aynı yolda gayret sarfetmeye teşvik edeceğini ve önemli bir davaya gerekli desteği sağlayacağını ümid ediyorlar. Senet'te görüldüğü gibi Geyre Vakfı, başka Afrodisias hayranları tarafından kurulan gruplar ve derneklerle yakın ilişkiler ve bağlar kuracaktır tabii. Şimdiden üç derneğin –Amerika'da, İngiltere'de ve Fransa'da– kurulmuş bulunduğunu memnuniyetle bildirmek isteriz.

Afrodit kentinin ne zaman ve nasıl tanrıçanın koruyucu himayesine girdiğini ve ismini aldığını açıklıkla bilmiyoruz. Afrodit isminin geç helenistik dönemde (yani M.Ö. II inci yüzyılın ikinci yarısında) veya Anadolu Roma dönemi başlangıcında alındığını tahmin edebiliriz. Daha eski bir devirde, Yakın Doğulu vasıfları da olan ve daha sonra Yunan Afrodit'i ve nihayet Romalı Venüs'le birleşen başka bir doğa, bereket ve aşk tanrıçasına, muhtemelen Karya'nın bu bölgesinde tapınılıyordu. Gerçekten muhtemeldir ki, M.Ö. II inci yüzyılın ikinci yarısında, romalıların, Afrodit'in Trovalı prens Ankiz'den olan oğlu Encas ahfadından oldukları hususundaki inançlarını bilen bu bölge halkı, tanrıçalarını ve dolayısıyla kendilerini de Roma'ya yaklaştıran bu bağları ortaya koymak istemiş olsunlar. Bu ilişkiler diktatör Julius Ceasar ve daha sonra imparator Augustus olan küçük yegeni Octavius'un iktidara ulaşmaları ile yeni bir anlam kazanmıştır, zira Roma'ya hakim olan bu devlet adamları, Encas'ın oğlu olarak bilinen Julius'un kurduğu Julia ailesine mensup idiler.

Kolayca anlaşılır politik nedenlerden dolayı Octavius-Augustus, ailesinin bu iddiasına ve J. Ceasar'la akrabalığına büyük önem vermiştir. Bu durumda, ailesinin soybaşı tanrıçanın ismini taşıyan ve bağlılığından memnun olduğu Karya

sitesine, özgür ve vergiden muaf bir statu verilmesini kararlařtırmıř olmasını tabii görmeliyiz.

Bizim bugün, sevgili kentlerine büyük iyiliklerde bulunan Augustus ve halefleriyle rekabet edebilmemiz bahis konusu deęil, tabii. Ancak "Afrodisias dostlarının", nerede bulunurlarsa bulunsunlar, geçmişte tanrılar ve imparatorlar tarafından himaye edilen Afrodisias'ın, Akdeniz'in kültür hazinesinin çok değerli bir mücevheri olduğunu ve hak kazandıęı ayrıcalıklı statünün korunması gerektiğini hiç bir zaman hatırdan çıkarmayacaklarını ümid ederiz.

Bütün bunlar, imparator Augustus'un ünlü vasiyetnamesinin tam metninin, Anadolu yaylasının biraz daha içerisinde, Türkiye'nin baskenti Ankara'da imparatora ithaf edilen mabed duvarları üzerinde kazılı olduğunu da bize hatırlatıyor. Bu mabed kalıntıları, zaman içinde onu korumuř olan başka bir mabed duvarlarından destek buluyor bugün, XV inci yüzyıl başında Bayrami tarikatının kurucusu müslüman Ermiş Hacı Bayram Veli camiinin duvarlarına dayanıyor Augustus mabedi! Uzaktan bakılınca, yeri ufukta çizgileyen minarenin camiyeninmi, yoksa tapınak duvarların içinden mi yükseldięi sezilemiyor. İlginç bir tesadüf eseri olarak, vakfın başkanlığına seçimle getirilen kişi, Büyükelçi Fuat Bayramoęlu, düz bir şecere çizgisiyle Veli'nin bugünkü torunudur. Eski uygarlıklar ülkesi olan Anadolu'da, Tarih dokusunun içiçe örülmüş ve karışmış iplikleri, ilginç ve çekici motifler meydana getirmişlerdir!

BÖLÜM I

Vakıf Kuruluş Senedi 28 Ocak 1987 3459 T.C. Beyoğlu 10. Noter
T.C. Sanyer 1. Asliye Hukuk Mahkemesi tarafından 30.12.2005 tarih
E.2005/184 ve K.2005/580 sayılı kararı ile
Vakıf tadil edilen senedi 07.09.2005 tarih, 55320 Kadıköy 4. Noter

MADDE 1) Vakfın Adı

Vakfın adı GEYRE VAKFI'dır. AFRODISIAS KAZISI

MADDE 2) Vakfın İkametgahı

Vakfın merkezinden ikametgahı: Sadberk Hanım
Müzesi, Piyasa Caddesi No. 25/29 Sanyer, İstanbul'dur.

MADDE 3) Vakfın Gayesi, Çalışma Konuları

Vakfın adı "Geyre Vakfı, Afrodisias Kazısı

a) Aydın ili, Karacasu İlcesi Geyre Köyüdeki antik
kent Afrodisias'ın arkeolojisi üzerinde yapılacak
bilimsel araştırmaları ve incelemelerini
desteklemek, bu amaçla kurslar vermek yurt içi
ve dışında bilimsel konferanslar tertipleme veya
tertiplenen konferanslara katılmaya YARDIMCI
OLMAK, Buradan çıkan eserlerin derlenmesinde,
onarılmasında, Türk kültür ve turizmine
kazandırılmasına maddi manevi yönden yardımcı
olmak Afrodisias kenti kazılarında çıkan eserlerin
yurt içi ve dışında sergiler açmak veya Afrodisias
'ta yapılan çalışmalarda ilgili resmi merciler ile
işbirliği yapılarak ve onların müsadesi ile her
türlü bilimsel maddi ve manevi yardımda
bulunmak, bu çalışmaların yürütülmesini
sağlayacak personelin yetiştirilmesine yardımcı
olmak.

b) Vakıf yukarıdaki gayelerini gerçekleştirmek üzere
yasal sınırlamalar dahilinde tasınır ve tasınmaz
mallara şartlı veya şartsız bağış, vasiyet, satın
alma ve kiralama suretiyle sahip olma ve
kullanmaya, Vakıflara ilişkin yasa hükümleri
uyarınca sahip oldukları satmaya, devir ve ferag
etmeye, gelirlerini almaya ve harcamaya; Vakıf
amaç ve hizmet konularına aykırı olmamak koşulu
ile yapılacak şartlı veya şartsız bağış, vasiyet, satın
alma diğer yollarla sahip olduğu tasınır ve
tasınmaz mal ve paraları yönetim kullanım ve
tasarrufa; vakfın amaçlarına benzer çalışmalarda
bulunan yurt içi ve yasal gereklilikler yerine
getirilmek suretiyle yurt dışındaki vakıflar,
dernekler ve sair gerçek ve tüzel kişiler, kamu
kurum ve kuruluşlarla 5072 sayılı kanuna aykırı
olmamak şartıyla iş birliği yapmaya; bunlardan
teknik ve maddi yardım almaya, eser mübadeleleri

yapmaya; Vakıf amaç ve hizmet konularını gerçekleştirmek için gerektiğinde ödünç almaya, kefalet rehin ipotek ve diğer Vakfın amacına uygun olarak yürütülen ve yürütülecek projelerden gelir elde etmeye; Vakfa gelir sağlamak amacıyla olağan işletme ilkelerine göre çalışacak iktisadi işletmeler, şirketler, ortaklık haklarını kullanmaya, Vakfın amaç ve hizmet konularının gerçekleştirilmesi için yararlı ve gerekli görülen girişim, tasarruf, mal edinme, satış inşaat ve benzeri sözleşmeleri yapmaya Türk Medeni Kanunu ve ilgili mevzuatta belirtildiği üzere izinli ve yetkilidir. Vakıf bu yetki ve gelirlerini Türk Medeni Kanunu ile yasaklanan maksatlarla kullanamaz.

- c) Vakıf özellikle AFRODISIAS KAZISI na ait arkeolojik eserleri sergilemek üzere müze sergi mahalli açmak ve işletmek, koleksiyonlar oluşturmak, bunları sergilemek, eserleri yazılı, sözlü, görüntülü araçlarla tanıtmak ve yaymak üzere gerekli her türlü işlemi yapabileceği gibi bu faaliyetlerin yapılması için gerektiğinde iktisadi işletmeler ve/veya şirketler kurabilir.

MADDE 4) Vakfedilen Mal ve Haklar:

Vakıflar Bankası Taksim Şubesindeki Geyre Vakfı hesabında bulunan 12.000.000.- (Onikimilyon)YTL tahsis edilmiştir.

MADDE 5) Bağışlar

Vakıf, amacının gerçekleştirilebilmesi için yapılıcak para, tasınır ve tasınmaz mal, menkul kıymet şeklindeki her türlü bağışı kabul eder. Bağışçılanan değerler bağışı yapanın arzusu veya Yönetim Kurulu'nun kararıyla ya Vakfın mal varlığına eklenir yada belli bir iş veya hizmetin yerine getirilmesine harcanır. Tasınır ve tasınmaz malların değerlerinin tespitinde rayic değerleri, menkul kıymetler değerlerinin tesbitinde, borsa değerleri esas alınır. Borsada kayıtlı olmayan veya kayıtlı olupda bağış tarihinden önceki son iki yıl içinde işlem görmeyen menkul kıymetler, yazılı değerleriyle değerlendirilirler.

Yapılacak bağışların nerelere harcandığı veya hangi maksada tahsis edildiği, bağışta bulunan kişilere belirtilmiş ise yapılan açıklamalara göre hareket edilir. Şu kadar ki bu gibi hallerde bağışın Vakfın amacına uygunluğuna ve belirtilen istegin gerçekleştirilebilme olanagının bulunup

bulunmadığına Yönetim Kurulu karar verir. Yönetim Kurulu uygun görmediği bu tür şartlı bağışlar kabul olunmaz.

BÖLÜM II

MADDE 6) Vakfın İdari Üzuvları

- a) Genel Kurul
- b) İdare Heyeti (Yönetim Kurulu)
- c) Denetleme Kurulu

MADDE 7) Vakfın Genel Kurulu ve Vakfın Başkanı:

a) Vakfın Genel Kurulu Üyeleri

- Vakfın bağlı bulunduğu Bakanlık Eski Eserler ve Müzeler Genel Müdürü
- Aydın Müzesi Müdürü
- Afrodiasias Müzesi Müdürü
- Vakıf senedi altında imzası bulunan aşağıdaki kişiler
- T.C. Vatandaşı Fuad Bayramoğlu
- " " Avni Akyol
- " " Ömer Aral
- " " Mustafa Hamit Batu
- " " Hasan Cem Boyner
- " " Sibel Fatma Çarmıklı
- " " Halil Kamil Fırat
- " " Cemile Garan
- " " Daimi Sevgi Gönül
- " " Hamdi Vural Gökçaylı
- " " Cem Hakkı
- " " Sennur Hamamcıoğlu
- " " Abdurrahman Hancı
- " " İzzet Hatem
- " " Ali Karacan
- " " Nevzat Karagözoglu
- " " Suna Kırac
- " " Hıranı Ara Kuyumuyan
- " " Rifat Turgut Menemencioglu
- " " Ahmet Suha Mermerci
- " " Ayse Güneş Öztarakçı
- " " Ayse Nafiz Silan
- " " Necmettin Sahir Silan
- " " Scher Güzin Tamaç
- " " Mehmet Baha Tanman
- " " Selçuk Yasar

- Vakfın kuruluşunda maddi ve manevi destekte bulunmuş aşağıdaki kişiler :

- T.C. Vatandası	Jack Amram
- "	" Erol Aksoy
- "	" Yascmin Avunduk
- "	" Sara Braunstayn
- "	" Ali Kocman
- "	" İlhan Nebioglu
- "	" Haluk Özсарuhan
- "	" Mustafa Taviloglu
- "	" Zeynep Tekeli
- "	" Nurettin Yardımcı

Kuruluşundan sonra Vakfa yararlı olacağına inanılan ve Vakfın gayesini destekleyeceği beklenen gerçek ve tüzel kişiler onur üyesi olarak Genel Kurul'a kaulabilirler. Onur üyesi olabilmek için İdare Heyetinin Teklifi ile Genel Kurul Üyelerinden istifa, vefat, medeni ehliyetin kaybı ve iç tüzükte belirtilecek hallerin gerçekleşmesi takdirde iskat nedeni ile boşalma olduğunda, yeni üye, ilk yapılacak Genel Kurul toplantısında ayrılan üyenin, üyelik sıfatını iktisabından itibaren bir ay içinde Yönetim Kurulu'na kapalı zarfla bildirmiş olacağı üç aday arasından gizli oyla seçilir.

b) Vakfın Onur Başkanı, Vakfın bağlı bulunduğu Bakan'dır. Vakıf Başkanı ise Yönetim Kurulunca seçilir. Başkan, Vakfı temsil eder.

MADDE 8) Genel Kurul Toplantıları

- İlk Genel Kurul tescilini izleyen 30 gün içinde, Vakfın merkezinde toplanır. Genel Kurul her yıl, aksine bir karar almadığı takdirde Kasım ayı içinde toplanır. Genel Kurul'un %20'sinin yazılı isteği üzerine Genel Kurul olaganüstü toplantıya çağrılabilir. Toplantılara davette gündemin belirtilmesi şarttır .
- Toplantının yeri ve zamanını Yönetim Kurulu tayin ederek Genel Kurul'a en az on gün önce yazılı olarak bildirir.
- Olaganüstü Vakıf Genel Kurul toplantıları Denetim veya Yönetim Kurullarının gerekli gördüğü hallerde de yapılır.

MADDE 9) Toplantıda Görülgülecek Konular ve Toplantı Nisabı:

- a) Toplantıda gündemde yer alan konular görüslür.
- b) Genel Kurul toplam üyelerinin salt çoğunluğu ile toplanır. İlk toplantıda yeter sayı sağlanmazsa ikinci toplantıda salt çoğunluk aranmaz ve kararlar toplantıya katılanların salt çoğunluğu ile alınır. Vakıf senedinde yapılacak değışiklik ve ilaveler hakkındaki kararlar Genel Kurul üyelerinin tümünün üçte iki çoğunluğu ile alınır.

MADDE 10) Genel Kurul Görev ve Yetkileri

- a) Vakfın Yönetim ve Denetim Kurullarının seçilmesi
- b) Vakıf Yönetim ve Denetim Kurullarının ibra edilmesi (Kurullar ibra edilmediğı takdirde durum ilgili mercilere duyurulur)
- c) Bütçenin görüşülüp karara bağlanması
- d) Uluslar arası faaliyette bulunmak için Bakanlar Kurulundan yetki istemek.
- e) Mevzuata ve Vakıf tüzüğünden Genel Kurul'ca yapılması öngörülen görevleri yerine getirmek
- f) Yönetim Kurulunun Vakıf adına girişeceği her türlü taahhüt işleri ile Vakfa ait taşınır ve taşınmaz mal ve menkul değerlerin alım, satım, takas, ipotek ve rehin işlerinde ve hertürlü alacaktan vazgeçme sulh ve ibra dahil Vakıf adına yapacağı yasal sınırlamalar dışındaki çeşitli tüm tasarruflarda Vakıf, organ ve görevlerinin yetki sınır ve esaslarını ve karar nisablarını belirlemek ve sınırları aşanlar hakkında karar vermek.
- g) İşbu Vakıf senedinde gerekli gördüğü ilave ve değışiklikleri yapmak. Şu kadar ki Genel Kurul bu vakıf senedinin 3. maddesinde yer alan hükümlerin özüne dokunacak biçimde herhangi bir ilave veya değışiklik yapamaz.

MADDE 11) Yönetim Kurulu

- a) Yönetim Kurulu 5 asil ve 5 yedek üyeden oluşur.
- b) Onur ve tabii üyelerin dışında kalan Yönetim Kurulu üyeleri, Genel Kurul tarafından en çok 3 yıl içinde gırlı oyla seçilir.
- c) Yönetim Kurulu kendi içinde görev taksimi yapar. Bir Başkan, bir Genel Sekreter ve bir Sayman

- seçer.Sayman ve Genel Sekreter Yönetim Kurulu üyeleri dışından da seçebilir.
- d) Yönetim Kurulu üyeleri T.C. uyruğunda olması esastır.
- c) Gündemi Yönetim Kurulu Başkanı hazırlar, gerekli hallerde gündem dışı konular da karara bağlanabilir.

MADDE 12) Yönetim Kurulu Göreve Yetkileri

- a) Vakıf genel durumu ve işlevleri hakkında gerekli kararları almak ve Vakfı temsil etmek
- b) Vakıf senedindeki hükümlere uygun olmak şartıyla Vakıf işlerinde uygulanacak gerekli yönetmelikleri ve iç tüzükleri hazırlamak
- c) Vakfı yönetmek ve temsil etmek ve Vakıf adına imzaya yetkili olanları tayin etmek
- d) Vakfa yapılıcak bağışları, Vakıf senedindeki şartlar dairesinde kabul ve red etmek
- e) MK. ile kendisine yüklenen görevleri yerine getirmek
- f) Gelecek döneme ait bütçeyi yaparak Genel Kurul'a sunmak
- g) Yönetim Kurulu gerekli gördüğü komiteleri kurabilir veya görevlerine son verebilirler. Komiteler kendilerine tevdi edilen işi yaparlarken, Yönetim Kuruluna karşı sorumludurlar.
- h) Yönetim Kurulu'nun yaptırdığı iş karşılığı ne ücret ödeneceğini tayin etmek
- ı) Vakıf leh ve aleyhinde açılacak davalarhakkında gereğini yerine getirmek

MADDE 13) Yönetim Kurulu Toplantı Zamanı ve Karar Yeter Sayısı

- a) Yönetim Kurulu en az 2 ayda bir önceden kararlaştırılan günlerde çağrısız olarak toplanılır.
- b) Başkan veya Genel Sekreter gerekli görürse Yönetim Kurulunu toplantıya çağırabilirler.
- c) Gündemi Genel Sekreter hazırlar
- d) Toplantılar salt çoğunlukla yapılır. Kararlar mevcudun çoğunluğu ile alınır.

MADDE 14) Yönetim Kurulu Başkanı ve Yetkileri

Vakıf Başkanı Yönetim kurulunun'da başkanıdır. Başkan olmadığı takdirde Başkan Vekili Başkanın yetkilerini kullanabilir.

Yetkileri:

- a) Vakfı temsil eder.
- b) Yönetim Kurulu kararlarının uygulanmasını sağlar.
- c) Vakıf faaliyetlerinin gerektirdiği işlerin yapılması için gereken kişileri görevlendirir. Yönetim Kurulu Başkanlığı boşaldığı hallerde Yönetim Kurulu ilk toplantısında aralarından birini Başkan seçer.

MADDE 15) Genel Sekreter Görev ve Yetkileri:

- a) Büro faaliyetlerini yürütür ve Vakfın işlerini kontrol eder, takip eder.
- b) Yönetim Kurulu'nun ve Yönetim Kurulu Başkanı'nın kendisine devrettiği faaliyetleri yürütür. Yetkileri Yönetim Kurulunca belirlenir ve Yönetim Kuruluna karşı sorumludur.

MADDE 16) Saymalık

Vakfın bütün hesapları ve malları ilgili işlemleri Genel Sayman tarafından yürütülür.

MADDE 17) Denetleme Kurulu

Denetleme Kurulu 3 asil ve 3 yedek üyeden oluşur. Denetleme kurulu Genel Kurul üyeleri arasından veya dışarıdan 1 yıl süre ile vazife görmek üzere seçilirler. Denetleme Kurulu kendi arasından başkanını seçer.

MADDE 18) Denetleme Kurulu Görev ve Yetkileri, Toplanma Zamanı

- a) Gelir ve gider hesaplarını muhasebe usulleri ile inceler.
- b) Denetleme Kurulu 6 ayı geçmeyen aralıklarla toplanır.

MADDE 19) Vakıf Gelirleri

- a) Gayrimenkul kirası, iratlar ve faizler
- b) Yapılan konferans, sergi defile, balo, eğlence, temsil, spor yarışması, turistik turlar, tertiplenen piyangolar, kermesler gibi faaliyetlerden elde edilen gelirler.
- c) Bağışlar
- d) Yardımlar
- e) Dışişleri Bakanlığının izni alınmak kaydıyla yabancı ülkelerde Afrodisias Kazılarında yardımda

bulunmak için kurulmuş derneklerce gönderilen yardım paraları

- f) Mecmua, dergi ve gazetelerde Afrodisias' la ilgili gelişmeleri anlatan resim ve yazıların satılmasından elde edilecek gelirler
- g) Afrodisias kenti ile ilgili yapılacak olan turistik eşyaların, yayınların ve benzeri etkinliklerin satışından elde edilecek gelirler.
- h) Vakfın iktisadi işletme ve ortaklıklardan sağlanacak gelirlerin tümü vakfın amaçlarına tahsis veya sarfedilir.

MADDE 20) Defter ve Kayıtlar

Vakıf gelirlerinin tahsisi ve mali uygulamalarıyla ilgili olarak aşağıdaki hususlara riwayet edilir

- 1) Yönetim Kurulu bir takvim yılında elde edilen, varsa vergiler hariç, brüt gelirlerin en az üçte ikisini Vakfın amaç ve hizmet konularına tahsis etmek zorundadır. 4962 sayılı kanunun 20. maddesindeki gelirlerin üçte ikisinin harcama mecburiyeti yerine yeni düzenlemeye uygun hareket eder.
- 2) Yönetim giderleri ile vakıf mal varlığını artırıcı harcamaları ve ihtiyatlarını toplamı brüt gelirlerin üçte birini geçmez. Gelirlerin üçte birlik kısmından yönetim giderleri ve mal varlığını arttırıcı harcamalara tahsis edilmeyen kısmı, ihtiyat olarak ayırmaya veya Vakfın amaç ve hizmetlerine tahsis etmeye Yönetim Kurulu yetkilidir.
- 3) Vakfın yıllık gelirlerini en az üçte ikisininin Vakfın amaç ve hizmet konularına ilgili yıl içinde harcanmasına esastır. Ancak elde edildiği yıl ertesi yıl Vakfın amaç ve hizmet konularına harcama imkanı bulunamayan tutarlar ertesi yıl sarfedilmek üzere gelir fazlasının tamamı sonraki yılın bütçesine konularak, bu miktardan yönetim gideri, ihtiyat ve mal varlığını arttırıcı yatırımlara pay ayrılmadan, bütçe yılında Vakfın amaç ve hizmet konularına tahsis edilir.
- 4) Vakıf, bilanço esasına göre gerekli defterleri tutar, yıllık bütçe, gelir gider hesapları ve bilançoları hazırlayarak ve mevzuatın öngördüğü ilgili makamlara gönderir.
- 5) Vakfın mali tabloları yetkili makamların düzenlemeleri çerçevesinde yeminli mali müşavirlere tasdik ettirilir.

MADDE 21) Yabancı Vakıf ve Kuruluşlarla İlişki

Vakıf yurt dışında iş bu Vakıf statüsüne yazılı konularla işgal eden kuruluşlarla ilişki kurabilirler. Bunun için Dışişler Bakanlığının olumlu görüşü üzerine Başbakanlıktan izin alınır.

MADDE 22) Vakfın Sona Ermesi

Vakıf Genel Kurulunca Vakıf amacına ulaşamayacağı anlaşılırsa Genel Kurul'ca feshine karar verilebilir. Bunun için Vakfın sona ermesi halinde mal varlığı Afrodisias kentindeki müzeye devredilir.

MADDE 23) Kurucuların Ücret Almamaları

Vakıf üyeleri görev ve Vakfa geçecek herhangi bir hizmetleri karşılığında ücret almazlar.

MADDE 24)

İşbu Vakıf senedi 28 Ocak 1987 tarihinde yukarıda ismi yazılı kişilerce imzalanmıştır.

Birinci Vakıf senedi tarihi: 28 Ocak 1987
Vakıf Senedi No.su: 3459-T.C. Beyoğlu 10. Noteri

Tadil edilen vakıf Senedi No.su: 553320-T.C. Kadıköy.
Noteri T.C. Sarıyer 1. Asliye Hukuk Mahkemesi
taafından 30.12.2005 tarih E.2005/184
veK.2005/580 sayılı kararı ile tadil edilmiştir.

Vita

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