

LAW ON NATIONAL PARKS

PART ONE

Purpose and Definitions

Purpose

ARTICLE 1 - The purpose of the present Law is to establish the principles governing the selection and designation of national parks, nature parks, natural monuments and nature reserve areas of national and international value, and protection, development and management of such places without spoiling their characteristics.

Definitions

ARTICLE 2 - The terms contained herein shall mean the following :

a) "National Park" is a natural area having, from scientific and aesthetic standpoints, both natural and cultural values of rare national and international standing, and natural, recreational and touristic sites,

b) "Nature Park" is a natural area containing characteristic vegetation and

wildlife features, and is suitable for recreation activities and repose of public in its scenic wholeness,

c) "Natural monument" is a natural area having the characteristics and scientific values brought about by nature or natural phenomena and protected within the framework of the principles on national parks,

d) "Nature reserve area" is a natural area designated to be used only for scientific and educational purposes containing rare, threatened or endangered ecosystems and/or species and outstanding samples brought about by natural phenomena, and which should definitely be protected.

PART TWO

Designation, Planning and Nationalization

Designation of national parks, nature parks, natural monuments and nature reserve areas.

ARTICLE 3.- - Upon the suggestion of the Ministry of Agriculture and Forestry, the areas to be determined to have the characteristics of a national park will be

designated as national park by the Council of Ministers obtaining the favourable view of the Ministries of National Defense, Reconstruction and Resettlement and Culture and Tourism, and whenever necessary other concerned ministries as well.

In the areas included within forest and forests regime, designation of nature parks, natural monuments and nature reserve areas will be designated by the approval of the Ministry of Agriculture and Forestry. Outside the areas included within forest and forest regime, designation of nature parks, natural monuments and nature reserve areas or of the areas required to be included in forest regime in order to complete the process on those previously designated as such, by the Ministry of Agriculture and Forestry, by the decision of the Council of Ministers, by obtaining the views of the concerned ministries.

Planning

ARTICLE 4 - By taking into consideration the characteristics and the qualities of the areas designated to be national parks

as per the provisions of the present law, the development plan required for the realization of the protection and utilization purposes and covering the establishment, development and managing phases, will be prepared and put into effect by the Ministry of Agriculture and Forestry by obtaining the approvals of the concerned Ministries and if necessary, with their actual contributions as well.

The reconstruction implementation plans of the areas to be opened for settlement and building in keeping with the development plan, will be prepared in conformity with the provisions and decisions specified in the National Park development plan and put into effect by the approval of the Ministry of Agriculture and Forestry.

The plans required for the areas designated to be nature parks, natural monuments and nature reserve areas as per the provisions contained in the article 3 herein, will be prepared and put into effect by the Ministry of Agriculture and Forestry by obtaining the views, of Ministry of Culture and Tourism.

The plan decision regarding touristic investments in touristic regions and centers included within the areas covered by the

present law will be finalized by obtaining the views of the Ministry of Agriculture and Forestry.

Nationalization

ARTICLE 5 - The immovable property and all types of facilities of the private sector located within the boundaries of national parks, nature parks, natural monuments and nature reserve areas will be nationalized, whenever necessary, by the Ministry of Agriculture and Forestry in accordance with the Law on Expropriation, no. 6830, in order to realization of the plan to be prepared.

Allocaiton of Immovables

ARTICLE 6 - The following immovables though located within the boundaries of national park, nature parks, national monuments, nature reserve areas but required for the implementation of the present law will be allocated as follows:

a) Those immovable properties belonging to the Treasury will be allocated upon the request to be submitted by the Ministry of Agricuture and Forestry,

b) Those areas under the authority and use of the state, will be allocated

when such places are to be registered in the name of Treasury,

c) The immovable properties and servitudes belonging to public administrations, public organizations and institutions not included in subparagraphs (a) and (b) above, will be allocated provided that the value to be determined in accordance with the Article 30 of the Law on Expropriation, no. 6830, be paid for,

d) The immovable properties subject to the provisions of the Law on "Execution of Expenditures on the Housing Requirement of the Ministry of National Defense and Authorization for Sale of Those Real Properties belonging to the said Ministry But Not Used " no.189, will be allocated by obtaining the favourable view of the Ministry of National Defense, provided that it is paid for from the National Parks Fund, in accordance with the principles contained in the above mentioned law.

PART THREE

Granting of Permissions

Permissions to be granted to public institutions and Organizations.

ARTICLE 7 - Permission for all types of plans, projects and investments to be

carried out by public institutions and organizations in national and natural parks, will be granted by the Ministry of Agriculture and Forestry, and they, will be controlled in accordance with the provisions contained herein, provided that the said plans, projects and investments are in conformity with the applicable plans.

However, permissions for excavation, restoration and scientific research in the areas covered herein and historical and archeological sites, will be subject to the permission of the Ministry of Culture and Tourism.

Permissions to be granted to real persons and legal entities.

ARTICLE 6 - As a condition to be in the public interest and in accordance with the permission may be granted to real persons and legal entities to build touristic buildings and facilities in the national and nature parks located outside the boundaries of touristic regions, areas and centers, by the Ministry of Agriculture and Forestry, by obtainin the favourable view of the Ministry of Finance. The duration of the usufruct to be established on behalf of real persons and legal entities because of

such a permission, may not exceed forty nine years at the end of which, all the facilities shall be, in their completeness, transferred to Treasury. However, the duration of the usufruct of those whose success of operation is evidenced by the Ministry of Culture and Tourism may be extended to ninety nine years by the Ministry of Agriculture and Forestry by collection of an amount to be determined on the basis of the current price of the particular facilities. In such a case, the transfer to Treasury shall be performed at the end of the said period. The permissions mentioned herein may not be granted unless the development plans for the national and nature parks are finalized.

Transfer of rights

ARTICLE 9 - Transfer to third persons of usufructs to be established by the Ministry of Agriculture and Forestry in favour of public institutions and organizations as well as real persons and legal entities and the facilities built or being built based on these usufructs, is subject to the consent of the Ministry of Agriculture and Forestry. The locations for which no permission is to be granted.

ARTICLE 10 - No permission of use may be granted nor usufruct can be established by reserving the applicable provisions of the Law. no. 2863 for Protection of Cultural and Natural Assets in the areas of natural monuments and nature reserve areas.

Permissions to be granted for exploration and operation of Oil and mines.

ARTICLE 11 - Exploration and operating permits or concessions to be issued for the areas subject to the provision herein in accordance with the provisions of the applicable laws concerning mines and oil may be granted by the Council of Ministers provided that the applicable provisions of the Law No. 2863, for the Protection of Cultural and Natural Assets are reserved. The points to be complied with in order to protect the said areas during the exploration and operating activities shall be established by the Ministry of Agriculture and Forestry.

PART FOUR

Duties

Buildings and facilities

ARTICLE 12 - Provided that the provisions contained in articles 7 and 8 herein, all

kinds of services and activities required by the development plans concerning the national parks, nature parks, natural monuments and nature reserve areas as well as all types of infrastructural facilities, superstructures and other similar facilities required for protection, management operation, publicity, sports, recreation and resting services shall be carried out, managed or operated by the Ministry of Agriculture and Forestry.

Development of resources

ARTICLE 13 - Technical activities to ensure protection, improvement and continuity of natural environment shall be carried out in the forests, heathland, maquies shrubbery and otherwise used land that are located in the areas which are covered by the present law, based on forest management plans which emphasize multipurpose usage. In an effort to protect and improve the natural environment and ecosystems and in keeping with technical and scientific requirements, production, hunting and grazing in certain places during certain periods may be permitted within the framework of the specific management plans to be prepared on the basis of the report to be prepared by the Ministry of Agriculture and Forestry.

PART FIVE

Protection

Prohibited activities

ARTICLE 14 - The following actions shall not be permitted in the areas falling in the scope of the present Law :

a) The natural and ecological equilibrium and natural ecosystem value may not be spoiled,

b) wildlife may not be destroyed,

c) interferences of all kinds which may cause disappearance or change or future change of the characteristics of these areas as well as activities or works that will create soil, water and air pollution or similar environmental problems may not be performed,

d) Production of forest products, hunting and grazing which will spoil the natural equilibrium may not be carried out,

e) Unless otherwise required definitely by public interest and excepting the structures and facilities specified in the approved plans as well as the facilities required for the defense systems for the requirements of the Turkish General Staff,

no facility may be built, nor operated; furthermore no inhabitation shall be permitted outside the places of settlement existing in such areas, under any circumstances

Restriction of registration

ARTICLE 15 - Occupation and utilization of the real properties belonging to public administrations, public institutions and organizations and Treasury located within the areas falling within the scope of the present law, as well as the clearings existing in areas under the authority and use of The State; the clearings obtained as a result of burning, cutting down for whatever reason, uprooting, strangling and pruning of the trees and vegetation, and the land obtained by grading in various ways; construction of all kinds of buildings and facilities and registration of such buildings and facilities at the deed office are restricted. All such buildings and facilities shall be directly seized by the Ministry of Agriculture and Forestry, without the need of any terms and conditions.

Guards

ARTICLE 16 - In the areas within the scope of the present law, the protectional services

and prosecution of offenses shall be performed by the forest guards in accordance with the provisions dealing with prosecution of offenses and contained in Part 5, Section 4 of the Forest Law no.6831.

PART SIX

National Park Fund

Establishment of fund

ARTICLE 17-A "National Parks Fund'has been established under the authority of the Ministry of Agriculture and Forestry, to meet the expenditures to incur for protection repair, maintenance, publicity and operation of the facilities located in the areas covered by the present law. Fund revenues

ARTICLE 18 - The National Parks Fund consists of the following:

a) Allocations to be made from the budget of the Ministry of Agriculture and Forestry,

b) Proceeds to be had from the utilisation, operation, usufruct and servitude on the areas covered by the present law, as well as entrance fees and revenues obtained from the sale of all kinds of publications,

c) Amounts to be had from all types of facilities to be built based on usufruct and servitude at the rate of 3% of the project cost,

d) All kinds of contributions and grants.

Utilization of fund

ARTICLE 19 - The fund shall have an annual budget and the accounting period shall be same as the fiscal year. The fund budget shall be put into effect upon the certification by the Minister of Agriculture and Forestry. The Accountable Officer of the fund shall be assigned by the Ministry of Finance. However, the certifying officer of the fund is the Minister of Agriculture and Forestry. The documents in regard to expenditures to be met from the fund as well as the incomes generated, and the documents on other related transactions shall be submitted to the Audit Office for review within 3 months following the end of the budget year.

The transactions of the Fund are not subject to the provisions of the Tenders Act, no.2490 and the Public Accounting Law, No.1050.

PART SEVEN

Penalties

ARTICLE 20 - In case the acts prohibited by the Forest Law No. 4834, the Law on Hunting, no. 3467 and Water Products Law no. 4380, are carried out in the areas covered herein, the penalties shall be collected by an increase of 100%.

ARTICLE 21 - In case the present law does not contain any other penalties for those who violate the restrictions and requirements herein, and in case the actions committed by such persons do not deserve heavier penalties, a sentence of one through six months along a heavy penalty not less than three thousand TL shall be given by the criminal courts of peace.

PART EIGHT

Final Provisions

Regulations

ARTICLE 22 - Within six months following the regulations shall be prepared by the Ministry of Agriculture and Forestry:

a) The regulation prescribing the formalities, principles, duties, authorizati-

on and responsibilities required for the implementation of the present law, shall be prepared by obtaining views of the Ministry of Reconstruction and Settlement and the Ministry of Culture and Tourism.

b) The regulation in connection with the principles of establishment and utilization of the National Parks Fund shall be prepared by obtaining the views of the Ministry of Finance. "Such regulations shall be put into effect by publishing them in the official Gazette Not applicable and revoked provisions"

ARTICLE 23 - In places where the present law applies, the provisions contained in subparagraph (c), Paragraph (A) of the supplementary article 3 of the Forest Law no.6831 shall not apply.

The Law on Assignment of the Vicinity of Lake Abant to Bolu Local Government, dated, 20.3.1950, is hereby revoked. The vicinity of Lake Abant shall be managed and operated as a State owned forest in accordance with the provisions of the Forest Law no.6831. However, the acquired rights of Bolu Local Government and real persons and legal entities on buildings and facilities existing on these areas are reserved.

INTERIM ARTICLE - The utilization permite, usufructs and servitudes previously established on the areas covered by the present law, shall be revised so as to be used by the owners of such rights until such time as their periods of validity will expire.

Enforcement

ARTICLE 24 - The present Law comes into force on the date on which it is published.

Implementation

ARTICLE 25 - The provisions of the present law shall be implemented by the Council of Ministers.

10.8.1983

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