



Legal Frameworks for Land Consolidation in Turkey

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Current Law Legislation for Land Consolidation in Turkey

- In Turkey due to inheritance law, agriculture land plots get smaller and fragmentation is unavoidable. In recent years especially post 2002 some measurements are taken about agriculture land area in point of social and physical . In this context land consolidation is accelerated, handled with multipurpose and implemented regional base.

- Constitutional law, second section:

- Rights and Assignments, XII. Property rights

Article 35 – Everyone has the right to have a property and heritage. These rights may be restricted by the law only for the purpose of the public interest. The use of the having right to a property can not be contradicted to the public interest.





Current Law Legislation for Land Consolidation in Turkey

Civil Code

- Article 704- The acquisition of immovable property (land) have to be recorded in the land registration.
- Article 755- If the improvements such as correction of waterways, irrigation, drying of marshland, road development, forestry, land consolidation can only be realized by the combined initiatives of the land owners, then the two-thirds of the land owners who posses more than a half of the land (majority shareholders) have to take a decision accordingly. The other land owners must obey this decision. The decision is indicated in the declarations column of the land registry.



Current Law Legislation for Land Consolidation in Turkey

- In Turkey, land consolidation is carried out according to the provisions of two different laws ;
 1. Agricultural Reform Law For Land Arrangements in Irrigation Areas, no. 3083 came into effect on 01.December.1984 and 18592 Numbered Official Gazette.
 - 1.a. 3083 Reform Law Implementation Regulation of the Council of Ministers Resolution: 11.6.1985. This Regulation sets out the details of Agricultural reform Law on Land Regulation in Irrigation Areas numbered 3083.
 - 1.a.a. Land Consolidation Technical Instructions . This instructions include details of 3083 Reform Act Implementation Regulation





Current Law Legislation for Land Consolidation in Turkey

- 2. Law on Soil Conservation and Land Use Law on Amendment numbered 5578 was published 09. 02. 2007 date and 26429 numbered official Gazette.
- 2.a. The Land Consolidation Application Regulation was published in Official Gazette number 30265 on 9 December 2017 and entering into force. The Regulation was published according to Article 17 of the Land Conservation and Land Use Law.
- The Ministry of Food, Agriculture and Livestock is the responsible agency for all LC projects under the provisions of both laws
- 3. Land consolidation in Turkey with these regulatory in place until the adoption of a new Law no 7139 on 19 April 2018 The Law On The Organization And Duties Of The General Directorate Of State Hydraulic Works And Some Laws And The Law Amending The Decree Law On The Organization And Duties Of The Ministry Of Food, Agriculture And Livestock.



Current Law Legislation for Land Consolidation in Turkey

- To speed up, special land consolidation authority was given to other related institutions (project administration) with law no 5578 changing at soil protection and land use law, in 31th of January 2007.
- The Land Consolidation Application Regulation, defined as "**Project Administrations**" will be:
 - The Ministry of Food, Agriculture and Livestock
 - Provincial special administrations.
 - Municipalities.
 - Village legal entities.
 - Agriculture cooperatives.
 - Other public institutions which carry out land consolidation.

But only two main public administration carry out LC ; State Hydraulic Works (DSI) and the General Directorate of Agricultural Reform (GDAR).





Current Law Legislation for Land Consolidation in Turkey

Land consolidation can be applied on either a voluntary or a mandatory basis in both law.

- The 5578 Regulation introduces two types of land consolidation activities:
- *Voluntary consolidation*: At the request of the land's owner, or its majority shareholder.
- *Mandatory consolidation*: Made with respect to the general public interests, at the request of the Ministry, or a land protection board.



Current Law Legislation for Land Consolidation

Soil Protect and Land Use Law number 5403 (amendment 5578 in 2007)

5403 numbered Soil Protect and Land Use Law came into effect in 2005. This law aims to determinate procedures and bases to provide planned land use as appropriate preferential environment sustainable development principle, to protect soil by preventing losses in natural or artificial ways and its quality. Law on Soil Conservation and Land Use Law on Amendment numbered 5578 includes land consolidation.

In order to ensure the rational use of the parcels, the project site for land consolidation is determined and implemented by the Council of Ministers decision, on the request of the Ministry or the boards, with the consent of the ones who have more than half of the property in most of the land and who have more than half of the number.

The decision of the Council of Ministers shall be considered as the decision of public interest in terms of consolidation and other procedures. As a result of this decision, on request or without seeking the consent of the owners, land consolidation on a project basis, village development and in-field development services and rural area Regulation shall be made or commissioned by the Ministry. Voluntary LC are given priority in the application.





Current Law Legislation for Land Consolidation in Turkey

- The priority of LC applications is currently on the areas which are already opened or will be opened to irrigation, however the aim is for all type of lands. GDAR keeps its works based on basins. In addition, Law number 5403 has provided great opportunities on spreading of LC across the country with the other investment institutions for the expropriation purpose.



Current Law Legislation for Land Consolidation in Turkey

Agricultural Reform Law for Land Arrangement in Irrigation Areas, Law number 3083

- In accordance with Law No 3083 Agrarian Reform Law for Land Arrangements in Irrigation Areas General Directorate of Agrarian Reform (GDAR) maintain its implementation activities in areas declared with the Cabinet Decision as to 1st article's provisions under purpose subject of Law No 3083.
- 2/3 Title holders who own ½ land in the Project area sign acceptance Land Consolidation decision, the Project is voluntary if it is not statutory Land consolidation decision is taken from GDAR. This decision is put an annotation at plat book in title registry Office.





Current Law Legislation for Land Consolidation in Turkey

- With land consolidation, small, fragmented and corrupt parcels in agricultural areas are reorganized with public investments such as irrigation facilities and highways and made suitable for modern agriculture. In addition, significant savings are provided in public investments.
- During the ninth development plan period, various studies were carried out on the diversification of agricultural support, food reliability, plant and animal health; significant developments have been made in land consolidation and irrigation infrastructure, especially in South Eastern Anatolia Project region. On the other hand, the efforts for eliminating multi-part and scale problems in agricultural enterprises, to strengthening producer organization, expanding the use of technology and increasing agricultural-industrial cooperation and integration have continued. (2012-2018 10th Development Plan entry section 102)
- In terms of food supply security in our country, agricultural-purposed Land Consolidation projects maintain their priority.
- In addition, projects, especially the ones related for highway and irrigation, need land consolidation due to the expropriation.



Current Law Legislation for Land Consolidation in Turkey

Strategic objectives were determined in the 10 th development plan in order to promote land consolidation efforts.

Food Agriculture and Livestock Ministry National Rural Development Strategy II (2014-2020)

The National Rural Development Strategy II (2014-2020) had been made by the Ministry of European Union, the Ministry of Environment and Urbanization, the Ministry of Interior, the Ministry of Finance, the Undersecretariat of Treasury, Turkish Statistical Institute with the cooperation of the Agricultural and Rural Development Support Institution and the contributions of the other member institutions of the committee at the technical support of the Ministry of Development under the coordination of the Ministry of Food, Agriculture and Livestock according to the related provisions of the 10th Development Plan.

The National Rural Development Strategy I covers 2007-2013.





Current Law Legislation for Land Consolidation in Turkey

Food Agriculture and Livestock Ministry National Rural Development Strategy (2014-2020)

2. Basic socio-economic and spatial trends

2.3. Agricultural structure: The presence of agricultural land (except for meadows and pastures) is approximately 23.8 million hectares as of 2013.

The number of agricultural enterprises is approximately 3.1 million according to the results of the 2001 General agricultural census (GTS). Agricultural enterprises, which are one of the most important factors determining the agricultural structure in Turkey, are very fragmented and scattered in small scale. According to the GTS in 2001 the average farm size of 6.1 hectares in Turkey and the number of parcels per farm is 4.1 units. The small and fragmented enterprise structure in question complicates the use of technology in the sector, reduces mechanization and labor productivity, and restricts the opportunity for enterprises to reach agricultural credit and sufficient capital accumulation.



Current Law Legislation for Land Consolidation in Turkey

Turkey agricultural enterprises is fragmented, small size, scattered, unshaped due to the inheritance law in Civil Code before 2014. (acceptance of Civil Code in 1926 and to the this law each heir have equal rights on the land).

Prevent for fragmentation,

6537 number “Law on Soil Protection and Land Use and Revision on Turkish Civil Law” accepted in 30.04.2014 published in official gazette on 15.05.2014.





Current Law Legislation for Land Consolidation in Turkey

Land owners rights in Land Consolidation

Land Consolidation 3083 Law Number Technical Instructions

- **Receiving Farmer Preferences for new reallocation plan:**
- **Article 18-** After the block plans have been prepared and approved, the due date and the location of the submission for the preferences from land owners are announced. This announcement is done by customary procedures. Farmer preferences are taken on a **owner** basis (Appendix: Farmer preference form).

Project Name: _____ Attachment: Farmer Preference (Interview) Form

Village Name: _____ Enterprises Number: _____

Land Owner Name: _____

Father Name: _____

ID Number and Address: _____

Item No	Cadastral Parcel No	Area (m ²)	Portion of Shares	Shares area (m ²)	Soil Index value	block number of cadastral parcel	Type	Wishes		
								1.Blok	2.Blok	3.Blok

Not: _____

Affirmant (declaration holder):
 Name _____
 Surname _____
 Sign: _____

Headman
 Name _____
 Surname _____
 Sign: _____

Contractor engineer
 Name _____
 Surname _____
 Sign: _____

GDAR Engineer
 Name _____
 Surname _____
 Sign: _____

If the owner of the declaration is a proxy, a notarized power of attorney is requested. 15



Current Law Legislation for Land Consolidation in Turkey

- **Participation of the land owners**
- GDAR maintains LC works in implication areas in the context of indicated in Law no 3083 paragraph c. Up to now LC works have materialized by the State out of financial farmers' contribution. Contribution Farmers is up to %10 cutoff from their land parcel which is changing the projects for field road and water canal, pipeline . If participation rate top of this, required land is corresponded to state (treasury) land. If absent treasury land in the project area, required land is expropriated.
- Before parcellation, for land value made soil map from contractor and some other evaluation about land, made a grading map. For grading land, soil map is prepared by contractor. But made a grading commissions five persons who are one is president, two engineer from GDAR, one person multiplicity president or village head man, one is select landowners by election from among themselves. Grading map submit for landowners approval. After made grading land map announce in village for 15 days , from this day taken objections from landowners in 20 days.
- Under the supervision of GDAR, Firm engineers interview with landowners after grading map and block planning and take their preference. Completed interview, GDAR is announce reallocation map in village for 15 days and take objections in these days. After 15 days evaluate objections and if objection is acceptable fixed and second announcement made by GDAR with a report same. Third and final announcement is made in village and parcellation map is become defined.





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Land Consolidation 3083 Law Number Technical Instructions

- **Control and approval of the Project**
- After third and final Announcement Province Management and GDAR approve the ownership list and new parcellation map. These map and list are sent with official letter to Land Registry. After the official registration by Land Registry procedure is done. New parcels given Landowners on the ground area.
- **Article 20-** After the finalization of the land consolidation project and the control of the related Branch Directorate, it is declared publically on a board for 15 days. The written objections made during this 15 days are examined and necessary corrections are made and announced publically in a minute by the control unit. The project and the minutes are announced publically on the board for the second time. All public declarations are meant to be notifications for all landowners (or parties). The parcellation plans are declared publically on a board maximum three times, and then it is finalized.
- **Application and Registration**
- **Article 22-** In case of dispute settlement after the commencement of the project implementation, the existing land shall be returned to the rightful party on the condition that the integrity of the project is not deteriorated. If the this is not possible or the equivalent land can not be given, the expropriation fee will be paid to the justifying party in accordance with the provision of the implementing regulation.



Current Law Legislation for Land Consolidation in Turkey

- **THE LAND CONSOLIDATION APPLICATION REGULATION (30265 NUMBER) December 2017**
- **SECTION FOUR**
- **Land Consolidation Application**
- **Cadastral operations**
- **ARTICLE 8 - (1)** Land consolidation shall be implemented in places where cadastre has been built. If the cadastral areas of some areas within the determined consolidation area are required to be renovated, the cadastral or renewal procedures of these areas shall be made or made primarily by the General Directorate of Land Registry and Cadastre.
- **Suspension and approval of new parcel schemes**
- **ARTICLE 17 - (1)** The new parceling plan and new property lists constructed or made on the basis of the land grades of the project administrations shall be announced by hanging for fifteen days. Landowners and other interested parties may appeal to the project administration within fifteen days after the end of the announcement period, and appeals are lodged within thirty days at the latest. The new parceling plan and new property lists are finalized with the approval of the Ministry.
- **(2)** New parcels shall be distributed to the right holders in accordance with the finalized parceling plan. The right holders who do not participate in the distribution or who are unable to deliver actual place shall be notified of the returned registered official letter and the new parcels with a parcellation sketch sample.





Current Law Legislation for Land Consolidation in Turkey

- **THE LAND CONSOLIDATION APPLICATION REGULATION (30265 NUMBER) December 2017**

- **SECTION FOUR**

- **Land Consolidation Application**

- Registration

- Article 18 – (1) Parcel plan, which has been finalized as a result of suspension announcement, shall be applied to the land. Technical file for the new situation that occurs as a result of the application is prepared by the project administration and sent to the Cadastral Directorate, cadastral Directorate after the necessary controls are sent to the land registry Directorate to be registered.

In two law not explain clearly about unknown land owners in the Project area. But generally in both of them unknown land owners parcels evaluated in terms of project integrity take into consideration their graduation map and equal value. Project unit can interview also head man of village about land owner. Also if there is inaccessible owners the minutes of the hanging announcements are valid. These hangers are considered to be notified. In addition there is area which is no owner and not registered in the cadastre in the land consolidation Project is registered to the State Land in the Cadastre.



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Article 9 -The announcements, to be made for the context land consolidation and field improvement services, are put on the web pages of the project administration which carries out the DSI or private land consolidation and also at the work place of the village or neighborhood Head Office for thirty days.

The announcements made according to this article are deemed to have been personally communicated to the relevant real persons, to the public and private legal entities. A lawsuit can be filed within ten years of the date of registration against the results of land consolidation.



Thank you for your attention

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