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An Assessment about Land Consolidation in Turkey

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INTRODUCTION

In 2010, while 25% of Turkey population live in rural and 75% in urban area, it is planned to be as 20% rural and 80% urban area in 2025 and, 10% to 90% in 2050 .

And realization of these estimations will be possible by the development of industry.

This “ rural/urban, agriculture/industry ” population rate change; cause deformations in agricultural structure, emerging of social and economical problems in rural and urban which are sourced by and from properties. In order to increase life standards of population in the countryside, it is necessary to make up a shortage about deficiencies in rural structure and imbalances in land ownerships. Solution of these problems will bring land consolidation studies into light.

INTRODUCTION

In Turkey, **agricultural lands** are in a position of partial, spoilt shaped, not connected to road network, hampering watering and drainage system application.

Although **efforts for watering**, fertilizing, agricultural mechanisation, use of good quality seeds and **agricultural struggle** provide somewhat increase in efficiency, it can not be said that plantal and animal production as unit has come to a sufficient level.

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INTRODUCTION

- **As the parcels are dispersed and small**, necessity of more machine and human prevents mass agriculture. **In other words**, as production per unit decreases, cost increases. Also, as there is some difficulties in watering applications, it causes increase in watering network costs, and despite high investment cost, low irrigation efficiency and low watering rate.
- In the **Europe Union** the average farm size is **16 hectares** compared with **6 hectares in Turkey**; the average number of parcels per farm is six (average size of one hectare).
- **In all countries, land consolidation** is applied to improve the rural areas. Because rural areas comprise substantial parts of the regions and are subject to a range of pressures including water shortage, land degradation, failing commodity prices and depopulation. **Land consolidation** means to unite and reregister the lands, which were divided because of heritage, sales or irrigation canals .

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INTRODUCTION

- In Turkey, beside land ownership change studies, **land and agriculture reform, land consolidation**, village settlement area, forest cadastre and pasture studies have been done. **Recently, similar studies** are done under the name of; land and agriculture reform, **land consolidation**, selling of treasury land, consolidation of village settlement area, **pasture applications** and land protection and **land use law**.
- In this study, Turkey's rural area consolidation application problems will be approached and solution offers **about rural development** will be represented.

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JURIDICAL REGULATIONS ABOUT PROPERTIES WITHIN THE SCOPE OF LAND CONSOLIDATION IN TURKEY

In Turkey, about properties within the scope of land consolidation; land and agriculture reform, land consolidation, rural area consolidation, selling of treasury land, village settlement area, pasture and land protection and land use law applications are being done.

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Land and Agriculture Reform Applications

Below laws about land and agriculture reform are constituted since the beginning of Turkish Republic (1923) ;

- In the 25.a statement of 1926 dated budget law; "giving 200 decaire to needy families from treasury land on condition that worth will be paid in ten years" is envisaged.
- It is envisaged to give land from treasury land to needy farmers in East Anatolia by 2.6.1929 dated and 1505 numbered law.
- 16.4.1934 dated and 2510 numbered settlement law.
- 11.6.1945 dated and 4753 numbered provision of land law for farmers.
- 26.07.1972 dated and 1617 numbered Land and Agriculture Reform Precautions Law,
- 17.07.1973 dated 1757 numbered Land and Agriculture Reform Law,
- 22.11.1984 dated and 3083 numbered Agriculture Reform Law about land consolidations in irrigation areas,
- 13.02.2001 dated and 4626 numbered Law about changings in agriculture reform law about land consolidations in irrigation areas,
- 23.02.2011 dated and 6171 numbered Law about changings in agriculture reform law about land consolidations in irrigation areas,

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Land and Agriculture Reform Applications

Most important studies which are done within the scope of **land and agriculture reform** up to today are; 4753 numbered provision of land for farmers law (defunct), 1757 numbered Land and Agriculture Reform Law (defunct) and 3083 numbered **Agriculture Reform Law studies about land consolidation in irrigation areas.**

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Land Consolidation

In Turkey, 14.000.000 hectares area are proper for consolidation. 8.500,000 hectares of these areas are irrigable. There are still 5.000 000 irrigable areas. In Turkey 2.000 000 ha areas are consolidated. 12 000 000 ha areas are still waiting for consolidation. Land consolidations in Turkey are being done regarding legal basis which are summarised below. These are ;

- 1- Applications which are done according to the 3083 numbered "Agriculture Reform Law about Land Consolidation in Irrigation Areas"
- 2- 5403/5578 Numbered Land Protection and Land Use Law

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Applications which are done according to the 3083 numbered "Agriculture Reform Law about Land Consolidation in Irrigation Areas"

- 1984 dated and 3083 numbered Agriculture Reform Law about Land Consolidation in Irrigation Areas, also includes land reform stylistically. This law also predicts, determined land norm (land amount which can make a living for a farmer family) for the publicising of big land owners' lands and provision of lands for farmers who do not have land.
- By this aim; if they exceed predetermined distribution norm for the area, they are agricultural construction and facilities together with part which exceed tenfold except for real estates, vineyards and orchards and woodland and sample plants which are the subject of socialization. (3083/item:5). In the law text, basic principles of land reform are arranged according to general specifications, details take place in application regulations which take place afterwards.

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5403/5578 Numbered Land Protection and Land Use Law

- In Turkey, legal regulations about land protection has only been statements and regulations and rules until 2005. In 2005 for the first time “Land Protection and Land Use Law” 5403 numbered law is regulated.
- The aim of this law is; saving land by preventing its losing its specifications by natural or artificial ways, developing of it and determining planned land use basics in a proper way to sustainable developing principle.
- Law, generally includes use of land property right, determining soil and land existence, classification of agricultural areas and determining land parcel sizes, protection of lands and land use, use of agriculture lands for purposes, land consolidation and distribution matters.

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5403/5578 Numbered Land Protection and Land Use Law

- Law is mostly criticized about the matter of determination of parcel sizes, and while minimum separable parcel size on the agricultural lands is 5000 m² by Registry Law, by the law of Land Protection and Land Use Law, “smallest area that agricultural actions can be applied economically and agricultural area parcel size which should not be decreased more, social, economical, ecological and technical specifications of the regions and areas are considered and determined by ministry. Except for necessity areas for public investments, agricultural areas can not be divided into smaller parts than enoughly big agricultural land parcels which are determined previously. Parcelling can not be done in heritage areas if enoughly big parcels can not be created.

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5403/5578 Numbered Land Protection and Land Use Law

- **Common use**, renting or selling is applied. It is indicated that it can not be less than land norm value. As the land norm will have differences regarding the regions, smallest separable area has been a matter of argue for public and repudiated values by public; **is accepted as 2 hectares in certain agriculture lands and specific crop areas, 0,5 hectar in planted agriculture lands, 0,3 hectar in greenhouse cultivation lands and at least 2 hectares in marginal agriculture lands.**

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Selling of Treasury Lands

In 16/2/1995, 4070 numbered Law about the Selling of Treasury Property Lands has been taken effect.

The purpose of this law is determining the basis of selling of these lands. Treasury property lands can be sold by cash payment, instalment or by tender. Because of soilless or unsufficient soil, tenants who hire this areas, if they wish, direct selling will be possible over determined value before the date of **31.12.1993**. In treasury property agriculture lands, ration can be directly sold if the area is **not more than 40 decare in ripe lands and 100 decare in arid lands.**

People, who use treasury lands for agricultural purposes before 31.12.1993 date for ten years, can be directly sold these treasury land to themselves, partners and young children, as not more than 40 decare in ripe lands and 100 decare in arid lands.

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Pastoral Applications

As the law about summer pastures and winter pastures is not clear, caused its unconscious and uncontrolled use for long years, but by the taking effect of 4342 numbered pasture law in 28 February 1998, first big step is taken. By this law;

- **Pastoral**, summer pasture, winter pasture and left places for municipalities which are used by same aim,
- **State controlled places** which are dealt to be used as pasture, summer pasture or winter pasture,
- **Places** which will be socialized for the use of pasture, summer pasture and winter pasture.
- **It is aimed** to develop cattle dealing on lands which are recorded as summer pastures and winter pastures in registry and still occupied.

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ASSESSMENT OF DEVELOPMENTS IN LAND CONSOLIDATION

- In 1984 dated, 3083 numbered Agricultural Reform about Land Arrangement in Irrigation Areas, though attendance rate for common facilities is not clear, **10% limitation** is executed by 4626 numbered additional law.
- Studies for 4342 numbered law is concluded that Pasture Law, which has been discussed since long time, must be executed and 4342 numbered Pasture Law is accepted in 25.02.1998 by efforts of **Ministry of Agriculture and Rural Affairs**

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ASSESSMENT OF DEVELOPMENTS IN LAND CONSOLIDATION

- Ever since 2005 July that Land Protection and Land Use Law is taken effect, 507.000 hectar area is taken area for being used by non-agricultural purposes in five years. In last 10 years non-agricultural area has increased close to 1 million hectares. This area is equal to 5,6 % of 16 million cultivated area and 3,8 % of all cultivated areas. In Turkey it is observed that on one side agricultural production is increasing by “Good Agriculture Applications” but on the other side there is a decreasing on the protection of agricultural lands.
- It is not clear how to determine the extent of the concept of “public weal” for use of agriculture areas in planned investments and facilities unless alternative areas are found.

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ASSESSMENT OF DEVELOPMENTS IN LAND CONSOLIDATION

- Within the scope of land arrangement;
- 05.10.2004 dated 25604 numbered Agriculture Council Regulation in Official journal,
- 13.01.2005 dated and 5286 numbered Law about removing of general directorate for rural services and making changes in some laws
- 15.03.2007 dated 5603 numbered Law about Missions of Corporation for Supporting Agricultural and Rural Development.
- 04.05.2007 dated 5648 numbered Law about Missions of Corporation for Supporting Agricultural and Rural Development.
- 23.02.2011 dated and 6171 numbered law about making changes in the law of Agriculture Reform about Land Consolidation in Irrigation Areas.
- are accepted and juridical regulations are studied for being taken into effect for the solution of problems.

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ASSESSMENT OF DEVELOPMENTS IN LAND CONSOLIDATION

- Execution of land consolidation by different law and establishments, authorisation of different corporations by 5403 numbered Land Protection Law and 2009 dated ATT is an expected positive development. **But it is negative from the point of application that there is still 2 leading main laws about land consolidation.** Which means that, land consolidation is applied in different ways by 5403 numbered land protection and land use law and 3083 numbered law which is about changes in agricultural land reform law on irrigation areas.
- **20 decare parcelling** condition which is taken into effect by 5403 numbered law, is evolved by changes in 3083 numbered law and 6171 numbered law which is “law about changes in agricultural land reform law on the irrigation areas that **can not be splitted into smaller parts by or without permission** and can not be subject to parcelling. Such matters are directed by registry ministry.”

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ASSESSMENT OF DEVELOPMENTS IN LAND CONSOLIDATION

- **In Turkey there is still 5000 m² area** which are in evacuation condition and 20000 m² areas which are also in evacuation condition by 6171 numbered law, and this constitutes a big problem when we consider that this area is **approximately 50000 m² in wetlands and 150000 m² in dryland.**
- **At the same time,** it will cause widening physical division in registry records and will cause map engineers' losing their job who work in private sector. So, in important projects we will always face the problem of update of “land registry and cadastre”.
- **As rural and social life** in Turkey can not response to benefits of rural area people materially and spiritually, there is a wide existence of illegal use of real estates in a lot of places despite cadastre .
- **As there is not land use plans** in Turkey, agriculture, pasture and forest areas are used out of their purposes. This situation puts food security in danger for future.

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CONCLUSION AND SUGGESTIONS

- The point we reach today shows that all consolidation studies about pasture and agriculture are some kind of compulse for immigration for rural population, and causing loss of agrcultural production and decreasing agricultural development.
- It is thought that this responsibility can be managed by and established “Rural Development General Directory” in the best way.
- Within this scope; Rural Development General Directory should be established and related by Agriculture Ministry and there should be directory units such as Land Reform, Agriculture Reform, Land Protection and Grading, Land Use, Village Settlement area consolidation and chief of socialization.

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CONCLUSION AND SUGGESTIONS

- There should be a juridical unit for the consolidation of Rural Land Regulations withing one regulation.
- So, 3083 numbred “Reform Law about Land Consolidation on Irritation Areas” and
- 5403 numbered “Land protection and Land Use Law”,
- 4342 numbered “Pasture Law”
- 4070 numbered “Law about the selling of Treasury property areas” and
- 3367 numbered “Village Settlement Area Law” should be united and only one frame of “Rural Development Law” should be enacted.

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