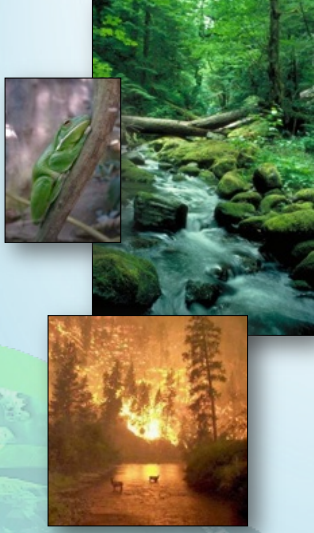



## Problems in environmental & natural resources




*Rapid population growth, unconscious industrialization, irregular urbanization, unconscious use of natural resources, floods, forest destruction and avalanches are negative effects on the natural equilibrium and are caused by human pollution, which leads to environmental pollution, ie degradation of ecosystems.*

*Forests are destroyed due to forest fires, negligence, carelessness, illegal construction and unconscious cutting of trees to open land. As a result, the natural balance of ecosystems deteriorates, the species living in the forest and the habitats of these species disappear, and the richness of soil is lost.*

*Waste of industrial enterprises, population, urbanization, maritime transport and accidents, acid rain, septic tanks, dumps, drugs used in agriculture, natural and artificial fertilizers cause water pollution. Marine pollution is also important since our country is surrounded by seas.*



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## Problems in environmental & natural resources



**inventory?**  
**resource management and environmental understanding?**

*Example of forestry: Although 72% of the Anatolian peninsula is forest and 17% is steppe, 27% of the country is forest and 35% is steppe. Forests decreased by 40% and deforestation is still ongoing.*

*There are basically two problems for the forests of our country. These;*  
**→ Turkey's forests are being destroyed day by day,**  
**→ Forest property problems are still ongoing.**

*Therefore, the legal arrangements against forests and the relocation of settlements to illegal forest areas and the lack of forest cadastral works are the main sources of problems.*



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## Problems: in rural areas & agriculture ..?



Today, the world population has increased to 7 billion. In spite of this rapid increase in population, soils on the earth's surface remain the same;

Considering the fact that there is still a hunger problem on the world, it can be said that the population, which is growing rapidly, is one of the most important and serious problems of the world in terms of meeting the food needs.



At this stage, the situation is not different from the world in Turkey. Moreover, considering that the population growth rate in our country is higher than the world average, it is a necessity to use our existing agricultural lands effectively in order to meet the food needs of our rapidly growing country population.

When we look at the agricultural areas in our country, there are two main problems in general. These;

- \* use of agricultural land in non-agricultural areas,
- \* is a fragmented and scattered structure in a way to prevent yield.



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## Problems: in rural areas & agriculture ..?

Rates of Farm Size in Turkey and some EU countries



İşletme büyüklüğü (hk) Ülke	0,1 – 4,9	5,0 – 9,9	10,0 – 19,9	20,0 – 49,9	50,0 >
Almanya	% 5,0	% 8,3	% 20,3	% 43,8	% 22,7
Belçika	% 4,5	% 8,6	% 23,1	% 41,1	% 22,6
Danimarka	% 0,2	% 4,5	% 13,7	% 41,7	% 39,8
Fransa	% 1,9	% 3,7	% 11,2	% 37,2	% 46,1
Hollanda	% 3,9	% 8,9	% 24,7	% 46,3	% 16,3
İngiltere	% 0,5	% 1,3	% 3,3	% 12,7	% 82,2
İrlanda	% 1,9	% 5,1	% 18,8	% 41,0	% 33,1
İtalya	% 19,6	% 14,5	% 14,8	% 16,8	% 34,3
Lüksembourg	% 1,7	% 2,3	% 7,1	% 41,0	% 47,9
Yunanistan	% 39,1	% 29,3	% 17,9	% 9,9	% 3,9
AB	% 6,6	% 7,0	% 12,8	% 29,4	% 44,1
Türkiye	% 22,1	% 20,0	% 21,0	% 19,8	% 17,1



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## Problems: in rural areas & agriculture ..?

**Agricultural Reform Law on Land Arrangement in Irrigation Areas Numbered 3083 ... (1984)**




Before...

**Planning of Village Resettlement Areas?** In the 45th article of the Unplanned Areas Reconstruction Regulation, the size of the parcels to be formed in and around the settled areas of villages and hamlets was determined

### Land Consolidation...

To prevent the degradation and fragmentation of lands by natural and artificial effects, and to create new parcels of economic, ecological and socially functional new parcels by combining more than one piece of land by considering natural properties, usage integrity and property rights in the fragmented lands and to determine the usage patterns by evaluating the land properties and area of these parcels, village and land development services. (5403 no. SOIL PROTECTION AND LAND LAW, 2005)

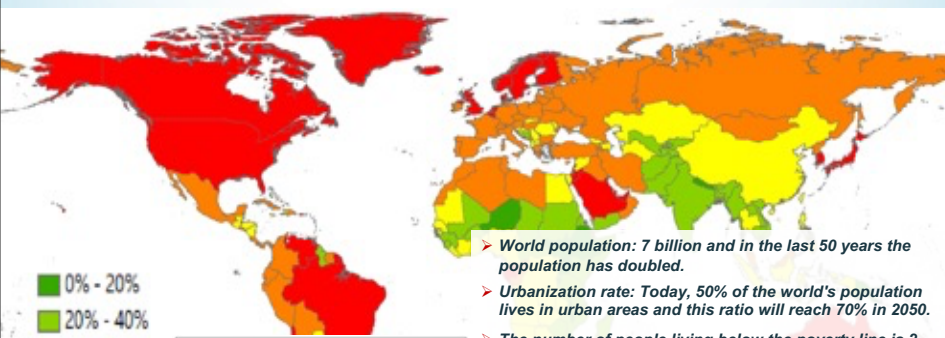


After...

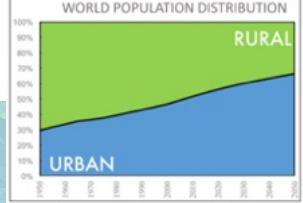
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## Urbanization densities of countries in the world



**WORLD POPULATION DISTRIBUTION**



- World population: 7 billion and in the last 50 years the population has doubled.
- Urbanization rate: Today, 50% of the world's population lives in urban areas and this ratio will reach 70% in 2050.
- The number of people living below the poverty line is 2 billion.
- 70% of the world is covered with water, but in the last 10 years 3 billion people face water shortages.
- Forest areas in the last 12 years decreased 2.5 million km<sup>2</sup>. Every year, 6 million hectares of land are becoming desert. 250 million people are affected.
- Every year nearly 100 million people are affected by floods.
- Weather, environment, sea, water pollution etc. etc.


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URBAN LAND REGENERATION PROCESS IN TURKEY		1950 - ...	1980 - ...	2000 - ....
URBAN LAND REGULATION APPLICATIONS	AUTHORIZATION DISTRIBUTION MANAGEMENT AND APPLICATION	<ul style="list-style-type: none"> <li>✓ Improving slum areas;</li> <li>✓ The transformation of the city center into a depression area;</li> <li>✓ Restructuring of slum areas;</li> <li>✓ Urban renewal in these areas.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Urban renovation in areas with low quality of life and in risky areas;</li> <li>✓ Improvement of rehabilitation and rehabilitation practices;</li> <li>✓ Special parceling; land arrangements;</li> <li>✓ Conservation of historic areas, gentrification.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Renovation in urban areas;</li> <li>✓ Improvement of apartment areas; Public housing publishing</li> <li>✓ Redevelopment of new sites and closed settlements;</li> <li>✓ Protection of historic houses; restoration.</li> </ul>
		<ul style="list-style-type: none"> <li>• State Planning Organization</li> <li>• Ministry of Development and Housing</li> <li>• Centrally Planned Development Model</li> <li>• Holistic Planning Approach</li> <li>• Policies and Regulations</li> <li>• Municipality, Slum, Plot Office, Reconstruction - Flats.</li> </ul>	<ul style="list-style-type: none"> <li>• Authorization of planning to local administrations</li> <li>• Planning Applications: Master Development and Implementation Plans;</li> <li>• Legislation: Greater City Municipality, Development, Preservation of Cultural and Natural Heritage, Environment, Bosphorus and Amnesty Law</li> </ul>	<ul style="list-style-type: none"> <li>• Expansion of the authority of metropolitan municipalities</li> <li>• Planning Applications: Strategic Planning; commencement of participatory planning practices</li> <li>• Policies and Regulations: Metropolitan, Municipality, Financial Administrations, Urban Transformation</li> </ul>

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## Problems: urbanization ..?




Urbanization in our country has gained momentum especially since the beginning of 1950s with the migration from the village to the city and this movement is still up to date.

In particular, in the immigration process leading to industrial cities, local governments failed to provide adequate land supply and infrastructure investments. This has led to unplanned urbanization and rapid urbanization in particular in large cities.

While the shanty case was originally intended as a shelter, over time, this phenomenon has become a means of rent. Almost all of them are on public lands. Especially with the laws issued as amnesty, new expectations have emerged and the problem of slum has become inextricable.

**Today's cities are growing mostly unplanned and unhealthy. Cities lack many technical and social basic infrastructure and cause environmental problems. Especially with unhealthy urbanization; urban life is at risk, forest areas, water basins, agricultural areas, sites, green and historical textures are destroyed.**

After all; not to re-occur similar cases, to convert cities into contemporary and livable spaces an effective **LAND MANAGEMENT** is needed.



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## Problems: urbanization ..?



Kuzey Ankara kentsel dönüşüm projesi..

Bursa'da kentsel dönüşüm..!

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## Problems: urbanization ..?



Suçlu sel değil  
**ÇARPIK KENTLEŞME**

Suçlu olan doğa değil  
**ÇARPIK KENTLEŞME**

Kartal'da çöken bina için  
yıkım kararı yoktu,  
imar barışı başvurusu vardı

6 Şubat 2019

“Kentsel dönüşüm” yasalaştı  
Sağlam olmayan  
**YIKILACAK!**

YAĞIŞLARI FELAKETE ÇEVİREN  
PLANSIZ VE ÇARPIK KENTLEŞME  
**KİM HESAP  
VERECEK?**  
Felaket değil  
rezalet


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### ADMINISTRATIVE AND LEGAL ISSUES IN TURKEY ... 1

- ◆ The most striking feature of the land administration laws in our country is that they have a multi-part structure. Legal changes are more and more the way of new laws, which leads to a complete conflict of law.
- ◆ A significant part of the laws on land administration remain far from the requirements of developing and changing countries.
- ◆ Some land administration activities are regulated by more than one legislation. This leads to authority confusion, repetition of work and loss of efficiency in practice.
- ◆ The law of the amnesty, which is issued, damages the effectiveness of the existing laws. Therefore, social expectations are the triggers of new negativities in the future. There are many such laws in our legislation.
- ◆ Although there are many regulations in our legislation to regulate the land administration and solve some of the problems in this area, land problems have not been solved yet.
- ◆ In our laws, the existence of some expressions which do not clearly state what the meaning or the scope is, may lead to different interpretations, while irreversible problems may arise.
- ◆ There are provisions that are not fully implemented in our land administration laws.




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### ADMINISTRATIVE AND LEGAL ISSUES IN TURKEY ... 2

- ◆ With some laws, some institutions may be assigned missions without infrastructure. In this case, the cost and effort spent trying to fulfill this task may be wasted.
- ◆ When the land management is considered in a sense of integrity, in practice this integrity is not reflected in the land administration institutions. Because there is no leading institution to ensure effective coordination between institutions.
- ◆ The institutions can easily be established or structurally modified except for the "total quality management" approach. The closure of some institutions shortly after the establishment or changes in the parent organizations they are often affiliated with are among the most important indicators of this.
- ◆ There are no specialized structures in some fields of activity (eg information systems, real estate valuation, expropriation, etc.) that have an important place in land administration. Many institutions authorized in these areas carry out such transactions independently of each other.
- ◆ Regarding the structure of municipalities which have an important place in the field of land administration in our country, although they are obliged to perform the same duties, there is not yet a standard structure in their administrative structures.

.....



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## Land management in Turkey..?

### Legislation hierarchy



- CONSTITUTION
- LAWS
- DECREE on
- REGULATIONS
- REGULATIONS
- COMMUNIQUEs
- CIRCULARS

Legal – Technical - Admin



Natural resources

Urbanization..

Agriculture..

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## TÜRKİYE CUMHURİYETİ ANAYASASI

TÜRKİYE BÜYÜK MİLLET MECLİSİ

**TÜRKİYE CUMHURİYETİ ANAYASASI - Kabul Tarihi : 18/10/1982**

**YERLEŞME KENTLEŞME** **MADDE 23.** Herkes, yerleşme ve seyahat hürriyetine sahiptir. Yerleşme hürriyeti, sağlıklı ve düzenli kentleşmeyi gerçekleştirmek ve kamu mallarını korumak...

**MÜLKİYET MİRAS HAKKI** **MADDE 35. –** Herkes, mülkiyet ve miras haklarına sahiptir. Bu haklar, ancak kamu yararı amacıyla, kanunla sınırlanabilir. Mülkiyet hakkının kullanılması toplum yararına aykırı olamaz....

**KIYILARIN KULLANIMI** **MADDE 43. –** Kıyılar, Devletin hüküm ve tasarrufu altındadır. Deniz, göl ve akarsu kıyılarıyla, deniz ve göllerin kıyılarını çevreleyen sahil şeritlerinden yararlanmada öncelikle kamu yararı gözetilir.

**TOPRAK EROZYON** **MADDE 44. –** Devlet, toprağın verimli olarak işletilmesini korumak ve geliştirmek, erozyonla kaybedilmesini önlemek amacıyla gerekli tedbirleri alır.

Arazi yönetimine dair hükümler...

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**TÜRKİYE CUMHURİYETİ ANAYASASI**

**TÜRKİYE BÜYÜK MİLLET MECLİSİ**

**Arazi yönetimine dair hükümler...**

**TARIM-MERA ARAZİLERİ** **MADDE 45.** – Devlet, tarım arazileri ile çayır ve meraların amaç dışı kullanılmasını ve tahribini önler..

**SAĞLIK ÇEVRE ve KONUT** **MADDE 56.** - Herkes, sağlıklı ve dengeli bir çevrede yaşama hakkına sahiptir...Çevreyi geliştirmek, çevre sağlığını korumak ve çevre kirlenmesini önlemek Devletin ve vatandaşların ödevidir...

**KONUT HAKKI** **MADDE 57.** – Devlet, şehirlerin özelliklerini ve çevre şartlarını gözetken bir planlama çerçevesinde, konut ihtiyacını karşılayacak tedbirleri alır, ayrıca toplu konu teşebbüslerini destekler ...

**KAMU YARARI KAMULAŞTIRMA** **MADDE 46.** – Devlet ve kamu tüzelkişileri; kamu yararının gerektirdiği hallerde, gerçek karşılıklarını peşin ödemek şartıyla, özel mülkiyette bulunan taşınmaz malların tamamını veya bir kısmını, kamulaştırmaya ve bunlar üzerinde idarî irtifaklar kurmaya yetkilidir...

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**TÜRKİYE CUMHURİYETİ ANAYASASI**

**TÜRKİYE BÜYÜK MİLLET MECLİSİ**

**Arazi yönetimine dair hükümler...**

**DEVLETLEŞTİRME KAMU MALİ** **MADDE 47.** – Kamu hizmeti niteliği taşıyan özel teşebbüsler, kamu yararının zorunlu kıldığı hallerde devletleştirilebilir.

**TARİHİ-DOĞAL VARLIKLAR** **MADDE 63.** – Devlet, tarih, kültür ve tabiat varlıklarının ve değerlerinin korunmasını sağlar. Bu varlıklar ve değerlerden özel mülkiyet konusu olanlara getirilecek sınırlamalar kanunla düzenlenir.

**PLANLANMA SOSYO-EKONOMİ** **MADDE 166.** – Ekonomik, sosyal ve kültürel kalkınmayı, ülke kaynaklarının döküm ve değerlendirilmesini yaparak verimli şekilde kullanılmasını planlar..

**MADENLER TABİİ SERVETLER** **MADDE 168.** – Tabii servetler ve kaynaklar Devletin hüküm ve tasarrufu altındadır.

**ORMAN KULLANIMI** **MADDE 169.** –Bütün ormanların gözetimi Devlete aittir. Devlet ormanlarının mülkiyeti devrolunamaz. Bu ormanlar zamanaşımı ile mülk edinilemez ve kamu yararı dışında irtifak hakkına konu olamaz.

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# Türkiye'de Kurumlar ve araziye yönelik faaliyetleri matrisi (Veri/Fonksiyon [V/F] Matrisi)

KURUMLAR	FAALİYETLER																	
Belediye																		11
İl Özel İdaresi																		9
Tarım Reformu GM*																		9
Devlet Su İşleri GM																		8
Toplu Konut İdaresi																		8
Orman GM																		7
Afet İşleri GM																		7
BOTAŞ GM																		7
Karapolluk GM																		6
Teknik Araştırma ve Uygulama GM																		6
Tapu ve Kadastro GM																		5
İller Bankası GM																		5
Türkiye Kömür İşletmeleri																		5
Vakıflar GM																		4
Osmaniye Köy İşleri GM																		4
Maden İşleri GM																		4
Tarım Üretim ve Geliştirme GM																		4
Kültür Varlıkları ve Müzeler GM																		4
GAP Bölge Kalkınma İdaresi Başkanlığı																		3
Yatırım ve İşletmeler GM																		3
Maden Tetkik Arama GM																		3
TEDAŞ GM																		3
Özellikle İdaresi																		3
Türkiye Petrolleri Anonim Ortaklığı																		3
Valilik																		2
Ağaçlandırma ve Erozyon Kontrolü GM																		2
Doğa Koruma ve Milli Parklar GM																		2
Petrol İşleri GM																		2
ÇED ve Planlama GM																		2
Yapı İşleri GM																		2
Harita Genel Kurum Başkanlığı																		1
Millî Emlak GM																		1
Tarım Kredi Kurumu Merkez Birliği GM																		1
Enerji Piyasası Düzenleme Kurulu																		1
Çevre Yönetimi GM																		1
Sermaye Piyasası Kurulu																		1
<b>TOPLAM KURUM SAYISI</b>	<b>21</b>	<b>21</b>	<b>20</b>	<b>18</b>	<b>15</b>	<b>9</b>	<b>7</b>	<b>6</b>	<b>6</b>	<b>5</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>11</b>

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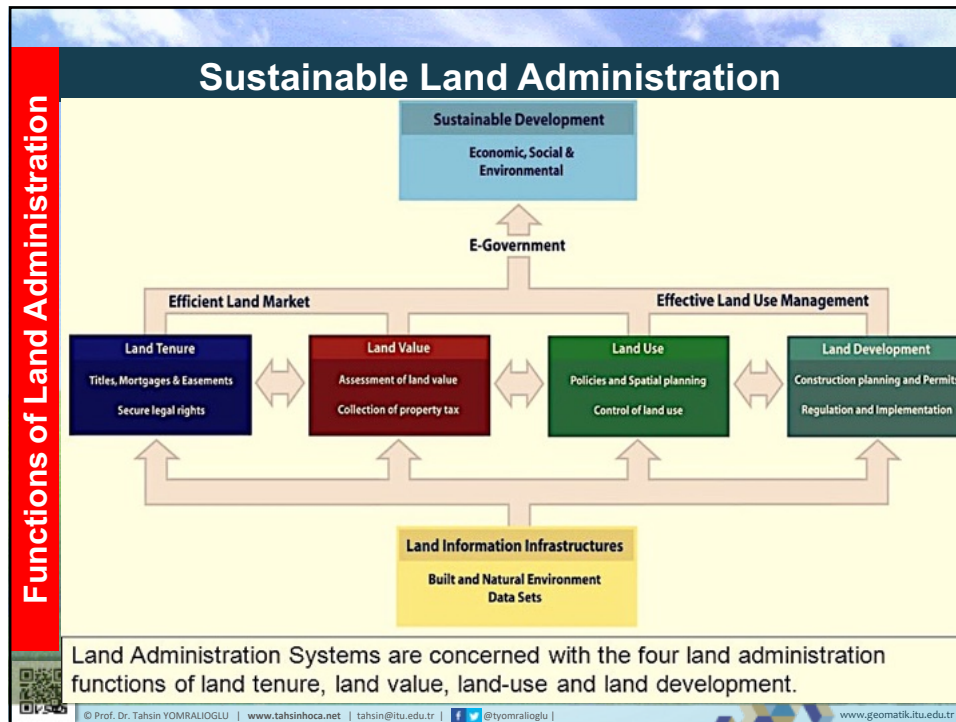
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## Cadastre and property management

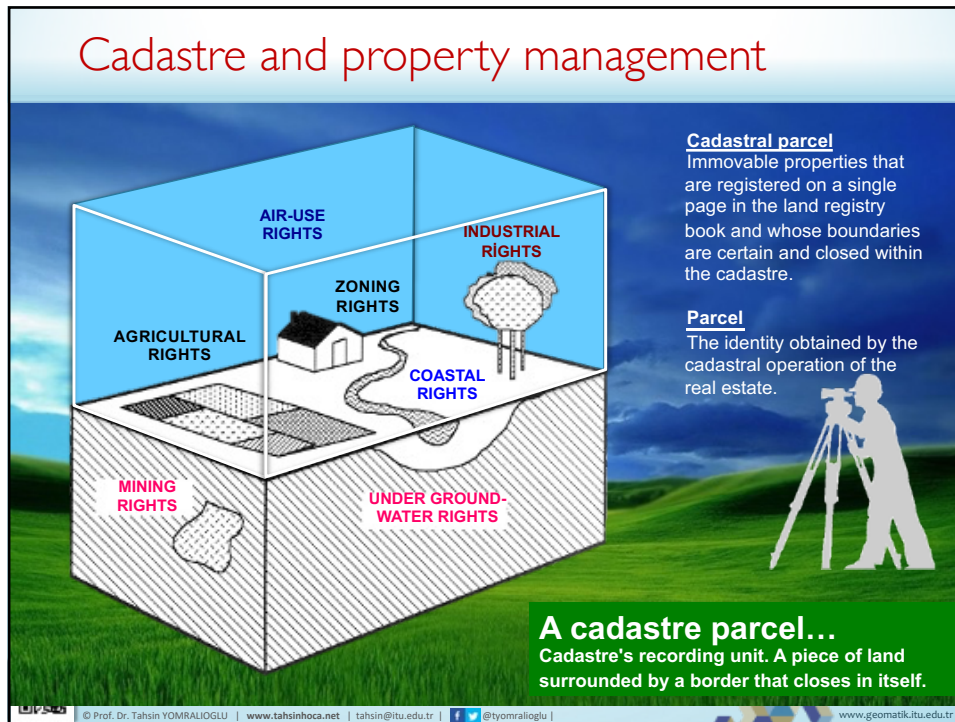
- The Cadastre is a comprehensive land management system that records the immovables in a country and any property rights belonging to those properties.
- The Cadastre is a key data source for disputes and disputes between landowners and, in general, includes the property rights of the land and its definitive legal status on the ground.
- The cadastral is normally a parcel-based and up-to-date land information system that includes records of rights (eg ownership, limitation and responsibilities) on the land. In general, it includes a geometric description of the ownership or control of these rights and of the land associated with other records, which usually explain the value and development of the parcel.
- Cadastre can be established for financial purposes (eg valuation and fair taxation), legal purposes (transfer transactions) for assisting the management of land and land use (eg for planning and other administrative purposes), and provides support for sustainable development and environmental protection.**

### The Cadastral Concept

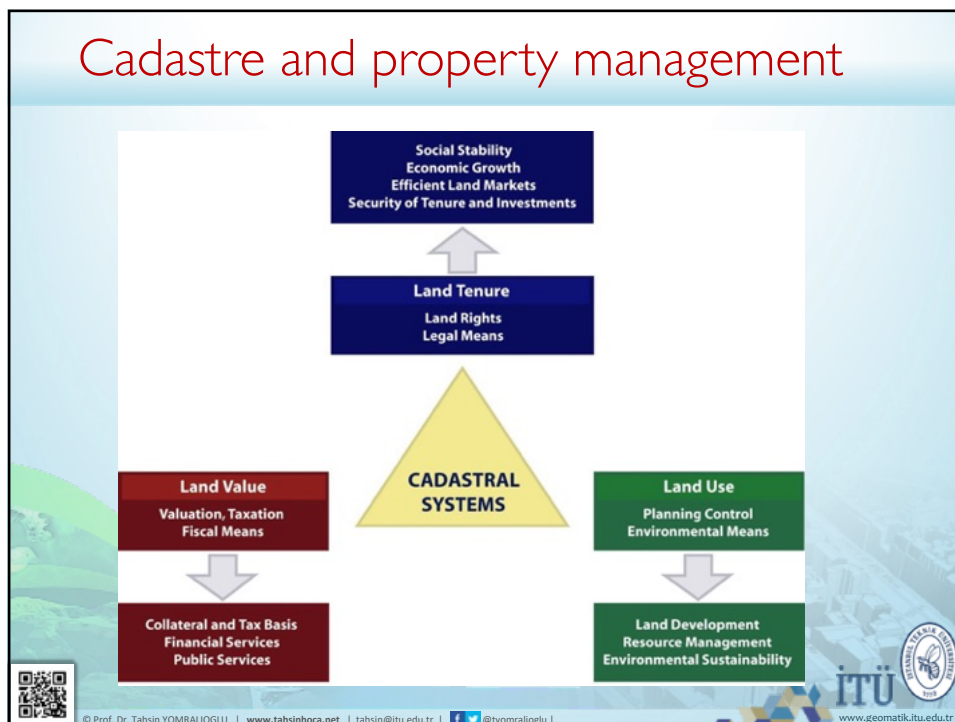
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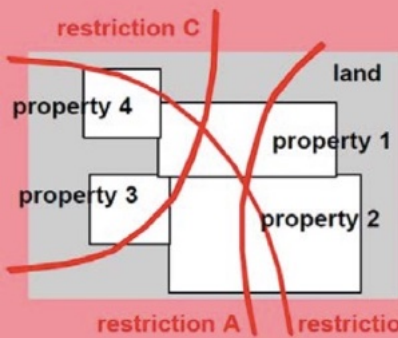


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## Evolution of the Cadastre

### Statement 1 on Cadastre 2014

**Cadastre 2014 will show the complete legal situation of land, including public rights and restrictions!**




**Comment:** The population of the world is growing. The consumption of land is increasing. The absolute control of the individual or of legal entities of land is increasingly being restricted by public interest. To provide security of the land tenure, all facts about land must be made obvious by the cadastral system of the future.


**Consequences:** A new thematic model is necessary. Surveyors must take into consideration public law.

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### vision of cadastre 2014



What is land object..?

**A land object is a piece of land in which homogeneous conditions exist within its outlines. These conditions are normally defined by law.**

**If a law defines phenomena, rights, or restrictions which are related to a fixed area or point of the surface of the earth, it defines a land object.**

Examples of legal land objects are:

- private property parcels;
- areas where traditional rights exist;
- administrative units such as countries, states, districts, and municipalities;
- zones for the protection of water, nature, noise, pollution;
- land use zones;
- areas where the exploitation of natural resources is allowed.

When a piece of land is under unique natural or artificial conditions and there is no definition in the legal framework, it can be called a physical land object. A physical land object may be a piece of land covered by rock, water, timber, a house, a street, or any other non-legal characteristic.

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**vision of cadastre 2014**

**CADASTRE 2014** **FIG**

**What is land object..?**

**Arazi kullanımı**  
Jeolojik sakinca  
İmar  
Taşkın alanı  
Koruma alanı  
Heyelan sahası  
İdari sınır  
Vergi zone  
Maden  
Enerji Nakil Hat  
Uçuş konisi  
Boru hattı  
Gürültü zone  
Hava kirliliği  
Yol genişleme

**Arazi Nesnesi  
Land Object**

**PARSEL**

**Arazi Nesnesi  
Land Object**

**ITÜ**

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**From analogue to digital**

**Analogue cadastral map 1980's  
updated over 100 years**

**Digital cadastral map 1990's  
linked to the national grid**

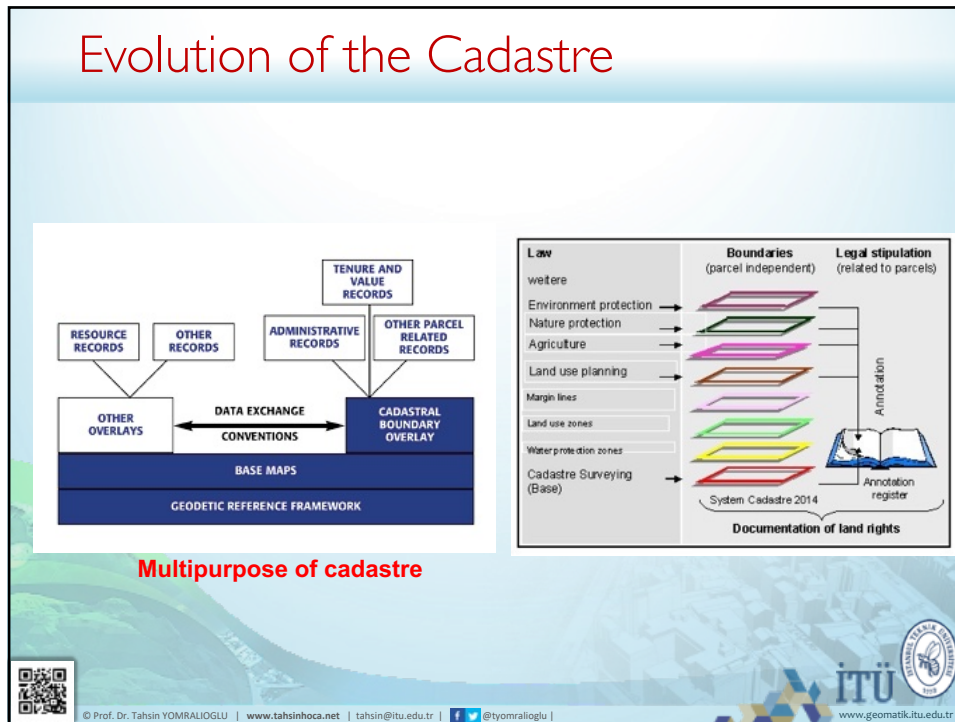
**Digital cadastral map combined  
with digital topographic map**

**ITÜ**

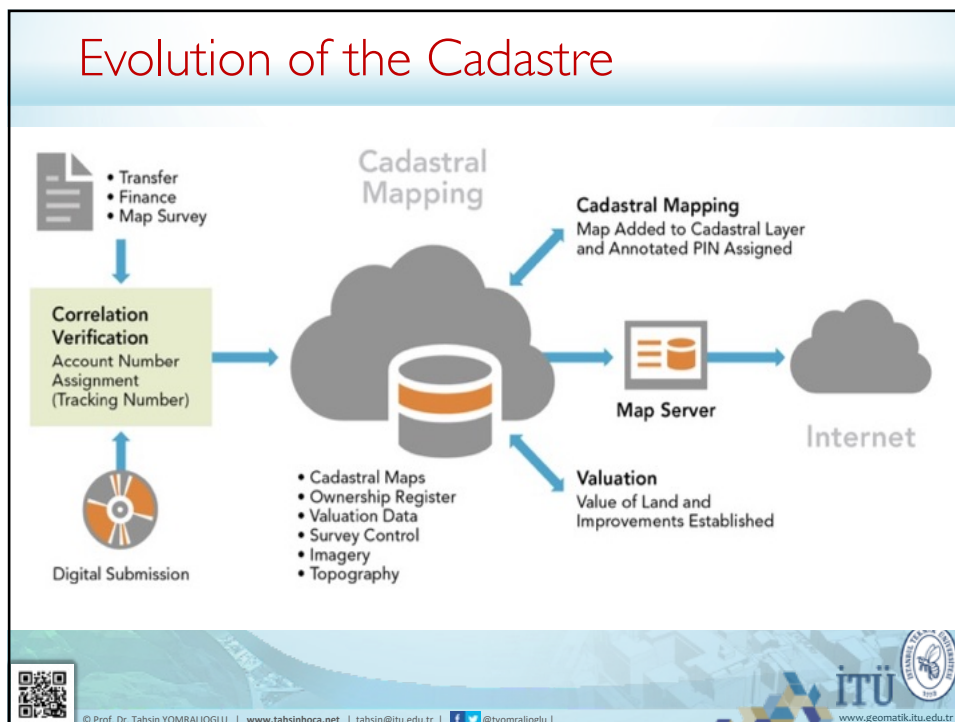
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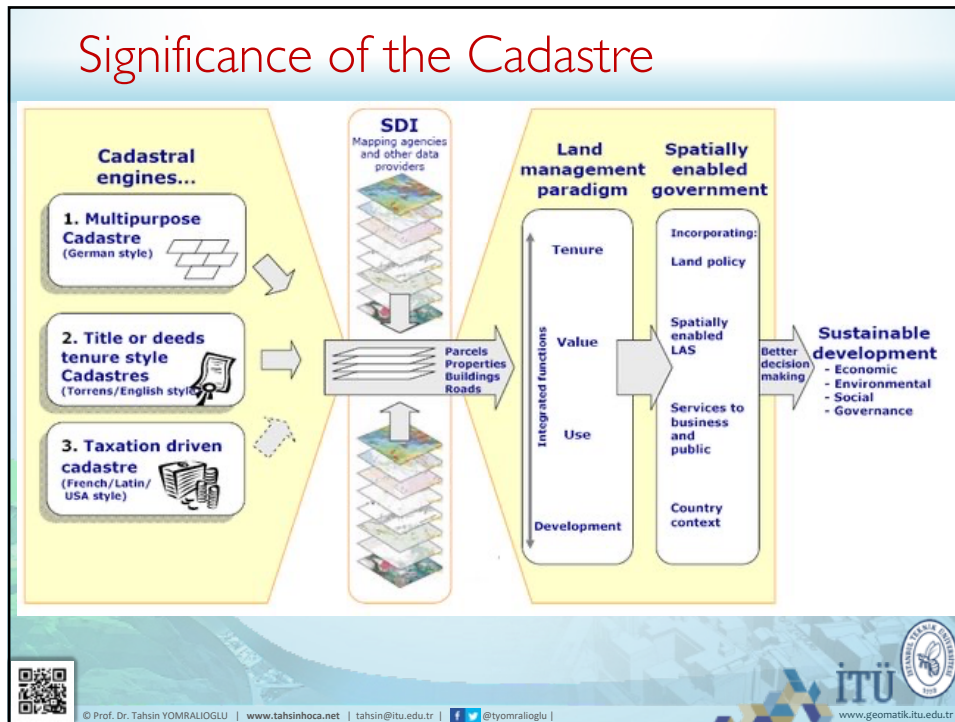




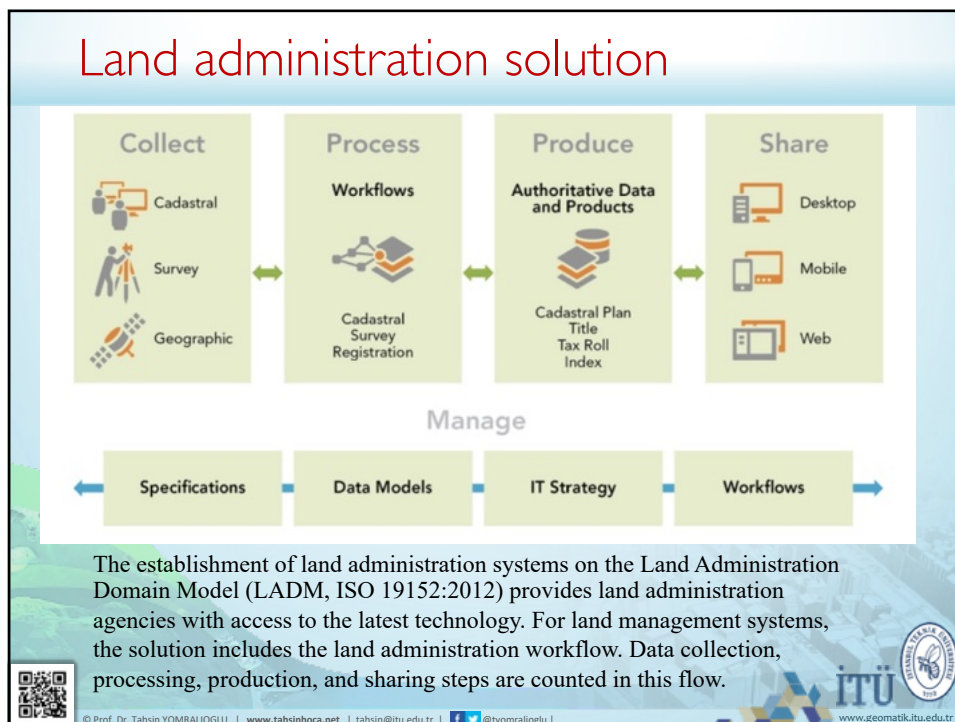
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## Marine cadastres

- The cadastre includes both land and the sea
- Managing the rights, restrictions and responsibilities in the marine environment
- Importantly allows a land-sea interface at the sensitive coastal zone

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## URBAN..?

large population accumulation in a narrow area is defined as the new physical and social formation, a complex network of relationships, the differentiation of branches of business and the emergence of a unique cultural system.

**Article 1** - The population is less than two thousand (**villages**) and the population is between two thousand and twenty thousand (**towns**) and the population of more than twenty thousand (**city**). Even if the population is less than two thousand, the municipal organization, which is the district of provincial centers, will be respected as town and subject to Municipal Law. (**442sy. Village Code, 1924**)

**1 - ADMINISTRATIVE DEFINITION:** The settlement with a population of more than 20 thousand is known as the city.

**2- FUNCTIONAL DESCRIPTION:** Non-agricultural production is the type of settlement where all production is controlled and distributed, coordinated and reached to a certain level in terms of the size, density and integration aspects brought by technology.

**3- AS PLANNING UNIT:** village> town> city> metropolitan

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