

The Pros and Cons of Building Licensed Offices of Surveying and Cadastre in Turkey

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Key words: Land Registry, Cadastre, Licensed Offices of Surveying and Cadastre (LOSC), Turkey.

SUMMARY

The foundation of the Turkish land registry system dates back to 1847 while cadastre unit was added to the system in 1925. The Turkish General Directorate of Land Registry and Cadastre (GDLRC) which is still in service and carries out land registration and cadastre throughout the country was founded in 1936. The GDLRC had carried out land registration and cadastre works without an organizational change through its district, province and county directorates of land registry and cadastre between 1936 and 2010. The breakpoint in the Turkish cadastre was 2004 when private sector involvement into cadastre was initiated to be implemented. The private sector dynamism speeded up the works and cadastral surveys had been completed in a short period of time in the country. This situation and new era trends of privatization forced the government to re-engineer organizational structure of the GDLRC and the Law on Licensed Offices of Surveying and Cadastre was enacted in 2005. 551 sub-districts of cadastre were described based on workloads of the existing cadastre offices and then an examination was carried out to license surveyors in 2009. The Licensed Offices of Surveying and Cadastre (LOSC) are in service today. They carry out all cadastre works in the country but their cadastre works to be registered are supervised by province offices of cadastre. Introduction of the LOSC system in the country generated some positive and negative effects for both public and private cadastral surveying sector and landowners. For example, county offices of the GDLRC were closed down. Private surveying offices carrying out cadastre works before construction of the LOSC are no longer take part in cadastre. Landowners now pay more for cadastral services and make more effort in their cadastral operations. In this context, this paper, firstly, describes the changes recently experienced in organizational structure of the Turkish land registry and cadastre system. Then, it presents and discusses findings of interviews carried out with some licensed surveyors, surveyors from public and private sector and landowners about the pros and cons of building the LOSC in Turkey.

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1. INTRODUCTION

The Turkish cadastre has a long history dating back to the Ottoman Empire times. In those times, landowner of almost all land in the country was government while its use was given to farmers in return for tax (Barkan, 1991; Demir et al., 2008). Land registration, therefore, was needed for the purpose of taxation. Then transition to private property begun particularly with the Land Law enacted in 1858. Following foundation of the Turkish Republic in 1923, citizens have had property of the land they use providing some conditions. The General Directorate of Land Registry was established in 1924 to register lands. The section of Cadastre was annexed to the General Directorate of Land Registry in April 1925 (TKGM, 2009). One year later, in 1926, The Turkish Civil Code was enacted. The Code ordered that “a land registry system is built up to register the rights on real estates, and registration of real estate is based on a plan formed by an official survey”. In order to carry out these tasks appropriately and improve the system, existing organization of land registry and cadastre was re-engineered and a new organization named as the Turkish General Directorate of Land Registry and Cadastre (GDLRC) was formed in 1936 (Çete and İnan, 2008). The GDLRC had carried out land registration and cadastre works without an organizational change through its district, province and county directorates of land registry and cadastre between 1936 and 2010 (Çete, 2010). However, an important development was made in 2004 in the Turkish cadastre. This development was private sector involvement into cadastre. Although articles about the private sector involvement have taken part in all Turkish cadastre legislation since 1934, these articles had not been put into practice till 2004 (Cete ve Yomralıoğlu, 2004; Cete and Uzun, 2005). This development speeded up the cadastral works and cadastral surveys had been completed in a short period of time in the country. This situation and new era trends of privatization forced the government to re-engineer organizational structure of the GDLRC and the Law on Licensed Offices of Surveying and Cadastre was enacted in 2005. Introduction of the Licensed Offices of Surveying and Cadastre (LOSC) system generated some positive and negative effects on both public and private surveying sector as well as landowners in the country.

In this context, this paper, firstly, describes the changes recently experienced in organizational structure of the Turkish land registry and cadastre system. Then, it presents and discusses findings of interviews carried out with some licensed surveyors, surveyors from public and private sector and landowners about the pros and cons of building the LOSC in Turkey.

2. THE RECENT RE-ENGINEERING IN TURKISH CADASTRE

This section narrates establishment process of the Turkish Licensed Offices of Surveying and Cadastre and then describes new organizational structure of the Turkish land registry and cadastre system.

2.1 Establishment of the Turkish Licensed Offices of Surveying and Cadastre

All cadastre works had been carried out by directorates of cadastre till 2004 in Turkey. After that time, the directorates contracted technical part of cadastre to the private surveyors and the Turkish General Directorate of Land Registry and Cadastre (GDLRC) studied to develop an approach to transfer some workloads of cadastre to private organizations. Main cause of this study was to apply new era trends of privatization into cadastre. The final decision made in this context was establishment of Licensed Offices of Surveying and Cadastre (LOSC). Thus, the Turkish Law on Licensed Offices of Surveying and Cadastre enacted in 2005 (Official Gazette, 2005). This law has been followed by a regulation and some circular letters published on the LOSC by the Turkish General Directorate of Land Registry and Cadastre.

Based on the relevant legislation, firstly, a commission of the licensed offices of surveying and cadastre with 7 members was established in the country. Main duties dedicated to this commission are:

- to define sub-districts of cadastre for the whole country to assign the licensed surveyors;
- to define application criteria of the license;
- to evaluate the applications;
- to regulate tariff of the services provided by the licensed offices;
- to organize the license exam;
- to organize on-the-job training; and
- to supervise the licensed offices.

In this context, the commission defined 551 sub-districts of cadastre throughout the country by taking workloads of the existing cadastre offices into account. Each sub-district has about 1,000 cadastral processes yearly. Therefore, most of the counties do not have a licensed office of surveying and cadastre while they had cadastre offices before the re-engineering process.

The license exam was made in 2009. Main topics of the exam were:

- the Turkish Civil Code;
- land registration and cadastre;
- development;
- coastal areas;
- expropriation;
- forests and pastures;
- cultural and natural heritages;

- land consolidation; and
- surveying and mapping.

The total points of the surveyors who applied to get the license was calculated based on the criteria of professional experience, the works carried out in cadastre domain, total service time, educational level, foreign language score, professional awards and publications as well as the license exam score (Official Gazette, 2008). Only surveyors having 5 years experience in the domain have a chance to become a licensed surveyor. In this context, 330 surveyors appointed to the sub-districts as licensed surveyors by taking their preferences and total points into consideration. In other words, 221 sub-districts do not have a licensed surveyor at the moment.

Each surveyor who had a right to establish a licensed office of surveying and cadastre deposited about 4,000 EUR into bank account of the GDLRC for guarantee before opening the office. These surveyors swore in the court that they carry out their duties in a proper manner as stated in the relevant legislation. In addition, they were educated about technical services of cadastre and land registry and cadastre legislation.

Today, the Licensed Offices of Surveying and Cadastre (LOSC) are in service in the sub-districts of cadastre where an appointment has already been made in the country. The LOSC have authorizations to carry out all cadastre works but the works carried out by the LOSC to be registered are supervised by province offices of cadastre. Namely, application of the cadastre maps into land and showing general boundaries of parcels in the relevant area are carried out by the LOSC and these works are not supervised by the related province directorates of cadastre. Use type change of a parcel, establishment and removal of easement rights and consolidation of parcels are also carried out by the LOSC but these works are supervised by the directorates. The LOSC have to carry out each work in ten days. A licensed office cannot carry out the works that are performed by private surveying offices (Circular Letter, 2010). The licensed surveyors act as public officials and they compensate the loss they caused in their works.

2.2 Current Organizational Structure of the Turkish Land Registry and Cadastre

Organizational structure of the Turkish cadastral system, especially in the local level, has been changed considerably with establishment of the LOSC in the country. The whole system is organized under the Ministry of Environment and Urban Planning with re-organization of the Turkish Ministries in the mid 2011. The General Directorate of Land Registry and Cadastre, 22 District Directorates of Land Registry and Cadastre and 957 Directorates of Land Registry are still in service similar to the case before establishment of the LOSC. However, number of directorates of cadastre has been decreased from 325 to 81. While many counties had directorates of cadastre before the re-engineering process, today these directorates are available only in the province centers. 330 LOSC serving as local cadastre offices throughout the country are also mostly located in the province centers (Figure 1). It means many counties have neither directorates of cadastre nor the LOSC in the current organizational structure.

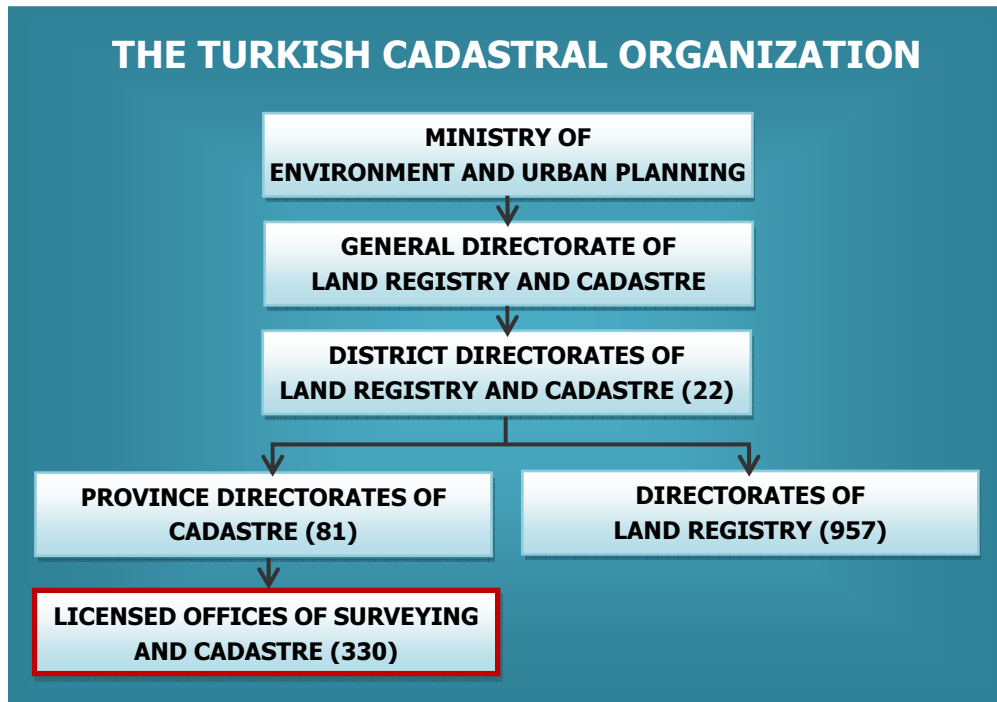


Figure 1. Current Organizational Structure of the Turkish Land Registry and Cadastre System

3. PROS AND CONS OF ESTABLISHMENT OF THE LOSC IN TURKEY

Positive and negative consequences of establishment of the Turkish LOSC on both public and private sector and landowners have been researched by interviews carried out with the surveyors from public and private sector as well as with landowners. This section summarizes findings of this research.

3.1 Positive Results of Establishment of the LOSC

Organizational structure of the Turkish land registry and cadastre system had 22 District Directorates, 325 Directorates and 133 Sub-Directorates of Cadastre and 1018 Directorates of Land Registry in 2010. Establishment of the LOSC decreased number of directorates and sub-directorates of cadastre from 458 to 81 in the country. Thus, numbers of staff and equipment needed in the public part of the Turkish cadastral organization have also been decreased significantly. This means, normally, the government pays less to run the cadastre system. Furthermore, taxes paid by the Licensed Offices of Surveying and Cadastre are a new financial resource for the government.

Establishment of the LOSC has also reduced workloads of the 81 province directorates of cadastre. Cadastral services are now provided by the licensed surveyors who have experience in cadastre and this increases service quality in the domain.

3.2 Negative Results of Establishment of the LOSC

The recent re-engineering experienced in the Turkish cadastre has also caused some negative results for private surveying offices and landowners. For example, landowners pay more now for cadastral services because they make payments not only to the relevant land registration and/or cadastre offices but also to the relevant licensed office of surveying and cadastre. The licensed offices charge customers for both the services they provided and transportation needed during land visits. In addition, landowners now have to visit licensed offices of surveying and cadastre which is mostly located in province center for their cadastral activities whereas landowners living in the counties had generally visited local cadastre offices located in their counties before the re-engineering process.

All cadastre works are now carried out by the licensed offices of surveying and cadastre while they had been carried out by private surveyors before establishment of the LOSC. This negatively affected private offices. Besides, a number of problems have aroused between private surveying offices and LOSC because of some uncertainties in the related legislation.

4. CONCLUSION

Land registration and cadastre works had been carried out by directorates of land registry and cadastre between 1936 and 2010 in Turkey. Then, government re-engineered the cadastral system in consistent with the new era trends of privatization. Today, the licensed offices of surveying and cadastre took the place of old directorates of cadastre. They carry out cadastral services on behalf of government but the works to be registered are still supervised by province offices of cadastre. This re-engineering experienced in the Turkish cadastre brought some pros and cons together. For example, some of the positive results of the re-organization are decreases in the number of directorates of cadastre, workloads of directorates of cadastre, numbers of staff and equipment needed in the public part of the works and investment cost of the public into cadastre and increase in cadastral service quality. Increase in payments of landowners for cadastral services and closed county directorates of cadastre are examples of negative results of the re-organization.

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BIOGRAPHICAL NOTES

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