

SUSTAINABLE LAND MANAGEMENT AND CLIMATE-FRIENDLY AGRICULTURE (TURKEY) –
GCP/TUR/055/GFF

“SLM Legislation - Gap Analysis Report” Validation Workshop -24 August 2017

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İsmail Belen

Legal Expert

10.09.2017

Background

İsmail Belen has been working as a "Legal Expert" within the scope of the project mentioned above. According to the approved business plan, he is supposed to prepare '**SLM Legislation - Gap Analysis Report**' based on desktop studies and interviews with key people summarizing the gaps and opportunities in SLM and CSA in Turkey.

He is also responsible for organizing "the **Validation Workshop**" to present the findings of the draft report, and assessing the draft report by relevant staff in respective institutions. This includes supporting FPU-SEC in preparation of all logistic issues for workshop organization.

Within this frame the followings documents have been prepared and forwarded to FAO with an email message dated July 24, 2017.

1. "SLM Legislation - Gap Analysis Report" - In Turkish with full pages
2. "SLM Legislation - Gap Analysis Report" - In English (Brief)
3. Proposed Validation Workshop Program

Then "Validation Workshop Program" approved by Peter Pechacek, LTO.

Validation Workshop

The workshop, whose preparations were completed and announced to the relevant people, was conducted at the premise of the Ministry of Forestry and Water Affairs on **Thursday, August 24, 2017 as planned**, but with more people than expected. (In total 42 participants).

In addition to these, interviews were made with the people like the General Director of Forestry Mr. Bekir Karacabey, General Director of Combating Desertification and Erosion Mr. Hanifi Avcı, Assistant General Director of Agricultural Reform Dr. Metin Türker and former Agricultural Reform General Director Dr.Gürsel Küsek. Their list is also attached.

The detailed participant list of the workshop attached. People from different ministries and institutions, both senior and technical level participated to the workshop as shown below. In addition

1. Ministry of Forest and Water Affairs
 - a. General Directorate of Combating Desertification and [Erosion](#) (ÇEM)
 - b. General Directorate of Nature Conservation and National [Parks](#)
 - c. General Directorate of Water [Management](#)
 - d. Legal [Consultancy](#) of the Ministry
 - e. General Directorate of [Forestry](#)
 - f. General Directorate of State Hydraulic [Works](#)
2. Ministry of Food Agriculture and [Livestock](#)
 - a. General Directorate of Agricultural [Reform](#)
 - b. General Directorate of Plant [Production](#)
3. Ministry of [Development](#) (General Directorate of Economic Sectors and Coordination)
4. FAO-SEC

Program

Participants started coming in from 13:30 hours were greeted by the staff of ÇEM and Ismail Belen.

The program started at 14:00 with opening speech made by Mr. Mustafa Gözükara, Deputy Director General for Combating Desertification and Erosion on behalf of the Ministry of Forests and Water Affairs. Mr. Gözükara also serves as National Project Director.

On behalf of FAO, Mr. Peter Pechacek made a greeting speech. Mr. Pechacek gave brief information about the project and then expressed the expectations from the draft report prepared by the Legal Expert. Mr. Pechacek invited participants to actively participate, to voice their views and suggestions.

After the opening speeches participants introduces themselves, with their institutions and engagement to the project and relevant activities.



Picture 1 Mr. Peter Pechacek and Mr. Mustafa Gözükara made the opening speeches

Then Mr. İsmail Belen, the Legal Expert presented the “Draft SLM Legislation - Gap Analysis Report” It took about half an hour.

The presentation had already been delivered to the participants and their opinions were partly taken. As a result, some of the parts went quickly. During the workshop, it is aimed that the participants effectively express their opinions, ask as many questions as possible and get their answers.

Twenty-two of the 42 people in total shared their views and suggestions.

MEETING REGISTRATION FORM

KONU: Sürdürülebilir Arazi Yönetimi ve İklim Dostu Tarımsal Uygulamaları Mevzuatı Boyunca Analiz Kabulü Çalışması
 SUBJECT: Validation workshop of Sustainable Land Management and Climate-Friendly Agriculture Implementations Legislation Gap Analysis

YER VE TARİH : OSİB-22 Kat Toplantı Salonu
 VENUE AND TIME : MFWA-22th floor

SIRA NO.	ADI, SOYADI NAME, SURNAME	KURUMU INSTITUTION	GÖREVİ TITLE	TELEFON TELEPHONE	E POSTA E MAIL	İMZA SIGNATURE
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Fotograf Çekimi: Yapıldı Yapılmadı

Picture 2 Participant List-1

MEETING REGISTRATION FORM

KONU: Sürdürülebilir Arazi Yönetimi ve İklim Dostu Tarımsal Uygulamaları Mevzuatı Boyunca Analiz Kabulü Çalışması
 SUBJECT: Validation workshop of Sustainable Land Management and Climate-Friendly Agriculture Implementations Legislation Gap Analysis

YER VE TARİH : OSİB-22 Kat Toplantı Salonu
 VENUE AND TIME : MFWA-22th floor

SIRA NO.	ADI, SOYADI NAME, SURNAME	KURUMU INSTITUTION	GÖREVİ TITLE	TELEFON TELEPHONE	E POSTA E MAIL	İMZA SIGNATURE
1	Ali TANIS	GEM	SB. Md.	5630	atanis@ormans.gov.tr	
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Picture 3 Participant List-2

Opinions and Comments Expressed by the Participants

First of all, almost all of the participants who spoke during the workshop expressed their satisfaction with the workshop and the draft report and the presentation prepared by "Legal Expert". They expressed their satisfaction from the preparatory phase of the workshop that the draft report had been sent in advance. A few participants said that the invitation arrived late and that they could not find any opportunity to examine it.

On the other hand, in general, the draft report has been evaluated as a good report to express the country's realities.

Important issues mentioned by the participants are given below. These will be documented in the appropriate documents to be prepared in the future.

- A more detailed examination of the obligations of international conventions.
- It has been suggested by many participants that the report should be simplified, the scale determined, and a report with a simpler and less number of pages in terms of impact.
- Lack of coordination at high level (Under the Prime Ministry or under the President Office in national integrated watershed management.
- Statistics on the protected areas held by the General Directorate of Nature Conservation and National Parks.



Picture 4 İsmail Belen, Legal Experts takes the notes!

- "Protected Areas" established within the framework of the Land Hunting Law. The role of integrated watershed management and rural development in issues such as hunting tourism, nature tourism, production of wild animals. Current regulations on hunting.

- The role and effect of concrete consolidation in large cities in land degradation. Conservation in agricultural areas.
- The role of "protected forests declared and managed by the General Directorate of Forestry" in protected areas.



Picture 5 Workshop is going on!

- Difficulties in construction due to the fact that some of our regions are completely forests. Opening of areas considered as forests in general planning framework. Definite socio-economic inventory in planning.
- Goat and its role in rural development (food safety, firefighting, conservation of traditional knowledge, etc.)
- Making grazing plans based on scientific data.
- Problems encountered in forest work (production, nursing, maintenance, etc.) and fighting with forest fires. The inability to find anyone to work with, the incomes of the working people are very low, the social security and working environments are very low.
- Role and importance of non-wood forest products in organic agriculture and food safety. Further involvement of the forest organization and the completion of the necessary arrangements to increase export opportunities. The fact that the "supporting private sector in and out of the country and provide them consultancy" takes place in the mission statement of the General Directorate of Forestry.
- The agricultural support given by the Ministry of Agriculture should be integrated in such a way as to cover the whole of the countryside, and forestry enterprises should benefit from such supports as agricultural enterprises. Cooperation and coordination between the Ministry of Agriculture, the Ministry of Forestry and the Ministry of Industry.

- The handling of land management in an integrated manner. The landscape integrity approach must be dominated.
- The needs of cattle grazing animals should be considered in grazing plans. In fact, planning should be done according to the desired food product.
- In this project, it is considered that the enough attention is not given to hunting management, the role of wild animals in rural development and sustainable land management.



Picture 6 Participants from different institutes!

- Managing protected areas from one hand is very accurate. However, integrated watershed management, or even a new law on protected area management, may not be appropriate. Regarding integrated watershed management, Article 58 of the Forest Law clearly and officially authorizes the Ministry of Forestry and Water Affairs.

Article 58 - (Amended: 5/11 / 2003-4999 / Article 11)

Where the places are already under forest regime or the places to be included to forest by reforestation, activities such as afforestation, erosion and flood control, prevention of avalanches and landslides, preservation and improvement of ecosystems and improvement of life conditions of people living in the basin, will be implemented with the coordination of the Ministry of Environment and Forestry (currently the Ministry of Forest and Water Affairs), with in the projects prepared together with the related institutions

- The relevant law is like this. However, it only includes areas that are included in the forest regime. It does not provide an arrangement for non-forest areas where they are under th control or responsibility of different Ministries. In addition, the absence of a secondary legislation like regulation, notification, and circular letter on the implementation of this Article of Forest Code appears to be a huge deficiency.

- There is very close link between step management, rural development, forest, climate friendly agriculture and grazing. Under the project entitled “Conservation and Sustainable Management of Turkey's Steppe Ecosystems (FSP)- GCP /TUR/061/GFF¹” it is planned to prepare a “National Steppe Strategy”. During this preparation all legislations related to grazing will be examined in detail. So further cooperation could be made.
- A more top to bottom approach to land management can be beneficial. On the other hand, it would be more beneficial to simplify existing legislation and to remove issues that conflict with each other.
- Some participants asked the relationship between "sustainable land management" and "climate friendly agricultural practices". As a result, it was agreed that one of the two was a complementary element. It is stated that the expression "Sustainable Land Management" is more inclusive and includes the other theme.
- On the other hand, it is stated that the "Seed Law²" numbered 5553 and Konya Plain Project (KOP) Regional Development Administration <http://www.kop.gov.tr/index.html> could be examined.



Picture 7 Participants from different institutes!

- It has been stated by some participants that it should be established a "**Sustainable Land Management Coordination Unit or Higher Board**" on national scale. It is stated that this Higher Board may be able to deal with disputes between the Ministries and may work directly with the Prime Minister or with the President in the new case.

¹ <http://www.fao.org/countryprofiles/index/en/?lang=en&iso3=TUR>

² <http://www.wipo.int/wipolex/en/details.jsp?id=10909>

- It is also stated that like the “Secretariat of the High Planning Council”, the Secretariat of this newly established **“Sustainable Land Management High Board”** can be carried out by the Ministry of Development. Ministries such as Ministry of Forestry and Water Affairs, Ministry of Food, Agriculture and Livestock, Ministry of Environment and Urbanization, Ministry of Interior and Ministry of Justice may be members of such a Board.
- Some participants stated that the "Ereğli Model Forest Management Plan" which is being prepared within the scope of this project, provided the participation and cooperation of different parties.
- Many participants emphasized the strong link between "sustainable land management" and "integrated watershed management". The importance of the "National Watershed Management Strategy-NWMS", which was put into force by the decision of the "High Planning Council" was mentioned. The Prime Minister himself is the president of the High Planning Council. It is stated that the responsibilities of each institution/Ministry are listed in this NWMS.
- It is also stated that, the National Strategy on Combating Desertification could be a good example and good basis for cooperation with different agencies.
- Some participants stated that the main objective of the preparation of this report was "to determine whether the implementation of the project has an obstacle originating from the legislation". It is recommended that interviews with field workers and villagers be made to clarify this matter. "Legal Expert" has the same opinion. However, the job description does not include interviews with the villagers by visiting the field. This deficiency has been tried to be avoided by meeting with the technical staff who personally worked on the project.
- It has been stated that the "Watershed Monitoring and Evaluation System" conducted by the General Directorate of Combating Desertification and Erosion and the "National Watershed Management System" conducted by the General Directorate of Water Management can be utilized.
- With the strong interaction between integrated watershed management and sustainable land management, the problems that each institution has using its watershed definition and boundaries have been addressed. Ideal is referred to as "the definition and limits/boundaries of a basin agreed upon by all ministries", but at this stage emphasis is placed on the importance of understanding the data produced by the different institutions.
- **"Common platform, same language, implementations according to user needs and institutional arrangements"** is seen as a good solution in the short term. "Plans and maps that speak and agree with each other" will be an important step.

Conclusion

The workshop was successfully completed as planned. The issues raised here will be added to the report. A large part of the participants took the floor and actively contributed. The report has been met with great appreciation in general.

This result report was prepared by "Legal Expert" İsmail Belen to be forwarded to FAO.

İsmail Belen

10.09.2017