

An Assessment on Public-Private Partnership (PPPs) in Land Registry and Cadastre Services in Turkey

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SUMMARY

The tendencies of privatization and reorganization in the world turn the works done by the public sector into the private sector. Public-private partnership (PPP) is defined as the project that the public and private sector cooperate on the financing, operation and management of the environment, housing, transportation, water, sewage, solid waste and land management. The use of PPP as an effective tool in developing infrastructure and superstructure projects and providing faster and more quality services has a long history. The use of PPPs for land administration services is less common studies compared with all over the world though there are a few notable successes in developed countries.

The private sector can realize many of the tasks necessary for the establishment and maintenance of a cadastral system under public control. Activities such as preparation and registration of title deeds, cadastral mapping, zoning applications can be carried out by the private sector or mixed economic organizations. As stressed by the Cadastre 2014 vision, the PPP approach can provide a model for completing land administration-based reforms throughout the country and maintaining the success of a given project. The study aims to help identify the most appropriate strategy for ensuring private sector and General Directorate of Land Registry and Cadastre (GDLRC), which is the public institution responsible for land administration and cadastre system in Turkey, cooperation. In this study, the activities carried out jointly by GDLRC and private sectors were determined, and the legal, institutional and technical situations required for carrying out these activities were analysed. As a result of the analysis, superior or weaknesses of the public-private sector cooperation in current land administration and cadastral system in Turkey with opportunities and threats arising from the external environment were identified by the SWOT matrix. As a result of the analysis, suggestions were made to eliminate the threats and strengthen the weaknesses.

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1. INTRODUCTION

As a result of the changes and interactions in social, political and technological terms in recent years, the role of the government in the provision of public services has undergone some changes (Boz, 2013). In this context, there has been a transformation from the government understanding that produces and operates services to the understanding of coordinating and commissioning government (Ministry of Development, 2012). Many public institutions in Turkey with experienced this transformation has developed a variety of service-oriented projects in cooperation with the private sector. Especially since 1986, 204 projects have been completed in many sectors such as energy, health, infrastructure and transportation (T.R. Presidency, 2019). Another critical sector under public control land management and cadastre. The public institution which responsible for the current land administration and cadastral systems in Turkey is General Directorate of Land Registry and Cadastre (GDLRC). The private sector can realize many of the tasks required for the establishment of a cadastral system and sustainable land management under public control. Activities such as preparation and registration of title deeds, cadastral mapping, and land development applications can be carried out with public-private partnership (PPP). As the Cadastre 2014 vision emphasizes, the PPP approach can provide a model for completing land management-based reforms across the country and maintaining the success of a given project. In this study, current cooperation between GDLRC and private sector has been analyzed by the SWOT technique in terms of legal, technical and institutional aspects. As a result of the analysis, various suggestions have been made for establishing more widespread and sustainable cooperation in the future.

2. OVERVIEW OF USE OF PPPs IN LAND ADMINISTRATION

With the rapid development of PPPs since the 1990s, various PPPs have already been used. The PPPs are in the context of land management. In general, these collaborations take place in the form of direct outsourcing of services, contractual cooperation with the private sector, or privatization of specific functions. The spatial measurement process required for land registration is the area where the private sector contributes the most. In India and the UK, more traditional PPP is used, while the PPP established in Ontario, Canada provides significant economic savings to the state. The Dutch Kadaster Authority uses a traditional approach to public-private cooperation based on the cooperation and outsourcing of specific services with the private sector (Meadows et al., 2018). They benefit from the private sector, especially in the registration of title deeds and digitization of maps. In South Korea, real estate registration services are offered as part of a complete e-government package developed between the Government and LG Corporation under a public-private sector regulation.

Similarly, in 2016, the Federal Government of Malaysia launched a PPP to develop a new e-land registration system known as e-Tanah (Meadows et al., 2018).

3. GDLRC- PRIVATE SECTOR PARTNERSHIP

GDLRC is an essential public institution that aims to make efficient, effective, economical and efficient use of public resources within the framework of strategic priorities. GDLRC performs approximately 9 million transactions annually and provides direct services to 25 million people (GDLRC, 2018). Together with the changing public management approach, GDLRC has started to use the power of the private sector in order to provide a better service to the citizens. GDLRC cooperates with the private sector within the scope of the Land Registry and Cadastre Modernization Project. Within this scope, the tender of 2.336.658 parcels was made in 2.266 units, the works of 1.640.073 parcels were completed, and the works in 701.036 parcels are continuing. In addition to the forest cadastral auctions which were completed in 3 stages, the 4th Stage tender was held in 2018. 14 Group tenders covering 784 units of 310.431-hectare area have been completed, and Works are continuing. Besides, support is obtained from the private sector through the tender method in the cadastre of non-registered areas. GDLRC receives support from the private sector through tenders in order to complete the facility cadastre, renovation and digitization work carried out throughout the country, especially since 2010 (GDLRC, 2018). Figure 1 shows the number of parcels registered as a result of the Renewal-Digitization that were made to the private sector by tenders between 2010-2018.



Figure 1: Number of Parcels Registered and Completed by Renewal-Digitization Works by Tender (GDLRC, 2018)

With the production of 3D city models, the production of three-dimensional city models and land registry cadastral data integration will be realized in an urban area of 40.000 km². The evaluation of tenders for “Creating 3D City Models and 3D Cadastral Underlays” in an area of 5,500 km² planned for 2018 is continuing (GDLRC, 2018). The legal processes for the priority scanning of the architectural projects (to support the 3D cadastral project) and the official notes in our land registry offices were clarified, the issues that should be included in

the tender specifications and the process were sent to the regional directorates, and tender works were initiated.

4. SWOT ANALYSIS

SWOT analysis has been developed as the most important tool for obtaining information that will enable the optimal use of resources and capabilities of various systems and structures in their environment (Uçar and Dođru, 2005). In this context, the most important and fundamental purpose of SWOT analysis is to identify the strengths. Also, determine the weaknesses of the subject and the opportunities and threats that support these situations. SWOT analysis is an appropriate technique for identifying the strengths and weaknesses of the institutions involved in land management and identifying opportunities and threats arising from the external environment (Aydinođlu, 2011). In this context, as a result of internal and external environmental analysis of the current situation of the cooperation process between GDLRC and the private sector, strengths and weaknesses and opportunity-threats were identified. The matrix created for SWOT analysis is given in Table 1.

Table 1: SWOT analysis of GDLRC-Private sector cooperation

	Internal Factors		External Factors	
	Strengths	Weaknesses	Opportunities	Threats
Legal aspect	-Construction of Some Investments and Services in the Framework of Build-Operate-Transfer Model Law - No. 4734 Public procurement law	- The existence of large and complex law circulars and regulations on land management, -Inadequate legislation on GDLRC- private sector cooperation	- Adoption of the Cadastre 2014 vision	- Numerous legislation and complex legal structure - Very frequent amendments to the Public Procurement Law
Technical aspect	-The whole organization is transferred to TAKBİS -Continuous project development depending on needs	-Land registry and cadastre information are not completely transferred to the digital environment	-Development of satellite and mobile technologies and spatial data collection regardless of distance	- High labour costs in the private sector - Problems in the control of the private sector Work by the public sector - Lack of use of the existing capacity of the private sector
Institutional aspect	- The only institution responsible for land registry and cadastral activities -Strong corporate budget -A widespread organizational structure -Rooted corporate background	- Inadequacies in control and supervision, - Lack of qualified and expert staff	- Development of cooperation between civil society organizations, public and private sector -Powerful private sector structure	-Institutional inability to get enough shares from the general budget - Lack of sustainable national land management policy

5. CONCLUSIONS AND RECOMMENDATIONS

In this study, the SWOT method was used to evaluate the importance of real and troubling situations related to internal and external factors in terms of GDLRC-private sector cooperation and to formulate comprehensive strategies for decision-makers. For this purpose, the strengths, weaknesses, opportunities and threats aspects of TKGM and the private sector cooperation were evaluated. As a result of the assessment, a new approach is proposed for decision-makers in line with the principles stipulated in the Cadastre 2014 vision.

From the legal point of view, the most substantial aspect of the PPP system is the provision of legal arrangements that ensure the procurement of services from the private sector by public institutions throughout the country. The weakest aspect of this cooperation system is the lack of adequate legislative arrangements regulating the provision of services from the private sector. The importance of PPP in the Cadastre 2014 Vision provides an opportunity for the development of GDLRC-private sector cooperation. Frequent amendments to the Public Procurement Law are seen as a threat that will prevent the excellent implementation of PPP.

From the technical point of view, the most powerful aspects of the PPP cooperation system are the transfer of the whole organization to TAKBİS and the development of continuous projects depending on the needs. The weakest aspect of this cooperation system is that the title-cadastre information is not completely transferred to the digital environment. The development of satellite and mobile technologies and the ability to collect spatial data regardless of distance provides an opportunity for the development of GDLRC-private sector cooperation from a technical point of view. The problems experienced by the public sector in fulfilling the supervisory duty over the private sector are seen as a threat that will weaken the communication between the public and private sector.

As the most powerful aspects of the PPP system from the institutional point of view, the title, cadastre activities are under the responsibility of one institution and the experience, organizational structure and budget of the institution. The weaknesses of this cooperation system are the inadequacies in control and supervision and the lack of qualified and expert personnel. Strong private sector structure in Turkey offers an opportunity for the development of GDLRC-private partnership. Lack of a sufficient share of the general budget and the lack of a sustainable national land management policy is seen as a threat that will weaken PPP.

When the activities of GDLRC are examined, it is seen that it receives support from the private sector, mainly in conducting cadastre based services. Also, the institution's use of the private sector in the land registry and registration procedures will enable the institution to provide faster and easier service to the citizen. There is not enough expert personnel in the institution to supervise the works done to the private sector. In this context, training of personnel who have a good command of the public and private sector will contribute to more healthy conduct of control and coordination works. Reducing the strict procedures stemming from the public procurement law and issuing legislation specific to GDLRC-Private sector cooperation will further strengthen GDLRC-Private sector cooperation.

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