

## **National Afforestation and Erosion Control Mobilization Law**

**Law No. 4122**

**Date Accepted: 23.7.1995**

### **SECTION ONE Objective and Scope**

#### **Objective and Scope**

**ARTICLE 1-** This law is for arranging the principles and procedures of the activities that will be conducted by the public institutions and agencies and by the real or legal persons for increasing forest sites and trees, to establish and develop defected balance among land, water and vegetation and preserve environmental values at the state forests, lands, owned or managed by the state, lake and river sides, and lands owned and managed by legal persons.

### **SECTION TWO Determination, Allocation, Permission and Implementation**

#### **Determination and Permission at State Forests**

**ARTICLE 2-** Permissions, free of charge, may be granted to public institutions and agencies well as to real and legal persons to perform afforestation and erosion control activities on the gaps occurred within forests except fire, on the area dedicated to afforestation by management plans within the framework of the principles and priorities that will be specified by the Ministry of Forests.

Permission will be granted to people who wish to afforest and perform erosion control within the framework of this law on the lands that are excluded from the boundaries of the forest in accordance to section (B), para 1 of Article 2 of the Forest Law No. 6831 and are not needed for the settlement of the people living in the forest villages and that it is not possible to regain its nature as forest. The applications made at the dedicated areas will be inspected by the authorized forest administration in every 6 months and progress will be indicated in a report.

The granted permission will be canceled if no implementation begins in one year and if the purpose of the permission is not fulfilled in 5 years. Furthermore fee will be collected from the permission holder for the use of this land in this period of time.

Granting permission for the state forests is subject to Forest Law No. 6831.

#### **Determination, Allocation and Permission at the Lands Owned and Managed by the State**

**ARTICLE 3-** The areas of which the permission be granted to the institutions having general, supplementary and private budget and to real and legal persons and which are not included in the tourism region and centers and are owned and managed by the state, may be allocated to the Ministry of Forest upon its demand after prior consultation with the Ministry of Tourism and having approval of the Ministry of Finance. These lands will be utilized with the principles and the priorities specified by the Ministry of Forest.

#### **Implementation**

**ARTICLE 4-** The duties of the public institutions and agencies as well as real and legal persons that will participate the mobilization of afforestation and erosion control within the scope of this law in their own lands, in the lands where permission or servitude has been granted for such function are given below.

a) Prime Ministry; Provides necessary watershed rehabilitation measures at the water catchments of the irrigation puddles through the General Directorate of Rural Services. Provides establishment and preservation of land and water balance by measures concerning preventing, removing and reducing of land erosion. Performs afforestation activities for preventing wind erosion at the agricultural lands located near to village paths. Establish wind screens. Performs or

have it be performed infrastructure activities for improving (yabani fistiklik), olive groves, carob groves, scrubs, meadows and pastures that are owned or managed by the state.

b) Ministry of National Defense; Establish "Military Forests" on the public lands allocated to the Turkish Armed Forces. The maintenance and preservation of these forests will be conducted by military units. Technical assistance will be provided by the Ministry of Forest.

c) Ministry of Internal Affairs; Performs afforestation and erosion control activities within the borders through governors and town administrators. Establish "Provincial Administration Forests" by using Provincial Administration facilities.

Establish "Public Security Forests" by police candidates who are educated and trained in police schools, planting seedlings not less than three each year. Make and have it be made their maintenance and preservation.

d) Ministry of National Education; Establish "School Forests" at appropriate locations that are dedicated by the Ministry of Forest, Governors, Town Administrators and municipalities by each student, planting seedlings not less than three each year. Land preparation and maintenance and preservation will be performed by the institutions providing the land.

e) Ministry of Agriculture and Rural Affairs; Performs or having performed infrastructure activities for improving (yabani fistiklik), olive groves, carob groves, scrubs, meadows and pastures that are owned or managed by the state.

f) Ministry of Tourism; Performs and have it be performed afforestation and erosion control activities at the touristic regions, areas and centers. The maintenance and preservation of these locations will be ensured through technical cooperation with the Ministry of Forest.

g) Ministry of Environment; Performs and have it be performed afforestation and erosion control activities at the locations where it seems necessary for performing afforestation and erosion control activity. Establishes "Environment Forests". The maintenance and preservation of these locations will be ensured through technical cooperation with the Ministry of Forest.

h) Universities; Establishes "University and Faculty Forests" by lecturers and students at the areas owned by them or having servitude rights in their campuses, with planting seedlings not less than three each year during educational period. Provide their preservation and management.

i) Turkish Radio and Television Institute; Private radio and television institutions; Perform introduction and publication activities, free of charge, of materials extending compassion of forest and trees. Prepare and broadcast programs. Broadcasting will be made prior to News hour of each institute during the period that will be determined by the Ministry of Forest. This cannot be less than 5 hours a year. They collaborate with Ministry of Forest for performing this service.

j) Department of Religious Affairs; Establishes "Religious Affairs Forests" by muftis on the public lands and on deteriorated forest lands. The maintenance and preservation of these locations will be ensured through technical cooperation with the Ministry of Forest.

k) General Directorate of Turkish Electricity Production/Delivery Institution; Performs afforestations and erosion control activities on areas adjacent to power plants and provides maintenance and preservation of them.

i) General Directorate of Highways; Performs vegetation and afforestation activities on highways. Also performs afforestation and erosion control activities on locations causing threat to highways and provides and have it be performed maintenance and preservation of these areas.

m) Republic of Turkey State Railways; Performs vegetation and afforestation activities with types resistant to fire on railways, and provides and have it be performed maintenance and preservation of these areas.

n) General Directorate of State Hydraulic Works; Performs afforestation and erosion control activities on the lands of its possession or on the lands that was allocated to it or having servitude rights for the functions designated with Law No 6200 in the water catchments of dams and provides and have it be performed maintenance and preservation of these areas.

o) The public institutions and agencies of which their names are not indicated in above paragraphs and Turkish Cellulose and Paper Industry, Forest Products Industry Company, Turkish Coal Enterprises, Turkish Hard Coal Institution, Post Telephone and Telegraph Administration, ETIBANK that use forest products as raw material, perform afforestation for production purposes on the lands owned by them or on the lands that permission and servitude rights are granted. The maintenance and preservation of these area will be made and have it be made by these institutions.

p) Municipalities; Performs afforestation and erosion control activities on the lands of the contiguous area owned by them or on the lands that permission and servitude rights are granted and establish "Municipality Forests". The maintenance and preservation of these area will be made and have it be made by them.

r) Village legal persons; Performs afforestation activities on the lands owned by them or on the lands that permission and servitude rights are granted within their borders and establish "Village Forests". For all allocations, servitudes and permissions that will be granted in accordance to Article 2 and 3 of this Law village legal persons will have the preference. The maintenance and preservation of these afforested area will be made by village legal persons.

s) Chambers, Vocational Institutions, Associations, Unions, Foundations, Societies, Sport Clubs, NGOs and similar agencies; Perform afforestation and erosion control activities on the lands owned by them or on the lands that permission and servitude rights are granted.

t) Large Enterprises; Perform and have it be performed afforestation and erosion control activities on the lands owned by them or on the lands that permission and servitude rights are granted. The definition of the Large Enterprise will be specified with the regulations which will be issued within 6 months from the date of implementation of this law.

The above mentioned public institutions and agencies, should they wish so, will establish forest units for afforestation and erosion control activities having adequate capacity within their structure. Necessary financial resource for these activities will be met from their own budgets.

The public institutions and agencies other than above may also perform afforestation and erosion control activities under this law.

### **Memorial Forests**

**ARTICLE 5-** "Memorial Forests" will be established by the Ministry of Forest on request from real and legal persons with expenses be met by them. Furthermore, "Memorial Forests" may be established in every province and town by planting seedling on national and religious holidays and on special days. The names of memorial forests can not be changed. The principles and procedures for establishing and operating and utilizing these forests will be specified by the Ministry of Forest.

Private forests can be established on locations excluded from forest area in accordance to Article 2, Para 1, Section (B) by the proprietor.

## **SECTION THREE**

### **Planning, Production and Utilization**

#### **Projecting**

**ARTICLE 6-** The afforestation and erosion control activities that will be performed under this law will be implemented with type implementation projects prepared by the Ministry of Forest.

## **Administration and Management**

**ARTICLE 7-** The forests established in under this law will be operated and managed in accordance to Forest Law No 6831.

### **Utilization**

**ARTICLE 8-** The main and by products acquired from the forests that are established under this law will be utilized freely in accordance to Forest Law No 6831.

## **SECTION FOUR Financial Edicts**

### **Revenues**

**ARTICLE 9-** The expenses of the afforestation and erosion control activities that will be performed by the Ministry of Forest under this law will be met from the following revenues.

- a) 30% share of customs duty revenue that will be collected from the importation of main, by product, raw material, semi finished and finished forest products.
- b) From the sales of allocated forest properties;
  1. 1% of the selling price of allocated fuelwood and village bazaar sales.
  2. 2% of the allocation price of fiber-chip woods that are allocated to the requirement of Fiber-chip industry.
  3. 2% of the allocation price of log, pole, paper and industrial wood that are allocated to public institutions and agencies.
- c) 1% of the path, building and facility project costs that are approved by the authorized units of the construction licenses in private forest area which are provided as 6% in accordance to Article 52 of the Forest Law No 6831.
- d) From the sales made in accordance to the Revolving Capital Regulations of General Directorate of Forests;
  1. 6% of the sales revenue
  2. 2% of the corporate tax of the General Directorate of Forests that will be paid separately
  3. 3% of the auction sales of forest products that will be collected from the buyer.
- e) 3% of the semi finished and finished forest products sales realized by the General Directorate of Forest Products.
- f) 5% of the revenue from "Prevention of Environmental Pollution Fund" that are established in accordance to Environment Law No 2872 dated 9.8.1983.
- g) 2% of total project cost which will be realized on forest lands of all the facilities, excluding the ones that have no profit intention and would be used for services beneficiary to public, which will be constructed by the state and other public legal persons and private and legal persons.
- h) 2% of the annual rental collected by the state for the allocation of public lands to touristic investments in accordance to Tourism Encouregement Law No. 2634.
- i) 1% from the annual investment funds of the General Directorate of State Highways for new highway constructions where there are no funds available for afforestation and erosion control.

j) 2% from the annual investment funds of the General Directorate of State Haydraulic Works for new dam constructions where there are no funds available for afforestation and erosion control.

k) 1% from the annual investment funds of the General Directorate of Rural Services for new puddle and path constructions where there are no funds available for afforestation and erosion control.

l) Income from donations and relieves

The revenue mentioned in above paras, (a), (b), (c), (d), (e), (f), (g), (h) will be deposited to the expenditure account of the Afforestation Fund by latest 15th day of the month following the collection made by the concerning institutions and agencies.

The shares mentioned in paras, (i), (j) and (k) will be calculated by the concerning institutions during preparation of their annual budgets and will be allocated in their transfer funds. These funds will then be transferred to the expenditures account of the Afforestation Fund within one month after commencing date of the budget implementation. The share mentioned in paras. (i), (j) and (k) will be included to the project estimations with a pos number and the expenditures made by the private sector or by the project owner institute, will be reported to the Ministry of Forest each year as conclusive inventory information. If the afforestation and erosion control activities which should have been accomplished by the public institutions and agencies thorough the funds allocated in their budgets, can not be realized within the designated year then the corresponding funds will be transferred to the expenditures account of the Afforestation Fund on November of the same year.

These revenues are exempted from the Corporate Tax and the donations and relieves are exempted from the death duties.

### **Expenses**

**ARTICLE 10-** The revenues acquired under this law will be consolidated in a separate section of the Afforestation Fund which was set up in accordance to Article 64 of the Forest Law No. 6831, amended by Law No. 3373 dated 22.5.1987. These revenues will only be used, without any deduction, for afforestation and erosion control activities that will be performed under this law.

## **SECTION FIVE Training, Introduction and Rewarding**

### **Training and Introduction**

**ARTICLE 11-** In order for extending compassion of tree and forests Turkish Armed Forces and the Ministry of National Education will, in their training and educational programs; and the Ministry of Justice will, in the training conducted in prisons, include applied training on afforestation and erosion control.

The Ministry of Forest, the Ministry of Environment, Department of Religious Affairs, Turkish Radio and Television Institute and General Directorate of Press Publication and Information will perform necessary introduction activities for encouraging afforestation and erosion control and for becoming members of foundations which was established for this purpose.

### **Rewarding and Incentives**

**ARTICLE 12-** Plates and certificates may be given to public institutions and agencies and to real and legal persons by the Ministry of Forest, who have actually or financially contributed the establishment of new forests and who have performed considerable services for extending tree and forest compassion, improving forestry, preventing erosion and protecting environment.

All maintenance and preservation expenditures made for the forests that are established under this law will be deducted from the income and corporate taxes basis.

**SECTION SIX**  
**Prohibitions, Pursue for Offenses and Punishments**

**Prohibitions**

**ARTICLE 13-** Buildings and sites can not be constructed in the forests which are established under this law by allocation, permission or servitude rights. These areas can not be utilized for any purpose other than the designated purpose and cannot be mortgaged, can not be transferred to third parties. Allocation and granted permission will be canceled if the area are used for any other purpose or transferred to third party, if the implementation has not commenced in one year or if the objective has not been accomplished in five years. Area will be seized free of charge. Furthermore appropriate fee in accordance to local current rate will be collected by the Ministry of Forest from the permission holder until cancellation date.

**Pursue of the Offenses and Punishments**

**ARTICLE 14-** The offenses made on the forests established under this law will be pursued and punished in accordance to Forest Law No 6831.

**SECTION SEVEN**

**Miscellaneous Articles**  
**Abolished and Modified Articles**

**ARTICLE 15-** Abolished and modified articles;

- a) "Law Concerning Collection of Share for Provincial Administration from the Goods of State Forest Enterprises and Forest Products Sold from Timber Plants" is abolished.
- b) The wording "and General Directorate of Forest" is included right after the wording "General Directorate of Foundations" which is in parenthesis of para (k) of Article 18 in the Social Services and Children Protection Institute Law No. 2828.
- c) Para (c) of Article (4) of Encouragement of Social Relief and Solidanty Law No. 3294 dated 29.5.1986 are abolished and wording (excluding General Directorate of Forest) is included right after the wording "Income and Corporate Tax Payers" into para (e), Article (4) of the same law.
- d) The wording (excluding General Directorate of Forest) is included in parenthesis right after the wording "Income and Corporate Tax Payers" into para (e), Article (32) of the Apprenticeship and Vocational Training Law No. 3308.
- e) If mining activity is being implemented on the area allocated under this law, then the area will be regarded as the area having no forest until mining permission expires.

**Regulations**

**ARTICLE 16-** The principles and procedures for implementing this law will be arranged by the Regulations which will be prepared by the Ministry of Forest in one year.

**Enforcement**

**ARTICLE 17-** This law will come into force on the date of its publication.

**Implementation**

**ARTICLE 18-** This law will be implemented by the Council of Ministers