

**TURKISH COURT OF ACCOUNTS**

**REPORT ON  
PROTECTION OF FORESTS  
by  
TURKISH COURT OF ACCOUNTS**

**SEPTEMBER 2004**

*“Turkish Court of Accounts (TCA) Report on Protection of Forests”*

Upon the decision of the General Assembly of the Turkish Court of Accounts dated 13.9.2004 and no. 5100/1, this Report is deemed appropriate to be submitted to the Turkish Grand National Assembly pursuant to additional Article 10 of the TCA Law no. 832.

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## SUMMARY

1. Surveying activities for identification of legal timber lines of Turkey have not been completed yet and the majority of those completed haven't been registered. This affects forestry activities and safeguard actions negatively. Corrective actions on faulty surveying works due to several reasons or their cancellation by court decision are not only one of the reasons preventing completion of these works but also they cause waste of time and resources. *(paragraph 37-41)*

Surveying activities should be carried out in accordance with realistic work programmes prioritising the places where the property problems and interventions in forests are observed most widely, prioritising valuable fields and considering the estimated numbers of the current and future forest survey committees as well as their working conditions; measures should be taken in order to encourage working in these committees to compensate the lack of committee chairman or members, and communication of correct, up-to-date and complete information to the committees by setting up an information system where all records including legal disputes related to the lands subject to surveying should be ensured.

2. Identification of fields that are disqualified from forest is not based on scientific and objective criteria. Survey committees sometimes undertake faulty practices; as a result, fields still qualified as forest are excluded from the timberlines. This situation does not only reduce forests but also causes many legal disputes. *(paragraph 42-50)*

Identification of fields disqualified from forest should be done in line with objective and scientific criteria and in line with measurement systems to be developed by legislation.

3. Pursuant to the third paragraph of Article 17 of the Forest Law no. 6831, licenses given for establishment of refuse disposal areas, market halls, cemeteries, sports facilities, foundation universities, military divisions in forests, (which is a controversial investment requirement given that these facilities are obliged to be established in forest areas) have reduced the forests and no system permitting these investments with the least harm to the forests has

been set up. Lack of a definition of “*Public benefit*” and inability to identify under which circumstances it will take place, inability to compare the public benefits to be provided by the facilities to be set up in forest areas to the advantages of leaving these areas as forest created an argumentative ground for majority of the licenses given. Article 17, which was repealed by the Resolution of the Constitutional Court dated 17.12.2002 and no. E.2000/75, K.2002/200 and which was revised with the Law no. 5192 on Amendment to the Forest Law taking effect by publication on 3 July 2004 restricts the activities to be subject to utilisation license and required the facilities to be set up on State forests to fulfill the condition of “*public benefit and necessity*”. However, the term “*necessity*” indicated here was left to discretion as in the case of “*public benefit*”. (paragraph 56-63)

As regards the licenses to be granted pursuant to Article 17 of the Law no. 6831, systems should be developed to prove the necessity of investments to be made in forest areas and to prove that the area requested for investment fulfills the actual area needed and systems should be developed to ensure comparison of public benefit with the advantage of maintaining forests.

4. Due to the lack of efficient audit in private forests the construction threshold which was set as 6 % of the vertical area was exceeded and some of the private forests were disqualified from forest. (paragraph 64-66)

In order to protect private forests and stay within the lines of construction threshold, an efficient internal audit mechanism should be set up and full compliance with the relevant legislation provisions should be ensured.

5. It was observed that professional experience and qualifications that might help in the fight against fires such as previous experience in the same region were not sought in forest management directors and chiefs assigned in regions vulnerable to fire, that the staff did not stay in their posts not long enough to enable them to learn the characteristics of the region and fire, that staff replacements happened during the period when forest fires occurred most and also that there were vacant management chieftaincy positions in regions vulnerable to fire as in the overall country. (paragraph 81/1-2)

Fight against forest fires will be more successful if forest management directors and chiefs to be assigned in high fire-risk regions are selected among those experienced and who have received training on the fight against forest fires and who know the region well. In addition to this, these staff should be ensured to stay long enough in their respective regions to familiarise with the region and fires, they shouldn't be appointed to other tasks during or close to fire season, a staff policy filling all the vacant positions in sensitive areas should be developed to increase the efficiency in the fight against fires.

6. Training activities on the fight against forest fires and international developments in this area are unable to fulfill the expectations of provincial offices; no activity is carried out for specialisation in fire management. (paragraph 81/3)

The training programs organised for fight against forest fires should take into consideration the needs of the staff assigned in provincial offices. Opportunity to follow the developments worldwide and specialisation in fire management should be ensured.

7. There is no procedure in place to identify the level of fire risk that the facilities located in forest areas carry. Refuse disposal areas and energy transmission lines in forest areas cause risk of fire and fires due to burning of the stubbles cannot be prevented even though they have shown a decline in recent years. (paragraph 84-88)

Risks that carry the facilities in forest areas should be identified, measures to be taken should be determined and procedures should be set up to ensure monitoring and control of these measures. In fire-sensitive areas, risky utilisations should not be permitted as much as possible. Energy transmission lines in such regions should pass along the roads, through weaker parts of the forests or underground and construction of such lines should not be permitted in areas where intervention is not possible.

8. Due to the lack of staff and vehicles at the Ministry offices, adequate measures cannot be taken against irregular and risky usage of forests especially in

coastal areas. Entries to and exits from forest areas cannot be controlled as necessary, which increases the risk of fire. (paragraph 89)

In regions and seasons with high risk of fire, activities related to the control of entries to forest areas and prevention of irregular utilisation should be carried out with the law-enforcement officers, and the means of using voluntary environmental organisations input should be investigated.

9. Forest firebreaks and security lines that were planned could not be completed. It was found that these breaks were inadequate in some areas vulnerable to fires. (paragraph 94-96)

Works for completing the forest firebreaks should be accelerated by prioritising the risky regions, construction of fire security breaks and security lines should be continued taking into account both their harm on forests and their benefits in fire extinguishing activities and density of forest in places where firebreaks are not applicable should be reduced.

10. There is a lack of fire-resistant garments, gas masks and similar tools that will ensure security of fire extinguishing team and the relevant officials indicate that problems were experienced with hand wireless devices with which communication is set during fire extinguishing. (paragraph 97, 98)

Deficient tools and devices to ensure security of fire extinguishing team should be supplied and problems experienced with communication should be settled considering the opinions and recommendations of those who are actively involved in these activities.

11. Lack of staff at watchtowers during the time other than fire season and lack of fire extinguishing teams restrict adequate and timely intervention, which, as a result, aggravates the damage caused by fire. (paragraph 99)

Fire extinguishing teams and watchtower staff should be made available during the time other than the fire season in risky places and in regions where forest fires have occurred most in recent years according to the statistics.

12. Measures to prevent spread of diseases and pests within or outside of the region are not sufficient. Forest assets imported alive or logged brought pests that are not found within the local nature. Types of trees used in forestation in some regions but which are not adaptable to the environment in which they are tried to be grown have become inclined to get weaker in time and open to the impact of diseases and pests. *(paragraph 115, 116)*

In order to prevent the spread of disease and pests, trees with diseases or insects should be taken out of the forest before they harm the other trees. In order to prevent spread of pests to other regions, the barks should be peeled and forest engineers should be used when necessary for control of imported forest products at customs and in the forestation works the kinds of trees that are suitable for the growing field should be preferred.

13. The relevant officials indicate the need of staff specialised in the fight against forest pests and diseases. A system which would enable specialisation in this field hasn't been established yet. *(paragraph 118, 119 )*

In order to carry out an effective fight against forest pests and diseases, regular training should be offered to forest guards and technical staff, an accessible information and statistical network including the works and experience of forest management and chieftaincies and the opportunities to benefit from other countries' experiences should be improved.

14. Despite the fact that collective safeguard team, sectional, immobile and mobile safeguard teams where forest guards work and which are affiliated to the forest management chieftaincies have been established so as to protect forests against illegal interventions and the minimum and maximum number of staff that should be employed in these teams has been identified by legislation, employment of the minimum number of staff hasn't been achieved. There is a declining tendency in the number of forest guards. In addition to their inadequate number, training background of forest guards is also inadequate. This situation increases the workload of forest management chiefs. *(paragraph 125-128)*

Deficiency of forest guards in forest safeguard teams should be supplied; number of forest crimes, their variety and their occurrence pattern should be

taken into account in distribution of the guards, and a systematic and comprehensive training should be ensured for them.

15. System for inspection of the activities of safeguard teams cannot be put into practice, forest management chiefs who have roles and responsibilities in almost every activity related to forests are not able to perform their monitoring and inspection duties with regard team to the safeguard teams due to their workload. *(paragraph 124)*

Necessary coordination should be ensured to narrow down the sphere of duties of the forest management chieftaincies and their number should be increased or in order to benefit from the nationwide security forces to combat forest crimes.

16. High turnover rate at forest management directorates and chieftaincies does not allow the relevant staff to familiarise with the region and local people. The life safety risk faced by the forestry staff fighting against illegal actions on forests during safeguard activities and during execution of court decisions reduces the effectiveness of their performance. *(paragraph 129, 132)*

The provincial Ministry staff should be ensured to stay in their workplaces long enough to be able to familiarise with their sphere of responsibility, forest-human relationships and the problems in the region and to be able to bring solutions to the problems; and necessary measures should be taken in order not to expose them to any pressure during the conduct of safeguard activities and execution of court decisions.

17. It is observed that in regions where land is precious, actions to occupy and make use of the lands are increasing and that there is an increasing tendency nationwide in the forest areas damaged by occupation and settlement. There are places where the deforestation is observed due to illegal settlements and where execution of court decisions on demolishing these illegal constructions is not possible. *(paragraph 130, 131, 133)*

Measures should be taken in order not to lose forest areas due to illegal settlements and necessary coordination should be ensured to prevent delivery

of municipal services to these settlement places. Legal actions should be taken to impose legal sanctions on municipal and other institutional officials providing delivery of water, electricity, sewage services and the forest administration should be assigned with the responsibility of monitoring these actions.

# AUDIT TOPIC, METHODOLOGY AND OBJECTIVE

## AUDIT TOPIC

18. Adequacy of the activities of the General Directorate of Forestry has been reviewed within the scope of the audit. Given the necessity of having an awareness of the timber lines primarily in order for protection of forests, the activities related to this, exclusion of lands from timber lines and licenses issued to make use of forests have fallen under the scope of the audit.
19. The following topics are covered by this audit work:
- Activities related to identification of timber lines,
  - Licenses given for various forest utilisation purposes,
  - Fight against forest fires,
  - Combat forest pests and diseases,
  - Combat illegal actions against forests.

## AUDIT METHODOLOGY

30. The legislation was reviewed in order to understand the legal bases of safeguard activities for forests, how these activities were being carried out and in order to identify the relevant risks and audit criteria; meetings were held with the officials of General Directorate of Forestry and documents obtained from them were reviewed; and information and documents received from the Chamber of Forest Engineers and Turkey Foresters' Association through interviews were used.
31. Documents with statistical information related to recent years were reviewed, regional directorates were evaluated based on their activities with regard to illegal actions against forests, fires, pests, diseases, activities to exclude lands from forest areas and licenses given for forest fields and on-site audit was carried out in İstanbul, Antalya, Muğla and Trabzon Regional Directorates.

32. In the regions covered under the audit, documents received from management directorates were reviewed, relevant works were carried out in 15 management directorates, structured interviews were held with 64 management chiefs, reviews were made in watchtowers and fire intervention centers selected through sampling, illegal actions together with the impact of pests and diseases were observed in forests and observations were made in sample regions selected among those exposed to fires and those subject to licenses.

## **AUDIT OBJECTIVE**

33. Objective of this audit is to ensure;
1. identification of legal and administrative regulations preventing effective and efficient conduct of forest protection activities together with risky factors in implementation and taking necessary measures,
  2. that the General Directorate of Forestry carry out its activities in line with realistic and clear aims and objectives,
  3. conduct of productive activities for more effective protection of our forest assets.