

saha

CITIZENS' ASSEMBLY-TURKEY

NATURE, THE STATE AND THE LAW: THE ENVIRONMENTAL IMPACT ASSESSMENT IN TURKEY

Seven examples of ecology struggle in Turkey - Eren Dağistanlı, Aycan Özkan, Erol Engel, Erdoğan Atmış, Durmuş Pala, Cem Altıparmak and Agit Özdemir

The Environmental Impact Assessment process as mere formality - Doğanay Tolunay

The resistance of the olive trees against the 'Coal Devil's Triangle' - Deniz Gümüşel

Last exit before "Canal": The City will lose with Canal Istanbul - Hazal Ocak

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EIA implementation and exemption decisions in the Marmara Region - Miray Dokurer

"We also need to defend the rights of the mountains and the streams" - Seçil Ege Değerli

Legal struggle in Munzur Valley - Barış Yıldırım

New tactics to fight plastic pollution - Özgün Türker





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Licence Holder: Ayşe Esra Koç (on behalf of Citizens' Assembly-Turkey)

Editor-in-Chief: Fırat Genç

Editorial Staff: Cansu Gürkan, Haluk Kalafat, Yaşar Kanbur, Cafer Solgun, Beyhan Sunal

Graphic Design: Nur Ayman

Cover Photo: İkizköy Committee on Environment

Translation: Yeşim Öztarakçı

Proofreading: Helen Mackreath

Advisory Board (Special Issue 5): Pinar Bilir, Miray Dokurer, Şafak Erdem, Ilgın Özkaya, Fevzi Özlüer

Contributed by: Cem Altıparmak, Eren Aybars, KOS Media Unit, Eren Dağistanlı, Seçil Ege Değerli, Miray Dokurer, Erol Engel, Deniz Gümüşel, Serdar Güven, Serdar Ocak, Oben Ulu and Özcan Yaman

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Citizens' Assembly-Turkey: Gümüşsuyu Mah. Ağa Çırağı Sk. No: 7/3, Beyoğlu/İstanbul

Telephone: +90 212 292 68 42 **Fax:** +90 212 292 48 44

E-mail: iletisim@hyd.org.tr **Web:** www.hyd.org.tr

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IN THIS ISSUE

In this issue of **saha**, we take seriously the fact that it's impossible to comprehend the time we live in without an awareness that we are on the verge of ecological destruction, and attempt to draw up a balance sheet to reveal the extent of the destruction of nature across Turkey. Bearing in mind everything we've witnessed over the past few years alone, it's clear that the severity of the situation has escalated. The extraction growth model adopted by the ruling Justice and Development Party is continuing at full speed, leading to the breathless multiplication of damage caused by an increasing number of mining sites or power plants. Considering the consequences of the global climate crisis, which we are increasingly experiencing day-to-day, there is no doubt that the scenery is bleak. While Turkey continues to struggle with an economic crisis and is overwhelmed by the narrowing of the political sphere caused by authoritarianism, it is simultaneously experiencing ongoing natural destruction that will affect future generations for years to come.

While these circumstances seem dire, hope may still be found in the unprecedented increase in ecological campaigns and political awareness. Each project that comes to the fore on a local scale often finds a localized resistance in response. Such organizational experiences, led by those with a strong intuition about the irreversibility of destruction, have formed a prominent line in Turkey's political landscape in the past two decades despite the limitations of their resources and influence. It would be a mistake to ignore the awareness which these largely rural movements have also created among the residents of the metropolises. Likewise, it is impossible not to notice the political sensitivity which has become particularly evident among younger generations on social media platforms or in everyday conversations.

Nevertheless, we observe how the current political power, which continues to follow a purely neoliberal program and increase its dose of authoritarianism within this framework, is undermining the existing legal/administrative mechanisms day-to-day in order to continue its extractive economic model at breakneck speed, rather than listening to the objections from below. Although environmental legislation contains protectionist notions and principles to some extent, we highlight various ways in which the public administration's practical attitude is merely to ignore them.

The most obvious area of this trend is probably the application of the Environmental Impact Assessment (EIA). The EIA, which was initially a legal/administrative practice developed for environmental protection, has, for many years, been one of the tools used by those involved in the ecological struggle. However the current reality is that this tool has completely lost its meaning and validity, and has even been turned into a stall-off tactic by those who hold political power.

Tracing how this has occurred is the subject of our focus in this issue of **saha**. We outline different EIA processes based on examples selected across Turkey and ultimately attempt to question the meaning of the notions of state and law in the face of ecological destruction through the manner in which this concrete practice is being interpreted and implemented. Our main goal, as always, is to convey the details of these debates to those trying to follow the issue from outside. Through doing so, we also hope to make a contribution to the ecological movement in Turkey, albeit in a limited way. For, it's clear that stopping the destruction we are experiencing as soon as possible remains the only realistic option we have.

Interview with Eren Dağistanlı, Ayca Özkan, Erol Engel, Erdoğan Atmış, Durmuş Pala, Cem Altıparmak and Agit Özdemir

Interview by Haluk Kalafat

Seven examples of ecology struggle in Turkey

Mersin Akkuyu Nuclear Power Plant, Bergama gold mine, İkizdere quarries, Hasankeyf Ilisu Dam, Çekerek River HEPPs, Karaburun WPPs and Amasra Thermal Power Plant. All are projects which pose a threat to nature and life and which are being rejected by the local people. Some have been completed and have already started to plunder their geographies, while others are still under construction. The stories of these seven ecological struggles show how political power makes it possible to exert destructive capital pressure on nature in Turkey and the extent to which legal and administrative mechanisms such as the Environmental Impact Assessment (EIA) have been rendered dysfunctional.

The resistance of İkizdere quarry with activist and journalist Eren Dağistanlı

In March 2021, an urgent expropriation decision was made through a Presidential decree for the construction of a stone quarry in İşkencedere Valley, located between Gürdere and Cevizlik villages in the İkizdere District of Rize. The stone extracted from the valley between these two villages is planned to be used to fill the port Cengiz Holding built in Rize. Local people have been defending the İşkencedere Valley, which is one of 200 protected valleys in the world, since the urgent expropriation decision. Activist Eren Dağistanlı, who also reports on local news about this struggle, spoke about it.

The resistance in İşkencedere Valley started on April 21, 2021, so it has already been ongoing for one year. A quarry project was carried out in İşkencedere Valley in order to fill Rize İyidere Logistics Port. There were three separate quarry projects in the same valley. A stay of execution was decided earlier for another quarry project very close to the location of the last quarry in question. The villagers were therefore familiar with the issue. They had already started the legal process when the new quarry project was decided. The actual resistance started on 21 April, as the construction equipment entered the area.

There were curfews at the time, and it was the weekend. I read about the very harsh intervention of the gendarmerie against the people in İşkencedere in the press. It was Saturday, I think. After the curfew was over, I set off on Monday and came to İşkencedere. I live in Artvin, Hopa. We came in a van full of people from Hopa. Then others came for solidarity.

It was the determination of women in particular that magnified the

resistance. I think the harsh attitude of the gendarmerie had a more significant impact on people who could not get out during the pandemic. The photos and videos of peasant women resisting also made an impression. Witnessing the violence of the gendarmerie as they tried to keep women on the slopes and not let them on the road was the breaking point. A great deal of public support was generated as a result. The situation was talked about, supported, and pressured quite heavily across social media. The resistance has outgrown the event itself, but it has outgrown it on both sides. I think this is one of the points that makes the İkizdere Resistance special. I also talked to older people involved in the ecological struggle. It is not common for a minister to come to the resistance to try and persuade the villagers. We are talking about a quarry to be built on an area of 13-14 hectares, so it is not such a big project. The Minister of Transport and Infrastructure arrived in the region. On the resistance side, it was quite a large scale movement, but the effort made by the other side was also quite impressive. They ran a

Statements, fictional news, and videos about the importance of the quarry and port project started to be shared on the ministry page. They tried to create the perception that the minister had visited and successfully persuaded the villagers.

very serious public relations campaign. Statements, fictional news, and videos about the importance of the quarry and port project started to be shared on the ministry page. They tried to create the perception that the minister had visited and successfully persuaded the villagers. However, the villagers did not even attend the meeting with the minister. It was the minister who went to the villagers but he obviously encountered protests and had to leave without answering a single question. I've been in the ecological movement for some time, and we haven't witnessed such a counter-campaign in a long time.



Photo: Eren Dağistanlı

Local people have been defending İşkencedere Valley, which is one of 200 protected valleys in the world, since the urgent expropriation decision.

A decision of “EIA is not required” was granted for the quarry. An amendment was made to the EIA regulation in 2014, which excluded mining activities under 25 hectares from the scope of EIA. A lawsuit was filed against the “EIA is not required” decision. The ministry officials arrived before the minister. There was also another quarry project ongoing alongside the one in İşkencedere, a little further up the hill at a location called the Ayıpeteği. The EIA application file prepared for that quarry had Cengiz Holding’s e-mail address instead of the Ministry’s e-mail address. When we realized this, we made a statement saying, “Did you connect the Ministry to Cengiz Holding?” The Ayıpeteği quarry project suddenly disappeared. The minister later said at a meeting that the project would not be carried out.

After filing a lawsuit against the “EIA is not required” decision, an expert committee came to the region. Their reports mentioned that the project would harm nature irreversibly and that the quarry should not be constructed. This report was sent to the Rize Regional Administrative Court. It was sent in September or October 2021, but no court decision has been released up until now. Similar expert reports were delivered to the court for other projects in the same period. Rize Regional Administrative Court issued a stay of execution order for them. A stay of execution was issued in the lawsuits filed against the “EIA is not required” decisions for Artvin Yusufeli and Sivas Kılıçkaya HEPPs and the quarry in Hemsin Levent Village. The expert reports for them were written and reached the court a few days apart. But there has been no decision for İkizdere. The process is being prolonged. Why is it being prolonged? Because it’s not easy for the president of the court to stay the execution of a place which the President has described as, ‘having been filled by communists’.

The number of reports granted an “EIA negative” decision are very, very few; “EIA is not required” breaks a record, followed by “EIA positive.” The Ministry issues “EIA is not required” or “positive” reports with copy-paste reports to every incoming project.

The people of İkizdere don’t want the quarry to be built. They also want to prevent its construction through legal means. They are waiting for the necessary action to be taken for the expert report and the stay of execution, but the EIA does not work in the current system. It has no force. The number of reports granting an “EIA negative” decision are very, very few; “EIA is not required” breaks a record, followed by “EIA positive.” The Ministry issues “EIA is not required” or “positive” reports with copy-paste reports to every incoming project. ●

Akkuyu nuclear power plant resistance with Mersin NKP (Anti-Nuclear Platform) term spokesperson Ayca Özkan

The anti-nuclear movement is one of Turkey’s oldest and most organized ecological struggles. This struggle has continued to grow since the information that a nuclear power plant would be built in Mersin Akkuyu was first made public in 1976. The movement gained strength, particularly after the 1986 Chernobyl disaster, and became enormous after Sinop was selected as the location for Turkey’s second nuclear power plant in 2006. A new phase started following the 2011 Fukushima disaster. The anti-nuclear activists organized themselves city by city and formed the Anti-Nuclear Platform (NKP) as their parent association. Mersin NKP spokesman Ayca Özkan speaks about the resistance against the nuclear power plant in Mersin Akkuyu.

The problem is the nuclear power plant itself. The local people started the resistance, but its first leader was Arslan Eyce. He was born in 1936 in Taşucu Town of Mersin Silifke. He is Turkey’s first anti-nuclear activist. He died in 2018. The anti-nuclear movement began in 1976 when he first drew attention to the issue. The people of Mersin also embraced this movement. The anti-nuclear movement gained real momentum in the 1990s and accelerated, particularly in the 2000s. Support from different segments of society increased. I was travelling from Adana to attend the demonstrations, for example. I’ve been in this struggle for over 15 years. I’m a worker. I’ve always been sensitive about the environment and nature. I grew in this region but have also been following what’s happening in the rest of the world. We know about the Chernobyl disaster. We know about Fukushima, which happened 11 years ago. They can’t be hidden due to their scale. They were too big to hide

from the public. There are many other leaks and damages to the environment caused by nuclear power plants. Not only from nuclear plants but also from the many mines all over Mersin. The problem of forest fires is getting bigger every day. Over the years, the Platform against Nuclear Weapons has emerged. Akkuyu Nuclear Opponents is a part of this platform. We’re against any project that has the potential to destroy the environment. We see ourselves as life advocates. We say that there is life as long as there is an environment and nature.

We used to camp on the outskirts of Akkuyu for a month every year in July. The first nuclear catastrophe, to our knowledge, was the atomic bombs dropped on Japan on 6-9 August 1945. We used to complete the camp with a big rally every August 6 as a reminder of the first nuclear disaster. There was a large participation. It was an event which

In recent years, there have been bizarre legal processes in our country. The prosecutor said: “Although they have the right to make unarmed and non-aggressive demonstrations under the European Convention on Human Rights and our Constitution, they should still be penalized ...” I mean, can you believe that?

strengthened the Akkuyu struggle. The last time we went was to protest against a groundbreaking ceremony in 2018. The site where the power plant will be built is about 140 kilometers to the west of Mersin. It takes two and a half hours to reach by car. Because of the police’s attempts to prevent us travelling there, we could only complete the 2-hour long



Photograph by Anti-Nuclear Platform



Photograph by Anti-Nuclear Platform

Taşucu drive in 11 hours. On March 10th, we held a big demonstration for the groundbreaking ceremony of the plant's third reactor. Our motto was: "March 10 leads to March 11, Fukushima!" It's really hard to get it. They had a groundbreaking ceremony just the day before the anniversary of the Fukushima disaster as if they were mocking people. We protested. Of course we were sued, we were tried. In recent years, there have been many bizarre legal processes in our country. The prosecutor said: "Although they have the right to make unarmed and non-aggressive demonstrations under the European Convention on Human Rights and our Constitution, they should be penalized..." I mean, can you believe that? I told the judge and prosecutor in the court, "This case you have filed will be taught in law schools in the following

According to the Environmental Impact Assessment (EIA) Regulation, a public meeting should be held to inform the public about the project and get their opinions and suggestions before determining the scope and special format of the EIA report. But the "EIA positive" report was issued before the EIA meeting.

years as an example of how not to file a lawsuit."

According to the Environmental Impact Assessment (EIA) Regulation, a public meeting should be held to inform the public about the project and get their opinions and suggestions before determining the scope and particular format of the EIA report. The "EIA positive" report was issued before the EIA meeting. As NKP we filed a lawsuit, and we also filed individual lawsuits. The Union of Chambers of Turkish Engineers and Architects (TMMOB) also filed a lawsuit. The case went to the ECHR two years ago. Unfortunately, it's not a legal issue, but a political one. That's why we can't get a result in the court. The same goes for the fish farms in Anamur. In other words, it turned out that they are doing everything that will destroy the nature and life of our country. All the scientific data and related professional chambers say that if you insist on doing it, do it in a place where it's not in an earthquake zone. We know that nuclear power plants all over the world, no matter how robust and safe they may be called, are risky. We have seen the example of Fukushima, and we know that the slightest mistake leads to disaster. Nuclear power plants should be closed, and new projects should be canceled not only in our country but all over the world. Aside from not being able to withstand the slightest mistake, there is no study on how to dispose of nuclear waste; if there

Science says don't do it; the law is isolated and dysfunctional; political decisions are the only things that remain, and the construction of the nuclear power plant continues at a rapid pace. We constantly hear about workplace homicides. The goal is to finish it by 2023. They are gambling with all of our lives for their political ends.

is one, it has not been publicly disclosed. The pollution of the nuclear power plant remains with us. They're building it by the sea, and they will use the seawater as cooling water. They'll discharge hot water into the sea. They will further disrupt the balance of nature by doing this.

Science says don't do it; the law is isolated and dysfunctional; political decisions are the only things which remain, and the construction of the nuclear power plant is continuing at a rapid pace. The latest we heard was that the number of workers who have lost their lives is 21. They are made to work in inhumane conditions. We constantly hear about workplace homicides. They say they haven't been paid. The workers are trying to resist. The goal is to finish it by 2023. They are gambling with all of our lives for their own political ends. ●

Bergama gold mine resistance with Bergama Environment Platform spokesperson Erol Engel

The struggle against gold mining with cyanide in Bergama is one of Turkey's oldest environmental movements. The local people achieved significant success in their struggle against foreign companies between 1989 and 2005. However, after this date, AKP and Koza Gold Enterprises stepped in. Bergama Environment Platform Spokesperson Erol Engel speaks about the pre and post-AKP situation of the Bergama struggle.

The resistance in Bergama began in 1989 against Eurogold, a gold operation. The gold mine is in Ovacık Village of Bergama, but it concerns 17 villages in total. The company was licensed for mining. Bergama was the first village in Turkey used for gold mining. Nothing much was known about the process. The local villagers initially thought that they had hit the jackpot. After a while, the then Undersecretary of the Ministry of Energy and Natural Resources - the Ministry of Environment was not established in 1989, and nothing like the Environmental Impact Assessment (EIA) Regulation existed at that time – held a meeting at the Public Education Center in downtown Bergama. The project was explained at that meeting for the first time. I was there, too. The state sent its Undersecretary to explain the project to the local people. Until that meeting, cyanide hadn't been mentioned at all. The hall was packed, and people who could not find a place to sit were listening on the stairs, standing up. When

it was announced that the gold would be extracted using cyanide, the anger of those who attended the meeting suddenly erupted. It was such a big reaction that the Undersecretary had to leave out of the back door. Bergama's struggle began with that meeting.

As a result of the course of the meeting, Eurogold didn't start digging immediately. First, they set up an office in the center of Bergama. They carried out public relations activities through that office. On religious days, after prayers, a truck would pull up in front of the mosque and distribute boxes of chocolates. They bought air conditioners, carpets, etc., for government offices and gave them as gifts. They practically bribed Bergama. The local villagers still did not really understand what was going on until they cut down the pine forest overnight, which the local people cared about a lot. Then everyone realized what was coming. It was 1996 when nearly 3,000 trees were slaughtered in the night – the

When it was announced that the gold would be extracted using cyanide, the anger of those who attended the meeting suddenly erupted. It was such a big reaction that the Undersecretary had to leave out of the back door. The beginning of Bergama's struggle took off with that meeting.

villagers would not have harmed a single branch of that pine forest. That was the trigger. Today there are six mining fields in Ovacık; it was a magnificent forest which stretched between that region and Çamköy. It took a few days for the villagers to come together and react. On November 15, 1996, we occupied the Çanakkale-İzmir road and closed it to traffic for about 8 hours. The then



Photo: Erol Engel

governor of İzmir came to the region as a negotiator. He made some promises on behalf of the state, and we cleared the road.

Sefa Taşkın, the then-mayor of Bergama, put great effort into the growth of Bergama's struggle. The local government was a part of the struggle. Sefa Taşkın was mayor from 1989 to 1999. We wanted to hold a rally for months, but the civil administration did not allow it for security reasons. During the roadblock demonstration, the governor promised permission for the rally. We held a big rally when this permission was granted. Thousands of Bergamans walked in the rain. The people had come bearing all the coffins they had been able to collect in Bergama. We walked with a mise-en-scène demonstrating that if cyanide was used, this is how we would end up. The municipal band played the funeral march. Later, an environmental executive committee was formed, including the headmen of 17 villages and the district heads of all parties with district organizations in Bergama. This board continued the Bergama struggle for a while. In addition to the headmen, there were representatives of the political parties of that period, the Freedom and Solidarity Party (ÖDP), of which I was a member, the Republican People's Party (CHP), the Workers' Party (İP) and the True Path Party (DYP). The spokesperson for the first term was CHP District Chairman Oktay Konyar. The achievement here was to act in line with the decisions taken, especially in the village councils formed across 17 villages. The villagers participated in the speeches, authorization, and decision making phases and took ownership of the problem themselves. The country was very quiet then, and 3,000-4,000 people came out and protested.

I'm from Bergama. My father's village, Yenice, is two or three kilometers from the mine. We took good care of our own land. Hundreds of demonstrations were held against Eurogold. We have developed new demonstrations against each of their attitudes. Eventually, Eurogold handed over the mine to a company called Normandy in 2001. They sold it to the US-based Newmont Mining Corporation in 2002. In 2005, Koza İpek bought it - a company close to the AKP that still owns the mine today.

After mining in the Turkic republics, they sold Etibank's mine in Kütahya Gümüşhacıköy to Koza. Then they bought Bergama, and that changed the course of events. While foreign companies did not even think of attacking the protesting villagers, they pursued a different method as soon as they bought it. Every year, we used to organize the 5th June Environment Day activities in Çamköy, which is close to the mine. In 2005, almost 1000 people came from the surrounding area and Bergama to participate in the event. On the way to the village, Koza Altın company employees blocked our way and attacked us with sticks and stones. We witnessed that day how this company, relying on the government, was using some kind of militia force. The lawsuit filed for the attack expired in 2017 and was dismissed. The government and this company walked together until Akın İpek, the owner of the Koza company, was tried as being a member of "FETÖ" and fled. They plundered the region's assets together. Gold is the wealth of this country. We oppose it being removed using the cyanide method. We are not opposing its extraction in a way that does not harm nature and life. Koza is still there; they've appointed a trustee.

They are operating mines not only in Ovacık but also in Eskişehir Kaymaz, Kayseri, and various places by means of trustees. Two cyanide waste ponds in Ovacık are full; they are about to open a third one. In these two, we're talking about around 8 million cubic meters of huge pits. This is an earthquake zone. Every time we have an earthquake, our hearts stop. These cyanide pits are a nightmare for the region.

Although the ore ran out, they have not left the area. Çukuralan village is 20-25 kilometers from Ovacık. They continue their mining by transporting ore from there. They increased the capacity three times in Çukuralan. They need to receive EIA for these increases. EIA meetings are held at the village coffee shop. We go to a meeting, and the company's private security builds a wall of flesh. We are not allowed in. They tell us to "choose a representative". We reject this because this meeting should be open to the locals. Not only for the gold mines, but also for the quarries they opened in the region, for which the EIA process is similar. The

local people already know what they need to know about the gold mine or the quarry; they will block the road and resist.

In Kozak Plateau, one of the most precious areas of our region, Koza company made two mining attempts, and the resistance in response has been ongoing for years; there is a legal struggle as well as a de facto struggle. They issued the "EIA positive" decision, and we filed a lawsuit and canceled it. We have stopped those two mines for now, but who knows what the future holds. In the end, the EIA processes have become something to cool down the region's people, so to speak, and delude them. The villagers were angry, they did not let the company into the village, and things got messed up; the more people participated, the more signatures in opposition were collected, and the minutes were kept. The resulting minutes and signatures were passed to the environmental directorate. The next thing we know, six months later, the report was approved by the Ministry of the Environment, and they started digging. According to the research a friend of ours did, the Ministry issues a positive report for 98 percent of the applications of these companies. The government sees our forests and plateaus as capital and makes them available to these companies. When I see the example of Bergama, where the struggle is heightened, I cannot imagine the scale of looting across all of Turkey. In summary, the EIA processes have turned into deception. The judicial processes in particular are an even greater deception. We won the judicial process for the Ovacık mine 72 times, but what followed was the introduction of a circular numbered 2009/7 in the EIA Regulation in 2009. With this circular, they brought in a provision which states that when a stay of execution decision is made against an "EIA positive" report, if the decision was made for only part of the report, there is no need to carry out the EIA process all over again. Thus, the stay of execution decisions no longer have any effect. My final words to conclude are the following: We have reached a position where we are protecting the environment from the Ministry of Environment and Urbanization and the fields and forests from the Ministry of Agriculture and Forestry. ●

Amasra thermal power plant resistance with Erdoğan Atmuş, Bartın Platform executive board member

The 23-year-long struggle against the coal-fired power plants planned to be established in Bartın is one of the most important examples of success in the ecology struggle in Turkey. Bartın Platform executive board member Erdoğan Atmuş tells us about this decades long struggle.

The thermal power plant issue in Amasra dates back to 1999. Hattat Holding wanted to hold a meeting that year. There was a meeting at the Chamber of Commerce, so we attended. They were in a challenging situation at the meeting; they could not answer our questions, and they left after encountering the opposition of the local people. They came back in 2005. They said they weren't going to build a thermal plant this time but would just extract coal. The meeting was held in the same hall again. We naturally asked how they would extract the hard coal and sell it in this market. You know that the government subsidizes hard coal. Its cost is high. The head of the Turkish Hard Coal Corporation also participated along with the company delegation. Mehmet Hattat, the Holding's boss, came in person. He told us, "I'm not going to build a thermal power plant, I'm going to extract the hard coal." There is an estimated 500 million tons of hard coal in the area called Amasra-B Site, but not all of it can be extracted. It's not technically possible. At most 150-170 million tons of it can be extracted. They leased the Amasra-B Field from the state for 20 years to extract that coal.

In the Bartın region, just like in Zonguldak, the quarry has been opened; the coal is underground. There are already mines which the state is operating in the region. It's not an open mining operation, basically. That's why he says, "I'm just going to extract coal." He thinks the locals won't mind. Hattat leased the site with the promise of extracting 56 million tons of coal across a 20 year period, but when he completed the leasing procedures, he said, "I signed the contract on the condition of it being a thermal power plant."

I was the director of the Bartın Education and Culture Association at that time. Various trade unions, and associations such as ours, that is, Bartın organizations of non-governmental organizations, came together against the thermal power plant. We prepared a joint report with the components of the Union of Chambers of Turkish Engineers and Architects. I wanted to include all the mass organizations, non-governmental organizations, mayors, municipal council members, and local representatives of political parties in the writing of the report and make it a broad-based report.

"EIA participation meeting could not be held due to the people's reaction," we kept the report. We thought that this report would be effective. However, despite this, we later found out that they acted as if a meeting had never been held.

Five or six of us gathered, and went door to door. We visited all the political parties, provincial municipalities, and all the district municipalities, municipal council members, trade unions, and associations, including the ruling party. We invited them to the meeting on April 9, 2010. We did not make a decision on our own; we merely conducted research to inform others and prepared a presentation including answers to the questions such as where the thermal power plant would be built, whether the coal to be extracted from the mine would be enough for the power plant, what the port project would be used for. There was broad participation in Bartın. The issue

Photograph by Bartın Platform



was discussed, talked about. Then we asked, “Are you ready to fight?” Only the provincial head of the ruling party said, “I can’t say anything right now,” but the rest of the participants approved. We got over 140 signatures, including those of municipal councilors and political party representatives. At that time, the Nationalist Movement Party (MHP) held Bartın municipality, and Amasra was run by the Republican People’s Party (CHP). This was the case when it was founded. Bartın and Amasra mayors became our spokespersons. We decided on our name at that meeting and named it the Bartın Platform. An executive board, including myself, was formed. That’s how the platform was established. The executive board invited the platform components to regular meetings and informed them. The governorship held a meeting after our meeting. The governor of the time, İsa Küçük, was a nice man. The owners of the company participated in that meeting. All the members of the platform were there. The governor’s office recorded the speeches that day, turned them into a book, and published them. The company officials were disgraced by our objections and justifications. Even the AKP provincial president spoke out against the thermal power plant. We can’t imagine anything of this nature happening today.

This company had first applied for a single plant. That project had an estimated power of 2640 megawatts. The Ministry of Environment and Urbanization sent this project back and advised them that, “This project is too big; you can’t pass it like this, divide it in two.” Thereupon, the company made two power plant projects of 1320 megawatts each, one called Bartın and the other Amasra.

An Environmental Impact Assessment (EIA) public participation meeting was announced on 24 November 2010 for one plant and on 25 November 2010 for the other. We started to work as a platform before the meetings. We went to about 40 villages in the region that would be affected by the power plants. We held public meetings in village squares and village coffee shops. There was an intense participation of women in particular. They were informative meetings. We explained the pros and cons of thermal power plants. We explained how thermal power plants would affect their fields, the hazelnut gardens, the fish in the sea.

We set up desks at central points across Bartın and Amasra. At least four or five members kept people informed at those desks. We made flyers and handed them out. We answered people’s questions and called the EIA public participation meeting. This is what our organization has become. The meeting was held in the wedding hall of the municipality’s social facilities. It’s the largest room. The hall was packed, and those who could not get inside filled the garden. At that meeting, the party that was planning to build the thermal power plant could not talk much. We had the microphones, and it was the people who generally talked. We recorded that the “EIA participation meeting could not be held due to the people’s reaction.”

We thought that this report would be effective. However, despite everything, we found out later that they acted as if a meeting had been held. But anyway the process did not end with this; the scope determination meeting was held in Ankara. It was supposed to be held on November 29th. We got organized for that meeting, we rented buses and vans, and some people came in their private cars. We travelled to Ankara, and some more people joined us there. There were around 1000 people. The name of the ministry in those years was the Ministry of Environment and Forestry. It was based in the building in Söğütözü. We protested in front of that tall building throughout the meeting. We spoke to the authorities. We ensured that the representative would participate on behalf of the platform. The mayors of Amasra and Bartın were already members of the meeting. We also ensured the participation of 10 people from the platform. We explained everything at the scoping meeting. The meeting lasted four or five hours. The two meetings were held back-to-back for the two plants. We made the decision that the plants did not comply with the landscaping plan and were also not suitable. It was suggested that Delikliburun or Filyos of Zonguldak, five kilometers west of the plants, should be considered as alternative places. It was decided technically and administratively at that meeting that a thermal power plant could not be established on this site, that is, in Bartın’s Gömüköy and Tarlaağzı villages. The site is by the sea; they would use the seawater as cooling water and return it to the sea; and they

would also use the Kavşak Deresi Stream, which provides the local people’s drinking water. At the time this resource was meeting the drinking water needs of 100,000 people.

This issue was closed on November 29, 2010, but Hattat Holding did not stop. They came back in 2013. This time, they changed their names: Hema and the Western Black Sea Thermal Power Plants. We objected again. We asked why a new process was being started since the application had previously been rejected. “These projects are elsewhere,” they replied. However, they were at the same coordinates. That’s how the government works in this country. They were also planning a port from the start of the project. The company said it would extract the coal from the mine, use it in the power plant, and transport the remainder to this port to sell. We made a calculation, the volume of the mine was apparent, and the amount of coal needed by the power plants obvious. They could only get a quarter of the coal required from this mine site. We also included these calculations in the EIA report. They insisted on the port because they were planning to import coal. Imported coal was very cheap in those years. There is Çatalağzı Thermal Power Plant in Zonguldak. Eren Holding operates it. The state owned this power plant and privatized it later. Eren Holding bought it, then built four more thermal plants. They promised to use the coal they would extract from the site when they bought it. When the project was approved, they also got the port permit. They generated energy with the coal they brought from Colombia. The region has become uninhabitable. The locals are moving out of the area. So there’s a bad example close by.

The EIA process has started again. They received a positive decision again. They held 12 EIA public participation meetings. We gathered again, organized, and did not let it happen. The people never gave up their resistance, but as I said, even if there is no meeting, they continue the process in the ministry as if one were held. The EIA does not work in an administrative and legal sense, but it helps the local people organize, go to meetings and speak up. At least that was the case for Bartın. We also stopped the company at a scoping meeting at the ministry in 2013.

Erdoğan Bayraktar was the environment minister then. The issue was taken to the minister. Bayraktar asked for the process in the ministry to be repeated. We went to the meeting again and saw that the General Directorate of Spatial Planning bureaucrats, who had decided it was “unsafe for the environment” in the previous meeting, was not invited to the new one. Moreover, the meeting was held in the General Directorate of Spatial Planning. They were hosting the meeting, and the scoping meeting could not be held without them. We objected. The meeting was postponed. After all, we found out that it had been arranged by the minister. As a result, the company completed the ministry process in its favor in April 2014. We protested this decision with a human chain on June 5, World Environment Day. It stretched 4.5-5 kilometers from Amasra to the region where the thermal power plant was planned to be built. It was a rainy day, but still, people completed the chain of that distance by holding hands. Shopkeepers in Amasra took down their shutters to protest that day. This is not something very common in the west of Turkey. Banners reading “No to the thermal power plant” were posted on all the shops and buildings. It was a wonderful day. Despite all these protests, the positive decision was announced to the public. We were given ten days to appeal. As a platform, we took off again and visited the villages. We came to the environmental directorate of Bartın by holding a rally and submitted 43,000 petitions. Up until the resistance to Canal Istanbul, our struggle in Bartın had collected the most objection petitions. At that time, Erdoğan Bayraktar was dismissed and replaced by Idris Güllüce. He stated, “I gave my permission; the plants will be built.” When Bartın submitted their 43,000 petitions, they did not cancel the application but merely shelved it.

The project remained on the shelf for two and a half years. It was taken off the shelf during the state of emergency after July 15; it was immediately approved and also included in the environmental plan. This time the minister was Mehmet Özhaseki. He’s the Kayseri MP. Hattat Holding is also from Kayseri. It’s an interesting coincidence. When this project was first on the agenda, the energy minister was Taner Yıldız, who was also a Kayseri

deputy. With Özhaseki, the way to the thermal power plant was cleared in October 2016.

This time, we also collected proxies from the local people. We filed 2002 lawsuits. This is the most litigious case I know of in the environmental struggle in Turkey. The case was heard at Zonguldak District Administrative Court. We packed into the buses again and went there. The judges listened to us very carefully. Again, our hopes were high, the hearing was positive, but it was rejected. We applied to the Council of State. The 14th Court of the Council of State heard the file. In January 2019, the Council of State irrevocably decided that the power plant project could not be done.

We also sued the environmental plans. These amendments were also rejected in the local and higher courts. In the project, an ash storage facility was included in the forest area in the region. We also filed a lawsuit against cutting the forest and won it. We also sued and canceled the EIA positive decision for the port project. The company had an energy production license that it received in 2006, which we have had canceled in a separate case.

In May 2020, Hattat Holding made another application for a thermal power plant. This time they didn’t even name the project. An EIA meeting was held; they could not even enter the hall owing to the people’s objections. On February 4, we went to the scoping meeting at the Ministry of Environment and Urbanization

Eventually, the company came again. Their excuse this time was the Russian-Ukrainian war. They said they will begin operating the mine because the value of coal has increased due to the war. Meanwhile, they are still trying to wear down the platform members on social media and in public.

with the decisions of all the cases we had opened and won. At the end of the meeting, the project was not canceled, but it was shelved again. As soon as they find a gap, they wait to take advantage of it. By the way, the company has recently come again. Their excuse this time is the Russian-Ukrainian war. They say they will run the mine because the value of coal has increased because of the war. That’s what happened a month and a half ago. Meanwhile, they are still trying to wear down the platform members on social media and in public. The mining permit expires in three years. They had a Chinese company dig three pits for the mine. They aim to partner with the Chinese company, bind these three pits and extract coal. So we wrote a letter to the Chinese company explaining the whole process. Due to this letter, they filed a lawsuit on charges of damaging their commercial reputation. Their claim was that it was tarnishing the country’s reputation abroad. That case is ongoing. ●



Photograph by Bartın Platform

The Resistance of Çekerek River HEPP with Durmuş Pala

The source of Çekerek River is in the Yıldız Mountains, located within the borders of Sivas. The 200 kilometers long Çekerek River winds around Tokat and Yozgat, joins the Çorum Stream, and flows into Yeşilirmak in Amasya. Reis Group's company, Rs Enerji, obtained its production license on December 20, 2011. They started excavating the site in 2014 for the first three hydroelectric power plants (HEPPs). Due to the public's stance against these projects, which would cause intense destruction to the surrounding nature, the company suspended the project. However it returned to Çekerek with eight HEPP projects after the 2015 elections. Durmuş Pala from the local people explains the Çekerek HEPP resistance.

The Çekerek River flows across a few provincial borders. Our region is Tokat and Yozgat. It flows through the villages of Zile District of Tokat and the villages of Çekerek District of Yozgat, named after the river. I am from Gümüşkaş village of Zile. Most of the villages where Çekerek passes in our region are Kurdish Alevi villages, and there are also Sunni Turkish villages. This area is rural. They are not people who have a high income. So many people emigrated from here. I live in Istanbul too. There are small fields on both sides of the Çekerek River. They plant onions, tomatoes, peppers, beans, and so on around here. They have enough land to farm to meet their own needs. When they have a little excess, they sell it in the weekly market in the center of Çekerek. While people were getting along with their lives, in 2014, there was a rumor that a hydroelectric power plant (HEPP) would be built. It was understood that three HEPPs would be constructed. People realized that. Associations formed in particular by those who had emigrated from the region and lived in the big city became organized. This whole process was followed by Çekerek Aydınçık and Zile District Villages Culture Social Assistance and Solidarity Association's clubhouse in Istanbul Ataşehir, which is called ÇAZ-DER in short. The managers and members of the Kırkdilim Village Association in Sancaktepe, Istanbul, also contributed financial and moral support. Kırkdilim is a village in Yozgat Çekerek, the largest village in the region. It is right next to Çekerek River. The village takes its drinking water from the Çekerek River. Their domestic animals drink water from the same river. The river waters the vineyard, the gardens, the fields, everything. The disappearance of the Çekerek River means the end of living life in Kırkdilim Village. There are three districts that will be primarily affected by HEPP: Çekerek in Yozgat, Aydınçık, and Zile in Tokat. Kırkdilim was the first village among the 200 villages of these three districts to realize the danger to come.

Under these circumstances, the Kırkdilim people living in the villages and those living in the big cities lead the struggle against the HEPP with their associations.

Associations and sensitive people informed the village headmen and those still in the villages. The struggle started very quickly because the Reis Group, which was the one building the HEPP, entered people's lands without hesitation and started to work. They started the construction in our village, Gümüşkaş. Those who live in Istanbul and big cities hired a bus and went to Zile on March 16, 2015. There were about 3,000 people that day. The driveway between Zile-Çekerek is about 10 kilometers long. They walked that road. The gendarmerie tried to disperse the march with pepper gas from time to time. On the way, a press release was issued in Yapalak Village. The crowd wanted to walk to the construction site. The gendarmerie prevented the people. When the people insisted, they tried to use force to disperse the crowd. This made people even angrier. They stood by the gendarmerie barricade. We were told by the governor's office that the project would be re-evaluated. People kept standing there. The company agreed to meet with the village headmen. After the meeting, they announced that they had put the project on hold. No

Just as we thought we had got rid of them, they returned with eight HEPP projects in 2016. They returned after the election was over, and the government received the votes it wanted. The eight HEPP projects cover an area of about 60 km. Three HEPPs go, and eight HEPPs come. So they're here to plunder the place. As a result we re-organized.

Environmental Impact Assessment (EIA) report had been received anyway. The 2015 elections were due to be held in June, and they did not want to anger the public further and lose votes, so the project was suspended. The company packed up the construction site and left.

We thought that we had got rid of them, but they came back with eight HEPP projects in 2016. They returned after the election was over, and the government had got the votes it wanted. The eight HEPP projects cover an area of about 60 km. Three HEPPs go, and eight HEPPs come. So they're here to plunder the area. We re-organized again. Due to my personal circumstances, I wasn't involved much in the first stages. But I worked harder in the second fight. We put up one hell of a struggle. People had learnt from their experiences in the first fight. We made press statements in Istanbul, Zile and Çekerek. We met with the village headmen, visited the villages, and hung banners everywhere. But unfortunately we were not as successful as in the first struggle.

The problem was that when they came the first time, the company started construction immediately. The second time, they attracted some headmen, the village notables, to side with them. Some of these people had their small needs met. Our local people are people with little income. They built the garden walls of the mosques. They lent a digger when there was a need for it. They employed a few people from each village. They broke the local power. Zile, Tokat, and Yozgat federations opposed verbally, but they did not support our struggle in the field as much as they did earlier. In other words, the associations are directly related to the people living in the region. Which is to say, someone who the company hired was the brother of a manager at some association or a close relative. The elements that supported the struggle economically and

organizationally were in big cities and far away, and this was also another factor influencing the struggle. The more drawn out the process became, the weaker the resistance got. People didn't come all the way to support them locally, which affected their morale. The population of the villages is already old, and some of the younger ones did not support the resistance because they were employed. There were mutual resentments.

Nevertheless we kept up with the struggle and started to file lawsuits in

Yozgat and Tokat Regional Administrative Courts. We faced huge fees. At the time, between 2017 and 2018, we had to pay 20,000 liras. We barely got the money together. It was all to pay the expert. The date was set, we gathered, we went there, some local people participated too. They stacked up the gendarmerie again. The expert panel measured, calculated, took notes, and left. We didn't hear anything after that. Not a word on the case. The company was already working day and night during this period. We have since filed individual cases, and they have

not progressed either. They're not even listening to the court. They quickly built eight HEPPs.

It was a beautiful environment. I grew up in Gümüşkaş Village and lived there until I came to Istanbul to work. I always thought my hometown was beautiful, but as I wandered around from one village to another during the HEPP struggle, I realized that it was even more wonderful than I had realized. However, we were not able to stop the HEPPs, unfortunately. ●

The resistance against Karaburun WPP with Attorney Cem Altıparmak

Wind power plants (WPP) occupy 89 percent of Karaburun's surface area. Attorney Cem Altıparmak explains the dirty production of clean energy and the litigation processes against Karaburun wind power plants.

Turkey is a country that has adopted the United Nations Framework Convention on Climate Change, the Kyoto Protocol, and the Paris Climate Agreement. It has accepted the obligations of these conventions to adapt to the effects of climate change. This obligation imposes responsibilities on states in reducing greenhouse gas emissions and expanding sink areas.

One of the important axes that provide climate balance is the oceans and terrestrial sink areas that hold carbon dioxide produced by burning coal, oil, and natural gas, which are fossil fuels. Carbon sinks are defined as natural or man-made systems that absorb and store carbon dioxide from the atmosphere. Forests, agriculture, meadow, and pasture areas are the main terrestrial sinkhole areas.

The methods to generate renewable energy come to the fore as a substitute and exit from fossil fuels to reduce greenhouse gas emissions. Many institutions, organizations, and non-governmental organizations that carry out anti-fossil fuel activities in our country today support renewable energy production unconditionally in order to combat climate change. However, fighting



Photo: Cem Altıparmak

Combating climate change is not just a technical issue. It is not possible to present the poorly planned investments under the name of combating climate change, whose devastating consequences on the locals are ignored, as a success story in combating climate change.

climate change is not only a technical issue. It is not possible to present the poorly planned investments under the name of combating climate change, which ignore the devastating consequences on the locals, as a success story in combating climate change. Renewable energy policies designed to combat climate change ignore the nature, needs, and objections of the local people. As a result, severe violations of nature and human rights are issues which must be considered.

The fact that renewable energy policies are not holistic leads to serious violations of human and nature rights in project-based concrete applications, and deepens the effects of the crisis instead of fighting against the climate crisis. Concrete forms of this can be seen in the objections raised by the people of the peninsula and in the struggle for seeking rights regarding the wind power plants (WPP) projected in the Karaburun Peninsula of İzmir since 2014.

Karaburun is one of the rare areas to be protected with its unique ecosystem, alternative agriculture, tourism, and local development projects. However, the fact that Karaburun was declared a Special Environmental Protection Area did not prevent the ecological destruction of the peninsula through WPP projects.

During this time, as a result of renewable energy projects, in particular the wind power plants (WPP), the Karaburun Peninsula faced destruction to such an extent that its ecological and economic capacity could not handle it. Under the name of clean energy, olive groves, meadow and pasture areas, and rare forest areas of the peninsula were destroyed. Grassland, meadow and pasture areas, which are indispensable

for goat breeding, and which have been the most important local livelihood since ancient times, have been allocated to WPP projects. Goat breeders were prevented from entering these areas. The irrigation ponds were destroyed. The construction of WPP projects on the peninsula are examples of how an energy production tool, which should, in fact, be supported as a clean and renewable energy source, has become a means of rent and ecological destruction.

Currently, there are seven different wind power plants projected in Karaburun. These projects spread over an area of approximately 430 square kilometers on the peninsula with a total surface area of 484 square kilometers. In other words, 89 percent of the peninsula has been allocated to WPP projects.

The Karaburun Peninsula has a rugged geographical structure that limits the areas suitable for agriculture and animal husbandry; these areas are of great value. According to the Ministry of Agriculture and Forestry data, only 38,473 decares of the 484,000 decares of the Karaburun Peninsula, that is, 8.4 percent of them, are agricultural areas. The ratio of meadow and pasture area is only 0.2 percent. When the characteristics of the areas covered by the WPP projects on the peninsula are examined, it can be seen that six of the seven WPP projects are built in forest areas and extremely rare and, therefore extremely valuable, meadow and pasture lands of the peninsula. The preference of public administration to approve the construction of WPP on the meadow and pasture lands has undoubtedly had a devastating effect on Karaburun's sustainable local development dynamics.

Olive groves, meadow and pasture areas, and rare forest areas of the peninsula were destroyed under the name of clean energy. Grassland, meadow and pasture areas, which are indispensable for goat breeding, and which have been the most important local livelihood since ancient times, have been allocated to WPP projects. Goat breeders were prevented from entering these areas. The irrigation ponds were destroyed. WPP applications on the peninsula were examples of how an energy production tool, which should in fact, be supported as a clean and renewable energy source, has become a means of rent and ecological destruction.

One of the most important local livelihoods of Karaburun is hair goat breeding. Karaburun District owns 65 percent of the hair goat population in the large peninsula consisting of Urla, Karaburun, Çeşme, Seferihisar, and Güzelbahçe. It ranks first in the goat population out of 31 districts of İzmir. 15.4 percent of İzmir's total hair goats are in Karaburun District. The economic and ecological value of Karaburun becomes even more critical with its 0.2 percent meadow and pasture area and its highest hair goat population in İzmir. Karaburun hair goat, having the highest milk yield in Turkey, was included in the "breeding in the hands of the people" program by the Ministry of Food, Agriculture and Livestock in 2013 to preserve its genetic characteristics and prevent its extinction. As the construction of the WPPs covers and destroys the ground, the grazing areas are getting narrower; the Karaburun hair goat, which has become unproductive due to diseases, is now facing the threat of extinction. As a result, due to unplanned WPP projects, goat breeding, one of the main livelihoods of the region's people in the Karaburun Peninsula, and the sustainable development potential based on it, have been seriously hit.

Yayla Village, which is stuck in the middle of the sea of WPP turbines on the peninsula, was declared a "Disaster Zone" in 2019, using the landslide of 1952 as an excuse, after 67 years. Following this decision it was decided that the village should be completely evacuated and moved to another location. The reasons for the decision to declare Yayla Village as a "Disaster Zone" and the method of making this decision are also extremely problematic. The residents strongly

believed that the real reason behind the decision to move the Yayla Village was to clear the obstacles regarding the WPP project.

The debate on what to understand from clean energy is now continuing as a legal struggle through lawsuits, which have been initiated in particular by the victims of energy projects in Karaburun and across Turkey in general, against those investments which threaten their living spaces.

With the WPP lawsuits ongoing in the Karaburun Peninsula since 2014, we put forward a legitimate objection regarding the extent to which the peninsula can be destroyed by WPP projects, which cover approximately 89 percent of its surface area.

Karaburun City Council was the first institution to highlight the WPP issue in Karaburun. The Council is a legal organization which has worked for a long time on protecting the rights and laws of the city, environmental awareness, social assistance and solidarity, transparency, accountability, participation, governance, and decentralization. It also carries out serious activities to make visible the problems of the WPP processes in Karaburun and to help resolve the issue. The "Karaburun Citizen Plaintiffs" initiative, which consists of residents of Karaburun, took over the litigation processes.

Despite these decisions, the competent public administrations have repeatedly renewed the EIA decisions and permits, which were annulled by the court, with minor changes every time, allowing their projects to continue without interruption. The granting of new permits after each revoked permit was also a result of the ineffectiveness of court decisions. In some cases, new permits issued by the ministry for the same project were announced before the plaintiffs had received the reasoned court decision for a revoked project permit.

The first lawsuit regarding Karaburun WPP processes was filed in March 2014. Since then, 15 lawsuits involving citizens from Karaburun as plaintiffs and three individual applications to the Constitutional Court (AYM) followed, regarding the Karaburun WPP processes.

Decisions made in three separate cases were brought to the Constitutional Court for alleged violation of the right to a fair trial. The decision for one of these applications was admissibility and a violation of the right to a fair trial. The Constitutional Court's decision on the violation of rights has been a critical precedent in terms of determining how the judicial processes in environmental cases have been turned into mechanisms that produce the violation of rights by the judicial authorities.

Despite these decisions, the competent public administrations have repeatedly renewed the EIA decisions and permits,

which were annulled by the court decision, with minor changes every time, allowing their projects to continue without pause. The granting of new permits after each revoked permit also resulted in the ineffectiveness of court decisions. In some cases, new permits issued by the ministry for the same project were announced before the plaintiffs received the reasoned court decision for a revoked project permit. This policy of the public administration to nullify court decisions was an irritating policy that the plaintiffs repeatedly faced during the Karaburun litigation processes. Plaintiff citizens and lawyers have expressed their views and reactions to this policy frequently in the press. As a result of such methods, the Karaburun citizens lost confidence in the administration of justice. This trust issue has become a general problem not only for the Karaburun residents but also for every villager, city dweller, citizen across the country involved in the ecology struggle. ●



Photograph by KOS Media Unit

The Hasankeyf resistance with Agit Özdemir, the spokesperson of the Initiative to Keep Hasankeyf Alive

Ilisu Dam, which will flood an area of 311 square kilometers, has been exempt from the Environmental Impact Assessment (EIA). The destruction of history and nature by the dam could not be prevented, despite both national and international support alongside the residence of the local residents. Agit Özdemir, spokesperson of the Initiative to Keep Hasankeyf Alive, described Hasankeyf's destruction process and how the struggle was prevented.

The struggle to prevent Hasankeyf from being flooded and the struggle against the dam extends back to the 1990s. We were founded as the Initiative to Keep Hasankeyf Alive in 2006. This Initiative was established by taking into account the experiences of the

past and the suggestions of institutions involved in this struggle. The Initiative, which consists of 86 institutions and independent activists, was established to stop the Ilisu Dam and Hydroelectric Power Plant. The local administrations of the settlements that will be affected

by the Ilisu Dam, professional chambers, non-governmental organizations, local associations, and independent activists participated in it. The most basic and primary purpose of this Initiative was to represent the local people's views and opposition to this project. This was

the basis of the organization. Although preventing the flooding of 12,000-year-old Hasankeyf appears to be the main objective of the Initiative, it actually started its work in trying to prevent the total Tigris Valley from being flooded under the Ilisu Dam.

Along with Hasankeyf, which fulfilled 9 out of the 10 criteria determined for the UNESCO World Heritage List, it was one of the priorities to protect the cultural, archaeological, social, and ecological value of the 199 settlements that will be flooded under the Ilisu Dam and to stop the dam project.

Considering the historicity of the struggle, we can say that the Initiative to Keep Hasankeyf Alive is not just limited to a struggle against the Ilisu Dam. It also actively fought at the "No to the Plundering of Life and Nature Rally" held in Ankara in 2011. It established partnerships in the struggle to prevent the ancient city of Allianoi in Bergama from being flooded by the Yortanlı Dam. It favored the unity of the ecological struggle in Turkey and tried to take an active role in every formation. It also worked during the UNESCO process of the Iraqi Reeds. Establishing such partnerships for struggles has been one of the major efforts of the Initiative. We argue that the policies carried out in Hasankeyf and Tigris Valley are not independent of the cultural and ecological policies of Turkey and neighboring countries, and we positioned ourselves accordingly. We can say that this Initiative is not limited to 86 institutions and activists but has established partnerships in struggles across many regions of the world.

Different but continuous actions have developed throughout the struggle process. First of all, it was important that the local governments of those locations which will be affected by the dam pond, especially Hasankeyf Municipality, were part of this struggle. However, the trustees appointed to the region in 2016 in Turkey caused these municipalities to withdraw from the struggle. In the process of the fight, the support of international institutions and non-governmental organizations and the fight partnership followed the support of local institutions and non-governmental organizations. In fact, the struggle was tried to be handled as a whole, from

Establishing partnerships in the struggle has been one of the most important aspects of the Initiative. We argued that the policies carried out in Hasankeyf and Tigris Valley were not independent of cultural and ecological policies of Turkey and neighboring countries, and we positioned ourselves accordingly

Along with Hasankeyf, which fulfilled 9 of the 10 criteria determined by the UNESCO World Heritage List, it was one of the priorities to protect the cultural, archaeological, social, and ecological value of the 199 settlements that will be lost under Ilisu Dam and to stop this dam construction project.

the local to the international arena. The legal struggle was accompanied by local festivals, concerts, and conferences. If you remember, well-known artists such as Sezen Aksu and Tarkan gave concerts in support of the struggle to prevent the destruction of Hasankeyf. The aim was that the struggle would not be limited to the locals. Protests were held against the consortia formed for constructing the Ilisu Dam in front of the countries' embassies in the consortium in Ankara, including the participation of the local people. Joint demonstrations were developed with the international public due to the participation of international banks and companies in the consortia. The protests in front of banks which supported the dam were accompanied by ones in front of foreign companies involved in this dam project. The Initiative made continuous press releases and prepared reports to inform the public accurately. Surveys with different institutions were conducted with people living in the areas affected by the dam. The outputs of the surveys were made public. The main purpose of these surveys was to reveal the stance and opinion of the local people against this dam project. Polls revealed that 80-85 percent of the locals did not want this dam. International petitions were conducted to make the struggle visible. Hasankeyf Global Action Days were announced. During the Global Action Days, simultaneous actions and protests were held in dozens of countries around the world.

We can say that there have been many breaking points, both for the state and for those involved in the struggle. As the actions of those who participated in the struggle became continuous, the insistence of the state on this project also became continuous. From the state's



Photograph by Initiative to Keep Hasankeyf Alive

point of view, this dam was considered a “security” issue, which had been decided in 1954. In the following years, this project was the subject of NSC meetings. In other words, the state didn’t just consider the project in terms of energy. As a result, the state ignored the calls of international institutions, organizations, and intellectuals and the objections of local people. In my opinion, the biggest breaking point was Recep Tayyip Erdoğan’s speech at the groundbreaking ceremony in 2006. After this speech, the struggle continued without interruption in different ways and in different places. Consortia formed against the struggle of local and international institutions and organizations had sort of dissolved. But at this groundbreaking ceremony in 2006, the extent of the state’s determination to carry out this project was made public. The state has created a new obstacle in response to every gain. After a joint consortium of Germany, Austria and Switzerland suspended the loan agreement, Prof. Veysel Eroğlu, the Minister of Environment and Forestry at the time, gathered all the relevant bureaucrats and the State Hydraulic Works (DSI) team and made the following statement: “If we put the 600 dams we will build together as DSI on one side, and the Ilisu Dam on the other side, Ilisu Dam will outweigh it. This dam is strategically very important for Turkey”. In later statements, it was claimed that the

struggle to construct the Ilisu Dam was a struggle against the whole world.

The avoidance of the state against all the reactions, objections, and gains during the struggle caused a break in the struggle. I think the other important breaking point was the war that started again in Kurdistan after 2015 which led to the imposition of the State of Emergency; as a result, the state intervened harshly against the slightest objection produced by local institutions. The struggle wasn’t going to last long in this field. The state somehow blocked every activity. Every democratic press release was illegalized through law enforcement. Many press releases were interfered with. After the July 15 coup attempt, there was no legal way to resort to due to the suspension of law in the country.

Moreover, this project, whose implementation would lead to the flooding of an area of 311 square kilometers, was exempt from the EIA. The reason for this was that the Ilisu Dam project was designed before the implementation of the EIA as a regulation. EIA gained legal status with Article 10 of the Environmental Law, which entered into force in 1983. It was introduced and put into practice as regulation on 7 February 1993, after the establishment of the Ministry of Environment and Urbanization. The Ilisu

Dam project was exempt from the EIA with the claim that it dated back to the 1950s.

However, as a result of the reactions and objections against the consortia of international companies and banks for the Ilisu Dam project, those companies and banks in the consortium had to submit some conditions. One of these requirements was the preparation of an environmental impact assessment report according to international standards. The report, which was prepared by a company with no EIA preparation experience at that time, was presented to the consortium and Turkey in 2001. However, since EIA was not required for the Ilisu Dam Project under Turkish laws, no legislation in this direction has been implemented in Turkey. The consortium formed in 2004 requested an update to the EIA report prepared in 2001.

In 2005, an environmental report was prepared by three European construction companies. According to this report, Ilisu Dam was an environmentally friendly project. At that time, local institutions, especially the Doğa Derneği, shared their scientific criticism with the public. It was stated that this report had many ecological deficiencies, and that the opinion of the local people had not been taken.

Photograph by Initiative to Keep Hasankeyf Alive



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This project, which would flood an area of 311 square kilometers, was exempt from the EIA. The reason was that the Ilisu Dam project was designed before the implementation of the EIA as a regulation. EIA gained legal status with Article 10 of the Environmental Law, which entered into force in 1983. It was introduced and put into practice as a regulation on 7 February 1993 after the establishment of the Ministry of Environment and Urbanization. The Ilisu Dam project was exempted from the EIA with the claim that it dates back to the 1950s.

On January 7, 2013, the Ankara Administrative Court decided to stay the execution of the Ilisu Dam Project, as the EIA process had not been implemented after many court proceedings initiated by the Chamber of Architects and the Chamber of Landscape Architects. However, the AKP government changed the legislation and laws three months later, allowing the construction of the Ilisu Dam Project to continue.

Construction continued with the article added to the bag law in May 2013. The following article was added to the

law – “Projects that were included in the investment program before 1997 and whose planning phase has passed or tendered or started production or operation as of the effective date of this article, and the structures and facilities that are mandatory for their realization are outside the scope of EIA”. A new fight was launched against this amendment to the article, led by local dynamics and the Initiative to Keep Hasankeyf Alive.

In 2014, as a result of the legal struggle against the article that the Ilisu Dam, which was built on the Tigris River

and flooded the historical Hasankeyf, was exempted from the EIA report, the Constitutional Court canceled the exemption status. However, the project continued through changes to the laws and legislation.

Although the struggle made gains in the legal field during the EIA process, the dam’s construction was able to continue every time as a result of the government’s amendment to the regulation and legislation. The government, which did not take into consideration the many objections of the locals, scientists, intellectuals, and international institutions, violated the rule of law by resorting to creating new regulations and making legislative changes against the gains obtained in the struggle for the EIA. Before 2015, the government and the state’s manner against every legal gain was in favor of the continuation of construction. With the suspension of the law following the conflicts that started in the region after 2015, the fact that there is no rule of law has now become accepted. ☹️



THE ENVIRONMENTAL IMPACT ASSESSMENT PROCESS AS MERE FORMALITY

The Environmental Impact Assessment (EIA) application has turned into a legal-administrative formality to cover the ecological destruction reached today. Doğanay Tolunay from Istanbul University-Cerrahpaşa, Faculty of Forestry, Department of Soil Science and Ecology, discusses the problems included in the EIA process with examples, and outlines what can be done to overcome them.

The EIA process according to the Environmental Impact Assessment Regulation

The assessment of the potential environmental impacts caused by activities carried out by the public or private sector in Turkey is handled per the provisions of the Environmental Impact Regulation. However, the fact that 99 percent of the Environmental Impact Assessment (EIA) reports on the projects subject to the EIA process by the Ministry of Environment, Urbanization, and Climate Change are found positive, and

the numerous environmental problems arising both in the construction and operation phases, raises a question over the EIA process. Project owners regard the EIA process as a waste of time or a mere formality, so they try to change the regulation articles that are thought to hinder their plans. The legislation of the first EIA regulation was published in the Official Gazette dated 7 February 1993 and numbered 21489, and six new regulations were issued following that. As in the case of 2002, 2003 and 2013, and 2014, a new regulation was prepared

Local people's objections are often not considered in public participation meetings. For this reason, those living in residential areas near the project have tried to stop the EIA process in recent years by preventing these meetings.

less than one year after the previous issued one. Apart from the issuance of the new EIA regulation, the regulations in force have been constantly amended. For example, the EIA Regulation dated 2014, which is still in force, has been amended six times, three of which were in 2019.¹ Most of these changes aimed at exempting some major projects, such as the Third Bosphorus Bridge and the connection roads, from the EIA; to shorten the EIA process; and to narrow the scope of the projects subject to EIA.

According to the Regulation on Environmental Impact Assessment dated 2014, the EIA process works as follows. First, the question of whether the planned projects are still in the Annex 1 or Annex 2 list of the regulation is examined. Annex 1 lists EIAs, and Annex 2 lists projects that require the selection and elimination criteria to be applied. The EIA process is not implemented for those projects or activities which are not included in these lists. For example, treasure exploration projects which were not included in Annex 1 and Annex 2 of the EIA Regulation were included in the Annex 2 list of 2019 following the drying of the Dipsiz Lake in Giresun for treasure hunting.

The EIA process operates for those projects included in the Annex 1 list of the regulation. First, an EIA application file is prepared and submitted to the Ministry of Environment, Urbanization, and Climate Change. Subsequently, a commission is formed of relevant public institutions' representatives and organizations, Ministry officials, project owners, and institutions/organizations qualified by the Ministry. Then a public participation meeting is held to gather



the opinions of society about the planned project. However, the objections of the local people are often not considered in the public participation meetings. As a result, those living in residential areas near the project have tried to stop the EIA process in recent years by preventing these meetings. In response, instead of recording the people's objections, the Ministry of Environment, Urbanization, and Climate Change officials continued the EIA process with a report stating that "the local people did not want to be informed." These shortcomings in public participation are also mentioned in the EU Turkey Progress Reports. After that, the Ministry began preparing the EIA Report Special Format in line with the opinions of the public and the institutions in the commission. According to this particular format the project owner of the company is obliged to prepare the EIA report within 18 months. The final form of the prepared EIA report is then evaluated by the commission which has been previously established, announced to the public, and is open to receiving objections. The final EIA

report is prepared, taking into account the objections received. The Ministry must respond within ten work days with a decision of whether the final EIA report is positive or negative. A lawsuit can be filed against the final EIA report within 30 working days after the "EIA Positive" decision. No lawsuit can be filed against EIAs after this period expires. For example, a lawsuit could not be filed against the gold mine intended to be opened in the Kirazlıyayla location in Çanakkale because this period was exceeded.

For the projects included in the Annex 2 list of the EIA Regulation, the process starts with preparing a project presentation file (PPF). The Governorships of the province of the project location evaluate the PPFs, which are much less comprehensive compared to the EIA reports, and a decision of "EIA Required" or "EIA Not Required" is made accordingly. Since the PPF process is much faster and doesn't require detailed examination, the project owners try to include their activities in the Annex 2 list.

For example, according to the 2014 EIA Regulation, a mine has to have an area of more than 25 hectares to be subject to the EIA process. Therefore, most mining-related projects are reported as covering 24.9 hectares and reapplied with the description of 'capacity increase' following the Governorship's "EIA Not Required" decision. This was practiced, for example, in the quarry opening in Rize İkiçidere Cevizlik Village, which is widely known to the public. It was stated that the quarry would cover an area of 13.45 hectares, and after the "EIA Not Required" decision on 27 January 2021, an application for a capacity increase was made on 8 March 2021. Similarly, the lower limit values are often applied for many projects such as roads, airports, rolling mills, fertilizer production, crushing-sieving facilities, dams, and ponds. Therefore, most of the amendments to the EIA regulations aim to reduce the projects that are in the Annex 1 list. A significant part of the other amendments are related to shortening the EIA preparation and evaluation period of the EIA reports by the Ministry.

Photo: Oben Ulu



Photo: Oben Ulu



Deficiencies in EIA reports and Project Presentation Files

The content of the EIA reports and PPFs, which are paid for by the project owners and prepared in EIA offices, is mostly inadequate. The information given at the provincial or district level which examines the project's effects on natural ecosystems, agriculture, pasture areas, and settlements is mostly taken from the literature. Scientific data based on the land study is produced only for big projects. In fact, most EIA reports and PPFs are copy and paste.² Thus, one may frequently encounter misinformation, such as that a village in Kırklareli can view the Aegean Sea or that a mountain village subsists by fishing.³ The data on plant and animal species that need to be examined and inventoried in the region of the EIA reports and PPFs are also often incomplete or inaccurate. Again, this information is frequently copied and pasted from other reports. It is possible to come across reports claiming that there are scotch pines and fir mixed forests in an area, for example, with maquis vegetation. Some reports even claim that extinct species are present in the project area. For example, one of the country's most crucial lawsuits against an

Most EIA reports and PPFs (Project Presentation File) are copy and paste. Thus, one may frequently encounter misinformation, such as that a village in Kırklareli can view the Aegean Sea or that a mountain village subsists by fishing.

EIA report, the Amasra Thermal Power Plant EIA Report, stated that the *Salvia annua* plant species was growing in the project area. However, the species doesn't exist there.⁴ In a mining project in Eskişehir, it is claimed that *Lycaena hplacas*, a creature said to be a butterfly, is present but no such species exist. Even if the species listed in the plant and animal lists are correct, they are mostly incomplete, and therefore the statement that there are no endemic species under threat at the project site, and therefore that the project will not harm the species, is also a typical pattern.

The most typical sentence in EIAs, which aims to evaluate the environmental effects of the planned activity and minimize these effects, is "necessary measures will be taken". For example, a project planned on the bird migration route in Thrace stated that the necessary measures would be taken per the provisions of the legislation, but did not state these measures.⁵ There is a similar example in the PPF of a sand pit near Çorlu Airport. Although PPF undertakes all necessary measures to prevent the disruption of landing and departure traffic at Çorlu Airport, which is in the project impact area, it doesn't include what these measures are.⁶ However, EIA and PPFs are not only reports prepared for the construction phase. They also monitor the environmental impacts of the facilities during their operation and whether the planned measures are implemented. For example, in an activity that will adversely affect air quality as a result of dusting, irrigation is advised as a precaution to prevent this dusting. If the company does not conduct irrigation during the activity and the air quality deteriorates, the company should be penalized. Precautions which aim to eliminate a possible environmental



Photograph by Sinop Anti-Nuclear Platform

impact should be written clearly, and the adequacy of these measures should be discussed. However, the question of how an implementation described as a precaution will reduce the environmental effects is not always clear. The EIA reports for Canal Istanbul and the third Airport are examples in this respect. In both EIA reports, 'monitoring water quality' was the measure listed to reduce the effects of activities on Lake Durusu.⁷ But monitoring is not a measure; it is just a way to examine the tendency to change or be influenced. Specific to this example, if the lake's water quality starts to deteriorate, the report should also include the measures to be taken, such

as stopping the flights or the passages of ships and treating the lake's water.

Most projects subject to the EIA process affect natural ecosystems and their species. Thus, the EIA Regulation lists the sensitive regions. Among these sensitive regions are those areas and species that need protection according to national and international legislation. However, as mentioned before, this restriction is overcome by stating there is no endemic, threatened, or protected species in the project area or by saying that these species will be transported. In almost all EIAs, including mega projects, transporting species is presented as a

It is not clear how the implementations described as a precaution will reduce the environmental effects most of the time. The EIA reports for Canal Istanbul and the third Airport are examples of this. In both EIA reports, the measure of the effects of activities on Lake Durusu is described as monitoring water quality. Monitoring is not a precaution.

solution to prevent the destruction of biodiversity. For example, although it is stated in the Canal Istanbul EIA Report that the freshwater creatures in the Sazlıdere Dam where the canal will pass will be transported to Lake Durusu, the question of which water creatures are currently in the dam lake, how many are there and whether their transportation will have a negative effect on Lake Durusu has not been examined.⁸

In the EIAs, another measure listed to try and decrease the damage done to the forests is that at least five more saplings will be planted in place of every tree which has been cut down, and the destroyed forests will be rehabilitated. In fact, the number of seedlings to be planted can be up to ten times more, depending on the reaction of the public. But a forest's ecosystem consists not only of trees but also of many living and non-living beings, and they are related to each other in many ways. When an ecosystem is destroyed, all these beings and ecological processes are damaged. So, the rhetoric of planting five times the seedlings merely aims to reduce the

In almost all EIAs, including mega projects, transporting species is presented as a solution to prevent the destruction of biodiversity.

public's reaction rather than actually taking precautions.

According to the EIA Regulation, the assessment should be carried out for an area which "the planned project impacts before, during and after the operation." Often this sphere of effect is kept narrow, and thus the possible adverse environmental impacts are shown as being less. For instance, although it is noted in the EIA Report that Canal Istanbul will reduce the water level in the Black Sea by 5cm and increase the water level in the Marmara Sea by 2-3 cm, the impact area is kept very narrow.⁹

In the EIAs, all institutions related to the project area are required to give

their opinions. However, almost all public institutions give opinions which are in favor of those projects for which opinions are requested, or warn about paying attention to certain issues. These warnings are generally avoided in the EIA reports with the statement that the "necessary measures will be taken" as described above. The negative opinions of some institutions might also be changed later.

One situation which is frequently encountered, especially in big projects, is the operation of a separate EIA process for each of the project's activities. However, according to the EIA Regulation, the activities with more than one project subject to the EIA process should be accepted as an integrated project, and a single EIA report should be requested. However, many examples do not comply with this provision. For instance, for the Amasra Thermal Power Plant project, a separate EIA for the port, coal washing (launder) plant, thermal power plant, and electricity transmission lines was requested.¹⁰ However in the lawsuit, which was filed

by 2019 people, the objection to the request that the power plant and other components should be evaluated as an integrated project and that a single EIA report should be prepared was accepted by the Council of State, and the positive decision of the power plant on EIA was canceled. This objection was made on the grounds that the air pollution would increase if the coal was burned in the power plant without a washing facility and that it would not be possible for electricity produced in the power plant to be delivered to the houses without transmission lines.

One of the most critical shortcomings in the EIA process is that the effects of the projects on public health are not evaluated. Most projects create problems through disrupting air quality, contaminating the water, or sharing public water during the construction process and activity. For example, although the EIA report of the third Airport committed to taking measures against dusting during the construction phase, the dust concentration in the air increased, and the surrounding villagers



Photo: Eren Dağistanlı

were unable even to dry their laundry outside. There are countless examples of villagers experiencing psychological traumas due to the blasts in quarries and excavation trucks.

Climate change is also an issue that is not emphasized in EIAs. However, all EIA and PPFs include the climate and meteorological conditions of the project area. Heavy rainfall, landslides, avalanches, and forest fires in particular can affect projects. However, current meteorological data or disaster maps are insufficient to evaluate the risks of disasters on the facility because the frequency, severity, duration, and impact

area of disasters are expanding due to climate change. Therefore, future climate data, not the past, should be used in the EIA evaluation process. Projects with excavation fillings or large concrete surfaces can change precipitation-flow relationships, leading to landslides and floods. Climate change will exacerbate this further.

EIAs are related to expertise in many fields such as geology, geophysics, hydrogeology, urban planning, ecology, forestry, agriculture, climate change, transportation, law, environment, archaeology, marine sciences, aquaculture, mining, health, socio-

economic regarding the project's subject and field.¹¹ EIA reports, some of which cover thousands of pages and include topics of interest to many different disciplines, must be finalized by the Ministry of Environment, Urbanization, and Climate Change within ten days. The Ministry does not have enough experts in the disciplines listed above, which are not exhaustive. Even if found, the ten-day period is not sufficient to examine the accuracy of the data in the EIA reports and the adequacy of the committed measures.

EIAs must comply with the Environmental Plans and legislation, but contradictions

in the plans or legislation do not constitute an obstacle to the project. If this were to be the case, the environmental plan decisions would be changed, and changes would even be made in the legislation. For example, following the objections in the final Canal Istanbul EIA Report that it contravenes the legislation to discharge the dredged material into the Marmara Sea, the Regulation on Environmental Management of Dredging Material was enacted on 14 January 2021 just before the Final EIA Report was announced. A decision was made in favor of the EIA report on 17 January 2021.¹²

Lawsuits filed against EIAs

In recent years, many lawsuits have been filed against EIAs and PPFs, which are seen as legal formalities and are mostly cursorily prepared. Some of these lawsuits are won by revealing the deficiencies in the reports. However, both during the litigation phase and after the cases are won, problems do not end. First, it is almost impossible for poor villagers to cover the court expenses, which often amount to thousands of liras. The lack of environmental courts is one of the main problems faced during the lawsuits. Experts cannot be found from the right areas of expertise, and the adequacy of EIA reports cannot

Projects with excavation fillings or with a lot of concrete surfaces will change the precipitation-flow relationship and this can lead to landslides and floods. Climate change will exacerbate it even more.

be questioned. The lawsuit petitions become essential to overcome this problem, and the deficiencies in the EIAs should be fully revealed in the lawsuit petition. It is another problem that the exploration in the project area can only be done for a few hours during the litigation process and that the expert committee has no information about the case and the EIA report before the exploration. Thus, the experts perform their duties only through the case file and the EIA report without being able to examine the project site thoroughly. For example, the recent Canal Istanbul exploration lasted only one day, although the project area was 7,000 hectares and the EIA impact area was 22,000 hectares. It is impossible to evaluate the projects' effects thoroughly with a one-day examination in such a wide area, including many ecosystems such as seas, lakes, streams, agriculture, forests, dunes, pastures, heaths, and cities. Furthermore, the experts in the expert panel evaluate whether the EIA report is appropriate only for their expertise and the court committee makes a decision based on the majority's opinion. For example, in a case involving agriculture, forestry, environment, mining, hydrology, urban

The lack of environmental courts is one of the main problems encountered during the lawsuits. For this reason, experts cannot be found with the right areas of expertise, and the adequacy of the EIA reports cannot be questioned.



Kirazlıyayla, Bursa / Photo: Serdar Güven



Photo: Oben Ulu

and regional planning, meteorology experts, if only environmental and forestry experts consider that the EIA report is not sufficient, the court accepts the EIA report by nature of the majority and rejects the case. However, if the

measures described in the EIA report are found to be insufficient, even within a single field of expertise, the EIA positive decision must be canceled. Yet another problem is that a stay of execution order is not given in lawsuits filed against EIAs.

This allows the construction to continue while the lawsuit is ongoing and the project might be completed before the case is concluded. In fact, cases often remain unconcluded for years. For example, six years have passed since the



Photo: Oben Ulu

lawsuit was filed against the third Airport, which has completed construction but the lawsuit has not yet been concluded. Despite such deficiencies at the court stage, the public can't celebrate even if the cases are won because the EIA process can start again if the EIA report is amended. This process takes into account the reason for cancellation or the suspension of the execution or cancellation of the EIA positive decision with a circular signed by the then Minister of Environment and Forestry, Veysel Eroğlu, known as Circular No. 2009/7. Under these circumstances, as explained above, the cancellation or suspension reasons are avoided by writing the sentence "necessary measures will be taken," and the grounds for the lawsuit are eliminated.

Conclusion and recommendations

The EIAs and PPFs that need to be prepared to reduce the environmental impacts of the planned projects have become an environmental problem due to their incomplete or incorrect preparation, the inability of them being examined by experts, and the lack of supervision. Every year, thousands of hectares of natural ecosystems are destroyed through the decisions of "EIA Positive" or "EIA Not Required," and the biodiversity in these areas is damaged. In addition, the lack of emphasis on public participation, the suppression of demonstrations against the projects by law enforcement, the prolongation of the courts, and the rejection of the lawsuits

filed, leads to the alienation of those affected by the projects. The following are necessary to eliminate these issues in the Environmental Impact Assessment process;

- Narrowing the scope of the Annex 2 list of the Regulation;
- Reducing political pressures on institutions that give opinions to EIAs;
- Preventing the financial relationship between the project owner and EIA companies;
- The evaluation of EIAs and PPFs by a team of scientists and experts from different disciplines, not by Ministry staff;
- Penalties for companies and employees who prepare erroneous EIAs and PTDs, prohibiting those who are penalized from preparing reports;
- Creating important natural areas, habitats, flora and fauna maps that can be used as a basis for EIA reports;
- Including public health, climate change, and biodiversity conservation in the EIA process;
- Emphasizing the public participation and not permitting the projects that the local people object to;
- The political authority should at least act impartially, not siding with the investor, regarding projects that will harm the environment.¹³

The full functioning of the EIA process is only possible with the inclusion of science, law, and the public. The process turns into a formality if even one of these pillars is missing.



Photo: Özcan Yaman

¹ D. Tolunay (2020), "Trakya'daki Bazı Projelerin Çevresel Etki Değerlendirmesi (ÇED) Raporlarının Değerlendirilmesi," *Journal of Environmental and Natural Studies* 2 (1): 46-62.

² D. Tolunay (2021), "Kopyala Yapıştır Raporlar," *Birgün Newspaper* 20.07.2021.

³ D. Tolunay (2020), "Trakya'daki Bazı Projelerin Çevresel Etki Değerlendirmesi (ÇED) Raporlarının Değerlendirilmesi".

⁴ D. Tolunay (2018), Ecological Evaluation of the Technical Expert Report and Final EIA Report of the Case File No. 2016/2111 on the Hema Coal Thermal Power Plant and Ash Storage Area Planned to be Established Near Amasra Gömü and Tarlaağzı Villages.

⁵ D. Tolunay (2020), "Trakya'daki Bazı Projelerin Çevresel Etki Değerlendirmesi (ÇED) Raporlarının Değerlendirilmesi".

⁶ D. Tolunay (2019), Ecological Evaluations Regarding the Final Project Presentation File of the Quartz Sand Quarry Operation and Industrial Sand Production Area Increase Project No. 20055135 in Tekirdağ Province.

⁷ D. Tolunay (2016), "İstanbul'daki Mega Projelerin Ekolojik Etkileri," *Kanal İstanbul Çevresel-Kentsel ve Hukuki Etkileri, İstanbul: İstanbul Barosu Yayınları*; D. Tolunay (2020), "Kanal İstanbul'un Ekolojik Açından Değerlendirilmesi," *Kanal İstanbul Çok Disiplinli Bilimsel Değerlendirme*, ed. D. Orhon, S. Sözen and N. Görür, İstanbul: Kültür ve Sanat Ürünleri Ticaret A.Ş., p. 215-245.

⁸ D. Tolunay (2020), "Kanal İstanbul'un Ekolojik Açından Değerlendirilmesi".

⁹ D. Tolunay (2020), "Kanal İstanbul'un Ekolojik Açından Değerlendirilmesi".

¹⁰ D. Tolunay (2018), Ecological Evaluation of the Technical Expert Report and Final EIA Report of the Case File No. 2016/2111 on the Hema Coal Thermal Power Plant and Ash Storage Area Planned to be Established Near Amasra Gömü and Tarlaağzı Villages.

¹¹ D. Tolunay (2021), "Kopyala Yapıştır Raporlar"; D. Tolunay (2016), "İstanbul'daki Mega Projelerin Ekolojik Etkileri".

¹² D. Tolunay (2021), "Kopyala Yapıştır Raporlar".

¹³ D. Tolunay (2020), "Trakya'daki Bazı Projelerin Çevresel Etki Değerlendirmesi (ÇED) Raporlarının Değerlendirilmesi".

The resistance of the olive trees against the 'Coal Devil's Triangle'

Coal thermal power plants in Yatağan, Kemerköy, and Yeniköy have been polluting the nature of Muğla Milas for years. The people of the region, which provides approximately 10 percent of Turkey's olive production within the triangle formed by these three power plants and coal mines, have been trying to defend the lands they live and produce in. We talked with Deniz Gümüşel, a member of the Milas İkizköy Environmental Committee, about the three coal thermal power plants and coal mines, which they call the "Coal Devil's Triangle," and the committee's struggle against the air, water, and nature pollution of Muğla.

Smoke has been seen rising from the chimneys of three coal-fired thermal power plants in Muğla Milas since the 1980s. Simultaneously, an average of one hundred thousand tons of olives are harvested annually in Milas. This amount corresponds to about 10 percent of the olive trees that bear fruit in Turkey.¹

The fuel for these three plants is extracted from the region through coal mining using the open-pit method. Both the plants and the mining activity have been damaging the olive groves for decades. However, the Law on the Olive Improvement and Grafting of Wild Species, known as the Olive Law which has been in force since 1939, has explicit provisions for the protection of olive trees.

The struggle of the village of İkizköy in Milas against the coal power plants and coal mining is frequently on the agenda. This struggle in the region is nothing new. It started when news first broke that a coal thermal power plant would be built in one of the country's most beautiful bays, Gökova. During Turgut Özal's term as prime minister, the coal thermal power plant, which had been planned to be opened in Gökova in 1983, met with great public reaction. The women of the village of Türkevleri in Milas Gökova initiated a vigil protest on October 12, 1984. The construction of the power plant, then known as Gökova Thermal Power Plant,

started in 1984 despite all the opposition and began to operate under the name Kemerköy Thermal Power Plant in 1994.

Kemerköy is not the first power plant to pollute the air, soil, and water of Milas. The decision to construct the Yatağan Thermal Power Plant was taken in 1975.

Its construction began in 1977 and it started to operate in 1982. With the Yeniköy Thermal Power Plant, which started operating in 1986, the trio, known as the "Coal Devil's Triangle" by environmental advocates, was complete.

Out of these power plants Kemerköy and Yeniköy, which had been operated

by the state, were privatized in 2014. Today, they belong to Yeniköy Kemerköy Elektrik Üretim ve Ticaret A.Ş. founded by Limak Enerji and İC İÇTAŞ Enerji companies. Yatağan was sold to Aydem Holding through privatization the same year. These privatizations marked a new milestone in Milas when power plants and coal mining began to destroy olive

groves with greater appetite. Local people in this struggle have had the support of non-governmental organizations, scientists, and environmental activists from the start of the public support for the Gökova plant. Deniz Gümüşel is a METU Environmental Engineering graduate. She received her postgraduate degree in sociology at the

Photo: Eren Aybars Arpacık





Deniz Gümüşel

same university but could not complete her thesis because of the hectic study period after graduation. She says, “It was a precious experience for me.” Education, which she found “valuable” in the formation of the perspective she developed in the environmental struggle, has a significant role; she works on the social effects of climate change as well as its ecological effects.

On November 14, 2021, Deniz Gümüşel was taken into custody at the Olive Harvest Festival. Yeniköy Kemerköy Elektrik Üretim ve Ticaret A.Ş. sponsored the Olive Harvest Festival in Milas, to which İkizköy was also affiliated. This company has already slaughtered 20,000 olive trees for a coal mine in İkizköy and set its sights on new olive trees and the Akbelen forest.

Deniz Gümüşel was detained under the charge of inciting the people to hatred and enmity and humiliating them, because she was carrying a sign saying “Either Immortal Olive Tree or Killer Coal” and chanting slogans.” She was detained in the Anti-Terror branch of the Milas Police Department for one night. On March 10, 2022 Milas Chief Public Prosecutor decided not to pursue her

case. Her detention and prosecution have not stopped her from supporting İkizköy’s struggle.

The Olive Law, which has been in force since 1939, protects the olive tree. But on March 1, 2022, this law was rendered dysfunctional by the “Regulation on the Amendment of the Mining Regulation” prepared by the Ministry of Energy and Natural Resources. The ministry’s statement, “If the mining activities carried out to meet the country’s electricity needs coincide with the areas registered as olive groves in the title deed, and it is not possible to carry out the activities in other areas,” paved the way for the slaughter of the zealously defended olive trees of İkizköy and many other olive farming villages. The law was annulled through just one regulation. Numerous lawsuits have since been filed at the Council of State to cancel the regulation and suspend its execution.

On April 24, 2022, the press covered the news that the 8th Department of the Council of State had suspended the execution of the Mining Regulation provision, which allows mining activities in olive groves. The decision, which is in the writing stage, was taken on the

grounds that the regulation contained provisions contrary to Law No 3573, known as the Olive Law. At the time of this interview, the Council of State has not yet announced its reasoned decision.

Let’s get to know you a little first. How did you get involved in the environmental struggle, particularly in the resistance of İkizköy?

Deniz Gümüşel: I’ve worked for many years for international environmental organizations in areas such as environmental policies, harmonization with the European Union acquis, public participation, and access to information. I’ve been working on climate change policies for the last decade. I took part in preparing Turkey’s first Climate Change National Action Plan. I served as the director of that project at the United Nations. Since then, I have been working on climate change, especially energy policies’ ecological and social impact.

In 2017, we prepared a report with Elif Gündüzyeli for Climate Action Network (CAN) Europe. This report reflected our studies on the cumulative ecological effects of the three thermal power plants in Muğla and their economic and social cost.

They have been arguing that coal is cheap for many years. But the costs it brings to nature, human health, and its cultural and sociological effects, called “external costs” in classical economics, are always ignored.

What do the economic and social impacts mean?

D.G.: As you know, governments introduced coal as a cheap source of energy. It is a state policy which the AKP has been implementing for the last 20 years. They have been arguing that coal is cheap for many years. But the costs it brings to nature, human health, and its cultural and sociological effects, called “external costs” in classical economics, are always ignored. Some are perceived as external costs, while others are not evaluated at all. However, coal has a very high social cost. We studied them as a framework and published our findings in a 2019 report entitled The Real Price of Coal: Muğla.²

The power plants you are talking about are Kemerköy, Yeniköy, and Yatağan thermal power plants, right?

D.G.: Yes, those three. In previous years, I took part in projects as a researcher, writer, and consultant which investigated the effects of coal on public health. I took

part in a study called “Unpaid Health Invoice” in 2015 for HEAL-Health and Environment Alliance.³ We researched the health cost of coal power plants in Turkey on society and how many people die every year. We made determinations based on air quality distribution modeling and integrated with a health impact analysis. We studied the health and ecological effects of coal thermal power plants and tried to outline the social dimension with the Muğla report. There were studies done before. We scanned academic studies and tried to reflect our conclusions in our report. In fact, we visited all the villages of Muğla, which have been damaged by the electricity production from coal and coal mining over the past 40 years, and conducted fieldwork. Other organizations supported us. For example, the Yeryüzü Derneği compiled some of its fieldwork with a structured research method. The Ekoloji Kolektifi supported us with the legal dimension. We worked with academicians from different schools. As a result, we came up with a synthesis report. We found that in 40 years, 12 settlements, eight villages, and neighborhoods had either been completely destroyed or the residential areas almost disappeared. Their fields, olive groves, and forest areas have been destroyed. Open-pit mining was conducted across approximately 50,000 acres, and three coal thermal power plants have been opened. Their auxiliary facilities, such as ash dams and wastewater discharges, intoxicated the area and its air, soil, and water. In

There is a case of cancer in almost every household. Allergic asthma is common in children. Chronic cardiovascular diseases and upper respiratory tract diseases are infecting people from a young age.

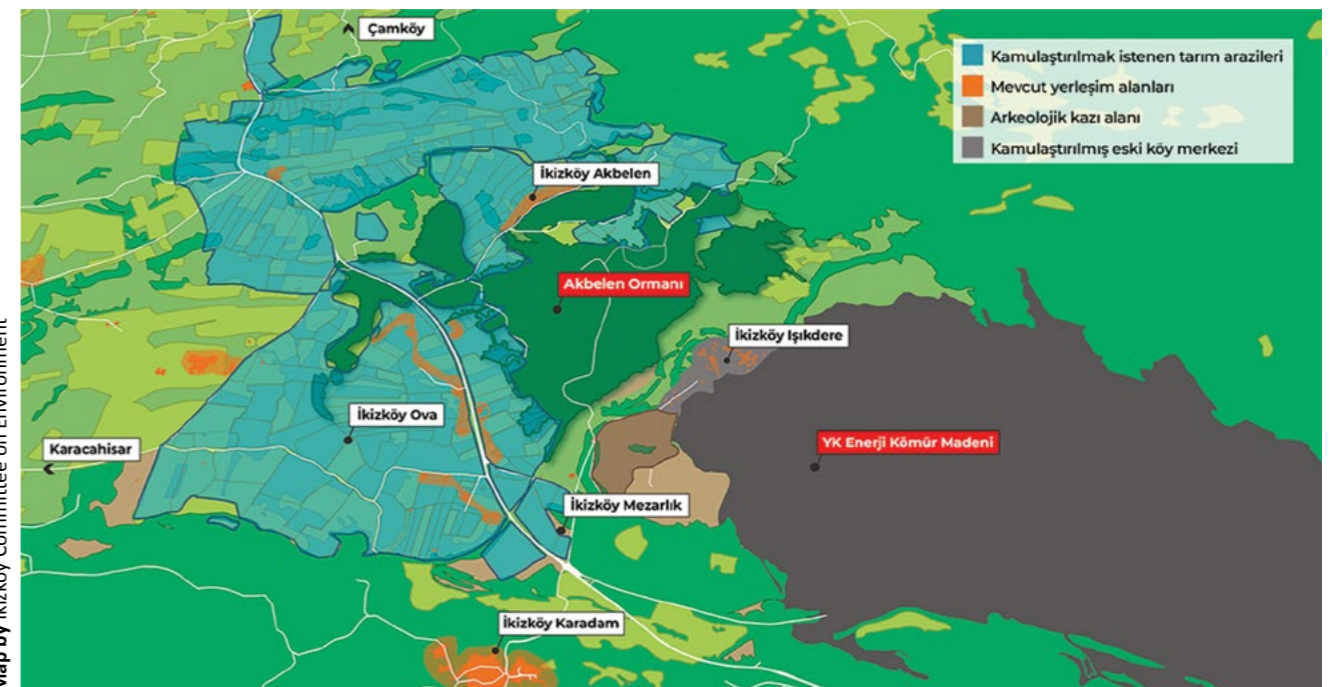
most places the destruction of people’s habitats was visible. There is a case of cancer in almost every household. Allergic asthma is common in children. Chronic cardiovascular diseases and upper respiratory tract diseases are infecting people from a young age. You can easily detect all of these impacts when you talk to the local people.

Isn’t there any official data on this?

D.G.: I wish we could confirm these findings with official data. We applied for information while preparing the report. As you can imagine, we didn’t get the data we had requested from the Ministry of Health, the Ministry of Energy and Natural Resources, the Ministry of Environment, Urbanization and Climate Change, or from the Privatization Administration (the power plants were newly privatized at the time).

What is the ownership status of the plants today?

D.G.: These three plants were privatized



Map by İkizköy Committee on Environment

in 2014. Yatağan was sold to Aydem Holding, Yeniköy and Kemerköy to YK Energy, which was established with the partnership of Limak Energy and İC İÇTAŞ Energy. Along with the power plants, the operating rights of the mining sites were transferred to these companies. Apparently, during the privatization process, the government guaranteed these companies to operate the power plants for at least 25 years. If I remember correctly, their licenses were granted until 2068. The operating licenses for mining sites were renewed and extended until 2040. We're talking about huge mining areas. 230,000 acres of business licenses have been granted near Milas and 210,000 acres near Yatağan. We witness how these companies are very seriously encouraged by the government. For example, the flue gas treatment systems of the power plants are emitting beyond the limit values determined by legislation, but they are still able to obtain environmental permits.

You also noted as you were talking about your work in the Muğla report, especially in recent years, that it is not possible to obtain information from state resources in Turkey. How did you learn the flue gas treatment values?

D.G.: The Chamber of Mechanical Engineers prepares a report on Turkey's energy outlook every year. In the reports from the last three years, it was found that the flue gas treatment systems of Yeniköy, Kemerköy, and Yatağan thermal power plants had been granted permission, even though they did not comply with the legislation. As you know, the Chamber of Mechanical Engineers is a public, professional organization and also has members working in these plants. Let me elaborate on the flue gas a little bit. While preparing the Muğla report, we also worked with the Chamber of Environmental Engineers. Since the European Climate Network is an organization headquartered in Europe, it works with the Chamber of Environmental Engineers in Turkey. In 2017, we received a response to our application to obtain information about the flue gas emissions of three power plants, but we could only access Yeniköy and Kemerköy flue gas emissions. The Ministry of Environment replied, "we do not have any data" for the Yatağan Thermal Power Plant. In other words, the Ministry of Environment claimed

they don't have the emissions data for a 650-megawatt combustion plant. It is hard to believe this; we know that this response does not reflect the truth because there is a system of continuous monitoring, and this system includes the Yatağan Thermal Power Plant. This data was not given to us. It naturally raises a question.

It suggests there's something wrong with the Yatağan Thermal Power Plant?

D.G.: Yes, there is a huge problem. It certainly doesn't mean that there's nothing wrong with Kemerköy. The data we received from there was the measurement results of three consecutive days in 2015; that is, it is not the monitoring system's annual, monthly, and daily data. So we reverse-engineered it. If the emissions data is correct, we calculated by thinking of the pollutant that comes out of the chimney in total before it is treated. We also saw that the theoretical efficiency calculations of the two flue gas treatment plants, which were commissioned in 2007 and 2013, were calculated millimetrically. Let me put it this way: the sulfur oxide purification unit is theoretically operating at 95 percent efficiency. The data sent to us shows the 5 percent portion. It provides the limit values specified in the full legislation. We see that this purification system has operated at 95 percent efficiency when we calculate backwards. It's not possible in real life. You can provide 95 percent under ideal conditions. But as the treatment system operates, its efficiency decreases, with different results depending on the fuel quality. Ninety-five percent efficiency is never achieved, but those who prepared the data given to us calculated it at 95 percent and put that in the report. They made the same calculation for all the different flue gas limit values.

There's also another report that we didn't receive through official channels, so we can't show the reference. After privatization, the environmental performance of privatized plants has been monitored by a board set up by the Ministry of Energy and Natural Resources and the Ministry of Environment, Urbanization and Climate Change. We obtained an internal report which had been prepared and submitted by a company participating in this monitoring study with EÜAŞ, namely Elektrik

There is the strong impression that the permission granted to these plants is political. It is not only our impression, as the ones who prepared the report, but also that of the experts in this field and the relevant professional chambers.

Üretim A.Ş., which is a public institution that managed these plants before privatization. According to this report, the efficiency of sulfur dioxide treatment in these two plants is between 50 and 60 percent, and dust retention filter systems are efficient up to 70 percent. It is an internal report, and we referenced it in our report as "according to information obtained from the sector". We had no way of exposing that organization and the source. After all, there is a strong impression that the permission granted to these plants is political. It is not only our impression, as the ones who prepared the report, but also that of the experts in the field and the relevant professional chambers.

We often hear your name in relation to İkizköy's environmental struggle. Did you settle in Muğla after the report?

D.G.: We started working in 2017, and it continued until 2019. It was published in July 2019. In the meantime, I met many people from the villages. At the time women from Turgut village were trying to get organized to protect their olive groves against the expansion of the mine site on the Yatağan side. I met with them; I also met the Muğla Environmental Platform. They became a stakeholder in our report. They permitted access to local information and expertise. I wasn't affiliated with an institution; I was consulting and preparing reports. My family lives in Bodrum. After the report was published, I had a few months off, and I was staying with them. I had an offer from Muğla Environment Platform which said, "We are establishing a group called 'For Coal-free Muğla,' it's your field of work; let's work together." They invited me to several EIA meetings, then I found myself in the local struggle.

So, I gather there was already a local struggle in the area. When did it start?

D.G.: In the 1990s, the Yatağan people



Photograph by İkizköy Committee on Environment

struggled against air pollution created in the region. In particular, the farmers were struggling hard due to the decline in olive and tobacco yields as a result of air pollution. Professional organizations, the Turkish Medical Association and Bar Associations, supported this process. There is a strong social organization. This social response decreased slightly after the flue gas filters were built in Yatağan, Kemerköy, and Yeniköy power plants in the mid-2000s. On the Milas side, the power plant, which is known as Kemerköy today, was called Gökova Power Plant back then. It was one of Turgut Özal's inventions. It entered the investment program in the mid-1980s, and its construction started and became operational in 1993. By the time it was opened, there was a severe social reaction. The reaction grew with the efforts of the Türkevi Village people there and the environmentalists living in Bodrum and its surroundings. The Özal government did not take these reactions

seriously and built the plant there. We prepared a map showing the coal power plants in Muğla, which we call the "Coal Devil's Triangle."

Isn't there a legal struggle against these power plants?

D.G.: The İzmir Environmental Lawyers Group within the İzmir Bar Association, including critical names we know from environmental struggles such as Noyan Özkan, Ahmet Okyay, and Semih Onay, filed a lawsuit in the Regional Administrative Court for the closure of these three plants in 1996. Although the Regional Administrative Court ruled to close it down, the Council of State rejected this decision. The Council of Ministers took the initiative based on the Council of State's decision, and the power plants continue production with this decision of the Council of Ministers. The lawyers took the case to the European Court of Human Rights (ECHR). The ECHR condemned

They are confiscating the production tools and living spaces of the people there. It's a process of severe dispossession, land-grabbing. This situation is stirring people up.

Turkey in 2005, but its decision was not enforced. This momentum faded a little as a result of judicial decisions not being implemented, and the fitting of filters in the chimneys. After privatization in 2017, the villagers' lands were ruthlessly expropriated. However, the confiscated areas were transferred to the companies that had bought the power plants. During this period, local people developed a reaction: "It was the state that took our lands from us before, but now they are seizing our lands for the benefit of a company." They really are confiscating the production tools and living spaces

of the people there. It's a process of severe dispossession and land-grabbing. This situation is stirring people up. The movement began in Yatağan Turgut Village at this time. Do you remember Tayyibe Demirel, who became the symbol of the resistance? When the company wanted to buy Tayyibe Demirel's olive grove, she refused to sell it. She found the Muğla Environmental Platform and told them, "If you are environmentalists, come and help." When I started to work on the report, the organization had just started in Turgut village under the leadership of Tayyibe. Muğla Environment Platform supported the village and protected the struggle. Turgut Village lost some of its olive groves, but Tayyibe still hasn't sold her olive grove.

When I started working on the report, the organization had just begun in Turgut village under the leadership of Tayyibe. Turgut Village lost some of its olive groves, but Tayyibe still hasn't sold her olive grove.

We are hearing more about the resistance in İkizköy lately. Is it a similar process there?

D.G.: They started the expropriation of the lands of İkizköy in 2017. The central neighborhood of İkizköy, Işıkdere, was expropriated and transferred to YK Enerji company. İkizköy has four neighborhoods. The others are Karadam, Ova, and Akbelen neighborhoods. The company told the other neighborhoods, "There's no coal on your land; we're not going to expropriate it." But they were also telling the people of Işıkdere who have lands near the Ova Neighborhood that "We will not touch there, and you can build your houses there." The villagers got into debt by taking loans from the banks and building new houses because the little money they had earned through expropriation was insufficient. Through this process, most of them also became indebted to the banks. Under these circumstances, some of them cannot continue their village life; some go to centers like Milas and become tenants. We are talking about an elderly population because the young people have already migrated to the city centers and become workers since they can no

Those who are relatively young and can stay in the villages are the ones who found jobs in the mines or power plants. This brutal expropriation process is severely victimizing the villagers.

longer make a living from agriculture; it was the elderly population who remained in the villages. Those who are relatively young and could stay in villages are the ones who have found jobs in mines or power plants. This brutal expropriation process is severely victimizing the villagers.

By 2019, the company was taking action to buy the land from the neighborhoods it had once said it 'would not touch'. They started to send notices from the notary public, saying: "We invite you to negotiate to buy your land; if you do not sell it, expropriation will be implemented." It was an explicit threat. Notices started in February 2019. The villagers got together since they knew of the Işıkdere experience and decided not

to sell their lands. They got in touch with the Muğla Environmental Platform. I was part of the delegation of the platform going to the village. It was June. We had meetings to figure out what could be done. Along with İkizköy, some lands in the surrounding Karacahisar and Çamköy were also wanted for purchasing. It is an olive grove and field of 300 parcels of 3,000 acres. We calculated that it contains around 35,000 olive trees in total. In the middle of this area, there are approximately a thousand acres of forest land, and the Akbelen neighborhood of İkizköy is located there. The company wants to take the 780 acres of that forest area from the General Directorate of Forestry to build a mine. Then the struggle began again. We established the İkizköy Environmental Committee. In the process, our fellow lawyers got involved. Since then, we've been continuing our legal and administrative struggle and the de facto struggle with the villagers when they come to cut down the trees; we take direct action by using our right of self-defense. In the last three years, we've built a good communications network both with the media and the general ecology organization of the country.

We managed to develop a relationship based on solidarity. We used social media effectively. We are trying to carry out the struggle from different aspects.

Indeed, the İkizköy resistance is frequently covered in the news and has become a well-known place. So what kind of achievements have you had?

D.G.: During this period, the villagers have not sold any land that the company was attempting to buy in 2019. So not a single parcel of the village was sold, despite all the pressure. The company has sent four rounds of notices in the last three years. They probably haven't been able to get an expropriation order from the Ministry of Energy and Natural Resources.

As far as I understand, the situation in Akbelen forest is different.

D.G.: Yes, in 2019, the Ministry of Agriculture and Forestry tried to make an industrial plantation decision about the Akbelen forest. We managed to stop this with both the actual and administrative struggle because a 15-kilometer-long open-pit coal mine has extended right to the bottom, about 500 meters beyond.

They want to take an industrial plantation decision here. Using this as an excuse, obviously, they will cut the trees of the Akbelen forest and allocate them to the mine. We said that we would file a criminal complaint against everyone who signed and participated in this decision if the plantation decision is issued, the trees cut, and a mineral exploration permit given to where the saplings are planned to be planted.

When an industrial plantation decision is taken, are old trees cut down and replaced by saplings?

D.G.: It doesn't have to be an old tree. What we call industrial plantation is "sustainable forestry." You build tree fields and produce timber, but you don't destroy an existing forest with its entire ecosystem. There's a lot of land without trees – go ahead and do the industrial plantation there! Akbelen's moves are also against forest engineering. In recent years, they have also seen timber as raw material and made severe forest massacres under the name of industrial plantation. On the other hand, the forest cutting and planting process has led to other tender processes and economic



interests. Meanwhile, the struggle against these industrial plantations continues in many regions of Turkey. In 2019, we saved Akbelen from becoming an industrial plantation region.

But the problem remains, doesn't it?

D.G.: Yes, we were tested by another attack in 2020. As the struggle in the village increased, the pressure from the company also increased. Some young people in the region inevitably work in the power plant and mine because there are no other job opportunities left. The company exerts pressure by threatening the company employees with the sack saying, "Your mother, father, or brother should not go to the protests; if they do, what happens after is not our responsibility." Moreover, but even worse, the company shut down İzköy's water supply.

How did this happen?

D.G.: During the privatization, the right to use the underground waters in Dereköy, 10 kilometers away from İzköy, was passed over to the thermal power plant, against the concept of the right to water and water legislation. The State

Hydraulic Works manages groundwater. Approximately 3.5 million cubic meters of water are obtained annually from 15 wells. That's a lot of money. It's used for cooling the thermal power plant. The water pipes going to İzköy first go to the thermal power plant; that is, the company has control over İzköy's water valve. As the villagers' struggle increased, they turned off the valve. We went to take the issue to the Assembly, and they cut off the water in the village for ten days on the way back. They did this without hesitation in 2020, when the covid epidemic had broken out. When people were most worried about their lives, the company began to cut off the water as they protested to protect the forest. The villagers fought for their right to water against the company throughout 2020. At the time, they could not directly intervene in the forest, but by the end of 2020, we filed a lawsuit. In 2017, we witnessed forest cutting being conducted in an area that was confiscated and included in the mine site. We asked the forest administration what this cutting was for. We made an information acquisition. It turns out they're building a coal conveyor belt there. There is a

They also regard timber as raw material and in recent years have made severe massacres in the forests under the name of industrial plantation. This process of forest cutting and planting has led to other tender processes and economic interest.

large olive grove in the direction of where the coal band line will pass. It has been expropriated, but the villagers are still collecting their olives. Their next move is to cut down the olive trees there.

So who owns the expropriated space?

D.G.: When it is expropriated, it will pass to the National Real Estate, but upon the request of the Ministry of Energy and Natural Resources, permission for mining operation will be given to the company. The state owns the property, but the company operates it. They were going to cut the down under that framework. The villagers made a protest; they opposed it by saying that it was against



Photo: Nur Ayman



Photo: Nur Ayman

the Olive Law. We obtained the following information: Since the license for the mine and power plant was granted before 1993 and 1997, within the framework of the Provisional Articles 2 and 3 of the Environmental Impact Assessment (EIA) regulation, there is an EIA exemption for both 230,000 acres of land and the power plant.

Okay, these businesses are old, so EIA was not required. They were production areas when privatized, but after the privatization, they increased both the mining sites and the volume of the business. Don't they need to get an EIA for that?

D.G.: Technically they need to get an EIA, but they don't. In 2019, we asked if these power plants and mines had an EIA through knowledge acquisition. They cited Articles 2 and 3 of the Provisional Law in their response. They claim an EIA exemption for the entire area, but the coal conveyor belt is a new project. We also have reports of audits conducted by the Court of Accounts two years in a row before privatization. At that time,

The water pipes which come to İzköy first arrive at the thermal power plant; that is, the valve of İzköy's water is in the hands of the company. As the villagers' struggle increased, they turned off the valve. The villagers were forced to fight for their right to water against the company throughout 2020.

Turkish Coal Enterprises was operating this place under the name of Güney Ege Kömür. There, the Akbelen forest area and Karacahisar, a little further ahead, are not part of the İzköy operation. These are the two new sites being designed. In 2011, these three projects were combined with a merger and expansion project to benefit from the EIA exemption. By combining the mining sites, they slipped in the sites that need to be taken from the EIA. That's how they

took the Akbelen forest from the EIA. A similar problem awaits us in Karacahisar soon. There are 130 million tons of coal there. We built our argument on the following – this area was merged in 2011, so the project was done after the EIA regulation was issued. In addition, if you need a new coal conveyor belt, it means you have increased the capacity because this is a conveyor belt construction that was not required before. So you will extract more coal and transport it to thermal power plants. Also, YK Enerji has been carrying out rehabilitation work in Yeniköy and Kemerköy power plants for two years. General Electric announced through press releases and on their websites that this rehabilitation work would increase capacity. Managers from YK Enerji also made different statements and boasted that they would increase the capacity of the plants by 100 megawatts. Why is this significant? Because according to the EIA regulation, if there is an increase in capacity by more than 100 megawatts, it requires an EIA report. In short, rehabilitation works are also subject to EIA regulations.

When they realized that their statements would lead to such a result, they made new statements and started to say that the capacity increase would be less. There is no evidence that they have an EIA for the rehabilitation work. We sued using all these arguments. Fifteen days ago, the court dismissed the case. Without considering our objections, the court checked and decided whether the administrative actions of the company complied with the legislation. In other words, it did not look into whether there is a capacity increase, site consolidation, or if the capacity would actually increase. Of course, we'll appeal.

The court should have appointed an expert. Who were the experts composed of?

D.G.: They appointed a mechanical engineer, a mapping engineer, and a mining engineer.

How do the experts approve the exemption of the company from EIA regulations by increasing the capacity and merging the field? Isn't what is being done obvious?

D.G.: They overlook the combination of projects and the increase in capacity. We had other reasonings in our application. We said, "Akbelen forest will disappear

as a result of the new projects." Not only that, but Kayaderesi, which reaches the Gulf of Gökova by irrigating the plain, and on which the project for the construction of the Bodrum dam is prepared, will be destroyed. They're sacrificing a stream with such clean water to the mine. The groundwater system will change because they will open a vast minefield, blocking its flow. They're endangering the water wells that supply one-third of Bodrum's water. For these reasons, we requested the inclusion of a hydrogeologist, a public health expert to consider the environmental health effects, a climate expert to consider the climate effects, and an environmental expert in the expert commission. These requests were also rejected. They only evaluated it in terms of procedure. We filed the case in December 2020, and the case was dismissed a year and a half later. We'll appeal and make our case to the Council of State.

The "Regulation on the Amendment of the Mining Regulation," prepared by the Ministry of Energy and Natural Resources and entered into force on March 1, 2022, has been criticized for rendering the Olive Law dysfunctional. What's the current status?

D.G.: We learnt from the parliamentary

EIA regulation changed three times

The Environmental Law No. 2872 was adopted and entered into force on August 9, 1983. The "Regulation on Environmental Impact Assessment" entered into force on February 7, 1993, published in the *Official Gazette*. It was revised three times, on June 23, 1997, June 6, 2002, and December 16, 2003, before taking its final form today.

research report that more than 20,000 olive trees have been destroyed in the İşkidere neighborhood, which was confiscated in 2017. At the time, there was a destruction of olive trees. Yatağan Thermal Power Plant received a rejection when it applied to the General Directorate of Mining Affairs for expropriation near Turgut Village. The ministry's justification was that the land for which confiscation was requested was an olive grove, and the olive groves could not be confiscated according to the Olive Law. However, the same directorate decided on confiscating the İkizköy side by saying "there is public interest" because there was a popular movement in Turgut Village at the time, but not yet in İkizköy. However, the villagers became familiar with the Olive Law, which protects olives over time. Therefore, they are aware of the many protective provisions, such as the fact that olive groves cannot be confiscated, dismantled, and cut, and if there is olive on any land, it cannot be cut without permission, no matter who owns the land. So for the past three years, the İkizköy Villagers have not let a single olive tree be cut, including on expropriated lands. Previously the company had told the villagers: "I will remove the olive tree with its roots and transport it somewhere else. It's best if you cut the tree so that you can benefit from its wood." Through this logic they persuaded the villagers to act against the Olive Law. People cut down their centuries-old trees crying, saying, "At least I'll use the wood." Now the villagers talk about that period in tears. After they became aware of the Olive Law, things changed. The company cannot cut down the olive trees expropriated in the



Photo: Nur Ayman

İşkidere neighborhood that had not been cut before. There is a 215-acre olive grove left. If there were ten trees per acre, there would be at least 2,000 olive trees. The İkizköy people protect these trees, and the minefield cannot expand there. There is an olive grove of 1500 acres around Akbelen forest. The company cannot expand in that region due to the Olive Law. The olive trees protect the forest. As the committee, we have noted the existence of this olive grove in all our administrative applications and legal processes. The previous Minister of Agriculture and Forestry, Bekir Pakdemirli, signed the letter that approved the allocation of the Akbelen forest to the mine. We also filed a lawsuit for the annulment of this consent document. Two things strengthen our hand in that case: the presence of olive groves

surrounding the forest and the presence of olive trees in the forest, and also the fact that no facility producing dust up to 3 kilometers from the olive groves is allowed under the Olive Law. If they build a mine in Akbelen, there is an olive grove 500 meters away, so their hands are tied. That's why they issued the regulation you mentioned. As a matter of fact, they issued this regulation on the day of the expert discovery in Akbelen.

What does the regulation bring to the company?

D.G.: The regulation seems to have been issued directly for Akbelen and İkizköy. It states that olive groves can be moved and transferred to another area for mining activities to produce energy. This statement is unscientific. The olive grove cannot be moved because the olive

grove does not only consist of trees; it is an ecosystem with soil, small and large creatures, air, and water. If the olive trees are over one year old, they cannot be carried without damaging their roots. It's a deep-rooted tree with fringed roots. The Law on the Olive Improvement and Grafting of Wild Species of 1939, which we know as the Olive Law, explicitly states that industrial, mining, and zoning projects other than small-scale olive oil production are not permitted in olive groves. They are trying to override a law enforced by the Ministry of Agriculture and Forestry with the mining regulation of the Ministry of Energy and Natural Resources. The law is superior to the regulation; moreover, one ministry is making regulations in the field of another ministry. We also filed a lawsuit for the annulment of this regulation. ☹️

¹ Ummuhan Gökocalı and Mustafa Terzioğlu, April 2022, Yerel Ekonomi İçin Dönüşüm Fırsatı: Milas'ta Zeytincilik, (https://world.350.org/turkiye/files/2022/04/Milasta_Zeytincilik_Nisan2022.pdf).

² <https://www.komurungercekbedeli.org/>.

³ https://env-health.org/IMG/pdf/03072015_heal_odenmeyensaglikfaturasi_tr_2015_final.pdf.

LAST EXIT BEFORE “CANAL”: THE CITY WILL LOSE WITH CANAL ISTANBUL

The ‘environmental plan’ of Istanbul was approved on 15 June 2009. The plan, prepared while a metropolitan mayor from the AKP (Kadir Topbaş) was in office and passed by the AKP-dominated Istanbul Metropolitan Municipality (IMM) Council, drew the boundaries of the city. The goal was to prevent the city from growing to the north and the urban population to exceed 16 million. But this was only the plan on paper. The plan which was supposed to protect the city and its natural borders, has repeatedly been breached by ‘mega’ and ‘crazy’ projects.



Three million more people

President Recep Tayyip Erdoğan announced the ‘crazy project’ Canal Istanbul in 2011, about two years after the ‘constitution of Istanbul’ was approved. The project, which experts have interpreted as being “the last nail to be hammered into the coffin of the city” will destroy all the natural areas and life of the region it will pass through. The government argues that the project will bring an additional 500,000 people to Istanbul, but experts estimate it will more likely exceed 2 million. IMM President Ekrem İmamoğlu claims that the initiative is a real estate project which will harm the city and points to the projected increase in the population: “It means at least 2.5-3 million additional population. There is no way Istanbul can stand such a population and such a structure.”

After President Erdoğan’s announcement in 2011, the most discussed issue was where the channel would run. It is planned to start from Küçükçekmece and will connect to the Black Sea near the third Airport. What lies along this route? The villages, agricultural areas, water basins and forest areas of the city...

The death of the Marmara Sea if the warnings are ignored

The Environmental Impact Assessment (EIA) report, which is supposed to explain how the natural life in the region will be changed by the 45-kilometer project, was submitted to the Ministry of Environment and Urbanization on 11 December 2017. This report is one of the most crucial pillars of the project. Experts, institutions, and residents objected to the report and filed counterclaims. The adverse effects of the project and the deficiencies of the EIA report are listed one by one in the Istanbul Canal Public Information Platform established by the Istanbul Planning Agency and Istanbul City Council affiliated with the IMM. I’ve examined all the titles one by one. Let’s look at the project’s impacts and the EIA report’s shortcomings. First of all, the effects of the project on maritime can be summarized as follows:

- The Bosphorus is a 30-kilometer-long, 60 meters deep on average, and 700-3500 meters wide waterway connecting the Black Sea and the Marmara Sea. This waterway has a two-layer current, the upper layer

current from the Black Sea to the Marmara Sea and the lower layer current in the opposite direction. The water level in the Black Sea is higher than that of Marmara, causing an upstream flow from the Black Sea to the Marmara. The Marmara Sea is saltier than the Black Sea, and the resulting difference in density causes a downstream flow from the Marmara Sea to the Black Sea.

- The Canal Istanbul, which is planned to be built on the Sazlıdere-Küçükçekmece route, is approximately 45 kilometers long, 8.5 kilometers of which is in Küçükçekmece Lake. Under normal conditions, a current will occur only from the Black Sea to the Marmara Sea in Canal Istanbul since the depth of the channel is approximately 21 meters (as a result of the channel bottom being higher than the density interface in the Marmara Sea). Thus, the flow that will occur in Canal Istanbul will bring Black Sea water to the Marmara Sea, just like the upper layer flow in the Bosphorus.

- The introduction of Canal Istanbul will not practically change the total net water exchange flow rate between the Black Sea and the Marmara Sea. After the construction of Canal Istanbul, the level difference between the Black Sea and the Marmara Sea will decrease by a projected level of approximately 3.5 centimeters.

- After the introduction of Canal Istanbul, it is thought that the salinity of the Marmara Sea may decrease by approximately 18 percent in the medium-to-long term.

Experts conclude and warn that the Canal Istanbul will lead to quite significant changes in the hydrodynamics of the Black Sea-Bosphorus-Marmara Sea system: “If the warnings are ignored, and the Marmara Sea dies, the entire Marmara Region will be gone, and there will be no turning back.”

It’s not a maritime project

The government representatives insisting on the need for Canal Istanbul argue that the project will reduce the dangers caused by ship traffic on the Bosphorus. An evaluation was also conducted on this topic:

The examination and evaluation of the maritime annexes of the EIA Report

Experts conclude and warn that Canal Istanbul will lead to quite significant changes in the hydrodynamics of the Black Sea-Bosphorus-Marmara Sea system: “If the warnings are ignored, and the Marmara Region will be gone, and there will be no turning back.”

show that the report lacked maritime terminology and didn’t include the opinions of professional ship captains, practitioners, pilot captains, and marine academics working in our universities with sufficient experience in the Bosphorus’ maritime traffic and especially the large ships’ navigational difficulties among those experts who contributed to the report. This should be considered as proof that the project is not a maritime project. According to the Montreux Convention Regarding the Regime of the Turkish Straits, all ships passing through the straits with or without a stopover are free of charge, except for the fees that must be paid according to specific criteria. Therefore, there is no positive technical or economic aspect related to paid channel crossings regarding the shipowner.

There will be no living space left

The world is facing a climate crisis. Istanbul is one of the cities which is currently the most affected by this crisis, and it is predicted that it will be affected even more in the future. It is thought that the vulnerability of the city to the climate crisis will increase even more with the channel project. In this context, experts believe that the most significant adverse effects of the channel project will be on ecosystems and living species. Here are a few examples of the evaluations on this platform:

- The project area contains ecosystems such as seas, lakes, streams, swamps, dunes, reeds,



Route of Kanal İstanbul / Photograph by CNN Türk

forests, agriculture, pastures, maquis, and rocky ecosystems, and they contain many habitats. The study for the EIA report was conducted in a narrow impact area, the flora and fauna inventory was not compiled across the whole site, and only the sample areas were observed and measured. Thus, not all of the flora and fauna inventories or the species that may exist in the impact area could be defined, and the measures to eliminate the adverse effects were insufficient.

- Istanbul forests, which have decreased by 27,000 hectares in the last 50 years, will be reduced even more with Canal Istanbul, and some of the forests that the channel will destroy are conservation forests.
- Sazlıdere Dam, which meets the water needs of 8.5 percent of Istanbul's population, that is 1.3

The Canal Istanbul EIA Report contains no analysis, evaluation, or modeling studies on the physical geography, geomorphology, atmosphere, weather, climate, or climate change.

million people, will be put out of use. The search for a new water source for Istanbul will be necessitated due to the deactivation of the dam.

- The Canal Istanbul EIA Report contains no analysis, evaluation, or modeling studies on the physical geography, geomorphology,

atmosphere, weather, climate, or climate change. The EIA methodology is completely ineffective and inadequate. A piece of the earth, an exceptional geographical region that has evolved over millions of years, is intended to be changed, and these methods are insufficient to evaluate the effects of such a big project.

- The EIA report doesn't consider the potential for mist fog and problems of low vision, the strong crosswind, gust, and turbulence issues the Canal may cause; it doesn't evaluate the air pollution and acid rains and their effects on both environmental and public health; and it doesn't examine the urban climate and urban heat island effect of the settlements and the risk of catastrophic loss of life that they may cause, and the possible operational impact on the wind and therefore on Istanbul Airport.

The 38-kilometer-long coastal filling area planned with Canal Istanbul will irreversibly destroy Istanbul's unique natural coastal ecosystem.

- It will inevitably cause permanent and fatal destruction in the Sea of Marmara.
- It has been stated that excavation will be approximately 1.1 billion m³ on the canal route, and this excavation will be used as coastal filling material for 38 kilometers on the Black Sea coast. A significant part of the loose excavation soil will likely be dissolved and spread in the marine environment

during the transportation phase and from the filling area and transported to the Marmara Sea through the canal. This material, which will be deposited on the coastline of the Marmara Sea, risks destroying the vitality in the bottom cover.

- The Canal Istanbul Project is also contradictory within the context of the Life in Water and Life on Land-SDGs. The Black Sea coasts, the only coastal ecosystems that preserve the natural quality of Istanbul, are the assurance of marine biodiversity. The coastal, forest, wetland, grasslands, maquis, and agricultural ecosystems included here, which contain sensitive habitats and species to be protected at both country and global levels, are the sensitive biodiversity areas of Istanbul. There is the risk of the fragmentation of these habitats and loss of sensitive habitats with the project. The measures specified in the EIA Report do not eliminate these risks. The 38-kilometer-long coastal filling area planned with Canal Istanbul will irreversibly destroy Istanbul's unique natural coastal ecosystem.

From this we can conclude that the project is not being planned in areas that have already deteriorated, lost their function, or are dangerous to human habitats. It will instead be implemented in areas of natural and semi-natural nature that have preserved their naturalness to a great extent, where there's no settlement, which contains resource value for the sustainability of human and natural life and which has an ecological value in Istanbul, and at regional, country, and continental levels.

Ancient settlements are at risk

The platform also anticipates the effects of the project on cultural and natural assets and makes the following striking evaluations:

- With the Canal Istanbul Project and the 1/100,000 scaled Environmental Plan Amendment dated 13.12.2019, the region designated as 'Yenişehir' and as a reserve building area, is located where the Asian and European continents meet. Thus, it contains substantial archaeological evidence that the relations between the two continents can be traced back to the Paleolithic Age. Küçükçekmece Lagoon

Lake, the Sazlıdere basin, and the integrated areas around it contain an ecosystem including the eastern part of the Terkos basin and the fossil dunes on the Black Sea coast; its north and south contain areas under the influence of different climate zones and on migration routes, thus are areas that need protection and rich biodiversity.

- A significant part of the site, which protects the Yarımburgaz Cave in its surroundings, will be destroyed by the canal excavation; the rock mass which the cave is located in is also at risk because the valley is not wide enough. The ancient settlement area near Dursunköy, which has been newly identified by the Conservation Regional Board and has not yet been the subject of scientific research, is at high risk as it is on the canal route. The Küçükçekmece-Avcılar highway crossing which is planned on Canal Istanbul, passes through archaeological sites to the west of the lagoon lake. The archaeological park decision made for all archaeological sites is insufficient to provide adequate protection with its construction-oriented perspective. According to the EIA Report, structures such as historic bridges, roads, shelters, and bastions on the Canal Istanbul route will be transported. It should be noted that preserving cultural assets in their original environment is essential.
- The function change decisions outlined in the plan will destroy the water catchment basin and agricultural lands where biological diversity is vibrant, and the region will be completely urbanized.

- None of the decisions and processes under the definition of Canal Istanbul and Yenişehir are in line with the principles adopted and recommended by conservation organizations in the world. They will cause areas of archaeological and ecological importance to remain under the projected site of filling, increase population density and construction, or change the natural environment through transportation decisions. It is necessary to establish an understanding that the bio-cultural environment in the geography we live in, including all living and non-living beings with heritage value,

do not only belong to those living in this geography, but to the whole world equally, and that everyone is responsible for protecting and developing them.

After these critical determinations, evaluations, and striking warnings, the experts also revealed the hidden agenda of the project: “The Canal Istanbul Project is a real estate project designed to open the unconstructed areas of Istanbul, the Yavuz Sultan Selim Bridge, and Istanbul Airport to zoning, which are not included in the 1/100.000 scale Environmental Plan accepted as the constitution of Istanbul.”

A day for 45 kilometers

Experts have been discussing the effects of the Canal Istanbul Project for years. The items we examined above are just a summary of the anticipated effects. But the project’s changes on the ancient city’s structure still remain unpredictable, even after extensive study. Many of the objections of the residents, institutions, organizations, and experts summarized above were not heard, and the report was approved as being “EIA Positive.” Institutions, environmental associations, and residents of the region filed a lawsuit against this decision. The court set a date for two years later to allow for expert exploration of the case. Those two years

The Canal Istanbul Project is a real estate project designed to open the unconstructed areas of Istanbul and the Yavuz Sultan Selim Bridge and Istanbul Airport areas to construction, which are not in the 1/100,000 scale Environmental Plan taken as the ‘constitution’ of Istanbul.

expired last March. However, only one day was reserved to see the 45 kilometers long remaining green areas, agricultural lands, and wetlands of Istanbul and to listen to the objections of villagers and the plaintiffs’.

I went to the Istanbul Regional Administrative Court in Mahmutbey early in the morning to witness and report on this critical case. The police there outnumbered the citizens who came to watch the expedition. Plaintiffs, expert academics, institution representatives, and citizens gathered at the 15 July Martyrs Conference Hall on the minus one floor of the administrative court. After waiting for about 15 minutes, the chairman of the court board arrived and said, “We have thought of a system. Every average citizen knows about this project. First, let’s go to the reconnaissance area, then we’ll come back here and take your statements. We can record the minutes in the evening.” A dispute started. The plaintiff’s attorneys said that the

discovery report should be filed first, and the statements, objections, and plaintiff’s claims should be received before the exploration so that they could be better understood.

Conducting their own exploration

TMMOB Board Member Mücella Yapıcı, who was arrested and imprisoned after being sentenced to 18 years in the Gezi Trial in April 2022, approximately one and a half months after this proceeding, was also in the conference room that day. Yapıcı, who has been fighting against the crimes committed against the city for years, took the floor and drew attention to a significant danger: “As written in the EIA report, we have a huge tanker airport here. This is within the limits of the EIA report area, and its effects are not included in this report. Fuel tankers will pass right near this huge place with hundreds of millions of tons of jet fuel. It is a very big threat. This is not present in the EIA report. “

Çanakkale / Photograph by İHA



Agricultural field in Yenişehir / Photograph by KOS Media Unit

As Yapıcı continued her remarks, the judge intervened, saying, “I know all this,” and announced, “The issue is closed for discussion; we are going to the exploration area,” before leaving the room. The plaintiffs demanded the judge’s dismissal, saying “We will not be a party to this crime.” As a result, the plaintiffs did not participate in the exploration organized on 31 March and demanded the dismissal of the judge. Instead the delegation made an “exploration” on its own.

The region has been opened to zoning

So what happened leading up the exploration? What happened during the process? The project process continued until the court made an exploration, the city plans around the canal were published without waiting for the judicial decision, and the region was opened to zoning. New lawsuits have been filed against the plans. The zoning plans of ‘Yenişehir’ to be established around the project caused the comment that “the project is already rent-oriented”. The project area, which constitutes the rural area of Istanbul, is famous for its agricultural lands and villages that stretch as far as the eye can see. It will be complicated for the peasants to hold on in the region with the new plans since the fertile lands of livestock and agriculture have been opened to development.

Following the implementation of Yenişehir’s plans, the status of Albayrak’s land was changed from ‘field’ to ‘housing + trade’. This led the land’s value to increase. The land that subsequently became available for construction, such as for housing, shopping malls, hotels, and accommodation facilities, was opened for zoning following the approval of the zoning application.

So who benefited from these zoning plans? The area has had constant real estate activity since the project was first announced. Many foreign investors and business people have also bought land along the route. For example, President Recep Tayyip Erdoğan’s son-in-law, Berat Albayrak, bought land in the region with the status of ‘field’ in 2012, which aroused the curiosity of the public. The status of Albayrak’s land was changed from ‘field’ to ‘housing + trade’ after Yenişehir’s plans were defined. This led the land’s value to increase. The land that became available for construction, such as for housing, shopping malls, hotels, and accommodation facilities, was opened for zoning following the approval of the zoning application. Albayrak’s land is just one example; residents of the region say that many lands changed hands as soon as the project was heard. Experts say there are no obstacles to

the construction on the lands opened for zoning. It is also a matter of great curiosity who will undertake the project’s construction, which is projected to cost 75 billion TL.

“There is no need to visit the entire route”

The attitude of the expert discovery to the lawsuit filed by the TEMA Foundation (The Turkish Foundation for Combating Soil Erosion) against the environmental plan, which includes Canal Istanbul and Yenişehir, was very similar to the expert discovery of the EIA case. I joined this exploration to watch and report. It’s worth mentioning that the plan was changed several times after it was approved. The Foundation wants the new plan and the extension of the plan changes to be canceled by highlighting the expected damage to natural areas. The Ministry of Transport and Infrastructure was also involved in the case.



I went to the Istanbul Regional Administrative Court in Mahmutbey early in the morning to attend the exploration. Officials of the two ministries who were due to participate in the exploration, a five-person expert committee, and the officials of the TEMA Foundation were present at the exit of the court building. The court officials said that two explorations related to the route had been merged. This meant that only half a day was reserved for exploring the 45-kilometer-long project. The judge who would participate in the expedition came a little later and met the parties. The Ministry of Environment, Urbanization, and Climate Change representative asked whether all points of objection would be visited before the exploration started and claimed that this was not an EIA case so there would be no need to visit the entire route. The judge stated that the points of objection would be visited.

After the conversations, we set off with the vehicles. After the first exploration, it was time for the expert exploration of the Canal Istanbul case for which the TEMA Foundation was the plaintiff. The second discovery began around 10:30 a.m. While a visit to the historical Damascus Dam region had been expected, the area of the Sazlıdere Lake was visited instead. The judge asked the plaintiff TEMA

Foundation about its objection to this location. The representative stated that had not been able to make the planned exploration, and that some of the places had been skipped, and asked, "Will we see them or will we make a note of them in the minutes?" After the judge asked about the skipped points, the representative of the TEMA Foundation said, "There is a railway route change in the south of Küçükçekmece Lake. Since this is an exploration, we need to see it in place. We can already see all the areas on the map. That change of routing is one of the places we're suing. Everywhere we see around us is a private project area. The surroundings of Damascus Dam, which is the starting point of the area in the south, are completely private project areas. These are also the subject of litigation. We moved away from those locations and headed north. So will we see it on the way back? The points of objection need to be seen," he said.

"Make her feel better."

During the speeches about the areas which had been skipped, the judge asked, "Is there anything different [there]? Isn't it all the same? The areas currently used for agricultural purposes have been converted into special project areas". The TEMA Foundation representative insisted that the points of objection should be

seen, and the judge said, "Let's not go back then. Let's go down there last. We'll see on the way back if we have time". The TEMA representative asked, "Would you note it for the record, that you didn't find it necessary to see the location?"

The Foundation representative summarized her objection regarding our location as follows: "There was a cancellation here earlier because it threatens the drinking water areas and opens the agricultural regions to construction. There are constant attempts to open this place to urban transformation. Everywhere you see around here is pasture and farmland. We see no significant justification for this planned change to be made. We think that this plan is contrary to public interest."

The Ministry official stated that settlement areas would be established within the scope of the earthquake law in these areas and that it would be integrated with public investments such as the third Airport.

After the discussions, the judge said, "Let's go to the next points; let's see the places you mentioned on the way back if we have time left." There were objections that there was no need to



Photo: Oben Ulu



İkizdere / Photo: Eren Dağıstanlı

see the skipped objection points that the foundation official had emphasized. Then the judge said, "Sir, let's make the lady feel better." The foundation representative replied "Let's do the exploration properly, not to make her feel better." The judge said, "It's done properly. We are trying to see everywhere". As a result, the viewing of the 45-kilometer area where their way was blocked by cows and vehicles was completed in four hours.

Letter to ambassadors

Today, the Canal Istanbul Project also forms the basis of a political debate. The government insists on the Canal Istanbul Project. But, in addition to IMM President Ekrem İmamoğlu's statements against the project, CHP Chairman Kemal Kılıçdaroğlu also wrote a letter to ambassadors last November to prevent foreign contractors from entering the Canal Istanbul tender. Kılıçdaroğlu shared a video including sections from his party's speech at the Parliamentary Group Meeting on his social media account. The video Kılıçdaroğlu published included the following passages from his speech in the party group: "They cannot come to the tender from abroad. We love our country! We do not want Istanbul to be plundered. We don't want foreigners to be part of the plunder. I did not write only to our business people but also to the embassies. I said, 'If a company, a person, or a contractor enters Canal

A kind of forced migration will start because the project plans made in 2020 show that 10,485 hectares of agricultural land and 850 hectares of forest will be lost, and all pasture areas in the region will be destroyed. Likewise, the pasture area, which was reported to be 497 hectares in 2009, has decreased to 'zero' with the change of plan.

Istanbul and loots Istanbul, plunders Istanbul, the price to be paid for that will be heavy.' Now they have it in writing and signed. No one can say we didn't know; we didn't hear. "

Forced migration

The discussions on the project will undoubtedly continue, but work on the project has also started, even as discussions and objections are ongoing. In fact in Istanbul, which is drowning in concrete and where it is becoming more difficult to breathe every day, hectares of land have been opened for zoning even though the project hasn't start. Tayakadin is one of the villages on the route. There are only three families left who make their living from the buffalo breeding which the village is known for, due to the lack of pasture and increasing costs after the construction of the third Airport. They are considering selling their animals this summer. Other villagers in the region don't think much different. Most believe they will have to leave the region if the

Canal Istanbul Project is implemented. A kind of forced migration will start because the project plans made in 2020 show that 10,485 hectares of agricultural land and 850 hectares of forest will be lost, and all pasture areas in the region will be destroyed. Likewise, the pasture area, which appeared to be 497 hectares in 2009, decreased to 'zero' with the change of plan.

Turkey has been debating Canal Istanbul since its announcement in 2011. However, the government, which has been running the country for 20 years and is also the project's owner, is not listening to the ongoing debate, criticism, or warnings. The only thing both sides of the discussion, that is those who support and oppose the project, agree on is the project's title: Crazy. But is such 'madness' really necessary? Is what this project will bring to Istanbul really worth the killing, the destruction of its nature, life, and cultural heritage?

Istanbul pushing the thresholds: Mega projects, EIA, and legal struggle

We talked with Esin Köymen, President of the Istanbul Büyükkent Branch of the Union of Chambers of Turkish Engineers and Architects (TMMOB), about Istanbul's relationship with the environment and how incorrect or incomplete EIA practices have caused irreversible damages to Istanbul, which has become a 'mega city'. According to Köymen, Istanbul's most significant problem in the recent period is that the city has been forced to grow further northwards through the decisions of the powerful. Regarding the EIA processes, her opinion is clear: "They do not comply with the regulations which they themselves made."

What is the biggest problem with the Environmental Impact Assessment (EIA) regulation in terms of urban space?

Esin Köymen: They do not comply with the regulations which they themselves made. That's the first one. The second one is that although they affect the environment in a very broad sense, they make the decision that "EIA is not necessary" for projects. Additionally, there needs to be a strategic EIA covering all projects that impact each other; they

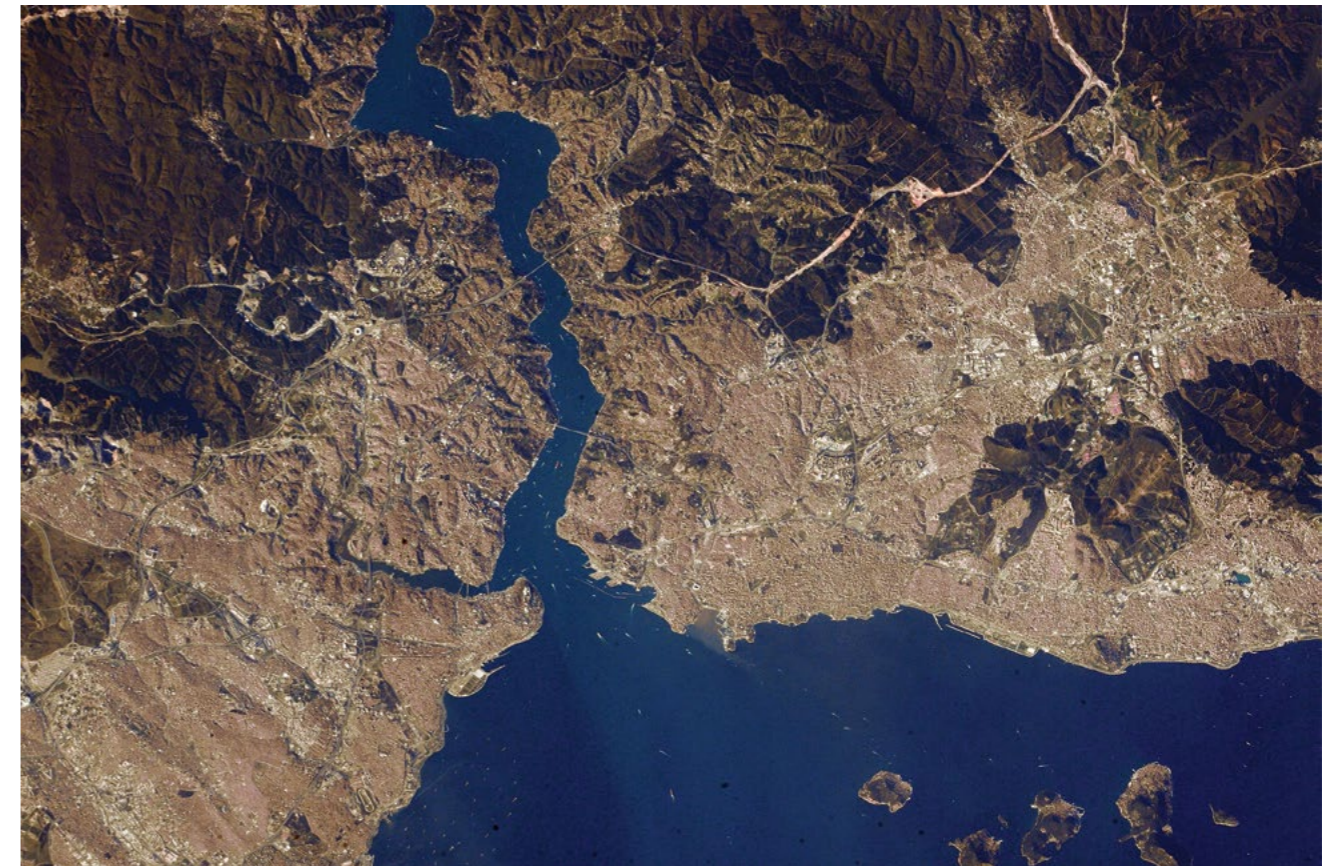
need to be connected. I'm talking about an integrated EIA. The clearest example is the third Bridge, the third Airport, and Canal Istanbul projects. They are interconnected projects, and they should require an integrated EIA.

Some applications are settled in Turkey to comply with some criteria, harmonization laws, and international agreements. The EIA is one of them but it is neither sufficient in terms of content nor is it

used for its purpose. Above all, they are not used well enough. That's our major problem.

That may be said to be the major problem regarding the Canal Istanbul EIA report...

E.K.: The Canal Istanbul Project EIA reports were thousands of pages long, but it is not an EIA report; it doesn't have the features of an EIA report. It is necessary to assess its impact on the



Northern Forests in Istanbul / Photograph by KOS Media Unit

environment and to make suggestions about how to eliminate its adverse effects. This is the purpose of the EIA report. The Canal Istanbul EIA report identified problems but didn't suggest how to eliminate them. Therefore, it is not an EIA report. And this is how these reports are usually prepared. EIA reports are used as a kind of procedural adaptation instrument.

This makes me think that we cannot rely on the EIA to establish urban space and urban life which is compatible with nature

E.K.: There is already a Cultural Heritage Impact Assessment (KÜMED) report. KÜMED does not have a healthy regulation. Even if the EIA is not implemented, it has a regulation more or less. Still, when we evaluate both in general terms, we see that the EIA and KÜMED reports are not written

The Canal Istanbul EIA report identified problems, but no suggestions were offered about how to eliminate them. Therefore, it is not an EIA report.

in accordance with the reasons and requirements for their creation. The EIA reports produced by the relevant experts are critical because the EIA report is also part of the planning process. We understand from those EIA reports that they have not been written by experts.

You said that the three projects that will plunder the north of Istanbul require an "integrated EIA report". Is there an integrated EIA report on the regulation?

E.K.: Certainly, but they do not implement it. Dividing the EIA reports into pieces is the easiest thing for them to do. As you know, a 1/100.000 scale Istanbul Environmental Plan was prepared by Istanbul Metropolitan Municipality in 2009. It is the Constitution of Istanbul in terms of planning. This plan has a fundamental proposition: it states that it is necessary to prevent the growth of Istanbul towards the north. It was proposed because of all the underground resources, water catchment basins, forest areas, and the ecological balance in the north. A plan note amendment was made; they passed it through the Metropolitan Municipality Council and constructed the third Bridge.

The EIA reports prepared by the relevant experts are critical because the EIA report is also part of the planning process. We understand from those EIA reports which we've read that they have not been written by experts.

The Northern Marmara Highway and connection roads were built. Following that, Istanbul Airport was built with the change of a zoning plan. Then came the region where Canal Istanbul, previously declared a reserve building area, was intended to be built with a change in plan with a scale of 100,000. Now when we look at these three, it's evident that they're connected and that they affect each other. The project needs to be handled as a trio. These three consecutive projects damage the entire Northern Forests enormously. Not only that, but they also affect agricultural areas and water basins on the Thrace side. It is therefore necessary to study how these projects affect each other and to establish the relationship between EIA reports. None of this has been done.





Photograph by KOS Media Unit

Why are they doing it this way?

E.K.: Fragmented zoning changes means issuing separate EIA reports for each, dividing the problem into pieces, and making it look smaller than it is.

I had the following explanation in mind: They try to produce a lot of EIA reports to tire people and institutions like you who try to protect the environment through cancellation cases. You're dealing with trials. It seems easy for them to prepare EIA reports because EIA reports mostly seem to be copies of each other.

E.K.: When they do not consider the planning process as a whole but do it in pieces, they escape the audit. I gave the example of this triple project, but there's no holistic planning in any of the projects, including protection areas all over Turkey. The fundamental thing is to present the pros and cons of the project in an integrated plan. This is the reason I mentioned the Istanbul Environmental Plan which was produced in 2009. The main criteria should be clear in the plan of such a scale. These plans should define

The implementation and the master zoning plan come into direct effect within a month. Since this is the case, we professional chambers, which provide public auditing, are left with no other instrument or method but to sue them.

the main transportation axes, their methods, rail systems, sea transportation, residential areas, agricultural areas, and our ecological boundaries. The environmental plan is presented; citizens object, institutions object, express their opinions, and if necessary, they file a lawsuit. But, when you make a separate plan for the Bridge and a separate plan for the Canal Istanbul... When you make a separate plan for the projects of the Housing Development Administration in green fields and military areas... When you make a separate plan to open public spaces, park areas, and forest areas for construction with a

zoning plan, professional chambers of public institutions examine whether they are in the public interest and file a lawsuit if they find that they are not. So, we end up with numerous cases that are too many to count. Their primary motivation is the rent economy based on the construction sector. Consecutive powers in the country have long been predominantly motivated by this, but our current ruling power is motivated by it a lot more, because they've built the economy entirely on construction rent. This process of planning in pieces works very well for them. The more they make zoning changes in different areas and numbers, the more they make us strive. We certainly do not hold back against this, but sometimes the construction starts before the court decision and expert reports have been released. They go into practice very quickly... This is particularly the case since the Ministry of Environment, Forestry and Urbanization has, since its establishment in 2011, had the authority to make all kinds of zoning plans, including in protected areas. It carries out the process from all upper-

scale zoning plans to the implementation zoning plans alone and in one go. In other words, it changes the 100,000-scale environmental plan, and as soon as the suspension period is over, it makes its sub-scale zoning plans, which are at a scale of 5,000 and 1,000. As a result it eliminates the time for our objections during the planning process. The implementation and the master zoning plan come into effect directly within a month. Under these circumstances, we professional chambers, which provide the public auditing, are left with no other instrument or method but to sue them.

So what happens in the litigation process? The reason I ask is that we know the problems in the legal system. Have you won any lawsuits?

E.K.: The first thing that comes to mind, since it is on the agenda nowadays, is the reclamation of the Artillery Barracks in Gezi Park. There was a very critical legal struggle there. The courts are lately making decisions under the shadow of political power. If the park is still in its place and has not been replaced with

a barracks-shopping mall, this is due to the legal struggle on the one hand and the public's sensitivity on the other. For instance, Haydarpaşa Solidarity has a vigil that has been going on for years. Haydarpaşa was not looted because of the lawsuits which we filed and the watches to ensure that Haydarpaşa does not become a hotel, keeps its function as a station, and also that trade centers are not built at the back of it. Of course we have our victories, but there are many more zoning changes that we lose. Even if we win the lawsuits, we may not be able to realize that win after everything has happened due to a delayed judicial decision.

Do they give up when they lose?

E.K.: That's another problem. For example, a city park area is next to the courthouse in Kartal. We canceled the zoning plan four times. The Ministry of Environment, Forestry and Urbanization has made a zoning change for the fifth time. This is an example of a project we were able to file before the implementation or when execution

was delayed for some reason. They included the park area in Kartal within consideration of the zoning plan with a commercial function, which means it would turn into a building area. We've stopped that for now. We also have ongoing cases such as Canal Istanbul. I think the number of lawsuits we filed against that project is now nineteen. There are lawsuits involving a change in the environmental plan. It is a seven-stage project. There are also lawsuits regarding the implementation development plans and master development plans of the first three phases. Tenders were made; we also filed a lawsuit to cancel those tenders. We have filed a lawsuit for the annulment of the conservation board's decisions regarding their effects on cultural heritage. We have a lawsuit regarding the dismantling and relocation of Ottoman-era bridges. While all this is continuing, the exploration and expert examination of the lawsuit which we filed against the EIA report, which is the mainstay of that mega project, has just been made (12 May 2022). Moreover, unlawfully our opinion was not requested in the lawsuit

TÜRKAKIM, Istrancalar / Photograph by KOS Media Unit







Osmangazi Bridge / Photograph by herseklagunu.com

which the professional chambers filed during the exploration. It is our legal right to express our views and have them on the record. So, the justice system, unfortunately, sometimes acts in line with the government's political view. This is periodically one of our main problems.

With such mega-projects, Istanbul has been spreading northward lately, but it has already spread excessively to the east and west. What awaits us due to the more frequent changes in these zoning plans and the dysfunctional EIA processes?

E.K.: Naturally, the changes in the zoning plans have a significant role in the growth eastward and westward. They use it as a means of expanding the city. In other words, if you are opening new living spaces and making new zoning plans, it means that you are ultimately increasing the population of the city. They already say about Canal Istanbul that they will build a city with a population of 500,000 on both sides of the canal. Istanbul is a mega-city. Its resources are not sufficient for itself. It exploits the resources of the

If you continue increasing the population of the mega-city, on the one hand, you will continue to encourage migration. This all needs to be well planned. It should be well planned across Turkey's whole geography, but a political structure that annihilates the State Planning Organization means it has no regard for planning.

surrounding provinces. For instance, the water reserve is insufficient, so it uses the waters of Strandja, it's trying to use the waters of Melen. The reason it's just 'trying' to do so is because of problems in the Melen dam. If you continue to increase the population of the mega-city on the one hand, you will continue to encourage migration. All of these processes need to be well planned. It should be well planned for Turkey's whole geography, but a political structure that annihilates the State Planning Organization means it has no regard for planning.

Are there any other significant issues that you have been following lately?

E.K.: Our litigation processes continue all the time. There is the Validebağ Grove, for example. Canal Istanbul continues intensely, as I mentioned. The last one is a new tender held for Atatürk Airport, which we read about in a newspaper article. This tender, which is said to have been made by the Mass Housing Administration and should technically have been published, has not even been

registered on the *Official Gazette* Public Procurement page. We were aware of this tender via journalist Çiğdem Toker's article published in *Sözcü* newspaper on June 9, 2022. A pandemic hospital was built there, as you know. This hospital was built by destroying all the public resources that were in working condition at Atatürk Airport. We now learn that the place was tendered for a 'nation garden' on April 29, 2022, and a company called Yapı & Yapı secured the tender. Those who bid were a contractor group of five who are already close to the government. We immediately started working on this subject as soon as we found out about it.

When the pandemic hospital was built, we filed a criminal complaint against all those responsible for harming public resources and harming the public. There was a high-speed response within three days. Their answer was obviously "There is no reason for an investigation." So, they showed how fast the courts can work when they want to. This is our latest topic. There is no official documentation, so I would like to underline that it is an illegal tender. This tender was made per subparagraph b of Article 21 of the Public Procurement Law, which is a tender method made according to the law's exemption section, used in war conditions or exceptional circumstances. This means it was not an open tender but based on an invitation. Who knows what those exceptional circumstances are. 🌀

EIA IMPLEMENTATION AND EXEMPTION DECISIONS IN THE MARMARA REGION

One of the most important indicators that the Environmental Impact Assessment (EIA) process prioritizes economic interests over environmental protection is the frequency of the exemption decisions. Miray Dokurer, an environmental engineer who closely monitors the ongoing ecological struggle in the southern and eastern parts of the Marmara Region, discusses gaps in the legal-administrative mechanism and the reasons behind them in the context of the Marmara region, where the destructive effects of industrialization are evident.

With the passing of Article 10 of the Environmental Law, which entered into force on 11 August 1983, a legal process to determine the potential environmental effects of an activity and to take measures accordingly before its implementation was determined in Turkey for the first time. However, for many years reporting suggests that the adverse effects on the environment, society, and health as a result of the realization of the project, or measures taken to alleviate them, have not been taken seriously or comprehensively examined. Our drinking water is being polluted, our forests are being slaughtered, our agricultural lands are being covered with concrete, and ultimately our public health is being threatened. For this reason, the high cancer case rates seen in Dilovası in Kocaeli or the microplastics found in human blood are not a coincidence.

Although the Environmental Impact Assessment (EIA) is remarkable in its name and sometimes frightening for institutions, it has now become a procedure that merely extends the process for the rent projects of political will. In terms of the functioning of the EIA process, there are two possible outcomes following the submission of the Project Presentation File: either "EIA Required"

or "EIA Not Required." The authorized institution prepares the EIA Application File for the project for which the EIA is required and submits it to the Ministry. The Ministry is then required to complete the file review within five work days. If the EIA Application File is not prepared in accordance with the EIA General Format, it is returned to be completed. The institution completes the deficiencies and re-submits them. A Commission which consists of representatives of the relevant public institutions and organizations, Ministry officials, project owners, and institutions/organizations qualified by the Ministry is then established to approve the files after examining them. The Ministry sends a letter to the established Commission containing the EIA file, the date of the public participation meeting, and the final date for which the opinion regarding the scope determination is due.

The Public Participation Meeting takes place in a central location that is easy to reach. It is attended by the organization authorized by the Ministry, the project owner, and the public most likely to be affected by the project. Minutes of the meeting are sent to the Ministry, and one copy remains with the Governorship. The public opinions and suggestions should be submitted to the Commission within

Although the Environmental Impact Assessment (EIA) is remarkable in its name and sometimes frightening for institutions, it has now become a procedure that merely extends the process for the rent projects of political will.

the time schedule. The Commission Members may examine the project implementation site prior to the scope determination and participate in the Public Participation Meeting according to the date communicated. The EIA Report Special Format is prepared by the Ministry in line with the opinions and suggestions of the Commission member institutions/organizations and the public opinions and recommendations.

The EIA report, which has been prepared by the institutions/organizations qualified by the Ministry, is then submitted to the



Ministry. The Ministry is expected to conclude the examination of whether the EIA Report conforms to the format and has been prepared by the professional experts who should be included in the determined working group, within five working days. If it is determined that the EIA Report is not in accordance with the format and/or has not been prepared by the determined working group, the EIA report will be returned to fulfill these issues. If the returned EIA Report is not submitted to the Ministry within one month from the return date, or if the correction is not deemed sufficient, the EIA process is terminated.

The place and date of the review and evaluation meeting for the file which has

been approved for EIA Special Format should be notified to the Commission. The relevant persons may submit their opinions to the Governorship, and their views should be forwarded to the Ministry until the finalization of the report. The Commission should consider these opinions, and institutions/organizations qualified by the Ministry should reflect them in their final EIA Report.

The Commission should review and evaluate the EIA Report within ten working days from the first review and evaluation meeting. The Commission convenes with an absolute majority, including the examination and evaluation commission members, who have given

a written opinion. The members of the Commission give their opinions on behalf of the institutions/organizations they represent. If the Commission finds significant deficiencies and mistakes in the EIA Report, it requests their fulfillment from the institutions/organizations or relevant institutions qualified by the Ministry. In this case, the review evaluation process is stopped. The Commission's work can not continue until the deficiencies are completed, or the necessary corrections are made. Institutions/organizations qualified by the Ministry are obliged to complete the deficiencies or make the necessary corrections within 12 months in those projects where the process has been stopped. If the EIA Report is not

submitted within this period, the EIA process is terminated.

After the necessary corrections are made, the EIA Report is submitted to the Ministry, and the Ministry calls the Commission for a meeting. The review and evaluation process continues after the meeting. Amendments to the EIA Report may be requested twice at most. If the Commission does not deem the corrections to be sufficient, the situation is reported, and the EIA process of the project is terminated.

The report finalized by the Commission should be submitted to the Ministry within ten days following the review and evaluation meetings of the authorized institutions. If a deficiency is detected in the submitted report, the report is returned. If the deficiencies in the returned report are not completed within ninety calendar days, the EIA process is terminated.

The report, which has been finalized by the Commission, is then opened to the public for ten calendar days. Their opinions may influence the decision-making process. The Ministry should make the decision of "EIA Positive" or "EIA Negative" for the project within ten working days by taking into account the Commission's work and the public opinions and should then notify the Commission members of this decision. The decision about the project is then announced to the public.

Those projects which have been granted an EIA Positive Decision and which have not been started within seven years without force majeure shall be deemed invalid. Reapplication can be made for those projects with an EIA Negative Decision when the circumstances causing the negative decision have been eliminated.

Although the process seems to work and looks reliable when examined in terms of the legislation, the current situation is not exactly the same regarding the decisions made. The Ministry has been publishing EIA announcements on its website since November 2013.¹ The table in Figure-1 was based on the Ministry's data and includes the data processed from 2013 to May 13, 2022.

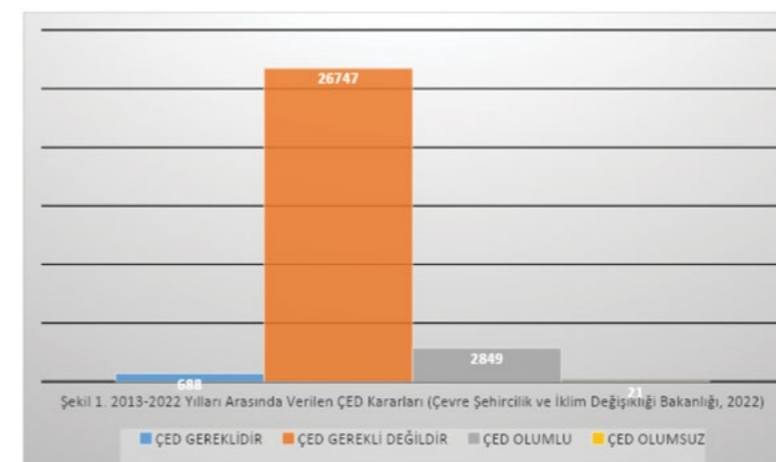


Figure 1: EIA decisions made between 2013-2022.

Source: Ministry of Environment, Urbanization and Climate Change, 2022. [Blue: EIA NECESSARY; Orange: EIA NOT NECESSARY; Gray: EIA POSITIVE; Yellow: EIA NEGATIVE]



Photo: Oben Ulu



Photo: Oben Ulu

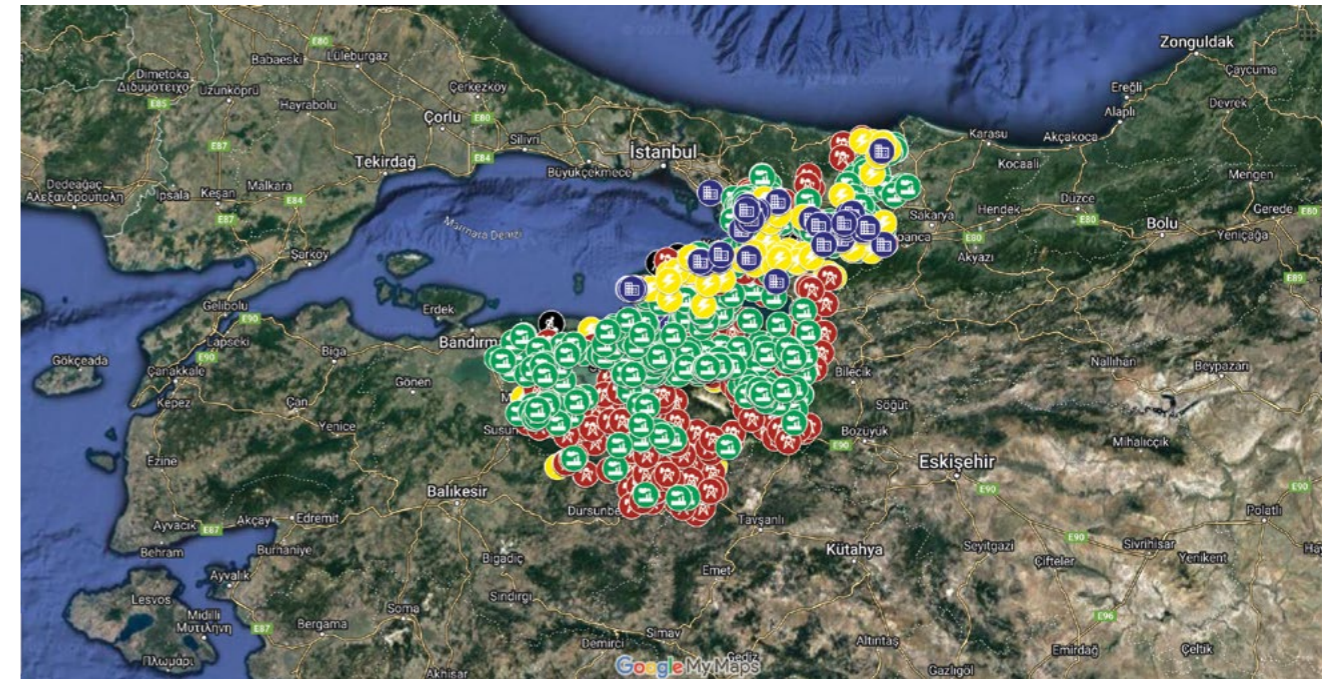


Figure 2: Basin-scale environmental impact monitoring study in Kocaeli, Yalova, and Bursa provinces.

When we evaluate this data, we can see that out of the 21 “EIA Negative” decisions made in the past nine years, one was related to a poultry breeding facility, two to hydroelectric power plants, and 18 to mining projects. In other words, apart from these 21 projects, we can conclude from the EIA decisions that all companies in Turkey are planning their projects in a foolproof and perfect manner!

As can be explicitly seen again in Figure 1, the most used deficiency of the EIA processes is the “EIA Not Required” decision. According to the Environmental Impact Assessment Regulation, the decision “EIA not required” is taken through Annex-4 for those projects for which the Project Presentation File is submitted and through Annex-2 and Annex-1 in the capacity increase of those projects which are granted “EIA not required” decision. Projects that do not exceed the capacity specified in the annexes are easily granted the “EIA Not Required” decision. The definition of the “Environmental Impact Assessment is Not Required” decision is written in the regulation revised in 2014 as follows: It refers to the decision of the Ministry stating that there is no harm to the environment in the realization of the project after determining that the possible adverse effects of the project on the environment are at an acceptable level according to the relevant legislation

How many trees are acceptable to cut for just one windmill when installing a wind power plant? Or how much is to be paid and to whom to reduce to an acceptable level the project’s damage to a quarry which leaves part of the forest completely bare?

and scientific principles as a result of the measures to be taken, taking into account the evaluations made about the projects subject to the Selection and Elimination Criteria.

This definition does not provide a numerical equivalent of acceptable levels and is open-ended. How many trees are acceptable to cut for just one windmill when installing a wind power plant? Or how much is to be paid and to whom for a quarry to leave a part of the forest completely bare to reduce the project’s damage to an “acceptable level”? Such questions regarding the “EIA Not Required” decisions can be reproduced. When we examine the Ministry’s data in detail, we see that all sectors have benefitted from the exemption decisions

with the following being granted positive decisions – 1557 waste projects, 1230 energy projects, 1671 food projects, 2462 livestock projects, 10,639 mining projects, 1154 chemistry projects, 1044 housing projects, 346 coastal projects, 1349 oil-natural gas-group III and group IV mining projects, 3840 industrial projects, 219 water projects, ten agricultural projects, 1015 tourism projects, and 211 transportation projects.

The 26,747 “EIA Not Required” decisions which have been made in the past nine years were among one of the reasons which made it impossible to control the forest fires last summer, the cry for help from the Marmara Sea shown by its production of mucilage, the citizens with respiratory diseases, the endangering of living beings, the failure of farmers to get crop yields, and arid regions. The 552 decisions of “EIA Not Required” in a plundered city such as Kocaeli clearly indicates that the EIA system essentially operates with economic interests in mind.

The struggle of organizations against those EIA processes which have been carried out with the wrong policy is crucial and should be disseminated. The “destruction map”² (Figure 2), created within the scope of the study titled “Citizen’s Say in Local/Regional Public Policies” conducted by Citizens’ Assembly, reveals all the projects which have been carried out in the eastern and southern



Demonstration organised by Bartın Platform against the Bartın Thermal Power Station / Photo: Anonymous

parts of the Marmara Region across three provinces (Kocaeli, Bursa, Yalova).

The ecocide that is emerging as a result of these projects affects not only the people who oppose this crime but also the animals, plants, land, the people who fill their pockets with the money they made with these projects, the local and national administrators, and even the living creatures living miles away from the sites of destruction. We can understand from scientific studies that pollution is not local. Just as the piece of garbage thrown to the ground is transported, the smoke from the factory chimneys is carried to other regions by the winds, and the waste poured into the streams is carried to the sea and oceans by the current. Therefore, while the projects made with the decision of "EIA is not required" strengthens the political will and those who have interests in such projects in political and economic terms, they also exploit the resources of all citizens, and moreover, all the living

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and inanimate beings in the impact area of the projects, and reduce the standard of living for all.

Considering the number of environmental disasters experienced today, the Environmental Impact Assessment is necessary and essential for every industrial facility, for every digging procedure, for every building to be raised, and every road to be opened. In regions such as the Marmara, where demolition projects are heavily concentrated, the

decisions of "Environmental Impact Assessment is Not Required" should be interrupted with an urgent revision to the legislation.

We have no right to waste a liter of water or contaminate it with chemical poisons. We urgently need to understand that the environment is a subject beyond everyday political and economic interests, and we must take action to update the environmental legislation in this direction.



¹ <https://eced-duyuru.csb.gov.tr/eced-prod/duyurular.xhtml>

¹ <https://hyd.org.tr/calismalar/yemel-ve-bolgesel-kamu-politikalarinda-yurttasin-sozu/1135-kocaeli-yalova-bursa-havza-olcekli-cevre-izleme-calismasi>

Interview with Seçil Ege Değerli

Interview by Cafer Solgun

"We also need to defend the rights of the mountains and the streams"

Law is undoubtedly one of the most crucial pillars of the ecological struggle. Even if the lawsuits against destructive projects and initiatives do not always lead to the desired result, it is almost an inevitable branch which those who attempt to prevent the destruction cling to. The position of the lawyers in the fight against ecology is therefore very significant. We discussed the problems encountered by lawyers, particularly in the context of the Environmental Impact Assessment (EIA) process, and the tactics developed against these problems with Seçil Ege Değerli, a lawyer from Manisa Salihli, who has been working on the subject of geothermal projects in recent years.

You are a lawyer and the president of the Salihli Environmental Association. If you wish, let's start with the question of what necessitated this association's founding.

Seçil Ege Değerli: Salihli Environment Association is a newly established and active association. It was established with the initiation of geothermal power plant activities in the region. So it was born out of necessity. Before these geothermal power plant projects, there were no projects that were causing severe environmental destruction in our region and Salihli. There were problems and businesses which we had become used to, such as the quarries seen all over Turkey. Salihli is not a region of devastating projects. It is a heavily cultivated agricultural area, even for 12 months of the year. With this characteristic, it is a 'rare' region in Turkey. Therefore, we were not faced with activities that caused great damage.

First, the geothermal power plant activities that had started in Aydın and Denizli became an issue; a power plant began to operate very close to us in Manisa, Alaşehir. I can say that this was our 'luck'. These projects were implemented in Alaşehir with public acceptance, without any reaction and without much scrutiny. However, after seeing the consequences and their

effects over time, reactions started to occur. When these companies entered Salihli, we, as a component of the Aegean Environment Platform, already knew from our institutions and, as a result of our own scientific research and analysis, the kind of damage which these geothermal power plants had the potential to cause. That, of course, also helped the judicial processes which we initiated against the geothermal attack.

How do geothermal power plants harm the environment?

S.E.D.: The operating principles of geothermal electricity cause damage because it doesn't work with a closed system. Let me explain what a closed system is. Our city is heated by geothermal, but thermal and geothermal are very different. Hot, fluid liquid 2-3,000 meters deep contains dense metal. These heavy metals mix with groundwater during its removal to the surface. That means drinking water and agricultural irrigation. Heavy metals are released into the air we breathe when these waters rise to the surface. And then it becomes acid rain raining on all living beings. When we say heavy metals, we are talking about cyanide, sulfuric acid, and boron. Obviously, this is not a closed operating system. The fluid used in producing electrical energy at 300-400 degrees temperature should be

The Ministry of Agriculture and Forestry, as it was called at the time, sent a circular to the governors of four provinces; Manisa, İzmir, Aydın, and Denizli. The Ministry told the governorships of these provinces, "Since the cyanide rates in your underground water basins are 300 times higher than the acceptable values, do not grant licenses for new mines and geothermal facilities anymore." On one hand, the Ministry of Environment and Urbanization either makes a positive decision in the EIA evaluations or decides that "EIA is not required", and the Ministry of Energy supports these projects; but on the other hand, another ministry says licenses should not be granted to these projects due to pollution in groundwater.



rereleased at the same depth after it is used. But companies release this fluid waste to nearby flowing waters or soils to avoid the cost. Thus, they directly intoxicate our lands, plants, and other living things.

Let me state how high these values are. There are official correspondences that we revealed during the trial processes. The names of the ministries are constantly changing, and The

Ministry of Agriculture and Forestry, as it was called at the time, sent a circular to the governors of four provinces: Manisa, İzmir, Aydın, and Denizli. The Ministry told the governorships of these provinces, "Since the cyanide rates in your underground water basins are 300 times higher than the acceptable values, do not grant licenses for new mines and geothermal facilities anymore". On the one hand, the Ministry of Environment and Urbanization makes a positive

decision in EIA evaluations or decides that "EIA is not necessary" and the Ministry of Energy supports these projects. On the other hand, another ministry says licenses should not be granted to these projects due to pollution in the groundwater. In fact, we already know that the Gediz basin, the Gediz River, is in great danger. Likewise, there is intense pollution in Büyük Menderes and Küçük Menderes basins. The groundwater is the same. These waters threaten our lives.

Meanwhile, we also submitted the ministry circular dated 2017 to the courts in our cases. We have also found a more recent study conducted by the State Hydraulic Works (DSİ). In this study, especially in those regions where there are geothermal pit works in Salihli and Alaşehir, the cyanide ratios in the flowing waters and in drinking waters were directly determined by the General Directorate of State Hydraulic Works.

Do you know how lethal it is? Not three times, not 30 times, but 300 times over the acceptable limits. That explains a lot of cancer cases in the area. It's not just about human health; it's about the life of all living beings. It's about the right to access healthy food and drinkable water. It's an issue to the extent that it violates many of our vital rights.

Besides, when the activities related to these geothermal power plants

started, another reality of Turkey was on the agenda. As you know, we're the biggest garbage buyer in the world. Two biogas and biomass power plants were established at two separate points in our region. Although Salihli is large as a district (with a population of 200,000), it is still a relatively small place. Our association has also initiated legal processes against them. It was essential to inform and organize the public and to take a stand against this problem.



Photograph by Salihli Environment Association

Many scientists have concluded that geothermal power plants damage the environment. Still, unfortunately, we have not been able to receive any positive judicial decisions because there is not a very clear perspective on the damage caused by biogas and biomass power plants. The public's reaction was met with intense law enforcement violence, as in all other areas. The ones who should be prosecuted are the company officials or the law enforcement officers who took illegal actions, but instead, it is the villagers who were prosecuted. This shows the judicial pressure we are facing.

We were not able to stop the construction of these two power plants, but three geothermal power plants and 300 wells were planned for Salihli. The number of 300 wells means that they are not independent. The plants need 200-300 pipes and wells to transmit that fluid. It means that these transmission lines will pass over our fertile land, vineyards, and vegetable gardens and surround the city's villages like an octopus. But fortunately, we canceled most of these projects, both through the people's resistance and the results we obtained in

the judicial processes. There is currently only one power plant in Salihli, which is not working at full capacity. This plant was one of those which was "opened in a hurry" before our association was founded.

Another point is this. First, they keep the projects small so that the power plants are built in a hurry without being subject to the EIA process. After the plant is built, they pursue an increase in capacity before it even becomes operational. So, they cheat the law.

What do you think about the preparation process of the EIA reports? Are these reports objective or are they manipulated? How are they created? What kinds of problems exist there?

S.E.D.: They're not objective. I can say very clearly that these project presentation files merely garnish the companies' projects. They don't mention any scientific facts or any negative issues. It's just a technical presentation. They also explain the benefits it will provide the country. They present a project with terrifying consequences and effects as if it were a fun amusement park.

First, they keep the projects small so that the power plants are built in a hurry without being subject to the EIA process. After the plant is built, they pursue capacity increase before it even becomes operational. So, they actually cheat the law.

Here's the thing to be noted. We also outline this in the courts. It is actually about public health. Usually, the companies that promote this type of project prepare the decisions about the promotional files or the PR presentation files. One company is preparing the presentation file of another company. And then that of another one. These are engineering companies. To what extent do the governorships and provincial directorates of the Ministry of Environment and Urbanization care about public health in managing the process related to these EIA files? We believe that public health is not considered.

There are many technical people, even engineers, within the ministry and governorship. We know that these files are not appropriately examined; that is, the public interest concept is not examined since over 90 percent of the decisions made are positive. Few projects are rejected or given the decision "EIA is required," or given a negative EIA decision. They are all "spectacular". EIA is either not considered necessary or a positive decision is made as a result of the EIA. But if these projects are really spectacular, why are so many deficiencies and mistakes detected in the courts' exploratory investigations and explorations involving scientists? This shows that either these technicians are not doing their jobs properly, they are not examining the evidence enough, or that they do not want to do it, knowingly and willingly.

What should one understand from the perspective of public interest? I think it's worth explaining this a little further.
S.E.D.: What we mean by the public

interest is the benefit of the people for whom we are fighting for these projects. What should be understood from the public interest is the people's interest—the people who cultivate that land, who live on that land. The public interest is not the interests and needs of private capital groups. This mentality also needs to change.

Regardless of the opinions, demands, and problems of the people living, farming, and cultivating the land in that region, someone makes these decisions as a result of calling it "public interest." All transactions are carried out "procedurally". Meetings in the name of public participation are not really meetings intended to inform the public, but meetings with the mentality of superficial garnishment, just like the project promotion meetings. People's questions are not answered at those meetings. Projects are praised. Were the public participation meetings held? Yes, technically they were, and that's it.

EIA reports are not objective. I can say very clearly that these project presentation files merely garnish the companies' projects. They don't mention any scientific facts or any negative aspects. It's just a technical presentation. They also explain the benefits it will provide to the country. Even a project which has terrifying consequences and effects is presented as a fun amusement park.

Are your efforts and initiatives taken into account in the court proceedings, and are there any outcomes?

S.E.D.: I think they are taken into consideration in terms of the judicial processes in our region. The most decisive point here is the expert reports,



Photograph by Salihli Environment Association



Photograph by Salihli Environment Association

as they are very technical files. These reports are highly determinative. In addition, I think that the legal discussions we had in the courts as a party or in the sense of examining the public interest are taken into account.

People affected by a project are, for example, those who live in that village. However, it is not only the people who live in that village. People who eat tomatoes produced in that village also have rights. People who drink from the stream that flows through that village also have rights. Therefore, it is everyone's right and responsibility to take sides in these cases. People can feel responsible as a citizen and even a resident of a different city has the right to sue because nature does not accept the boundaries drawn by political powers. The impacts of the destruction on nature do not remain within those political boundaries. During the pandemic we

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have been experiencing for the last three years, we have seen and experienced how a virus caused by destruction at one end of the world affects the people living in Salihli. That's what we discuss in court. We are not only discussing the project in a village; we are defending the rights of all humanity from a holistic point of view, and beyond that, of all living beings. The

fox that lives in the mountains and the fish that lives in the water must be defended together with human rights. In a lawsuit, when we raise our objection to the quarry project to be opened, we say: Who will defend the rights of that mountain? It is not possible to interpret what we call public interest with the understanding of the modern world, nor would it be

correct. We need to go beyond that. We also need to defend the rights of the mountains and the streams.

Were there any projects that you managed to overturn through the judicial process?

S.E.D.: It was covered in the press a lot, particularly because of the intervention against the people. Salihli had a geothermal power plant project in Hacıbektaşlı Village. We were subjected to intense violence and police tear gas, but we ended up successfully canceling that project. We also overturned the projects related to approximately 10-12 geothermal wells in the villages of Kabazlı, Havsalan, and Karaoğlanlı in Salihli. Apart from that, there are Adala and Dombaylı villages, which are known for their historic and natural beauties and their intensive agricultural production for our city. These villages are within the

The ecological struggle is not to fight the consequences of simple ecological devastation. We look beyond issues such as climate change. We contribute as much as we can to raising the awareness of the villagers who live in the sites of the projects. In this sense, our approach is not people-oriented but rather we all experience an awareness of how a whole life will be damaged. In this sense, they and we try to take this challenge one step further every day by learning our lessons from these experiences and observing them in person.

Salihli geopark, Turkey's first geopark. A geothermal well project planned to cover five villages in that area, and around 20 wells were projected to be drilled. We revoked that, too. In fact, we have stopped many of the wells being built so far through our legal struggles. I think now they only have four wells in the area that they can use for geothermal.

What should one understand from the ecological struggle? What would you say about the content and scope of it?

S.E.D.: We try to express this as much as we can in the courts: The struggle we are fighting here is not just a matter of trees, as was outlined during the Gezi period. This may be how the ecological struggle was perceived until Gezi. For us, the ecological struggle is not a human-focused struggle or a struggle which is independent of all other political fields. We consider this struggle to be a defense of the right to life at its core, but it is also necessary to see the many other underlying aspects. There are two movements, in particular, in which societies in Turkey can go further and gain social momentum; the women's movement and the ecology movement. This is because the struggle for ecology, on the one hand, is also related to the labor struggle, to the women's struggle, and migration policies. Ecological problems also affect the migration concept. What affects urbanization is the fact that agriculture and animal husbandry cannot be carried out in the villages. Migration and urbanization, the transformation of labor, labor processes, the labor army, and the accompanying army of the unemployed are also related to these problems. It's not just about the disappearing streams and farmlands.

We also know from our work on the Soma case, that the miners there were once tobacco workers. They were

people who had made their living planting tobacco on their land. With the imposition of restrictions, the reduction of incentives, and the systematic reduction of production, these people were forced to go underground, become miners, and others joined the army of the unemployed.

Turkey does not have a policy on these issues. Salihli has uniquely fertile soils and has people who cultivate these soils, but at this rate, some of these people will turn to other business areas. The reason is that Turkey does not have a systematic and planned agricultural policy.

We also know it does not have an energy policy either. Only 50 percent of the energy power generated by these projects is used. We use 50 percent of the electricity generated by the installed power plants. Talking about energy needs is a big lie. Of course there is a transfer of capital underneath this. The European Development Bank is also supporting this because they want to push that garbage beyond the boundaries of Europe.

Since the struggle for ecology affects labor policy, it also affects agricultural and urbanization policies as well. It affects the existence struggles of disadvantaged groups in every sense. The ecological challenge is not to fight the consequences of simple ecological devastation. We look beyond issues such as climate change. We contribute as much as we can to raising the awareness of those villagers who live in the sites of the projects. In this sense, our approach is not people-oriented, but we all rather experience an awareness of how a whole life will be damaged. In this context, they and we try to take this challenge one step further every day by learning our lessons from these experiences and observing them in person. ☸

Legal struggle in Munzur Valley

The 85 km long Munzur Valley and its surroundings hold national park status but have been threatened by the construction of eight dams and Hydroelectric Power Plants (HEPPs) in recent years. These projects were halted as a result of the “Don’t touch Munzur!” campaigns which were organized not only in Turkey but all over the world. Cafer Solgun talked through the legal process of this struggle with Barış Yıldırım, one of the spokespersons of Munzur Özgür Akacak Platform and a lawyer from Tunceli Bar Association.

Munzur Valley is an area with unique physical, biological and ecological characteristics, aesthetic and scientific values, and natural riches at a universal level. It also holds religious significance and value for the region’s people because it hosts many natural places of worship which Alevis call “visitation.” In this respect, Munzur Valley and Munzur Water are vital for Dersim Alevism.

The Munzur Valley between Dersim (Tunceli) city center and Ovacık district is one of the natural wonders of our country and the world. With an area of 42,000 hectares, it is one of the largest national parks in Turkey. On 21 December 1971, it was granted the status of a national park with Law No. 6831 and was taken under protection. According to the National Parks Law, “The natural and ecological balance cannot be disturbed, wildlife cannot be destroyed; All kinds of interventions that cause or may cause the loss or change of the characteristics of these areas, and any work or operation that will create environmental problems cannot be carried out.”

However, the 85 km long Munzur Valley and its surroundings have faced the threat of extinction in recent years due to the proposal to construct eight dams and hydroelectric power plants. The people and friends of Dersim, environmental organizations, and volunteers around the country and even worldwide have taken a stand against this development. “Don’t touch Munzur!” campaigns were organized. In the legal environment,

Scientific studies show that there are approximately two thousand flora species in the Munzur basin. Data shows that one-fifth of these plant species are endemic. On the other hand, the region is a habitat for animals such as hook-horned mountain goats, wild goats, Galle partridges, golden eagles, wolves, brown bears, red foxes, wild rabbits, woolly dormouse, lynx, marten, badger, and otter. There are also signs that the Anatolian leopard lives in the region.

annulment lawsuits were filed to stop these projects. As a result of these long efforts, those projects which had been planned to be built and operated in Munzur, were canceled through court decisions and the Council of State. As a result the people of Dersim breathed a sigh of relief.

Munzur Valley

Forty-six national parks have been declared within the borders of Turkey so far. One of them is Munzur Valley National Park. This valley is an important natural area that is rare in terms of its fundamental resource values, landscape, flora, and fauna richness. Scientific studies show that there are

Munzur Valley National Park also hosts many cultural and religious sites, such as Munzur River, Munzur Springs, Halvori Springs, and Anafatma, which are of great importance to Alevism.

approximately two thousand flora species in the Munzur basin. Data shows that about one-fifth of these plant species are endemic. On the other hand, the region is a habitat for animals such as hook-horned mountain goats, wild goats, Galle partridges, golden eagles, wolves, brown bears, red foxes, wild rabbits, woolly dormouse, lynx, marten, badger, and otter. There are also signs that the Anatolian leopard lives in the region. Likewise, there is also an endemic trout species called Munzur Alası, which finds its only habitat in the Munzur River, the primary source value of Munzur Valley National Park. Munzur Valley National Park also hosts many cultural and religious areas, such as Munzur River, Munzur Springs, Halvori Springs, and Anafatma, which are of great importance in Alevism.

Munzur Valley National Park must be included in the World Cultural Heritage List according to the provisions of the Convention on the Protection of the World Cultural and Natural Heritage, to which Turkey is a party. In order to be





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included on the World Heritage List, a site must meet at least one of the six cultural and four natural criteria that measure its outstanding universal value determined by the World Heritage Committee. According to the relevant document, these criteria are as follows:

1. To represent a masterpiece of human creative genius;
2. To exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town-planning, or landscape design;
3. To bear a unique or at least exceptional testimony to a cultural tradition or to a civilization that is living or which has disappeared;
4. To be an outstanding example of a type of building, architectural or technological ensemble, or landscape that illustrates (a) significant stage(s) in human history;
5. To be an outstanding example of a traditional human settlement, land-use, or sea use that is representative of a culture (or cultures) or human

Munzur Valley National Park must be included in the World Cultural Heritage List according to the provisions of the Convention on the Protection of the World Cultural and Natural Heritage, to which Turkey is a party.

- interaction with the environment, especially when it has become vulnerable under the impact of irreversible change;
- 6. To be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance (The Committee considers that this criterion should preferably be used in conjunction with other criteria);
- 7. To contain superlative natural phenomena or areas of exceptional natural beauty and aesthetic importance;
- 8. To be outstanding examples

- representing major stages of earth's history, including the record of life, significant on-going geological processes in the development of landforms, or significant geomorphic or physiographic features;
- 9. To be outstanding examples representing significant on-going ecological and biological processes in the evolution and development of terrestrial, fresh water, coastal and marine ecosystems and communities of plants and animals;
- 10. To contain the most important and significant natural habitats for in-situ conservation of biological diversity, including those containing threatened species of outstanding universal value from the point of view of science or conservation.

Dam projects and cancellation cases
Munzur Valley National Park meets more than one of the criteria listed above. Despite this, Bozkaya Dam and HEPP, Kaletepe Dam and HEPP, Konaktepe Dam and HEPP I, Konaktepe HEPP II were still planned to be constructed on the Munzur River, which lies within the borders of

Munzur Valley National Park. Akyayık Dam and HEPP were also planned to be built on Mercan Water, again within the borders of the national park.

After the EMRA granted an electricity generation license to Konaktepe Elektrik Üretim A.Ş. for 49 years beginning from 28 January 2010, for Konaktepe Dam, which is the largest-scale project among them, and Konaktepe HEPP I and Konaktepe HEPP II, a lawsuit was filed in the Council of State with the request to suspend and cancel the execution. Upon this lawsuit, the 13th Chamber of the Council of State decided to stay the execution in a decision dated 11 October 2010 and numbered 2010/995. It gave the following justification, "The Munzur Valley National Park Long Term Development Plan has not been approved; the use and operation of water resources in the Munzur Valley, which is a national park, is only dependent on the relevant Ministry's determination that the conditions of 'an indispensable and absolute necessity in terms of public interest' are fulfilled, under the

provisions of the National Parks Law and the relevant Regulation, etc."

In response to an objection made against this decision to stay the execution, the Council of State Plenary Session of the Chambers for Administrative Cases, in a decision dated 26 May 2011 and numbered 2010/1147, agreed on this justification of the Chamber for the approval of the request to stay the execution and stated that an EIA report should also be required to be able to issue the electricity generation license. Thus, the EIA exemption of the projects in the Munzur Valley National Park was removed.

Following this decision, the now-abolished Ministry of Environment and Forestry authorized the four dams and five HEPP projects planned to be built, as well as Mercan HEPP, which was started illegally in 1985 and was taken into power generation in 2003, within the framework of Article 14 of the National Parks Law. They based their decision on the Integrated Synthesis Report, which

was compiled using five separate reports prepared by different universities on the question of whether the projects in the Munzur Valley National Park have an "indispensable and absolute necessity in terms of public interest".

After this decision to grant permission, all the dam and HEPP projects in question and the previously built Mercan HEPP were included in the Munzur Valley National Park Long Term Development Plan. The plan was approved and entered into force by the now-abolished Ministry of Forestry and Water Affairs on 06 July 2012.

We filed another lawsuit on December 19, 2011, to cancel the Ministry's decision of approval regarding all these dams and HEPP projects. Konaktepe Elektrik Üretim A.Ş., which wanted to construct the Konaktepe Dam and HEPP I and Konaktepe HEPP II projects planned to be built on the Munzur River, and Zorlu Doğal Elektrik Üretim A.Ş., which operated the Mercan HEPP built on the Mercan Water in 1985, were also



Munzur Valley / Photo: Cenk Gökalp - iStock-842821662

involved in the lawsuit along with the Ministry of Forestry and Water Affairs.

Ultimately, the “Superior Public Interest” decision was annulled in the trial held by the Ankara Third Administrative Court. The justification of the court’s decision reads:

To evaluate the picture that will emerge in the case of the implementation of all the dam and HEPP projects foreseen to be constructed in Munzur Valley National Park in terms of public interest and necessity conditions, 5 (five) separate scientific reports were prepared by the faculty members of Istanbul Technical University Faculty of Construction, Firat University Faculty of Science; the Department of Biology and Faculty of Agriculture, Department of Aquaculture, İğdır University; Atatürk University Biology Department; Kahramanmaraş Sütçü İmam University Faculty of Forestry; Hacettepe University Biology Department and Ankara University

Biology Department; and the 5 (five) reports were sent to Istanbul Technical University Rectorate for evaluation along with the letter of the defendant dated 7/2/2011 and numbered 9514, and the conclusion section of the Integrated Synthesis Report Prepared within the Framework of Previous Special Reports Regarding the Dam and HEPP Projects Planned in Munzur Valley, which was prepared by the faculty members of the said 5 (five) reports;“... As a result of the suggestions and evaluations regarding the dams and HEPP projects planned to be built by the State Hydraulic Works in the Munzur Basin, there is a definite necessity for them to be built within the borders of the National Park they are in, according to the principle of sustainable management and the balance of use, which is indispensable in terms of energy production; It has been concluded that the said projects comply with the goals and policies of reducing greenhouse gas emissions and increasing the share of

renewable energy in national energy consumption committed to by our country through the United Nations Framework Convention on Climate Change and the Kyoto Protocol, and support a strategy in the public interest” mentioned; thus, it has been scientifically demonstrated in accordance with the Integrated Synthesis Report that the “absolute necessity” and “superior public interest” conditions are met in the implementation of the HEPP projects envisaged to be built in Munzur Valley National Park; it is understood that the lawsuit pending for the annulment of the aforementioned transaction was filed by the plaintiff, upon the approval of the General Directorate of Nature Conservation and National Parks, from the Ministry of Environment and Forestry, dated 18/4/2011 and numbered B.18.O.DMP.0.02.05. [...] In this case, there was no legal right seen in the action subject to the lawsuit, which states that there is an “indispensable and absolute necessity in terms of public interest” regarding

the construction of the dam and HEPP projects planned to be built in the Absolute Protection Zone of the Munzur Valley National Park.

The cancellation decision sets a precedent

Under Article 14 of the National Parks Law, the ministry’s permission is the prerequisite for constructing facilities, including dams and HEPPs, in any area declared as a national park. Therefore, this decision sets a precedent for National Parks and Planning Legislation. With this decision, the Munzur Valley National Park Long Term Development Plan has become null and void. Particularly since, in the introduction section of this plan, it states that the plan was created in accordance with the “Superior Public Interest” decision of the ministry dated April 18, 2011.

For these reasons, all structures and activities envisaged in the Munzur Valley National Park Long Term Development Plan have become illegal. In addition, the decision is also binding for the currently

With this decision, the Munzur Valley National Park Long Term Development Plan has become null and void.

operating Mercan HEPP Project. The response to the application we made to the Parliamentary Petition Commission on 12 July 2013 to stop the activities of Mercan HEPP stated that,

In order to evaluate the Mercan HEPP and other dams and HEPPs projected on the Munzur Stream in terms of public interest and obligations, five separate scientific reports and a synthesis report were prepared to discuss these reports; subsequently, on 18.04.2011 with the (Abolished) Ministry of Environment and Forestry Approval, the “Superior Public Interest” decision was taken, and the Munzur Valley National Park Long Term Development Plan was approved and put into effect within the scope of this decision. The lawsuit filed for

the stay of execution and annulment of the “Superior Public Interest” decision, which is the basis of the Long Term Development Plan revision, is still ongoing...

It was also stated that a procedure should be established according to the decision to be made as a result of the lawsuit we had filed, and that action should be taken according to this decision. In short, since the “Superior Public Interest” decision was annulled in this case, the activities of Mercan HEPP should be stopped immediately.

Another pleasing development related to this litigation process was that Konaktepe Elektrik Üretim A.Ş. applied to the Ministry of Environment and Urbanization for the EIA process on 27 November 2020 to construct Konaktepe Dam and Konaktepe HEPP I and Konaktepe HEPP II. However, the Ministry stated that the realization of these projects was not in compliance with the legislation, and concluded the EIA process. ☹️



NEW TACTICS TO FIGHT PLASTIC POLLUTION

Technological advances are creating new opportunities for environmental advocates and scientists. Satellite imagery now enables climate change and even whale populations to be tracked.¹ Within this context, I introduce two current studies which are evaluating new opportunities and tactics.

Sea to Source Ganges Expedition

The National Geographic Sea to Source Ganges Campaign aims to fill in missing information about plastic waste mobility in large basin aquatic systems; and simultaneously to document the data obtained from the application of open source technologies which had previously been produced by research aiming to discover and dispose of anthropogenic waste and debris in the seas and oceans.

The Ganges Expedition team uses global positioning systems (GPS) technology to

trace the mobility of large-basin aquatic systems by tracking disposable pet bottles produced to preserve beverages.² They record the waste circulation and accumulation trends by placing GPS tags in the designed half-liter bottles and dropping them into the water at strategic points of the Ganges. The free and open-source sharing of the designs, models, and data of the technological equipment used in this research enables relevant people and organizations to easily conduct similar research in their own localities.

CounterMEASURE project

CounterMEASURE project,³ carried out by the United Nations Environment Programme Regional Office for Asia and the Pacific, aims to create a region-based model for monitoring and evaluating the reduction of plastic waste and pollution in the seas and oceans through measuring soil leaks and drainage.

During the research stage of the project, legal and illegal waste collection areas in the basin and potential plastic leakage density data obtained from Mekong and Ganges' aquatic systems were added to the GIS mapping platform. Detailed maps were then made where all the layers could be examined, and environmental pollution documented.⁴

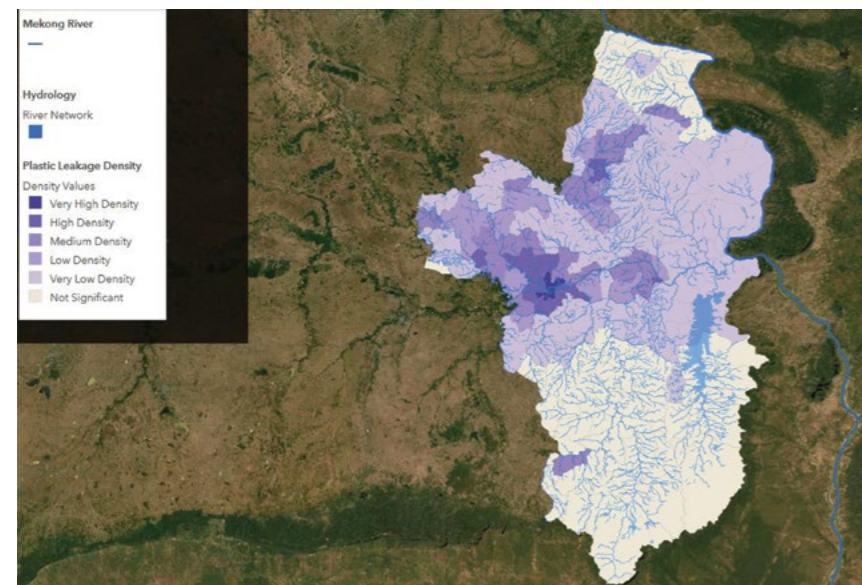


Figure 2: Plastic waste density in Mekong River basin⁵

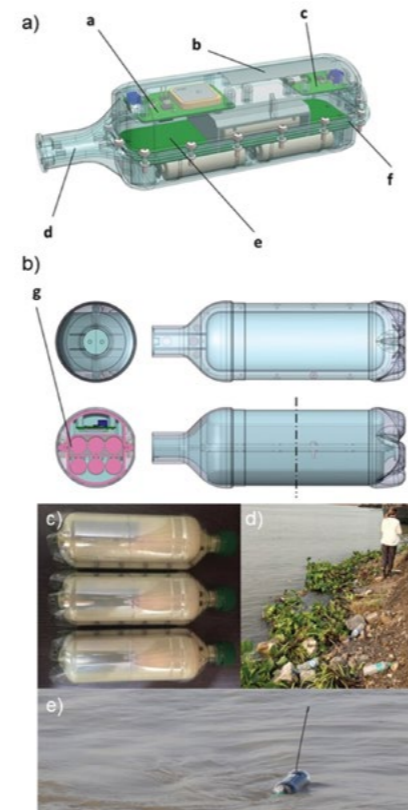


Figure 1: Shapes and profiles of labelled bottles

¹ <https://www.geospatialworld.net/blogs/satellites-for-monitoring-climate-change/> and <https://www.nature.com/articles/s41598-019-50795-9>

² <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0242459>

³ <https://countermeasure.asia/>

⁴ <https://gicait.maps.arcgis.com/apps/MapSeries/index.html?appid=b8480833b9de498abeddeae2cfd803d5>

⁵ <https://gicait.maps.arcgis.com/apps/MapSeries/indexhtml?appid=b8480833b9de498abeddeae2cfd803d5>

