

Event report¹

Environmental Justice in Turkey: Megaprojects in the Framework of Democracy and the Rule of Law in Turkey and the EU

As Turkey and the EU have renewed their negotiations over a full EU membership, tackling the eroding rule of law in Turkey will be one of the major challenges for the process. Governmental infringements on an independent judiciary, as well as a blatant disrespect for existing rules and regulations are most obvious when it comes to environmental protection. The Turkish government has invested in several projects such as the building of a third airport and a third Bosphorus bridge in Istanbul, as well as in several energy projects in the east of the country. Most of these projects violate environmental legislation and will have devastating effects on the eco-system.

To assess the impact of the EU environmental acquis in the context of the EU-Turkey accession negotiations and reinforce networks between European and Turkish environmental civil society actors, a delegation of Turkish legal experts, parliamentarians, academics and environmental activists visited Brussels between 26th and 29th January 2016.

Uncertain economic outcomes and devastating environmental and social impacts

The Turkish government aims at becoming one of the top ten economies in the world by 2023. Investments in several megaprojects in the transportation and energy sectors are a core element of this strategy. The projects are ruthlessly pushed forward without any considerations of the health and human rights of the population or the state of natural environment.

One of the most prominent examples of such megaprojects is Istanbul's third airport. It is supposed to become one of the largest worldwide, dispatching over 50 million passengers every year. The construction in the north of Istanbul affects the environment dramatically: Over 500.000 trees in one of the world's oldest forests are being cut down, important migration routes for birds will be forlorn and many other animals, such as wild boars, will lose their natural habitat. The large-scale urban development plans in Istanbul are also followed by marginalisation of local communities: Many people, for example poor Roman families, are forced into giving up their homes.

Natural resources in the east of Turkey become privatized and large energy plants are being constructed. A lot of the companies that own and work with the water resources come from the mining sector. They pollute water, land and air with toxic materials and gases. In addition, an increased amount of shale gas extraction, the construction of large dams and hydropower plants, as well as aggressive deforestation are intensifying the problems. The Turkish government is planning to build about 75 new coal fired power plants until 2020 (currently, there are 55 coal power plants in Turkey). The emissions from these plants pose a supplementary threat to human health and the climate.

As a result, many of these megaprojects have a negative impact on the health and living conditions of the local population, leading in some cases to expropriation of land and displacement of local

¹ This report is based on a panel discussion entitled "Environmental Justice in Turkey: Megaprojects in the Framework of Democracy and the Rule of Law in Turkey and the EU" that took place in the European Parliament in Brussels on 26th of January 2016. The opinions expressed do not necessarily represent the opinions of the Heinrich Böll Foundation.

communities. The proposed coal power plants make Turkey a ticking climate bomb: the country is expected to double its emissions until 2030.

Deteriorating rule of law in Turkey

The environmental problems arising from these megaprojects are closely linked to the lack of rule of law in the country. In theory, the Turkish constitution ensures the protection of the environment in articles 5 and 56. However, there is a huge gap between the legal provisions and what is actually happening in practice. The Turkish government is disrespecting the prevailing law systematically and at the same time considering the introduction of new amendments to the constitution, which might weaken the environmental standards in the country. The executive has increased its authority over the last years, while the independence of the judicative has been pushed back. Patronage and understaffed environmental protection agencies have worsened the situation.

Besides the eroding rule of law, there is also a lack of transparency, which is especially evident in the procedure of environmental impact assessments (EIA). The amendments to the EIA law in the past years have magnified the problems. Many infrastructural projects are now arbitrarily exempted from the EIAs. As a result, information is not shared with the public, deadlines are changed randomly, meetings are held in secret and civil society is kept out from the decision boards and public hearings, while at the same time, the investing companies are dominating these meetings.

The role of the EU institutions in the accession negotiations

The official accession negotiations between the EU and Turkey started in 2005. Chapter 27 on Environment and Climate Change was opened in 2009. However, the environmental chapter is not among the politically sensitive ones compared to other issues such as justice and home affairs, Turkey's relations with Cyprus and Turkey's role the refugee crisis.

Recently, the talks on the environmental chapter have been resumed. In order to close it, Turkey has to revise the negative changes in its environmental law from the past years and show significant and visible progress in areas such as the implementation of horizontal legislation, access to justice, transparency provisions, environmental impact safeguards and water legislation.

Due to the current refugee crisis, the EU and some member states have a strong interest in revitalizing the negotiations with Turkey. In order to establish more transparency, a roadmap for the next six months was put in place, where progress in the development is being reviewed constantly. This progress report is a necessary and important tool; however, the chapter on the environment is very short, while environmental strategy papers are still pending and there are huge problems on the ground. The EU could try to put more pressure on the Turkish government during the accession negotiations to bring the Turkish environmental legislation in line with the EU ecological and social standards.

It is clear that the problems in the field of environment are deeply interlinked with other social and justice issues. Violations of environmental standards directly affect other issues such as peace, justice, human rights, migration or energy. Another big challenge is that the 28 EU member states have very divergent national strategies and priorities in their relations with Turkey, making it very difficult for the EU institutions to speak with one voice during the negotiations and define a clear position, which takes into consideration the whole complexity of the situation.

The environmental problems in Turkey should not be neglected for the sake of other geopolitical goals, such as the tackling of the EU refugee crisis.

Making a difference: Strategies for the civil society

The EU has the tools influence the reform process in Turkey through the accession negotiations. Moreover, many European banks invest heavily in some of the Turkish megaprojects. Turkey is the largest recipient of funding from the European Bank of Reconstruction and Development (EBRD) and the European Investment Bank (EIB). One of the biggest paradoxes is that these banks are involved in co-funding megaprojects, which are not in line with EU climate and environmental policies. Another problem is that the definition of a “sustainable” project is often very weak and questionable. EU institutions are often shareholders in these banks or are able to influence their mandates. When legislation is weak, approaching the financiers could be an alternative approach for the NGOs in Europe and Turkey. There are some examples that show the success of this strategy: For instance, public pressure has led the EBRD and the World Bank to pull out of a controversial refinery project near Izmir. One of the objectives of this conference was also to better connect Turkish civil society representatives and EU policy-makers and NGOs in Brussels, and make their voice heard. Both sides will aim to facilitate future exchanges via a joint network, as well as a follow-up conference in Turkey in order to bring these pressing issues directly to the country.