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**The Protection of Nature and the Environment in Southeast Europe: Players,
Discourses, Strategies of Action**

Barriers to Environmental Movements in Turkey: Strategies of Investors and Public Authorities in By- Passing Environmental Resistance in Turkey

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Turkish Environmental Policy

- Turkish environmental policy has not been a story of success given the environmental problems country face and the way they are treated by the public authorities.
- Turkey faces serious environmental problems and likely to experience even more problems given the pace of investment decisions envisaged for the near future.

Turkish Environmental Policy

- Environmental threats stemming from new energy, mining and transport projects, as well as a number of new industrial zones.
- Given the predominance of developmental concerns, and problems with policy integration, reactions of environmental movements deserves attention.

Environmental Movements

- Articulate demands into political system,
- Try to influence environmental policy process.
- Contribute to environmental policy implementation,
- Provide and offer alternatives,
- Educate & enlighten people on risks involved,
- Shape and organise popular environmental resistance,
- Take legal action
- Get involved in the process through direct action

In Turkey

- Started with beautification of towns and cities, public health, forests, soil erosion.
- Professionals get involved in the meantime.
- 1970s onwards pollution problems started to surface.
- 1980s onwards NIMBYISM and then challenges to top-down policy-making and implementation process.
- Politics of malcontent, against the way decisions are taken and implemented.

Conditions of Failure? (or Ineffectiveness?)

- There is a legal and institutional framework for environmental policy and other ministries have mandates for integration of environmental priorities in their investment decisions.
- Discourses prioritise economic development over environmental concerns have a hegemonic character.
- On top of that, both public authorities and private investors employ a number of strategies in bypassing challenges and objections of environmental movements.

Two major issues

- Factors and patterns that obstruct institutional development of environmental movements.
- Strategies developed by investors and public authorities in by-passing environmental resistance in Turkey.

Problems with Policy Integration

- Traditional organization model of bureaucracy based on a top-down hierarchy, specialization and division of work.
- Complex and interdependent nature of environmental problems poses a major challenge.

Problems with Policy Integration

- In Turkey, there is a reverse policy integration, instead of environmental policy integration and prioritising environmental concerns, economic growth was prioritised and environmental concerns have sidelined in policy-making and implementation processes.
- For instance Ministry of Energy and Natural Resources issue permits for energy projects without asking opinion of relevant authorities.

Arbitrariness

- Limited environmental policy integration relates to selective implementation of environmental regulations in an arbitrary manner.
- Starting from Bergama gold mine to the Third Airport Project in İstanbul, Turkish judiciary did its job and took a substantial number of decisions against projects improperly implemented.

Arbitrariness

- Either those decisions were too late, (national assets!!) or governments has not implemented those decisions.
- Governments took new decisions to overrule existing court verdicts.
- In Yirca government used an emergency expropriation decision to deliver olive yards belong to villagers to a private company to build a power plant.
- The company tried to create a de facto situation by cutting down more than six thousand olive trees, just before the verdict.
- In some projects verdicts comes too late to reverse the destruction.

The Last Minute Efforts of Investors in Yirca



The Last Minute Efforts of Investors in Yirca



Use of emergency expropriation/confiscation to accelerate investment process

- Frequent use of emergency expropriation mechanism to overcome and bypass local resistance.
- Large scale energy and mining, as well as some urban renewal and energy transmission projects.
- Landowners have not volunteered to sell their land plots and administrative courts took a number of decisions in favour of land owners.
- Designed to be used in war like emergency situations, and authorities very rarely resorted until recently.
- A surge in the past years and public good criterion was widely used by the government for its development projects, at the expense of environmental damage and in favour of companies involved.

Making alterations in legal and institutional framework

- Environmental Impact Analysis (EIA) regulations altered in Turkey almost in a non-stop manner. (More than ten times)
- Although some provisions of those regulations were overturned by courts, governments keep amending the regulation.
- In recent amendments, a number of new exemptions and new thresholds were introduced to accelerate investment process as a whole.

Procedure for Urgent Proceedings

- To accelerate the process.
- “Urgent expropriation cases, verdicts given by the High Board of Privatization, sale, appropriation and lease processes for Promotion of Tourism, decisions made as a result of environmental impact analysis, and excluding the administrative sanctions and Cabinet Decrees for Transformation of Areas under Disaster Risk.

Procedure for Urgent Proceedings

- For some commentators, “it is a clear violation of right to fair trial and limits citizen’s avenues for defending their position against administration.
- “putting the issues concerning public welfare such as expropriation, privatization and environmental hazard risk issues into the scope of the new procedure might result into weakening of the position of the individuals against the administration by narrowing down their right to legal remedies.”

Limiting Options of Environmental Movements through Rising Trial and Expert Fees

- It is rather costly for movements to pay for trial fees and expert fees.
- An environmental activist sold his cattle to pay for trial expenses, Kazım Dellal, made the headlines.
- There are also a number of campaigns in environmental circles to raise funds to pay for trial and expert fees.

Further Centralisation of Authorities

- 2011 onwards further centralisation of policy-making and implementation process both in environmental policy and environment related policy areas.
- New wave of centralisation efforts in the name of democratisation and effectiveness and efficiency in service delivery.
- Reorganisation of bureaucracy in 2011.
- Planning mandates were concentrated at the Ministry of Environment and Urban Affairs.
- Empowerment of TOKI (Mass Housing Administration)

Even More Centralisation of Authorities

- Presidential system with authorities have concentrated at the Presidential Office
- Public Policy Boards at the Presidential level.

Intimidation, Threats and Stigmatisation of Environmental Movements

- Using emergency powers to suppress environmental protests.
- Use of force in dealing with protesters.
- Stigmatisation of environmentalists, like infidels, spies of German espionage network.
- Arrests and trials in the name of public order.
- Pressures on journalists reporting on environmental issues.

After Gezi Park Incident

- Korhan Gümüş, an architect and activist
- “A year ago, we were simply environmentalists. In this political climate, we're transformed into an 'enemy of the people.”

Intimidation, Threats and Stigmatisation of Environmental Movements

- “Environmental CSOs critical of state policies face frequent inspections, obstacles to funding, and exclusion” and
- “choosing the wrong wording in addressing state institutions, or claiming in a press release that the ministry has its hands tied, has closed the doors to some CSOs in the past”

Some Other Tactics

- Changes in Land Registries,
- Issuing new permits for controversial building development projects,
- Delays in judicial processes,
- Creating de facto situations,
 - Investors
- Build schools – mosques – parks - playgrounds
- Promise employment for locals.
- Manipulate media, orchestrate negative propaganda for environmentalists.

In conclusion,

- According to Ümit Şahin,
- "When the rule of law is so easily ignored, you've lost the basis of a functioning environmental movement, or really, any kind of civil movement that relies on courts as an outlet to challenge the state,"
- "If you can't have a functioning environmental movement in your country, it's a sign your democracy isn't working."

What role for the EU?

- European green political institutions, the European Green Party or the Green Group in the European Parliament are doing their part of the job in bringing the issue to the forefront of the European and the EU agenda,
- Yet again other political figures are busy in striking new deals in Turkey, which are quite likely to bring new threats to environmental quality in Turkey.
- Other European institutions are required to take a more active role in this process.
- European investors, use all those tactics with their partners in Turkey with the help of their governments.
- The whole issue is about the rule of law becoming the victim of developmentalism and private interests.