Review of EIAR for the Ilisu Dam and HEPP

Summary

Submission
by
Corner House Research
Ilisu Dam Campaign
Kurdish Human Rights Project
Friends of the Earth
Berne Declaration
Campaign An Eye on SACE
Pacific Environment
World Economy, Ecology and Development (WEED)

September 2001
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Summary

Introduction

On July 3rd 2001, the Export Credit Agencies considering support for the proposed Ilisu Dam in the Kurdish region of Southeast Turkey released the Ilisu Consortium's Environmental Impact Assessment Report for the project and invited public comment.

This Summary, together with the enclosed reports and accompanying documents, constitutes a joint submission in response to the consultation on the EIAR from eight non-governmental organisations: Corner House Research (UK), the Ilisu Dam Campaign (UK), the Kurdish Human Rights Project (UK), Friends of the Earth (England, Wales and Northern Ireland), Berne Declaration (Switzerland), Campaign An Eye on SACE (Italy), Pacific Environment (US) and World Economy Ecology and Development (Germany).

In addition to this Summary, the submission consists of:

- Three reports prepared by the above NGOs commenting on the EIAR's treatment of issues pertaining to resettlement, alternatives and cultural heritage;
- An independent assessment of downstream and water quality issues prepared for the Corner House by consultant hydrologists Philip Williams and Associates (A Review of the Hydrologic and Geomorphic Impacts of the Proposed Ilisu Dam);
- Comments on the EIAR prepared by the Diyarbakir Bar Association;
- The reports of two fact-finding missions to the Ilisu region (Ilisu Dam: A Human Rights Disaster in the Making and If the River were a Pen: The Ilisu Dam, the World Commission on Dams and Export Credit Reform); and
- Three annexes, relating to specific matters in this Summary.

Summary of Submissions

In our submission, the information contained in the EIAR demonstrates a clearly sufficient and defensible basis for export credit assistance to be denied for the Ilisu project. Moreover:

1. The EIAR consideration of resettlement, hydrologic and geomorphic impacts, alternatives and cultural heritage is inadequate and, in many respects, seriously flawed and in breach of internationally accepted practice.

2. The EIAR does not meet its stated reference guidelines:

   - Ex-Im Bank’s 'Environmental Procedures and Guidelines' and 'Environmental Guidelines - Table 9: Hydropower and Water Resources Management' have not been complied with.

      1. The EIAR does not comply with relevant World Bank, OECD and World
Commission on Dams’ guidelines.

2. The recommendations of the December 1999 Environmental Review of the Ilisu Dam Project, commissioned by the UK government and conducted by Environmental Resources Management, have not been complied with.

3. The pre-conditions set by the Export Credit Agencies and their governments for granting export credit have not been fulfilled.

**Consideration of resettlement, hydrologic and geomorphic impacts, alternatives and cultural heritage**

**Resettlement**

- A Resettlement Action Plan has yet to be made public, contrary to internationally accepted practice;
- Critical problems regarding resettlement previously identified by participating ECAs have yet to be remedied;
- Key studies necessary to draw up a resettlement plan to internationally accepted standards have still to be undertaken or completed;
- The problems that the continuing Emergency Rule in the region poses for resettlement have been ignored;
- There has been inadequate, and in some cases no consultation with affected people on the project;
- There is still no accurate assessment of the numbers to be resettled or the number affected;
- Turkey’s institutional capacity to carry out a resettlement plan to international standards has not been demonstrated;
- The gender implications of resettlement have not been adequately addressed;
- A credible budget for resettlement has not been prepared or secured;
- No provisions have been made for independent monitoring, contrary to the express conditions of the ECAs.

**Hydrologic and Geomorphic Impacts**

- The construction and operation of the Ilisu Dam by itself will significantly affect the hydrology of the Tigris River. It will alter the seasonal flow pattern by capturing all except large flood flows in the spring and releasing them in the autumn and it will create large daily flow fluctuations whose influence would be felt more than 65 km downstream at the Syrian border;
- The operation of the Ilisu Dam in combination with diversions from the future downstream Cizre project would probably significantly reduce summer flows in Syria and Iraq below historic levels. It is likely that a significant portion of the recommended minimum flow release from Ilisu of 60 $\text{m}^3/\text{s}$ during dry years would be diverted. It is even possible that with full implementation of the
Ilisu/Cizre projects, during drought periods, all the summer flow could be diverted before it crossed the border;

- Future depletions of the Tigris river flows for planned irrigated agriculture within Turkey would further reduce these flows;
- Filling of the Ilisu reservoir could create low flow conditions downstream in Syria and Iraq more severe than those experienced in an extreme drought for two successive years;
- The Ilisu reservoir would eliminate small to moderate flood peaks downstream but would not significantly reduce extreme large flood peaks;
- There are large uncertainties in estimates of reservoir sedimentation rates. It is possible that with future deteriorating watershed conditions active reservoir storage losses would be in the range of 0.1 to 1 percent per year. This could adversely affect power generation within a few decades;
- Deposition of coarse sediments in the mouths of rivers discharging to the reservoir will cause increased flood levels, waterlogging, and increased channel migration along tributary rivers upstream;
- Large seasonal reservoir level fluctuations would typically expose approximately 100 km$^2$ of reservoir bed, as summer diversions increase upstream this drawdown area could increase to about 190 km$^2$.
- Capturing of coarse sediment in the reservoir will tend to induce scouring of the river channel downstream, lowering the river level and possibly lowering the adjacent water table as well;
- High levels of nutrients from sewage and agricultural runoff will cause eutrophication and anoxic conditions in the reservoir. Planned sewage treatment plants will not significantly reduce these levels;
- Anoxic conditions will probably mobilize heavy metals from reservoir sediments;
- Discharges from the reservoir will be anoxic and likely to contain high levels of nutrients, organic matter and hydrogen sulphide (H$_2$S);
- Downstream water supply in Syria and Iraq could be significantly affected by both reduction in summer flows and deterioration in water quality;
- There could be a significant increase in flood hazards downstream. The elimination of smaller floods will encourage the development of floodplain and river channel land; however these areas will still be subject to extreme flood events;
- The consequences of failure of the dam due to accident or act of war would be catastrophic, affecting millions of people living downstream;
- Summer exposure of large areas of reservoir bed, as well as aggrading river channels upstream, will provide a major habitat for disease vectors such as malaria etc;
- Pollution and eutrophication of the reservoir could create public health hazards for people drinking water or eating fish caught in the reservoir;
- Anoxic conditions in the reservoir will likely generate significantly higher levels of greenhouse gas methane emissions than occur from the existing landscape;
• Key EIAR conclusions are, variously, unsubstantiated, the information on which they are based is contradictory, incomplete, of unknown accuracy, or based on an inappropriate level of analysis;
• The methodology or logic is seriously flawed because the Project definition is unclear, cumulative impacts were not addressed, trans-border impacts were ignored, and impacts were not analysed over the lifecycle of the project;
• Key decisions on the dam and operational design seem to have been made over 20 years ago without integrating environmental planning, as is now the established practice. Instead the EIAR attempts to analyse the consequences of decisions already taken and suggest mitigation actions that are not part of the project, which might be taken to reduce adverse impacts;
• There is no substantiation provided in the EIAR for the selection of the minimum monthly flow release of 60 m$^3$/s. Nor is evidence presented that downstream riparian countries were consulted to establish such a minimum release rule;
• It does not appear that the proponents of the Ilisu dam have carried out the kind of technical studies reasonably expected to evaluate environmental impacts for a major project of this type. For example: reservoir water quality modeling, operational scenarios for future watershed conditions, river and reservoir sedimentation modeling, dam break analysis, and flow fluctuation attenuation modeling.

**Cultural Heritage**

• No ‘detailed plan’ to preserve Hasankeyf has been drawn up, contrary to the pre-conditions laid down by the ECAs;
• The Ilisu dam fails to meet international best practice standards on cultural heritage on a number of counts, including consultation with affected communities; assessing the full impact of the dam on cultural heritage; and allocating adequate resources to surveys and excavation;
• The implications of continuing Emergency Rule and the repression of the Kurdish ethnic minority for protecting the cultural heritage of the area have not been considered;
• The institutional arrangements for management of cultural heritage, whereby the military is in overall control, severely limit the possibility of undertaking the research necessary to comply with international best practice on cultural heritage;
• Even if the ECAs’ condition on Hasankeyf could be met, the Ilisu dam would still be in breach of international best practice on cultural heritage.

**Alternatives**

• Insufficient consideration has been given to the positives and negatives of hydropower;
• Insufficient consideration has been given to the positives and negatives of solar energy;
• Insufficient consideration has been given to the positives and negatives of wind energy;
• Insufficient consideration has been given to the positives and negatives of other alternatives such as gas;
• Insufficient consideration has been given to the potential of the non-project alternative of energy efficiency and demand side management.
Violations of US Export-Import Bank guidelines

The US Export Credit Agency, Export-Import Bank’s ‘Environmental Guidelines’ and ‘Environmental Guidelines - Table 9: Hydropower and Water Resources Management’ have not been complied with in that:

- Water use and quality. The EIAR does not quantify or provide hydrologic analysis of the impacts on flows across the border downstream, when it is clear that the project will likely create over-demand. The EIAR does not quantify or present water quality simulations to determine how severe water quality and public health impacts will be for the population around the reservoir or downstream, when it is clear that the reservoir will likely contaminate water supplies;
- Natural Hazards. The EIAR does not identify the area of influence at risk from dam failure and is dangerously misleading when it implies that large floods will be reduced downstream;
- Ecology. The EIAR does not quantify upstream and downstream river channel changes that have significant impacts on ecosystems. It does not address greenhouse gas emissions. A watershed management plan is discussed but not developed. No mechanism for implementing the plan is identified. Cumulative impacts are not evaluated.

Violations of Internationally Accepted Practice

In addition, it should be noted that the project fails to comply with the following internationally accepted standards for best practice:

World Bank
- World Bank Operational Policy 4.01, Environmental Assessment;
- World Bank Operational Memorandum, 3 December 1999;
- World Bank BP 17.50 Procedures on Disclosure of Operational Information;
- World Bank Draft Operational Policy 4.12, Involuntary Resettlement;
- World Bank Draft Bank Procedure 4.12, Involuntary Resettlement;

OECD

World Commission on Dams
- World Commission on Dams, Dams and Development: A New Framework for Decision Making, 2000:
  - Strategic Priority 1: Gaining Public Acceptance
  - Strategic Priority 2: Comprehensive Options Assessment
  - Strategic Priority 3: Addressing Existing Dams
  - Strategic Priority 4: Sustaining Rivers and Livelihoods
  - Strategic Priority 5: Recognising Entitlements and Sharing Benefits
  - Strategic Priority 6: Ensuring Compliance
- Strategic Priority 7: Sharing Rivers for Peace, Development and Security
- Guideline for Projects in the Pipeline

The specific breaches are tabulated in Annex 1 of this Summary and cross referenced to the materials provided.

On resettlement alone, the project breaches 7 World Bank guidelines on 30 counts; OECD DAC, 2 guidelines on 14 counts; and WCD six guidelines on 31 counts.

**Failure to address concerns raised by ECAs**

The recommendations of the December 1999 Environmental Review of the Ilisu Dam Project, commissioned by the UK government and conducted by Environmental Resources Management (ERM), have not been complied with. Specifically:

- An environmental management plan to World Bank OP 4.01 standards was required but is not included in the EIAR;
- The EIAR fails to assess the impact of building a 160km transmission line as well as other infrastructure, such as roads, associated with project construction, as was recommended by ERM. ERM warns that this failure breaches international best practice;
- The EIAR fails to consider the possible cumulative impacts of the Ilisu within the broader GAP project, as was recommended by ERM;
- In its analysis of alternatives to Ilisu, the EIAR makes no mention of available options such as demand side management and clean fuels, as ERM had requested.

Details are provided in Annex 2 of this Summary.

**Failure to comply with ECA Pre-conditions**

The five pre-conditions set by the ECAs and their governments have not been met. In particular:

1. Draw up a resettlement programme which reflects internationally accepted practice and includes independent monitoring.
   - The non-disclosure of the full Resettlement Action Plan, not least to those who would be affected by resettlement, constitutes such a gross violation of international guidelines that an immediate stay should be imposed upon the application for support.
   - There are no credible grounds for concluding that a resettlement plan has been drawn up which reflects internationally acceptable practice and there is much evidence in the EIAR to the contrary.
   - The continuing repression in the region renders the key objective of proper consultation unattainable.

2. Make provision for upstream water treatment plants capable of ensuring that water quality is maintained.
   - The planned water treatment plants will not significantly reduce high levels of nutrients from sewage and agricultural runoff and will cause eutrophication and anoxic conditions in the reservoir.
3. Give an assurance that adequate downstream water flows will be maintained at all times.
   • There is no substantiation provided in the EIAR for the selection of the minimum monthly flow release of 60 m$^3$/s.
   • No evidence is presented that downstream riparian countries were consulted to establish such a minimum release rule.
   • It is likely that a significant proportion of the recommended minimum flow release from Ilisu of 60 m$^3$/s during dry years would be diverted.
   • It is even possible that with full implementation of the Ilisu/Cizre projects, during drought periods, all the summer flow could be diverted before it crossed the border.

4. Produce a detailed plan to preserve as much of the archaeological heritage of Hasankeyf as possible.
   • The EIAR fails to provide any evidence of a detailed plan to preserve the archaeological heritage for Hasankeyf.
   • There is evidence that the condition could not be met under present institutional, legal and social conditions in the region.

5. A published assurance that the required consultation of neighbouring States has been carried out by the Turkish authorities.
   • This has not been given. In view of the expressed views of the Syrian and Iraqi Governments, it is difficult to see how such an assurance could be given. (Letters from the Syrian and Iraqi governments are reproduced as Annex 3.)

**Overall Conclusion**

Proceeding with the Ilisu Dam would involve adverse social, environmental and cultural effects of such a magnitude that a decision to deny export credit assistance would be patently defensible.

Moreover, given the matters itemised above and contained in this submission, it can fairly be said that (i) international best practice has not been complied with in assessing and addressing such effects; and (ii) in all the circumstances, it would be both inappropriate and of questionable legality to approve applications for export credit assistance.
Resettlement
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September 2001
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VIOLATION OF WORLD BANK, OECD AND EX-IM GUIDELINES ON DISCLOSURE OF ENVIRONMENTAL AND SOCIAL OPERATIONAL DOCUMENTS —

VIOLATION OF WORLD BANK AND OECD POLICIES ON CONSULTATION OVER THE RAP —

OECD — WORLD COMMISSION ON DAMS — “ALL RELEVANT CONSIDERATIONS INCLUDING LEGAL ADVICE” —

“THE GOVERNMENT’S INTERNATIONAL POLICIES ON SUSTAINABLE DEVELOPMENT, HUMAN RIGHTS, GOOD GOVERNANCE AND TRADE”

OTHER GOVERNMENTS’ CONDITIONS AND COMPLIANCE STANDARDS —

SPECIFIC COMMENTS ON RESETTLEMENT PROVISIONS IN ILISU EIAR:

4.

EVALUATION OF COMPLIANCE WITH INTERNATIONAL BEST PRACTICE ON INDIGENOUS PEOPLES, SAFEGUARDING MINORITY RIGHTS, CENSUSES, SOCIO-ECONOMIC SURVEYS, EXPROPRIATION, CONSULTATION, PARTICIPATION, GENDER, HOST COMMUNITIES, BUDGETS, INDEPENDENT MONITORING, PAST RESETTLEMENT, ALTERNATIVES —

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NO UP-TO-DATE CENSUS — NO FULL SOCIO-ECONOMIC SURVEY — OUT-OF-DATE CADESTRAL SURVEYS — NO ACCURATE FIGURES ON NUMBERS — FAILURE TO IDENTIFY NGOs — INADEQUATE ASSESSMENT OF VULNERABLE GROUPS

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LACK OF ENVIRONMENTAL ASSESSMENT OF HOST COMMUNITIES —
FAILURE TO DEMONSTRATE ADEQUATE INSTITUTIONAL FRAMEWORK —
FAILURE TO PRODUCE CREDIBLE BUDGET —
INADEQUATE PROVISION FOR INDEPENDENT MONITORING —
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RECOGNISING ENTITLEMENTS AND SHARING BENEFITS —
DAMS IN THE PIPELINE

5. EVALUATION OF COMPLIANCE WITH ECA AND GOVERNMENT CONDITIONS, OBJECTIVES AND BENCHMARKS
1. Internationally accepted practice, as established by leading international and intergovernmental bodies, dictates that an Environmental Impact Assessment Report for projects involving involuntary resettlement should include a full resettlement action plan. The EIAR does not include a resettlement plan of any description. The EIAR therefore fails to comply with its own reference benchmark, with those cited by the UK government and with international best practice. In and of itself, this constitutes sufficient grounds for rejecting the EIAR and refusing export credit support for the project.

2. The non-disclosure of the full Resettlement Action Plan, not least to those who would be affected by resettlement, constitutes such a gross violation of international guidelines that an immediate stay should be imposed upon the application for support.

3. Without access to the full RAP, those directly or indirectly affected by the project are in no position to judge whether or not appropriate measures will be taken to remedy any violations of their human rights. The Kurdish Human Rights Project has been advised that this is likely to constitute a multiple breach of Article 8 of the European Convention on Human Rights. Those Export Credit Agencies (ECAs) from countries which are parties to the ECHR could therefore find themselves liable to legal challenge by affected and interested parties.

4. From the evidence on resettlement presented in the EIAR and in the RAP summary, it is clear that many of the problems previously identified by participating ECAs have yet to be remedied and that the resettlement plan compiled - but not released - by the Turkish authorities still falls far short of the World Bank standards to which Turkey has said it will adhere. Specifically:
   - It fails to incorporate an “indigenous peoples’ development plan”;
   - It fails to assess legal rights of affected Kurdish ethnic minority;
   - It fails to carry out a full census of the affected population;
   - It is based on an inadequate socio-economic survey of affected communities;
It employs out-of-date and incomplete cadastral surveys;

It presents an inadequate assessment of vulnerable groups;

Its analysis of Turkish expropriation experience is inadequate;

It fails to comply with international best practice on consultation;

It fails to ensure the participation of affected people in planning resettlement;

It fails adequately to assess gender implications of resettlement;

It fails to demonstrate that the institutional arrangements are adequate to ensure resettlement practices comply with international standards;

It fails to incorporate a credible budget;

It fails to include provisions for independent monitoring;

It provides an inadequate and misleading treatment of Turkey's past resettlement record; and

It fails to analyse the resettlement impacts of alternatives to Ilisu.

5. As currently planned and executed, the Ilisu Dam and HEPP:

1. Breaks seven major World Bank safeguard policies or guidelines relating to resettlement on thirty counts.

2. Breaks two OECD DAC guidelines relating to resettlement on fourteen counts.

3. Breaks the World Commission on Dams's six resettlement-related Strategic Priorities and associated Guidelines on thirty-one counts.

4. Breaks two Ex-Im guidelines on two counts.

6. Such violations lead us to conclude that current resettlement plans for Ilisu:

1. Fail to comply with the benchmark guidelines to which ECAs have singly or collectively bound themselves with respect to evaluating Ilisu's compliance with the ECAs' joint condition on resettlement.

2. Fail to achieve the objectives laid down by the UK government when imposing conditions to ECGD support for Ilisu. In particular, the continuing repression in the region renders the key objective of proper consultation unattainable.

3. Fail to comply with the UK's broader policies on sustainable development, particularly those relating to participation.
4. **Fail to comply with the ECAs’ condition on resettlement in every major respect.** From the evidence presented in the EIAR and the Executive Summary, there are no credible grounds for concluding that a resettlement plan has been drawn up which "reflects internationally acceptable practice."

7. On the basis of the evidence presented in the EIAR and Executive Summary of the RAP, together with our knowledge of conditions in the region, **we recommend that the ECAs reject any applications being considered for export credit or investment guarantee support for Ilisu.**

Corner House Research
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Kurdish Human Rights Project
Friends of the Earth
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Campaign An Eye on SACE
Pacific Environment
World Economy, Ecology and Development (WEED)
Purpose and structure of review

The purpose of this Review is to evaluate the extent to which the recently published *Ilisu Dam and HEPP: Environmental Impact Assessment Report* (EIAR)\(^1\) and *Summary of the Resettlement Action Plan of Ilisu Dam and HEPP Project*\(^2\) demonstrate compliance in respect of:

1. The resettlement conditions which participating Export Credit Agencies (ECAs) have attached to their support for the Ilisu project - namely the drawing up of "a resettlement plan which reflects internationally accepted practice and includes independent monitoring."

2. The international guidelines (OECD, World Bank and WCD) cited by the UK and other governments as the benchmarks against which compliance with this condition will be judged.

3. Other considerations (for example, compliance with international legal obligations) additionally cited by the UK and other governments as a condition for approving export credit support;

4. The specific objectives which the UK and other governments have stated that they seek to achieve through implementation of the condition.

Structure of the Review

The Review has been structured as follows:

Section 1: Background outlines the major concerns that have been raised over resettlement at Ilisu. Additional background information is appended as Annexes 1 and 2. These Annexes form part of the Review and should be read in conjunction with it.

Section 2: Government statements on the evaluation of compliance with ECA conditions sets out (a) the conditions laid down by the participating ECAs and (b) subsequent statements made by the UK and other governments which clarify the aims of the condition and the guidelines for evaluating the project's compliance with them.


Section 3: General comments on the Ilisu EIAR and RAP assesses the extent to which the EIAR and RAP comply with international best practice on reference guidelines, scope, format, process and disclosure of "social operational documents".

Section 4: Evaluation of resettlement provisions evaluates the extent to which the EIAR and RAP demonstrate the project's compliance with specific OECD, World Bank and WCD requirements for projects involving involuntary resettlement.

Section 5: Evaluation summarises the current status of the project with regard to its compliance with the resettlement conditions laid down by the ECAs and their governments.
Section One

Background: Resettlement concerns

The project

Few infrastructure development projects have caused as much international controversy in recent years as the proposed Ilisu Dam in the Kurdish region of Southeast Turkey. Scheduled for construction on the River Tigris, some 65 kilometres from the Syrian border, the dam is intended to generate 3,618 gigawatt-hours of electricity a year\(^3\), in addition to storing water for downstream irrigation during the dry season.\(^4\)

The dam forms part of the giant Southeastern Anatolia Project (known as GAP after its Turkish name, Guneydogu Anadolu Projesi), a network of 22 dams and 19 power plants: it would be built by a consortium of European and US companies for the Turkish government's State Hydraulics Works Department (DSI). Financial backing is being sought from the Export Credit Agencies (ECAs) of the companies' respective national governments, with Britain, Switzerland (and potentially the USA) signalling provisional

\(^3\) EIAR, p.2.14: "... the average annual energy production will amount to 3,618 GWh".

\(^4\) EIAR, p.4.39: "... the positive effects for the downstream environment can be summarized as follows: ... Increase of the water available for irrigation during the dry period."
Official and company statements as to which ECAs are involved have been contradictory and confusing. On December 15th 2000, the German Ministry of Finance released details of possible ECA support for Ilisu to the Budget Committee of the German Parliament. According to the figures supplied, eight agencies had been approached to cover 56% of the overall costs. The ECAs were as follows: Switzerland (16%), Italy (8%), UK (7%), Sweden (7%), USA (7%), Germany (5%) Japan (4%) and Austria (2%). These figures, however, do not accord with statements by individual ECAs as to the cover which has been sought from them. Information supplied by the various agencies to the Ilisu Dam Campaign and other groups suggest the following levels of support: Switzerland (470 million Swiss francs); Germany (DM 150 million); UK ($200 million); US (20 million); Italy ($152 million). In evidence to the UK Select Committee on Trade and Industry in February 2000, Balfour Beatty, the lead contractor for the project, named the following countries as having been approached for credits, a list that differs from that given by the German government: "Switzerland, UK, Sweden, Italy, Germany, US, Portugal and perhaps Austria." Since then, the Swedish company involved in the project has withdrawn, so export credits would no longer be available from Sweden. See: German Federal Ministry of Finance, "Document prepared by the German Federal Ministry of Finance for the sitting of the parliamentary budget committee on December 15th, 1999". Bonn, 1999; "Memorandum submitted by Balfour Beatty Ltd." in Trade and Industry Committee, Application for Support from ECGD for UK Participation in the Ilisu Dam Project, Sixth Report, Session 1999-2000, The Stationery Office, February 2000.

Concerns over Resettlement

Concerns over resettlement have been at the heart of the controversy over Ilisu. As approved by the Turkish authorities, the dam would flood an area the size of Manchester, submerging or partially submerging some 183 villages and hamlets and the ancient town of Hasankeyf, a site of international archaeological significance. Yet, at the time that the project was provisionally approved by supporting ECAs, no resettlement plan had been drawn up for the estimated 78,000 people, mainly ethnic Kurds, who will be potentially affected by the dam. Nor had there been any consultation whatsoever with affected people or their elected representatives: indeed, until late 1999, local Mayors had not even been informed that the project was going ahead.

Since the announcement of export credit support for Ilisu, a number of reports - from both Non-Governmental Organisations (NGOs) and official sources - have exposed massive deficiencies.

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8 Kudat Report, op.cit. ref 7, p.26. The EIAR gives a lower figure - 59,314. We would question the reliability of this lower figure (for further details, see Section 4, this Review).


10 See for example: International Development Committee (IDC), “ECGD, Developmental Issues and the Ilisu Dam: Report together with Proceedings of the Committee, Minutes of Evidence and Appendix”, Sixth Report,
Public and parliamentary concerns with regard to resettlement have centred on four key issues:

First, that the long and continuing history of repression of the Kurdish majority in the region by the Turkish State makes a just outcome to the project unrealisable;

Second, that the Ilisu Dam - and the wider GAP project of which it is part - are motivated by political objectives aimed at the forced assimilation of the Kurdish population into mainstream Turkish society and culture;

Third, that the history of human rights abuses associated with past resettlement strongly suggests that deep and far-reaching institutional reform is necessary if the needs and human rights of those affected by Ilisu are to be ensured;

Fourth, that the project fails to meet the most basic international standards with regard to resettlement and environment.

These concerns are summarised below. Additional details are appended in Annexes 1 and 2 which form part of this submission and in the accompanying submission by the Diyarbakir Bar Association.

Human Rights and the Repression of the Kurds

Central to the controversy surrounding the Ilisu project is the continuing repression of the Kurdish majority in the region by the Turkish State. Such repression has a long history in the planning and implementation of the project.\textsuperscript{11} Parliamentarians from the UK, Italy and Germany have also undertaken fact-finding missions, reporting critically on resettlement provisions for the dam.\textsuperscript{12} \textsuperscript{13}

\textsuperscript{11} In July 2000, the UK parliament's International Development Committee concluded: “We have here a project proposed for ECA support that, despite having been in preparation for many years, fails almost every internationally agreed test in terms of both consultation and planning for environmental and social impacts . . . The Ilisu Dam was from the outset conceived and planned in contravention of international standards, and still does not comply.” Following publication of the report, Ann Clwyd MP, a member of the committee and Chair of the Parliamentary Human Rights Group, visited the region. She reported that the visit had left her "disgusted" at the Turkish government's lack of meaningful consultation with the thousands who will be affected by what she termed "this miserable dam". See: International Development Committee, Developmental Issues and the Ilisu Dam: Report together with Proceedings of the Committee, Minutes of Evidence and Appendix", Sixth Report, Session 1999-2000, The Stationery Office, London, 2000, p.vii: Ann Clwyd, "Stop this Miserable Dam - Ann Clwyd Returns from Turkey", Press Release, 17 July 2000.


\textsuperscript{13} A delegation of the German parliament's Human Rights Committee concluded that the Ilisu dam should not be constructed and that the German government should not give an export credit guarantee support. See: "Report of Journey of the Fact-Finding Mission of the Human Rights Committee of the German parliament to Turkey", 19-26 November 2000.
and is rooted in policies aimed at integrating the Kurds into mainstream Turkish society, if necessary by force. To date, the Turkish State's policy of forced assimilation has involved widespread human rights abuses including extra-judicial killing, the imprisonment, rape and torture of Kurdish people, the brutal suppression of local Kurdish customs and culture, the outlawing of the Kurdish language, and the forced evacuation of Kurdish villagers. These abuses are well documented in the 200 judgments of the European Court of Human Rights against Turkey over the past 5 years.

The region has been wracked by conflict, most recently in the form of a bitter, 15-year-long war between the Turkish security forces and the Kurdistan Workers' Party (PKK), during which an estimated 4,000 villages in the area were destroyed, and at least 3 million people forced to flee their homes.\textsuperscript{14}

Although in September 1999, the PKK abandoned its armed struggle in the pursuit of a political settlement to the as yet unresolved "Kurdish question", much of the area is still under Emergency Rule and human rights abuses, including torture, remain commonplace. In their bi-annual report comparing figures on human rights abuses from the first half of 1999 to the first half of 2000, the Human Rights Association (IHD) makes clear that the PKK's cease-fire has had little effect on Turkey's extra-judicial killing and death by torture statistics which have decreased by a mere 0.6\%.\textsuperscript{15} Despite assurances at senior levels that substantive steps are being taken to suppress the practice of torture, the Turkish Parliamentary Human Rights Commission, reporting in March 2000, concluded that there have been no improvements in torture practice since 1998 when it had conducted

\textbf{Footnotes:}

\textsuperscript{14} Many have moved to the urban areas: the population of Diyarbakir has grown from 300,000 in 1990 to more than 1.5 million today, bringing a climate of unemployment, currently estimated at 60\%, and the development of shanty town areas. Others have moved to western Turkey, and some to join their families in western Europe.

The majority of the evacuations took place in the early 1990s and were carried out with great brutality, whole villages being razed to the ground; villagers, including children, being raped, abducted, killed, tortured or beaten up; and livestock slaughtered. By the end of 1992, entire districts, including Sirnak, Silopi and Eruh (all overlapping the Ilisu region), had lost all their villages, with the exception of one village guard district. In July 1997, the Chairman of the Turkish Parliamentary Committee established to look into the problem of village evacuations confirmed that almost 365,000 inhabitants of 3,185 villages and hamlets had been forced out of their homes since 1990 as a result of the war. The US State Department cited a "credible estimate" of between 380,000 and 1 million for the numbers that have been forced to move. Other figures have been put as high as 10 million.

Since 1995, the figures have disclosed a declining but nevertheless continuing pattern of forced evacuation. In 1997, the Human Rights Association of Turkey (IHD) reported that 22 villages and hamlets had been evacuated and sometimes burned by State agents. These included three instances of forcible evacuation from in Eruh district, Siirt province and the forced evacuation of three hamlets in Besiri, Batman province. Both Eruh and Besiri districts are potentially affected by the proposed dam. Further evacuation and destruction by soldiers has been reported since then.

Turkey has now instituted a State-sponsored "Back to the Village Programme," which claims to have returned thousands of evicted villagers to their homes in the Southeast. The programme, however, has involved a number of documented human rights abuses. On 3 October 2000, villagers who had been told they could rebuild their village in the Lice district of Diyarbakir were forced to re-live the horrors of the war a second time as they watched the homes they had rebuilt over a 6-month period razed to the ground by Turkish soldiers who told them, "\textit{This hamlet does not have a place on the map and the people cannot live here.}" In a similar incident also in October 2000, three villagers in Hakkari province who had received permission to return to their village were killed by Turkish soldiers from the neighbouring province of Sirnak. A fourth, wounded victim, the sole survivor of the operation, was arrested and bodies of the three killed have not been returned to their families.

\textsuperscript{15} \textit{Insan Haklari Dernegi} (IHD), \textit{"Human Rights Report on the First Six Months of the Year 2000"}, p. 3.
Under such circumstances, a free and open debate on the merits of the Ilisu project is currently unattainable. Fact-finding missions to investigate the dam and its impacts have been regularly subjected to police surveillance and harassment. Moreover, a number of human rights abuses directly associated with the dam have already been documented: critics of the dam have been subjected to intimidation or accused of belonging to the PKK, a crime punishable by up to 15 years imprisonment, whilst organisers of a rally to celebrate the history of Hasankeyf were forbidden by the local Governor from distributing a petition expressing concern over the dam. Human rights defenders in the region are frequently subjected to repression such as closure of their offices, as documented by human rights organisations such as Amnesty International and Human Rights Watch. Such human rights abuses raise major concerns about the likelihood of a successful development outcome to the Ilisu project.

As of September 2001, none of the ECAs supporting the project, or considering support, had published any assessment of the implications of continuing repression in the region for Ilisu, nor indeed of the repercussions of construction of the dam on the rights of the marginalised in the region.

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Ilisu, GAP and Forcible Assimilation

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17 Ilisu Dam Campaign, Fact-Finding Mission to the Ilisu Region, 10-17th June 2001. Interview with IHD (Diyarbakir).

18 In February 2000, for example, the Mayor of Hasankeyf was forced to cut short a visit to Europe after receiving anonymous threats. The Mayor had been scheduled to talk to officials of all German ministries responsible for the granting of a Hermes guarantee, several members of the German parliament as well as the Minister responsible for the UK’s Export Credits Guarantee Department (ECGD).

19 In the UK, it has emerged that the Department of Trade and Industry (DTI) was not even informed by the Foreign Office of the human rights implications of the project, provoking the International Development Committee to comment: "We are astonished that the Foreign Office did not raise any questions about the proposed Ilisu Dam and its effects on the human rights of those living in the region. The large-scale resettlement of a population, many of whom may well question the very legitimacy of the Government which moves them from their homes, must surely demand some detailed analysis from the Foreign Office. We would expect comments on the necessity of a genuinely transparent, free and fair consultation process; discussion of the relation between the removal of communities and drift to the towns on the one hand and on the other any conflict-related tactics and military strategy of the parties to the conflict; certainly an analysis of the human rights of the affected community and the extent to which the building of the Dam could possibly infringe or affect them. We criticise the Foreign Office for failing to raise these issues in detail with ECGD and DTI Ministers." Although the Foreign Office denies that it failed to advise the DTI on the human rights implications of Ilisu, it has refused to release the relevant papers to the International Development Committee. See: International Development Committee, Exchange of Letter Concerning the Ilisu dam, Fourth Special Report, House of Commons, Session 1999-2000, The Stationery Office, London, July 2000.
Concern has also been expressed over the political motivations underlying Ilisu's development objectives and indeed those of the wider GAP project of which it is part. In particular, the history of State repression in the region has led many to view the GAP as "war by other means".

There is little doubt that the majority of GAP officials and field workers are deeply committed to the programme’s overt aims of poverty alleviation and economic development. There is little doubt either that the majority of people in the region, which is one of the poorest in Turkey, seek means to improve their living standards and to gain access to modern technologies, health care and education. But poverty alleviation and economic development are not the only – or even the most important – objectives motivating the GAP. From its inception in the mid-1970s, the project has been underpinned by the Turkish State’s long-pursued policy of forcibly assimilating the region’s Kurdish majority into mainstream Turkish society and culture. Indeed, the Turkish government’s official publicity for the project explicitly states that the GAP is intended to “dramatically change the social and cultural make-up of the region.” The Director General of DSI has also stated:

“We do not have Kurdish people. We are all Turkish people. We do not look on Kurdish people as a minority like in the USA. All are citizens of Turkey no matter where they come from and who they are. Turkey’s policy is that the citizens in GAP region will not be treated differently from other regions just because of their ethnic origin. We have a lot of Kurdish people in the government and some are in key positions.”

To many Kurds who have been displaced from their homes in recent years, such statements have a sinister ring to them. Indeed, it is widely held in many quarters that the GAP project has been promoted by the Turkish authorities as a means of altering the demography of the region through the displacement of Kurds into larger towns so as to exercise more effective control over the region.

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20 In a report on Turkey published by the United nations Development Programme (UNDP) in 1997, the authors noted that the highest poverty rates in Turkey were to be found in the east and south east. See: [www.undp.org/rbec/pubs/nhdr97/summary/turkey.htm](http://www.undp.org/rbec/pubs/nhdr97/summary/turkey.htm). See also: Olcay Unver, “The Southeastern Anatolia Project (GAP): An Overview”, in Turkish Embassy, Water and Development in Southeastern Anatolia: Essays on the Ilisu Dam and GAP, London, 2000, pp.13-14. See also: “Turkey set to re-examine the GAP”, International Water Power and Dam Construction, September 1999.

21 Until 1997, plans to develop the Tigris and Euphrates were not co-ordinated. In 1977, the State Hydraulics Works brought the various projects planned for the two river basins under a single authority, entitled “GAP”.


23 As the UK Defense Forum notes: “From the outset, the Southeast Anatolia Project has had profound security implications. It is no coincidence that the project is situated in the Kurdish region of Turkey – where a bitter civil war rages between the Kurds and the Turkish military. The expected security benefits are twofold, by increasing the income of hitherto impoverished Kurds, the government in Ankara hopes the new wealth will induce the people to support the government. More pragmatically, the project will transform the geography of Turkish Kurdistan. Improved communications, combined with new industries and farms, will shepherd the Kurds out of their traditional mountain fastness into planned urban areas where the government can keep greater control over them. An underlying motive of the project is to deny the Kurdish guerrillas the environment in which they operate.” See: Marsh, N., “Wars Downstream”, UK Defence Forum, [www.ukdf.org.uk/ts5.htm](http://www.ukdf.org.uk/ts5.htm)
GAP’s claimed development objectives are also thrown into doubt by the skewed distribution of its benefits and its failure to tackle key structural causes of poverty. Indeed, it is clear that the last people to benefit are Kurds, and in particular poorer Kurds, if they benefit at all. Despite massive investment in the region through the GAP, for example, the social infrastructure of the east and southeast remains the most neglected in Turkey: per capita income is barely 42 per cent of the national average; only 9 per cent of children complete secondary school; the average literacy rate is 27 per cent lower than the national average; and the Southeast receives less than 10 per cent of the national development budget.\(^{24}\)

GAP projects are characterised by a "top-down" approach. There has been little or no consultation with affected communities; hundreds of thousands have now been displaced, often forcibly and rarely with adequate compensation; and "the most fundamental ingredient of development, full local participation has been missing."\(^{25}\) Many have ended up in the shantytowns of the major cities, unable to find full-time employment and living in poverty and dislocated from their previous communities. Acknowledging these failures, the Turkish government announced in 1999 that it would review the project.\(^{26}\)

**Past Resettlement Practices**

Turkey's record on resettlement is dismal. As Ayse Kudat, a World Bank resettlement specialist hired by the ECAs to review the Turkish government’s draft resettlement action plan for Ilisu, notes in a report to the ECAs written in August 2000:

“In the Turkish context, past failures have been particularly severe with respect to inadequate and inappropriate delivery of resettlement housing, lack of concern with the well-being of self-settlers, transparent participation of affected populations in resettlement decisions, and monitoring of social impacts during and after dam construction.”\(^{27}\)

\(^{24}\) As David McDowall, author of *A Modern History of the Kurds*, points out, such neglect "is longstanding and institutionalised, partly as a result of Turkey’s longstanding determination to crush all expression of Kurdish identity" and "contradicts official claims of concern.” McDowall also points to the failure of the GAP to grasp the vital need for land reform, a key requirement if rural poverty in the region, where landlessness is widespread, is to be addressed. Instead GAP planners have opted for the development of capital intensive agriculture - an indication to many critics of the shallowness of GAP's claimed poverty alleviation objectives. "The reason is simple", argues McDowall. "The landlord class largely control the vote of their villagers, useful in offsetting the dissident vote that finds expression in the region's towns.” Neglect of land reform means, according to GAP's own master plan, that 8 per cent of farming families still control over 50 per cent of the land, 41 per cent hold 5 hectares or less (barely subsistence level), while 38 per cent have no land at all. GAP has little or nothing to offer this 79 per cent. "In such conditions the capital required for this massive project will come either from entrepreneurs living elsewhere in Turkey or from abroad. In short, the indigenous population is unlikely to benefit from the investment opportunity or have the education and skills to benefit from the projects." See: McDowall, D., "Ilisu: The economic and political context", www.ilisu.org.uk

\(^{25}\) McDowall, D., "Ilisu: The economic and political context", www.ilisu.org.uk

\(^{26}\) "Turkey set to re-examine the GAP", *International Water Power and Dam Construction*, September 1999.

\(^{27}\) Kudat Report, op. cit, ref 7, p.6
A 1999 report commissioned by the UK Export Credit Guarantees Department also cast serious doubts on the value of assurances from the Turkish authorities as to resettlement, noting that past resettlement projects in Turkey have (with one exception) failed to meet international standards. 28

The Turkish government and members of the Ilisu Consortium (the companies seeking to build the dam) have argued that Turkey’s resettlement procedures now meet international standards. 29 The recent experience of the 30,000 people relocated as a result of the Birecik Dam (cited as a "success story" by the GAP authorities) 29 suggests otherwise. In October 2000, a Fact-Finding Mission organised by the Ilisu Dam Campaign found that:

- Over a thousand villagers from one village in the reservoir zone had been forced to abandon their homes and belongings when they awoke to find their homes partially submerged by the rising reservoir. Project officers had failed to alert them of the rising waters. The villagers had not left their houses because they were still waiting to receive compensation promised by the government.

- The inhabitants of approximately 18 villages located in the area close to the construction sites were forcibly evacuated by soldiers in 1996 and 1997 and received no compensation at all.

- Numerous families received no compensation whatsoever, because they did not have land rights, and (as of October 2000) had still not been given houses despite promises that they would be re-housed. Several cases contesting compensation have been taken to European Court of Human Rights (see Annex 1: European Court of Human Rights Cases Relating to GAP);

- Villagers who have been moved to new resettlement sites complained that their new houses are over-crowded and had not even been finished when they moved in. Leaking ceilings appears to be a common complaint. One oustee told the Mission, “In the new villages, it is like death”.

- The displaced villagers, having been moved into the State’s shoddily constructed housing units (on which they will also have pay rent for the next 3 years), find themselves in desolate areas where the government’s promised commercial centres and factory jobs have not materialised. One result of this lack of economic opportunity is that those who received compensation are rapidly running through their savings. Many see no prospect other than emigration to local conurbations, where services are already overstretched and unemployment levels are high.


These findings are particularly significant – and disturbing – given that the resettlement debacle at Birecik was taking place at the very time that the Turkish authorities were reassuring the international community, including Export Credit Agencies, that everyone at Ilisu would be properly compensated and that there would be no repeat of previous resettlement failures, such as at Ataturk (see Annex 2: Ataturk's Victims: The Continuing Misery).  

**Failure to comply with international best practice**

As noted, a succession of reports from both Non-Governmental Organisations and official sources have exposed major deficiencies in planning and implementation of the Ilisu scheme.

In response the ECAs have insisted that the Turkish government draw up a resettlement plan to internationally accepted practice (see Section 2). However, an August 2000 review of the draft plan, conducted by Ayse Kudat on behalf of the ECAs, confirmed that the project was still in violation of a range of international guidelines.  

Kudat noted that:

- Sweeping institutional reforms within Turkey would be needed before “best practice” – as defined by World Bank or OECD guidelines – could be achieved;
- The Turkish government had failed to consider alternatives to the Ilisu project, which violated both World Bank and OECD guidelines;
- The project was approved before a resettlement plan was drawn up, which flouted both World Bank and OECD guidelines;
- The Turkish authorities had failed to draw up a full socio-economic census, which violated World Bank guidelines;
- There were major gaps in the information needed to draw up a resettlement plan to international standards;
- No resettlement budget had been prepared – in violation of World Bank and OECD standards.

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33 Kudat Report, op. cit, ref 7.
– and, Kudat suggested, a paper commitment from Turkey to make the money available could not be trusted;

- Major economic and political obstacles would have to be overcome before it could be ensured that affected people would not be worse off than they were before the project, as the World Bank demands;

- The special provision to protect the livelihoods of women had been ignored, in violation of World Bank guidelines;

- Pastoralists would not be compensated for their land loss, in contravention of OECD guidelines.

- The numbers who might be affected by Ilisu were 2-3 times higher than previously estimated - possibly as many as 78,000.
Section Two

Government statements on the evaluation of compliance with ECA conditions

In response to growing pressure from the public, NGOs and parliamentarians, the ECAs have made their support for the Ilisu project conditional on the project developers drawing up

"a resettlement programme which reflects internationally accepted practice and includes independent monitoring."

No details were given at the time as to the basis on which compliance with this condition would be evaluated. However, in response to further public pressure, participating governments have made a number of statements binding them to the use of specific standards.

This section sets out the relevant statements made by the UK and other governments with respect to Ilisu and resettlement.

UK government statements on broad objectives of ECA conditions

Subsequently, the UK government has amplified on this condition in correspondence with interested parties. In doing so, it has clarified the broad objectives of the condition. These include ensuring proper consultation with those affected by the project and the protection of their human rights:

In August 2001, Baroness Symons, Minister of State at the Foreign Office and Caborn's successor as the Minister responsible for the ECGD, stated in a letter to the Kurdish Human Rights Project that "the potential environmental and human rights impacts of the project are central to the assessment process."

The UK government has also identified a number of specific issues that it will require the Turkish authorities to address prior to an export credit being agreed. In February 2001, J.L. Swindon,

34 "Byers releases reports on Ilisu Dam", Department of Trade and Industry, 21 December 1999. See also: Letter from J.L. Swindon, Underwriting manager ECGD, "Ilisu Hydroelectric project, Turkey", 20 July 2000.

35 Letter from Baroness Symons, Minister of State at the Foreign Office, to Philip Leach, Legal Director, Kurdish Human Rights Project, undated but received on 13 August 2001.
underwriting manager at ECGD, writing on behalf of the Prime Minister, stated:

"When Stephen Byers [the then Secretary of State for Trade and Industry] published two reports which we commissioned on this project in December [1999], he also made it clear that before a decision is made on the availability of ECGD support, we will need to see how a number of key issues identified by the reports are addressed . . ."36

Of the reports,37 that on "Stakeholder Attitudes" is most directly relevant to resettlement concerns. The report makes 6 "essential recommendations":

1. "consultation/participation with local stakeholders . . . before and after the contract is signed";

2. "local stakeholder participation in different stages of the resettlement plan";

3. Resolution of “the problem of land title, deeds, forced land confiscation and absentee rural families . . . before compensation takes place”;

4. “particular attention in the resettlement plan should be given to consideration of the needs of the poor, the landless, small holding farming households and vulnerable groups, including women and children”;

5. “monitoring of resettlement should be implemented with a participatory approach, inclusive of all local stakeholders, vulnerable groups and the poor”;

6. “the Ilisu dam should be conceived as a development initiative for the benefit of local stakeholders.”38

Symons's reply gives rise to an expectation that the UK government will act in a manner which is commensurate with its obligations under the Treaties and Conventions to which the UK is a party, in particular the European Convention on Human Rights. 39

UK government benchmarks for evaluation

The UK government has bound itself to using the following guidelines in order to evaluate compliance both with the ECAs' collective condition on resettlement and its own general and specific concerns:

36 Letter from J.L. Swindon, underwriting manager ECDG, writing on behalf of the Prime Minister, to L.C. Lohmann, 28th February 2000.


38 Export Credits Guarantee Department (ECGD), Stakeholders' attitudes to involuntary resettlement in the context of the Ilisu Dam project, Turkey, August 1999, pp. 50-51.

39 Letter from Baroness Symons, Minister of State at the Foreign Office, to Philip Leach, Legal Direct, Kurdish Human Rights Project, undated but received on 13 August 2001.
1. OECD Guidelines
In evidence to the House of Commons Select Committee on International Development in February 2000, Richard Caborn stated: "... what we have laid down very clearly in all the communications which have gone to the Turkish authorities, and to our Parliament, and to those supplying export credit as well, the broad standards laid down by the OECD in terms of resettlement - and I have read them - ought to be the benchmark by which any of this is judged." This commitment to the use of OECD standards was repeated by the Minister in a number of press and TV interviews in July 2000.

2. World Commission on Dams guidelines
In November 2000, the World Commission on Dams, an international body charged with drawing up new guidelines for the hydro industry, recommended a set of new procedures and standards for projects involving large dams. Although not legally-binding, the guidelines crystallize international best practice with regard to dam building.

Although the guidelines were published after the announcement of the ECAs' condition on resettlement, the UK government has nonetheless committed itself to taking them into account when assessing compliance with the condition. In reply to a parliamentary question from Tom Brake MP, Richard Caborn stated: "We are studying carefully the Report of the World Commission on Dams. We will take account of the Report in considering our decision on Ilisu." In February 2001, Chris Mullin MP, the then Under-Secretary of State for International Development, reiterated the government's commitment to ensuring Ilisu's compliance with WCD criteria. In an address to a seminar organised by the Institute of Civil Engineers and the British Dams Society, Mullin stated: "Our government has made it clear that we will only support Ilisu if a number of conditions are met. These conditions reflect the criteria identified by the Commission [WCD]."

Statements made by the UK government ministers also give rise to an expectation that the ECGD will take account of the following broad policy guidelines when reaching a decision on Ilisu:

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41 For example, Caborn told Channel 4 news (12 July 2000): "We've used the OECD standards on resettlement, of which Turkey is actually a signatory, and part of the OECD. We're saying if they comply with those international obligations, then we will support the project". He also stated: " Indeed negotiations are taking place on the conditions which we have laid down with Turkey, and one of those is on the resettlement, the, I think, the most contentious one, and we're laying down very clearly that that will be in compliance with the OECD standards, or else we do not support the project."


43 Rt. Hon. Richard Caborn MP, Minister for Trade, reply to parliamentary question 140755.

44 Chris Mullin MP, Under-Secretary of State for International Development, Speech to Institute of Civil Engineers/British Dam Society seminar, "After the World Commission... Dams in the Future", 1st February 2001.
"The government's international policies on sustainable development, human rights, good governance and trade."

In response to the UK Select Committee on International Development's Sixth Special Report, *ECGD, Development Issues and the Ilisu Dam*, the government stated: "The careful work which has been devoted to considering the Ilisu Dam application and pressing the Turkish authorities to improve aspects of the project has helped inform ECGD's Mission and Status Review which has recently been completed. It is now part of ECGD's Mission to take account of the Government's international policies on sustainable development, human rights, good governance and trade, whilst furthering its core aim of benefiting the UK economy by assisting exports and investment overseas."45

Other governments' conditions and compliance standards

Switzerland

ERG, the Swiss export credit agency, has stated that it will use "international standards" to evaluate compliance with the ECA condition on resettlement. Three sets of guidelines have been mentioned in this context: those of the OECD; the World Bank; and the WCD in its section, "A Special Case: Dams in the Pipeline". 46 The ERG has not committed itself to being bound by any of these standards when assessing the compliance or non-compliance with the ECA condition: it will use its discretion as to which standards - or parts of standards - are of importance. ERG has commissioned an assessment of the extent to which Ilisu complies with the cited standards. The assessment will be made public.

Germany

Export credit support has been sought for Ilisu from Hermes, the German export credit agency. The German Federal Government has made a number of statements with regard to standards and benchmarks applicable to the Ilisu project. They are as follows:

1. *World Bank standards*

Reacting to growing public and parliamentarian concern about the environmental, social and human rights impacts of the Ilisu dam, several committees of the German Federal Parliament discussed the project and demanded information from the Federal Government. In a paper prepared for the meeting of the parliamentary budget committee on December 15th, 1999, the Federal Ministry of Finance commented as follows:

“Aspects of the decision of the Federal Government

c) [...] Resettlement policy observes the standards set by the World Bank. Its course will be

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In oral communication with different representatives of the Ministries involved in the decision relating to Hermes' guarantees, including the Ministry of Economy, it has been repeatedly confirmed that World Bank standards will be applied.

In April 2001, the German government introduced a set of environmental, social and developmental "guiding principles" which now apply to Hermes export credits and guarantees. Outlining the new principles, the Federal Government states:

"[t]he project has to meet the environmental standards of the host country. These will be compared with the basic internationally recognised and customary environmental regulations (e.g. World Bank or EBRD [European Bank for Reconstruction and Development] standards, benchmarking). Should it turn out that the standards of the host country are significantly below international standards, further explanations from the applicant are necessary. In this connection it is of importance whether the environmental situation, compared to the time before implementation of the project, has improved [...]." \(^{47}\)

The company seeking export credits for Ilisu would therefore be required to mention and explain any areas where Ilisu fails to comply with World Bank or EBRD standards. Given the earlier clear statement of the Finance Ministry, which forms part of the interministerial grants committee for Hermes guarantees, however, it should be expected that in the Ilisu case, deviations would not be accepted by the Ministries.

2. **WCD Recommendations**

The Federal Government in its environmental guideline states that it will take the goal of global sustainable development into account. In addition to the environmental information supplied in the applicant’s project memorandum, further expertise and audits may be required. The guideline explicitly states:

"[t]he questions to be answered by the applicant will be [...] updated according to the latest experience and in the light of current knowledge, e.g. the report of the World Commission on Dams (WCD)." \(^{48}\)

According to MP Angelika Koester-Lossack of the Green Party, this reference would be enough to require the rejection of a Hermes guarantees for the Ilisu dam. \(^{49}\)

In addition, Minister of Economic Cooperation and Development Heidemarie Wieczorek-Zeul stated in a press release of January 18\(^{th}\) 2001, that her Ministry would review its own guidelines for dam projects and advocate the adoption of the WCD’s recommendations by the World Bank and other international financial institutions. \(^{50}\)

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\(^{48}\) Ibid, para C 2.

\(^{49}\) Parliamentary speech by Dr. Angelika Koester-Lossack on the Ilisu motion and Hermes reform motions, July 6\(^{th}\), 2001

\(^{50}\) Neue Kriterien für Großstaudämme - Berliner Konferenz einigt sich auf einen Empfehlungskatalog (New criteria for large dams – Conference in Berlin agrees on catalogue of recommendations). Press release by the
announcement would encompass the granting of Hermes guarantees, as the Ministry of Economic Cooperation and Development is one of the members of the interministerial grants committee.

3. Independent experts

On Environmental Impact Assessments, the environmental guideline for Hermes guarantees states;

“[i]n particular cases additional expertise or the revaluation of an existing expert opinion from an independent expert may be required.”  

This clearly holds for the Ilisu dam, requiring that the EIA be prepared in a manner independent of the project sponsors.

Italy

According to SACE, the Italian ECA involved in the Ilisu project, no decision has been taken on Ilisu and no guarantee promise has been accorded as concerns operations within the Ilisu project. The final decision will be taken in accordance with the insurance and guarantee policy of CIPE (Comitato Interministeriale per la Programmazione Economica), the Inter-departmental Committee that oversees SACE’s operations.

On 26 May 1999, a few days before CIPE had to discuss SACE’s involvement with the Ilisu project, the former Foreign Affairs representative within SACE’s board, Dr. Federico Di Roberto, replied in writing to a letter addressed to him and other competent authorities on 12 May 1999. He clearly highlighted how,

“Competent Italian authorities are investigating all different political, economic and environmental implications of the project. Evaluations following this in-depth discussion will be the prerequisite benchmark also for decisions to be taken regarding the issue of SACE guarantees on contracts into which Italian companies are seeking in order to participate in project implementation.”

In a letter dated 21 June 1999 and addressed to Reform the World Bank Campaign - Italy, former Italian Foreign Affairs Minister, Hon. Lamberto Dini, stated that, “Italian authorities are fully aware of different implications concerning the initiative.”

Furthermore, he made it clear that “besides, the need for further and thorough evaluations has led the V Committee from CIPE to abstain from taking any decision on this matter.”

Since that time, the Ilisu issue has not been on the agenda of CIPE and a final decision which would determine SACE operations has been de facto suspended.


Under the new benchmarking framework of newly introduced environmental guidelines, SACE has to evaluate compliance of the EIAR and RAP of the Ilisu project - which has been screened as a category A project for which a comprehensive EIA study is required - against internationally accepted standards.

No clarification has yet been given by SACE on which specific international standards will be used to evaluate compliance of the Ilisu project as presented in the Ilisu EIAR and RAP.
Section 3

General Comments on Ilisu EIAR:
Evaluation of compliance with internationally accepted practice on reference guidelines, scope, format, process and disclosure of "social operational documents"

Summary of major violations of international best practice

1. Failure to include a resettlement plan as part of EIAR

Guidelines breached:

- Ex-Im Bank Guideline Outline on Environmental Assessment Format and Content (para 5).
- World Bank Operational Policy 4.01, Environmental Assessment (para 8, footnote 10).
- World Bank Operational Memorandum, 3 December 1999, para.4.
- World Commission on Dams: Guideline 5 - Project Level Impact Assessment for Environmental, Social, Health and Cultural Heritage Issues, (p.283).

2. Failure to disclose resettlement action plan

Guidelines breached:

- Ex-Im Bank, Environmental Procedures (p.4, Project Financing, para 4 c.)
- World Bank Procedures on Disclosure of Operational Information (BP 17.50 para 12).
- World Bank Draft Operational Policy 4.12, Involuntary Resettlement (paras 16 (a) 17, 21 and 28).
- World Bank, Operational Policy 4.01, Environmental Assessment (para 8, footnote 10 and para 17).
- World Bank Operational Memorandum, 3 December 1999, (para.4).
- OECD Development Assistance Committee, Guidelines for Aid Agencies on Involuntary
To meet internationally accepted practice, the publication of the EIAR and the Executive Summary Resettlement Action Plan for Ilisu should provide interested parties, in particular those affected by the project, with an opportunity to review the resettlement provisions for Ilisu and to judge the progress made in meeting the condition laid down by the ECAs. However, both the EIAR and the Summary RAP fails to meet even minimum standards of international best practice for environmental and social assessments involving forced resettlement.

This section provides general comments on the EIAR and RAP's compliance with international best practice with regard to reference guidelines, scope, format, process and disclosure of "social operational documents". It finds that:

1. The EIAR fails to justify its choice of reference guidelines;
2. The EIAR significantly misrepresents the requirements of its chosen reference guidelines;
3. The EIAR and RAP violate World Bank guidelines on co-ordination in the preparations of RAPs and Environmental Assessments
4. The EIAR violates Ex-Im, World Bank, WCD and OECD guidelines by failing to include a resettlement action plan;
5. Both the EIAR and the RAP violate Ex-Im, WCD, OECD and World Bank guidelines with respect to public disclosure of "social operational documents" by failing to disclose the RAP.
6. The EIAR and the RAP violate World Bank, OECD and WCD guidelines with respect to consultation.

In and of themselves, these deficiencies are sufficient grounds for rejecting the EIAR. Moreover, following World Bank guidelines, the failure to release a RAP constitutes a
sufficiently gross violation of international best practice to trigger a halt to further processing of applications for support.

FAILURE TO JUSTIFY CHOICE OF GUIDELINES

The Ilisu Consortium and the Turkish government have adopted a "pick-and-mix" approach to international standards that is cavalier, self-serving and confused. Although World Bank guidelines are cited as the reference standards for Ilisu's Resettlement Action Plan, a completely different set of standards - Ex-Im Bank standards - have been applied to the EIAR.\(^3\) \(^4\) \(^5\) Contrary to internationally accepted practice, no adequate explanation is given for this discrepancy.

We note with disquiet that Ex-Im Bank standards are generally considered to be less onerous than those of the World Bank and OECD with regard to resettlement. Indeed the EIAR acknowledges that it was unable to comply with the higher World Bank and OECD standards for EIAs.\(^6\) Given that the ECAs require that as a condition of approval, the project meet internationally accepted practice; that US Ex-Im Bank was a participant in the World Commission on Dams (which establishes internationally accepted practice); that the UK government's consultants specifically recommended that the EIAR conform to World Bank OP 4.01 (herefore considered a benchmark of internationally accepted practice); and that the UK ministers have bound the ECGD to applying OECD standards for evaluating Ilisu's resettlement provisions (see Section 2), this would suggest a prima facie case for concluding that the ECAs' condition has not been complied with and

\(^3\) The EIAR is selective not only as to the guidelines it takes into account but also as to those elements of cited guidelines which it deems important. For example, it dismisses the need to analyse cumulative downstream impacts, despite this being a requirement of the guidelines which it claims to take into account.

\(^4\) "The Export-Import Bank of the United States (Ex-Im Bank) having published a formal set of guidelines for environmental impact assessment, the EIAR has been prepared to comply first and foremost with their 'Environmental Procedures and Guidelines' (Appendix 24) on the understanding that such compliance would satisfy also the other ECAs and lenders involved." See: Ilisu Dam and HEPP Environmental Impact Assessment Report, April 2001, p.1-2. Hereafter: EIAR.

\(^5\) The EIAR also states that "other guidelines and good practice methods recommended by international agencies for environmental impact assessment were . . . taken into account." Those listed by the EIAR include: the World Bank's Operational Directive 4.01 on Environmental Assessment; the OECD Guideline on Environment and Aid No.1, Good Practice for Environmental Impact Assessment of Development Projects; the World Bank's Guidelines on Hydroelectric Projects; the World Bank's Operational Directive 4.30 on Involuntary Resettlement; and the "Third OECD Guideline on Aid and Environment". We note that one of these guidelines - Operational Directive 4.01 - is no longer operational. Since January 1999, it has been superseded by Operational Policy 4.01 and BP 4.01. The Review assumes that the reference to OD 4.01 is an unintentional error.

\(^6\) Ex-Im Bank’s environmental procedures and guidelines were issued on February 1. The procedures and guidelines were revised on 2 April 1996 and again on 2 April 1998 following a review of their effectiveness in mitigating adverse environmental effects of Ex-Im Bank supported projects and their effect on the competitiveness of US exporters. The procedures and guidelines, as revised on 2 April 1998, were extended on 2 April 2001 and will remain in effect until 14 December 2001, See: Ex-Im Bank Environmental Procedures, Introduction, p.1, www.exim.gov/envproc.html accessed 23/08/2001.

\(^7\) Environmental Resources Management, Environmental Review of Ilisu Dam Project - Desk review of EIA and associated documents, November 1999.
that therefore export credit guarantees should not, and cannot, be granted.

INACCURATE AND MISLEADING SUMMARY OF EX-IM GUIDELINES

The EIAR’s summary of the Ex-Im Bank guidelines with respect to resettlement and socio-cultural context is inadequate and misleading. 58 For example:

- In paragraph 1.3.1, the EIAR claims that Ex-Im guidelines do not require Resettlement Action Plans to be produced as part of an EIAR: “The guidelines provide that a Resettlement Action Plan can be either part of the EIAR or can be conducted independently. For the Ilisu Project, this second alternative has been preferred.” 59 No reference is cited in support of this claim, which constitutes the IEG’s sole justification for not including a RAP in the EIAR. Moreover, despite a detailed examination of Ex-Im guidelines, including the Handbook prepared for Ex-Im staff, 60 the Review has been unable to find any provision permitting RAPs to be produced independently of EIARs.

- The EIAR omits to mention that Ex-Im’s Guidance Outline on Environmental Assessment Format and Content identifies a resettlement plan as a component that an EIAR “should include”. 61 To assist applicants in the preparation of an Environmental Assessment, the guideline provides a sample outline and “a list of issues to be addressed.” 62 Under the section on “socio-cultural context”, it specifically headlines “implement resettlement plans” as a key mitigation measure on which it requires detailed information. 63 Despite its relevance to Ilisu, including the fact that it is one of the four conditions that ECAs have given as prerequisites of their support, this requirement is neither cited nor discussed. 64

VIOLATION OF WORLD BANK PROCEDURES ON CO-ORDINATION OF EIAR AND RAP

58 EIAR, p.1-2

59 EIAR, p.1-7, para 1.3.1.


61 Ex-Im Bank, Guidance outline on environmental assessment format and contents, www.exim.gov/envasct.html, p.2: “The EA should include a discussion of the identified issues and potential mitigative measures applicable to the specific project.”

62 Ex-Im Bank, Guidance outline on environmental assessment format and contents, www.exim.gov/envasct.html, p.1


64 It is worth noting that revisions proposed by Ex-Im to its guidelines in January 2001 would have made the requirement for a resettlement action plan even clearer. The revisions state: “All resettlement or relocation of local residents, indigenous people and communities must be in compliance with local and national laws and address international standards such as World Bank... A suitable resettlement plan will be prepared commensurate with the significance and scope of the social disturbance caused, and include mitigation of the impacts. A process of public disclosure and consultation should be sufficiently demonstrated. The project sponsors should consult in a meaningful and timely manner with project-affected groups including non-governmental organisations (NGOs) about the project’s objectives and impacts. The views gathered should be documented, evaluated and taken into account.” (Export-Import Bank of the United States Environmental Procedures and Guidelines - Draft January 2001. Table 9, Hydropower and Water Resources Management - socioeconomic and sociocultural resources).
Relevant guidelines breached:

**World Bank: Operational Directive OD 4.30 Involuntary Resettlement (para 20).**

World Bank OD 4.30 (Involuntary Resettlement) requires that resettlement plans "must be developed in co-ordination with the Environmental Assessment."

Such co-ordination appears to have been lacking or inadequate in the case of Ilisu. Discussing a key stakeholder survey undertaken as part of the RAP, the EIAR admits that the full results were never transmitted to the IEG. No explanation for this lack of co-ordination is given.

The ECAs should require that the EIAR give a full account of co-ordination between the RAP team and the IEG. The account should include details of RAP documents which were requested by the EIAR team, whether they were received and whether any material was denied to the IEG.

### VIOLATION OF EX-IM, WORLD BANK, OECD AND WCD ENVIRONMENTAL PROCEDURES ON INCORPORATION OF RESETTLEMENT PLANS IN ENVIRONMENTAL ASSESSMENTS

Relevant guidelines breached:

- **World Bank: collectively - "OD 4.30, Involuntary resettlement, para 30; Operational Policy 4.01, Environmental Assessment, (para 8, footnote 10); Operational Memorandum, 3 December 1999, para.4."**
- **OECD: Environmental Impact Assessment.**
- **World Commission on Dams: Guideline 5 - Project Level Impact Assessment for...**

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65 World Bank Operational Direct 4.30, Involuntary Resettlement, June 1990, para 20: "The resettlement plan must be developed in coordination with the EA . . ."


67 EIAR 4-106, "Some results of the survey have been transmitted to the IEG".

68 World Bank OD 4.30 Involuntary Resettlement, para 30: "Submission to the Bank of a time-bound resettlement plan and budget that conforms to Bank policy is a condition of appraisal for projects involving resettlement . . . All final EPSs [Executive Project Summaries] should confirm that this requirement has been met."

69 World Bank, OP 4.01, Environmental Assessment, para 8, footnote 10: "A potential impact is considered 'sensitive' if it may be irreversible . . . or raise issues covered by OP 4.20 Indigenous Peoples; OP 4.04 Natural Habitats; OP 4.11 Safeguarding Cultural Property in Bank-financed Projects (forthcoming); OP 4.12 Involuntary Resettlement (forthcoming)."

70 World Bank, OP 4.01, Environmental Assessment, Annex B, para 2 (h) (v): "The EA should include . . . list of associated reports (e.g. resettlement plan . . .)."

71 World Bank, Environmental Assessment, Annex C, para 2: "The EMP [Environmental Management Plan . . . (d) provides linkage with any other mitigation plans (e.g. For involuntary resettlement . . .) required for the project.
The World Bank requires that resettlement plan be "submitted to Bank before appraisal, incorporated in EA report and disclosed with it." The relevant page from the Bank's website is appended as Annex 3. The Bank cites the following operational directives and operational policies in support of this requirement: "OD 4.30, para 30; OP 4.01, para 8, footnote 10; OP 4.01, Annex B, para 2; OP 4.01, Annex C, para 2; Operational Memorandum, 3 December 1999, para 4." As such, the EIAR fails to comply with World Bank guidelines. Failure of an EIA to include a resettlement plan has proved sufficient grounds for the World Bank to reject an EIA.

OECD guidelines also require EIAs to include a resettlement plan.

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72 WCD, op.cit. ref 43, p.283. Guideline 5: "IA [Impact Assessment] should include an Environmental Impact Assessment, a Social Impact Assessment, a Health Impact Assessment and a Cultural Heritage Impact Assessment as explicit components and comply with international professional standards. The assessments should be sufficiently detailed to provide a pre-project baseline against which post-project monitoring results can be compared."

73 See for example: EIAR p.4-105, "All these estimates [relating to the numbers to be resettled] must be interpreted with caution."

74 EIAR, p. 1-1 "Resettlement issues have been addressed in the context of this EIAR rather than in a separate study. Considering what is presently known, the importance of this issue has been fully grasped by IEG and its dimensions have been analysed. However, this analysis does not represent a full resettlement study."


76 World Bank OD 4.30 Involuntary Resettlement, para 30: "Submission to the Bank of a time-bound resettlement plan and budget that conforms to Bank policy is a condition of appraisal for projects involving resettlement... All final EPSs [Executive Project Summaries] should confirm that this requirement has been met."

77 World Bank, OP 4.01, Environmental Assessment, para 8, footnote 10: "A potential impact is considered 'sensitive' if it may be irreversible... or raise issues covered by OP 4.20 Indigenous Peoples; OP 4.04 Natural Habitats; OP 4.11 Safeguarding Cultural Property in Bank-financed Projects (forthcoming); OP 4.12 Involuntary Resettlement (forthcoming)."

78 World Bank, OP 4.01, Environmental Assessment, Annex B, para 2 (h) (v): "The EA should include... list of associated reports (e.g. resettlement plan...)."

79 World Bank, Environmental Assessment, Annex C, para 2: "The EMP [Environmental Management Plan... (d) provides linkage with any other mitigation plans (e.g. For involuntary resettlement...) required for the project.

80 World Bank, Disclosure of Environmental and Social Operation Documents, column 5 (resettlement plans)

81 In the case of the Bujagali dam in Uganda, the World Bank's private sector arm, the International Finance Corporation rejected an EIA for the project because it did not contain a resettlement plan.

82 OECD, DAC 1 (Environmental Impact Assessments), pp.13-14: "In general the terms of reference for a thorough EIA should include... a statement of measures for the protection and/or resettlement of affected
VIOLATION OF WORLD BANK, OECD AND EX-IM GUIDELINES ON DISCLOSURE OF ENVIRONMENTAL AND SOCIAL OPERATIONAL DOCUMENTS.

Relevant guidelines breached:
World Commission on Dams: Guideline 5 - Project-Level Impact Assessment for Environmental, Social, Health and Cultural Heritage Issues. 

World Bank standards stipulate that draft Environmental Assessments, incorporating any resettlement action plan, should be made "available at a public place accessible to project-affected groups and local NGOs." The Bank's forthcoming guidelines on involuntary resettlement (Draft OP 4.12) contains a similar stipulation for disclosure of the RAP.

Ex-Im Bank guidelines with respect to disclosure of social operational documents are also clear. Where the Bank requires an environmental assessment of a project, its guidelines state that a copy of the EAIR "in a form authorized by the project sponsors" will be made available to interested parties during Ex-Im Bank's application review process. The guideline only permits applicants to remove "confidential and proprietary business information" from the EAIR that is submitted; all other information required by Ex-Im must be included. Since Resettlement Action Plans do not fall into the category of "confidential information", and given that Ex-Im requires EIARs to include resettlement action plans (see above), the failure to publish the now completed RAP in the EIAR constitutes a de facto breach

population groups, indicating their reactions to proposals on these issues (for details see the DAC 'Guidelines for Aid Agencies on Involuntary Displacement and Resettlement in Development Project')."

WCD, op.cit. ref 43, p.284. Guideline 5: "IAs [Impact Assessments should be public documents, posted on relevant websites and disseminated in appropriate languages."

Letter from Baroness Symons, Under-secretary of state for the Foreign Office, to Philip Leach, Legal Director, Kurdish Human Rights Project, undated but received on 13 August 2001.

The summary posted on the DSI's web site is a mere 3 pages long. By comparison, the summary of the EIAR is 20 pages.

World Bank OP 4.01, Environmental Assessments, para 17. See ref 87 for full text


Ex-Im Bank, Environmental Procedures, p.4 (Project Financing). For full text, see ref 86.

"At the time of final application the sponsor should submit a copy of the environmental assessment that does not contain confidential or proprietary business information, in a form suitable for release to interested parties in accordance with the procedure . . . for making environmental information available. " See: Ex-Im Bank, Environmental Procedures, www.exim.gov/envproc.html, p.4 (Project Financing), accessed 23/08/2001.
of Ex-Im Bank's Environmental Procedures.

Although OECD guidelines make no specific provisions for the manner of disclosure of RAPs, their requirement that affected peoples should be involved in the preparation of both EIAs and RAPs presupposes the release of both documents, as does the recommendation that participation by local NGOs should be encouraged.\(^91\)

The refusal to disclose the RAP puts both the EIAR and the RAP itself in gross violation of World Bank, OECD and Ex-Im standards for disclosure of environmental and social operational documents. The violation of World Bank standards is specially pertinent since the Turkish government has undertaken to ensure that the RAP complies with World Bank guidelines.\(^92\)

In our view, the violation is sufficiently grave to require an immediate halt to project processing since the World Bank's Procedures on Disclosure of Operational Information (BP 17.50), para 12, September 1993, explicitly states: "If, in any exceptional case, the government objects to broader release of the EA, staff should not continue with project processing."\(^93\)

In our view, the non-disclosure of the RAP, and the attendant failure of the Ilisu Consortium to incorporate a RAP in its EIAR, constitutes sufficient grounds for ECAs to reject the EIAR and to cease further processing of the project.

**VIOLATION OF WORLD BANK, OECD AND WCD POLICIES ON CONSULTATION**

Relevant guidelines breached:


\(^91\) OECD, Development Assistance Committee, Good Practice for Environmental Impact Assessment of Development Projects, Guidelines on Aid and Environment No1, pp. 12 and 13: "The participation of both men and women in the population affected (target groups as well as other affected groups) should be sought . . . The participation of non-governmental organisations in the recipient country should be encouraged."

\(^92\) EIAR, p.1-7: " . . . it should be noted that DSI expropriation authorities have expressed their commitment to comply with WB [World Bank] guidelines on 'Resettlement Action Plan'."


\(^94\) World Bank OP 4.01, Environmental Assessments, January 1999, paras 15, 16, 17 state: "For all category A and B projects proposed for IBRD or IDA financing, during the EA process, the borrower consults project-affected groups and local non-governmental organisations (NGOs) about the project's environmental aspects and takes their views into account . . . For meaningful consultations between the borrower and project-affected groups and NGOs . . . the borrower provides relevant material in a timely manner prior to consultation and in a form and language that are understandable and accessible to the groups being consulted . . . For a Category A project, the borrower provides for the initial consultation a summary of the proposed project's objectives, description and potential impacts; for consultation after the draft EA is prepared, the borrower provides a summary of the EA's conclusions. In addition, for a Category A project, the borrower makes the draft EA report available at a public place accessible to project-affected groups and local NGOs."

\(^95\) World Bank OD 4.30, Involuntary Resettlement, June 1990, para 8: "The involvement of involuntary resettlers and hosts in planning prior to the move is critical . . . To obtain cooperation, participation, and feedback, the
World Bank guidelines on Environmental Assessment (OP/BP 4.01),\textsuperscript{99} Involuntary Resettlement (OD 4.30\textsuperscript{100} and OP/BP 4.12\textsuperscript{101}) stipulate that there should be meaningful consultation with affected peoples and NGOs on the contents of EIARs and RAPs.

OP 4.01 states that "for meaningful consultations" with project affected groups and local NGOs to take place, "relevant material" must be provided "in a timely manner prior to consultation and in a form and language that are understandable and accessible to the groups being consulted."\textsuperscript{102} OP 4.12 contains similar language with regard to RAPs.\textsuperscript{103}

As noted previously, OECD guidelines on Environmental Impact Assessment state that the participation of both women and men in the population affected and of non-governmental organisations in the recipient country should, respectively, be "sought" and "encouraged."\textsuperscript{104}

For the WCD, participation, consultation and negotiation are required throughout the process of drawing up and implementing EIARs and RAPs.\textsuperscript{105}

The EIAR and RAP fail to comply with the above requirements on consultation. A full

\textsuperscript{96} World Bank Draft OP 4.12, Involuntary Resettlement, 6 March 2001, para 2b: "Displaced persons should be meaningfully consulted and have opportunities to participate in planing and implementing resettlement programmes."

\textsuperscript{97} WCD, op. cit. ref 43, Strategic Priority 2.1 - Comprehensive Options Assessment, p.221: "Development needs and objectives are clearly formulated through an open and participatory process before the identification and assessment of options for water and energy resources development."

\textsuperscript{98} WCD, op. cit ref 43, Strategic Priority 5, Recognising Entitlements and Sharing Benefits, para 5.3: "All recognised adversely affected people negotiate mutually agreed, formal and legally enforceable mitigation, resettlement and development entitlements."


\textsuperscript{100} World Bank OD 4.30, Involuntary Resettlement, June 1990, para 8. For full text, see ref 102.

\textsuperscript{101} World Bank Draft OP 4.12, Involuntary Resettlement, 6 March 2001, para 2b. For full text, see ref 103.

\textsuperscript{102} World Bank OP 4.01, Environmental Assessments, January 1999, para 16 (see ref 101 for text).

\textsuperscript{103} World Bank Draft OP 4.12, Involuntary Resettlement, 6 March 2001, para 21 (see ref 88 for text)

\textsuperscript{104} OECD, Development Assistance Committee, Good Practice for Environmental Impact Assessment of Development Projects, Guidelines on Aid and Environment No.1, Paris 1992, p12 ("sought") and p.13 (encouraged").

\textsuperscript{105} See refs 104 and 105.
EIAR has not, to our knowledge, been placed in any place accessible to affected groups and NGOs: publication on the internet, though welcome, is not sufficient, given that few within the affected communities have access to the internet. To our knowledge, no relevant materials have been made available by the project developers or the Ilisu Consortium or the ECAs in Kurdish or Turkish.

Further failures to comply with World Bank, OECD and WCD guidelines on consultation are detailed in Section 4.
Section 4

Specific Comments on Resettlement Provisions in Ilisu EIAR:

Evaluation of compliance with internationally accepted practice on ethnic minorities, impacts, socio-economic surveys, consultation, participation, safeguarding human rights, resettlement plan budgets, resettlement development plans.

Summary of Major Violations

1. Failure to incorporate "indigenous peoples' development plan"

2. Failure to assess legal rights of affected ethnic minority
   World Bank OD 4.20, Indigenous Peoples, para 15 (a)

3. Failure to carry out full census and socio-economic survey:
   unreliable information on numbers affected and other major information gaps
   World Bank Draft OP 4.12, Involuntary Resettlement, (part IV, para 13; Annex paras 6 a) and b)).
   World Bank, OD 4.30 Involuntary Resettlement, para 11.
   OECD, DAC 3, Involuntary Resettlement.
   World Commission on Dams, Strategic Priority 4 - Sustaining Rivers and Livelihoods.
   World Commission on Dams, Guideline 17 - Baseline Social Conditions.

4. Inadequate analysis of Turkish expropriation experience
   World Bank OD 4.30 Involuntary Resettlement, para 12.
   OECD DAC 3 Involuntary Displacement and Resettlement.

5. Failure to comply with international best practice on consultation
   World Bank Draft OP 4.12 (Involuntary Resettlement) para 1b, para 12a, para 18.
   World Bank OD 4.30 (Involuntary Resettlement), para 3c, para 8, para 9.
   OECD, DAC 3, Involuntary Displacement and Resettlement, p.7.
   WCD Strategic Priority 2 Comprehensive Options Assessment (para 2.1).
   WCD Strategic Priority 5 Recognising entitlements and sharing benefits (para 5.3).
6. Failure to ensure participation


OECD: DAC 3, Involuntary Displacement and Resettlement, p.7
WCD: Strategic Priority 2 Comprehensive Options Assessment (para 2.1; para 5.3)
WCD Strategic priority 5 - Recognising Entitlements and Sharing Benefits, Key message and para 5.3.

7. Failure adequately to assess the gender implications of resettlement

World Bank OD 4.30, Involuntary Resettlement, para 8
WCD Strategic Priority 1 - Gaining Public Acceptance, para 1.2 and p.217.

8. Failure to demonstrate adequate institutional framework

World Bank OD 4.30 (Involuntary Resettlement), paras 6; OP 4.12 paras 16, 17.

9. Failure to produce credible budget

World Bank OD. 4.30 (Involuntary Resettlement) paras 4 , 29 and 30.
OECD, DAC 3, Involuntary Resettlement, "Appraisal and Negotiations", p.9
WCD Strategic Priority 6 - Ensuring Compliance, para 6.3

10. Relying on economic growth to relieve post-project impacts

World Bank OD 4.30 Involuntary Resettlement, para 3b; para 18.

12. Independent and participatory monitoring

World Bank OD 4.30, para 22
World Bank, Draft OP 4.12, Annex, para 21
OECD DAC 3, Involuntary Displacement and Resettlement, p.12
WCD Strategic Priority 6 - Ensuring compliance, para 6.1

13. Previous record of the Turkish authorities on resettlement

World Bank Draft BP 4.12 (Involuntary resettlement), para 2(d).

14. Failure to analyse Resettlement Alternatives

World Bank: OD 4.30 para 3a
OECD: DAC 3, Involuntary Displacement and Resettlement
WCD: Strategic Priority 2 - Comprehensive Options Assessment, paras 2.2, 2.3, 2.4 2.5
This section reviews the state of resettlement planning for Ilisu and the provisions that the authorities have made for resettlement against:

- World Bank guidelines, the cited reference guidelines for the RAP;\(^\text{106}\)

- OECD guidelines, the cited reference guidelines of the UK government (\textit{see Section 2});\(^\text{107}\)

- The guidelines of the World Commission on Dams, also cited as a reference benchmark by the UK government (\textit{see Section 2}).

Owing to the non-disclosure of the RAP (\textit{see Section 3}), the opportunity to conduct a comprehensive review of the proposed resettlement measures has been denied to us. We have therefore been obliged to rely on:

1) Information supplied in the EIAR. Due regard has been taken of the EIAR's admission that it does not itself constitute a resettlement action plan; that key documents available to the RAP team were not passed to the EIAR team; and that the EIAR itself warns that its data should be treated with caution (\textit{see Section 3}).

3) The executive summary of the RAP, as posted on the DSI's web page.\(^\text{108}\) We have assumed that this document accurately summarises the contents and components of the full report and that any components missing from the summary are also missing from the review.

3) The interim review conducted by Ayse Kudat on behalf of the ECAs in August 2000 of the draft Resettlement Action Plan,\(^\text{109}\) which details some of the findings of the RAP's research up to that date.

4) The results of independent field assessments made by parliamentarians and non-governmental organisations.

\textbf{Major relevant provisions}

The major OECD, World Bank and WCD guidelines, directives, operational policies and procedures which relate to resettlement are set out below:

\textbf{OECD}

OECD Development Assistance Committee, Good Practices for Environmental Impact

\(^{106}\) EIAR, 1-7. "It should be noted that DSI expropriation authorities have expressed their commitment to comply with the World Bank guidelines on Resettlement Action Plan" (sic).

\(^{107}\) The OECD standards are also the IEG's recommended reference guidelines for the RAP: "IEG recommends that the Resettlement Action Plan (RAP) under preparation complies with OECD Guideline" (sic).

\(^{108}\) DSI, Executive Summary: Resettlement Action Plan of Ilisu and HEPP Project, \url{www.dsi.gov.tr/enghm.htm}.

\(^{109}\) Kudat Report, \textit{op. cit.} ref 7.
The World Bank has ten environmental and social safeguard policies, intended to ensure that Bank operations “do no harm” to people and the environment. The policies, which are mandatory, have been in place since the early to late 1980s.

When first formulated, the safeguards took the form Operational Directives which combined mandatory policy, Bank procedures and “good practice” advice. In order to distinguish “policies” from “procedures”, however, the Bank is in the process of converting the old ODs into Operational Policies (OPs) and Bank Procedures (BP). The Bank has stated that that the conversions will not result in any dilution of the safeguards. Most of the ODs have now been converted. Of the ten safeguards policies, 4 are particularly applicable to Ilisu:

World Bank Operational Directive OD 4.20 Indigenous Peoples, September 1991. Applies to all projects involving "social groups with a social and cultural identity distinct from the dominant society that makes them vulnerable to being disadvantaged in the development process." This directive covers ethnic minorities, such as the Kurds of SE Turkey, and is automatically applicable to any project where indigenous peoples are affected.

__WORLD COMMISSION ON DAMS__

World Commission on Dams, Strategic Priority 6, *Ensuring Compliance*, Chapter 8 and
Evaluation of compliance

For ease of reference, we have evaluated the current known state of resettlement planning for Ilisu under eight headings, each reflecting key elements of the above guidelines: ethnic minority rights, consultation, participation, socio-economic surveys, institutional arrangements, vulnerable groups, gender issues and budgets. Our findings are presented below. Because WCD guidelines are broader in scope than those of the OECD and World Bank, our evaluation of compliance with WCD standards is set out in a separate subsection below.

FAILURE TO INCORPORATE "INDIGENOUS PEOPLES' DEVELOPMENT PLAN"

Relevant guidelines breached:


As noted above, the Kurdish ethnic minority affected by the Ilisu project falls within the World Bank's definition of "indigenous peoples". The World Bank's Operational Directive on Indigenous Peoples (OD 4.20) requires that any investment project that affects indigenous peoples should incorporate a culturally-appropriate development plan "based on full consideration of the options preferred by the indigenous people affected by the project." It also states that "When the bulk of the direct project beneficiaries are

118 Hereafter WCD Priority 6

119 OD 4.20 (Indigenous Peoples) paras 13: "For an investment project that affects indigenous peoples, the borrower should prepare an indigenous peoples development plan that is consistent with the Bank's policy. Any project that affects indigenous peoples is expected to include components or provisions that incorporate such a plan. When the bulk of the direct project beneficiaries are indigenous people, the Bank's concerns would be addressed by the project itself and the provisions of this OD would thus apply to the project in its entirety."

120 OD 4.20 (Indigenous Peoples) paras 14 (a): "Prerequisites of a successful development plan for indigenous peoples are as follows: a) The key step in project design is the preparation of a culturally appropriate development plan based on full consideration of the options preferred by the indigenous people affected by the
indigenous people, the . . . OD would thus apply to the project in its entirety."

The EIAR correctly identifies those affected as being an ethnic minority and recommends that "specific attention should brought to the protection of the rights of minorities and to the preservation of the cultural values of the resettlers in order to avoid any perception of bias in the context of the planning and implementation of expropriation or resettlement programs." It fails, however, to refer to the need for the RAP to comply with OD 4.20 if the Turkish government commitment to adhere to World Bank resettlement policies is to be fulfilled. Indeed, there is no indication that project developers are even aware that the Bank's Indigenous Policy would apply to the RAP.

No indigenous peoples' development plan appears to have been prepared, let alone incorporated into the RAP.

FAILURE TO ASSESS LEGAL RIGHTS OF AFFECTED ETHNIC MINORITY

A key component of the Bank's required Indigenous Peoples' Development Plan (see above) is an assessment of "the ability of [affected indigenous groups] to obtain access to and effectively use the legal system to defend their rights."

In the case of Ilisu, this would entail an assessment of the rights of the indigenous ethnic Kurds to access the Turkish legal system in order to defend any rights affected by the dam project. No such assessment appears in either the EIAR or the Executive Summary of the RAP. This omission is particularly serious since Ilisu is to be built in an area of Turkey where the Kurdish ethnic minority has been subject to widespread discrimination and abuse of their human rights.

As documented in the introductory section, the region has been devastated by an armed conflict between Turkey's security forces and the Kurdistan Workers' Party (PKK). International sources such as the UNHCR, US State Department and human rights organisations (such as Human Rights Watch) have reported on the forced depopulation by the Turkish security forces of thousands of villages in southeastern Turkey where the


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121 Ibid

122 EIAR, 5-15.

123 OD 4.20 (Indigenous Peoples), para 15 (a): "The [indigenous peoples' development plan] should contain an assessment of (i) the legal status of the groups covered by this OD, as reflected in the country's constitution, legislation, and subsidiary legislation (regulations, administrative orders etc.) and (ii) the ability of such groups to obtain access to and effectively use the legal system to defend their rights."

124 Ibid
PKK has been active. Despite government promises to compensate villagers, little effort has been made to facilitate the return of displaced persons to their homes or to compensate them for the destruction and loss of their property. Torture, rape and extra-judicial killings have been widespread in the region (see Section 1).

Although armed conflict has ceased, following a PKK cease-fire, the region is still subject to Emergency Rule (OHAL) and human rights abuses continue. Under the provisions of OHAL (renewed in July 2001 until the end of the year), freedom of expression, movement and assembly is curtailed. The European Court of Human Rights has also repeatedly found Turkey in violation of Article 13 (right to an effective remedy) of the European Convention of Human Rights, an issue of particular relevance to OD 4.20 para 15a. 125

The everyday discrimination against the Kurdish ethnic minority and the lack of basic human rights in the region are both major complicating factors for the Ilisu resettlement and compensation package. Regardless of the requirements of OD 4.20, both issues should have been central to any realistic assessment of resettlement prospects for those who will be ousted by the dam. It is therefore of grave concern that both the EIAR and the RAP give a grossly distorted and inaccurate account of human rights conditions in the region. For example:

- No mention of Emergency Rule is made in the Executive Summary of the RAP. In the EIAR, it is referred to only through euphemisms, such as "specific administration" or "supergovernership" are used. No consideration is given to the implications for resettlement at Ilisu.

- The recent war, which killed an estimated 30,000 people and displaced some 3 million, is referred to as a "social dispute", as if it were a row between neighbours, or as "regional tensions";

- Both the EIAR and Executive Summary of the RAP give a highly selective and misleading account of out-migration from the region. Although the EIAR states the opinion that "this migration can be partially explained by the terrorism which had arisen

125 See for example, Aksoy v Turkey, ECtHR, Judgment of 18 December 1996; Mentes & Ors v Turkey, ECtHR, Judgment of 28 November 1997; Selek and Asker v Turkey, ECtHR, Judgment of 24 April 1998; Kaya (Mehmet) v Turkey, ECtHR, Judgment of 19 February 1998; Aydin (Sukran) v Turkey, ECtHR, Judgment of 25 September 1997; Kurt v Turkey, ECtHR, Judgment of 25 May 1998; Tanrikulu v Turkey, ECtHR, Judgment of 8 July 1999; Cakici v Turkey, ECtHR, Judgment of 8 July 1999; Tekin v Turkey, ECtHR, Judgment of 9 June 1998; Ergi v Turkey, ECtHR, Judgment of 28 July 1998; Yasa v Turkey, ECtHR, Judgment of 2 September 1998; Kaya (Mahmut) v Turkey, ECtHR, Judgment of 28 March 2000; Kilic (Cemil) v Turkey, ECtHR, Judgment of 28 March 2000; and Timurtas v Turkey, ECtHR, Judgment of 13 June 2000.

126 EIAR, EXE-7

127 EIAR, EXE-7
after 1992 in the eastern areas, and that some "migration" was "involuntary," no mention is made of the security forces' deliberate policy of village destruction and evacuation - a policy that, on the Turkish Parliament's own figures, is estimated to have forced the inhabitants of some 3,185 villages and hamlets to flee their homes since 1990. Others put the figures far higher, estimating that 4,000 villages were destroyed and 10 million Kurds displaced.

- Like the EIAR, the Executive Summary of the RAP (and we presume therefore the RAP itself) places any blame for involuntary migration on the activities of the PKK, making no reference to the government's village evacuation policy. In the main, and quite erroneously, "outmigration" is attributed to villagers leaving their homes "in search of work," an analysis which is at odds with surveys referred to in the EIAR which cite 42.3% of respondents leaving their homes due to the war as against 36.4% for employment.

We regard the EIAR's and RAP's treatment of this critical issue as grossly inadequate and misleading. Given the poor English in those sections and sentences of the EIAR which touch on the security situation in the region, we question whether the EIAR has been censored by the Turkish authorities. If so, we would note that EIARs are intended to be independent assessments of the impacts of a project: interference by the project developer would be grossly improper. In our view, it would constitute ground for rejecting the document as a grave violation of international best practice.

FAILURE TO CARRY OUT FULL CENSUS AND SOCIO-ECONOMIC SURVEY:

UNRELIABLE INFORMATION ON NUMBERS AFFECTED AND OTHER MAJOR INFORMATION GAPS

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128 EIAR p3-65. See also: p.4-86 ("because of local terrorist activities") and p.4-93 ("for security reasons caused by PKK").

129 EIAR, EXE-7. In section 4 (4-95), the EIAR also notes that there has been "forced evacuation of many settlements" but fails to put this into the context of human rights abuses in the region or to analyse the implications for resettlement.

130 Council of Europe - Committee on Migration, Refugees and Demography, "Humanitarian Situation of the Kurdish Refugees and Displaced Persons in South-East Turkey and North Iraq", Doc. 8131, June 1998. This report cites July 1997 press conference statement in which the Chairman of the Turkish Parliamentary Committee established to look into the problem of village evacuations confirmed that almost 365,000 inhabitants of 3,185 villages and hamlets had been forced out of their homes since 1990.

131 Ibid, regarding number of destroyed villages. Regarding the number of evacuees, see David Morgan, "Turkey, Human Rights and the Kurds," Kurdish Centre for Human Rights, Geneva, March 2001. As early as 1994, Turkey's own Human Rights Minister, Azimet Koyluoglu, estimated that 2 million villagers had been displaced and that 600 villages and 790 hamlets had been evacuated in the period from 1984-1994.

132 By the end of 1992, entire districts, including Sirnak, Silopi and Eruh (all overlapping the Ilisu region) had lost all their villages, with the exception of one village guard district. See: Kurdish Human Rights Project, "Mentes and others v Turkey, a KHRP case report on village destruction in Turkey", September 1998.

133 Executive Summary, RAP, p.1 and p.2.

134 EIAR, p.3-66.

135 It has been alleged to us that the EIAR was delivered in January to DSI and returned to the EIAR authors in April 2001. In the interim, DSI and the GAP authorities "edited" the text. This allegation requires investigating.
Upon identification of the need for involuntary resettlement in a project, the borrower carries out a census to identify the persons who will be affected by the project and to determine who will be eligible for assistance.

Para 6 a) states: "The results of a census survey covering: i. Current occupants of the affected area to establish a basis for the design of the resettlement program... ii. Standards characteristics of displaced households, including a description of production systems, labour and household organisation; baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population; iii. The magnitude of the expected loss - total or partial - of assets, and the extent of displacement, physical or economic; iv. Information on vulnerable groups or persons as provided for in para 8 of OP 4.12, for whom special provisions may have to be made; and v. provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their departure."

Para 6 b) requires: "Other studies describing: i. Land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, and non-title-based usufruct systems (including fishing, grazing or use of forest areas) governed by local recognised land allocation mechanisms and any issues raised by different tenure systems in the project area; ii. The patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project; ... iv. Social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g. Community organisations, ritual groups, non-governmental organisations) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities."

Resettlement plans should be based on recent information about the scale and impact of resettlement on the displaced population. In addition to describing standard household characteristics, socio-economic surveys should describe (a) the magnitude of displacement; (b) information on the full resource base of the affected population, including income derived from informal sector and non-farm activities, and from common property; (c) the extent to which groups will experience total or partial loss of assets; (d) public infrastructure and social services that will be affected; (e) formal and informal institutions...; (f) attitudes on resettlement options. Socio-economic surveys, recording the names of affected families, should be conducted as early as possible..."

OECD, DAC 3, Involuntary Displacement and Resettlement, p.7: "The plan should normally include provisions for the following... socio-economic survey."

WCD, op. cit, ref 43, Strategic priority 4 - Sustaining Rivers and Livelihoods, para 4.1, p.234: "A basin-wide understanding of the ecosystems's functions, values and requirements, and how community livelihoods depend on and influence them, is required before decisions on development options are made."

WCD, op. cit. Ref 43, Recognising Entitlements and Sharing Benefits - Guideline17 Baseline Social Conditions, p.296: "Constructing a social baseline is central to the planning and implementation process."

World Bank Draft OP 4.12 part IV, Involuntary Resettlement, para 13, also Annex para 6 a) and b). For text, see above ref 153.
- A full socio-economic survey should be carried out "describing (a) the magnitude of displacement; (b) information on the full resource base of the affected population, including income derived from informal sector and non-farm activities, and from common property; (c) the extent to which groups will experience total or partial loss of assets; (d) public infrastructure and social services that will be affected; (e) formal and informal institutions…; (f) attitudes on resettlement options."\(^\text{143}\text{ 144}\)

- The names of affected families should be recorded "as early as possible."\(^\text{145}\)

- Land tenure systems should be described, including an inventory of common property resources.\(^\text{146}\)

- A description of formal and informal institutions in the affected communities, including the identification of non-governmental organisations that "may be relevant to the consultation strategy and to designing and implementing the resettlement activities."\(^\text{147}\)

- Information should be provided on vulnerable groups for whom special provisions may have to be made.\(^\text{148}\)

The EIAR makes it clear that, as of the date of its completion (April 2001):

No up-to-date census had been completed

The EIAR acknowledges that "census surveys represent the most obvious and reliable source of data"\(^\text{149}\) on the number of people who currently live in affected settlements but admits that no up-to-date census data was available to it. As a result, it relied on a census that is now four years old.\(^\text{150}\) Although a census was carried out in the

\(^\text{143}\) World Bank OD 4.30 (Involuntary Resettlement) para 11.

\(^\text{144}\) World Bank Draft OP 4.12 Annex para 6 a) and b) contains similar provisions. For text, see above ref 153

\(^\text{145}\) World Bank OD 4.30 (Involuntary Resettlement) para 11 "Socioeconomic surveys, recording the names of affected families, should be conducted as early as possible to prevent inflows of population ineligible for compensation."

\(^\text{146}\) World Bank OP 4.12 (Involuntary Resettlement), Annex para 6 b) i. For text see ref 153.

\(^\text{147}\) World Bank OP 4.12 (Involuntary Resettlement), Annex para 6 b) iv. For text see ref 153.


\(^\text{149}\) EIAR, p.4-97.

\(^\text{150}\) EIAR, p.4-97: "In the context of the EIAR, the results of the 1997 were mostly used." Significantly, the EIAR's Executive Summary maintains that the census "can be considered accurate", whilst the main text presents a number of reasons for doubting its accuracy. For example, updating of the census has been carried out "by the headmen of the villages visited as well as a door-to-door survey of all the households of most totally flooded settlements and of a sample of the partially flooded as well." We note, however, that many villages were never visited as part of the door-to-door survey and that the updating methods used can at best only provide a "guesstimate" of population numbers.
The results of the census carried out in the fall of 2000 have not yet been officially disclosed and may not be published until the spring or summer of 2001.\footnote{EIAR p.4-98. "The results of the census carried out in the fall of 2000 have not yet been officially disclosed and may not be published until the spring or summer of 2001"} The EIAR notes the accuracy of the census results have been questioned and that the survey does not compile data for "very small villages and hamlets."\footnote{EIAR, p.4-98. The EIAR argues that the census may have overestimated the numbers currently living in urban areas.} Given that of the 183 settlements that would be flooded by Ilisu, 96 are classed as "hamlets" and 85 as "villages", a significant proportion of the study area has probably been excluded from the census.

No full socio-economic survey, incorporating the elements required by the OECD and World Bank, has been undertaken.

The EIAR states that, "In the context of the RAP preparation, a very extensive socio-economic survey was carried out throughout the reservoir area in 1999-2000."\footnote{EIAR, p.4-98. The statement is misleading on a number of counts.} The statement is misleading on a number of counts.

First, World Bank standards do not limit the required surveys to the reservoir area: all those who are likely to be affected must be included. To our knowledge, minimal efforts have been made to contact those who were forced to move from the reservoir area as a result of village clearance programmes in the 1990s (and who would therefore be eligible for compensation) or the many others, such as shepherds and pastoralists, who use the reservoir or a seasonal basis.\footnote{EIAR, p.3-66. The EIAR states that, "In the context of the RAP preparation, a very extensive socio-economic survey was carried out throughout the reservoir area in 1999-2000." The statement is misleading on a number of counts.} The Kudat report, written after the completion of the socio-economic survey, notes the socio-economic survey consulted "over 100" displaced households.\footnote{Kudat Report, op.cit, ref 7, p. 23.} This would constitute a minute percentage of those displaced from the reservoir area - estimated at upward of 50,000 people by GOC-DER (Immigrants Association for Social Co-Operation and Culture), a Turkey-wide NGO providing support for those displaced from the region.\footnote{The Ilisu Dam Campaign et al., If the River were a Pen - The Ilisu Dam, the World Commission on Dams and Export Credit Reform, London, 2001.} (Estimates of the numbers involved vary (see below) but given that 90 out of the 183 affected settlements in the reservoir area have been abandoned, the figure for those excluded from the socio-economic survey is likely to be significant.) The socioeconomic survey thus falls far short of World

\affiliation{EIAR, p.3-66.}
Second, as the EIAR itself makes clear, the survey covered only a fraction of the affected settlements in the reservoir area. "The population survey included all the households of most totally flooded settlements and a representative sample of the households living in a sample of the partially flooded settlements." We would note that surveying "a sample of a sample" population fails to comply with international best practice. The Executive Summary of the RAP adds further confusion. It states that 2,100 households (representing 20,000 people) were consulted: if accurate, this would be 2000 more people that the RAP estimates (two sentences later) will be displaced. The RAP also admits that only 25% of households in partially affected areas were surveyed: its figures on the number of households surveyed in the total submergence zone also conflicts with those given in the Kudat report.

Third, it would appear from the list of further studies recommended by EIAR that the survey is at best preliminary and that much of the data produced cannot be relied upon without further checking. Significantly, the claimed scope of the survey is also disputed by villagers. Villagers in a settlement outside Hasankeyf interviewed by the Ilisu Dam Campaign in October 2000 stated that SEMOR, the firm that conducted the survey, had questioned them about the yields of their harvest, the ownership of the houses, the number of animals they owned and other issues related to their socio-economic status. However, villagers interviewed in Hasankeyf were adamant that no such questions had been put to them in the questionnaires they completed. The Ilisu Dam Campaign acknowledges that it interviewed only a small sample of villagers during its visit. Nevertheless, the consistency with which villagers of Hasankeyf denied being asked about their socio-economic status merits investigation by ECAs.

159 Significantly, the Kudat report blames the failure to carry out a full survey - which she acknowledges is in breach of World Bank guidelines - on the ongoing conflict in the region: "Some communities, although not displaced, were not accessible for security reasons at the time of the socio-economic surveys." (Kudat Report, op.cit, ref 7, p. 30). This may explain why the Turkish authorities specifically excluded a full census from the remit of the Resettlement Action Plan, despite such a survey being required under World Bank standards. According to the RAP Report: "The terms of references of the consultants preparing the RAP did not require a census and the budget that was allocated for the RAP would have been insufficient to carry out such a census." (Kudat, op.cit, ref 7, p. 30)

160 Executive Summary, RAP, p.2.

161 The RAP claims that 100% of households in the area to be totally submerged were interviewed. This figure conflicts with information in the Kudat report, which was written after the completion of the socio-economic survey. Kudat notes the socio-economic surveyed only covered a third of households in Hasankeyf, just one of the sites to be totally submerged. See: Kudat Report, op.cit ref 7, p.23.

162 EIAR, p.7-17. The EIAR recommends a number of further studies on social issues. At least two would appear to cover exactly the work that the socio-economic survey should have covered: 1) "A survey should be carried out in order to fully validate the list of all the settlements, whether inhabited or abandoned, affected by the Project, either because they will be fully or partially impounded or indirectly affected by other factors such as erosion in the reservoir, relocation process, construction and operation activities. This survey should also check the number of people living in these settlements who will have to be resettled or would be entitled to compensation, the characteristics of privately and community-owned infrastructures or buildings, the different types of crops or resources which are grown or exploited and any other production facility which could be affected. This survey should also validate specific estimates of categories of people more exposed to economic losses in those settlements such as landless rural residents, people who do not hold clear land titles and people who have left the area. The criteria identified to establish the list of settlements, the categories of affected people and the survey results should be validated..."; 2) A survey should identify all the unused land which could be cultivated in the study area and where farmers could be resettled, as well as appropriate areas where new villages could be constructed or existing villages could be enlarged. This survey should also identify the dimensions of this farmland, the quality of its soils, its current ownership and its accessibility."
Fourth, major objectives of the survey have still to be achieved. For example, no evidence is presented that the project has completed a list of the names of those who will be affected in order to prevent inflows of population ineligible for compensation, contrary to OD 4.30, para 11. This is of concern since richer landlords are reported to be buying up land in the area in the hope of benefiting from compensation. There also appears to have been no survey of common property pastoralist and fishery systems.

Fifth, no details are given as to the survey's terms of reference; the methodology employed; the specific questions asked or the responses received; the number of people interviewed; the summary data that has been compiled; what language the survey was conducted in or whether Kurdish speakers were available for translation. Independent analysis is therefore impossible. The refusal to publish the RAP further denies the possibility of independent scrutiny and oversight.

Sixth, from interviews conducted with participants by the Ilisu Dam Campaign, the prime focus of the survey was on attitudes to the dam, with questions heavily skewed to solicit a favourable response. Moreover, there have been widespread and repeated allegations that respondents’ answers were subsequently changed by the interviewers. This issue is dealt with in more detail below.

Seventh, there are doubts as to the competence of the staff involved in analysing the data collected. As the EIAR itself notes: "Although experienced, most of the staff specialised in resettlement which was met in the 5 affected provinces seemed unfamiliar with international guidelines, the lessons which could be drawn from past experience and issues which were not related to the reconstruction of infrastructure or buildings, such as the re-establishment of livelihoods and the monitoring of socio-economic indicators." Cadastral (land ownership) surveys are out of date and incomplete and new ones have not been completed.

The EAIR reports: "No cadastral surveys have been carried out in some provinces and where
cadastral records have been established, they seem to be largely out of date.\textsuperscript{169} Updating would not only clarify who owns the land but could also reveal completely new hamlets which "have not been listed up to now."\textsuperscript{170}

In the absence of up to date or complete cadastral data, the DSI has attempted to "guessestimate" the "probable location of agricultural land" that will be partially lost to Ilisu’s reservoir on the basis of map-based surveys.\textsuperscript{171} This is totally inadequate and any resettlement plan or compensation budget based on this method should be rejected as unsound.

For further discussion of the problems surrounding cadastral surveys in the reservoir area, see accompanying submission by Diyarbakir Bar Association.

There is no accurate data on the numbers who will be affected or who would require resettlement and compensation.

Accurate data on the number of people affected by a project is a \textit{sine qua non} of a credible resettlement plan. Without this information, it is impossible to plan infrastructure and other needs, to institute the required development programmes, to assess compensation levels or to prepare a reliable budget.

Confusion over the numbers affected has been a consistent feature of the Ilisu project.\textsuperscript{172} Originally, the project sponsors and the companies involved in the Ilisu project put the number of affected people at 12,000-16,000. Following the findings of field investigations undertaken by the Kurdish Human Rights Project in 1999, this figure was increased to 25,000. Subsequently, a report by the British government put the number still higher - at 35,000. An official assessment of the draft resettlement action plan (the Kudat report) then made clear that even this figure was a gross underestimate. According to Kudat, 78,000 would be potentially affected by the project. The Kudat figure included those already evicted (or forced to migrate) from the Ilisu reservoir area as a result of internal conflict in the region, but who might want to return once peace is fully restored and who would be fully entitled to do so.

Nineteen years after the final design for the dam was approved, however, the EIAR admits that there is still no accurate data on numbers affected or who would require resettlement:

- "All these estimates must be interpreted with caution. The assumptions which have been made in order to estimate the number of people who will actually lose some farmland in partially flooded settlements or who have left the area but can claim expropriation or resettlement benefits must be verified. These estimates are moreover based on ongoing map interpretations and cadastral surveys. They can therefore evolve over time and could therefore slightly differ from those found in the RAP. Finally, these estimates do not include the large number of people who will not lose any houses or farmland but who will be affected nonetheless, either directly or indirectly."\textsuperscript{173}

- "In spite of the additional information provided in the RAP survey, more detailed data will be

\textsuperscript{169} EIAR, p.4-110.

\textsuperscript{170} EIAR, 4-96

\textsuperscript{171} EIAR, 4-97

\textsuperscript{172} The Ilisu Dam Campaign et al., \textit{If the River were a Pen - The Ilisu Dam, the World Commission on Dams and Export Credit Reform}, London, 2001, p.45.

\textsuperscript{173} EIAR, p.4-105.
required to accurately evaluate the scale of resettlement.\textsuperscript{174}

- "The true number of settlements and people who can claim expropriation and resettlement rights will probably be known only when expropriation is completed or quite advanced."\textsuperscript{175}

Despite the acknowledged unreliability of the data - and a blunt statement that it is "almost impossible"\textsuperscript{176} to estimate the true number of project affected people - the EIAR nonetheless gives figures for the numbers affected that are spuriously precise, do not tally with estimates given in the draft RAP and which are estimated on the basis of highly questionable assumptions. For example

- The EIAR gives the total numbers affected as 59,314: the Executive summary of the RAP, 61,620. This compares with the figure of 78,000 cited by Ayse Kudat in her August 2000 review of the draft RAP. Why are the figures so different? What happened to 17,000-18,000 people between August 2000 and April 2001?

- The EIAR makes extremely dubious - and contradictory - assumptions about future population growth. For example, in order to estimate the increase in the number of affected people between 1997 and 2001, it assumes a growth rates of zero in the five provinces directly affected by the dam.\textsuperscript{177} It would appear that this figure is based not on birth or fertility rates but on comparing the numbers recorded as living in the area. Since migration led to a significant reduction in the numbers living in rural areas, the figures for population growth in the five affected provinces are not a reliable basis for estimating the actual growth in the number of affected people. Indeed, the Executive summary clearly points to higher population growth rates than those assumed: "The 1997 [census] results compared with those of 1990 show that the population of these provinces increases at a higher annual rate than the national average, and the rate of increase is the second highest in Turkey."\textsuperscript{178}

The EIAR gives minimal information on displaced communities, although it claims that displaced people make up 25% of those affected and that 50-80% of them ‘reportedly’ wish to return home\textsuperscript{179} – no source for this information is cited. Because few displaced people, if any, were included in the socio-economic survey, the EIAR compares the 1990 census figures to 1997 figures in order to estimate the number of displaced people.\textsuperscript{180} Clearly this is inadequate and cannot substitute for a full survey; yet the Executive Summary of the RAP gives no indication that such a survey has been undertaken. We note, too, that neither the RAP team nor the EIAR team have made any

\textsuperscript{174} EIAR, 4-107, para 4.3.4.7 (1).

\textsuperscript{175} EIAR, 4-97.

\textsuperscript{176} EIAR, EXE-13.

\textsuperscript{177} EIAR, p.4-100: "More global increase rates for the rural areas of the 5 provinces included in the reservoir area have also been considered. In every case, this increase was close to 0 or slightly negative. Early indications about the results of the 2000 census also point in that direction. For these reasons, the increase rate which was selected for the 1997-2001 period and for the construction period in general is 0, which probably corresponds to a slight overestimation of the actual rate of increase."\textsuperscript{181}

\textsuperscript{178} EIAR, p. EXE-6. See also, p.3-65: “The annual growth rate in Southeastern Turkey is high (2.43% between 1990 and 1997 compared to 1.50% for Turkey as a whole)."

\textsuperscript{180} EIAR, p. 3-82.

\textsuperscript{181} EIAR, p. 4-94. As noted, Kudat states that 100 displaced households were included in the survey.
as with affected people still living in the reservoir area, the EIA uses a projected 0% population growth rate to project current population numbers from the 1990 census. To suggest that displaced families have not grown since 1990 is highly questionable. The numbers of displaced people affected by Ilisu as given in the EIA can therefore not be trusted and are likely to be a gross underestimate.

The EIAR itself admits that its figures for displaced people have not been verified, and indicates that they have not been consulted in the context of the RAP, "The estimation of the number of people who have previously left these villages and who are entitled to compensation or resettlement benefits is however a very complex problem. The 1997 census and the RAP field survey do not provide any help because nobody was living in these settlements when they were carried out." 181

We note with concern that Turkish expropriation law does not guarantee the rights of landless displaced people who have "been evicted from their villages for a number of years." 182 Given that half of the people affected by Ilisu are landless and that the majority of those displaced were forced from their homes in the early to mid-1990s, this is of great concern. Also at risk are "former residents who have left for whatever reason and who do not hold clear legal deeds." Since many of those who were displaced during the war lost their title deeds when their villages were burned by the security forces, this presents a major issue. 183 We endorse the EIAR's recommendation that "the rights and entitlements of these groups should be clarified and the RAP should propose specific procedures to ensure their protection." 184 We note, however, that the Executive Summary of the RAP gives no indication that action has been taken. (For further discussion on the position of landless affected people, see also below).

Failure to identify NGOs

The EIAR provides no evidence that efforts have been made by the socio-economic survey team to identify NGOs who may be of assistance in resettlement planning and implementation.

Inadequate assessment of vulnerable groups

Although the EIAR identifies the Kurdish ethnic minority as a group "exposed to special risk," 185 it fails adequately to identify the nature of the risk or to alert project planners to the implications for resettlement planning - namely a RAP that seeks to comply with World Bank standards will require implementation of the Bank's Indigenous

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181 EIAR, p. 4-94.

182 EIAR, p.5-16.

183 Ilisu Dam Campaign Fact-Finding Mission to Ilisu Region 10-17 June 2001. Interview with GOC-DER organiser, 17 June 2001: "Even if the villagers did have [land titles] documents provided by the state, their villages were burned with no notice. So many people left their documents in the houses where they burned with the village."

184 EIAR, p.5-16.

185 EIAR, p.5-15.
Policy.

Women are identified as a vulnerable group but the treatment of their situation and the dam's impacts on them are inadequate (see below).

The EIAR's assessment of vulnerable groups also omits mention of pastoralists.186

INADEQUATE ANALYSIS OF TURKISH EXPROPRIATION EXPERIENCE

Relevant guidelines breached:

OECD: DAC 3 Involuntary Displacement and Resettlement.189

World Bank and OECD guidelines require a review of the legal framework for compensation and expropriation. The Bank also requires that the resettlement plan provide assurances that those displaced will receive "prompt and effective compensation at full replacement cost."190

The EIAR lays out the procedure for expropriation in Turkey and identifies a number of areas where the law is unclear as to whether certain groups are eligible for compensation (see below). It also acknowledges major institutional problems in the implementation of Turkey's resettlement and expropriation policies.191 It fails, however, to elaborate on these problems. For example, it omits to mention that:

- There is no public funding available to people who wish to appeal against the sums

186 EIAR, p.5-15.
187 World Bank, OD 4.30 (Involuntary Resettlement), para 11: "A clear understanding of the legal issues involved in resettlement is needed to design a feasible resettlement plan. An analysis should be made to determine the nature of the legal framework for the resettlement envisaged, including a) the scope of the power of eminent domain, the nature of compensation associated with it, both in terms of the valuation method and the timing of procedures; b) the legal and administrative procedures applicable, including appeals process and normal time-frame for such procedures; c) land titling and registration procedures; and d) laws and regulations relating to the agencies responsible for implementing resettlement and those relating to land compensation, consolidation, land use, environment, water use and social welfare."
188 World Bank, Draft OP 4.12 (Involuntary Resettlement), III para 6a(iii): "The resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are . . . iii) provided prompt and effective compensation at full replacement cost."
189 OECD, DAC 3, Involuntary Displacement and Resettlement, p.7: "The plan should normally include provisions for the following: . . . legal framework."
190 World Bank, Draft OP 4.12 (Involuntary Resettlement), III para 6a(iii). For full text, see ref 204.
191 EIAR, p.4-90.
awarded in compensation for the value of land appropriated by DSI. Consequently, only those who can afford to do so will make an application to the domestic court for the sums awarded in compensation to be varied upwards. This appears to be a small proportion of the many who feel that they have not been given adequate compensation in the first place. (Of those who do go to court, 90% win higher compensation, according to the EIAR).

- Even where the domestic court finds in favour of the application, and re-calculates the sum to be awarded, the Government frequently takes a very considerable time to pay the sum. This is in contravention of Article 46 of the Constitution, which states inter alia that “Indemnity for expropriation will be paid immediately and in cash....a part of an indemnity not paid thus will be subject to indemnity costs and the maximum level of interest payable on debts of the State.”

- Inflation rates have generally been exceptionally high, rendering many compensation payments worth a fraction of their original value by the time the money arrives. It is a matter of fact that inflation rates between 1994 and 1997 ran as high as 97% per annum.

There is no indication in the Executive Summary of the RAP that any of these issues have been addressed.

The EIAR correctly identifies a number of areas where compensation laws are unclear and recommends that the RAP proposes remedial measures. For example, the rights of cave-dwellers ("troglodytes") or those who use caves as shelter for their animals are not guaranteed: "current laws and procedures do not seem to take those types of losses into account."

However, the EIAR's assessment of the legal rights of pastoralists is at odds with that presented in the Kudat report. According to the EIAR, nomads are entitled to compensation: "Nomadic or semi-nomadic populations can also request to be resettled in the context of a distinct program if they feel that they have lost key pastures as a result of impoundment." Yet Kudat states, "flood plains that are especially critical for grazing during the summer months will no longer be available. When such access is hindered, the villagers are forced to sell their herds at a low cost, and are permanently deprived of their livestock income without entitlement for compensation. The national legal framework does not address the issue..."
of common property resources for pasture in a comprehensive manner. The policy vacuum with respect to common property resources has so far meant the disregard of the potential income restoration for the livestock owners. This issue needs urgent clarification – are people whose livestock’s survival is reliant upon access to pasture entitled to compensation under Turkish law or not?

FAILURE TO COMPLY WITH INTERNATIONAL BEST PRACTICE ON CONSULTATION

Relevant guidelines breached:

World Bank: Draft OP 4.12 (Involuntary Resettlement) para 1b, 199 para 12a, 200 para 18, 201 OD 4.30 (Involuntary Resettlement), para 3c, 202 para 8, 203 para 9, 204

OECD: DAC 3, Involuntary Displacement and Resettlement, p.7, 205

WCD: Strategic Priority 2 Comprehensive Options Assessment (para 2.1); 206 Strategic Priority 5 Recognising entitlements and sharing benefits (para 5.3). 207


199 World Bank Draft OP 4.12, para 1b: "Displaced persons should be meaningfully consulted and have opportunities to participate in planning and implementing resettlement programmes."

200 World Bank Draft OP 4.12, para 12a: "The Bank requires that ...displaced persons and their communities and any “host” communities receiving them are provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing and monitoring resettlement."

201 World Bank Draft OP 4.12, para 18: “The borrower informs potentially displaced persons at an early stage about the resettlement aspects of the project and takes their views into account in the project design”

202 World Bank OD 4.30 para 3c: "Community participation in planning and implementing resettlement should be encouraged."

203 World Bank OD 4.30 (Involuntary Resettlement) para 8: World Bank guidelines state: “The affected hosts and resettlers need to be systematically informed and consulted during preparation of the resettlement plan about their options and rights.”

204 World Bank OD 4.30 (Involuntary Resettlement) para 9: “The resettlement plan should address and mitigate resettlement’s impact on host populations. Host communities and local governments should be informed and consulted.”

205 OECD, DAC 3, Involuntary Displacement and Resettlement, p.7: "...Community participation in planning and implementing resettlement is essential and should include women." 206

206 WCD, op. cit, ref 43, Strategic Priority 2.1 - Comprehensive Options Assessment, p.221: "Development needs and objectives are clearly formulated through an open and participatory process before the identification and assessment of options for water and energy resources development."

207 WCD, op. cit ref 43, Strategic Priority 5, Recognising Entitlements and Sharing Benefits, para 5.3: "All recognised adversely affected people negotiate mutually agreed, formal and legally enforceable mitigation, resettlement and development entitlements."
A key requirement of World Bank, OECD and WCD guidelines is that project-affected people, including host communities, are involved from the outset of the project. Indeed, consultation is considered fundamental to resettlement planning. The Ilisu project currently violates international best practice on such consultation on two major counts:

First, as the EIAR and Executive Summary of the RAP acknowledge, "no large-scale consultation has been implemented yet." According to the EIAR, a number of public meetings have taken place in the Hasankeyf area, but others will only be scheduled "once a final decision will have been taken by the Government on the beginning of construction work." This constitutes a de facto breach of OD 4.30 which requires that affected people are "systematically informed and consulted during preparation of the resettlement plan about their options and rights" (italics added). The Executive Summary of the RAP confirms the lack of systematic and universal consultation.

Second, international guidelines stipulate that host communities - those which will receive the people evicted by Ilisu - must be consulted. No host communities are named in the EIAR because the RAP had yet to identify appropriate resettlement sites. Systematic and meaningful consultation with host communities had not therefore taken place. The Executive Summary of the RAP, however, states that "a large plot for resettlement housing has been made available in Diyarbakir". If so, the Mayor of the city is unaware of this new development. Independent interviews, undertaken by the Kurdish Human Rights Project as part of this review, have confirmed that neither the Mayor of Diyarbakir or other local mayors of communities which might host the resettlement sites have yet been consulted.

Third, as already noted, the project developers and the Ilisu Consortium have failed to comply with public disclosure requirements for both the EIAR and the RAP, in the process automatically breaching all of the World Bank, OECD and WCD guidelines on consultation.

In addition, the extent - and manner - of such consultation that the EIAR claims to have taken place is disputed. Villagers in Hasankeyf interviewed during a Fact-Finding Mission undertaken by the Ilisu Dam Campaign in October 2000 stated that SEMOR, the

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208 EIAR, p.4-105.

209 World Bank, OD 4.30, para 8.

210 Executive Summary, RAP, p.2. The summary confirms that consultation has been highly selective - for example, with "focus groups" and "the elected headmen of inhabited affected communities." The ES claims that all headmen were visited. This conflicts with the information given in the EIAR, which states that only a sample of a sample were visited.

211 For example, OECD and World Bank. World Bank OD 4.30 (Involuntary Resettlement) para 9 states: “The [resettlement] plan should address and mitigate resettlement’s impact on host populations. Host communities and local governments should be informed and consulted.”

212 The EIAR mentions some concerns expressed by potential host communities (p.4-109) and implies that some consultation has therefore taken place. However, the Mayors of Batman and Diyarbakir have told the Ilisu Dam Campaign that they were never consulted.

213 Personal communication: Mayor of Diyarbakir, to Kerim Yildiz, Director, Kurdish Human Rights Project, August 2001.
consultancy firm contracted by the DSI, had interviewed 300 people of whom the vast majority were illiterate or only spoke Kurdish. The women and elderly people had to work through translators provided by SEMOR rather than family members, which many found socially awkward. The villagers were told that the decision to build the dam had been taken and they were then given options as to how they would like to be resettled: did they want a new village elsewhere? or cash to settle by themselves? how many rooms would they need in their new houses? would they like to work on dam construction? It is important to note that the villagers were not offered compensation in land – a breach of World Bank guidelines which "encourage 'land for land' approaches, providing replacement land at least equivalent to the lost land".  

A questionnaire-based survey in Turkish was conducted in Hasankeyf and some neighbouring settlements. The first question asked villagers whether or not they were in favour of the dam. Many told the Mission that they felt that they had no option but to answer in the affirmative, although opposed to a dam that would flood Hasankeyf. This was in part due to the perception that the dam was a fait accompli and, in part, due to their experience that opposition to the dam is misconstrued by the authorities as evidence of sympathy for the PKK movement.

Villagers told the Fact-Finding Mission that they were concerned that the answers they gave to the questionnaire may have been subsequently altered. They stated that SEMOR representatives filled the forms in with pencil, but asked them to sign the form in ink. As one villager commented, "We are worried that our answers were changed when SEMOR got back to their hotel." Because the Fact-Finding Mission was unable to see copies of the questionnaires used, it was unable to pursue this matter further.

These allegations have been repeated to a second, more recent, Fact-Finding Mission undertaken in June 2001. The Mission heard from one eye witness to the alleged falsification and was told by villagers in Hasankeyf that the falsification was common knowledge: "Everyone witnessed them [SEMOR] using pencils to fill in the forms and they then changed the results later to give different answers . . . Everybody knew about this." The Mission learned that the Governor of Batman had been informed about the allegations by concerned local officials. We strongly recommends that ECAs insist on seeing copies of the original documents.

It was also made clear to the Ilisu Dam Campaign that no efforts have been made by the authorities to consult directly with local municipal officials in Hasankeyf on the resettlement plan or other issues related to the dam. Officials interviewed told the Campaign's Fact-Finding Mission that they had not been consulted on the archaeological rescue plan for Hasankeyf. No one in Hasankeyf and Batman to whom the Mission spoke had seen a copy of the draft Resettlement Action Plan – or indeed heard from SEMOR since its one week visit to the area.

The Ilisu Dam Campaign's Fact-Finding Mission also heard evidence that pressure that

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had been exerted on Hasankeyf residents to express support for the dam. The Mission was told of a visit by a Swedish delegation to the town when banners in favour of the dam were displayed and given to village children carrying slogans such as “I love my country, I love my dam”. No banners opposing the dam were permitted. The Mission also heard of the difficulties that villagers have had in organising events to express the opposition to the dam. In June 2000, for example, the Save Hasankeyf Platform had organised a festival to celebrate Hasankeyf, but permission was denied for any petition to be circulated and for any interviews to be given to the press. Given the very serious consequences attendant on being suspected of sympathising with the PKK, the authorities’ association of opposition to Ilisu with separatism is a major deterrent to any meaningful dissent. Put bluntly, people are frightened to take a public position against the dam. In February 2000, the mayor of Hasankeyf cut short a visit to Europe, where he was scheduled to talk to the Minister responsible for the UK ECGD, after receiving anonymous death threats.

**FAILURE TO ENSURE PARTICIPATION**

Relevant guidelines breached:

- **World Bank**: OD 4.20 (Indigenous Peoples) para 8.217
- **OECD**: DAC 3, Involuntary Displacement and Resettlement, p.7,218
- **WCD**: Strategic Priority 2 Comprehensive Options Assessment (para 2.1);219 Strategic Priority 5 Recognising entitlements and sharing benefits (para 5.3);220 Strategic priority 5 - Recognising Entitlements and Sharing Benefits, Key message221 and para 5.3222.

The "informed participation" of those affected by a project is a requirement of the World Bank's policy. The informed participation of the indigenous people themselves involves a genuine opportunity for them to express their views, interests and priorities, and to participate in decisions that affect their lives and environment.

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217 OD 4.20 (Indigenous Peoples), para 8: "The Bank's policy is that the strategy for addressing the issues pertaining to indigenous peoples must be based on the informed participation of the indigenous people themselves."

218 OECD, DAC 3, Involuntary Displacement and Resettlement, p.7: "...community participation in planning and implementing resettlement is essential and should include women."

219 WCD, op. cit ref 43, Strategic Priority 2.1 - Comprehensive Options Assessment, p.221: "Development needs and objectives are clearly formulated through an open and participatory process before the identification and assessment of options for water and energy resources development."

220 WCD, op. cit ref 43, Strategic Priority 5, Recognising Entitlements and Sharing Benefits, para 5.3: "All recognised adversely affected people negotiate mutually agreed, formal and legally enforceable mitigation, resettlement and development entitlements."

221 WCD, op.cit ref 43, Strategic Priority 5 - Recognising Rights and Sharing Benefits, Key message, p.240: "Joint negotiations with adversely affected people result in mutually agreed and legally enforceable mitigation and development provisions."

222 WCD, op.cit ref 43, Strategic Priority 5 - Recognising Rights and Sharing Benefits, para 5.3, p.240: "All recognised adversely people negotiate mutually agreed, formal and legally enforceable mitigation, resettlement and development entitlements."
Bank's Operational Directive on Indigenous People. The World Bank states: "Public participation in project preparation, beyond consultation, is not an EA requirement except where a project involves involuntary resettlement or affects indigenous people." The Bank defines participation as follows: "Participation is a voluntary process in which people including marginal groups (poor women, indigenous, ethnic minorities) come together with project authorities to share, negotiate and control the decision-making process in project design and management." WCD guidelines go further, outlining a required decision-making process that is fully participatory and which is intended to ensure that a dam enjoys "demonstrable public consent." (The extent of compliance with this WCD requirement is considered in the sub-section below.)

Neither the EIAR nor the Executive Summary of the RAP present any evidence that a participatory process is in place at Ilisu or that the institutional structures exist to enable participation, as defined by the Bank, to take place. Indeed, we would agree with the conclusion of the 1999 Stakeholder Attitudes report commissioned by the UK ECGD: "Open consultative processes are not part of the institutional culture or political system." The same report states: "Local stakeholders believe that they have no forum to express their concerns over adequate compensation for expropriated assets, decisions over new settlement locations and loss of social and cultural capital." This is also the conclusion of successive fact-finding missions to the affected area.

**FAILURE ADEQUATELY TO ASSESS THE GENDER IMPLICATIONS OF RESETTLEMENT**

Relevant guidelines breached:

- WCD: Strategic Priority 1 - Gaining Public Acceptance, para 1.2 and p.217.

Both the OECD and the World Bank lay down that special provision should be taken to protect the livelihoods of women. The OECD states: “Since women ... contribute
significantly to the well-being of their families … planning for relocation should consider their preferences and should address their specific needs and constraints.\textsuperscript{231}

In August 2000, Kudat reported: “Despite the preparation of the survey instruments by female social scientists and despite the conduct of the qualitative fieldwork by them, no systematic effort has been made to capture the gender dimensions of resettlement.”\textsuperscript{232}

We have found no evidence in either the EIAR or the Executive Summary of the RAP to suggest that this failing has been addressed. The EIAR pays scant attention to the impacts of the Ilisu dam on women (just two pages in a report of some 300 pages). It claims that women will both benefit and suffer as a result of the project\textsuperscript{233} but does not give any concrete substantiation for the claimed benefits.

**FAILURE TO DEMONSTRATE ADEQUATE INSTITUTIONAL FRAMEWORK**

Relevant guidelines: *World Bank, OECD, WCD*

*World Bank: OD 4.30 (Involuntary Resettlement), paras 6;\textsuperscript{234} OP 4.12 paras 16,\textsuperscript{235} 17,\textsuperscript{236}*

*World Bank guidelines lay great stress on governments' having the institutional capacity to implement a resettlement plan. For the Bank, such institutional capacity is viewed as a test of the "borrower commitment to, and capacity for, undertaking successful resettlement."\textsuperscript{237}*

*The review of the draft RAP by Kudat revealed the need for sweeping institutional* 

\textsuperscript{231} OECD DAC Guideline 3, Involuntary Resettlement, p. 7.

\textsuperscript{232} Kudat Report, op. cit., ref 7, p.23.

\textsuperscript{233} EIAR, p.4-119.

\textsuperscript{234} World Bank OD 4.30 Involuntary Resettlement, para 6: "The responsibility for resettlement rests with the borrower. The organisational framework for managing resettlement must be developed during preparation and adequate resources provided to the responsible institutions. The organisation responsible for resettlement should be strengthened when entities executing infrastructure or other sector-specific projects lack the experience and outlook needed to design and implement resettlement."

\textsuperscript{235} World Bank Draft OP 4.12 para 16: “To achieve the objectives of this policy, different planning instruments are used depending on the type of project: a) a resettlement plan or abbreviated resettlement plan is required for all operations which entail involuntary resettlement unless otherwise specified.; b) a resettlement policy framework is required for operations referred to in paras 25-29. The resettlement policy framework (the resettlement instruments) present “ a strategy of achieving the objectives of the policy and cover all aspects of the policy.”

\textsuperscript{236} World Bank Draft OP 4.12 Involuntary Resettlement, para 17: "Borrower commitment to, and capacity for, undertaking successful resettlement is key determinant of Bank involvement in a project."

\textsuperscript{237} World Bank, Draft OP 4.12 Involuntary Resettlement, para 17.
reforms before “best practice” in resettlement could be achieved:

"The GAP framework alone will not resolve all the institutional complexities of the resettlement projects. There is a need to have a more unified institutional framework, a single earmarked budget for resettlement implementation, and mechanisms for quality assurance, enforcement and monitoring and evaluation..." (p. 28).

The Kudat report pointed out that the ability of the DSI to implement and enforce the resettlement action plan is hampered by the security situation and by the lack of coordination with other institutions which each act independently and have separate budgets. As noted above, Emergency Rule in the provinces of Diyarbakir, Hakkari, Sirnak and Tunceli was renewed in June 2001 until the end of the year with the neighbouring provinces of Batman, Mardin and Siirt still suffering the direct affects of Emergency Rule; as Kudat comments “the Ministry of Interior and the military have very different sets of priorities” from the DSI and GAP-RDA, the resettlement agency. The complexity and magnitude of how best to address the needs of the previously displaced population “goes beyond the ability of the project and the solutions require the decisions of security agencies.” Kudat argued convincingly that Turkey needs to establish a single institution to ensure quality and monitor resettlement performance for all development projects, not just large dams. “Clearly the existing institutional arrangements will not suffice to meet the needs.”

The admission of the need for such sweeping institutional reform is critical, since implementation of the RAP (however well conceived on paper) will depend on such reforms being undertaken. It is clear from the EIAR, however, that the issues identified by Kudat remain unaddressed, although a review has been initiated of possible reforms. This could take years. There would thus seem to be a prima facie case for the ECAs refusing support for the project.

FAILURE TO PRODUCE CREDIBLE BUDGET

Relevant guidelines breached:

239 Kudat Report, op. cit, ref 7, p.6.
240 Kudat Report, op. cit, ref 7, p.6.
241 EIAR, p. 4-90.
The World Bank and OECD both stipulate: “The existence of a time-bound resettlement plan and budget must be a condition of initiating appraisal for projects involving resettlement.” Details required by the Bank include: itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

In August 2000, Kudat made it clear that no budget had been prepared for resettlement and suggested that a paper commitment from the Turkish authorities to make the money available could not be trusted. The EIAR also confirms that a budget has still to be prepared, let alone finalised and funded:

"The Resettlement Action Plan will have to specifically address all these issues in an..."

242 World Bank OD 4.30 (Involuntary Resettlement) para 4: "Where large-scale population displacement is unavoidable, a detailed resettlement plan, timetable and budget are required."

243 World Bank OD 4.30 (Involuntary Resettlement), para 29: “During project preparation, the feasibility of resettlement must be established, a strategy agreed upon, the resettlement plan drafted, and budget estimates prepared.”

244 World Bank OD 4.30 (Involuntary Resettlement), para 30: "Submission to the Bank of a time-bound resettlement plan and budget that conforms to Bank policy is a condition of appraisal for projects involving resettlement . . . "

245 World Bank, Draft OP 4.12 (Involuntary Resettlement), Annex, p.20. The Bank requires: "Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies."

246 World Bank Draft BP 4.12 (Involuntary Resettlement), para 10: "During project appraisal, [Bank staff] assesses . . . c) availability of adequate counterpart funds for resettlement activities."

247 OECD DAC Involuntary Resettlement, "Appraisal and Negotiations", p.9: "The existence of a time-bound resettlement plan and budget must be a condition of initiating appraisal for projects involving resettlement."

248 WCD, op. cit, ref 43, Strategic Priority 6 - Ensuring compliance, para 6.3, page 244: "Costs for establishing compliance mechanisms and related institutional capacity, and their effective application, are built into the project budget."


251 Kudat Report, op.cit ref 7, p.31: “A resettlement budget is yet to be prepared and is likely to exceed previous estimates. The key challenge will be . . . to provide a convincing commitment by the State to this budget."
articulated way. Subprogrammes will have to be designed and spelled out for each issue. Specific budgetary provisions will have to be developed for each program on a yearly basis. The organisations involved in the implementation of these subprograms must explicitly commit the resources required to reach their goals.\textsuperscript{252}

Given these strictures - and the wide range of studies which the EIAR deems necessary before the numbers to be resettled can be validated with any degree of confidence\textsuperscript{253} - a credible budget for resettlement at Ilisu would appear to be some way off. The ECAs and their governments should therefore treat with great scepticism the figure of US $570,135,230 posited in the Executive Summary of the RAP. We would also note that financial resources are not yet secured for the RAP\textsuperscript{254} and the Executive Summary does not present any detailed budget line.

RELYING ON ECONOMIC GROWTH TO RELIEVE POST-PROJECT IMPACTS

Relevant breached guidelines:

- World Bank: OD 4.30 (Involuntary Resettlement), para 3b;\textsuperscript{255} para 18;\textsuperscript{256} Draft OP 4.12, para 9;\textsuperscript{257}
- OECD: OECD DAC 3, Involuntary Displacement and Resettlement, p.7.\textsuperscript{258}

According to the World Bank and OECD, resettlement projects should ensure that those resettled are not worse off than they were before the project. The World Bank and the OECD both state: “All involuntary resettlement should be conceived and executed as development programmes, with resettlers provided sufficient investment resources and opportunities to share in project benefits. Displaced persons should be . . . assisted in

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\textsuperscript{252} EIAR, p.5-15. \\
\textsuperscript{253} EIAR, p.7-17. \\
\textsuperscript{254} Executive Summary of RAP, p.3: "adequate financial resources will be secured" (italics added). The use of the future tense indicates that the financial resources are not yet secured. \\
\textsuperscript{255} World Bank, OD 4.30 (Involuntary Resettlement), para 3b: "All involuntary resettlement should be conceived and executed as development programmes, with resettlers provided sufficient investment resources and opportunities to share in project benefits. Displaced persons should be . . . assisted in their efforts to improve their former living standards, income earning capacity and production levels, or at least restore them " \\
\textsuperscript{256} World Bank, OD 4.30 (Involuntary Resettlement), para 18: "Normally, general economic growth cannot be relied upon to protect the welfare of the project-affected population." \\
\textsuperscript{257} World Bank, Draft OP 4.12, para 9: "The implementation of resettlement activities is linked to the implementation of the investment component of the project to ensure that displacement or restrictions of access does not occur before necessary measures for resettlement are in place. Displaced persons should be . . . assisted in their efforts to improve their former living standards, income earning capacity and production levels, or at least restore them " \\
\textsuperscript{258} OECD, DAC 3, Involuntary Displacement and Resettlement, p.7: "All involuntary resettlement should be conceived and executed as development programmes, with resettlers provided sufficient investment resources and opportunities to share in project benefits. Displaced persons should be . . . assisted in their efforts to improve their former living standards, income earning capacity and production levels, or at least restore them."
their efforts to improve their former living standards, income earning capacity and production levels, or at least restore them.\textsuperscript{259}

Relying on future economic growth alone to restore or improve the living standards of the displaced population violates World Bank guidelines. The Bank states: "Normally, general economic growth cannot be relied upon to protect the welfare of the project-affected population."\textsuperscript{260}

The EIAR gives no indication that the RAP has earmarked and secured a specific development budget for the resettlement programme. On the contrary, it appears that the RAP will rely primarily on the hope of future economic growth alone to protect the livelihoods of those who will be resettled. For example:

- "...The RAP currently developed for the Project will gradually be merged with this sub-regional development plan of the GAP, along lines of the 'settlement with development' approach which is now widely promoted. GAP authorities hope that the implementation of this plan, combined with regained confidence will trigger a much needed economic development process in the region..."\textsuperscript{261}

- "It can be expected that the major public investments planned for the Project implementation will also encourage the private sector investors and will greatly improve the economic outlook in Batman, Diyarbakir, Mardin, Siirt where most resettlers who chose urban resettlement are expected to move."\textsuperscript{262}

The EIAR similarly assumes that "normalisation" - the coming of peace to the region - will occur: "The construction of the Ilisu dam and HEPP will coincide with a process of normalisation in the project area."\textsuperscript{263} Whilst we share this hope, the end of conflict cannot be assumed in the absence of political measures to resolve the "Kurdish Question". In the meantime, the continuing repression and emergency rule continue to depress the local economy and deter investors.

We note that the Executive Summary of the RAP attempts to put flesh on the economic hopes for the region by citing the development benefits that will result from Ilisu's "annual $300 million revenues generated."\textsuperscript{264} This figure, however, is misleading without a detailed accompanying breakdown of expected profits from these revenues; how much will be available once debt repayment, running costs, depreciation and amortisation have been taken into account. It should also be stressed that revenue projections for dams are notoriously unreliable: arid areas in particular are prone to long periods of drought which can severely reduce electricity

\textsuperscript{259} OECD, DAC 3, Involuntary Displacement and Resettlement, p.7; World Bank, OD 4.30 (Involuntary Resettlement), para 3b.

\textsuperscript{260} World Bank, OD 4.30 (Involuntary Resettlement), para 18.

\textsuperscript{261} EIAR, p.3-78.

\textsuperscript{262} EIAR, p.3-82.

\textsuperscript{263} EIAR, p.4-119.

\textsuperscript{264} Executive Summary of RAP, p.1.
The RAP also argues that "the creation of new industries allowed by availability of [Ilisu's] additional energy will also create local employment." Whilst World Bank guidelines encourage resettlement plans "where feasible" to "exploit new economic activities made possible by the main investment requiring the displacement," no details are given in the summary as to the new industries which are being considered, the investments required to secure them, the sources of finance, the status of funding or financing packages, or other data which would allow independent assessment of whether or not the livelihoods of those displaced would be improved or at least restored.

We also note with concern that the EIAR and Summary RAP uncritically accept the benefits and achievements claimed for the GAP programme. Given the widespread evidence that GAP has failed in its economic objectives (see sub-section on Ilisu, GAP and Forcible Assimilation, in Section 1 above) - and the criticisms made of GAP by Kudat - this assumption cannot be justified. If GAP is to be the institutional vehicle through which "resettlement as development" is promoted, an independent assessment of GAP’s record to date should be commissioned by the ECAs prior to project approval.

INDEPENDENT AND PARTICIPATORY MONITORING

Relevant guidelines breached:

- WCD: Strategic Priority 6 - Ensuring compliance, para 6.1.

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265 Executive Summary of RAP, p.1.

266 World Bank OD 4.30, para 18.

267 Kudat Report, op. cit, ref 7, pp. 25-26: “The urban centres of the Southeast Turkey that received high levels of migrants suffer from widespread unemployment and poverty. Educational levels are high and typhoid, dysentery and other infectious diseases are widespread. Staff shortages in schools and in the health sector are still acute. In some parts of the city of Diyarbakir, people continue to drink water from the irrigation canals.”

268 World Bank OD 4.30, para 22: "In-house monitoring by the implementing agency may need to be supplemented by independent monitors to ensure complete and objective information."

269 World Bank Draft OP 4.12 Annex, para 21: "Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the Bank."

270 OECD DAC 3, Involuntary Displacement and Resettlement, Annex, p.12: "Arrangements for monitoring implementation of resettlement and evaluating its impact should be developed by the aid recipient agency during project preparation and used during supervision. Monitoring and evaluation units should be adequately funded and staffed by specialists in resettlement and provisions should be made to ensure a participatory approach."

271 WCD, Strategic Priority 6 - Ensuring compliance, para 6.1: "A clear, consistent and common set of criteria and guidelines to ensure compliance is adopted by sponsoring, contracting and financing institutions and compliance is subject to independent and transparent review."
Both the World Bank and the OECD require resettlement to be monitored. In the case of the World Bank, a requirement for independent monitoring is at the lender's discretion. The ECAs have made independent monitoring a fundamental condition of their support for Ilisu so compliance with World Bank guidelines would, in this instance, require independent monitoring. OECD guidelines make no stipulations about independent monitoring but require monitoring to be "participatory".

Although the EIAR stresses the importance of monitoring,\textsuperscript{272} and proposes the inclusion of "regional and national NGOs" in the evaluation of monitoring results (though not the monitoring itself),\textsuperscript{273} the Executive Summary of the RAP gives no indication that the EIAR's recommendations have been adopted in the final resettlement plan. No provisions whatsoever are made for monitoring - whether independent or in-house. As such, the RAP appears to fail one of the major conditions for ECA support of the project.

Even if, on paper, an independent monitoring programme were agreed, we are of the view that genuine participatory rehabilitation projects cannot be planned and carried out under martial law. We note that all of the independent Fact-Finding Missions carried out by the Ilisu Dam Campaign and others have been subject to police intimidation.

PREVIOUS RECORD OF THE TURKISH AUTHORITIES ON RESETTLEMENT.

Relevant guidelines breached:

\textit{World Bank: Draft BP 4.12 (Involuntary resettlement), para 2(d).}\textsuperscript{274}

\textit{World Bank Procedures require staff to review "past borrower experience and likely implementing agencies' experience with similar operations."}\textsuperscript{275} The EIAR's treatment of past resettlement schemes, however, is woefully inadequate and does not provide sufficient argumentation or data to support its conclusions. Its view that past resettlement problems have been remedied is disputed and conflicts both with evidence cited in the report itself and with the recent experience at the Birecik dam project (see Section 1).

The EIAR gives only cursory consideration to the problems encountered with resettlement in past dam projects in Turkey (just over two pages) and does not examine

\textsuperscript{272} EIAR, p.7-18 -7-19: "Monitoring should be viewed as a complimentary tool which can reinforce the implementation of the RAP . . . Without monitoring programs carried out in a timely fashion, it would be difficult to assess how resettlement programs perform, to take corrective action in a timely fashion or to exploit more fully the economic opportunities."

\textsuperscript{273} EIAR, p.7-21: "regional and national NGOs should be associated to the process of appraising the results of the monitoring."

\textsuperscript{274} World Bank BP 4.12, para 2 (d): "When a proposed project is likely to involve involuntary resettlement . . . the Task Team and borrower staff . . . review past borrower and likely implementing agencies' experience with similar operations."

\textsuperscript{275} World Bank BP 4.12, para 2 (d).
or even cite any specific cases.\textsuperscript{276} It claims that "current resettlement packages have been significantly improved in several regards . . . recent resettlement programs have reportedly resulted in significant improvements of housing and infrastructure standards in new settlements."\textsuperscript{277} However, no data are presented in support of this conclusion: on the contrary, the EIAR notes that urban settlers from Ilisu could "experience unemployment and impoverishment due to a lack of training, job opportunities and general guidance."\textsuperscript{278} The EIAR goes on to state: "These obstacles are so difficult to overcome that less than 10\% of urban settlers, according to a GAP-RDA Report have managed in the past to improve their standards of living in urban areas."\textsuperscript{279} From the recommendations made by the EIAR, it would appear that "advisory services and comprehensive training programmes" are still not standard in Turkish resettlement schemes, despite claims that resettlement practice has improved.\textsuperscript{280}

Of particular concern is the failure of the EIAR even to mention the impacts of resettlement at Birecik, which has been claimed as a successful example of GAP's improved resettlement procedures. As noted in Section 1, many of those relocated at Birecik suffered grave violations of their human rights (with compensation cases being successfully prosecuted through the European Convention on Human Rights) and are worse off following their forced eviction. The experience is of particular relevance for Ilisu: the EIAR, however, ignores it entirely.

We conclude that the treatment of past resettlement practices is inadequate and biased. It does not serve as a sound basis for ECAs to evaluate Turkey's claim that past resettlement problems have been, or are being, addressed.

**FAILURE TO ANALYSE RESettlement ALTERNATIVES**

Relevant guidelines breached:

*World Bank: OD 4.30 para 3a*;\textsuperscript{281}

*OECD: DAC 3, Involuntary Displacement and Resettlement*;\textsuperscript{282}

\textsuperscript{276} EIAR, 4-90.

\textsuperscript{277} EIAR, 4-92.

\textsuperscript{278} EIAR, p.4-111.

\textsuperscript{279} EIAR, p.4-111.

\textsuperscript{280} EIAR, p.4-111.

\textsuperscript{281} "Involuntary resettlement should be avoided or minimized where feasible, exploring all viable alternative project designs." OD 4.30, para 3(a)

\textsuperscript{282} "Alternatives to displacement and resettlement should be fully considered before decisions on displacement and resettlement are taken... In every case, the alternative to refrain from carrying out the project (the "non-action" alternative) should seriously be considered."
The World Bank state: “Involuntary resettlement should be avoided or minimized where feasible, exploring all viable alternative project designs.” The OECD’s Development Assistance Committee guidelines, which the UK government says it will use to assess the project, go further: “Alternatives to displacement and resettlement should be fully considered before decisions on displacement and resettlement are taken… In every case, the alternative to refrain from carrying out the project (the “non-action” alternative) should seriously be considered.”

The EIAR does not study in any depth the impact of the various different proposals for resettlement. The report also offers no assessment of the resettlement implications of solar alternatives, gas or improving the performance of existing dams. Nor is there more than a cursory assessment of demand side management or the ”non-action” alternative.

The inadequate treatment of the resettlement impacts of alternatives to Ilisu violates both World Bank and OECD guidelines for projects involving involuntary resettlement.

Assessment of compliance with WCD guidelines

1. GAINING PUBLIC ACCEPTANCE

WCD Guidelines

“Public acceptance of key decisions is essential for equitable and sustainable water and energy resources development.” Decisions relating to the planning and implementation

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283 WCD, op. cit ref 43, Strategic Priority 2 - Options Assessment, para 2.2, p.221: "Planning approaches that take into account the full range of development objectives are used to assess all policy, institutional, management and technical options before the decision is made to proceed with any programme or policy."

284 WCD, op. cit ref 43, Strategic Priority 2 - Options Assessment, para 2.3, p.221: "Social and environmental aspects are given the same significance as technical, economic and financial factors in assessing options."

285 WCD, op. cit ref 43, Strategic Priority 2 - Options Assessment, para 2.4, p.221: "Increasing the effectiveness and sustainability of existing water, irrigation, and energy systems are given priority in the options assessment process."

286 WCD, op.cit ref 7, Strategic Priority 2 - Comprehensive Options Assessment, paras 2.5, p.221: "If a dam is selected through such a comprehensive options assessment process, social and environmental principles are applied in the review and selection of options throughout the detailed planning, design, construction and operations phases."

287 World Bank, OD 4.30 (Involuntary Resettlement) para (3a))

of a project must be jointly negotiated by affected communities and the project developers. The negotiations should be conducted through a stakeholder forum in which “those whose livelihoods, human rights and property and resource rights . . . are core stakeholders.” Negotiations “should result in demonstrable public acceptance of binding formal agreements among the interested parties with clear, implementable arrangements for monitoring compliance and redressing grievances.” Where indigenous groups are affected, the project must have their prior informed consent.291

Evaluation of Compliance

As noted in Sections 1 and 4, the Ilisu area has been devastated by armed conflict, and remains under emergency rule. Freedom of expression and freedom of association do not exist, and the Kurdish communities affected by the Ilisu dam cannot voice their opposition to the project. In this context, the conditions do not exist for ensuring “an open and transparent process” in which negotiated agreements on all key decisions can be reached between all stakeholders, as recommended by the WCD. As a result, the WCD’s pre-condition for project approval – that “all key decisions” should enjoy “demonstrable public acceptance” – has not been, and cannot be, met. The continuing Emergency rule – and accompanying security presence – also renders compliance through independent and transparent review unachievable.

More specifically, the project currently fails to meet the following WCD guidelines with respect to “demonstrable public acceptance”:

No stakeholder analysis has been undertaken in order to identify key stakeholders for inclusion in a stakeholder forum empowered with negotiating agreement on key decisions: 289

No stakeholder forum has been established (and none is contemplated) and stakeholders have not "participated in the project design and the negotiation of outcomes that affect them” :292

Key decisions are not being agreed through a negotiated process in which all stakeholders “have an equal opportunity to influence decisions”; 294

No measures have been taken, or are contemplated, to address power imbalances


292 Ibid, p.279. “The government planning body sponsoring the planned interventions is responsible for initiating the stakeholder analysis leading to the constitution of a forum and will participate in it. The final structure of a stakeholder forum should be decided upon in a consultative process.”

293 Ibid, p.271.

between various stakeholders in order to ensure "an open and transparent decision-making process in which the rights and entitlements of vulnerable groups [are safeguarded]."

The project proponents have not undertaken to prohibit acts of intimidation against stakeholders.

Access to the "information, legal and other support necessary for informed participation in decision-making" has not been made available, particularly for vulnerable groups.

Where consultation exercises have been held, communities have not been given "sufficient time to examine various proposals and consult amongst themselves".

The Turkish authorities have failed to demonstrate a willingness "to negotiate in good faith through all key stages, from options assessment to final implementation, operation and monitoring."

Stakeholders have not "participated in baseline, impact and investigative studies" and have not been invited to do so.

We also note that, even if the conditions imposed by the ECAs are met in full, the project would still be in violation of the WCD’s guidelines with regard to the WCD’s Strategic Priority of achieving demonstrable public consent. For example, there is no requirement to set up a stakeholder forum; no requirement to take measures to address power imbalances between stakeholders; and no commitment by the Turkish authorities – or indeed the ECAs themselves – to abide by a negotiated decision-making process involving all stakeholders.

**COMPREHENSIVE OPTIONS ASSESSMENT**

**WCD guidelines**

"Alternatives to dams do often exist" states the report. Development needs and objectives should be "clearly formulated through an open and participatory process" before any one

295 Ibid, p.280; “Authorities should make available adequate financial resources to enable stakeholder groups who are politically or financially weak, or who lack technical expertise or organised representation to participate effectively in the process.”


301 Ibid, p.269 and p. 268: "Meaningful participation in preparatory studies is central to the success of the investigation and the ultimate outcome . . . Preliminary negotiations with project-affected people, their community representatives, and other stakeholders are central to the preparatory studies in considering mitigation measures for any unavoidable adverse impacts and investigating benefit sharing plans."
option is selected. In the assessment process, “social and environmental aspects” should have “the same significance as economic and financial factors.” The assessment of options should continue “through all stages of planning, project development and operations.” Planning “must give priority to making existing water, irrigation and energy systems more effective and sustainable before taking a decision on a new project.”

Evaluation of Compliance

We consider that Ilisu fails this second strategic priority on all counts:

- No participatory assessment of development needs and objectives has been undertaken - and none is planned. Moreover the institutional arrangements for such an assessment do not exist in Turkey.

- No comprehensive, participatory options assessment has been undertaken - and none is planned. Assessments of alternatives to Ilisu have been minimal: no consideration has been given to the solar energy option, nor to the use of gas fired power stations, nor to the "no dam" option. Yet alternatives to Ilisu exist which are both economically competitive and less socially and environmentally destructive.

Given the potential offered by abundant solar energy in the region, it may also be argued that the Republic of Turkey would be better advised to opt for a solar programme, particularly in view of the potential opportunity for Turkey to establish a competitive edge in the technology. In addition to possible cost advantages, embarking on such a programme could promote Turkey to a leading position in a key technology for the 21st century. At present, no other country has established a mold-breaking programme in this area. A large-scale solar programme would also be likely to be highly beneficial to Turkish trade. The use of solar energy avoids the import of fuel. Indigenous production would ensure that the overwhelming majority of the value of the projects would be retained in Turkey, with Turkey lining itself up to become a major exporter of solar technology in the future. Moreover, because solar power is flexible, a solar programme can easily be adjusted as power requirements emerge. An additional advantage would be that solar plants can be installed in relatively small numbers near key areas of demand, so avoiding the need to expand the power grid at great cost. In this way, local people would be major beneficiaries, as intended under the GAP.

Gas-fired plants also appear to offer a cheaper alternative to Ilisu. In November 1998, the Swiss government guaranteed contracts for Ankara gas power project. At US$380/kW, this project costs less than a third of Ilisu. The recent private sector investment in three gas-fired power plants in the Marmara region has also demonstrated the attractiveness of this option from a financial point of view. A Fact-Finding Mission, undertaken in October 2000 by the Ilisu Dam Campaign, was also informed that the Marmara plants’ contribution to power supply in Turkey was sufficient to allow the government to reject the Akkuyu nuclear project without the danger of creating power cuts.

The attraction of such alternatives is enhanced still further by recent drought in the GAP

302 Ibid, p.221.

region which has caused an acute shortage of electricity due to low water levels in many large hydro reservoirs, which are experiencing their lowest water levels in ten years. Officials said the levels in the dams – which supply one fifth of the nation’s electricity - were so low that it might take four or five years before they return to normal.304

The recent financial crisis in Turkey is likely to decrease demand in the near future, permitting an extended review of future projections and option in the energy sector in Turkey.

Priority has not been given to improving the effectiveness of existing energy systems, as recommended by the WCD, or to improving the performance of existing dams, despite numerous studies that have repeatedly documented the inefficiency of Turkey’s existing energy systems. Yet a number of independent studies reveal that demand-side management and improvements in transmission both represent less costly, more sustainable alternatives to Ilisu. A January 2000 report on Turkey by the International Energy Agency, citing the Turkish Government’s own State Planning Organisation’s 1996-2000 Five Year Development Plan, concludes that “energy efficiency is considered the cheapest energy source [and] potential gains to be achieved by increased energy efficiency are substantial.”305 The IEA estimates “the total energy saving potential for the three consumptive sectors to be approximately 13.2 mtoe [million tonnes oil equivalent] per year, corresponding to slightly more than the current final energy consumption in the energy sector.”

ADDRESSING EXISTING DAMS

WCD Guidelines

“Opportunities to improve the efficiency, environmental and social performance of


existing dams and optimise their benefits must be taken.\textsuperscript{307} Outstanding social issues associated with existing large dams should be identified and assessed — and "processes and mechanisms . . . developed with affected communities to remedy them."\textsuperscript{308} The WCD is emphatic that "priority must be given to financing a negotiated reparation plan before funding new dam projects in a specific location or river basin in a country."\textsuperscript{309}

Evaluation of Compliance

We found the Ilisu project to be in complete violation of the guidelines proposed by the WCD:

No "comprehensive post-project monitoring" has been undertaken of dams already built under the GAP;\textsuperscript{310}

No mechanisms are in place - or are being put in place - to make reparations for the loss of livelihood and other damages suffered by those who have been forced to move as a result of dams already built as part of GAP. Existing dams in the area have already displaced hundreds of thousands of people. Most of those evicted have not received any compensation or rehabilitation;\textsuperscript{312} as the Mission confirmed in meetings with those evicted to make way for the Atatürk Dam, the problems suffered by those who have been evicted by past dams are severe (see Annex 2: Atatürk's Victims - The Continuing Misery).

Funding new dam projects is being given priority over funding "a negotiated reparation plan", contrary to the WCD's recommendations.\textsuperscript{312}

RECOGNISING ENTITLEMENTS AND SHARING BENEFITS

\textit{WCD Guidelines}

The rights of affected people must be recognised. "Mutually-agreed, formal and legally enforceable mitigation, resettlement and development provisions" should be jointly negotiated by the project developer and affected people.\textsuperscript{313}

\textsuperscript{307} Ibid, p.225.

\textsuperscript{308} Ibid, p.225.

\textsuperscript{309} Ibid, p.230.

\textsuperscript{310} Ibid, pp.225-226. The WCD recommends that such evaluations should "be comprehensive, integrated, cumulative and adaptive" and that they should be participatory. Moreover, "where dams are part of a larger river basin and regional development scheme, the evaluations should take into account basin-level evaluation of all project and programme components linked to the dam that affect the environment and society."

\textsuperscript{311} As Ayse Kudat points out in her preliminary assessment of the draft resettlement action plan for Ilisu: "There are still a large number of people affected by previously constructed dams who are still waiting to be resettled, sometimes for many years." She also notes: “In the past 30 years resettlement was [only] provided for about 100 families annually.”

\textsuperscript{312} Ibid, p.230.

\textsuperscript{313} Ibid, p.240.
Evaluation of Compliance

As noted in Sections 1, the rights of communities affected, or potentially affected by Ilisu, have not been recognised by the Turkish authorities. In particular, the following entitlements - all specified by the WCD - have been denied to villagers:

- The right "to participate in negotiating the outcomes of the options assessment process";
- The right "to participate in negotiating the implementation of the preferred option"; and
- The right "to negotiate the nature and components of mitigation and development entitlements".

In addition:

- Ilisu lacks a Mitigation, Resettlement and Development Action Plan, accepted by affected people and backed by "a master contract that outlines the obligations of government and the developer".
- No performance contracts have been signed - or even considered - between the government and individual affected families, as recommended by the WCD. Such contracts should specify "entitlements (compensation, resettlement where necessary and direct benefits from the project), delivery schedule and recourse procedures"; and
- No legally enforceable benefit sharing mechanisms have been negotiated with affected communities.

ENSURING COMPLIANCE

WCD Guidelines

The WCD’s report states: “A clear, consistent and common set of criteria and guidelines to ensure compliance [with commitments made for the planning, implementation and operations of dams]” should be adopted “by sponsoring, contracting and financial institutions”. The WCD recommends a Compliance Plan should be drawn up and be subject to independent monitoring. The costs for establishing compliance mechanisms and ensuring their effective application should be “built into the project budget.”

Evaluation of Compliance

We note that the WCD’s recommended mechanisms for ensuring compliance are entirely absent from Ilisu. For example:


316 Ibid, p.244.
- No "clear, consistent and common set of criteria and guidelines to ensure compliance" has been adopted - let alone agreed - by "sponsoring, contracting and financing institutions".\textsuperscript{317}

- No "Compliance Plan"\textsuperscript{318} has been agreed - let alone considered - for Ilisu;

- No independent review panel\textsuperscript{319} has been agreed for Ilisu;

- There are no requirements for the DSI, as project sponsor, to set up performance bonds "to provide financial security that obligations will be met".\textsuperscript{320}

- No provisions have been made in the project budget "for compliance mechanisms and related institutional capacity".\textsuperscript{321}

Although the ECAs' first condition - on resettlement - specifies the need for independent monitoring, the condition fails to meet other compliance requirements stipulated by the WCD. Moreover, as noted in Sections 1 and 2, there are grave doubts that independent monitoring is possible whilst the region remains under Emergency Rule.

Other suggested compliance mechanisms also fail to meet the WCD guidelines. For example, the UK Export Credits Guarantee Department has undertaken to write "clawback" mechanisms into any contract undertaken in support of Ilisu, whereby the credit could be voided if its conditions are not met. No details have been made public, however. In addition, it is also questionable whether clawback conditions, though welcome, would suffice to ensure long-term compliance with agreements undertaken by the Turkish authorities, for example on environmental mitigation and resettlement, since the involvement of Balfour Beatty, the company which would receive ECGD support, is likely to be over before many problems emerge.

\section*{Non-Compliance with Special Provisions for Dams in the Pipeline.}

The World Commission on Dams makes special provisions for "dams in the pipeline". At least one ECA - Switzerland's ERG - has stated that it will use the criteria in this section of the WCD report as a benchmark (alongside others) to evaluate compliance with the ECAs' condition on resettlement.

\textit{WCD guidelines}

\footnotesize
\begin{itemize}
    \item \textsuperscript{317} Ibid, p.245.
    \item \textsuperscript{318} Ibid, p.244
    \item \textsuperscript{319} Ibid, p.246.
    \item \textsuperscript{320} Ibid, p.247.
    \item \textsuperscript{321} Ibid, p.248.
\end{itemize}
The WCD lays down five guidelines for projects at the detailed design stage, of which four are related to social issues and resettlement:

- "The stakeholder forum is consulted on decisions related to project layout, operation and mitigation and development measures and relevant agreements are negotiated with affected groups."

- "A compliance plan is prepared and recourse mechanisms are identified."

- "Compliance mechanisms are provided for in the tender documents."

- "Benefit-sharing contracts are negotiated for displaced and project affected people."

- "A process for stakeholder involvement during operation is established."

Evaluation of compliance:

Ilisu fails to comply with any of these conditions.

- No stakeholder forum exists.

- There is no evidence presented in either the EIAR that a compliance plan has been agreed or that compliance clauses are envisaged in the contracts for the dam.

- Whilst the Turkish government has stated that it will consult further with affected people, there is no indication in the EIAR that Turkey is willing to agree or even consider negotiated "benefit-sharing contracts" with displaced or project-affected people.

- No process for stakeholder involvement in the dam's operations is mentioned in the EIAR and there are no other indication that it is even being considered.
1. Having reviewed the EIAR and the Executive Summary of the RAP, we find that as currently planned and executed, the Ilisu Dam and HEPP:

- Breaks 2 Ex-Im guidelines on one count each
- Breaks seven major World Bank safeguard policies relating to resettlement on thirty counts.
- Breaks the OECD's two guidelines relating to resettlement on fourteen counts.
- Breaks six of the World Commission on Dams' resettlement-related Strategic Priorities and Guidelines on thirty-one counts.

Such violations lead us to conclude that current resettlement plans for Ilisu:

- Fails to comply with the benchmark guidelines to which ECAs have singly or collectively bound themselves with respect to evaluating Ilisu's compliance with the ECAs' joint condition on resettlement.
- Fails to achieve the objectives laid down by the UK government when imposing conditions to ECGD support for Ilisu. In particular, the continuing repression in the region renders the key of objective of proper consultation unattainable.
- Fails to comply with the UK's broader policies on sustainable development, particularly those relating to participation.
- Fails to comply with the ECA’s condition on resettlement. From the evidence presented in the EIAR and the Executive Summary, there are no credible grounds for concluding that a resettlement plan has been drawn up which "reflects internationally acceptable practice."

We further conclude that

- Support for support for Ilisu would result in breaches either of international law or the rights of Turkish citizens under the European Convention on Human Rights.
- The ECAs considering export credits applications for the project should reject the applications forthwith.
Annex 1

European Court of Human Rights Cases Relating to GAP

(Extract from: Ilisu Dam Camp et al., If the river were a pen - The Ilisu Dam, the World Commission on Dams and Export Credit Reform: The final report of a Fact-Finding Mission to the Ilisu Dam region 9-16 October 2000, London 2001.)

"The Mission met with lawyers in Birecik, and asked what remedies were available in the courts to people whose lands were expropriated. The lawyers indicated that there were a large number of cases which were currently being adjudicated in the European Court of Human Rights.

The Mission later obtained transcripts of two settlements and one judgement in cases which have been taken to the European Court of Human Rights. In each case the applications had been based upon the premise that the delay in the payment of the compensatory award was so great that it amounted to violations of Article 6 and Article 1 of the First Protocol of the European Convention on Human Rights, Article 1, 1st Protocol states that:

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No-one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by general principles of international law.”

Yasar and others v Turkey. (Judgment)

Case Numbers 27697/95 and 27698/95

Applications were made to ECHR by Yasar and seventeen others concerning violations of their rights under Article 1 of the First Protocol.

In August 1988, the DSI indicated its intention to expropriate land at the village of Bagacik, as part of its dam-building plans. Transfer of title in the land took place on 1st June and 1st September 1992, with compensation of 30,790,000TL and 34,456,100TL (65,246,100 TL in total) being paid to the Applicants. Appeals were lodged in the Court of first instance for the awards to be re-assessed in late 1992. (The case numbers were 93/93 and 93/109). The tribunal ordered that an expert opinion should be sought to value the land. The expert report was then contested by DSI, and a second report commissioned. Subsequently, in respect of 93/93, DSI was ordered to make a further payment of 91,824,379 TL, which sum included a simple interest rate of 30% pa, calculated from the dates on which the title had passed, on 1st September 1992. In
respect of 93/109, DSI was ordered to make a similar further payment of 187,000,000 TL, the interest being calculated from 1st June 1992. The Court of Appeal confirmed these judgements on 20th October 1992.

On 10th October 1996, the Appellants in Case 93/93 received 209,230,000 TL, and in Case 93/109, the Appellants received 432,607,000 TL. During the relevant period, the interest attracted by debts of the State was running at 7% per month, ie 84% pa. (Article 51, Law 6183, and Rule 89/14915 of the Council of Ministers) However, according to Law 3095, interest payable on State debts was calculated at 30% pa during the period concerned. Between 1994 and 1996, the ECHR found as a matter of fact that inflation in Turkey was running at 93.76%.

The Applicants to the European Court of Human Rights submitted that there were breaches of their rights under 1st Protocol, Article 1, since four years had passed since the original first instance rulings, and two years since the Appeal Court had confirmed their award of further compensation. This delay in payment, coupled with the dire economic state of the Turkish economy, amounted to the breaches of which they now complained. They also submitted that there was no means in Turkish law by which they could enforce against the State for money owed to them.

In its judgement, the Court considered the margin of appreciation to which a State is entitled, in the determining of interest rates, bearing in mind the State’s obligations to its citizens. It also considered that a balance must be struck, between the rights of the individual and the rights of the community at large. It referred to previous jurisprudence, in which the nature and degree of prejudice caused by delay was considered. [Akkus v Turkey, 9th July 1997], Lithgow and others v United Kingdom 8th July 1986]. It concluded that the delay between the final judgement and payment of the compensation lay at the hands of the Turkish government, and that it had caused disproportionate prejudice to the Applicants. The delay, coupled with the length of the procedure which the Applicants had had to endure, did not reflect an appropriate balance between the rights of the property owning individual and the community at large. There had been a violation of Article 1, 1st Protocol. Compensation, damages and costs of the hearings in the domestic courts were therefore payable, in the total sum of $24,895 US, (interest on the judgement at 6% pa).

BT and others v Turkey. (Settled)

Case Numbers 26093/94 and 26094/94

Nine applications were joined in this case. DSI gave notice of its intention to expropriate three areas of land at Bulanik, as part of its dam-building programme in 1990. Compensation became payable at the date on which the three parcels of land were expropriated. In August 1992 the applicants appealed to the domestic court of first instance, for the level of the award to be re-assessed. Their applications were given three separate numbers, 92/51, 92/65 and 92/70. The domestic court ruled in November 1992 that the level of each of the three awards should be raised, and it calculated new sums payable in respect of each piece of land. The sums incorporated damages, and interest at 30% pa, to be calculated from the date at which title in the land had been
transferred, which had occurred in July and November 1992. These judgements were confirmed in the Court of Appeal in May, November and April 1993 respectively.

Compensation was finally paid in respect of 92/51 in November 1996, three years and six months after the Appeal Court ruling; in respect of 92/65, one year and nine months after the Appeal Court ruling, and in respect of 92/96, three years and nine months after the Appeal Court ruling.

These cases were not pursued by the Applicants, upon the Turkish government settling the matter by undertaking to pay to the Applicants the sum of 23,200$US, which figure included compensation and costs.

V.N.K. and 44 others v Turkey. (Settled)

Case Numbers 29888-96/96

DSI expropriated land in 1993 in the village of Tekaagac. The Applicants appealed to the domestic court of first instance for the award of compensation to be re-assessed. Between 1993 and 1995, thirty-one appeals were successful. Between 1994 and 1995, these judgements were confirmed in the Court of Appeal. Applications were made to the Strasbourg Court between 1995 and 1997, during which time payment was made by DSI, with delays having amounted to between eleven and twenty three months between judgement and payment. On 12th August 2000, the Turkish government settled the matters, by paying US$66,840 to the applicants, which again reflected compensation costs and interest.
Annex 2

Ataturk's Victims: The Continuing Misery

It is generally acknowledged that the resettlement programme at the Ataturk Dam, completed in 1993, which affected between 150,000 and 200,000 people - more than twice the number originally estimated or currently acknowledged by the authorities - has fallen far short of international standards. Although the entire town of Samsat and nearly 300 hundred villages were flooded by the Ataturk Dam, no comprehensive Resettlement Action Plan was prepared by the DSI whatsoever.

The Mission met with villagers affected by the Ataturk project and learned that compensation was frequently inadequate and delayed, that more than 80 per cent received no compensation whatsoever and no replacement houses; and that those few who obtained compensation have often lost that money because of rapid inflation, and a lack of familiarity with city life and commercial activities.

Many villagers told the Fact-Finding Mission they “were not resettled, but evicted”. Others stated that “resettlement had resulted in major social problems, including the breakdown of social networks, clashes and disputes among neighbours over compensation, and resulting injuries and deaths”.

Companies and financiers involved

The Ataturk Dam, dedicated to the founder of modern Turkey, is the largest structure ever built in Turkey for irrigation and hydropower generation. It is located on the Euphrates river and constitutes the centrepiece of the Southeastern Anatolia Project (GAP).

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322 The official figure from GAP authorities is 75,000.

323 Until recently the average yearly inflation ratio in Turkey has reached over 50 per cent.

324 This section draws substantially from John Wicks, “Harnessing the waters”, SHZ Publications, Switzerland, September 1992

325 The Hydropower component of the dam was planned to generate 8.9 billion KWh of electricity annually before irrigation started; when the first scheme of irrigation went into operation it was expected to generate about 8.1 billion KWh of energy per year. According to project authorities 882,000 hectares of land would be irrigated by the water of the impounded in the Ataturk reservoir: 476,000 hectares by gravity flow through the 57.8 km long Sanliurfa tunnels system and the remaining 406,000 hectares by pumping. The 166-meter-high and 1664-meter-long Ataturk Dam created a reservoir which has a surface of 817 square km and a total storage capacity of 48.7 million cubic meters. The Ataturk dam is the ninth-largest rockfilled dam in the world. Construction work started in 1981 and all the eight hydropower units, totalling 2,400 MW installed capacity, came into operation at the end of 1993. The dam was built downstream of the 1,800 MW Karayaka Dam, the first water scheme downstream of the old Keihan Dam built on the Upper Euphrates under the GAP project which was completed in 1988 and cost US$1.2 billion.
When the Ataturk project was approved, the DSI awarded the contract for building the dam to the Ataturk Engineers Joint Venture (AEJV), consisting of Electrowatt and Societe Generale pour l'Industrie from Switzerland and Dolsar from Turkey. The electromechanical contracts went to the Swedish-Swiss transnational Asea Brown Boveri AG, Sulzer-Escher Wyss GmbH, Noell GmbH and Voest Alpine from Austria. Earthmoving and construction work was made the responsibility of the Turkish Consortium ATA-insaat.

The overall cost of the project was around US$2.3 billion USD. The original contract value of Swiss francs (Sfr.) 960 million mushroomed to well in excess of Sfr. 1,000 million. A banking consortium led by Union Bank of Switzerland came up with a 18-year export credit of Sfr. 5,734 million. The fact that Swiss, German, Italian and Austrian companies were involved meant optimum risk management, with coverage from Switzerland’s export credit agency, as well as Hermes in Germany, SACE in Italy and OKB in Austria.

Health impacts

Before the construction of the Ataturk dam, malaria was not present in the region. However, the dam's reservoir, together with its associated irrigation channels, created an ideal breeding ground for the disease's mosquito vectors which rapidly spread the disease. The malaria parasite had been introduced to the area through infected migrant workers' returning home from seasonal work in the cotton-growing Cukurova region – 400 km west of Urfa. Malaria deaths have already occurred in a number of villages.

Other tropical diseases - notably schistosomiasis and leishmaniasis - have also spread after the introduction of intensive irrigation in the region. Animals are also reported to have died because of new diseases, forcing farmers to slaughter their stock in order to prevent the spread of infection.

At present, there is no authority charged with monitoring the dam's health impacts and doctors and medical staff receive no training in dealing with malaria. Once a year, during the cotton harvest, malaria tablets are distributed by a “Malaria Group” run directly by the Health Ministry – but, the Mission was told, people are only given one malaria tablet each. It is very unlikely that such interventions will prevent the spreading of malaria in the area.

The authorities’ response to the advent of the disease has been limited to spraying chemical products in urban areas. No public education programme accompanied the spraying and many people became ill after drinking water from canals which had been sprayed. The use of agro-chemicals is also reported to be problematic. The Mission met

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326 Two ABB subsidiaries, Asea Brown Boveri AG from Germany and ABB Tecnomasio from Italy, were also awarded contracts.

327 This section draws on an interview with journalist Mehmet Dikec.
with families who worked for eight months of the year in cotton fields. It was told that severe inflammation and irritation of their skin and acute stomach upsets invariably occurred after the crops had been sprayed.

In June 1999, a local journalist collected a sample of water from Akcakale town, where 25,000 people live, and brought it to an official public laboratory in Urfa in order to obtain a detailed chemical analysis. Staff from the laboratory told him that they lack adequate facilities and thus, "We don’t deal with these things". The story appeared in the newspaper “The Voice of Akcakale” in mid-June, prompting many people to go to the Town Hall to request further information. Officials responded by telling people that they "didn't need to know about chemicals in the water." The local newspaper was subsequently closed down.328

Social and Environmental impacts

The lack of any training for farmers in managing irrigation water and handling pesticides has led to the indiscriminate use of both, resulting in the salinisation of land and the poisoning of farmers.

Overuse of fertilisers is also causing soil degradation and pollution. Many fear that the problems will get worse following the planned introduction of cotton farming in the Urfa region. Some effort has been made to reduce salinisation, however, including the building of drainage canals.

Resettlement and compensation issues329

Those interviewed told the Mission that, although aware that the dam would be constructed, they were unable to conceive of the extent of its reservoir. They were not consulted over compensation, the levels of which were unilaterally decided on by the government.

Affected villagers were given no opportunity to voice their views on compensation and resettlement. Land was only offered as compensation if the villagers were prepared to move to distant resettlement sites elsewhere in Turkey. Since few spoke Turkish, the majority were unwilling to move. Those eligible took cash compensation. "What people really wanted was some land with some farming equipment in the area close to the reservoir," the Mission was told.

328 The closure followed further exposés by the journalist. In particular, a series of articles called for the closure of an illegal chemical dump in the area. A local MP told the journalist, “Who are you to say that? You don’t have the right to call for its shutting down.”

329 Section based on interviews with two villagers from the Ataturk area: Mustafa Karael from Ercek, (200 inhabitants) and Ali Isik from Nasreddin (250/300 inhabitants). Both villages were submerged in 1992.
Problems rapidly emerged over land titles: some properties had more than one owner whilst others had no owner at all. In some instances, disputes led to bloody clashes among villagers.

Most people received no compensation. The few who did had never seen so much money in one lump sum and "they didn't know if it was the right amount due to them." The first instalment to be paid was very low and a number of villagers went to court to challenge the compensation payments. Those interviewed report that "many lawyers exploited the situation by trying to collect 10-15 cases for each village in order to earn more money."

The compensation appeals lasted three years, after which the courts generally ruled in favour of the villagers. On average, the original compensation payments were one-sixth of those finally awarded. Many cases are still pending.

Many of those evicted "didn't know how to survive and decided on their own to move to cities, where they soon felt like foreigners." They also didn't know how to invest their money in urban commercial businesses. Often they were cheated by city-based partners and lost all their money.

Those who received no compensation were forced to migrate to the major cities of the region.

"They just resettled on their own and tried to look for any kind of job. Children and youngsters started to sell a few things on the street; they didn't go to school anymore and then left their families to move to bigger cities looking for a better future." Families were forced to borrow money from relatives, but often it was not enough and many now have large debts.
Alternatives to Ilisu

Review of the EIAR for the Ilisu Dam and HEPP

Submission by
Corner House Research
Ilisu Dam Campaign
Friends of the Earth
Kurdish Human Rights Project
Berne Declaration
Campaign an Eye on SACE
Pacific Environment
World Economy, Ecology and Development (WEED)

September 2001
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Executive Summary

The purpose of this Review is to evaluate the extent to which the recently published *Ilisu Dam and HEPP: Environmental Impact Assessment Report* (EIAR) has assessed the alternatives to the Ilisu Dam.

The EIAR is analysed against the international Guidelines of the World Bank and of the OECD, guidelines which the EIAR itself has consulted and which dictate that an EIA should compare the project with reasonable alternatives. These guidelines have been considered to represent international best practice. In order to conform to international best practice, the Ilisu EIAR should therefore demonstrate that Ilisu has been compared with all reasonable alternatives.

None of these guidelines have been met in full, and the majority have not even been met in part. It is therefore concluded that the EIAR does meet international best practice on its assessment of alternatives to the Ilisu Dam.

Omissions in the EIAR’s consideration of alternatives to Ilisu include:

- an incomplete assessment of the positives and negatives of hydropower
- an incomplete assessment of the positives and negatives of solar energy
- an incomplete assessment of the positives and negatives of wind energy
- an incomplete assessment of the positives and negatives of other alternatives such as gas
- an incomplete assessment of the potential of the non-project alternative of energy efficiency and demand side management.

Hydropower generally and the Ilisu dam in particular have many negatives not covered in the assessment of alternatives. The EIAR presents an unbalanced view of hydropower.

Turkey has plenty of sunshine and solar energy would represent a cost-effective (in the long term) alternative to Ilisu. Turkey also has plenty of wind (enough to generate more than its existing total energy consumption) and is ideally placed to utilise this. The costs of wind power are competitive with the costs of hydropower. The cost of electricity generated by gas-fired plants is less than one third of the estimated cost of electricity generation by Ilisu.

Grid losses mean that Turkey wastes 17% of all the electricity it produces. The EIAR’s consideration of improving its transmission and distribution (i.e. grid) losses is incomplete, with transmission losses only partially discussed and distribution losses not discussed.

This electricity wastage skews Turkey’s demand projections for the future. Also not considered is the future potential for demand management and demand side efficiency.

It is concluded that the EIAR’s analysis of alternatives to the Ilisu Dam is incomplete and does not meet internationally accepted best practice. On this basis, **we recommend that the ECGD reject any applications being considered for export credit or investment guarantee support for Ilisu.**
1. Introduction

1.1 Purpose
The purpose of this Review is to evaluate the extent to which the recently published *Ilisu Dam and HEPP: Environmental Impact Assessment Report* (EIAR) has assessed the alternatives to the Ilisu Dam.

Explicit in the Environmental Impact Assessment (EIA) process is the need to assess alternatives to the project being proposed and the relevant World Bank and OECD guidelines (considered international best practice) on conducting EIA give details of what should be included.

In its Desk Review\(^1\) of the original Ilisu EIA Report, Environmental Resources Management (ERM) stated:

> “Neither the original EIA, or the subsequent review, present much in the way of an analysis of alternatives ... whilst they may of course have been discounted for a number of reasons, including economic and /or political, the report should at least present the reasons for their exclusion, and if appropriate, their comparative advantages and disadvantages.”

The new EIAR does cover alternatives. This Review assesses the extent to which this coverage meets the international best practice of the World Bank and OECD.

1.2 Scope
The scope of this review is limited to an assessment of whether the EIAR has fully considered all of the alternatives to the Ilisu Dam in line with international best practice of the World Bank and OECD. Since Unfortunately it does not compare the EIAR with the relevant guidelines in the World Commission on Dams report.\(^2\) These guidelines are widely recognised to be stricter or of a higher standard than those of the World Bank and OECD and have crystallised into international best practice.

1.3 Structure
This review deals with three main areas:

- demand and current generating capacity (section 2)
- methods of electricity generation (section 3)
- energy efficiency (section 4)

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\(^1\) Environmental Review of Ilisu Dam Project: Desk Review of EIA and Associated Documents, Environmental Resources Management, November 1999

2. International Best Practice and Standards

This section details the international best practice standards for consideration of alternatives in environmental impact assessment (section 2.1). The table in section 2.2 then compares each part of the guidelines considered in section 2.2 and asks whether it has been met. The reader is referred to the relevant parts of the EIAR (where applicable) and to further analysis in this report (sections 3, 4 and 5) for more information on the justification for assessing whether each guideline has been met.

2.1 The Standards

The major World Bank, OECD guidelines, directives, operational policies and procedures which relate to assessment of the alternatives are considered in this section.

The World Bank has ten environmental and social safeguard policies, intended to ensure that Bank operations “do no harm” to people and the environment. The policies, which are mandatory, have been in place since the early to late 1980s.

When first formulated, the safeguards took the form Operational Directives which combined mandatory policy, Bank procedures and “good practice” advice. In order to distinguish “policies” from “procedures”, however, the Bank is in the process of converting the old ODs into Operational Policies (OPs) and Bank Procedures (BP). The Bank has stated that the conversions will not result in any dilution of the safeguards. Most of the ODs have now been converted. The safeguards relevant to consideration of alternatives to Ilisu are discussed below.

The EIAR states that the “World Bank Operational Directive 4.01 on Environmental Assessment ... as well as the “OECD Guideline on Environment and Aid No 1. Good Practices for Environmental Impact Assessment” have “influenced [it] to a significant degree”. It goes on to say “full compliance with them could not be attained” and lists three reasons why. None of these reasons relate to or include mention of assessment of alternatives.

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3 EIAR section 1.2.2
4 EIAR section 1.3.1
5 EIAR section 1.3.1
The Ilisu Dam falls under category A.

(i) World Bank OP 4.01 Environmental Assessment, January 1999

(a) Para 8a

"EA for Category A project[6] examines the project's potential negative and positive environmental impacts, compares them with those of feasible alternatives (including the "without project" situation) and recommends any measures needed to prevent, minimise, mitigate or compensate for adverse impacts and improve environmental performance."

So, in its analysis of alternatives, we would expect the EIAR to

- compare Ilisu’s environmental impacts with those of feasible alternatives;
- compare Ilisu’s environmental impacts with the “without project” situation;

(b) Annex B, "Content of an Environmental Assessment Report for a Category A Project".

"The EA should include the following items . . .

f) Analysis of alternatives: [footnote - see below] Systematically compares feasible alternatives to the proposed project site, technology, design and operation - including the "without project" situation - in terms of their potential environmental impacts; the feasibility of mitigating these impacts; their capital and recurrent costs; their suitability under local conditions; and their institutional, training and monitoring requirement. For each alternative, quantifies the environmental impacts to the extent possible, and attaches economic values where feasible. States the basis for selecting the particular project design proposed and justifies recommended emission levels and approaches to pollution prevention and abatement."

The para contains a footnote where marked:

"Environmental implications of broad development options for a sector (eg. alternative ways of meeting projected electric power demand) are best analyzed in least-cost planning or sectoral EA . . . EIA is normally best suited to the analysis of alternatives within a given project concept (eg. a geothermal power plant, or a project aimed at meeting local energy demand), including detailed site, technology and operational alternatives."

So, in its analysis of alternatives, the EIAR should:

- compare feasible alternatives (including the "without project" situation) to the proposed project site, technology, design and operation, in terms of
  - its potential environmental impacts;

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6 The Ilisu Dam falls under category A
• the feasibility of mitigating these impacts;
• its capital and recurrent costs;
• its suitability under local conditions;
• its institutional, training and monitoring requirement;

- For each alternative, quantify the environmental impacts to the extent possible;
- For each alternative, attach economic values where feasible;
- State the basis for selecting the particular project design proposed.

(ii) World Bank Procedures 4.01 Environmental Assessment, Annex B, Application of EA to Dam and Reservoir Projects
para 4.
"In reviewing the EA, the TT [Task Team] and the RSU [Regional Environment Sectoral Unit] ensure the EA examines demand management opportunities. In appraising the project, they ensure the project design adequately takes into account demand management as well as supply options (e.g., conservation of water and energy, efficiency improvements, system integration, cogeneration and fuel substitution).

So it should be checked that the EIAR’s analysis of alternatives:
• examines demand management opportunities;
• adequately takes into account supply options (e.g., conservation of water and energy, efficiency improvements, system integration, cogeneration and fuel substitution)

OECD

(a) Page 6
"The EIA should consider alternative project designs (including the "non-action" alternative) as well as required mitigation and monitoring measures."

So, the EIAR should consider:
• alternative project designs (including the non-action alternative)
"EIA should be viewed as an integral part of the project planning process. It should begin with an early identification of project alternatives and the potentially significant environmental impacts associated with them."

So the EIAR should:

- Begin with an early identification of project alternatives and the potentially significant environmental impacts associated with them;

"In general the terms of reference for a thorough EIA should include the responses to the following questions . . . a comparison of project alternatives and mitigation measures in terms of their potential for eliminating adverse impacts, the associated capital and recurrent costs, suitability under local conditions, and the institutional, training and monitoring requirements."

So the EIAR should include:

- a comparison of project alternatives and mitigation measures in terms of their potential for eliminating adverse impacts;
- a comparison of project alternatives and mitigation measures in terms of the associated capital and recurrent costs;
- a comparison of project alternatives and mitigation measures in terms of the suitability under local conditions,
- a comparison of project alternatives and mitigation measures in terms of the and the institutional, training and monitoring requirements.

WORLD COMMISSION ON DAMS (WCD)

In November 1999 the World Commission on Dams (WCD), an international body charged with drawing up new guidelines for the hydro industry, reported. Its report is widely regarded as setting the benchmark for best practice in dam projects - and hence for international standards.

Alternatives are dealt with in Strategic Priority 2 “Comprehensive Options Assessment” which is one of the WCD’s seven strategic priorities. This states:

“Alternatives to dams do often exist. To explore these alternatives, needs for water, food and energy are assessed and objectives clearly defined. The appropriate development response is identified from a range of possible options. The selection is based on a comprehensive and participatory assessment of the full range of policy, institutional, and technical options. In the assessment process social and
environmental aspects have the same significance as economic and financial factors. The options assessment process continues through all stages of planning, project development and operations.

Effective implementation of the strategic priority depends on applying these policy principles depends on:

2.1 Development needs and objectives are clearly formulated through an open and participatory process before the identification and assessment of options for water and energy resource development.

2.2 Planning approaches that take into account the full range of development objectives are used to assess all policy, institutional, management, and technical options before the decision is made to proceed with any programme or project.

2.3 Social and environmental aspects are given the same significance as technical, economic and financial factors in assessing options.

2.4 Increasing the effectiveness and sustainability of existing water, irrigation, and energy systems are given priority in the options assessment process.

2.5 If a dam is selected through such a comprehensive options assessment process, social and environmental principles are applied in the review and selection of options throughout the detailed planning, design, construction, and operation phases.”

These guidelines are far more comprehensive than those of the World Bank and OECD as they involve continual options assessment throughout the life of the project. Unfortunately this Review has not formally analysed whether the EIAR meets these guidelines, however it is apparent from the following table and analysis that a comprehensive assessment of the options has not been carried out and it is therefore highly unlikely that the guidelines of the WCD have not been met.
2.2 Have the World Bank and OECD Standards Been Met?

<table>
<thead>
<tr>
<th>STANDARD</th>
<th>STANDARDS MET?</th>
<th>EVIDENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>World Bank OP 4.01 Environmental Assessment, January 1999 (Para 8)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| compare Ilisu’s environmental impacts with those of feasible alternatives | not met | - environmental impacts of alternative hydro projects not mentioned (EIAR sections 2.4.2 and 2.4.3)  
- environmental impacts of alternative power generation discussed but is incomplete (see section 4 of this report) (EIAR section 2.2.3)  
- the without project situation is not addressed as the EIAR (section 2.2.1) assumes the project is essential and does not consider non-project alternatives such as demand management and energy efficiency (see sections 3 and 5 of this report) |
| compare Ilisu’s environmental impacts with the “without project” situation | not met | - the without project situation is not addressed as the EIAR (section 2.2.1) assumes the project is essential and does not adequately consider non-project alternatives such as demand management and energy efficiency (see sections 3 and 5 of this report) |
| Compare feasible alternatives (including the "without project" situation) to the proposed project site, technology, design and operation in terms of: | Its potential environmental impacts | Not met | - Environmental impacts of alternative hydro projects not mentioned (EIAR sections 2.4.2 and 2.4.3)  
- Environmental impacts of alternative power generation discussed but is incomplete (see section 4 of this report) (EIAR section 2.2.3)  
- The without project situation is not addressed as the EIAR (section 2.2.1) assumes the project is essential and does not consider non-project alternatives such as demand management and energy efficiency (see sections 3 and 5 of this report)  
- Mitigation of environmental impacts of alternative hydro projects not mentioned (EIAR sections 2.4.2 and 2.4.3)  
- Mitigation of environmental impacts of alternative power generation not mentioned (see section 4 of this report) (EIAR section 2.2.3)  
- The without project situation is not addressed as the EIAR (section 2.2.1) assumes the project is essential and does not adequately consider non-project alternatives such as demand management and energy efficiency (see sections 3 and 5 of this report) | 
| The feasibility of mitigating these impacts | Not met | - Capital and recurrent costs of alternative hydro projects is considered (EIAR section 2.4.3)  
- Capital and recurrent costs of alternative power generation is mentioned but is incomplete/ inaccurate (see section 4 of this report) (EIAR section 2.2.3)  
- The without project situation is not addressed as the EIAR (section 2.2.1) assumes the project is essential and does not adequately consider non-project alternatives such as demand management and energy efficiency (see section 3 and 5 of this report) |
<table>
<thead>
<tr>
<th>Requirement</th>
<th>Met/Not Met</th>
<th>Comments</th>
</tr>
</thead>
</table>
| its suitability under local conditions                                      | Not met              | - suitability under local social and political conditions not fully addressed (see “Resettlement Review of EIAR and Summary RAP for the Ilisu Dam and HEPP” and “Cultural Heritage Review of EIAR and Summary RAP for the Ilisu Dam and HEPP” submissions)  
- the without project situation is not addressed as the EIAR (section 2.2.1) assumes the project is essential and does not adequately consider non-project alternatives such as demand management and energy efficiency (see section 4 of this report) |
| its institutional, training and monitoring requirement                      | Not met              | - institutional, training and monitoring requirement not discussed for Ilisu or for alternatives                                              |
| For each alternative, quantify the environmental impacts to the extent possible. | Not met              | - environmental impacts of alternative hydro projects not assessed or quantified (EIAR section 2.4.3)  
- environmental impacts of alternative power generation discussed but is incomplete and not quantified (see section 4 of this report) (EIAR section 2.2.3) |
| For each alternative attach economic values where feasible.                 | Partially met        | - economic values of alternative hydro projects is considered (EIAR section 2.4.3)  
- economic values of alternative power generation is mentioned but is incomplete/ inaccurate (see section 4 of this report) (EIAR section 2.2.3) |
<p>| State the basis for selecting the particular project design proposed.        | Not met              | - basis for selection is neither explicitly stated nor drawn out in any form of conclusion.                                                |
| World Bank: Bank Procedures 4.01 Environmental Assessment, Annex B, Application of EA to Dam and Reservoir Projects |                      |                                                                                                                                              |
| examines demand management opportunities                                    | Not met              | - current demand management (“Energy saving programs” EIAR section 2.2.5) policies and initiatives are mentioned, but future demand management opportunities are not mentioned or examined (see section 5 of this report) |</p>
<table>
<thead>
<tr>
<th>Requirement</th>
<th>Evaluation</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>adequately takes into account supply options (eg. conservation of water and energy, efficiency improvements, system integration, cogeneration and fuel substitution)</td>
<td>partially met</td>
<td>- takes into account some (EIAR section 2.2.4) but not all (and not even the majority of) supply options (see section 5 of this report)</td>
</tr>
</tbody>
</table>
| consider alternative project designs (including the non-action alternative) | partially met | - alternative hydro “project design” considered in EIAR section 2.4.2  
- alternative power generation project design discussed but incomplete (see section 4 of this report) (EIAR section 2.2.3)  
- the non-action option (which could include demand side management and energy efficiency) considered (EIAR sections 2.2.4 and 2.2.5) but not adequately (see sections 3 and 5 of this report) |
| Begin with an early identification of project alternatives and the potentially significant environmental impacts associated with them | not met | EIAR is the first time alternatives have been addressed. See section 1.1 of this report. |
| a comparison of project alternatives and mitigation measures in terms of their potential for eliminating adverse impacts | not met | - mitigation of environmental impacts of alternative hydro projects not mentioned (EIAR sections 2.4.2 and 2.4.3)  
- mitigation of environmental impacts of alternative power generation not mentioned (see section 4 of this report) (EIAR section 2.2.3)  
- the without project situation is not addressed as the EIAR (section 2.2.1) assumes the project is essential and does not adequately consider non-project alternatives such as demand management and energy efficiency (see section 4 of this report) |
| a comparison of project alternatives and mitigation measures in terms of the associated capital and recurrent costs | not met | - capital and recurrent costs of alternative hydro projects is considered (EIAR section 2.4.3)  
- capital and recurrent costs of alternative power generation is mentioned but is incomplete/ inaccurate (see section 4 of this report) (EIAR section 2.2.3)  
- the without project situation is not addressed as the EIAR (section 2.2.1) assumes the project is essential and does not adequately consider non-project alternatives such as demand management and energy efficiency (see section 4 of this report) |
|---------------------------------------------------------------------------------------------------------------|
| a comparison of project alternatives and mitigation measures in terms of the suitability under local conditions | not met | - suitability under local social and political conditions not fully addressed (see “Resettlement Review of EIAR and Summary RAP for the Ilisu Dam and HEPP” and “Cultural Heritage Review of EIAR and Summary RAP for the Ilisu Dam and HEPP” submissions)  
- the without project situation is not addressed as the EIAR (section 2.2.1) assumes the project is essential and does not adequately consider non-project alternatives such as demand management and energy efficiency (see section 4 of this report) |
<table>
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</tr>
</thead>
<tbody>
<tr>
<td>a comparison of project alternatives and mitigation measures in terms of the and the institutional, training and monitoring requirements</td>
</tr>
</tbody>
</table>
3. Demand and Current Generating Capacity

The power production in Turkey amounted to 120,000 GWh in 2000: an increase of 24,000 GWh on the 96,000 GWh quoted in the EIAR (section 2.2.1) as being produced in 1998. Electricity production increased by 68% between 1985 and 1990, even though demand only increased by 58\%\textsuperscript{7}.

Power demand is projected to increase rapidly over the next 20 years, as shown below by these Government projections:

**Turkish Electricity Demand Forecast (TWh)**\textsuperscript{8}

<table>
<thead>
<tr>
<th>Year</th>
<th>Official Forecast</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996 (actual)</td>
<td>94.7</td>
</tr>
<tr>
<td>2000</td>
<td>131.2</td>
</tr>
<tr>
<td>2005</td>
<td>199.6</td>
</tr>
<tr>
<td>2010</td>
<td>289.8</td>
</tr>
<tr>
<td>2015</td>
<td>398.2</td>
</tr>
<tr>
<td>2020</td>
<td>547.1</td>
</tr>
</tbody>
</table>

However, these demand projections are exaggerated as Turkey is very energy inefficient, with up to 30% of energy generated wasted (see Energy Efficiency section). This affects demand projections and locks the country into a cycle of using exaggerated demand figures to set unnecessary and unachievable production targets.

The Ministry of Energy of the Turkish Government has not produced plans for demand side management or energy efficiency measures.

Exaggerated demand forecasts and inadequate energy efficiency on both supply and demand sides imply that Turkey (now and in the future) is over estimating the amount of energy it needs to generate and is not considering alternatives to the management of its electricity needs.

\textsuperscript{7} “Turkey at an energy crossroads” Greenpeace, June 1997

\textsuperscript{2} Reproduced from “Turkey at an energy crossroads” Greenpeace, June 1997
4 Electricity Generation

Section 2.2.2 (Hydropower development in Turkey) of the EIAR presents a one-sided case for hydropower development in Turkey: it outlines the benefits of but not the problems associated with increasing hydropower generation. Section 2.2.3 (Alternative Energy Production) gives an incomplete, and at times inaccurate, assessment of the potential of alternatives to hydropower: it outlines the problems but not the benefits associated with increasing solar and wind power generation. Nowhere is the mitigation of environmental impacts of alternatives discussed.

4.1 Hydropower

The EIAR (section 2.2.2) does not address any of the potential problems with hydropower in general nor in specific relation to the Ilisu Dam. Integrated Resource Planning should be used to compare hydropower with all alternatives and this has not been done in the EIAR.

This section covers some points not raised in the EIAR about hydropower in general, in Turkey and the Ilisu Dam in particular.

Hydropower in General

It is widely recognised that hydropower has both benefits and drawbacks and it is therefore the EIAR is not convincing in its presentation of solely positive elements for hydropower. The many concerns surrounding large dams are not even mentioned in this section of EIAR.

The World Commission on Dams (WCD), an independent body set up by the World Bank and the World Conservation Union (IUCN) which included representatives of all stakeholders in the building of large dams, carried out a comprehensive review of large dam projects. On the performance of dams, it concluded that large dams “have a large tendency towards schedule delays and significant cost overruns” and that expectations of large dams for the delivery of power has “considerable variability, much of it on the downside”.

The EIAR mentions the environmental positives - for example minimal greenhouse gas emission - of hydropower, but does not balance these with environmental negatives such as habitat destruction and siltation.

Hydropower in Turkey

Hydropower generation specifically in Turkey, also has negative impacts not mentioned by the EIAR. For example, recent drought in the GAP region has caused an acute shortage of electricity due to low water levels in many large hydro reservoirs, which are experiencing their lowest water levels in ten years. Officials said the levels in the dams - which supply one

fifth of the nation’s electricity - were so low that it might take four or five years before they return to normal.

Contrary to the implications in the EIAR, hydropower generation will not go far towards mitigating the impacts of a potential oil crisis in Turkey, since in Turkey oil is used for transport and its role in electricity generation is relatively minimal.

Sunshine and wind (for photovoltaic and wind energy generation respectively) are also available in Turkey, and would also have many of the advantages of hydropower. They emit very few greenhouse gases. The implementation of important wind projects and solar projects could also represent opportunities to promote the economic development of southeastern Anatolia by generating regional spin-offs.

Ilisu Dam

In addition to general problems with hydropower, the EIAR’s summary of hydropower development in Turkey fails to mention some serious problems relating to the particular cases of Ilisu and other GAP dams. Hydropower developments could severely disrupt the downstream flow of the Tigris to Syria and Iraq, affecting communities reliant on seasonal agriculture and heightening political tensions between Turkey and its neighbours in what is already a volatile region. The fears have been heightened by the armed conflict that has dogged the region since 1984, with Turkey increasingly at odds with Syria and Iraq for sheltering the Kurdish guerrilla movement, the Kurdish Workers Party (PKK).

There are as yet no convincing plans or substantiated budgets for mitigation of the social and environmental impacts of the Ilisu Dam. These impacts include cultural heritage impacts, resettlement impacts, health impacts, and hydrological and water quality impacts.\(^\text{10}\) Without consideration of these, the true cost of the dam cannot be assessed and therefore it cannot be meaningfully compared to other alternatives.

4.2 Fossil Fuels

Promoters of lignite in Turkey advocate that “clean-coal” projects would generate sufficient energy to cover Turkey’s needs. Oil as a source of electricity is not a viable option in Turkey as it is prohibitively expensive. It is not currently used to a large degree in electricity generation and it is misleading to include it as a potential alternative to hydropower.

Gas

Gas-fired plants are used in Turkey but are not considered as an alternative in the EIAR. They appear to offer a cheaper alternative to Ilisu.

\(^{10}\) Refer to submissions on these for further information
In November 1998, the Swiss government guaranteed contracts for Ankara gas power project. The Ankara Gas Power Project has a capacity of 720 Megawatt (MW) for a cost of $276 million. This translates into a cost of US$380/kW. Ilisu has a capacity of 1,200 MW for a cost of US$1,500 million or $1270/kW. The Ankara gas project is over three times more cost effective. This conclusion holds despite the Ankara project having higher operational costs, since its capital costs (interest charges etc) are lower than for Ilisu.

The recent private sector investment in three gas-fired power plants in the Marmara region has also demonstrated the attractiveness of this option from a financial point of view. A Fact-Finding Mission, undertaken in October 2000 by the Ilisu Dam Campaign, was also informed that the Marmara plants' contribution to power supply in Turkey was sufficient to allow the government to reject the Akkuyu nuclear project without the danger of creating power cuts.

4.3 Solar Energy (PV)

The EIAR’s paragraphs on solar energy reflect a lack of knowledge about the current use of PV cells and presents somewhat misleading arguments about their benefits and drawbacks.

Rather than having large photovoltaic (PV) installations, PV cells can be placed on individual rooftops and building facades. They are connected to the grid, supplying power to the grid at times when the cells are generating a surplus of extra electricity and taking power from the grid as necessary during the night.

Whilst electricity generated from PV cells is currently one of the most expensive options, a report by KPMG\textsuperscript{11} shows that with a solar factory producing PV cells at the rate of 500MW/year prices can go down by 75%. In other parts of the world, PV cells are being installed as competitive alternatives to electricity generation.

For example, the Million Solar Roofs Initiative of the US aims to bring up to 4kW systems for a million public and private rooftops by 2010. It has an objective of 3,025 MW capacity installed by 2010, with an expected cost of $2/W (= $2,000/kW = $0.077/kWh)\textsuperscript{12}. This is less than a quarter of the EIAR’s estimated cost of $8,500/kW for photovoltaic, and is four-fifths of the EIAR’s estimated cost of $2,500/kW for hydropower.

The EIAR focusses on the problems with batteries (installation, storage, control of, maintenance, cleaning, replacement). This detailed information is, however, irrelevant: batteries are not needed to store additional electricity produced during the day, since it is transmitted directly to the grid. Each building becomes, in effect a tiny power-plant, connected to the grid via a two-way meter.

\textsuperscript{11} “Solar Energy: from perennial promise to competitive alternative”, KPMG Bureau voor Economische Argumentatie, August 1999

\textsuperscript{12} http://www.eren.doe.gov/millionroofs/benchmark.html
The information in the EIAR about tree and other vegetation clearance is also irrelevant in the above scenario where PV cells are installed on individual buildings rather than in a larger power-plant.

Given Turkey’s abundance of sunshine, it has the potential to use solar power to meet its energy needs. In addition to solar becoming a competitive method of energy generation, it has the advantage over large-scale hydro projects of having minimal social and environmental impacts. As with hydro projects, solar projects have the potential to generate regional economic spin-offs and other regional advantages. If Turkey used its need to increase electricity generation to generate PV expertise through investment and technology transfer, solar would also have additional development benefits for the country as a whole.

4.4 Wind Energy

Whilst the EIAR dismisses wind energy as an alternative to Ilisu, many experts see wind power as having great potential in Turkey. The EIAR (section 2.2.3) states that wind turbines “would contribute to cover the demand increase of one year”. Presumably this refers only to wind turbines currently planned in Turkey, rather than the total wind potential in Turkey which is estimated to be considerable.

The Organisation for Economic Cooperation and Development (OECD) has estimated that Turkey has 166 TWh a year of wind potential, more than Turkey’s current total electricity production.

Aegean Tech in Turkey in a recent study *Wind Energy Opportunities of Turkey* concluded:

“It is estimated that in the year of 2023 (100. Year of the Republic of Turkey) Turkey will need 600 billions of kWh/year. That means if we pursue an intelligent policy then in the year of 2023 about one third of the energy need of the country could theoretically be harvested from the wind.”

Another study concluded that the existing technical wind energy potential of Turkey is good enough to supply twice as much the existing total consumption of electricity.

Wind energy is already in use in many parts of the world at a price competitive with conventional technologies. The latest technologies can produce electricity at 4.4c/kWh,

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15 Uyar, Tanay Sidki et.al, Turkish Wind Atlas Statistics, Project Reports No: 1-6, 1989, TÜBİTAK Marmara Scientific and Industrial Research Institute, Gebze, Kocaeli
The cost of generating electricity from wind turbines is currently only marginally more than that of hydro and is expected to decline over the next few years.

The graph below shows the comparable cost of wind power, hydro and other energy sources in ECU/kWh. It shows the very similar current prices of wind and hydropower, and the projected decline in price of wind power relative to hydro.

[Note: Ruzgar is wind power; Hidrolik is hydropower.]

According to a thorough technical report published by the European Wind Association, the


Forum for Energy and Development and Greenpeace International\textsuperscript{18} it is evident that wind technology is experiencing a dramatic growth which will continue over the next few years. To date, about 4,000 MW are being installed in the world every year, with a actual potential of increasing ten fold by 2010 and employ 630,000 people worldwide in this industry at that time. In 1998, the investment cost for wind technology was 1,000 US$/KW installed - two-fifths of the EIAR's estimated cost of 2,500/KW for hydropower. The unit price for wind electricity was 4.7 US cents/KWh - a value which is already reasonably competitive with hydro electricity costs. The range of wind power costs today is 4-7 US cents/KWh. Under an actual potential scenario with a strong element of R&D backing, as considered in the study, investment costs might decrease to around 700 US$/KW installed by 2010 and wind electricity costs might realistically drop to 3 US cents/KWh by 2013. Similar results were produced by a United States Department of Energy study already in 1993, with figures of 3.6 US cents/KWh in 2010 and 3.1 US cents/KWh in 2020.

In addition, in contradiction to the implication of the EIAR, large turbines can be productive even at very low wind speeds. For example windmills operating in inland areas in Germany have shown that, even with low wind speeds, wind turbines can be efficient.

\textsuperscript{18} Wind Force 10, A Blueprint to Achieve 10% of the World Electricity from Wind Power by 2020, The Beacon Press, October 1999
As shown above, Turkey has enough wind to generate a significant proportion of its energy requirements. The cost of wind power is at least competitive with that of hydropower and can be lower.

4.5 Other Alternatives

The EIAR makes no mention of other alternatives such as gas, bio-gas, bio-mass and geothermal electricity.
5 Energy Conservation

5.1 Transmission and Distribution

Section 2.2.4 (Improvement potential of the high voltage transmission network) deals with losses in transmission. Four possibilities are mentioned but only two (raising the transmission voltage and installing adequate shunt reactors for reactive power compensation in the network) are analysed. Even then, the latter is only given the briefest mention (the reference to “capacitor banks” in section 2.2.5). The other two (improving the meshing of the grid system; increasing the cross section of the transmission lines) are given no further mention or consideration.

No figures for the EIAR’s reference to the cost/benefit relation for raising the transmission voltage are given and we have not been able to find these. Other studies, however, point to about 5,000 MW of unutilised energy potential from the larger thermal plants in Turkey if the transmission voltage was raised. This is over four times Ilisu’s potential generating capacity of 1,200 MW.

Nowhere in the EIAR are distribution losses dealt with. Instead, the EIAR (section 2.2.4) states:

“The 20-30% energy losses mentioned by some circles are misleading because they include not only the transmission but also all the distribution losses and they refer apparently to the difference between the total gross production and the total net consumption figures.”

Official figures show that there in 1995 there were 17% grid losses throughout the network, compared to an international average of 6.5. Less than 3% of these were losses in transmission and over 14% losses in distribution. Yet the EIAR does not cover measures to decrease these distribution losses.

In summary energy efficiency on the supply side is dealt with inadequately by the EIAR - measures to reduce transmission losses are partially discussed, measures to reduce distribution losses are not discussed.

5.2 Energy Efficiency

Turkey is the “most energy wasteful” country in Europe, spending twice the energy as some other countries for one unit of GDP produced. The energy wasted, also skews demand projections thus creating an exaggerated estimate of future energy demand (see above section on Demand).

19 “Turkey at an energy crossroads” Greenpeace, June 1997

20 “Turkey at an energy crossroads” Greenpeace, June 1997
The International Energy Agency (IEA), in its 2000 Energy Efficiency Update for Turkey states (emphasis added):

“Energy efficiency is considered to be the cheapest energy source, potential gains to be achieved by increased energy efficiency are substantial; various studies carried out in 1995 by the General Directorate of Electrical Power Resources Survey and Development Administration (EIEI) and the National Energy Conservation Center (NECC) with the participation of the European Union, estimate the total energy saving potential for the three consumption sectors to be approximately 13.2 Mtoe per year, corresponding to slightly more than the current final energy consumption in the transport sector.”

[Mtoe is “Tonnes of Oil Equivalent”, a unit adopted by the OECD to present energy balances.]

The IEA’s recent report details many additional (often simple) measures the Turkish authorities could be taking to promote energy efficiency. For example, in the industrial sector “about 40% of the energy conservation potential is usually basic good housekeeping and low investment measures”.

Section 2.2.5 (Energy Saving Programs) briefly deals with energy efficiency in consumption. It does not give figures for potential energy savings, nor assess whether more could be done by the State to promote energy efficiency. In other words, improving energy efficiency by addressing demand side management is not covered by the EIAR.

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21 http://www.iea.org/pubs/newslett/enneff/TK.PDF

22 http://www.iea.org/stats/files/mtoe.htm

23 http://www.iea.org/pubs/newslett/enneff/TK.PDF
6. Conclusions

The relevant World Bank and OECD guidelines for consideration of alternatives in environmental impact assessment include

- comparing feasible alternatives in terms of
  - potential environmental impacts,
  - mitigating these impacts,
  - capital and recurrent costs,
  - suitability under local conditions and institutional,
  - training and monitoring requirement;
- consideration of the “without-project” or “non-action” alternative;
- examines demand management opportunities;
- takes into account supply options.

The EIAR considers the following alternatives: other hydro schemes, solar power, wind power and fossil fuels. It gives no consideration of other alternatives, notably gas-fired power plants which could provide a much cheaper alternative. The assessment of alternatives in biased and unbalanced, with only economic impacts of alternative hydropower schemes considered but economic and environmental impacts of solar and wind power considered.

The assessment of wind and solar power in the EIAR is incomplete and biased against them: their advantages are not discussed and the information given is incomplete and inaccurate. The assessment of hydropower is incomplete and biased in its favour: the disadvantages are not discussed.

The “without-project” or “non-action” alternative is given no serious consideration in the EIAR. Turkey is very energy wasteful and savings could be made in the following areas: transmission and distribution, demand side energy efficiency and demand management. These options are either given incomplete analysis and consideration or are not considered at all.

The majority of the guidelines are not even met in part. None of them are met in full. The EIAR therefore does meet international best practice on its assessment of alternatives to the Ilisu Dam.

It is concluded that the EIAR’s analysis of alternatives to the Ilisu Dam is incomplete and does not meet internationally accepted best practice. On this basis, we recommend that the ECGD reject any applications being considered for export credit or investment guarantee support for Ilisu.
Cultural Heritage

Review of the Environmental Impact Assessment Report for
the Ilisu Dam and HEPP

Submission by
Corner House Research
Ilisu Dam Campaign
Kurdish Human Rights Project
Friends of the Earth
Berne Declaration
Campaign an Eye on SACE
Pacific Environment
World Economy, Ecology and Development (WEED)

September 2001


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Executive Summary

- If the Ilisu dam goes ahead, its reservoir would flood an area rich in cultural heritage, including such internationally-acclaimed sites as Hasankeyf. The destruction would not be confined to Hasankeyf but would involve hundreds of other cultural heritage sites throughout the reservoir area. The area to be flooded has immense cultural significance to the local Kurdish population, as well as importance for the international community. With justification, many Kurdish people claim that the Ilisu dam is yet another attempt by the Turkish State to suppress their culture, history and identity.

- Regarding cultural heritage, the Export Credit Agencies will base their decision whether to back the dam on the production of “a detailed plan to preserve as much of the archaeological heritage of Hasankeyf as possible.” This condition of itself falls short of international best practice on assessing and mitigating cultural heritage impacts. The World Bank, World Commission on Dams, and the US Export-Import Bank would require an assessment and mitigation for all cultural heritage impacts of the dam.

- Despite its limitations, even the ECAs’ minimal condition on Hasankeyf has not been met. The EIAR fails to provide any evidence of a ‘detailed plan’ to preserve Hasankeyf. In addition, there is no evidence that the condition could be met under present circumstances. Consultation with affected communities cannot take place within the current context of repression of Kurdish cultural and other human rights; institutional arrangements for management of cultural heritage, whereby the military is in overall control; and the EIAR’s failure to assess the extent to which the Ilisu dam is in breach of Turkish law on Hasankeyf.

- Even if the ECAs’ condition on Hasankeyf were met, the Ilisu dam would still be in breach of international best practice on cultural heritage. The EIAR demonstrates that the Ilisu dam fails to meet international best practice standards on cultural heritage on a number of counts, including consultation with affected communities; assessing the full impact of the dam on cultural heritage; and allocating adequate resources to surveys and excavation. In addition, not only does the EIAR demonstrate that international best practice has not been met, but it also fails to show that it could be met under present circumstances of cultural suppression of the Kurds, military control over cultural heritage, and given past experience in Turkey regarding cultural heritage and dams.
Section One – The Cultural Heritage Impacts of the Ilisu Dam

The Ilisu dam’s reservoir would inundate 312 km$^2$ of the Upper Tigris Valley and its tributaries, submerging forever an area rich in cultural heritage, of great significance both locally and internationally. According to a 1989 study - the most thorough study carried out to date - “developments fundamental to the history of the ancient Near East as a whole took place in these areas and… important cultural information will be lost forever if it is not recovered now.”

At least 200 and probably many hundreds more sites would face inundation by Ilisu’s reservoir. The most famous of these is the town of Hasankeyf, whose history dates back at least 2,700 years. Sited on the Tigris river in a place of enormous strategic significance, over the centuries layer upon layer of civilisations have been interwoven or been built on top of each other. The caves for which the town is justly famous are still inhabited, in a way of life, which is culturally unique. The town hosts a formidable array of monuments, including cave churches, ornate mosques and Islamic tombs, creating an astounding complexity of architectural and religious heritage spanning several civilisations, from the Byzantines and Sassanides through the Omayyads, Abbasides, Hamdanides, Mervanides and Artukids to the Eyyubids and the Ottomans. Though some parts of the town would remain above water, the site’s integrity would be destroyed; as the UK government’s Trade and Industry Select Committee noted in May 2001, “The fact has to be faced that the Ilisu dam would mean the end of Hasankeyf.”

As the EIAR acknowledges, however, the entire area to be flooded by the Ilisu dam “comprises hundreds of archaeological sites documenting more than 100,000 years of human occupancy.” A recent article from archaeology journal, *Antiquity*, describes some of the sites threatened; “Sites at risk include several mounds of a kind comparable to Catal Hoyuk, some of which date from at least the pre-pottery Neolithic and may extend through into the post-medieval period (one such example is as much as 40m high); large fortified sites dating to the ‘Ubaid, Assyrian, Roman and Byzantine periods respectively, in one example enclosing an area of up to 30 hectares, and in certain cases preserving cultural deposits several metres deep; additionally there are an unquantifiable number of small settlements and structures dating from every period of human history. Particularly notable in this last category, but clearly underrepresented in survey and salvage work, are the sites and materials of the last 500 years that must be of most immediate relevance to any understanding of the more recent histories of those communities now threatened with inundation.”

Today, the area where the Ilisu dam will be built is at the heart of the Kurdish regions in Turkey; and the vast majority of those to be affected by the dam are Kurdish. Kurdish people have formed the majority of the population in this area for many hundreds of years, with the result that the more recent cultural heritage of the area is Kurdish.

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2 For further information on Hasankeyf see [www.hasankeyf.cjb.net](http://www.hasankeyf.cjb.net)
4 EIAR, Executive Summary, p. 19.
According to the EIAR, “Kurdish settlements can be traced after a migration from Western Persia around 2,500 years ago.” (EIAR 3-41.) Yet the cultural heritage of Kurdish people, both early and particularly more recent, has not been documented; the EIAR states, “[The Kurds’] early history as well as their development in the Tigris valley is still far from clear and archaeological work would be needed....” (EIAR 3-41.)

As the EIAR itself admits⁶, no account has been taken by the project developers of the deep historical, cultural and spiritual significance of Hasankeyf and other cultural heritage in the reservoir area to the Kurdish population. Many Kurdish people and organisations view the Ilisu dam as yet another attempt by the Turkish State to suppress their history, culture and identity. Indeed, central to the controversy surrounding the Ilisu project is this continuing repression of the Kurdish majority in the region by the Turkish State. Over the last century, Kurdish people in the region have been engaged in a struggle for recognition of their cultural, political, and economic rights which have been brutally suppressed. Such repression has a long history and is rooted in policies aimed at subsuming the Kurds into mainstream Turkish society, if necessary by force. (See Section Three.) It is a matter of deep concern that the EIAR fails to address this issue or acknowledge its centrality to the assessment of the cultural heritage impacts of the Ilisu dam.

⁶ “The traditional knowledge of the local population does not seem to have been the object of any study. It is thus impossible to determine the heritage that local people value.” (EIAR 3-41.)
⁷ For example, the Kurdish people’s equivalent of Romeo and Juliet, the Mem-o-Zin, is set in Hasankeyf – the equivalent of Verona.
Section Two – The Export Credit Agencies’ condition on cultural heritage and international best practice

2.1 The ECAs’ condition on cultural heritage

In December 1999, Stephen Byers, then Secretary of State for Trade and Industry, announced four conditions on which the UK government and other export credit agencies would base their consideration of export credit support for the Ilisu dam project. The condition regarding the cultural heritage impacts of the Ilisu dam states that there would be a need to:

“produce a detailed plan to preserve as much of the archaeological heritage of Hasankeyf as possible.”

2.2 The ECAs’ condition and international best practice

Failure to include the detailed plan as part of the EIAR. According to World Bank and World Commission on Dams guidelines, this ‘detailed plan’ should form part of the EIAR for the project itself. It was initially, however, unclear whether the UK government intended that this detailed plan be produced as part of the EIAR or separately. In November 2000, the Trade and Industry Department clarified the situation, informing the Trade and Industry Select Committee that “Evaluation of the archaeological and rescue plans for Hasankeyf will form part of the EIAR.” That the UK government only requires the EIAR to provide an “evaluation” of the detailed plan falls short of international best practice.

- Failure to assess all cultural heritage impacts of the Ilisu dam. The ECAs’ condition on Hasankeyf in itself falls short of international best practice on cultural heritage impacts. For example, US Ex-Im Bank’s guidelines, with which the EIAR claims to comply, stress that all cultural heritage impacts of a project should be

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8 World Commission on Dams (2000) ‘Dams and Development: A New Framework for Decision Making,’ Earthscan, November 2000, p. 283; “IA [impact assessment] should include… Cultural Heritage Impact Assessment’; p. 285, “assessments should culminate in a mitigation plan to address the cultural heritage issues identified through minimising impacts, or through curation, preservation, relocation, collection or recording.” World Bank (1999) ‘Operational Policy Note No. 11.03 Management of Cultural Property in Bank-Financed Projects’, World Bank, August 1999. “Often, scientific study, selective salvage, and museum preservation before destruction is all that is necessary. Most such projects should include the training and strengthening of institutions entrusted with safeguarding a nation’s cultural patrimony. Such activities should be directly included in the scope of the project, rather than being postponed for some possible future action….”

9 In his February 2000 evidence to the International Development Select Committee, Richard Caborn, then Minister for Trade responsible for the Export Credit Guarantee Department (ECGD), stated that this detailed plan would form part of the awaited Environmental Impact Assessment. “The detailed plan to preserve much of the archaeological heritage needs to be put in place. That will be part of the Environmental Impact Assessment that is now under way….” His statement was, however, then seemingly contradicted by the Director of the ECGD, Vivien Brown, who said that, “There are two separate things going on. They have commissioned an independent Environmental Impact Assessment which will look broadly at the impact the project has on the environment…. There are separate discussions bilaterally with the Turks and with all the Export Credit Agencies involved, including on the preservation of Hasankeyf.” International Development Committee (2000), Sixth Report, “ECGD, Development Issues and the Ilisu Dam. Report,” Proceedings of the Committee, reply to Question 58, page 26, The Stationery Office 6th July 2000.


11 “…the EIAR has been prepared to comply first and foremost” with Ex-Im guidelines “on the understanding that such compliance would satisfy also the other ECAs and lenders involved.” (EIAR 1-2.)
assessed. US Ex-Im states, “The effects of the project on the presence of *any artifacts or sites of cultural significance* should be evaluated and mitigation measures proposed.” [Emphasis added.]

For the government to focus solely on Hasankeyf out of a reservoir area of 312 km$^2$ is therefore in breach of these guidelines.

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Section Three – Assessment of whether the ECAs’ condition has been met

In spite of the fact that the ECAs’ condition is too limited to satisfy international best practice (see Section Two), the EIAR fails to present evidence that even this minimum condition has been met. In addition, the EIAR provides no assurance that the condition could be met under present circumstances.

3.1 Failure to produce a ‘detailed plan’ for Hasankeyf

It is clear from the EIAR itself that there is at present no detailed plan to preserve as much of the archaeological heritage of Hasankeyf as possible.

The paucity of information about Hasankeyf and lack of planning for its preservation to date is evidenced by the final section of the EIAR, which recommends complementary studies. The EIAR explicitly acknowledges that without such further recommended studies, no plan can be developed for Hasankeyf; “Many inventories should be achieved before definitive actions can be devised for Hasankeyf.” (EIAR 7-11.)

As spelled out in EIAR, these include:
1. A detailed map of Hasankeyf. The EIAR states, “It is important to know what exactly will be flooded and what will remain above water.” (EIAR 7-11.)
2. A study on the stability of the cliffs on which Hasankeyf citadel is built, to guard against erosion and landslides. (EIAR 7-11.)
3. An archaeological survey “of all the area of the lower and upper towns… in order to know more precisely the history of the town and the location of archaeological remains.” (EIAR 7-11.)
4. A study on the stability of monuments. (EIAR 7-12.)
5. A study of all monuments and a feasibility study deciding which monuments can be relocated and how. (EIAR 7-12.)
6. Consultation with Hasankeyf residents about their graveyards. (EIAR 7-12.)

It is thus clear that the ECAs’ condition, to “produce a detailed plan to preserve as much of the archaeological heritage of Hasankeyf as possible,” has not been met. The EIAR itself has failed to produce a detailed plan, in breach of international best practice (see Section Two), and it is evident from the above that no such detailed plan yet exists.

For a ‘detailed plan’ to be adequate, at a minimum it would be based on extensive knowledge of the existing site; that the EIAR could point to exactly which parts of the site would be lost to the reservoir; that it could show which parts would be salvaged and how; that an adequate time-scale for survey and excavation would be given; that local people would have been consulted and involved in decisions about their cultural heritage; and that a sufficient budget and secured funding would be in place. In fact, none of these conditions has been met, on the evidence presented by the EIAR itself.

13 The EIAR notes that three studies commenced in Hasankeyf in 1999: a feasibility for relocating the monuments, a mapping of the site and monuments, and geotechnical studies. Given the EIAR’s recommendations above, such beginnings do not go far enough. The EIAR itself also acknowledges that current resources allocated are insufficient, as it states, “The extent of the site commands more means in time and money.” (EIAR 7-16.)
1. **Insufficient knowledge of site:** The EIAR admits that *knowledge of the site is deficient at present,* “The archaeological site is very poorly known….“ (EIAR 3-46.) This lack of archaeological knowledge about Hasankeyf is in part due to the fact that very little excavation has been carried out to date. The EIAR mentions excavations taking place between 1988-1990 and from 1998 to the present; however, the EIAR admits that “Up to now less than 5% of the site has been excavated.” (EIAR 3-50.) A key feature of Hasankeyf is the way civilisations have developed layer after layer in the Upper and Lower towns over thousands of years; what is visible on the surface represents only a part of the archaeological features of the site. Based on such limited excavations as have taken place to date, no credible plan “to preserve as much of the archaeological heritage of Hasankeyf as possible” can possibly be developed.

2. **Insufficient time for study and excavation:** Because of the *limited time now left to study and excavate Hasankeyf* – just seven years from the beginning to the end of the construction period – the EIAR is forced to admit that mitigation measures will have to be developed as work progresses.\(^{14}\) Professor Olus Arik, the Turkish head of excavations at Hasankeyf, stated in late 2000 that, “we need a minimum of fifty years here and we have just nine or ten – unless of course we can stop the dam.”\(^{15}\) Such salvage archaeology, driven by the dam implementation schedule rather than archaeological dictates, caused a local archaeologist to tell a recent fact-finding mission to the region, “We don’t call this salvage archaeology but treasure-hunting.”\(^{16}\) Again this is a clear indication that no adequate plan to preserve Hasankeyf is yet in place.

3. **Inadequate planning:** As a measure of the complete *inadequacy of planning for Hasankeyf* as presented in the EIAR, only *four monuments* in the whole site to be inundated “have been identified that can be relocated” (EIAR 5-8). The EIAR states in its Executive Summary, “It is also recommended to thoroughly plan the relocation of the most important monuments of the Lower Town of Hasankeyf which will be submerged.” (EIAR EXE-11.) That no such plan yet exists is of urgent concern.

4. **Inadequate mitigation measures:** The *mitigation measures* proposed by the EIAR – which, it must be remembered, are not based on an adequate survey – are completely insufficient. These measures include relocating four monuments, turning the remaining Upper Town into an open-air museum, and displaying a “model of the entire town” in one of the remaining buildings. (EIAR 5-9.) Merely to suggest mitigation in the form of a ‘model’ of Hasankeyf shows a vast insensitivity to the history and culture of the region. Such mitigation measures indicate that there is no “plan to preserve as much of the archaeological heritage of Hasankeyf as possible”.

5. **Failure to provide a budget for plan implementation:** Any “detailed plan” would of necessity include a *budget and an indication of who would provide funding.* This the EIAR fails to do. At the end of its discussion of mitigation measures for Hasankeyf, the EIAR states, “A budget covering the expenses related to relocation and restoration of monuments and archaeological remains is presented in Section

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\(^{14}\) EIAR 5-8, “The mitigation measures considered at this time will need to be revised and optimized along [sic] the information gathering process and during the inventories listed in Section 7.5.”


\(^{16}\) Ilisu Dam Campaign Fact-finding Mission to the Ilisu region, 10th-17th June 2001. Interview with an archaeologist who asked to remain anonymous for fear of State reprisal.
5.4.7.3.” (EIAR 5-9.) However, this section does not exist. Even allowing for a typing error, it is impossible to find in the EIAR a budget specifically for the preservation of Hasankeyf. The only budget mentioned in the EIAR is in Section 7.5.5.1. This budget is that of the salvage project for both the Ilisu and Carchemish reservoirs and is therefore not specifically allocated for Hasankeyf. Furthermore, as the EIAR admits, so far most of these resources have not been directed at Ilisu; “The budget of the first two years was however largely devoted to the Carchemish reservoir area.” (EIAR 7-13.) According to Professor Olus Arik, head of the excavations at Hasankeyf, the entire budget for the first two years was only £76,000 of which just £15,000 was allocated to Ilisu. Professor Arik compares this to a glass of water in the desert. The UK Parliament’s Trade and Industry Select Committee has noted Professor Arik’s difficulties in securing funding for even the limited excavation work he is carrying out at Hasankeyf; as the Committee indicated in May 2001, “In 1999 Professor Arik had sought further funding but had received only half of his requests.” That no budget is yet in place for Hasankeyf is in breach of international best practice.

6. Lack of consultation. There is no way a detailed plan could be produced without the informed consent and participation of the local population and cultural organisations. The EIAR admits that no consultation with affected communities about cultural heritage has yet taken place; “Some of the monuments or buildings will have to be relocated so as to conserve much of the heritage that the local people value. Since no study pertaining to this heritage exists, it is not yet possible to pinpoint the elements to be conserved.” (EIAR 5-7.) In addition, it must be noted that such failure to inform and consult with local affected communities is in breach of international best practice. For an exploration of this issue, see Section 4.1.

3.2 Why the ECAs’ condition cannot be met

Not only does the EIAR fail to present evidence that the ECAs’ condition on Hasankeyf has been met, the EIAR provides no assurance that the condition could be met under present circumstances.

1. Suppression of cultural rights of the Kurdish people. Over the last century, Kurdish people in the region have been engaged in a struggle for recognition of their cultural, political, and economic rights which have been brutally suppressed. Central to the controversy surrounding the Ilisu project is this continuing repression of the Kurdish majority in the region by the Turkish State. Such repression has a long history and is rooted in policies aimed at integrating the Kurds into mainstream Turkish society, if necessary by force. To date, the Turkish State’s policy of assimilation has involved widespread human rights abuses, including extra-judicial killing, the imprisonment, rape and torture of Kurdish people, the brutal suppression

19 World Bank (1999) ‘Operational Policy Note No. 11.03 Management of Cultural Property in Bank-Financed Projects’, World Bank, August 1999. “In some cases, the project is best relocated in order that sites and structures can be preserved, studied, and restored intact in situ. In other cases, structures can be relocated, preserved, studied, and restored on alternate sites. Often, scientific study, selective salvage, and museum preservation before destruction is all that is necessary. Most such projects should include the training and strengthening of institutions entrusted with safeguarding a nation’s cultural patrimony. Such activities should be directly included in the scope of the project, rather than being postponed for some possible future action, and the costs are to be internalized in computing overall project costs.”
of local Kurdish customs and culture, the outlawing of the Kurdish language and the forced evacuation of Kurdish villagers. These abuses are well documented in the 200 judgements of the European Court of Human Rights against Turkey over the past five years.

Ilisu must also be viewed within the larger context of the Southeast Anatolia Project (GAP), which since its inception has been underpinned by the Turkish State’s long-pursued policy of forced assimilation of the region’s Kurdish majority into mainstream Turkish society and culture. Indeed, the Turkish government’s official publicity for the project explicitly states that the GAP is intended to “dramatically change the social and cultural make-up of the region.”

Emergency Rule has been in effect in this region since 1987 and was recently renewed in July 2001. As Professor Hall, President of the World Archaeological Congress, stated in a letter to Richard Caborn, then Minister for Trade, “... no amount of money and time spent on this project could deal with cultural rights, as an aspect of the human rights of the local population, in the circumstances of emergency rule prevailing in the region at present.”

In addition, it must be noted that such failure to inform and consult with local affected communities is in breach of international best practice. For a full exploration of this issue, see Section 4.1.

- **Failure to document cultural heritage**: It is only within this context of State of Emergency Rule and cultural and political repression in the region, that it becomes clear why there is a lack of any attempt to uncover and document the recent cultural heritage of the area to be flooded by the Ilisu dam. Far from being prepared to recognise the different histories of the region, the dam’s proponents are actively ignoring Kurdish cultural heritage. For example, the organisation in charge of surveying the affected area, TACDAM, has refused to meet with or consult organisations with knowledge of the various cultural histories of Hasankeyf. A resident of Hasankeyf told a recent fact-finding Mission to the region, “They never ask any questions about the stories of the place or the people.”

- **Suppression of Kurdish cultural rights and history**: Many local people and organisations have repeatedly expressed the opinion that the Ilisu dam is part of the Turkish State’s strategy of further suppressing the cultural rights and history of Kurdish people. A local human rights lawyer told a fact-finding Mission to the region, that he considered the aim of the Ilisu project to be “to destroy everything which belongs to Kurdish people living in the area.” Another interviewee told a human rights fact-finding Mission, “Official ideology only recognises cultural

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23 The Save Hasankeyf Platform told a recent fact-finding mission to the region, “TACDAM arrived with a pre-prepared project. They did not invite us to their presentation [held in Hasankeyf] so we went anyway with the media and argued with them in front of the cameras, saying this was merely a PR exercise.”
elements that were created under the ‘Turkish’ regime and chooses to ignore aspects of significance to the Kurdish population.”

- **Climate of intimidation and repression:** In addition, the climate in which archaeologists work in the Ilisu region – under State of Emergency Rule and with restrictions on the activities of state officials – makes adequate archaeological work extremely difficult. When a recent fact-finding Mission talked to an archaeologist in the region, the interview had to be halted suddenly for fear of State retaliation. A human rights lawyer told the same Mission that academics such as archaeologists cannot express freely their own opinions about Ilisu. If they dare to question the State’s policies, academics may have the parameters of their research limited, lose their jobs, be sent into exile or prosecuted. In a situation where routine archaeological procedure relating to the Ilisu project may not be discussed openly and where cultural organisations, far from being consulted, are repressed, it is impossible for archaeologists and local communities to exchange views and information freely.

1. **Military control of cultural heritage:** Given this context of repression of the cultural and other human rights of the Kurdish population, it is of extreme concern that the State of Emergency rule in the region places the military in control of cultural heritage protection and evaluation. Usually this role would be assigned to the Ministry of Culture; however, as the EIAR notes, because the area is controlled by the Turkish army, Article 10 of the 1983 Turkish law: ‘Legislation for the Conservation of Cultural and Natural Property’ (act no. 2863) applies. (EIAR 3-37.) Article 10 states that, “The Ministry of National Defense is responsible for protecting and evaluating cultural and natural property administered by the Ministry of National Defense or property existing in military zones or near national borders.” The Article requires a protocol to be signed between the Ministries of National Defense and Culture to determine the principles to be adopted for the protection of cultural heritage. The EIAR notes that “No such protocol has yet been prepared for the study area.” (EIAR 3-38.) In addition, the Office of the Commander-in-Chief of the Army is responsible for granting licences for studies and excavations in the area.

The EIAR does not then go on to discuss the implications of such a situation for cultural heritage studies and excavations. However, it is the military that has been involved in the conflict with Kurdish people in this region since 1984. There have been numerous instances of direct suppression of Kurdish cultural expression by the military regime. Local people told a fact-finding mission to the Ilisu region in June 2001 that the Ministry of Culture granted permits to archaeologists for digs at Ziyaret Tepe and Diktepe, which local people believe were then blocked by the local military so that no excavations could go ahead. For the military to be responsible for permitting studies to look, for example, at how cultural heritage is valued and

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26 Fact-finding Mission to the Ilisu region, June 2001. Interviews with an archaeologist, who asked to remain anonymous for fear of State reprisal, and with the Diyarbakir Human Rights Association.
27 For example, only in the last year, three Kurdish cultural organisations have been closed under State of Emergency rule – the Dicle Women’s Cultural Centre in Diyarbakir, the Mesopotamia Cultural Centre and the METERIS Cultural Centre – and in March 2000, a conference organised by the NGO Women’s Platform Diyarbakir on ‘Consciousness of History’ was refused permission. Fact-finding Mission June 2001, interview with HADEP Women’s Branch.
understood by local Kurdish people – studies recommended by the EIAR – is not only farcical, it is contrary to the very nature of evaluating local cultural heritage and a direct repression of minority cultural rights.

2. **Failure to indicate potential violation of national law**: The EIAR fails to deal with the key issue of whether the flooding of Hasankeyf would violate Turkish national law. ECAs considering backing the project are prohibited under their own guidelines from supporting activities that contravene host country laws.  

According to the guidelines of the United States’ export credit agency, Ex-Im Bank, with which the EIAR states that it “has been prepared to comply first and foremost on the understanding that such compliance would satisfy also the other ECAs and lenders involved,” (EIAR 1-2), state that “Ex-Im Bank will assume that host country regulatory environmental standards and procedures as applicable to the proposed project are met.” The EIAR fails to provide any assurance that Turkey’s national laws regarding Hasankeyf have been met.

An international fact-finding mission to the Ilisu region in October 2000 was told by Turkish lawyers “that flooding Hasankeyf would violate Turkish law.” One prominent lawyer interviewed by the Mission stated: “The government cannot build this project legally because Hasankeyf is a Class 1 protected area.”  

The Turkish government listed Hasankeyf as a ‘first degree’ archaeological site in 1978 (Decision GEAYK – A 1105). Subsequently, in 1981, Hasankeyf was scheduled as a first and second degree site and 22 monuments were listed. Under Turkish law, flooding the town would require the special permission of the Diyarbakir Council for the Protection of Cultural and Natural Wealth, which is responsible for local sites protected under the law. The Mission’s report continues, “Without permission from this council, argued the lawyer, the flooding of Hasankeyf would be illegal. The council, which is appointed by the Minister of Culture, has not yet given permission to build the dam.”

In this regard, it is of significance that a legal case has already been lodged by an Istanbul-based lawyer, Murat Cano, contesting the legality of the dam under Turkish domestic law. The claim centres on the proposition that the Ilisu reservoir would flood an area of enormous global historical significance. However, in the section dealing with ‘Legal Aspects’ of cultural heritage in Turkey (EIAR 3.2.2.1), the EIAR fails to mention the 1978 law or the court case being fought. Only later does the EIAR mention, without any legal details, that “[Hasankeyf] has been registered as an archaeological site since March 1978” (EIAR 3-45), and that “Legal proceedings related to Hasankeyf were started in March 1999 against DSI by 2 persons. The Court dismissed the case on technical ground… [sic].” (EIAR 3-46.) In fact the court case continues to this day and has recently been referred back from the Diyarbakir courts to Ankara.

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29 For example, the German ECA, Hermes, states in its guidelines, “[t]he project has to meet the environmental standards of the host country.” Hermes (2001) ‘Official Export Guarantee Scheme of the Federal Republic of Germany: Guiding Principles Environment.


31 Interview with members of Diyarbakir Bar Association, October 2000.


The legality under Turkish law of flooding Hasankeyf is a crucial issue which will have direct bearing on whether or not ECAs are allowed under their own guidelines to back the dam. Any ‘detailed’ plan regarding Hasankeyf should have addressed this issue seriously and in detail, not simply have dismissed it, as the EIAR has done.34

3. Failure to address history of State neglect of Hasankeyf: The EIAR lists a number of monuments in Hasankeyf which are in a state of disrepair (EIAR 4-79.) Local officials have repeatedly told fact-finding missions to the region that Hasankeyf has suffered from State neglect and lack of investment since being declared a protected site in 1978, leading observers to conclude, “the Turkish government has taken no observable steps to discharge the responsibility which the original designation laid upon it, to protect or conserve the site.”35 The 1978 legislation has amounted to a planning blight on Hasankeyf, since no one has been permitted to make any efforts to protect or conserve the site in the intervening period. The EIAR does not, however, address the State’s neglect or the planning blight, but rather states that the only hope for conservation now lies with the dam; “The preservation measures of the Hasankeyf site considered in the frame of the Project implementation will allow to [sic] permanently protect these monuments from an irremediable destruction.” (EIAR 4-79.) For the EIAR to state in this way that the only way to preserve Hasankeyf is to flood large parts of not only illogical, it is hugely misleading. Clearly there are myriad ways in which the Turkish State could protect Hasankeyf if it had the political will to do so.

4. Inadequacy of partial salvage: It must be noted that local people and campaigners find the condition “to produce a detailed plan to preserve as much of the archaeological heritage of Hasankeyf as possible” inadequate. Regarding the proposed removal of monuments and artefacts to a museum, a state official and member of local environmental organisation, CEKUL, told a recent fact-finding Mission to the region, “This is not like the Aswan project. The artefacts there were made by human hands, but it’s different here with Hasankeyf. Firstly, the natural elements to the site – the caves – are one example of that. And secondly, the cultural layers which lie beneath the surface.” The Hasankeyf Volunteers36 told the same Mission, “We kept telling them that they cannot transport the whole city to some other place. Because Hasankeyf is a whole, you cannot fracture it, you cannot cut it into pieces, there is an organic wholeness there.” The Chamber of Architects in Diyarbakir, a professional association with many archaeologist members, told a previous Mission, “the historical sites have a meaning if

34 There is also a question as to whether the Turkish and UK governments would be in breach of the European Convention for the Protection of Archaeological Heritage (revised, Valetta 16 January 1992). Both countries signed the Convention in 1992; it came into force in Turkey in November 1999 and in the UK in March 2001. The Convention provides a unifying framework designed to prevent the abuse of archaeological heritage, either by neglect or through illicit exploitation.  
36 The Hasankeyf Volunteers was founded in 1999 by 200 local journalists, artists, doctors and lawyers to campaign to save Hasankeyf.  
people living in them don’t move away; it is important to say that Hasankeyf should be completely saved.\footnote{KHRP (1999) ‘The Ilisu Dam: A Human Rights Disaster in the Making’, Kurdish Human Rights Project, November 1999. In addition, the many families who still live in the caves in Hasankeyf risk not being compensated for their loss. The rights of these people, “who currently live in caves or other forms troglodyte housing”, or who use them as shelter for their animals, are vulnerable; however, rather than providing a full description of those people’s rights, the EIAR merely states that “Current laws and procedures do not seem to take those types of losses into account.” (EIAR 5-16.)}
Section Four – The Ilisu dam and international best practice on cultural heritage

As noted, the EIAR fails to meet the ECAs’ condition on cultural heritage, which in itself falls short of international best practice (see Section 2.1). Yet even if the EIAR did contrive to meet the ECAs’ condition on Hasankeyf, the Ilisu dam project would still be in breach of international best practice on cultural heritage.

The EIAR demonstrates that the Ilisu dam fails to meet international best practice standards on cultural heritage on a number of counts, including consultation with affected communities; assessing the full impact of the dam on cultural heritage; and allocating adequate resources (time and money) to surveys and excavation.

Again, not only does the EIAR demonstrate that international best practice has not been met, but it also fails to show that best practice can be met in present circumstances.

4.1 International best practice on cultural heritage

1. Consultation with affected communities.

Key international cultural and archaeological organisations, as well as many treaties and guidelines now recognise the right of project affected people to be informed and consulted regarding cultural heritage.

For example, the International Council on Monuments and Sites (ICOMOS) stipulates that “… elements of the archaeological heritage constitute part of the living traditions of indigenous peoples, and for such sites and monuments the participation of local cultural groups is essential for their protection and preservation”. ICOMOS’ charter further states, “… active participation by the general public must form part of policies for the protection of the archaeological heritage. This is essential where the heritage of indigenous peoples is involved. Participation must be based upon access to the knowledge necessary for decision-making ….”

The European Association of Archaeologists, whose aims include, “to promote proper ethical and scientific standards for archaeological work” endorses ICOMOS’ Charter. Furthermore, the EAA Code of Practice states, “archaeologists will take active steps to inform the general public at all levels of the objectives and methods of archaeology in general and of individual projects in particular, using all the communication techniques at their disposal.”

The guidelines of the United States’ export credit agency, with which the EIAR claims to comply, also endorses consultation on cultural issues; “The Bank encourages public participation and consultations with local groups and NGOs as a

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30 European Association of Archaeologists (1997) Code of Practice, Ravenna, Italy, 27th September 1997; “All archaeological work should be carried out in the spirit of the Charter for the management of the archaeological heritage approved by ICOMOS (International Council on Monuments and Sites) in 1990.”
source of information on the environmental and sociocultural aspects of projects involving dams and reservoirs with significant impacts. [Emphasis added]

The International Finance Corporation, an arm of the World Bank, states in its policy on cultural property, “If cultural property is to be impacted, detailed plans must be developed, justified, and openly debated.” [Emphasis added]

The EIAR itself accepts the need for consultation and participation of local communities and affected people about cultural heritage. The EIAR recommends that cultural heritage surveys among the local population be organised, and admits “Since many persons will be relocated, the loss of traditional knowledge would be irretrievable.” (EIAR EXE-19.)

2. The wider cultural heritage impacts of the Ilisu dam’s reservoir

The World Commission on Dams, the United States export credit agency, US Export-Import Bank, and the World Bank are among the international bodies which call for a full assessment of projects’ cultural heritage impacts

The World Commission on Dams’ Guideline for Good Practice no. 5 states, “IA [impact assessment] should include… Cultural Heritage Impact Assessment’ and such “assessments should culminate in a mitigation plan to address the cultural heritage issues identified through minimising impacts, or through curation, preservation, relocation, collection or recording.” The International Finance Corporation, an arm of the World Bank, states, “If cultural property is to be affected, detailed plans must be developed, justified and openly debated…. Cultural property issues must be included in project costs and dealt with from the outset of the project.” And US Ex-Im guidelines stipulate that all cultural heritage impacts of a project should be assessed, “The effects of the project on the presence of any artifacts or sites of cultural significance should be evaluated and mitigation measures proposed.” [Emphasis added]

There are grounds for believing that the UK government has accepted the importance of the wider cultural heritage impacts of Ilisu’s reservoir. In a February 2001 letter to the World Archaeological Congress, Richard Caborn, Minister responsible for ECGD, states, “the conditions set out by Stephen Byers in December 1999 include a requirement that a detailed plan be produced to preserve as much of Hasankeyf’s archaeological heritage as possible. In fact, we

know that the Salvage Project for the archaeological heritage of the area to be inundated is by no means confined to Hasankeyf.\textsuperscript{46}

The UK’s Select Committee on Trade and Industry recommended to the government in May 2001 that the cultural heritage impacts of the reservoir should also be taken into account, stating, “We consider that the condition [on Hasankeyf] should be extended to cover the whole of the reservoir area and land affected by it ….”\textsuperscript{47}

The Secretary of State for Trade and Industry, in her July 2001 response to this recommendation, answered, “We have not yet seen a full salvage plan for the Ilisu Reservoir. However, the reports of the archaeological activities covered by the Salvage Project for the Archaeological Heritage of the Ilisu and Carchemish Dam Reservoirs for 1998 and 1999 do include the reservoir area and not just Hasankeyf. We are still discussing how such a plan might be reviewed when we see it.”\textsuperscript{48} This would indicate that the UK government does indeed accept the importance of cultural heritage beyond Hasankeyf.

The EIAR does not confine itself solely to the issue of the inundation of Hasankeyf, but acknowledges that cultural heritage impacts extend to the entire 312 km\textsuperscript{2} reservoir area. “The area to be impacted comprises hundreds of archaeological sites documenting more than 100,000 years of human occupancy. The area has been instrumental in the first human endeavors to domesticate plants and animals and in the establishment of the first permanent settlements. It is situated at the limits of Anatolian, Mesopotamian and Persian Empires and civilizations.” (EIAR EXE-19.)

### 4.2 Breaches of international best practice on cultural heritage

1. **Failure to consult affected communities on cultural heritage**: The EIAR acknowledges that consultation with affected communities has not occurred, “The traditional knowledge of the local population does not seem to have been the object of any study. It is thus impossible to determine the heritage that local people value.” (EIAR 3-41.)\textsuperscript{49}

2. **Failure to determine full extent of cultural heritage impacts**: The EIAR acknowledges that very little is known about the potential reservoir area, and that future studies could reveal major findings, as has happened in the past; “The study area seems to have been at or outside the limits of most of the successful empires and kingdoms in Anatolia, Persia and Mesopotamia. But since no extensive research has been done so far, it is impossible to be absolutely affirmative. On the contrary, a new kind of sites [sic] may be discovered in the study area, sites documenting the

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\textsuperscript{46} Richard Caborn (2001), letter to Professor Martin Hall, World Archaeological Congress, 28\textsuperscript{a} February 2001.

\textsuperscript{47} Trade and Industry Select Committee (2001) Twelfth Report, 11\textsuperscript{a} May 2001.


\textsuperscript{49} The EIAR then seemingly contradicts itself, by referring to a team from Dicle University which “has initiated a research program on the cultural heritage of the living people.” It goes on to say, however, that “There is no detail available about this program yet.” (EIAR 7-15.)
peculiarities of the fringe, particularly in the time of the Urartu Empire (2'900-2'600 BP) and the Medes (2'750-2'300 BP). One site discovered in 1988 at the confluence of the Botan River with the Tigris proved to be a Roman defense work. It seems to have been an outpost on the frontier between the Roman-Byzantine Empire and the Persian Empire.” (EIAR 3-45.)

- **Lack of an adequate survey.** Such failure in part arises from the fact that the Ilisu reservoir area, which totals approximately 37,750 hectares (ha) (EIAR 3-51), has not yet been adequately surveyed for cultural heritage. The main archaeological study completed within the reservoir area to date, and on which current studies are based, is the Algaze survey, which took place between 1988-1990.\(^5^0\) At this time, war was raging in the region, and the majority of the reservoir area was not accessible for security reasons. Hence, according to the EIAR, Algaze only surveyed 7,000 ha out of the total 37,750 ha reservoir area: 18.5% or less than a fifth of its total area. (EIAR 3-51.) The EIAR calls into question the extent even of this inadequate study, stating “questions still remain about its [Algaze’s study’s] amplitude.”\(^5^1\)

- **Time-frame inadequate.** The time-frame suggested by the EIAR to survey the reservoir area is completely inadequate. The EIAR states, “Since the archaeological information about the reservoir area is far from complete, it is recommended to perform a detailed survey of the reservoir area during the 7 years of the construction and to select archaeological sites to be investigated and documented before the start of impounding. These investigations should identify and save artifacts as far as possible.” (EIAR EXE-11.)

The EIAR proposes to survey the rest of the reservoir area in a mere two years. (EIAR 7-9.) The EIAR makes clear that it recommends a two year period not because this would be sufficient time, rather “The archaeological surveys should be completed in no more than two years so that enough time can be devoted to archaeological excavations before reservoir impounding.” (EIAR 7-9.) Archaeological surveys of such an important area should not be rushed simply because imminent inundation is assumed; such an approach gives no proper weight to cultural heritage concerns in considering whether or not the dam project should go ahead.

The two years recommended by the EIAR are wholly insufficient to make either an accurate or a complete survey of what would be lost to Ilisu’s reservoir. For means of comparison, to demonstrate the inadequacy of such a time-frame, it is possible that several mounds within the Ilisu reservoir area might be as significant as the internationally-renowned site of Catal Hoyuk in Central Turkey. A trench excavated to the base of the eastern mound at Catal Hoyuk, which excavated material


\(^5^1\) The EIAR also mentions an archaeological survey of the reservoir area commenced in 1999 by Dicle and Kirikkale universities. By October 2000, the EIAR states, “all known sites had been revisited” and “new information” was collected. The EIAR gives no details, however, of the extent of this survey and no indication of whether it has covered a whole or part of the reservoir area. (EIAR 7-14.) Later the EIAR claims that this survey has covered “the greatest part of the impacted area.” (EIAR 7-15.) Again, the EIAR gives no details. However, it is clear that many areas have still not been covered due to security factors; “The difficulties encountered are related to the access in various areas. Many sites have been destroyed during the political problems and the Turkish army will have to clear mined areas before all required surveys can be performed.” (EIAR 7-15.)
comprising less than half of one per cent of the cultural deposits of the mound, took a team of 20 professional archaeologists six months to complete and cost over half a million dollars.  

The accelerated time frame for surveys and excavation in the Ilisu project area is unrealistic and contrived. The constraints of time and money imposed by the dam construction schedule make a mockery of any claims that a full and competent investigation of the cultural heritage of the affected site is being made.

- **Fundamental work yet to be completed** The EIAR lists suggested complementary studies which should be carried out on the cultural heritage and archaeological impacts of the Ilisu dam. This list makes clear how much work remains to be done, according to the EIAR itself. It includes:

  **Cultural heritage surveys** (EIAR 7-8.)

  1. Interviews in every village and hamlet to be affected, to determine the history of the village, village names, families, sacred and important areas, crafts, dialects etc.
  2. An inventory of man-made caves along the Tigris and excavations of their remains.
  3. Consultation with villagers about their graveyards and plans for their relocation.

  However, the EIAR fails to detail either time-scale, budget or human resources for these cultural heritage surveys. Accordingly, the above merely becomes a ‘wish-list’ which cannot be taken seriously.

  **Archaeological surveys** (EIAR 7-9.)

  1. Aerial surveys of the entire 37,750 ha reservoir area.
  2. Field surveys of this area; “All cultural remains should be collected and properly registered.”
  3. Soundings and test-pits at all sites where archaeological artefacts are found.
  4. Location of sites to be excavated position with GPS and other technical means.

  **Archaeological excavations** (EIAR 7-10.)

  The EIAR is unable to estimate how many excavations should be made to do justice to the cultural heritage of the reservoir area – for the simple reason that the area has not yet been surveyed. “It is not possible to establish precisely the number of sites that will be excavated and the time needed for this process but it is clear that the construction period will not allow salvaging all the archaeological wealth of the area.” (EIAR 7-10.)

  However, the EIAR allows itself to make a completely unsubstantiated guess at the number of sites that could be excavated in order to assess the human resources needed. (EIAR 7-10.) The EIAR estimates 5-10 sites per year to be excavated for six

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years. At an absolute maximum such a scheme would excavate 60 sites before flooding. (EIAR 7-10.) Compare this to the over 200 archaeological sites already identified by Algaze’s study, which covered only 18.5% of the reservoir area. To call such a plan – which anyway is neither budgeted for nor agreed by the Turkish authorities – inadequate is to make a severe understatement.

To date, according to the EIAR, only nine sites in the entire area to be flooded by Ilisu have been excavated. (EIAR 7-15.) The EIAR identifies a problem in the way excavations have been carried out so far, “each team has its own schedule, its own professional interests and its own way of performing archaeological work.” (EIAR 7-16.) This has led to a circumstance whereby, “one site chosen for excavations lies outside the impacted area.” (EIAR 7-16.)

In respect of the above studies on cultural heritage, archaeological surveys and excavations, the Executive Summary of the EIAR could be misleading in seeming to suggest that plans to study and excavate the reservoir area are in place. The Summary states, “A research program has been devised to survey the entire impacted area in order to record all the archaeological sites and to excavate a large number of them before impounding.” In fact, the EIAR merely recommends that such a study be carried out, and in effect details a “wish-list” of how many people would work on this, for how long and with unspecified funding. (EIAR 7-9.) **In reality, this programme does not exist.** This is made clear in Section 4.3.2.2 of the EIAR (EIAR 4-78), when the authors state, “An archaeological research program should be initiated as soon as possible so that there is enough time to foresee and carry out proper conservation measures.” It goes on to detail how much remains to be done, “This program should include inventories updating and completing the historic documentation, an extensive archaeological survey of all areas impacted and excavations of archaeological sites.”

The programme that does exist, headed by the Centre for Research and Assessment of Historic Environment (TACDAM), is in no way equivalent to the EIAR’s recommended study. For example, the Salvage Project covers both the Ilisu and Carchemish reservoirs, and as previously noted, since funding must be shared between these two dams, Ilisu has so far been denied sufficient resources (see The Ilisu Dam and Hasankeyf above). This Salvage Project is scheduled to continue only for another five years until 2006 (EIAR 7-12), where the EIAR recommends at least another eight years.53 No long-term budget has been committed for the Project as it must be re-negotiated each year. (EIAR 7-13.) The EIAR points to problems cause by this yearly re-negotiation, “Renewing the [budget] allocation on a year to year basis may impede long-term research programs. Each co-ordinator should be assured of adequate financing for 3 year terms at least.” (EIAR 7-16.)

### 4.3 Why international best practice on cultural heritage cannot be met

Not only does the EIAR fail to present evidence that the international best practice on cultural heritage has been met, the EIAR provides no assurance that the condition could be met under present circumstances.

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53 The EIAR notes this problem and states “The overall schedule considered (1999-2006) must be extended till the end of the impoundment process for fieldwork and afterwards for report production. (EIAR 7-16.) Even this time-frame must, however, be regarded as grossly insufficient.
1. **Suppression on Kurdish cultural rights.** As noted in Section 3.2 (1), under present circumstances of State of Emergency Rule and active suppression of Kurdish cultural and other human rights, meaningful consultation with affected communities cannot take place. It is evident that there is currently no political will on the part of the State authorities to recognise the cultural rights of affected communities with regard to the Ilisu dam. Without such consultation, the cultural heritage impacts of the Ilisu dam cannot be clearly understood or appreciated.

2. **Military control of cultural heritage.** As noted in Section 3.2 (2), under Turkish law, the military has ultimate responsibility for cultural heritage assessment and protection in the Ilisu region. This situation is inimical to adequate consultation with affected communities. In addition, as the EIAR notes, the ongoing security situation in the region effectively limits cultural heritage work. Many areas of the Ilisu reservoir area have still not been accessed by the archaeological salvage teams due to security factors; “The difficulties encountered are related to the access in various areas. Many sites have been destroyed during the political problems and the Turkish army will have to clear mined areas before all required surveys can be performed.” (EIAR 7-15.)

3. **Past practice in Turkey with respect to cultural heritage.** The EIAR acknowledges the importance, in respect to resettlement practice in Turkey, of looking at past experience to give some indication of what might be expected at Ilisu.\(^{54}\) Similarly, past experience in Turkey of dealing with the cultural heritage impacts of dams should also be taken into consideration, especially the most recent experience at the Birecik dam on the Euphrates.

   Such a consideration, which the EIAR fails to undertake, reveals disturbing shortcomings, of key relevance for the cultural heritage impacts of Ilisu. This calls into question whether under present circumstances best practice with regard to Ilisu can be achieved.

   In a recent review of cultural heritage and dam projects in Turkey, Professor Mehmet Ozdogan of the University of Istanbul states, “When all the dams are finished, an area comparable to 1/6 of all Belgium will be inundated by reservoirs. Nevertheless, in spite of this extensive construction activity, only about 25 of the 298 dam projects have been surveyed at all for Cultural Heritage, and, of these, only 5 have had organized systematic rescue work conducted.”\(^{55}\)

   Equally worrying are the findings of a fact-finding mission to the Ilisu region in October 2000.\(^{56}\) The mission visited the Birecik dam, recently completed on the Euphrates River. Its findings are cited below:

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\(^{54}\) EIAR, 4-85, “The main goal of an EIAR is to assess the impacts of a project. In regard to resettlement, it should be focused on a description of resettlement policies or procedures, on the impacts triggered by resettlement in similar contexts in the past (which constitute the best indicator of what could happen in the future)…”


The Mission first made a visit to the Birecik dam at the Belkis/Zeugma site. There were no archaeologists on site to consult. The excavations at Zeugma are documented as being sophisticated but wholly inadequate. The speed with which the Birecik dam has been constructed and filled has conclusively deprived civilisation of the opportunity to document and map the enormous quantity of significant remains now lying at the bottom of the reservoir. At the very least, what is known to have been destroyed is a Roman Legionary Fortress, a Roman bath and an early Bronze Age cemetery. In addition, countless mosaics and frescoes at Roman villas at Zeugma have been lost. What has also been lost is the cultural and natural wealth of the ancient settlement of Apema and that at the mounds of Tilobur, Tilbes, Tilmusa and Horum .....

The Mission had the opportunity to speak to a number of resettled communities who were deeply aggrieved that they had been forcibly parted from their homes and associated heritage and that they were no longer able to worship in their traditional places or to tend the graves of their families. In summary, the work which had to be done so hastily at Birecik to preserve a tiny fraction of the cultural heritage of the region is devastatingly inadequate in almost every particular.
A REVIEW OF THE
HYDROLOGIC AND GEOMORPHIC IMPACTS
OF THE PROPOSED ILISU DAM

Prepared for

The Corner House

Prepared by

Philip Williams & Associates, Ltd.

August 31, 2001
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The companies of the Ilisu consortium are currently seeking export credit support from a number of European Union countries and the USA in order to participate in the construction of the proposed Ilisu dam in southeastern Turkey. Before granting such credits, the governments concerned require a full consideration of the environmental consequences of constructing and operating the dam. In response to this requirement, the engineering contractors\(^1\) selected by the Turkish Ministry of Energy and Natural Resources have contracted with the Ilisu Engineers Group (IEG)\(^2\) to prepare an environmental impact assessment report (EIAR) in accordance with Export–Import Bank guidelines. These guidelines (EIAR Appendix 24) list potential impact categories that should be addressed but do not necessarily require the kind of systematic environmental assessment that has now become standard practice by most international financial institutions and many national governments. In 1997, the Government of Turkey adopted Environmental Impact Assessment Regulations but specifically excluded projects, like the Ilisu dam, whose final design had been previously approved [p1-6]

The purpose of the IEG’s EIAR is described as ‘to allow full consideration of the environmental impact of the project by the Turkish authorities as well as by the relevant international financing institutions’ [p1-6]. The IEG acknowledges that because the design and operational plan of the Ilisu Dam was developed before 1982, without integrating environmental considerations, the EIAR does not comply with contemporary international standards [p1-7]

Worldwide, large dam building technology is relatively new and in the last 20 years has produced a substantial amount of new research and practical experience concerning the impact of large dams on major river systems. In many instances unanticipated environmental impacts have adversely affected or even frustrated the original economic development goals of the project (WCD 2000). Because of the importance of the possible large scale hydrologic, geomorphic and water quality impacts of the dam on the Tigris River system, PWA Ltd. has been contracted by The Corner House to provide an overview of these potential physical effects and an assessment of whether the EIAR published by the IEG adequately describes these impacts. PWA was requested to summarize its findings in this report to be completed in time to be submitted to relevant governments prior to their decision-making in the fall of 2001.

Unfortunately, important technical source documents cited by IEG-specifically the design and operational plans cited in the EIAR, were not made available to us because the consultants were not certain who owned them (Appendix B). In the short time available to prepare this review we were unsuccessful in resolving this question. This has meant that we have had to rely on the EIAR itself and on prior published articles as the primary source of our data. Except as noted for the purpose of this

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1 The engineering contractors are Balfour Beatty (UK), Sulzer Hydro (Switzerland), and Impregilo (Italy)
2 The IEG is composed of Hydro Concepts Engineering (Switzerland), Hydro-Quebec International (Canada), Colenco (Switzerland), and Dolsar (Turkey).
review, we have assumed hydrologic and engineering data presented to be accurate but have not carried out independent checks.
2. CONCLUSIONS

1. The Ilisu Dam is a major component of an integrated water development scheme planned in the 1970’s for the upper Tigris watershed. The goal of this scheme is to provide economic development within the region through the generation of electricity and large scale irrigated agriculture. While the EIAR states that the Dam is “a single purpose hydroelectric facility” [p2-13] it will also ‘increase the water available for irrigation’ [p4-39] by storing seasonal runoff that will be released and then diverted from the river downstream at the planned Cizre Dam. Diversions from Cizre are planned to irrigate approximately 121,000 ha.

2. The construction and operation of the Ilisu Dam by itself, will significantly affect the hydrology of the Tigris River. It will alter the seasonal flow pattern by capturing all except large flood flows in the spring and releasing them in the fall and it will create large daily flow fluctuations whose influence would be felt more than 65 km downstream at the Syrian border.

3. The operation of the Ilisu Dam in combination with diversions from the future downstream Cizre project would probably significantly reduce summer flows in Syria and Iraq below historic levels. It is likely that a significant portion of the recommended minimum flow release from Ilisu of 60 m$^3$/s during dry years would be diverted. It is even possible that with full implementation of the Ilisu/Cizre projects, during drought periods, all the summer flow could be diverted before it crossed the border.

4. Future depletions of the Tigris river flows for planned irrigated agriculture within Turkey would further reduce these flows.

5. Filling of the Ilisu reservoir could create low flow conditions downstream in Syria and Iraq more severe than those experienced in an extreme drought for two successive years.

6. The Ilisu reservoir would eliminate small to moderate flood peaks downstream but would not significantly reduce extreme large flood peaks.

7. There are large uncertainties in estimates of reservoir sedimentation rates. It is possible that with future deteriorating watershed conditions active reservoir storage losses would be in the range of 0.1 to 1 percent per year. This could adversely affect power generation within a few decades.

8. Deposition of coarse sediments in the mouths of rivers discharging to the reservoir will cause increased flood levels, waterlogging, and increased channel migration along tributary rivers upstream.

9. Large seasonal reservoir level fluctuations would typically expose approximately 100 km$^2$ of reservoir bed, as summer diversions increase upstream this drawdown area could increase to about 190 km$^2$. 


10. Capturing of coarse sediment in the reservoir will tend to induce scouring of the river channel downstream, lowering the river level and possibly lowering the adjacent water table as well.

11. High levels of nutrients from sewage and agricultural runoff will cause eutrophication and anoxic conditions in the reservoir. Planned sewage treatment plants will not significantly reduce these levels.

12. Anoxic conditions will probably mobilize heavy metals from reservoir sediments.

13. Discharges from the reservoir will be anoxic and likely to contain high levels of nutrients, organic matter and hydrogen sulphide (H₂S).

14. Downstream water supply in Syria and Iraq could be significantly affected by both reduction in summer flows and deterioration in water quality.

15. There could be a significant increase in flood hazards downstream. The elimination of smaller floods will encourage the development of floodplain and river channel land; however these areas will still be subject to extreme flood events.

16. The consequences of failure of the dam due to accident or act of war would be catastrophic affecting millions of people living downstream.

17. Summer exposure of large areas of reservoir bed, as well as aggrading river channels upstream, will provide a major habitat for disease vectors such as malaria etc.

18. Pollution and eutrophication of the reservoir could create public health hazards for people drinking water or eating fish caught in the reservoir.

19. Anoxic conditions in the reservoir will likely generate significantly higher levels of greenhouse gas methane emissions than occur from the existing landscape.

20. We do not find key conclusions presented in the EIAR to be justified, in some instances because they are unsubstantiated, in others the information on which they are based is contradictory, incomplete, of unknown accuracy, or inappropriate level of analysis.

21. We find the methodology or logic of the EIAR to be seriously flawed because the Project definition is unclear, cumulative impacts were not addressed, transborder impacts were ignored, and impacts were not analyzed over the lifecycle of the project.

22. It appears that key decisions on the Ilisu dam and operational design were made 20 years ago without integrating environmental planning, as is now the established practice. Instead the EIAR attempts to analyze the consequences of decisions already taken and suggest mitigation actions that are not part of the project, which might be taken to reduce adverse impacts.
23. On many important issues the EIAR does not present an impartial assessment but instead seeks to minimize the significance of adverse impacts or argue that they will be mitigated.

24. There is no substantiation provided in the EIAR for the selection of the minimum monthly flow release of 60 m$^3$/s. Nor is evidence presented that downstream riparian countries were consulted to establish such a minimum release rule.

25. The accuracy of information on which the EIAR was based cannot be independently evaluated because it was not made available for public review. No peer review of this document by qualified environmental assessment specialists was carried out.

26. It does not appear that the proponents of the Ilisu dam have carried out the kind of technical studies reasonably expected to evaluate environmental impacts for a major project of this type. For example: reservoir water quality modeling, operational scenarios for future watershed conditions, river and reservoir sedimentation modeling, dam break analysis, and flow fluctuation attenuation modeling.
3. SETTING

The Tigris River is the second largest river in southwest Asia (1,840 km). It is an international river shared by Turkey, Iraq, and Iran, with Syria as a minor riparian. Parallel to its twin sister the Euphrates, it flows through one of the most arid regions of the world, and is relied on by an increasing number of people for agriculture, urbanization and industrialization. Within the last two decades both Turkey and Iraq have started to implement ambitious water development schemes that are transforming the river, and the lives of people who depend on it.

Downstream of Turkey, Iraq is extremely dependent on these two major rivers as its only sources of water. Iraq completed the large multi-purpose Mosul Dam (or Saddam Dam) with a reservoir capacity of 10 billion m$^3$ in the late 80’s, and is currently constructing another big dam on the Tigris with a reservoir capacity of 12 billion m$^3$. The Mosul Dam, combined with massive drainage works constructed after the Gulf war, has resulted in the transformation of the lower Tigris River and the destruction of the unique Mesopotamian marshland ecosystem, displacing the indigenous Marsh Arabs (EOS 2001).

The Turkish government is seeking to exploit the upper part of the Tigris River as part of its Southeastern Anatolia Project (GAP). The GAP is intended to be an integrated regional development plan covering a wide array of sectors such as irrigation, hydraulic energy production, agriculture, urban and rural infrastructure, forestry, education and health (http://www.gap.gov.tr). Its closest conceptual analogues are the American Tennessee Valley Authority planned in the 1930’s or the Mekong Valley Scheme, planned in the 1960’s (Kolars and Mitchell 1991). The GAP project area covers about 10 percent of Turkey, and according to the 1997 census approximately 9.5 percent of Turkey’s population lives within the area being developed by the GAP. The water resources program of the GAP envisages the construction of 22 dams and 19 power plants and irrigation schemes on an area extending over 1.7 million hectares. The total cost of the GAP project is 32 billion USS, with energy and agricultural projects having a share of 32 and 30 percent, respectively (http://www.gap.gov.tr).

The Ilisu Dam and Hydroelectric Power Plant is the centerpiece of the GAP development plan for the Tigris River. It is a 135 m high rockfill dam located 65 km upstream of the Syrian border and will create a reservoir with a live storage volume of 7460 million m$^3$ [p2-14], extending 135 km up the Tigris valley [pEXE-8]. The power station will have a capacity of 1,200 MW and is expected to produce 3,800 GWh of power per year [p2-12]. Ilisu has a large active storage area that compensates the highly variable seasonal and annual flow fluctuations in order to generate electricity throughout the year. It is designed as a peaking power plant that will operate to meet the daily and seasonal peak energy needs. Ilisu is therefore planned to operate in conjunction with the Cizre Dam to be constructed 45 km downstream. Cizre will act as a re-regulating reservoir to even out the highly variable peaking power releases and provide for diversion of water to irrigate 121,000 ha of arid lands [p2-2].
Currently, also as part of GAP, there are eleven projects in operation or under construction in the Tigris Basin, of which ten are upstream of Ilisu [p2-11]. These upstream projects cover around 300,000 ha of irrigation land [p4-28], which will result in significant reductions in the river flow before reaching Ilisu. All the irrigation projects upstream and downstream of Ilisu cover a total of approximately 421,000 ha.

In Turkey, the Tigris flows in the southeast for about 400 km, forms the border with Syria for 40 km, and flows downstream to Iraq. The main stem of the Tigris drains an area of 39,000 km$^2$ in Turkey [pEXE-2]. The flow is characterized by a high annual and seasonal variability. The annual mean flow is 520 m$^3$/s at the border (16.2 billion m$^3$) [p2-12]. The lowest flow was 9.6 billion m$^3$ in 1973, and the highest was 34.3 billion m$^3$ in 1969 [p2-13]. Maximum runoff events spread between November and May. Mean flow in April is 1433 m$^3$/s, while the driest month September is 113 m$^3$/s [p3-5]. Downstream, at Baghdad, the average flow is 1236 m$^3$/s (Kliot 1994).
Map of the Tigris and Euphrates Watershed

Source: ArcWorld, USGS EDC
4. HYDROLOGIC IMPACTS

The operation of the Ilisu reservoir will substantially alter the flow regime of the Tigris River downstream. In order to generate electricity throughout the year and maximize the potential irrigation diversion downstream, the dam will be operated to store high flows in the spring, make constant releases in the summer growing season, then increase releases to meet higher winter electricity demand. The net effect on flows crossing the border into Syria and Iraq, prior to the completion of the Cizre diversion downstream, is to increase flows in the river in the summer, fall and winter [p4-42], and reduce them in the spring. After completion of the Cizre diversion summer flows would be substantially reduced by irrigation diversions and would probably be reduced below pre-project conditions. Although this significant impact was not addressed in the EIAR, it can be illustrated by subtracting expected irrigation diversions to supply the 121,000ha of the Cizre project from what is represented as the average year flow regime presented in the EIAR. Based on estimated consumptive use of 1.6 m (Kolars and Mitchell 1991) approximately 12 percent of the annual flow would be utilized. Fig 2 and Appendix A shows how average monthly cross border flows would likely be substantially reduced when the combined Ilisu/Cizre project is implemented.

Water users downstream would be most impacted by the reduction in flow frequency –and hence irrigation reliability- as much as the change in average monthly flow rate. Because the full operational simulation of the reservoir was not presented in the EIAR, it is not possible to quantify the increase in frequency of low flows crossing the border. However, because minimum releases from Ilisu during extreme droughts will likely be limited to 60 m$^3$/s it is possible that during drought periods, with full implementation of the Ilisu/Cizre project all the summer flow could be diverted before it crossed the border.

The reliability of flows crossing the border would be further reduced in the future by the cumulative impacts of additional diversions and other components of the GAP scheme, as they are implemented. Approximately 300,000 ha of irrigated land is planned in the catchment area above the Ilisu reservoir [p4-28]. The EIAR significantly underestimates this consumptive use, assuming it to be only 0.5 m of applied water per year [p4-28] instead of approximately 1.6m more typically experienced in semi-arid climates and estimated by independent analysis for the GAP area. (Kolars and Mitchell 1991). This more conventional estimate of consumptive use would reduce annual flows by about 29 percent (Appendix A). This future flow reduction could significantly affect the Ilisu reservoir operation resulting in reduced generation in dry years or greater drawdown of reservoir levels in average years exposing approximately 190 km$^2$ of reservoir floor.

During the filling period of Ilisu, the EIAR recommends that discharges downstream be maintained at a minimum flow release of 60 m$^3$/s. If adopted this would create unprecedented low flow conditions downstream more extreme than the worst historic drought. Although the EIAR did not present this information, the effect can be seen by comparing natural flows with planned releases [p4-20] (Figure 2 and 4). The selection of 60 m$^3$/s as the minimum flow release was based on the historic lowest monthly
recorded flow at Cizre in September 1960, rather than the minimum of all months in the growing season. It is important to note that since 1960 water use downstream has increased significantly.

In the interim period between completion of Ilisu and completion of Cizre the daily peaking power releases from Ilisu will significantly affect flows downstream. Discharges will change from 4.9 to 1200 m$^3$/sec in less than an hour [p4-35] (In comparison, this flow variation approximates the maximum flood and minimum drought flow recorded on the River Thames at Kingston in the period 1883 to 2000). Even though the EIAR acknowledges that this discharge variation will have negative environmental impacts [p4-35] no hydrodynamic analysis of the attenuation of the daily flood wave downstream is presented, nor is attenuation data from the similar operation of Ataturk Dam presented. Based on a simple dynamic flood routing analysis assuming a typical river channel shape of the Tigris between Ilisu and the Mosul Dam about 160 km downstream, the daily flood surge might only be 16 percent attenuated where it crossed the border (Figure 3).

Although the Ilisu reservoir operation described in the EIAR will result in the capture of the relatively frequent small to midsize floods, it will not control the infrequent large damaging floods. Although the EIAR states ‘floods will still occur but with attenuated peaks and with reduced return frequencies’ [p4-34], it does not present any analysis of the change in flood frequency due to the project. The Ilisu dam will be operated to maximize power generation revenues and provide a reliable irrigation supply – not for flood control. Large floods, such as the 100yr frequency event cited in the EIAR that has a peak inflow of 11,500 m$^3$/sec [p3-6], would completely fill the reservoir prior to the arrival of the flood crest. The reservoir therefore would not attenuate such a flood event.
Figure 2

A Review of the Hydrologic and Geomorphic Impacts of the Proposed Ilisu Dam and HEPP

Changes in seasonal flows crossing the border due to Cizre irrigation

Discharge (m³/s)

Monthly Inflows to Ilisu (Bilen 1997, EIAR p. 4-42)

Planned Monthly Outflows from Ilisu (EIAR p. 4-42)

Possible Flows at the Border After Cizre Irrigation Diversions of 121,000 ha

60 m³/s
The above graph shows the attenuation at the border of daily winter releases from Ilisu, assuming the same winter release schemes as Ataturk Dam (EIAR, p 4-31). The simulation was modeled using one-dimensional hydrodynamic model MIKE-11. The model parameters were obtained from the EIAR and published articles on the Tigris. A roughness coefficient (Manning’s n) of 0.04 was used for the channel. Due to lack of data on channel geometry in Turkey, a typical channel cross section downstream of the Mosul Dam in Iraq was used as a surrogate cross section downstream of Ilisu (see Al-Ansari and Rimawi 1997 for channel surveys).
A Review of the Hydrologic and Geomorphic Impacts of the Proposed Ilisu Dam and HEPP

Changes in inflow to Ilisu due to GAP irrigation projects upstream
5. GEOMORPHIC IMPACTS

The Tigris River conveys large amounts of boulders, sand and mud eroded from the mountain slopes of its catchment. The creation of a large reservoir will capture almost all of this sediment, progressively filling the storage volume and eventually converting it to a marshy alluvial plain. The EIAR estimates average sediment inflow to Ilisu to be 15 to 30 million m³/yr with completion of the Batman dam upstream. The basis for this estimate is not described but appears to be a simple estimate of sediment yield from tributary watersheds of about 500 to 1000 m³/km² or about 750 to 1500 tons/km². This sediment inflow has a high proportion of sand that tends to settle out quickly once it reaches the stagnant water of the reservoir. This proportion is 30 percent based on sampling data [p3-7]

The Ilisu Dam is designed to capture accumulating sediment in the lowest part of the reservoir dedicated as inactive or “dead” storage. This amounts to about 30 percent of the total 10,410 Mm³ reservoir volume [p1-2]. The EIAR does not present a systematic analysis or simulation of reservoir sedimentation and it might be inferred that the reservoir would last 100 to 200 years before the active storage starts to fill. This inference would be mistaken and it is likely that from the beginning of operation, there would be some progressive filling of the active storage as well due to deposition of sand deltas at the mouths of tributary rivers. For the sediment yield cited, this filling would be of the order of 0.1 percent per year, assuming about 30 percent of the inflowing sediment is deposited in the shallower arms of the reservoir. However, it appears that the total sediment inflow may be significantly underestimated in the EIAR. Where watersheds are disturbed by development, erosion rates in semi arid areas can increase significantly – sometimes by two or three orders of magnitude (Newson 1997). Worldwide, there have been many instances where reservoir sedimentation rates have been greatly underestimated –and the importance of this experience has not been discussed in the EIAR. Earlier analysis by the World Bank of this problem indicates that sediment yield for the size of tributary watersheds flowing into the Ilisu reservoir could be in the range 1000 to 10000 tons/km² (Mahmood 1987, p. 27, Fig 3-1). This would indicate rates of loss of live storage of the order of 0.1 to 1 percent per year. At this higher rate of sedimentation, power production and irrigation deliveries would be significantly impaired within 30 years of the start of reservoir operation.

As sand and boulders accumulate at the mouths of the tributary rivers, they accentuate backwater effects from the reservoir, causing progressive deposition of bed load in the river channel upstream. As the bed level increases, flooding and erosion of floodplains occur and this process of riverbed aggradation will continue upstream until the reservoir has silted in and the river channel can reach equilibrium. Depending on the river slope, these effects can propagate tens of kilometers upstream. (In an extreme case on the Yellow River backwater sedimentation extended 250 km upstream (Morris and Fan 1998)). Unfortunately, the EIAR only anecdotally describes this impact [p4-51] – even though predictive sediment transport models are available to simulate this change and identify the extent of impact upstream.
Within the reservoir, wind wave action and fluctuating reservoir level will erode the reservoir edge. Although the EIAR references this problem [p4-48] it does not indicate its extent. As the reservoir level drops in the winter, it will expose large areas of poorly drained reservoir floor. On an average year approximately 100km$^2$ will be exposed with the initial operation. As upstream irrigation diversions increase and summer inflow diminishes, average year drawdowns would increase if electricity generation were to be maintained, and reservoir floor exposure could increase to 190 km$^2$.

Downstream of the dam the river channel will undergo significant changes – until it is submerged by the Cizre reservoir. Flows discharging from the Ilisu dam will scour the channel bed, causing lowering of the channel and erosion of channel banks. Bank erosion would be further accentuated by the large daily flow fluctuation. Elimination of smaller floods but not larger flood flows would likely cause major channel changes during floods.
6. WATER QUALITY IMPACTS

In the catchment above the Ilisu Reservoir, there is a population of 2.9 million, including the City of Diyarbakir as well as 64,000ha of irrigated land. Over the next few decades, the population is expected to increase [p3-65] and the area of irrigated land expands significantly with implementation of GAP. This means that existing high levels of pollution described in the EIAR, which have already created eutrophic conditions in the river [p3-8], are likely to increase. Although the discharge of sewage, pesticides, heavy metals and mining waste products would adversely impact reservoir water quality directly, the most critical concern is the effect high levels of nutrients will have in creating eutrophic conditions in the reservoir. These nutrients are not only contributed by treated or untreated wastewater and fertilizer laden irrigation runoff, but also by soil erosion from the surrounding watershed.

Nutrients washed into the large stagnant Ilisu reservoir will create eutrophic conditions [p4-63]. These nutrients stimulate massive algae growth, which in turn depletes oxygen in the water column. Anoxic conditions in turn release phosphorus bound up in sediments and increase concentrations of hydrogen sulphide, ammonia, iron and manganese. Anoxic conditions also increase the acidity of the water and mobilize heavy metals such as lead and mercury that were bound up in river sediments [p4-60].

These anoxic conditions will persist because of thermal stratification in the reservoir. For much of the year a shallow, warm, more oxygenated layer floats on top of and does not mix with colder anoxic water in most of the reservoir. Therefore discharges downstream will be of anoxic acidic water. Only in the coldest winter months would the reservoir water ‘turn over’, with water exchanging from the top of the reservoir to the bottom.

Eutrophication is likely to cause wide-ranging public health and ecologic impacts. These can include (UNEP 1999):
- Growth of cyanobacteria that are toxic to fish, cattle and humans
- Growth of dinoflagellates or ‘red tides’ that are toxic to humans
- High concentrations of dissolved organic carbon, that when treated with chlorination in downstream water treatment plants produces carcinogenic trihalomethanes
- Growth of floating aquatic plants, whose decomposition produces hydrogen sulphide and methane
- Fish and invertebrates cannot survive in the anoxic zone, but changes in water chemistry induced by anoxia will adversely affect fish throughout the reservoir
- Bioaccumulation of mobilized heavy metals in reservoir fish

The EIAR acknowledges that “serious eutrophication problems” [p4-58] would occur without mitigation measures. The mitigation measures it identifies are the commissioning of wastewater treatment plants in Diyarbakir and other cities, changes in agricultural practices to reduce fertilizers and soil erosion through best management practices (BMPs). Unfortunately the EIAR does not present the kind of systematic
limnological analysis that would demonstrate that these measures would prevent eutrophication in the reservoir. Such analyses are recommended in the planning of these kinds of projects (UNEP 1999).

While worthwhile for their own sake, these mitigation measures are unlikely to prevent eutrophication in the Ilisu reservoir for the following reasons:

- Planned sewage treatment plants will improve water quality but not remove nutrients [p3-11].
- A significant portion of nutrients flowing into the reservoir will come from areas not affected by BMPs or from the soils in the reservoir zone.
- A significant amount of nutrients derived from agricultural sources would have already accumulated in the reservoir before the BMPs could take effect.
- Anoxic conditions will release additional nutrients from sediments.
- Once eutrophication has occurred nutrients would be recycled within the reservoir. It could take decades for levels to diminish even if nutrient inflows were substantially diminished.

Eutrophication would have significant adverse impacts on water quality downstream. This is recognized in the EIAR [p4-63] but not quantified – even though predictive models are available that would determine how far downstream key variables, such as dissolved oxygen, would be adversely impacted.

With the completion of the Cizre reservoir, there would be cumulative impacts on water quality. Releases from Ilisu would flow directly into a second stagnant reservoir pool and there would be little re-aeration downstream. Thus poor quality water would be transmitted directly from Ilisu to the Syrian border.
7. ENVIRONMENTAL IMPACTS OF PHYSICAL CHANGES

Although this review is focused on the direct physical impacts of the dam and its operation, these impacts will directly affect other environmental values. Among the most important are:

**Downstream water supply**

Water supply for irrigation and urban uses in Syria and Iraq could be significantly and adversely affected. As stated in the hydrologic impact sections, total flows will be diminished after completion of the Cizre project, and it appears that during drought periods cross border flow releases from Ilisu in the growing season would be limited to 60 m$^3$/sec if the Turkish government were to adopt the recommendation of the IEG [pEXE-18]. The basis for recommending this flow rate appears to be that it equals the lowest recorded monthly flow at Cizre in September 1960, but the EIAR also cites ‘the needs of the downstream population as well as the topographic and ecologic conditions’ in determining this flow rate [pEXE-18]. No further substantiation of this minimum flow recommendation is provided in the EIAR. It is likely that the needs of the downstream population will not be met by a 60 m$^3$/s flow because this population has grown significantly since 1960, and because this minimum flow could apply for the whole season instead of one month.

In addition, because of reservoir eutrophication, downstream water quality will likely be significantly impaired requiring upgraded and more sophisticated water treatment. This is acknowledged by the EIAR, which states that “the impact of the project on the water quality released downstream is considered significant and might be a limiting factor for the downstream water use” [p4-63].

**Public safety**

It is likely that because small and moderate floods will be eliminated, long-term flood damages will increase downstream because extreme floods will not have been eliminated. Typically reduction in flood frequency will induce people to settle on the floodplains and along the river channel in the mistaken belief that the Ilisu dam would have eliminated all flood risk. The EIAR does not present an analysis of the change in flood hazard that would inform governmental agencies downstream.

In addition sedimentation in the rivers discharging into the reservoir will increase flood levels affecting villages upstream of the reservoir [p4-48]. However, no analysis of this problem is presented.

The EIAR acknowledges the low but finite risk of catastrophic dam failure [p4-29] but understates its devastating consequences. The release of 10 billion m$^3$ “within a few hours” [p4-29] would create a flood wave of the order of 1,000,000 m$^3$/s. Such a floodwave would probably breach the Cizre and Mosul dams downstream and devastate the cities of Cizre, Mosul and Baghdad. The EIAR does not present a dam break analysis to identify the downstream area at risk as is recommended for a large project of this type (ICOLD 1987)
Public health

The EIAR acknowledges that seasonal reservoir drawdown will expose large areas of shallow ponded water creating good habitat for disease vectors such as mosquitoes [p4-7]. These conditions would also occur for many kilometers along the valleys in the backwater zones of the tributary rivers. Under average operating conditions initially more than 100 km² of reservoir bed will be exposed and during dry years more than 190 km² will be exposed. As summer inflows are reduced by upstream irrigation, the probability of this larger drawdown area will increase. In addition the stagnant eutrophied condition of the reservoir during the summer would likely further stimulate water borne diseases. This has been identified as a serious concern for GAP water projects by independent observers (Aksoy et al. 1995, Appendix C). Pesticides and heavy metals would tend to accumulate in those fishes that survive eutrophication and reservoir turnover events. If consumed by humans, this could pose a public health threat. This issue was not addressed in the EIAR.

Greenhouse gas emissions

Eutrophication and anoxic conditions in the reservoir will generate methane from the anaerobic decomposition of organic matter. (WCD 2000) It is likely that these greenhouse gas emissions from the reservoir will be substantially greater than those emitted by the arid natural landscape of the reservoir site. While the EIAR acknowledges that greenhouse gases will be emitted [p4-9], their impact is not discussed.
8. ADEQUACY OF THE ILISU DAM EIAR

The purpose of the EIAR is to allow full consideration of the environmental impacts of the project [p1-7] by relevant authorities. To accomplish this goal requires that the EIAR provide an analysis based on an understandable and logical methodology, that the information is accurate, complete, and unbiased, and that the conclusions are justified. In addition, it is reasonable to expect that for a project of this magnitude and importance to the Turkish economy, the appropriate level of scientific analysis has been applied to understand the possible environmental impacts, so that design malfunctions, alternatives, and mitigation measures can be properly considered. Finally, potential international funders of the project are interested in determining whether current international standards and guidelines have been followed in the preparation of the EIAR.

Only by preparing such a comprehensive environmental impact assessment can the true costs and benefits for government, investors, and local people be determined and evaluated.

The following are our comments and recommendations based on our review of those sections of the EIAR that deal with key physical impacts.

Are the EIAR conclusions justified?

Our analyses raised the following concerns regarding the justification of the EIAR’s conclusions:

1. Unsubstantiated Information
   The EIAR does not provide any information to substantiate some key conclusions. Specifically:
   - There is no validation for the “downstream release rules” [p4-20]. The determination that a 60 m$^3$/sec flow “secures sustainable conditions downstream” [pEXE-16], or is “sufficient to ensure environmentally acceptable conditions”, is speculative and unjustified [p4-37].
   - There is no substantive information on reservoir siltation rates. The section in the Executive Summary does not present any quantitative information [pEXE-8] and is open to interpretation. A more detailed analysis is provided in the main report. However the sediment yield numbers chosen could be at the low end of the range and could significantly underestimate the loss of reservoir storage [p4-50].
   - EIAR refers to the “reduction of the damages caused by floods” as a positive downstream impact without presenting any evidence [p4-38].
   - The report acknowledges the significant adverse impacts on downstream water quality. However, the discussion and the conclusions presented are inadequate. The impacts table is incomplete and there is no justification for the evaluation criteria for the parameters [p4-63].
2. **Contradictory Information**

- The EIAR is inconsistent with respect to the relationship between Ilisu and Cizre Projects. In one part it claims that “…Ilisu does not depend on the implementation of Cizre” [p2-13], while elsewhere it states “….the construction of the Cizre project had to be considered to better regulate the discharges downstream of Ilisu” [p2-16], “…. Cizre is the natural complement of Ilisu…” [p4-46], and “…the implementation of Cizre will be soon so that Ilisu will most probably not be operational without Cizre.” [p4-37].

- The EIAR provides contradictory information on the role of the wastewater treatment plants in the reservoir water quality. In the Executive Summary, it is stated that “the eutrophication will occur if the discharge of untreated waste water from Diyarbakir, Bismil, …are not mitigated”, and later on that “the Diyarbakir waste water treatment plant will be operational before impounding of the reservoir” [pEXE-16], thus implying that the Diyarbakir plant will mitigate the deteriorated water quality of the reservoir. The EIAR further states that “[first and second stage treatments] will enable a sufficient level of oxygen to be maintained for aquatic life”. However, “The design of the Diyarbakir waste water treatment plant does not include a tertiary treatment and will therefore not contribute to the removal of nitrogen and phosphorus”, which are the major nutrients stimulating eutrophication [p4-55]. The commissioning of the Diyarbakir water treatment plant will only slightly remedy the adverse impacts, and the eutrophic conditions will prevail.

3. **Incomplete Information**

The EIAR fails to analyze important factors that would influence its conclusions. Specifically:

- The impact of reservoir operation on downstream flows is not presented as a change in the seasonal flow hydrograph, or of flow frequency, based on a reproducible set of reservoir operational simulations. Instead of presenting a rigorous synthesis of this data, only a few selected hydrographs are presented.

- Except a few references to Cizre Dam construction, the EIAR does not consider or evaluate the cumulative impacts of the combined Ilisu and Cizre schemes downstream and cross the border (see “Is the EIAR unbiased” discussion below).

- Changes in inflows to the reservoir due to upstream irrigation and associated downstream impacts are not evaluated. Such changes could significantly alter the rate and volume of releases downstream.

- There is little mention of the scouring of the riverbed downstream. The EIAR states that “the existing gravel bars along Tigris between Ilisu and Cizre might be partly eroded as long as the Cizre reservoir is not impounded”. River bed and bank incision downstream of the dam will almost certainly happen. As a drastic example, the bed of the Colorado River was lowered more than 4 meters at some places after the closure of the Hoover Dam (McCully 1996).

- Upstream bedload transport analysis recognizes that there will be deposition at the confluences with the tributary rivers and at the reservoir tails, however the flooding impacts due to aggradation are not analyzed [p4-51].
We recommend that data and analyses used to develop significant conclusions should be provided in the text or as appendices.

**Does the EIAR follow an understandable and logical methodology?**

We find that there are six significant methodological flaws that seriously limit the usefulness of the report:

- **The definition of the ‘project’ is unclear and contradictory**
  
  The EIAR provides inconsistent information about the nature of the projects, and as mentioned earlier, about the relationship between Ilisu and Cizre projects. Ilisu is initially defined as a “pure energy project” [p2-12]. Emphasis is further added to this statement by claiming that “Ilisu does not depend on the implementation of Cizre” [p2-13]. However, the EIAR contradicts that claim by referring back to the initial feasibility studies of 1982, which concluded that the “Cizre project had to be considered to better regulate the discharges downstream of Ilisu” [p2-16]. Also it is acknowledged that “Cizre is the natural complement of Ilisu” [4-46].

- **Cumulative impacts are not analyzed**
  
  The EIAR contains no discussion on the cumulative environmental impacts of the dams planned on the Tigris or of Ilisu’s likely contribution to these impacts. The EIAR justifies this on the grounds that “their evaluation would have required a much larger database and because this task should be undertaken within the framework of regional planning” [p1-1]. The EIAR specifically acknowledges that it is evaluating only “an element of [the] regional plan” [p1-1].

  This inadequacy was previously noted by Environmental Resources Management, the consultants who prepared the UK government’s assessment of the draft EIA. ERM specifically highlights cumulative impacts as one of the issues that the EIAR should address and warns that these impacts could be “significant, to the extent that special mitigation measures may be appropriate” (ERM, p.2, para 1.3)

- **Transborder impacts are not included**
  
  The EIAR provides no information regarding basic environmental conditions downstream of the dam, in Syria, and Iraq. Detailed information on the environment of downstream riparian countries could be difficult to obtain, however, there is not even mention of an outline description of existing land-use patterns, physical attributes of the river, or significant features such as the Mosul Dam about 100 km downstream. The only attempt to identify possible cross border impacts is with reference to the benefits of flow regulation downstream, ignoring the discussion on the impacts of flow reductions and fluctuations to the river system downstream, and the impacts on existing reservoir operations.

- **Impacts are not analyzed over the lifetime of the project, nor is the lifetime of the project discussed.**

Impacts are assumed to be mitigated by actions outside the cope of the narrowly defined project.

Best Management Practices (BMPs) are presented as the mitigation measures, “which can prevent or slow down the reservoir eutrophication process” [p5-3]. Development and implementation of such a watershed management plan needs to be considered as part of the overall environmental assessment, and such a plan should describe concrete measures to manage and control upstream soil erosion and river pollution. Similarly, it is essential that the water treatment plants are considered as an integral part of the impacts assessment and that more detailed information is provided on their design and capacities, and their role in mitigating the water quality in the reservoir and the river downstream.

The EIAR is essentially a post-project assessment of the plan that was developed more than twenty years ago, before the importance of environmental factors were recognized as constraints on the achievement of development goals. It does not appear that any design or operational modification has been made to the 1982 plan as a result of this assessment.

We recommend that prior to decisions to proceed with the Ilisu, a rigorous, comprehensive, programmatic environmental assessment be carried out on all GAP projects within the Tigris catchment as an integral part of GAP project planning. This EA would examine cumulative hydrologic, water quality and geomorphic impacts both within Turkey and downstream over the lifetime of the project. As part of this assessment, mitigation measures would be identified that would be fully incorporated into GAP design and operation. The assessment would also identify those impacts that cannot be mitigated.

Is the EIAR based on accurate data?

In conducting this review, we have had to rely extensively on the information presented in the EIAR. Source materials and data cited by the EIAR were not made available to us to enable us to check the quality of the information presented in the document (Appendix B).

We recommend that an assessment of this information be subject to an independent peer review process and that source materials be made subject to public review.

Is the EIAR unbiased?

For an environmental assessment of this importance, it is essential that its findings and conclusions are fair and substantiated by the evidence. For this EIAR, the circumstances of its preparation make it difficult to avoid bias. The Ilisu Engineers Group has been hired directly by the Ilisu contractors, the project proponents, and their terms of reference have not been disclosed. For this EIAR, we find several instances of apparent bias that we believe undermines the credibility of its conclusions. This bias is towards ignoring, diminishing or obfuscating important negative environmental impacts. Specifically:

- By failing to address trans-boundary impacts and cumulative hydrologic impacts the EIAR does not disclose major potential negative impacts.
- In the analysis of environmental impacts a section is included on ‘benefits for the downstream environment’ that makes definitive statements about positive impacts [4-38], but provides no equivalent section summarizing potential adverse impacts.

- Important information is presented in a way that misleads the reader of the potential scale of negative impacts. For example: The discussion of dam failure describes the high velocity flows but not the massive flood wave. It states ‘the Cizre bridge might be destroyed’ [p4-29], a statement that tends to trivialize the potential devastating impact. Another example is the discussion of downstream channel erosion that by stating ‘existing gravel bars …might be partly eroded’ [p4-52] significantly diminishes the scale of the impact.

- A matrix of impacts is presented [table 6-1] ‘determined by the IEG expert team’ [p6-3] that rated eutrophication of the reservoir as a ‘medium negative impact’ on water quality, and a ‘high positive impact’ on plankton.

We recommend that the preparation of an EIAR of this type be carried out by independent, qualified environmental assessment professionals, contracted directly by governmental or international agencies.

*Was the appropriate scientific analysis used in analyzing impacts?*

In our review we have identified a number of important impacts that could be better determined if contemporary analytic methods were used. It is not clear why, for a project of this magnitude, the best scientific knowledge is not being utilized. Specifically:

- Reservoir limnological models to predict circulation and water quality
- Water quality models for downstream river flow
- Dynamic flow models to predict attenuation of peaking releases
- River sediment transport models to predict aggradation

*Does the EIAR fulfill the requirements of the Ex-Im Bank Guidelines?*

Although the Ex-Im Guidelines do not specifically require a systematic integrated environmental assessment methodology as is now generally accepted worldwide (WCD 2000), these guidelines make it clear that a project’s merits will be evaluated against specified environmental objectives. The relevant objectives for this review are:

2. *Water use and Quality. Protection of surface and groundwater resources from over demand and project related contamination*

4. *Natural hazards. Siting and design of the project to acceptable levels of natural, ecologic, and economic risk*

5. *Ecology. Protection of ecological resources, encouragement of conservation, and promotion of practices that result in the reduction of greenhouse gases.*
In addition, specifically for hydropower projects the guidelines require ‘All potential environmental effects and measures to mitigate these effects must be adequately identified’

Our review concludes that the EIAR does not adequately identify all environmental impacts as required by Ex-Im because:

*Water use and quality.* The EIAR does not quantify or provide a hydrologic analysis of the impacts on flows across the border downstream, when it is clear that the project will likely create over-demand. The EIAR does not quantify or present reservoir water quality simulations to determine how severe water quality and public health impacts will be for the population around the reservoir or downstream, when it is clear that the reservoir will likely contaminate water supplies.

*Natural hazards.* The EIAR does not identify the area of influence at risk from dam failure and is dangerously misleading when it implies that large floods will be reduced downstream.

*Ecology.* The EIAR does not quantify upstream and downstream river channel changes that have significant impacts on ecosystems. It does not address greenhouse gas emissions. A watershed management plan is discussed but not developed. No mechanism for implementing the plan is identified. Cumulative impacts are not evaluated.

*Does the EIAR follow contemporary environmental assessment methodology?*

The EIAR acknowledges it could not attain full compliance with World Bank, OECD or contemporary Turkish government regulations that were enacted after the project was designed [p1-7].
REFERENCES


Environmental Resources Management (ERM). 1999. Ilisu EIA Review

EOS Transactions of the American Geophysical Union. 2001. Mesopotamian Fertile Crescent nearly gone, new study indicates. vol. 82 (24).


http://www.gap.gov.tr
APPENDIX A

Estimate of Flow Changes
Mean monthly flow of the Tigris at Cizre (Bilen, O. 1997. Turkey and Water Issues in the Middle East. GAP Regional Development Administration)

<table>
<thead>
<tr>
<th></th>
<th>billion m$^3$</th>
<th>cms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oct</td>
<td>0.35</td>
<td>135.0</td>
</tr>
<tr>
<td>Nov</td>
<td>0.7</td>
<td>270.1</td>
</tr>
<tr>
<td>Dec</td>
<td>1</td>
<td>385.8</td>
</tr>
<tr>
<td>Jan</td>
<td>1.1</td>
<td>424.4</td>
</tr>
<tr>
<td>Feb</td>
<td>1.55</td>
<td>598.0</td>
</tr>
<tr>
<td>Mar</td>
<td>2.6</td>
<td>1003.1</td>
</tr>
<tr>
<td>Apr</td>
<td>3.8</td>
<td>1466.0</td>
</tr>
<tr>
<td>May</td>
<td>3</td>
<td>1157.4</td>
</tr>
<tr>
<td>Jun</td>
<td>1.3</td>
<td>501.5</td>
</tr>
<tr>
<td>Jul</td>
<td>0.5</td>
<td>192.9</td>
</tr>
<tr>
<td>Aug</td>
<td>0.4</td>
<td>154.3</td>
</tr>
<tr>
<td>Sep</td>
<td>0.3</td>
<td>115.7</td>
</tr>
<tr>
<td></td>
<td>16.6</td>
<td>6404.3</td>
</tr>
</tbody>
</table>

VERIFICATION FROM KLIOT (1994):

<table>
<thead>
<tr>
<th>Flows at Mosul</th>
<th>Flows at Mosul is 1.1 times the flows at Cizre (16.6 vs 18.4)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>billion m$^3$</td>
</tr>
<tr>
<td>Jan</td>
<td>1.26</td>
</tr>
<tr>
<td>Feb</td>
<td>1.98</td>
</tr>
<tr>
<td>Mar</td>
<td>2.5</td>
</tr>
<tr>
<td>Apr</td>
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<tr>
<td>May</td>
<td>3.42</td>
</tr>
<tr>
<td>Jun</td>
<td>1.68</td>
</tr>
<tr>
<td>Jul</td>
<td>0.82</td>
</tr>
<tr>
<td>Aug</td>
<td>0.45</td>
</tr>
<tr>
<td>Sep</td>
<td>0.32</td>
</tr>
<tr>
<td>Oct</td>
<td>0.45</td>
</tr>
<tr>
<td>Nov</td>
<td>0.66</td>
</tr>
<tr>
<td>Dec</td>
<td>0.9</td>
</tr>
</tbody>
</table>

|                | 18.4            | 16.73   | 6453.42  |
Kolars and Mitchell (1991)

"Irrigation Water Needs" in the Euphrates Basin from GAP 1980

<table>
<thead>
<tr>
<th></th>
<th>m3/ha/mo</th>
<th>m/mo</th>
</tr>
</thead>
<tbody>
<tr>
<td>April</td>
<td>405.34</td>
<td>0.041</td>
</tr>
<tr>
<td>May</td>
<td>832.87</td>
<td>0.083</td>
</tr>
<tr>
<td>June</td>
<td>2090.56</td>
<td>0.209</td>
</tr>
<tr>
<td>July</td>
<td>2890.21</td>
<td>0.289</td>
</tr>
<tr>
<td>August</td>
<td>2438.08</td>
<td>0.244</td>
</tr>
<tr>
<td>September</td>
<td>1169.28</td>
<td>0.117</td>
</tr>
<tr>
<td>October</td>
<td>172.37</td>
<td>0.017</td>
</tr>
<tr>
<td></td>
<td>9998.71</td>
<td>1.000</td>
</tr>
</tbody>
</table>

After taking into account potential evapotranspiration with losses, i.e., amount withdrawn (2.5 times PE) and the return flow (35% of the amount withdrawn) the amount becomes 1.6 m (1*2.5 -(2.5*0.35)=1.6) (Kolars and Mitchell)

Asuming the same distribution for the Tigris Basin with corrected consumptive use:

<table>
<thead>
<tr>
<th></th>
<th>121,000 ha</th>
<th>300,000 ha</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>m/mo</td>
<td>m3/mo</td>
</tr>
<tr>
<td>April</td>
<td>0.0656</td>
<td>79,376,000</td>
</tr>
<tr>
<td>May</td>
<td>0.1328</td>
<td>160,688,000</td>
</tr>
<tr>
<td>June</td>
<td>0.3344</td>
<td>404,624,000</td>
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<tr>
<td>July</td>
<td>0.4624</td>
<td>559,504,000</td>
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<td>August</td>
<td>0.3904</td>
<td>472,384,000</td>
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<td>September</td>
<td>0.1872</td>
<td>226,512,000</td>
</tr>
<tr>
<td>October</td>
<td>0.0272</td>
<td>32,912,000</td>
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</table>

<table>
<thead>
<tr>
<th></th>
<th>1.6</th>
<th>1.94E+09</th>
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</thead>
</table>
### UPSTREAM
Average monthly flows after consumptive use for irrigation of 300,000 ha
Flows from Bilen

<table>
<thead>
<tr>
<th></th>
<th>Irrigation Use m3/s</th>
<th>Inflows m3/s</th>
<th>Inflows w/o negative m3/s</th>
<th>Even with 1 m of consumptive use (conservative assumption) m/ha/mo</th>
<th>m3/s</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oct</td>
<td>135.03</td>
<td>31.48</td>
<td>103.55</td>
<td>103.55</td>
<td>0.017237 19.95023</td>
</tr>
<tr>
<td>Nov</td>
<td>270.06</td>
<td>270.06</td>
<td>270.06</td>
<td>270.06</td>
<td>385.80</td>
</tr>
<tr>
<td>Dec</td>
<td>424.38</td>
<td>424.38</td>
<td>424.38</td>
<td>424.38</td>
<td>597.99</td>
</tr>
<tr>
<td>Jan</td>
<td>597.99</td>
<td>1003.09</td>
<td>1003.09</td>
<td>1003.09</td>
<td>1466.05</td>
</tr>
<tr>
<td>May</td>
<td>1157.41</td>
<td>153.70</td>
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<td>Jun</td>
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<td>387.04</td>
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<td>114.51</td>
<td>0.209056</td>
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<td>Aug</td>
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<td>451.85</td>
<td>-297.53</td>
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<td>Sep</td>
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<td>216.67</td>
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</table>

### DOWNSTREAM
Average flows from EIA [4-42]

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<th>m3/s</th>
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</thead>
<tbody>
<tr>
<td>Oct</td>
<td>240</td>
</tr>
<tr>
<td>Nov</td>
<td>520</td>
</tr>
<tr>
<td>Dec</td>
<td>520</td>
</tr>
<tr>
<td>Jan</td>
<td>530</td>
</tr>
<tr>
<td>Feb</td>
<td>540</td>
</tr>
<tr>
<td>Mar</td>
<td>680</td>
</tr>
<tr>
<td>Apr</td>
<td>680</td>
</tr>
<tr>
<td>May</td>
<td>680</td>
</tr>
<tr>
<td>Jun</td>
<td>440</td>
</tr>
<tr>
<td>Jul</td>
<td>240</td>
</tr>
<tr>
<td>Aug</td>
<td>240</td>
</tr>
<tr>
<td>Sep</td>
<td>240</td>
</tr>
<tr>
<td>Month</td>
<td>Value 1</td>
</tr>
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<td>-------</td>
<td>---------</td>
</tr>
<tr>
<td>Oct</td>
<td>103.55</td>
</tr>
<tr>
<td>Nov</td>
<td>270.06</td>
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<td>385.80</td>
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<tr>
<td>Aug</td>
<td>0.00</td>
</tr>
<tr>
<td>Sep</td>
<td>0.00</td>
</tr>
</tbody>
</table>
APPENDIX B

Correspondences with the IEG
Ilisu EIAR

Gentlemen,

With reference to your letter dated 01.07.30, we inform you that the documents you are looking for are not IEG property and originate from various sources; many of them could not even be copied and had to be consulted in the files of governmental offices or other organizations reluctant to disclose them. To provide copies now would first need the permissions of those organizations having finally accepted to put them at our disposal for the elaboration of the EIAR and this would require in turn to know first who appointed you for your review of this report and what is the exact purpose of it.

Provided the required permissions could be granted, which is not sure for all documents, you must understand that the collection of these records will require some efforts for traveling in the Project area, copying and postage, so that we would also need your confirmation that you would be prepared to compensate us at cost for all the expenses resulting therefrom.

Yours faithfully

HYDRO CONCEPTS ENGINEERING

M. Gavard
Dear Mr. Williams,

- Thank you for your fax message of 8.10.01.
- Hydro Concepts Engineering (HCE) is the leader of our consortium
- We understood that Mr. M. Gavard answered your request by his fax message of 12.08.01.
- We will follow the instruction of HCE.

Best regards,

H. Irfan AKER /DOLSAR
To: Philip Williams & Associates (PWA)  
Mr. Phillip B. Williams, President

Fax-Number: +1 415 945 0606

Copy to: VATECH – Mr. P.G. Haas 01 278 28 19  
HCE – Mr. M. Gavard 01 990 20 63  
Dolsar – Mr. H. Trefan Aker +90 312 418 10 66

From: G. Reesele  
Tel. ++41 56 483 18 00  
Fax ++41 56 493 73 57  
eMail georg.reesele@colenco.ch

Number of pages: 2 (+ 2 for others than PWA)

Ilisu Dam Environmental Impact Assessment References your letter PWA Ref.#01-090 from July 30th, 2001

Dear Mr. Williams,

due to the large amount of technical documentation that had to be evaluated for preparing the EIA and due to the fact that many of these were to be studied by several persons in parallel, the technical work was mostly done centralised at the office of Dolsar in Ankara, using and further extending its library, its collection of documents on the Ilisu Project and of those on other related projects (e.g. GAP). Copies of these documents were not produced, apart from very selective extracts. The documents listed in your letter are therefore not available at Colenco.

The documents you identified to be necessary for your review must be requested at Dolsar. Whether it’s possible for Dolsar to send you the documents, copies of the documents or whether you have to consult them at Ankara is beyond my information and my responsibility.

I’m very sorry not to be in a position to respond to your letter in another way. Please feel free to contact us if you have any technical questions (with copy to HCE – Mr. M. Gavard).
Sincerely,

Colenco Power Engineering Ltd.

Dr. Georg Reisele
Chief Project Manager

Enclosure: Letter PWA Ref.#J1-090 from July 30th, 2001 to Colenco
July 30, 2001

Mr. Irfan Aker
Dolsar Engineering Ltd.
Kennedy Caddesi. No:43
Kavaklidere
0660 Ankara
Turkey

RE:  Ilisu Dam Environmental Impact Assessment References
PWA Ref. # 01-090

Dear Mr. Aker:

We have been engaged to review the Ilisu Dam and HEPP Environmental Impact Assessment Report (April 2001) concerning hydrological impacts. In reviewing the EIA, we have noted the following references in the Report.

3. Ilisu Dam and Hydroelectric Power Plant Project Interim Report, September 1997 (# 83)
9. GAP. Republic of Turkey, Prime Ministry, Southeastern Anatolia Project, Regional Development Administration; Status Report, June 2000 (#265)
10. Dicle University. GAP Region Environment Study Dicle Basin (Environmental Study for Diyarbakir and Surroundings). Executive Summary. Mart 1993 (# 24)
In order to complete our review, we need to obtain the above referenced documents. Further, because of time constraints we need access to these documents as expeditiously as possible. We would much appreciate it if you would immediately forward those referenced documents that you have in your possessions. If there are some documents that you do not have, please let us know where and how we can get them.

Thank you for your cooperation in this matter. We look forward to hearing from you shortly.

Sincerely,

Philip B. Williams, Ph.D., P.E., Eur. Ing.
President
APPENDIX C

Emerging Infectious Diseases in the GAP Region
The GAP Project in Southeastern Turkey: The Potential for Emergence of Diseases

To the Editor: The undersigned, representing interested scientists from both Turkey and the United States, recently visited the water development projects in southeastern Anatolia, Turkey. This letter describes our observations and projections on the possible health-related consequences of these projects with specific emphasis on infectious diseases.

When new irrigation schemes are introduced into previously dry areas, disease frequently follows the new water. The Southeast Anatolia Irrigation Project or GAP (its Turkish acronym) is one of the largest projects ever undertaken in Turkey. This water resources development program includes the construction of 22 dams and 19 hydroelectric plants on the Euphrates and Tigris rivers in southeastern Turkey. Upon completion, the project will also include an irrigation network for 1.7 million hectares of land, covering eight provinces corresponding to approximately 10% of Turkey's total population and surface area (1). In its entirety, GAP comprises investments in development projects linked to agriculture, energy, transportation, telecommunications, health care, education, and urban and rural infrastructures. To ensure the success of the project, an agency has been established (the Republic of Turkey Prime Ministry Southeastern Anatolia Project Regional Development Administration) to oversee and implement all of these projects.

The largest of the completed dams on the Euphrates River is the Ataturk Dam. It is the sixth-largest rock-filled dam in the world; its hydroelectric systems have already produced more than seven billion kilowatt hours of power since 1992 (2). Water from the Ataturk Dam reservoir is diverted to the plains of Mesopotamia through the Sanliurfa Irrigation Tunnel System. This system consists of two parallel tunnels, each 26.5-km long and 7.62 m in diameter, and numerous other irrigation networks and canal systems. The first water started to flow to the plains of Harran in November 1994. Additional lands will be incorporated into the irrigation scheme as the canals are completed. (The year 2020 is the target date for completion.) When fully operational, GAP is expected to double Turkey's hydroelectric production, increase irrigated areas by 50%, more than double the per capita income in the region, more than quadruple the gross national product, and create two million new jobs in the coming decade (3). The total surface area affected by the irrigation scheme is about 75,000 km²: of this, 46.2% is cultivated (36% semiarid rain-fed farmland), 33.3% is dry pastures, 20.5% is forest and bush.

One of GAP's major goals is to remove the socioeconomic disparity between the country's more developed regions and the project area. For GAP to reach its targeted and sustainable economic aims, projects in various other sectors also need to be considered and integrated. In this context, the public health consequences of emerging diseases in this setting must be anticipated so that appropriate health education and disease prevention measures can be implemented.

To anticipate changing patterns in disease associated with microclimatic and other environmental changes, knowledge of existing diseases in the region is vital. Since arthropods, reservoir animals, and other intermediate hosts are involved in the transmission of many waterborne parasitic diseases, a clear understanding of the existing species—especially of insect vectors—is equally important.

Historically, occasional cases of malaria have occurred in the region; however, limited records show that this disease is clearly on the rise. Cutaneous leishmaniasis is also endemic and on the rise, but few data are available on the prevalence of the visceral form of the disease. Other common diseases in the region include bacterial and helminthic gastrointestinal infections as well as trachoma.

According to data from the Malaria Division of the Turkish Health Ministry, the reported cases of *Plasmodium vivax* malaria rose from 8,680 in 1990 to 18,676 in 1992 (4). The province of Sanliurfa (population one million in 1990), which is at the heart of the irrigated plains in GAP, has reported that malaria cases increased from 785 in 1990 to 5,125 in 1993. The numbers of cases in the first 9 months of 1994 alone were already significantly higher than those reported in 1993 (S. Aksoy, unpublished data). Although presumably *P. vivax* malaria is most common, cases of *P. falciparum* malaria have also been reported in the country. Three cases of *P. falciparum* malaria were recently documented in Izmir, which is on the Aegean Sea coast of Turkey (4). No cases of drug-resistant malaria have been reported.

Another endemic disease on the rise in the southeastern region is leishmaniasis, transmitted by biting sand flies. In Sanliurfa the number of documented cases of the cutaneous form of this disease has risen from 532 in 1990 to 1,955 in 1993. In the first 9 months of 1994 alone, the number of reported cases was more than 3,000 (S. Aksoy, unpublished data). At Sanliurfa's Diyarbakir Hospital, in 1991, in addition to cases of the cutaneous forms of the disease, there were 80 potential cases of visceral leishmaniasis (kala-azar) in children ages 2 to 10 (5). *Leishmania donovani* is often the causative agent of kala-azar, but both *L. tropica* and *L. infantum* may also be involved (6). As the economic oppor-
tunities in the GAP provinces attract populations to the region, visceral leishmaniasis may become a greater threat. The prevalence of the sand-fly species in the region, their habitats, and the future implications of the microclimatic changes for these habitats must be studied to anticipate future disease patterns.

Other prevalent pathogens in the region include *Entamoeba histolytica*, *Giardia lamblia*, and *Ascaris lumbricoides*. Of 22,468 stool samples examined in one study, over 90% carried intestinal parasites; in children from infancy to 5 years of age, 60% contained *Giardia intestinalis* (7). In a second study in Diyarbakir involving 4,670 patients (ages <1–65 years), the incidence of protozoan and helminthic infection was approximately 16% (53%, *E. histolytica*, 31%, *G. lamblia*, and 10%, *A. lumbricoides*) (8). In both studies, the incidence of anemia was approximately 8% to 9%. In 1989, a survey conducted among 1,001 children in four elementary schools in Sanliurfa found parasites in 88% of the stool samples examined (50% *Ascaris*, 33% *Trichuris trichiura*, 22% *Giardia*, 11% *Entamoeba coli*) (9). Ancylostomiasis, which occurs in the eastern Mediterranean, is a potential danger for the region (10).

The emergence of schistosomiasis, which can quickly reach epidemic proportions in water-related projects unless measures are taken, should not be ignored. A recent study in Sanliurfa has identified *Bulinus truncatus*, the snail vector of *Schistosoma haematobium* in the region (11). Whether other regions in GAP also harbor this species is not known, although there have been reports of these snails in the Nusaybin and Mardin regions (12). A few decades ago, sporadic cases of disease were also reported from southeastern regions (13). As microclimatic changes occur in the GAP area, the presence of these snails and the potential emergence of schistosomiasis should be closely monitored.

The costs of combating epidemic diseases can be very large, whereas the costs of prevention are much lower. Large national projects that anticipate economic benefits may sometimes overlook the distant prospects of disease. Ideally, health planning should be built into a project from its inception for small funds invested for prevalence studies early on can bring high returns later. Earlier dam projects in Senegal, Lake Volta, and Egypt have shown that unless effective measures are taken early, infections can quickly reach epidemic levels (14). The establishment of good surveillance and recording systems is an important first step.


*Yale University School of Medicine, New Haven, Connecticut
†Dicle University, Diyarbakir, Turkey
‡Chicago Medical School, Illinois
§National Institute of Allergy and Infectious Diseases, National Institutes of Health, Bethesda, Maryland

References
8. Balkci E, Özel MF, Mete Ö. The investigation of intestinal parasites on the stool flora in patients who were admitted to microbiology laboratory. Acta Parasi
tologica Turcica 1993;17:27.
AN ASSESSMENT ON THE ILISU DAM AND HEPP ENVIRONMENTAL ASSESSMENT REPORT FROM A LEGAL POINT OF VIEW

A- INTRODUCTION

If the report is studied, (in the report), the following were assessed: Under the heading of Biophysical environment the issues such as Climate and hydrology, Geology, Underground resources, Vegetation, Wildlife, Water supply and water quality; under the heading of Human Environment, the issues such as Cultural Heritage and Archaeology, Agriculture and other forms of land Use, Population, Administration, Public health; under the heading of Impact assessment, the issues such as Biophysical impacts, Human impacts, Environmental impacts.

Regarding the technical characteristics of the report and our field in which we specialise, we do not assess majority of those issues.

In this assessment we will evaluate the issues of Population resettlement, the settlements affected, number of people affected, people who can claim either expropriation or resettlement rights, which were studied (in the report) under the heading of Human impacts.

Basically, in this assessment, the issues of evacuated villages, of the proprietorship of the people who live in those villages, and the sufferings caused by the cadastral surveying and nationalisation activities in the region and especially in the Ilisu Dam and the HEPP project area will be outlined.


The evacuated, burnt villages and settlement problems, which occurred because of the 15 year conflict in the region, have still been prevailing and creating sufferings. In relation with this, the democratic mass organisations have not become a driving force to provide a solution and have not even identified the problems. As far as the problems are concerned, neither with the national nor with the international organisations, they have not presented solutions and work plan.

To show the seriousness of the situation, a brief evaluation of the current situation and of historical causes will be appropriate.
1. The Evacuation Practice of the Villages - Southeast (OHAL) Region - Kurdish Reality

Turkey is located in the middle-east. Due to its geographical location, members of the many ethnic groups, of religious sects and of different religions live in this country. Since its foundation, 1923, to create a homogeneous nation, the driving force of the country, the militarist-bureaucratic body has launched a widespread long-term TURKISATION campaign in every aspect of life. This campaign has been widened and uncompromisingly kept active. As a result of this practice many ethnic groups and religious minorities have been either assimilated (e.g. Bosnians, Georgians, etc.) or forced to leave the country (e.g. Greeks, Armenians, etc.). However, the Kurdish ethnic group, the Kurdish people, who are a large part of the country’s population and live in the Southeast Turkey, have fiercely resisted this assimilation attempt and rebelled many times against the central government. Turkish General Staff stated in its report that there were 28 Kurdish upheavals. The latest armed struggle, which is branded as 29th upheaval by the press and the many sectors, was launched by the PKK, Kurdistan Workers Party, in 1984.

The armed struggle started near the Southeast border and gradually became intensified and spread to the rest of the Southeast region and even to the parts of Mediterranean and Black-sea areas that are near the Kurdish regions. This spread resulted in a great deal of armed struggle from 1990 onwards. According to the official figures 30,000 people died due to armed struggles.

Upon the spreads of the struggle and the tendency of gaining support of people, Turkish General Staff has changed their strategy which was implemented up to this date by using classic gendarme forces. They developed widespread general counterattack campaign to suppress the incidents. In the mean time, the normal administrative body was abolished and the Governorship of the State of Emergency Region was formed. This governorship basically has taken 23 provinces in the region, where the armed conflict prevailed under supervision and it itself is an illegitimate institution. Besides the law on its foundation, its authority has been extraordinarily empowered with many Decree with Power of Law (DwPoL). One of the powers given by the DwPoL no 435 is to evacuate the villages.

When the military authorities, the State of Emergency Region (OHAL) authorities and the central government were convinced that they could not beat the PKK by the mean of (military) operations, they put two practices into the centre of their activities:
a) Organising some of the civil population, who settled in the area dispersedly, as village guard under the Temporary Village Guard system and arming them speedily to use them against the PKK.

b) Where the people do not wish to take part in the village guard system, to evacuate and burn the houses, either one by one or as a whole village, hamlet etc.

It was thought that if there were no people, the PKK militants, who were engaging in guerilla warfare, could not find shelter in the region without the support and could be destroyed with (military) operations. This is the basic reason behind the practices of evacuating and burning around 3500 villages and hamlets in the region.

In the direction of the strategy, outlined above, starting from 1990 villages have been evacuated. Approximately 3-4 million people were forced to flee from the region. There were almost no villages and hamlets left to exist unless people were participating in the village guard system. Regarding this issue, the reports of the Human Rights Association of Turkey (IHD) and the Human Rights Foundation of Turkey (TIHV) are the impartial sources that can be referred to. If these reports are studied the seriousness of the situation can be understood. Both of these organisations are non-governmental, civilian institutions.

The practice of evacuation and burning of villages started in 1990, reached it's peak around 1993-94-95 and is still continuing at a decreased level. During these years, the villages, which were suspected of helping the PKK, were either evacuated or burnt upon the decision of the commander of the (Gendarme) station or the village guards without giving a reason. Such evacuation and burning practices were carried out without regulations, without paying any compensation and based on the assessments of the gendarme forces or the village guards. All villages and hamlets, which were regarded as "not sided with the government", were evacuated.

These incidents were accepted by the authorities, when they became unconcealable in 1994 and in 95. However, the authorities claimed that evacuations and burnings were carried out by the PKK members. On the other hand, the impartial sources, people in the region and the sufferers persistently stated that the villages were evacuated and burnt by the security forces, and the village guards.

The table, below, shows the number of evacuated and the burnt villages according to their provinces, which were stated in the Interior Minister's answer to the question asked in the Turkish Grand National Assembly (TGNA) in 1995:
<table>
<thead>
<tr>
<th>PROVINCE</th>
<th>EVACUATED</th>
<th>FLED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>VILLAGE</td>
<td>HAMLETS</td>
</tr>
<tr>
<td>BATMAN</td>
<td>37</td>
<td>54</td>
</tr>
<tr>
<td>BINGOL</td>
<td>150</td>
<td>194</td>
</tr>
<tr>
<td>BITLIS</td>
<td>76</td>
<td>95</td>
</tr>
<tr>
<td>DIYARBAKIR</td>
<td>115</td>
<td>196</td>
</tr>
<tr>
<td>ELAZIG</td>
<td>8</td>
<td>6</td>
</tr>
<tr>
<td>HAKKARI</td>
<td>38</td>
<td>93</td>
</tr>
<tr>
<td>MARDIN</td>
<td>184</td>
<td>58</td>
</tr>
<tr>
<td>MUS</td>
<td>30</td>
<td>65</td>
</tr>
<tr>
<td>SIIRT</td>
<td>86</td>
<td>82</td>
</tr>
<tr>
<td>SIRNAK</td>
<td>96</td>
<td>110</td>
</tr>
<tr>
<td>TUNCELI</td>
<td>154</td>
<td>657</td>
</tr>
<tr>
<td>VAN</td>
<td>8</td>
<td>64</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>982</td>
<td>1,674</td>
</tr>
</tbody>
</table>

The data are the official figures up to 1995 and were given by the Interior Minister. After this date, the practice of evacuations and burnings continued. According to the latest report of the Human Rights Foundation of Turkey (TIHV) the number of evacuated and burnt villages and hamlets are at least 3500. Also, in a study, carried out by the Human Rights Association of Turkey (IHD), the number of evacuated-burnt villages and hamlets are stated as 3246.

According to the study of the Turkish Grand National Assembly (TGNA) Investigation Commission of Immigration, in total 2663 villages + hamlets were evacuated.

All these reports and documents are enough to prove clearly that practices of evacuating and burning villages have been systematically and purposely carried out by the government in the Southeast Turkey.
2. The practices of evacuating and burning villages - Domestic Law

Article 125 of the Constitution of Republic of Turkey states that: “Recourse to judicial review shall be available against all actions and acts of the administration. ............ The administration shall be liable to compensate for damages resulting from its actions and acts.” This article regulates the administrative responsibility.

In addition to that, the Penalty Code regulates penal responsibility:

Article 369 of the Turkish Penalty Code states that: “Whoever partially or wholly burns a building or another construction, ......, or grains or crops, whether it is harvested or not, shall be punished by heavy imprisonment for three to six years.” Articles 370 and 371 contains similar rules. In addition to that, article 516 states that whoever harms a property, should be imprisoned for 1 to 3 years. Although, these are required by law, if the perpetrator is an official in practice it is made almost impossible to implement the law.

Above all, to try the civil servants who engaged in such action, the hindering provisions of the Code for Trial of Officials should be overcome which is almost impossible in practice. To carry out an investigation about an official by the prosecutors, either upon a complaint or directly, it is necessary to get permission from the supervisor of the accused official's. This permission is called "a necessity for a trial". Otherwise, the prosecution office cannot carry out an investigation and a law suit cannot be brought (against the official). (Article 4 of Code for Trial of Officials)

To understand this dysfunctional legal situation, the context of the law should be assessed. The person, who gives the permission, works in the same public service with the other person, who is supposed to be tried. Thus, the supervisor of the accused, is to decide whether or not that person should be tried. Previous practice was different and it was the Province or Town Administration Council that made such decisions. They, who took part in the council, were, too, civil servants. It should not be forgotten that it is the accused's supervisor who gives the order to that person. None of them (Translator's note: He possibly meant the members of Administration Council) are law people nor do they have immunity like judges. In the conflict atmosphere, where thousands of people died, it is impossible for them to give permission for putting the soldiers and village guards, who are one side of the conflict, on trial.

In addition to all this, one of the powers given to the Governor of the State of Emergency Region is to authorise the evacuation of villages. According to article 8 of
the Decree with power of law (DwPoL) no 430, dated 16 December 1990 “the Governor of the State of Emergency Region or the governor of any province in the State of Emergency Region is personally immune from any claim of abuse of power and neither a criminal nor a financial nor an administrative responsibility can be claimed against for their actions and decisions. For this purpose no appeal can be made to the legal authorities.” Due to this provision, the governor of the State of Emergency Region and the governors of the provinces in the State of Emergency Region avoid the responsibility for the practices of evacuation and burning of villages. Even it is not needed most of the time. As far as the actual practice is concerned, the civil servants cannot feel necessary to investigate such complaints made by the people. All governors who worked as in the State of Emergency Region stated that they did not authorise any evacuations by using this power. **3500 villages were evacuated-burnt in this region but there are no examples of a civil servant being tried for this practice.** This has been already confirmed by the events. Despite all the efforts and risks, people could not succeed in bringing cases before the court. In relation with this, the statement by the former governor of Diyarbakir, Dogan HATIPOGLU given to the Turkish Grand National Assembly (TGNA) Investigation Commission of Migration clearly exposed the events. He said: **“There is lack of coordination between the institutions. In general, we became aware of the evacuation upon being informed by the head of the village or by the villagers either after or during the evacuation. When we asked ‘who ordered the evacuation and why’, no one took responsibility.”**

It is the fact that, up until now, neither any necessary investigation nor any work has been carried out. It has not been figured out how many villages, hamlets, settlements were evacuated, how many people fled, where they dispersed to and what essential problems these people faced in the resettlement areas. Of course many excuses can be made but none of the excuses can be taken into account.

C- THE EVACUATED AND BURNT VILLAGES IN THE ILISU DAM AND HEPP PROJECT AREA AND THE LEGAL PROBLEMS

1. The number of burnt and evacuated villages and settlements in the project area

Ilisu Dam and HEPP Project covers Batman, Siirt, Sırnak, Diyarbakır and Mardin Provinces and their towns. It should not be forgotten that the area falls within the project, especially Mardin, Siirt and Sırnak Provinces, are the main centres of the 15 year conflict. Thus, it is obvious that majority of the villages in this area were evacuated. The report states that 50 out of the totally affected 82 settlements, and 38 out of the
partially affected 101 settlements were evacuated-burnt. Therefore, 88 out of 183 settlements, which are affected by the project, were evacuated-burnt. Although there are no exact figures available, it is obvious that there are more evacuated-burnt settlements that would be affected by the project. According to the data that we obtained but are not confirmed by the authorities, this figure is at least around 105.

Again, according to the report, it is determined that the population who were evacuated and forced to flee from the affected settlements are 15,581. It was assumed that 8,600 of them would benefit from the expropriation or resettlement rights. In fact, we are wondering what is the basis for these figures and how they were obtained. First of all, how did the number of people that lived in the evacuated-burnt settlements was reached? **In the report it was said that this figure was based on 1997 census. In fact, when this census was carried out these settlements were already evacuated-burnt. People had gone to the city centres, to the Cilicia, or to the Turkey’s metropolitans. The census officers did not even go to a single evacuated-burnt settlement. Even if it was assumed they went there, since these settlements were empty, naturally it was impossible to count the people. Therefore, an explanation is needed how this figure was invented.**

The figures are not important in terms of eliminating the fundamental problem. The fundamental problem is the possibility of violation of rights of ownership

2. The situation of the property owners and the residents of the evacuated-burnt settlements, affected by the project.

First of all, except Bismil towns- the cadastral surveying for the majority parts of the project area has not been carried out. Therefore, the size of the affected agricultural land, vineyards and gardens are not known. The figures in the report are far from reflecting the reality. In the project area the cadastral surveying is continuing and this work has not been carried out in majority of the area.

It is impossible to find the size of the agricultural land, vineyards and gardens in the area where the cadastral surveying is not being carried out.

Without determining the rights of ownership, who either still live in the area or used to live in the evacuated-burnt settlements, carrying out such a project will create the irreparable lost and violations of the rights of ownership.

Even if we assume that the figures in the report are correct, the question of how the rights of ownership issue related to the 88 settlements will be solved should be answered.

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1 Translators note: The word “invented” was used by the author and literally translated.
To be able to answer this question, the Cadastre Law no 3402 dated 21.06.1987 should be studied. We will study this law article in relation with the evacuated-burnt settlements:

a) Article 2 of the Cadastre Law contains the following provision “the administrative borders of the every province’s central town and of the other towns determine the cadastral region.”

b) Article 3 of the same law states the followings: “the cadastral team shall consist of 2 cadastre technicians, the head of the district or the village, and 3 experts.

........ in the village, 6 experts should be selected by the Village Association within 15 days at the latest.

........In the case of selection of the experts not being conducted within the period of time or the experts not being able to work, the same number of expert shall be selected by the administrative head of the region.” So that, the cadastral team cannot be formed in the evacuated-burnt settlements. Since the cadastral team cannot be formed, to determine the rights of ownership in these settlements will not be possible. Considering that the most of the area will be flooded for a while, it is obvious that thousands of people will loose their rights. Again, in regards to the above mentioned paragraph of the article, selection of the experts by the administrative head of the region will cause more serious cadastral right violations. Because of the feodal-tribal characteristics of the region and of the difficulty in finding the villagers to participate in expert teams, only the village guards will become experts. The political and also tribal hostility of the village guards will result in thousands of violations of the rights of ownership and hundreds of court cases. This situation will bring chaotic consequences and feuds.

Article 4 of the Cadastre Law regulates the cadastral surveying, publicising and objections. “Every villages in the cadastral area ........are the part of the cadastral surveying area.

The Director of the Cadastre will publicise the name of the village that is subjected to cadastral surveying by the usual means in the centre of the region, in the surveying area, in the neighbouring villages, districts and municipals at least 15 days prior to (the practice)

The borders determined by the cadastral technicians can be objected within seven days by applying to the Office of the Director of Cadastre.

The Director of Cadastre will asses the objection and makes the decision within seven days... Appeal against this decision should be made to the Cadastral Court
within seven days and an absolute decree should be made within 15 days. It is obvious that thousands of people’s rights of ownership will be violated because of this practice. When the cadastral surveying field is declared, the followings problems should be solved: How and by which means means the people, who used to live in the evacuated-burnt settlements, will be informed and how the objections to the fixation and decisions can be made. Before these problems are solved, carrying out the work can produce (more) problems. Article 7 of the same law regulates the restrictions on the real estates and how to determine who the owners of the property rights are, etc. The experts, the documents held by the owners and the statements of the other people will be used when determining the owners. In such a situation, the rights of thousands of people, who either would not (willing) to be or would not be able to be in the villages or the settlements, should be discussed and resulted.

Article 11 of the law regulates the declaration of the outcome of the cadastral surveying. “Director of the Cadastre arranges the notice lists according to the cadastral records, make the notice lists put on the board at the cadastre office and the office of the head of (the villages/districts) for 30 days and it will be stated that whoever objects to the lists can bring a law suit against it at the cadastral court. This article especially can cause a loss of rights. How will those people, who fled from the evacuated settlements and went to Cilicia and to the other metropolitans in Turkey, hear, see these notices and object to them. If this fact is considered in relation with article 13 and 14 of the Cadastral Law, it is obvious that there will be serious consequences.

As article 13 of the Cadastral Law outlines the rules for determining the owners of the property rights for the registered real estates, article 14 regulates determining the unregistered real estates. Considering that the majority of the agricultural land, vineyards and gardens are not registered in the region, the severity of the incident can be more understandable. Article 14 rules that: "As far as the unregistered lands are concerned, for the irrigated land up to 40 donum ², for the dry land up to 100 donum, one or more real estates will be registered on the person who proves that s/he owned them for 20 years and there is no dispute by providing documents or statements obtained either from witnesses or from experts."

In the light of article 14 of Cadastral Law, the issues related to the 88 evacuated settlements -given figure in the report- are as follows:

Most of the lands are not registered. It is almost impossible to find the experts, witness and the head of the village in the evacuated settlements to carry out the cadastral surveying. In this situation, can the experts appointed by the head of the administration

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¹ Donum is a special measurement in Turkey. 1 donum is equal to 940 square metres.
office state who the real owners are? It is likely possible that the village guards will be appointed as experts because there is no one lives in there but village guards. Would they not make a statement for their benefit or for the benefit of other village guards whom they are related to? Experiences show that in the cadastral surveying field, giving such untrue statements and false information and getting their family or tribe members usurpation are characteristic attitudes of these people. In this situation what kind of legal mean can be provided for the people of the evacuated settlements? For various reasons, especially for their own security reason, these people could not even go to the area that is subjected to cadastral surveying. Yet, they would be prevented by the village guards etc.

If this project is implemented under these conditions, the opportunity of obtaining ownership would be readily available for the village guard mobs who have been exploiting the region for years. If this project should definitely be implemented, the village guards system should be abolished; during the cadastral surveying the return of the people from the evacuated settlements, even temporarily, should be realised and their safety should be guaranteed. Otherwise, carrying out any work can mean nothing but infringement of thousands of rights of ownership, many new feuds and prosperity for the village guards.

CONCLUSION: Besides many deficiencies and drawbacks, from a legal point of view, implementing the project at this stage would create big problems, as far as the evacuated-burnt settlements. In such situations, citizens will lose their rights of ownership as the village guards usurp the ownership. Therefore:

a) State of Emergency and its product, the village guard system, should be abolished immediately,

b) People's return to the evacuated settlements and their safety should be guaranteed,

c) After determining the genuine owners of the property rights by carrying out serious and true cadastral surveying, implementation of the project should be assessed once again.

In my belief, no one, who has humanly feelings, would say "yes" to this project at this stage.

Av. Mahmut Vefa
Diyarbakir Bar Association