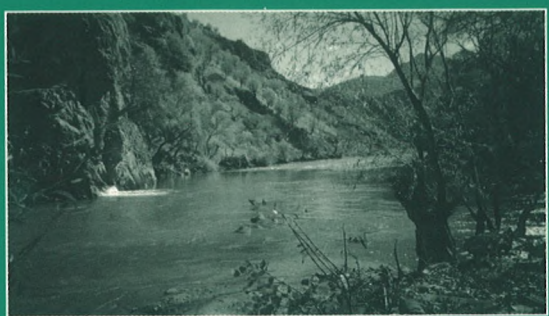


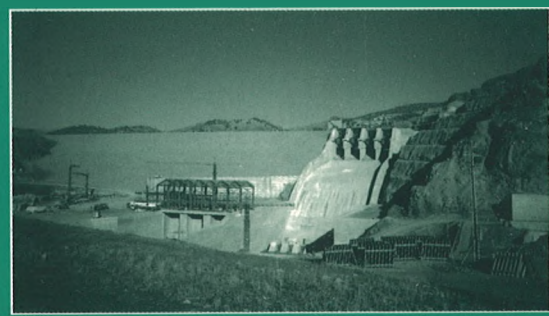
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“This is the Only Valley Where We Live”: **The Impact of the Munzur Dams**

The Report of the KHRP Fact-Finding Mission to Dersim/ Tunceli

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This report, published in conjunction with the Cornerhouse in April 2003, is based on the findings of a KHRP Fact-Finding Mission to the region of the planned Munzur Dams from 12-18 November 2002.

This report was written by Anders Lustgarten, KHRP Environmental Officer, and edited by Kerim Yildiz, Executive Director, and Rochelle Harris, Public Relations Officer.

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Front cover: Halbori Springs, site of the proposed Konaktepe HEPP (top); the Uzunçayır Dam (below).
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Foreword

The recent tragic history of mass displacement in the Kurdish regions of south-east Turkey has not been widely chronicled. It is accepted, however, that over 3 million people were forced from their homes and over 3,500 settlements destroyed during a concerted campaign by Turkish security forces that peaked in severity during the mid-1990s. The campaign involved the mass destruction and evacuation of villages, allied to disappearances, arbitrary detentions, rape and extra-judicial killings. In a series of cases brought by KHRP, the European Court of Human Rights determined that security forces had destroyed the applicants' homes and property deliberately, in violation of the European Convention on Human Rights.¹ To this day, the effects of village destructions are still visible in the Kurdish regions: large swathes of rural areas are empty, while hundreds of thousands of displaced refugees live in squalor in shanties and cinderblock huts.

The official rationale behind the campaign of village destructions was the removal of support for the Kurdistan Worker's Party (PKK, now KADEK). However, it is clear that there was a more profound purpose to the policy: to resolve the "Kurdish question" by precipitating mass migration of Kurds from their traditional areas to the big cities of western Turkey, and in doing so expediting their assimilation into mainstream Turkish society.

The village destructions have now mostly ceased. The problem of those displaced wanting to return home bulks large in Turkish domestic politics. Receiving less attention, however, is the link between displacement, those wanting to return and the proposed construction of a series of massive dams known as the Southeast Anatolia Project (or, in Turkish, GAP). The GAP dams have and will not only cause mass physical and economic displacement of local people, but also the "double displacement" of those wishing to return home in the aftermath of the destruction of their villages.

The Munzur Valley exemplifies the policy of displacement through the mechanisms of GAP. The area has always been a centre of Kurdish cultural and political autonomy, and thus a focus of Turkish state policies including massacres, isolations and martial law. In light of this, the already financially and economically dubious dam projects planned for the Munzur Valley, particularly the Konaktepe Dam and Hydro-electric power plant (HEPP), must come under environmental, social and moral scrutiny.

This report first traces the history of the Turkish state's treatment of the Kurds, including the roots of the centralised policy towards them. Secondly, it analyses the rationales and impacts of GAP, looking in particular at its effects, deliberate or otherwise, on local Kurdish populations. Finally, it reports on the findings of a Kurdish Human Rights Project fact-finding mission undertaken to investigate the likely effects of the dams.

The mission, consisting of two representatives of the Kurdish Human Rights Project and a translator, visited the region from November 13 to 18 2002. During its visit, the delegation met with representatives of NGOs, of political parties, the local mayor; trade unions; local lawyers; affected and internally displaced persons and concerned individuals. Interviewees included local party chairman of the ruling Justice and Democracy Party (AKP), DEHAP (the pro-Kurdish Democratic People's Party), HADEP (the now dissolved pro-Kurdish People's Democratic Party) and the CHP (Republican People's Party); the local branch of the Human Rights Association (IHD); Göç-Der, the migrants' association; the Munzur Valley Protection Association; the local mayor and people in the National Park itself.

We urge the project's potential funders and the companies involved to seriously consider their future involvement in this project, taking into account the abysmal history of human rights abuses within Turkey.

Kerim Yildiz
Executive Director
April 2003

¹ See *Akdivar and Others v. Turkey* (99/1995/605/693), *Mentes and Others v. Turkey* (58/1996/677/867), *Selçuk and Asker v. Turkey* (12/1997/796/998-999), *Bilgin v. Turkey* (23819/94), *Dulas v. Turkey* (25801/94) and *Orhan v. Turkey* (25656/94)

I. Displacement

I.1 Origins of Kurdish displacement: 1921-1934

It is now commonplace to suggest that the Turkish state persecution of its Kurdish population, which has so disfigured the history of modern Turkey, derives its impetus from the 'Kemalist' project of unitary secular nationalism, implemented by Mustafa Kemal Atatürk during the founding of the Republic. Of course, such a view is far from inaccurate: Atatürk's iconic status in Turkey is evident everywhere from his ubiquitous photos and busts to the reference in the Turkish Constitution to him as "the founder of the Republic of Turkey, its immortal leader and unrivalled hero".²

A similar reverence is reserved for the principles of the Kemalist state, united as one against internal and external foes. In particular, the principle of the "indivisible integrity" of the state, territorially and politically, is absolutely fundamental to the ideology and self-perception of the Turkish polity. Article 3 of the Constitution puts it bluntly: "The Turkish State, with its territory and nation, is an indivisible entity. Its language is Turkish."³ The assertion of an alternative ethnic or linguistic identity, whether by political intention or simply by growing up speaking another language, is thus seen by statist ideologues as striking at the most deeply embedded legal and ideological foundations of the Turkish republic. It is the overarching accusation of 'separatism', the state's assumption that any form of Kurdish cultural expression, from language rights to children's names, is a metaphysical attack on the Republic itself, that has been the root cause of so much unnecessary and tragic suffering in the Kurdish regions.

What is questionable is whether the sustained and often vicious attitude adopted by the state towards the Kurds for much of the last eighty years was Atatürk's original intention. Before 1923, he frequently referred to the unity of interest between Turkey and the Kurdish tribes, avoiding the later euphemisms and refusals to even admit the Kurds' existence that have denoted later regimes. In 1921, for instance, Atatürk wrote to Kurdish chiefs, noting that, "the loyalty of the Kurdish people has been known to us for a long time. The Kurds have always been a valuable help to the Turks. One can say that the two peoples form one."⁴ Indeed, during the conflict against Russia in the First World War, the Turks collaborated with Kurdish tribes, some albeit under considerable duress, in the deportations and genocide of the Armenian population in Turkey. Turkey was so effective in shielding this early form of ethnic cleansing from history's gaze that Hitler, before implementing the Final Solution, made the notorious observation, "Who today remembers the extermination of the Armenians?"

Unfortunately for the Kurds of Turkey, they were soon to be given ample reason to recall. It seems likely that, having first accepted Kurdish delegates in traditional costume into the so-called "Parliament of Turks and Kurds" of 1920, Atatürk always intended to turn on the Kurds after the signing of the Treaty of Lausanne 1923, having first made use of them. Certainly that is the conclusion of A. Kahraman's scathing indictment of modern Turkish historiography, *Kurdish Rebellions: Suppression and Punishment*, which details the overt nation-building process by which Ottoman cadres from parts of the shattered empire as far distant as Albania and the Caucasus "constructed the ideology of state on the basis of 'oneness',"⁵ at the expense of the Kurds, the indigenous 'other'.

Perhaps also the restiveness of Kurdish leaders in both Turkey and the vilayet of Mosul in northern Iraq made Atatürk doubt that the Kurdish tribes could be brought into this national fold. The keenness of many Kurdish leaders to retain the Muslim caliphate also clashed with Atatürk's zeal for secularism.

Another possibility is that the 1920s prominence of racial thinking dissuaded Atatürk from his belief that traditionalistic Kurdish society could be remoulded into the image of the Europeanised modernity he envisaged for the new Turkish state. One source, Kendal's *Kurdistan in Turkey*, plumps for this latter explanation, noting the necessity of an inferior and degraded 'other' in the imagining of the modern Turkish community. "What better way to illustrate that the 'Turkish people is great, civilised and valiant', than to invent a palpable antithesis, the 'savage and backward Kurds', the only large non-Turkish minority in Turkey?"⁶

In any event, the transformation was equally dramatic and traumatic. Whereas two years earlier draft laws had spoken of the “encouragement of the Kurdish language”, in March 1924 the Kurdish language was officially prohibited. All references to Kurds and Kurdistan in official materials were excised. Kurdish deputies and administrators were systemically purged. All Kurdish schools, madrassas and publications were banned. The Muslim caliphate was abolished. Kurdish land was doled out to discharged Turkish soldiers. “Tribunals of Independence” with powers of life and death were established. The parameters, both institutional and ideological, which would dominate the Kurdish regions for the following decades were quickly established.

The resistance of Kurdish nationalists, notably in the Azadi (Freedom) organisation and the Sheikh Said revolt of 1925, merely confirmed to the Turkish state the necessity of those parameters. The area was swiftly militarised and martial law was declared throughout the Kurdish regions. New laws established tribunals with the remit to, “stifle all reaction and rebellion, as also all instigation or encouragement thereof, or the publication of anything susceptible of troubling the order, tranquillity or social harmony of the country.” (1925 Law for the Reinforcement of Order) The nebulosity of the legal regime, and the human rights violations such as vagueness could sanction, were to become regular features of state repression in the Kurdish regions.

As the Turkish state, under new Prime Minister Ismet Inonu (better known as Ismet Paşa, and reportedly himself of Kurdish origin) became effectively a one-party dictatorship, inevitably bloody repression followed. The Sheikh Said revolt was crushed, its leaders executed, villages in ‘rebellious areas’ razed to the ground, their inhabitants slaughtered, their crops and animals destroyed. The army found a new *raison d’être* in suppressing Kurdish dissent.

For the first time, systematic deportations also began, the army displacing whole villages and tribes from rural areas deemed a threat to state hegemony into western Anatolia and beyond. Perhaps intentionally, the deportations incorporated areas which had not previously rebelled, provoking more resistance and further polarising the region. Kurdish sources reported that, between 1925 and 1928, more than 15,000 people were murdered, 10,000 homes destroyed and over half a million people deported, of whom nearly half died en route.

This violence sprung from a paradox. As Kahraman notes, “The official view is that there were no Kurds. Yet on the other hand official history records the Kurds revolting 28 times between 1920 and 1940. The Kurds didn’t exist, yet they had rebellions.”⁷ He explains this contradiction as stemming from the state’s desire not to confront a genuine threat, but to create one precisely in order to repress it. “The ‘rebellions’ were imaginary. There were no rebellions: these were “Punishment and Suppression Expeditions.”⁸

Particular focus was placed on the elimination of the agha and sheikh classes from which Kurdish nationalist leaders were predominantly drawn, pre-empting the organisation of further resistance. The British ambassador to Turkey noted wryly that, “It is a curious trick of fate that the Kurds, who were the principal agent employed for the deportation of Armenians, should be in danger of suffering the same fate as the Armenians only twelve years later.” Yet nothing was done to prevent such a ‘curiosity’.

After a temporary respite, during which both the impoverishment and the Turkification of the Kurdish regions continued apace, state-sponsored bloodshed redoubled. In putting down the Kurdish uprising of 1930 based around Mt. Ararat, the army executed thousands of prisoners and suspected collaborators and bombed and destroyed villages in the surrounding regions. Programs of deportation were upgraded in scale.

Such violence was legally expedited by laws, including Law 1850, which exempted any actions of the Turkish security forces from prosecution. These laws prefigured the methods of repression subsequently used by the Turkish state, including the brazen co-option of the legal system for systematic persecution, and drawing even civilians into the fold in the manner of the modern village guard system. Article 1 of Law 1850 stipulated:

“Murders and other actions committed individually or collectively, from June 20 to December 10 1930, by the representatives of the state or the province, by the military or civil authorities, by the local authorities, by guards or militiamen, or by any civilian having helped the above or acted on their behalf, during the pursuit and extermination of the revolts which broke out in Ercis, Zilan, Ararat and the surrounding areas, including Pulumur in Erzincan province and the area of the First Inspectorate, will not be considered as crimes.”⁹

The increase in violence was paralleled by a hardening of statist ideology. Echoing earlier hints of a race-based discourse of inherent Turkish superiority to the Kurds, Ismet Paşa announced in August 1930 that, “Only the Turkish nation is entitled to claim ethnic and national rights in this country. No other element has any such right.” The Minister of Justice, Mahmut Esat Bozkurt, expounded further on the theme: “We live in a country called Turkey, the freest country in the world... I believe that the Turk must be the only lord, the only master of this country. Those who are not of pure Turkish stock can only have one right in this country, the right to be servants and slaves.”¹⁰



Contemporary cartoon showing Ismet Paşa “cleaning up” the Kurds

The ideological and institutional antipathy to the Kurds reached its apogee in June 1934, with the enactment of the Law on Resettlement, no. 2510. This notorious piece of legislation was intended to divide Turkey into three zones:-

The first zone was allocated for the, “habitation in compact form of people possessing Turkish culture”. In addition to solidly Turkish areas, this clause referred to the movement of Turkish settlers and war veterans into the Kurdish regions, a practice of Turkification which interestingly never gained momentum.

The second zone comprised, “those areas in which it is deemed desirable to establish populations which must be assimilated into Turkish culture.”

These were the regions of western Turkey deemed safely Turkish enough in culture and mentality to receive a large influx of forcibly displaced Kurdish refugees, who would gradually have to adopt Turkish language and customs to survive and would thus over time be assimilated into the Turkish mainstream. This would provide the twin benefits of ‘proving’ Turkish cultural supremacy and of gradually unravelling the Kurdish social fabric, putting an end to Kurdish cultural practices and identity and reducing the number of autonomous Kurds.

Those refugees were to come from the third zone: “regions to be completely evacuated.” Not only did the law empower the state to undertake compulsory transfer of Kurds, it also abrogated any legal recognition of Kurdish tribes and their leaders, thus permitting the automatic sequestration of their immovable assets. All settlements in which Kurdish was the mother tongue were to be dissolved, and the displaced Kurds to be resettled in localities where they would make up no more than 5% of the population. It was further prescribed that, “those who speak a mother tongue other than Turkish will be forbidden to form villages, quarters or groups of artisans and employees.” The intention was to destroy Kurdish identity in its entirety.

In the event, the logistical difficulties of implementing Law 2510 made it impossible to carry out fully, for the time being at least, although further sporadic displacements and massacres were reported. Turkey’s hegemony, however, was now self-evident.

To shield the disruption from outside scrutiny, “the entire area beyond the Euphrates” was kept out of bounds to foreigners until 1965. For what it is worth, the Turkish Communist Party estimated that from 1925 to 1938, more than one and a half million Kurds were deported and massacred.

1.2 The site of the proposed Munzur dams: 1935-1950

The epicentre of Kurdish resistance had always been the mountainous, inaccessible Dersim region, redesignated ‘Tunceli’ by the Turkish state and the site of the proposed Munzur dams. The area insisted on its own sovereignty, had long declined to pay taxes to the central state, and refused to participate in the Kurdish military units which collaborated with the Turkish state before the formation of the Republic (the ‘Hamidaya’ regiments). Dersim had failed to support the Turkish side in wars including the Russo-Turkish war, the First World War or the War of Independence. Furthermore, it had strongly supported the first uprising against Atatürk in nearby Koçgiri in 1921.

As expected, the history of central state efforts to bring Dersim under control was equally extensive. The Tunceli Law of 1935 wholly militarised the region and put its administration into the hands of the army. In introducing the law, the Turkish Interior Minister, Şükrü Kaya, noted that there had been 11 military operations in the area since 1876.¹¹ Significantly, military assault was not the only methodology used by the state. In 1931, the army submitted a report to central government proposing that, “the valleys would be flooded with water in order to liquidate and wipe out Dersim.” The roots of the contemporary dam projects evidently go very deep indeed, both historically and motivationally.

But the Turkish state first resorted to military force. A state of siege was declared in Dersim in 1936, at its height involving over 50,000 soldiers. The army also used planes, artillery, gas attacks and bombs, not to mention the tight constriction of information and supplies to and from the region. Despite all this, the locals held out for more than two years, fighting a guerrilla war and making impassioned appeals to the British for aid which predictably failed to come. Finally, at the end of 1938, widespread massacres occurred which were gruesome even by the standards of those which had preceded them, including the indiscriminate burning alive of men, women and children.

Some estimate that 40,000 people were massacred, but estimates vary. During the fact-finding mission, the delegation interviewed people who suggested that 70,000 died and tens of thousands more were deported, leaving only 30-40,000 in the region. One group took the delegation to the Rocks of Halbori, from which they said people were flung during the massacres, turning the river below red.



The Rocks of Halbori, Dersim

“People learned Turkish, but they did not forget,” interviewees told the delegation. A sympathetic Turkish journalist visiting the region a decade later spoke of its “desolation”:

“Very little remains from the period before the revolt... The people do not even know what the word ‘medicine’ means... We give the people of Dersim nothing; we only take. We have no right to carry on treating them like this.”¹²

The entire area remained under an official “state of siege” until 1950, and arguably has never really been lifted.

1.3 The Modern Era

It should be apparent from the preceding section just how deep-rooted and long-lasting is the Turkish state’s policy of disrupting and dislocating Kurdish society with the aim of destroying potentially ‘separatist’ Kurdish culture and identity through assimilation. That process continued apace during the 1950s and 1960s through indirect means, as the large-scale mechanisation of the Kurdish countryside forced hundreds of thousands of people off the land and into the towns of Kurdistan and western Turkey in search of work.

Once again, however, the threat of Kurdish ‘separatism’ seemed to exist primarily in the minds of the leaders of the Turkish state. Kurdistan remained a largely rural zone, with Islamist and even reactionary inclinations, and moreover one still dominated by the traditional aghas or landlords, whose social as well as economic dominance made the region in general far more traditionalistic than rebellious. Yet the state’s fear of the mysterious and reified phenomenon of ‘separatism’ led to the repeated adoption of highly aggressive policies which provoked a reaction from the Kurds.

For instance, it was the introduction of laws changing Kurdish place names to Turkish and establishing special schools for the assimilation of Kurdish children into Turkish social mores, not to mention the presidential assertion that ethnographically there was no such thing as a Kurdish nation, which provoked the demonstrations of 8 May 1961 in which 315 people were shot dead and 754 wounded. When government minister Serefettin Elci stated, “There are Kurds in Turkey, I too am a Kurd,” he provoked a seventeen-hour crisis meeting in cabinet and eventually received two years and four months’ hard labour for his sedition.

But it was not until the military coup of 12 September 1980, precipitated by the political unrest and discord of the 1970s, that the spirit of Law 2510 returned to pre-eminence in the Turkish polity. The generals who undertook the coup were convinced that the Kemalist principles of national unity were being undermined by alleged Kurdish nationalists, as well as by leftist and rightist political extremists. More than two thirds of the army was posted to Kurdistan. State statistics claim that only 4,200 Kurds were officially arrested during the period of direct military rule; the International League of Human Rights claims that more than 80,000 Kurds were imprisoned in a single year, 1981–1982.

Moreover, the return to ‘democracy’, or at least to elected rather than military government, in 1983, coincided with the rise, for the first time in the modern era, of a genuine Kurdish separatist revolutionary group. The emergence of the PKK, the Kurdistan Workers’ Party, under the leadership of Abdullah Öcalan, was predicated on a willingness to kill landlords and members of the Turkish military, government officials and members of the newly formed and often corrupt village guards.

Yet the polarising tactics of the state often viewed ordinary Kurds as de facto PKK supporters and punished them accordingly, paradoxically creating support for the organisation. In 1987, a State of Emergency (OHAL) was declared throughout the Kurdish regions. Military occupation began, with troop numbers reaching 200,000 by the early 1990s. Incidences of torture, disappearance, extra-judicial killing, rape and a host of other human rights violations rocketed, as troops ravaged villages looking for PKK supporters and created them in the violent process of doing so.

A policy of forced displacement was instated from 1985 onwards. Initially, this was restricted to the border areas with northern Iraq and Syria, to cut off the PKK's communication and logistical links. According to a 1992 Diyarbakir Human Rights Association (IHD) report, a total of 295 villages in the region were evacuated in the late 1980s, displacing tens of thousands of people. Others provide a figure of 400 settlements cleared by the end of 1989.

The military governor-general of the OHAL regions was empowered not only to clear villages but to deport their inhabitants under Decree 285 (1987). The clearing of these locally selected targeted areas could at least be explained (if not necessarily justified) by the PKK's attacks on village guards in the region, intended to deter further village guard recruitment. Yet as the PKK's strategy became more sophisticated, the state's became instead cruder and bloodier. The militarisation of the Kurdish regions had radicalised the population, yet rather than try to win over popular support, the state resorted to the patrimonialism of crude aggression. It was a self-fulfilling prophecy: as the state looked everywhere for PKK supporters and took ever more draconian measures, it found them everywhere. As it discovered more and more 'evidence' of mass 'separatist' intentions, the military (in particular) became convinced of the necessity of a massive "counter-insurgency" operation which, the new conservative Prime Minister Suleyman Demirel was informed in 1991, "will involve area cleansing and evacuation on a systematic basis."¹³

Thus in the early 1990s the process of mass forced displacement began in earnest. In 1990, new legislation provided for the central co-ordination of mass displacement; the heavy censorship on reporting events in the south-east; and providing a huge degree of impunity to both the military and village guards (Decree 430). The evacuation of villages no longer seemed targeted; rather, village evacuations became a general means of disrupting Kurdish communities by forcing them to leave their rural settlements. Security forces adopted new tactics tailored towards rendering evacuated villages uninhabitable. The burning of forests, torching of crops, killing of livestock and firebombing of homes not only impelled villagers to flee, but also prevented them from returning to inhabitable domiciles.¹⁴ The intention was not simply to get people out of potentially troublesome areas, but to make it as difficult as possible for them ever to return.

And there was a further aim, one often overlooked because of the understandable tendency to focus on all the human suffering: the further impoverishment of the Kurdish regions. Before displacement began, the average per capita income in the south-east was only 42 per cent of the national average. Yet, the Turkish troops took the utmost care to destroy as many of the animals, crops, housing, beehives and other agricultural resources as they possibly could. One IHD report estimated that in 1994 alone, the agricultural loss to the Kurdish regions was estimated at \$350 million. In Diyarbakir province, 60 per cent of forested areas were destroyed, along with 50 per cent of livestock. If the archetypal peasant is, in R.H. Tawney's famous formulation, "a man standing permanently up to his neck in water, so that even a ripple is sufficient to drown him,"¹⁵ then the displacements of the 1990s have been for the Kurds a tidal wave of nightmarish and catastrophic proportions.

There was a significant schism between the military and some of the politicians, notably the then President Turgut Özal. While the military pursued a policy of unalloyed aggression towards the Kurds, Özal was prepared to undertake negotiations with Öcalan and other Kurdish leaders towards the setting up of some sort of federalist system of government. In February 1993 he sent a memo to Demirel outlining his solution to the "Kurdish Question" (see *Appendix A*). The memo features a curious mixture of components. Much of it is devoted to the perceived need to strengthen the military. It also advocates the progressive evacuation of "the most troubled zones" of the Kurdish south-east, and notes in one important section,

"With the evacuation of mountain settlements, the terrorist organization [PKK] will have been isolated. Security forces should immediately move in and establish complete control in such areas. *To prevent the locals' return to the region, the building of a large number of dams in appropriate places is an alternative.*"¹⁶

The reference to dams is critical, providing evidence of the explicit link between the construction of major infrastructure projects in the Kurdish regions and the hegemonic control of those areas by the state. Yet much of the rest of the memo

exhibits no small degree of sympathy for the beleaguered Kurds, even if not mentioning them by name: "It must be borne in mind that owing to military measures being taken to wipe out terrorist activity, the locals in the Southeast have been subjected to harsh treatment and feel, as a result, estranged. If there have been mistakes made in tackling terrorism, they should be frankly discussed and realistic solutions must be sought."

Özal also advocated opening up the borders for trade as part of a process of winning over the local population, both with 'counter-propaganda' and by creating economic opportunities through outside investments and relative freedom of expression. Most of all, he underlined the necessity of a numerically limited "resettlement according to a careful plan", since, "a planned balanced migration, including members from all segments of society, to predetermined settlements in the West is essential." The legacy of Law 2510, the attempt to precipitate the gradual assimilation of sections of the Kurdish population, is apparent.

What actually transpired makes Özal's solution seem appealing in retrospect. Özal himself died of a heart attack the day after the PKK declared a unilateral ceasefire on 17 March 1993, effectively destroying any real prospect of negotiations. His successor as president, Demirel, allowed the National Security Council and the army to take over Kurdish policy. The sites of conflict had already been expanded both to other Kurdish provinces and to urban areas: in August 1992, the army had placed the city of Şirnak under siege, maintaining continuous fire for fifty-three hours and leaving 18,000 people homeless, before blaming the destruction on the PKK.¹⁷

As Demirel and new Prime Minister Tansu Çiller failed to restrain the National Security Council and the military, though, systematic village destructions and artillery bombardments of both urban areas and clusters of villages became the norm. In April 1993, warplanes bombed fourteen villages in Sason, Batman province, for days on end, forcing out 15,000 people. In September that year, the army surrounded the city of Cizre and effectively demolished it through two full days of bombardment.¹⁸ Thousands of villages were demolished and their inhabitants set on the road without even time to collect their belongings.

The only villages spared from violent excision out of the Turkish body politic were those that agreed to become village guards and serve the state. "Even the beehives were burned," according to one villager's account, "They gave us two choices: either we were to become village guards and be killed, or we were to leave and be hungry. There were forty-seven houses in the village and a population of more than five hundred. Where and how are we to shelter? How can we feed our children?"

"By the start of 1995, it was almost impossible to find any villages or hamlets inhabited by Kurds other than those who were members of the Village Guard," says one account. It was impossible to stop the excesses, which continued at an extraordinary pace. One minister admitted that by the state's own reckoning at least 2,664 villages had been destroyed in July 1995, displacing more than 2 million people, and was summarily fired. Even the OHAL Regional Governors often did not know what the army was up to; in the words of one former governor, Dogan Hatipoglu, "There was generally a lack of co-ordination between the authorities. We would usually be informed that a village was being evacuated at the time, or shortly afterwards when informed by the villagers or the mayor. No-one addressed the questions of who was doing the emptying, or why."

The Turkish leadership was utterly impervious to appeals, as two emblematic cases from the Tunceli region indicate. Human Right Watch reports that when a delegation of Ovacik muhtars told Çiller in October 1994 that the Turkish army had destroyed their villages using helicopters, she replied, "Even if I saw with my own eyes that the state had burned a village, I would not believe it. Do not think that every helicopter you see is ours. It could be a PKK helicopter. It could also be a Russian, Afghan or Armenian helicopter." This extraordinary remark neatly encapsulates the Turkish state's enduring tendency to sidestep responsibility and resort instead to paranoia about the intentions of neighbouring states. What is not mentioned, however, is the widespread allegation heard by the fact-finding delegation that the muhtars who met with the prime minister were subsequently taken away one by one after they returned to the region, and murdered.

But another Tunceli case illustrates the extent to which the army, rather than the government, literally called the shots. Following the destruction of some twenty villages in Ovacik and Hozat in the north of the Munzur Valley in October 1994, Tunceli deputy Sinan Yerlikaya called on the Grand National Assembly to investigate the region. Yet when no less eminent personages than the Deputy Prime Minister and another minister of state arrived to undertake a fact-finding mission, they were banned from entering Tunceli by the occupying military forces. That provoked Human Rights Minister Azimet Koyluoglu to issue the unprecedented admission that, "The terror in Tunceli is state terror. The state has evacuated and burnt down villages in Tunceli. *We insist especially on Tunceli.* There are 2 million people homeless in the south-east. We cannot give them even a tent."

The admission was remarkable, and the emphasis on Tunceli telling, but it and similar official denunciations, notably by a 1998 Parliamentary Committee, have ultimately done very little good. The Turkish Government itself estimates that 3,225 villages or hamlets were destroyed, either in part or in full, and over two-and-a-half million people were internally displaced. Others estimate that between 3 and 4 million people were displaced from approximately 5,000 destroyed villages, and at least 37,000 were killed.

It is hard to credit that so many people could be stripped of everything they own without some kind of international outcry, and the situation of Kurdish internally displaced persons has bypassed many: the UNHCR does not even list Turkey among its top ten of "the world's worst IDP troublespots"¹⁹. As Necdet Ipekyüz of the Diyarbakir Medical Association noted, Turkey has been very shrewd in keeping these people inside its borders and out of the news: one reason for the varying estimates:

"There is a big difference between the displacement you saw in Bosnia and what happened here. Nobody saw our forced migration, and there was nobody to monitor it efficiently. The press and television were not allowed in, so no public pressure was developed."

The demographic shift produced was colossal: between 1991 and 1996 the population of Diyarbakir nearly quadrupled, from 380,000 to 1.3 million. The Hakkari branch of the Migrants' Association, Göç-Der, told the mission that the town, formerly of around 30,000 people, was now swamped by three times that many internally displaced persons from strategically sensitive zones on the nearby borders.²⁰ There is no infrastructure to support these vast numbers, nor does the region possess the wealth or the economic opportunities to allow them to make new lives for themselves.

The implications of this for the displaced millions have been as traumatic as they were predictable: discrimination, impoverishment, disease, malnourishment, despair. A study conducted in 2001 found that 92 per cent of displaced families could not find regular employment, and the mortality rate of children under 5 was a horrific 23 per cent.²¹ There is also the impact of dislocation on cultural cohesion that Law 2510 foresaw decades ago; a recent Göç-Der survey noted that more than 60 per cent of displaced women spoke no Turkish, leaving them unable to communicate with their children who grow up in an exclusively Turkish-speaking world and plunging the women into isolation and despair.

Finally, there are the everyday deprivations and humiliations that displaced people must face. Many cannot afford food and state simply, "I have not bought a kilo of meat this year." Others describe, "One of my daughters became sick. Her mother could not feed her properly and the child died there in the house."

The KHRP Fact-Finding delegation visited both Diyarbakir and Hakkari, where some internally displaced persons (IDPs) have relocated. Children play in the mud and homes sport flapping plastic bags for roofs and crumbling cement blocks for walls. The economic crisis of 2001 meant that the little shops and shacks displaced people set up to make a living are now bolted shut.



Shops belonging to Internally Displaced Persons (IDPs), now bolted shut, November 2002

In many ways, the events of the early Nineties established the practices and particularly the mentalities which still predominate in the Kurdish regions today. Displacements and killings still occur, especially of people who have been granted permission to return. The Human Rights Association of Turkey (IHD) recorded 632 incidences of torture or inhuman and degrading treatment in 2002, despite Turkey's avowed intent to improve its record for EU accession. In December 2002, KHRP sent a detailed memo to the President of the EU and the Permanent Representatives of all the Member States, outlining the ways in which Turkey still fails to meet the Copenhagen Criteria for Accession (*Appendix B*). They included torture, flawed elections, the role of the military in government, inadequate legal and social reforms and, not least, displacement.

Officially, the State of Emergency was lifted in the last of the Kurdish provinces in November 2002. However, a KHRP fact-finding mission that month found "an overwhelming sense of arbitrariness" in the "almost whimsical" exercise of authority by the omnipresent gendarmerie (state military police), to the extent that, "the sense of oppression and also of unchecked power was pervasive."²² Moreover, war in neighbouring Iraq has also elucidated Turkish claims that State of Emergency will be formally reintroduced to the border provinces.

This, then, is the history of the Turkish state's treatment of the Kurds, one that informs, infuses and hugely dominates the present. It is a history without which it is impossible to understand the implications and intentions of major infrastructural projects, or indeed projects of any nature, planned for the Kurdish regions. Without knowing it, it is easy to accept the claims of the state and of foreign contractors that dam projects to be built in the Kurdish regions are motivated by the same ordinary objectives as anywhere else: the generation of electricity, wealth and water for crop irrigation.

In the Kurdish regions, this is wholly untrue. Dams, pipelines and other large infrastructural projects in the Kurdish regions are never motivated by aims as relatively innocent as the mere making of money and energy. Even if those were the original intentions, the traumatic history of the region would inevitably distort them into something quite different. For it is against the backdrop of this history, indeed almost entirely because of it, that the Turkish state introduced the GAP series of dams, of which the Munzur projects are either part or adjunct.

- 2 The Constitution of the Republic of Turkey, ratified November 1982, Preamble, p.4. An earlier law, No.5816, implemented 25 July, 1951, Article 1, dictates that, "Anyone who publicly insults or demeans the memory of Atatürk shall be sentenced to a term of imprisonment of between one and three years."
- 3 Constitution of the Republic of Turkey, Part 1, p.6. In the first 35 Articles of the Constitution, explicit reference to national integrity or indivisibility is made in Articles 2, 5, 13, 14, 28, 30, 33 and 34, and the same principle is suggested or implied in a dozen more.
- 4 *Hakimiyet-i-Milliyet*, May 6 1921
- 5 A. Kahraman, *Kurdish Rebellions: Suppression and Punishment*, trans. by Andrew Penny, (Cologne: Mezopotamya Press), 2001, p.4
- 6 Kendal, *Kurdistan in Turkey*, p. 69, in *People without a Country*, ed. Gerard Chaliand, (London, Zed Books), 1980.
- 7 Kahraman, op. cit., p.8
- 8 Ibid., p.2
- 9 The reference to 'the surrounding areas' is interesting; the area of the First Inspectorate covered all the main Kurdish provinces, Diyarbakir, Elazig, Van, Bitlis, Mus, Hakkari, Mardin and Siirt, none of which had been involved in the Ararat uprising. The intention of the Turkish state to use the Ararat uprising as a pretext to expand repression into other parts of Kurdistan is thus apparent. The reference to Pulumur is also important; it is a district of Tunceli province, known to the Kurds as Dersim, where the Munzur Valley is located and which has always been an epicentre of Kurdish resistance.
- 10 *Milliyet*, no. 1636, 31 August 1930; no. 1655, 16 September 1930
- 11 Ismail Beşikçi, *The Tunceli Law* (trans. from Turkish by Andrew Penny), Ankara, 1992, p.8
- 12 Osman Mete, in Kendal, op. cit., p.72
- 13 Medico International and the Kurdish Human Rights Project, *The Destruction of Villages in South-East Turkey*, (London, June 1996), p.8
- 14 Kurdish Human Rights Project, *Internally Displaced Persons: The Kurds in Turkey*, (London: June 2002), p. 18.
- 15 R.H Tawney, *Land and Labour in China*, (London, 1932), p.77
- 16 Emphasis added. The memo was first leaked in English by the *Turkish Daily News and Daily Probe*, November 1993, and subsequently picked up by *The Independent* and a number of other sources.
- 17 KHRP, *Internally Displaced Persons*, op. cit., p.19
- 18 KHRP, *Internally Displaced Persons*, op. cit., p.23
- 19 www.unhcr.ch. For the record, it lists Sudan, Angola, Colombia, Congo, Eritrea, Afghanistan, Sierra Leone, Indonesia, Sri Lanka and Bosnia.
- 20 Fact-finding mission interview with representatives of Göç-Der in Hakkari, Turkey, November 14 2002
- 21 KHRP, *Internally Displaced Persons*, op. cit., p.49. Survey carried out by the Contemporary Lawyers Association, Diyarbakir branch.
- 22 KHRP, *The Lifting of State of Emergency Rule: A Democratic Future for the Kurds?*, (London, November 2002), p.9

2. Political and Hydro-Electric Power: the GAP Dams

“With the evacuation of mountain settlements, the terrorist organization [PKK] will have been isolated. Security forces should immediately move in and establish complete control in such areas. To prevent the locals’ return to the region, the building of a large number of dams in appropriate places is an alternative.”

Turgut Özal, then President of Turkey, 1993

2.1 Official claims of GAP

The Turkish state has long planned to harness the Tigris and Euphrates, the Middle East’s two main water sources, both of which rise in the Kurdish regions of Turkey, with a series of massive dams. The General Directorate of State Hydraulic Works (DSI) was founded in 1954 with that aim in mind, and in 1977 the gamut of projects planned for the two rivers was integrated under the title of “Güneydogu Anadolu Projesi” (GAP), or Southeast Anatolia Project. But it was not until the early 1990s, expedited by the passing of Decree 388 in November 1989, that large-scale construction work actually took place.²³

The GAP administration gives some indication of the scale of the project: 90 dams and 60 hydro-electric power plants are to be constructed,²⁴ flooding some 74,000 km² in nine provinces (all Kurdish), regulating 28 per cent of Turkey’s “total water potential”, producing 27 billion kWh of electricity and permitting the irrigation of 1.7 million hectares of land, all at a projected cost of some \$32 billion.²⁵ Thus far, twelve of the dams and six HEPPs have been built at a cost of some \$17.5 billion, of which Turkey contributed \$14 billion.

The GAP administrators make some significantly ambitious claims about the myriad benefits GAP will provide to the region and its people. “This is the largest investment initiative ever launched in Turkey,” boasts GAP, talking of investments, “in such diverse areas as urban and rural infrastructure, agricultural facilities, transportation, industry, education, housing, health, tourism, etc.,” producing the benefits of “economic growth, export promotion and social stability”. “Expected high potential in both industry and agriculture will increase the income level of the region fivefold and create employment for 3.5 million people in the region.”²⁶

The 2002 New Year message of GAP President Dr. Olcay Ünver goes considerably further: “GAP Administration has targeted not only engineering ingenuity, but also contributions to the emergence of a comprehensive and ambitious human development approach that fully respects basic universal values... What distinguishes GAP from other projects of its kind is its distinct emphasis on human-centered sustainable development... We made sustainable human development our top priority... We made efforts to provide sustainable living conditions for the people of the region... We focused on participation as our objective in resettlement projects.”²⁷

The reality is far different; perhaps the first clue to that comes with the admission by GAP that, “In sum, the GAP is to *reinstate civilization* [sic] to the Upper Mesopotamia,”²⁸ giving rise to the obvious query as to exactly what the GAP administrators think is there now.

2.2 “The Oil of the Future”: Water and Regional Hegemony

The British government thinktank the UK Defence Forum described GAP not as a source of “social stability”, but as “one of the region’s most dangerous water time bombs.”²⁹ The source of concern is Turkey’s existing and intended use of GAP in controlling regional water flows and thus changing and destabilising the balance of power in Middle East politics. Already Turkey has the capacity via existing GAP dams to cut off the downstream flows of the Tigris and particularly the Euphrates entirely for considerable periods of time, raising justifiable concern among the governments of Syria and Iraq, Turkey’s downstream riparians, that they may be denied their fair share of water.³⁰

These concerns are not assuaged by the fact that many GAP dams have been built with a storage capacity far in excess of what seems necessary. The three main dams on the Euphrates, the Atatürk, Keban and Karakaya, have a combined capacity of nearly 100 billion m³, far in excess of the annual flows of the Tigris and Euphrates combined. Nor are riparian governments reassured by declarations from the Turkish state that, “This is a matter of sovereignty. We have a right to do anything we like. The water resources are Turkey’s.” When those statements are made by Suleyman Demirel, who played a key role in the village destructions, murders and mass displacements of the Kurds, the connection of GAP to those horrific events starts to become clearer.

An international NGO coalition including KHRP undertook a fact-finding mission to Syria and Iraq in January and February 2002 to investigate these concerns. It concluded that the instability was less to do with a lack of water in this arid region and more to do with a lack of political co-operation, primarily on Turkey’s part:

“Where conflicts arise over water, their roots rarely lie in an absolute scarcity of supply, in the sense that local water resources are insufficient to meet local needs regardless of how equitably the water is distributed. The availability of water locally may indeed be limited, but its scarcity – or the fear of its future scarcity – is more often than not *socially generated*, the consequence of inequitable power relationships. ... In effect, water conflict is often the *result* not the *cause* of conflict, exacerbating tensions that already exist and creating new tensions in the process.”³¹

The mission discovered a wide array of concerns relating to GAP dams, including reduced and unreliable flows, pollution with chemical run-off, water salination, agricultural damage, depleted fish stocks, changes in flood and silt deposition patterns, soil erosion, and potential displacement. If GAP was fully completed, Iraq predicted that it would receive 47 per cent less water than at present.³² The mission also found that Turkey’s failure to consult with downstream states over potential dam construction put it in violation of numerous international treaties, laws and agreements, notably the UN Convention on the Law of the Non-Navigational Uses of International Watercourses and the best practice standards of the World Commission on Dams and the World Commission on Water.³³

Above all, though, it was the political implications of GAP that were of concern, the likelihood that Turkey would use its tightened grip on the region’s limited water supplies to exert political hegemony over its neighbours. In the words of Kurdish writer Ercan Ayboga, “Water, the oil of the future, is being used as a strategic weapon.” This is a prospect which can only lead to the escalation of conflict between regional states, as evidenced by the admission of the Syrian Deputy Foreign Minister, Walid Muallim, that military action may be a necessity if GAP goes ahead as planned,

“Within five years, more than seven million Syrians would suffer from salt water pollution and damage to agriculture and drinking water. We are doing our best to attract Turkey to the table to negotiate and to prevent military conflict.”³⁴

In the aftermath of war in Iraq, the shifting regional power balance could increase the prospect of inter-state conflict over water.

2.3 GAP, Ilisu and the Kurds

Undoubtedly the best known deleterious effects of the GAP dams, though, are domestic, inflicted upon the Kurds in whose lands they are exclusively located and exemplified by the case of the Ilisu Dam. The catalogue of human rights, cultural and environmental objections to Ilisu that forced the members of the original construction consortium to pull out has been described in great detail elsewhere,³⁵ and a short summary will suffice here.

If built,³⁶ Ilisu would displace yet more people from the already ravaged region. Up to 78,000 people, the majority Kurds, would be displaced. They either would be cleared from the land prior to construction; forced to leave the area due to the destruction of their agricultural or grazing land or essential transport links or due to changes in local eco-systems; or would be flooded out directly. The dam would also submerge the ancient town of Hasankeyf, one of the epicentres of Kurdish culture and a site of world archaeological and historical significance.

Furthermore, the Turkish state made no effort to undertake even the scantest of mitigation measures until pressured into doing so. No resettlement plans were drawn up, and the state's commitment to preserving cultural heritage amounted to little more than a last minute archaeological smash and grab raid. There was no more than derisory consultation with those shortly to be flooded from their homes. The project's Environmental Impact Assessment was little more than desultory.

In many senses, though, that was hardly surprising; these 'failures' arguably were and remain some of the principal intentions of the GAP project. As the General Secretary of the Diyarbakir Bar Association says, Turkey's State Hydraulic Works (DSI), "approached the question of the evacuated/burnt villages in the area of the [Ilisu] project virtually as if this were a normal event... [T]he property rights of the people concerned were also ignored, and this fact was virtually presented as a successful outcome for the authorities."

The purpose of Ilisu was never its avowed aims of regional development and energy generation. Instead, the GAP administrators' own admissions are far closer to the truth: in addition to "reinstat[ing] civilisation", GAP publicity boasted that the project was designed to, "dramatically change the social and cultural make-up of the region."³⁷ Another GAP publication went even further; in listing the project's goals, it suggested the dams would, "increase the effectiveness of the contemporary organisations and establishments in order to accelerate dissolution of the traditional organisations which prevent development."³⁸ The same document proclaimed that GAP's ultimate intentions were, "To take measures in stimulating migratory movements towards central villages and medium-sized cities," thereby, "adjusting people to the new economic and social order."³⁹

If the Turkish state intended to alleviate the pervasive poverty of the Kurdish regions through GAP, it would have tackled the long-standing need for land reform. By GAP policymakers' own admission, a small elite of the enduring agha class holds over 50 per cent of the land in the Kurdish regions, while almost 80 per cent of people hold less than 5 hectares, nearly 40 per cent possessing no land at all. Without even taking into account the catastrophic dislocations and impoverishments of the last twenty years, then, improving irrigation or crop yield in the region would be of virtually no help to four fifths of the population.

Instead, GAP and Ilisu have been revealed for what they are: an extension and a corollary of the Turkish state's Kurdish policies of the last seventy years, furthering the processes begun by the Law on Resettlement (Law 2510 (1934)) and perfected during the security forces' village destructions campaign. The GAP dams' primary function and effect has been to drive rural people off their land with little or no compensation and no place for resettlement bar the slums and shanties of the Kurdish cities, where they are far easier to control and regulate, or the cities of western Turkey, in which the process of assimilation gradually absorbs them. They lose not just their land but all their social networks and solidarities, the links to others that helped them make sense of and survive in the world.

The military has also admitted that its interest in Ilisu and GAP is purely strategic. Soldiers told Channel 4 (UK) in 1999 that rising floodwaters from dams are an effective method of cutting off PKK transport routes. In the words of the UK Defence Forum,

“From the outset, the Southeast Anatolia Project [*GAP*] has had profound security implications... [T]he 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 fastnesses into planned urban areas where the government can keep greater control over them.”⁴⁰

Another account uses a blunter instrument. “In fact, the GAP project has always been underpinned by the long-standing and racist assimilation policies of the Turkish State with regard to Kurdish people – their forced assimilation into mainstream Turkish society and culture.”⁴¹

2.4 GAP and Double Displacement

But there is one effect of GAP dams that has yet to be properly chronicled. There is no doubt that the astonishing speed and violence with which the army conducted the village clearances of the 1990s has left the state in some difficulty. The “planned, balanced migration” envisaged by Özal was intended to incorporate all social classes and take place at a gradual pace to facilitate assimilation. This has been turned into a grotesque parody by the tidal wave of forced migrants who have largely pooled around the periphery of Turkey’s major cities. The poverty and despair in which the majority of displaced people find themselves means that many have applied formally for permission to return home to their original villages. These requests, the vast majority of which are refused for “security reasons”, put the Turkish state in something of a bind.

National and international laws and agreements put Turkey under a clear obligation to take all necessary steps to facilitate the safe return of internally displaced people to their homes.⁴² The UN Guiding Principles on Internal Displacement (*Appendix C*), perhaps the benchmark for the treatment of the displaced, lists multiple principles which Turkey has potentially violated, in its original displacement of the Kurds, its subsequent treatment of them and in its failure to expedite their return. These include:

- **Principle 3 (1):** National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.
- **Principle 6 (1):** Every human being shall have the right to be protected against arbitrary displacement from his or her home or place of habitual residence.
- **Principle 6 (2):** The protection of arbitrary displacement includes
 - (a) When it is based on policies of apartheid, “ethnic cleansing” or similar practices aimed at or resulting in altering the ethnic, religious or racial composition of the affected population.
 - (c) In cases of large-scale development projects, which are not justified by compelling and over-riding public interests.
- **Principle 9:** States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.
- **Principle 18:** All internally displaced people have the right to an adequate standard of living [which includes] essential food and potable water, basic shelter and housing, appropriate clothing and essential medical services and sanitation.
- **Principle 28:** Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavour to facilitate the reintegration of returned or resettled internally displaced persons.

- **Principle 29 (2):** Competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation.⁴³

Turkey's refusal to allow people to return home places it in potential violation of the European Convention on Human Rights (ECHR). The volume of potential applications to the European Court of Human Rights should be of concern to Turkey, which is required to achieve "the stability of institutions, guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities" in order to meet EU accession requirements.

However, the army and gendarmerie still regard the region as volatile, and have no desire to see the return of millions of disenchanted, impoverished villagers, many radicalised by their experiences of dislocation. Nor do many of the 65,000 or so village guards who remain in the south-east, many of whom are still occupying land seized from its rightful owners. Even those who do get permission to return are frequently denied their rights by the local gendarmerie or governors, and there have been numerous cases of murder, assault and harassment of returnees. In one well-chronicled instance, villagers who had received oral and written permission to return to a settlement near Lice were told by a military commander that, "This hamlet does not have a place on the map. People cannot live here." Their tents, crops and shelters were set alight for a second time.⁴⁴

Moreover, the combination of the damage wrought during and the time elapsed since displacement have meant that for the vast majority of people, going home will only be possible with extensive state subsidy to restore both their homes and the regional economy to sustainable levels.

The state has thus made a handful of desultory efforts to resettle displaced people, ranging from the Centralised Villages project to the Village Return and Rehabilitation project to the most recent effort, the Köykent or Village-Townships project. All of these, however, clearly demonstrate the state's enduring preoccupation with the security and regulation of the Kurdish regions. All are based on the principle of what former Prime Minister Bulent Ecevit euphemistically called "uniting spread out villages", linking disparate settlements through a major program of road-building for easy military access, and including gendarmerie posts and military barracks at the centre of the new networks.

Very few displaced people have expressed an interest in living in such a militarised environment, and in some cases were forcibly resettled there. In an indication of the state's concern over possible legal repercussions, many of the dispossessed report that the state will only let them return home if they sign an official form attributing their displacement to the PKK.

In this context, the construction of dams in the region takes on another important hegemonic function. By flooding vast areas of land and making further wide tracts effectively uninhabitable, the building of dams constitutes the most permanent and irrefutable denial of people's applications to return to their now submerged villages. Often hundreds of miles away from the region, it is impossible for them to take part in whatever limited and flawed consultation and compensation procedures the dam developers undertake.

It is this permanent prevention of return which we have chosen to call 'secondary' or 'double displacement'. The KHRP Delegation saw on its trip to Hakkari that many people who have already been made homeless by the village destructions are now moved on for a second time, the fragile new social networks and employment prospects they have built up destroyed once again.

The role and function of the GAP dams in furthering the displacement of the people of the Kurdish southeast and control of the region is therefore apparent. Large dams are notorious for their socially and environmentally egregious consequences, but GAP is unusual in its obvious hegemonic role, the function it plays in furthering a particular political ideology on the part of the state. And nowhere is that role clearer than in the Munzur Valley.

- 23 Decree 388 (1989) established an administrative body to co-ordinate infrastructural projects in the GAP regions
- 24 The GAP administration itself makes reference to only 22 dams and 19 HEPPs, which is the mostly widely cited figure. However, an NGO fact-finding mission to the region in January and February 2002 discovered during interviews with Syrian officials that that refers only to the major components planned; 90 and 60 refers to the total number of projects planned for the Tigris and Euphrates basins. See KHRP, Corner House, Ilisu Dam Campaign, *Downstream Impacts of Turkish Dam Construction on Syria and Iraq*, (London, July 2002), p.15, footnote 45
- 25 All information available at the GAP website, www.gap.gov.tr.
- 26 <http://www.gap.gov.tr/English/Frames/fr1.html>
- 27 <http://www.gap.gov.tr/English/ing-mesaj.doc>
- 28 See GAP website <http://www.gap.gov.tr/english>
- 29 UK Defence Forum, www.ukdf.co.uk/ts5.htm, p.6
- 30 For instance, in 1990, while filling the Atatürk Dam, Turkey blocked the downstream flow of the Euphrates for nine days. In 1993, while filling the Birecik Dam, the flow was cut below the internationally agreed level in 1993. For further, see KHRP, Corner House, Ilisu Dam Campaign, *Downstream Impacts of Turkish Dam Construction on Syria and Iraq*, (London, July 2002).
- 31 Ibid, p.11
- 32 Ibid., p.19
- 33 Ibid., pp.27-36
- 34 Ibid., p.26, emphasis added
- 35 Notably in a series of KHRP and Ilisu Dam Campaign reports, including *The Ilisu Dam: A Human Rights Disaster in the Making*, (London, November 1999); *If the River Were a Pen: The Ilisu Dam, the World Commission on Dams and Export Credit Reform*, (London, October 2000); *The Ilisu Dam: Displacement of Communities and Destruction of Culture*, (London, October 2002), as well as a large volume of press and media features.
- 36 Although the original consortium withdrew from the project and no construction is imminent, Ilisu has not been withdrawn from the overall GAP design, and the government recently reiterated its intention to build it.
- 37 DSI publicity for GAP, cited in KHRP et al., *If the River Were a Pen*, op. cit., p.23
- 38 Republic of Turkey Prime Ministry, GAP Regional Development Administration, *Social Policy Objectives*, October 1998, p.15
- 39 Ibid., p.20, p.5
- 40 Marsh, "Wars Downstream", op. cit.
- 41 KHRP et al, *The Ilisu Dam: Displacement of Communities*, op. cit., p.7
- 42 For example, multiple provisions of the Turkish Penal Code, Article 12 of the International Covenant on Civil and Political Rights, the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities of the UN Commission on Human Rights and other UN bodies, as well as the European Convention for the Protection of Human Rights and Fundamental Freedoms.
- 43 UN Guiding Principles on Internal Displacement, although not binding on governments, are based upon and reflect binding international humanitarian and human rights law, and are accepted by a wide range of governments, NGOs and international bodies. Other laws and standards of which Turkey is in possible violation include at least a dozen articles of its own Criminal Code, the Geneva Conventions, the International Covenant on Civil and Political Rights and numerous UN committees and bodies.
- 44 IHD letter to KHRP, 23 November 2000, cited in KHRP, *Internally Displaced Persons*, op. cit., p.30. For more on the difficulties facing those who wish to return, see this report pp.29-42

3. The Munzur Valley (Tunceli)

3.1 Origins and Corruption

The evidence of the preceding two sections provides an essential backdrop to the Turkish state's intentions in designing and attempting to construct the Munzur Valley dams. Yet even before addressing their specifics, a further large dark cloud also hangs over the projects planned for the Tunceli region.

The main projects for the Munzur Valley, the Konaktepe Dam and hydro-electric power plant (HEPP), were signed into life, along with eight other dam projects, as part of a Joint Statement between Turkey and the United States on 26 February 1998. Signatories to that statement were US Secretary of Commerce William Daley and Turkish Energy Minister Cumhur Ersumer. In January 2001, however, Ersumer became embroiled in the White Energy affair, perhaps the biggest and most extraordinary corruption scandal in recent Turkish history.

The World Bank describes corruption in Turkey as "endemic", and found that bidders for state tenders were obliged to pay 15 per cent of the value of the contract as "political donations". The White Energy affair was unusual, though, in its scope, incorporating top level government ministers and bureaucrats, businessmen and senior officials from the state electricity generation corporation (TEAS).

Fifteen top officials were convicted on charges of awarding multi-billion dollar electricity contracts to favoured companies in return for substantial bribes. Ex-minister Birsal Sonmez received almost ten years in prison, while the head and deputy head of TEAS both received sentences of more than eleven years. Many of those involved implicated Ersumer himself, and it seems implausible that TEAS could have awarded illicit contracts without his knowledge, but he was saved from formal indictment by his parliamentary immunity.

Ersumer was however forced to resign. The destabilising row which developed over the handling of the affair between PM Ecevit and ANAP leader Mesut Yilmaz was widely seen as the trigger for Turkey's disastrous economic collapse. It was also indicative of the ongoing schism between the politicians and the army, and of the latter's enduring power: it was the gendarmerie whose investigations sparked off the scandal.

In this context, any energy project of which Ersumer was a progenitor must be questioned, doubly so in projects related to energy generation. Investigations into the White Energy affair are continuing, notably through a new parliamentary commission to investigate energy sector corruption, established by the new Justice and Development Party (AKP) government. In the interim, to proceed with any of the projects envisaged in the Joint Statement seems inadvisable, when there is such a clear suggestion for the rottenness of their foundations.

Moreover, the KHRP Fact-Finding Mission itself heard complaints of corruption while in the regions. It heard allegations that compensation agreements were manipulated by local political leaders to take advantage of the landholdings of themselves and their associates, leaving others out in the cold and increasing budgetary costs.

3.2 Background: the Turkish Energy Market

Until recently, Turkey was a nation traditionally short of energy supplies, but in recent years that deficiency has become a glut, despite its storied history of inept and failing large dam projects. While the levels of energy generated by the giant Keban, Karakaya and Atatürk power stations have fallen due to silting up and a serious decline in water levels, many smaller new electricity projects have come on stream to compensate.

Additionally, four natural gas power stations were planned in order to resolve the energy shortfall. A consortium consisting of the US firm Bechtel and the Turkish company ENKA won the tenders. Despite media criticism and allegations of inflated construction costs, the consortium completed two gas stations, at Gebze and Izmir, in three years. Turkey also made provision for further supplies of natural gas with the Blue Stream gas pipeline under the Black Sea from Russia, as well as the proposed South Caucasus gas pipeline which would bring gas from the Caspian Sea into the Turkish domestic market.

Turkey has thus made up its energy shortage and now faces an energy glut, compounded by falling demand due to the economic crisis. Both its natural gas and electricity markets are saturated, to the extent that the government is refusing to fulfil numerous electricity purchase contracts because of over-production and the drop in demand caused by recession.

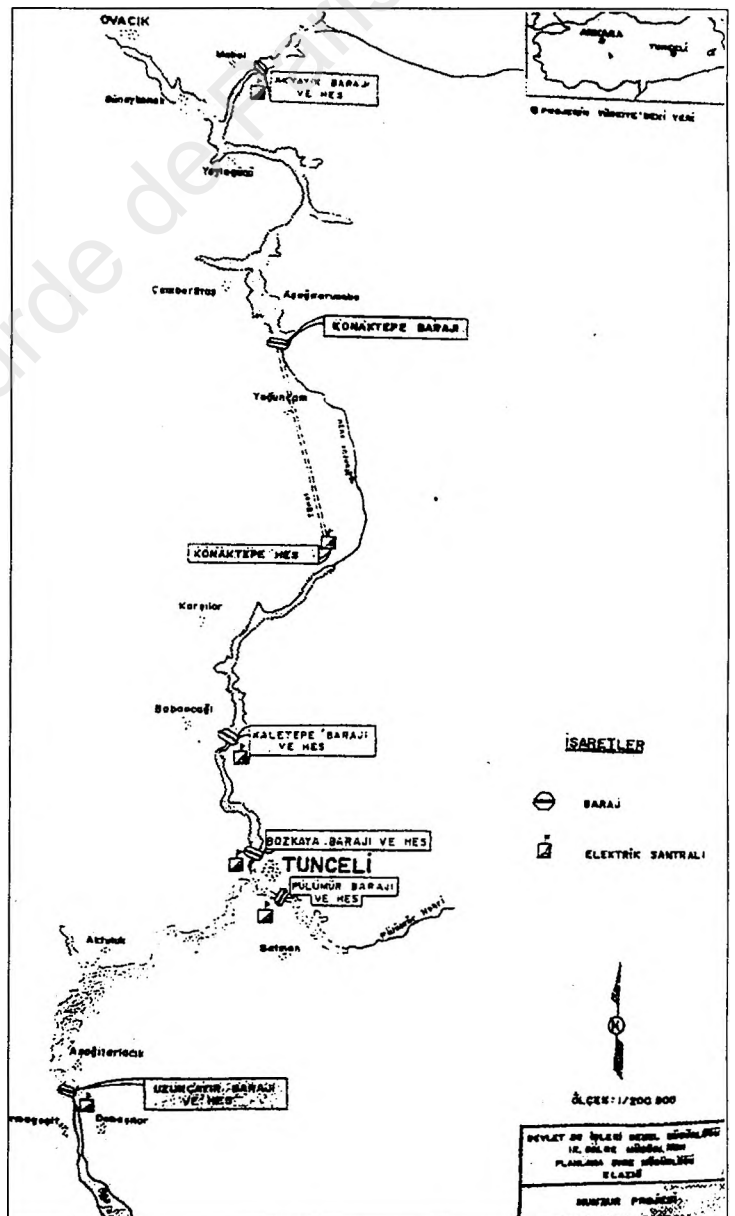
Many of these are projects funded by export credit agencies (ECAs), which are now demanding a return on their loans. The \$39 million Pamuk HES project, for example, is funded by the Austrian ECA OeKB (supporting the Austrian electromechanical suppliers VA Tech) and the French COFACE. As a result of its sole client, the new AKP government, not fulfilling its electricity purchase contract because of an alleged "legal vacuum", the plant is idle. Pamuk is therefore suing the Energy Ministry for \$6.5 million. At least seventeen other electricity producers are taking the Turkish government's electricity watchdog to court for similar breaches of contract.

In this context, then, questions of the most taxing kind must be asked about both the utility of and the demand for yet more new electricity generating projects in Turkey. If the Turkish state cannot meet its current contractual obligations from electricity-producing dam projects, what is the rationale for further dam construction? This is a crucial query for potential export credit funders to consider, as they take stock of existing dam projects which are unable to meet their repayment obligations. But then, as we have seen, the construction of the Munzur dams is not motivated by the imperatives of energy generation.

3.3 The Munzur Dams: A Summary

A cascade of eight dams and HEPPs in total are planned for the Munzur Valley: five on the principal Munzur river itself, one on the tributary Harçik river, and a further two on the Mercan tributary river. All bar the Mercan HEPP project are shown on the map to the right:

Formally, the Munzur dams are not part of the official GAP listing of 22 dams and 19 HEPPs, but they are located in the greater Euphrates basin; the Munzur and its tributaries flow into the Murat, which then enters the Euphrates itself near Lake Keban, and thus the Munzur dams are included in our wider estimate of 90 dams and 60 HEPPs. Whatever the administrative title, the Munzur dams are in every sense part of the GAP project.



It is widely reported by national and concerned international NGOs, though without formal corroboration from state sources, that to build all eight dams in the Munzur valley would cost around \$2 billion. This is a substantial enough sum for an impoverished state, but its proposed expenditure becomes even more extraordinary and inefficient when it is alleged that the total energy generation from the eight projects would be a mere 362 MW (for comparison, the giant Atatürk dam has a capacity of 2400 MW).⁴⁵ That would amount to less than 1 per cent of Turkey's gross annual energy generation, in what is already as we have seen a glutted energy market. The imbalance between costs and benefits here suggests that other motivating factors are at play.

According to statistics published by a local NGO in Tunceli, the Munzur Valley Protection Association, the Konaktepe Dam, the centrepiece of the Munzur Dams, is to stand 112m high; its reservoir will extend 26 km back into the Munzur valley, flooding an area of 1390 hectares. The MVPA claim it will produce 90MW of electricity, although VA Tech, one of the companies participating in the dam's construction, suggest in correspondence that the planned capacity is 180MW.⁴⁶ It is to be linked to the Konaktepe HEPP by a 16km power tunnel bored into the mountainside, which serves to speed up the flow of water and increase its generating capacity. Because of this tunnel, the river bed will dry up for approximately twenty kilometres where the water is diverted. Konaktepe HEPP will stand 112m high and generate a further 50MW.

Of the other dams on the Munzur river itself, the Kaletepe Dam is to stand 60m high, with a reservoir diameter of 14km, covering 194 hectares and generating 60MW. The Bozkaya Dam, near Tunceli town, is to stand 30m high, with a reservoir diameter of 7km, flooding 172 hectares and generating 30MW. On the Harçık river, the Harçık Dam is to stand 50m high, with a reservoir 5km in diameter and covering 130 hectares, yet due to the scarcity of water in the tributary it will generate a laughable 6MW.

Similarly, the Akyayık Dam on the Mercan river, although 60m high and with a reservoir 6km in diameter and flooding 130 hectares, will produce a mere 7MW. The associated Mercan HEPP, which locals suggested was nearing completion, is to stand an immense 198m high, yet will generate only 19MW. Finally, the Uzunçayır Dam, to the south of the town of Tunceli, also virtually finished, stands 55m high, with a reservoir 20 km across flooding 1450 hectares, and will generate 100MW, the highest confirmed total of all the dams.⁴⁷

It is evident from simple observation that the Munzur is not a substantial watercourse. Local sources provided us with figures, which have not been independently verified, of a mean flow of 87 cubic metres per second, with a peak in April of 398 m³/s and a low in October of 44m³/s. Obviously the flows of its tributaries, the Harçık and the Mercan, would be significantly lower.

This compares most unfavourably with the mean flow of the Tigris, which averages about six times as much water, 520m³/s (with an April high of 1433 m³/s and a September low of 113 m³/s), at its border crossing with Syria, or with the Euphrates, which Turkey has agreed with the Syrians not to let drop below 500 m³/s.⁴⁸ Moreover, it is well-established that the construction of multiple dams in cascade fashion along the same river significantly decreases its energy-generating capacity, as it takes the momentum and kinetic energy out of the flowing water.

Because of this combination of factors, the complexity of the environment and the multiple operations, as well as the paucity of water flow, the Munzur dams rank as having an almost unprecedentedly poor rate of return, without even taking social, environmental and political concerns into account.

3.4 Building the Munzur Dams

While it is possible that Turkey will seek to fund the construction of some of the smaller dams with its own resources, the role of foreign companies and therefore almost certainly of foreign export credit agencies in the central Munzur projects, Konaktepe Dam and HEPP, is confirmed. According to a March 2002 press release, the US engineering firm Stone and Webster, part of the Shaw Group, "has signed a contract for the engineering and design for the Konaktepe Dam and Hydroelectric Power Plant in Turkey. The engineering and design phase of the contract, valued at approximately \$10

million, represents the first of two phases of the project. Upon completion of the first phase, the Stone & Webster led consortium will negotiate the construction phase of the project which is estimated at between \$300 million and \$400 million.”⁴⁹

Other members of the consortium, in addition to Stone and Webster, include:

- ATA Insaat Sanayi ve Ticaret A.S., a Turkish construction firm, will be responsible for the dam and civil construction.
- Strabag AG, an Austrian construction firm, will be responsible for the tunnel and surge chamber.
- Soyak Uluslarasi Insaat ve Yatirim A.S., a Turkish construction firm, will assist Strabag AG with the tunnel and surge chamber.
- VA Tech Hydro GmbH & Co., an Austrian electrical and mechanical equipment supplier, through its US subsidiaries, VA Tech Voest MCE Corp. and VA Tech Elin USA Corp., will supply the hydro-mechanical and electrical equipment.

VA Tech are still nominally involved in the Ilisu Dam through their subsidiary Sulzer Hydro, and have also been involved in a number of other highly contentious dam projects, such as the Atatürk and Birecik in Turkey, the San Roque Dam in the Philippines and the Urra I in Colombia.⁵⁰ Strangely, in correspondence, VA Tech repeatedly refused to accept its own partner's press release, denying that they were part of the construction consortium and insisting that, “The Contract is to review the ‘feasibility report’ issued years ago and to prepare ‘engineering final drawings’.”⁵¹

ATA was also involved in the Atatürk dam, and allegations were raised that it was the company's shoddy construction work that was responsible for the showpiece dam's partial subsidence.

It is highly likely, with the involvement of these foreign companies, that export credit support for Konaktepe will be sought. Export credit agencies to which applications may potentially be made are Austria's Österreichische Kontrollbank (OeKB), the German ECA Hermes, the Swiss ECA ERG and the French ECA COFACE.

It is also plausible that an application will be made to the US export credit agency Ex-Im Bank. In March 1998, Secretary of Commerce Daley signed a further bilateral agreement with Turkey aimed at increasing, “bilateral cooperation with respect to the successful financing and development of hydroelectric generating facilities in Turkey,” in which Konaktepe was specifically identified. According to Turkish Daily News, “the joint statement also confirmed the interest of US EXIM (*sic*) bank to finance 100% the construction of such plants.”⁵²

3.5 Official Claims and Admissions

Some rousing if implausible claims have been made for the benefits of the Munzur dams. Stone and Webster suggest that, “The Ministry hopes that the project will promote area development while at the same time providing a more reliable, environmentally friendly source of electricity to the Province and the surrounding region.” An earlier piece in an industry magazine was even more fulsome: “By expanding the availability of reliable hydro-electric power, the Turkish government hopes to stimulate investment and reduce emigration in the Tunceli Province.”⁵³ The intentions and implications observed by the KHRP Fact-Finding Mission could not be more diametrically opposed to such claims.

As already noted, the primary role of Turkish dams is strategic. Partly this has an international dimension; when the Konaktepe contract was signed on 22 March 2002 at a ceremony presided over by new US Secretary of Energy Spencer Abraham, he made a telling observation:

“Turkey is a valued ally, especially in today's world environment. The United States is especially grateful for Turkey's role in fighting international terrorism. These agreements are very significant in the energy realm, and are examples of the strong relationship our two countries share.”⁵⁴

In the aftermath of war in Iraq, whether or not the Turkish-American nexus will remain as central to regional politics in future remains unclear. Although the odd but increasingly ubiquitous conjunction of energy generation, economic co-operation and the war on terror indicates a wider international dimension; the primary motivations of the Tunceli dams are nonetheless part of an overall domestic policy.

The most remarkable official statements about the Munzur dams have come from a senior administrator in Ata, Mr. Motugan, in an updated but recent magazine article: “The park has nothing in it. There is just a signboard. It’s like a rubbish dump. I believe that with the Konaktepe Dam lake the park will gain significance and beauty. However, as the contractor in the project I do not want to shout this from the rooftops.”⁵⁵ This is notwithstanding that the Munzur dams would be located in the Munzur Valley, Turkey’s first and foremost national park and an area of extraordinary natural beauty (see 3.8 ‘Environmental Concerns and Domestic Environmental Law’, below).

The article reported Ata’s disinterest in the Konaktepe project and the true parties who would benefit, according to Mr. Motugan, “We are actually not that enthusiastic about carrying out this project. Although Ata Construction has only 20 per cent involvement in the region we are seen as the constructor, and so opposition is directed at us. However, the major profit will be made by the US Stone and Webster, the Austrian Strabag and Soyak.”

According to the article, Mr. Motugan also highlighted his company’s own failings, admitting responsibility for the subsidence of the Atatürk dam due to the clay used, and noting Ata’s failure to win any of the international contracts for which they had made tenders. These admissions will not reassure those observers who are concerned about the technical difficulties presented by the Munzur dams.

Significantly, the article reports two further admissions. Mr Motugan notes that the Munzur dams will have no benefit to local people: “The electricity to be obtained means nothing to the local people as they already have electricity. If a factory were to be built there would be no complaints. It is necessary to approach the subject from the point of view of the whole of Turkey.” In fact the local people do not receive sufficient energy supplies, but the refutation of the state’s claim to “promote area development” and “reduce emigration” is made.

Of the greatest concern, however, is Mr. Motugan’s reported suggestion that there are open rows between the consortium members, who favour making the Konaktepe a “single large dam”, and Turkey’s State Hydraulic Works (DSI). “Two dams are envisaged in the DSI project, but the DSI has not done much work on it. Their idea is to take water 12 kilometres in an open channel from one dam to the other. *But neither the settlements in the area nor the terrain is suitable for the construction of such a channel.* For this reason we proposed a single dam project. We are now working on two projects.”⁵⁶

This revelation is the most disturbing of all, for it implies open conflict and disagreement between engineers working on vast and potentially very dangerous dam projects. It also suggests that the current plan, to link Konaktepe Dam to the HEPP by diverting the river into a power tunnel, is unsuitable and liable to result in serious consequences. An independent engineering analysis of the plans is necessary to confirm these concerns, but given their reported source it seems essential that a major independent review is conducted before the first soil for the Konaktepe Dam is broken, whether or not foreign ECA assistance is sought.

3.6 The Absence of Environmental Impact Assessments (EIAs)

This section of most reports of this type would normally list a careful and detailed account of work undertaken by the construction companies in documenting the project’s impacts on local people and the environment, and their preparations for resettlement and compensation.

According to World Bank best practice guidelines, and to be eligible for export credits from ECAs, the planners of large infrastructure projects such as Konaktepe must complete an Environmental Impact Assessment (EIA). For some time, it

appeared that the Turkish state would try and duck out of that particular responsibility. Even last year, Tunceli Governor Mustafa Erkal claimed a decision had been made to exempt Konaktepe from an EIA, on the grounds that impact assessments were only required for projects formulated after 1993, while the Munzur dams had been planned for far longer. While revealing, showing that the dams were indeed the long-term strategy that local people alleged, Erkal's efforts did not wash with international bodies, and VA Tech have suggested that they are now carrying out an EIA pursuant to funding applications.

However, no indication whatsoever was made to the mission that any consultation had or was taking place. Not a single interviewee said they had been consulted. The terms of reference, scope or duration of the EIA have not been published, nor have the original or updated feasibility studies. There is no evidence of any resettlement plans or compensation processes being prepared or instituted. Essentially, nothing has been done.

Indeed, the chair of HADEP went considerably further. He bemoaned the impossibility of finding anyone from the companies or the state with which to discuss the dams, noting:

"From our side we are open: we are against the project. If we could meet with officials, we would ask them: What are your aims and purposes? Have you seen our geography and our society? What will the dams contribute to local villagers, the people of Tunceli and the people of Turkey? This is the biggest National Park in Turkey, under statutes and constitutional guarantees. How is it possible to do this – have the statutes finished? Has the law changed? Why is the project secretive and undeclared? If they want to produce energy through alternative methods, we can get an equal amount of energy from wind for much less. Why must we exterminate nature here, and pay \$2 billion for it? Compensation and resettlement: we would ask these questions if we could find anyone to answer them."⁵⁷

The absence of impact surveys of the Konaktepe project violates a vast array of international standards and best practice guidelines on dam construction. These include at least six World Bank Safeguard Policies (Environmental Assessment, Natural Habitats, Involuntary Resettlement, Indigenous Peoples, Management of Cultural Property and Safety of Dams) and all seven of the World Commission on Dams (WCD) Strategic Policies (Gaining Public Acceptance, Comprehensive Options Assessment, Addressing Existing Dams, Sustaining Rivers and Livelihoods, Recognising Entitlements and Sharing Benefits, Ensuring Compliance and Sharing Rivers for Peace, Development and Security).

The World Commission on Dams, a multi-stakeholder forum on mitigating dam impacts (that, unlike others, genuinely includes a range of stakeholders) is regarded as unquestionably the benchmark for best practice in dam construction. The WCD has strongly recommended moving away from the construction of large dams and cascade dams like Konaktepe and the Munzur series. It is worth noting that Konrad Auttengruber of VA Tech has admitted his company refused to contribute any funding to the WCD, observing, "We don't like the World Commission guidelines at all."⁵⁸

The mission concludes that the absence of impact surveys of the Konaktepe project violates international standards and best practice guidelines including at least six World Bank Safeguard Policies and all seven of the World Commission on Dams (WCD) Strategic Policies.

3.7 Concerns of the Local Communities

The worries, objections and frustrations of local people are innumerable. In the course of the fact-finding mission, which spent three days in the Tunceli region, the delegation did not encounter a single person, from parliamentary deputies to peasant farmers, who professed to be in favour of the dams. Many of the concerns are listed at *Appendix D*, a partial translation of *Munzur Vadisi ve Barajlar Sorunu*, (Munzur Valley and Dam Issues), a highly convincing publication compiled by local NGOs. One interviewee, in explaining what he saw as the rationale for the construction of the Munzur dam, explained:

“We are not at peace with the State because genocides have been imposed on us in the past. We are an enlightened people who are very fond of democracy. If you saw the area you would understand what this project really means. During the war the State burnt our villages as much as possible, but there were some villagers stubbornly keeping their stance – now the State has no option but to flood the valley, not leaving any land for us to stay on. There will be nothing left for us. We know that there will be environmental impacts but the most important thing is that we will be eliminated. *This is the only valley where we live.*”⁵⁹

The long, and to local people storied, history of Tunceli’s resistance to the autocratic impositions of the central state has already been recounted, but it is worth reiterating just how much the region suffered during the village destruction excesses of the 1990s. Just how many people were forced out of a region that had already been subject to massacres and dispossessions for decades beforehand is unclear: the Turkish writer Koray Duzgoren suggests that 320 of the region’s 460 villages were evacuated in the last 15 years. A 1996 Human Rights Association (IHD) report on displacement which attempted to chronicle all the known settlements destroyed by that time lists 270 locations in Tunceli, more than in any other region.⁶⁰

The Munzur Valley Protection Agency (MVPA) gave a regional population total of just over 80,000, just over half of the 150,000 of ten years ago, meaning 60–70,000 people were evicted during the village burnings. The population drain has been going on for a long time; according to the 1990 census, over a quarter of a million people no longer in the region gave their birthplace as Tunceli. In the words of another local group, the Save Munzur Valley Platform, “Dersim is the only city in Turkey which has an ever-decreasing population.”⁶¹

Many of the sites in the region are also holy to local people, many of whom have a pantheistic belief system and worship at a variety of special locations throughout the valley. There are also historical resonances attached to many locations, such as Laç Deresi, the cleft in the mountainside where the last of the Dersim resistance fighters took refuge in the conflict with the Turkish military. Locals told the mission that these sites are of particular cultural significance to the estimated million-strong Tunceli diaspora, many of whom come back frequently to worship and remember.

Tunceli was the last province in which the State of Emergency was lifted, in November 2002, but by the time of the fact-finding mission very little had changed. Some of the gendarmerie roadblocks and checkpoints had apparently been abandoned, but news of the mission’s arrival (combined with a search for some escaped prisoners) meant that they were remanned. The mission was stopped at least a dozen times on the way through the valley and back and saw soldiers constantly, in pairs at the roadside or roaring by in truckloads. At one point, as the mission attempted to take pictures of shacks in which displaced people had made their homes, an armoured personnel carrier from a nearby checkpoint sped up and pointed its gun barrel in the direction of the delegation.

Given all this history, it seems obvious to local people that the Munzur dams are simply a new and innovative extension of the same attempted displacement policy to which they have been consistently subjected since the 1930s. Many locals point to the military report of 1931 which advocated flooding the Munzur valley as evidence of the length of time the state has been trying to get them out of their territory. In addition to its environmental and social impacts, the dams will cut off the only road through the Munzur valley, which links the regional capital Tunceli town with Ovacik, the other substantial settlement in the area. Logistically, life in the region will become impossible.

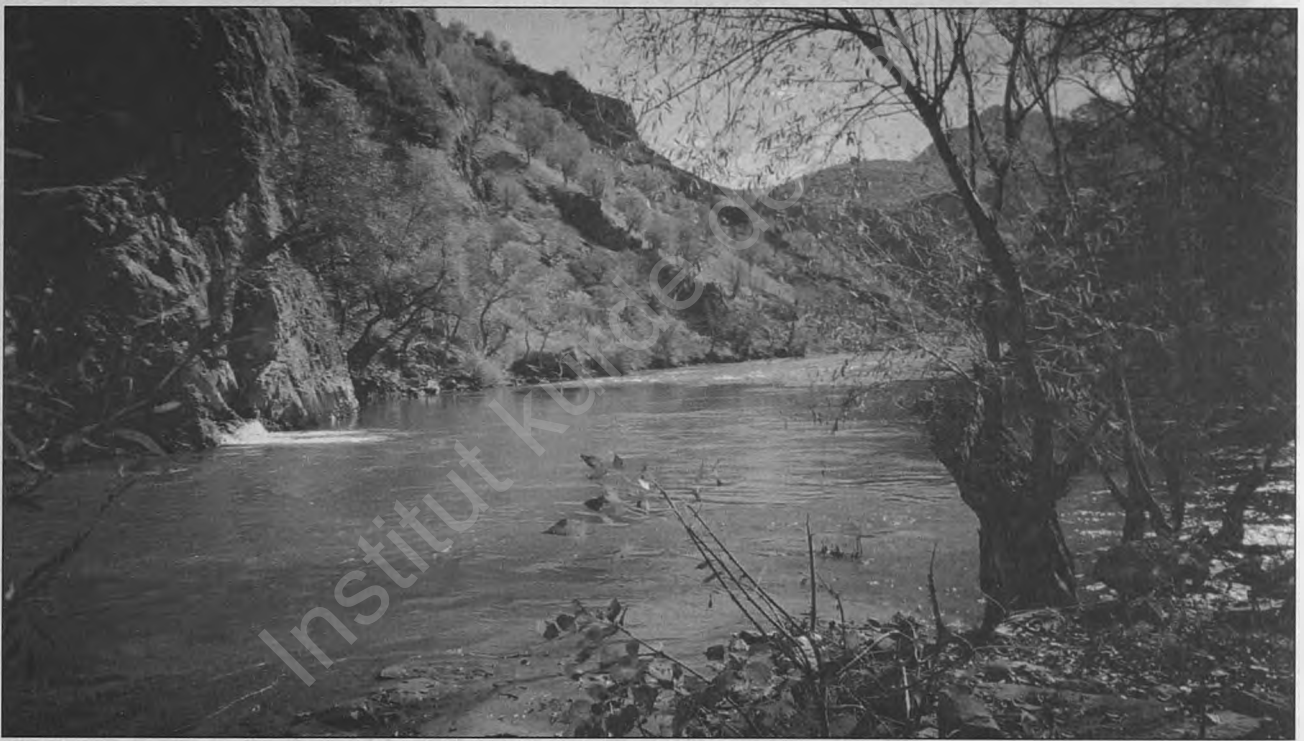
Officially, the dams will impact 84 villages in the region, but in reality their impact would be felt by all. Hasan Korkmaz, the local mayor, suggested that, “Konaktepe et al will finish Tunceli town, Ovacik town and the villages around, perhaps 30–40,000 people. It will become too isolated to live here. It is not only a question of the numbers of people physically displaced, but of the rupturing of social networks and relationships. There is psychological damage already happening in addition to the damage to nature.”⁶²

In the same vein as the prior analysis of the Turkish state's usage of dam projects, the Munzur Valley Protection Association went further:

“In the west they say this area is always causing trouble. Our simplest ecological demands are seen as a new kind of separatism. The government accuses us of fighting the dams for political reasons, because the waters will cut off the transportation routes of the PKK and their access to hiding places. This accusation itself proves that this is a project motivated by politics rather than environmental or social concerns.”

3.8 Environmental concerns and domestic environmental law

The Munzur Valley National Park was designated Turkey's first national park for its remarkable natural beauty. It is the only protected area in a unique eco-region known as the Anatolian Diagonal. Due to the eco-region's environmental importance, the World Wildlife Fund (WWF) recommends that, “additional protected areas are needed” in addition to the Munzur Valley National Park.



Halbori Springs, site of the proposed Konaktepe HEPP

The Munzur is an exceptionally clean river, flowing clear for ten months of the year, which makes it ideal for a variety of fish, including the red-spotted trout, which is found nowhere else. It also makes it perfect for bathing at local spots like the Halbori Springs, now the proposed site of the Konaktepe HEPP. The narrow, rocky river seems ideal for white-water rafting, and the whole region has great tourist potential. We were told by the MVPA that they have brought this prospect up many times with the state, only to be denied in no uncertain terms. “They think we are terrorists. Why would they want us to become rich?”

Ecologists say that the concentrations of flora and fauna are some of the richest in the entire Near East. The latter includes wild pigs, wolves, deer, lynx, falcons, owls, eagles, cranes, storks, parrots, and woodpeckers; as well as several species, such as the otter and wild goat, classified by the World Conservation Union (IUCN) as vulnerable.

The region is also considered one of the most important areas of plant diversity in Turkey, including tulips, hyacinths, walnuts, roses, chamomiles and violets. The WWF concludes explicitly that, “dam construction and large-scale irrigation schemes along the Tigris and Euphrates rivers pose significant threats to the native plant species, either by flooding their habitat or altering the water regimes to which they are adapted.”⁶³

All this would be destroyed utterly by the construction of the proposed dams, especially Konaktepe. The whole ecosystem would be irreversibly altered; much of the fertile land would be submerged, plants and animals would die out and localised climate change and increased soil erosion would be unavoidable.

There is also the important question of the safety and stability of the projects. In addition to the technical dissent of the obliging Mr. Motugan of Ata, there are further concerns over both seismology and geology. Tunceli is an earthquake-prone region; as recently as January 2003 a quake in excess of 6.0 on the Richter scale occurred in nearby Pulumur. There is no indication that the consortium has taken this sufficiently into account.

What makes the Konaktepe dam project even more dangerous is the suggestion that the geology of the region is unsuitable for large dams. Local NGOs have apparently been informed by geologists that the rock is too friable and porous to collect water here, raising doubts over the efficacy of a reservoir. Moreover, the mission was told more than once that the crumbly rock made it hard to find a suitable site for the construction of a large dam like Konaktepe, and the precise position of the dam has been moved in the planning stage on several occasions.

Expert seismological, geological and hydrological analyses are required to draw definitive conclusions to these claims. Nonetheless, they are cause for serious concern, and the possibility of a catastrophic accident remains unacceptably high until these objections are refuted.

Since they are to be constructed in a national park, the Munzur dams are in potential violation of two major Turkish laws, article 23 of Forestry Law no. 6831 and Law regarding the Protection of National Parks no. 2873. According to the latter, passed in 1971 (which forms part of Appendix D):

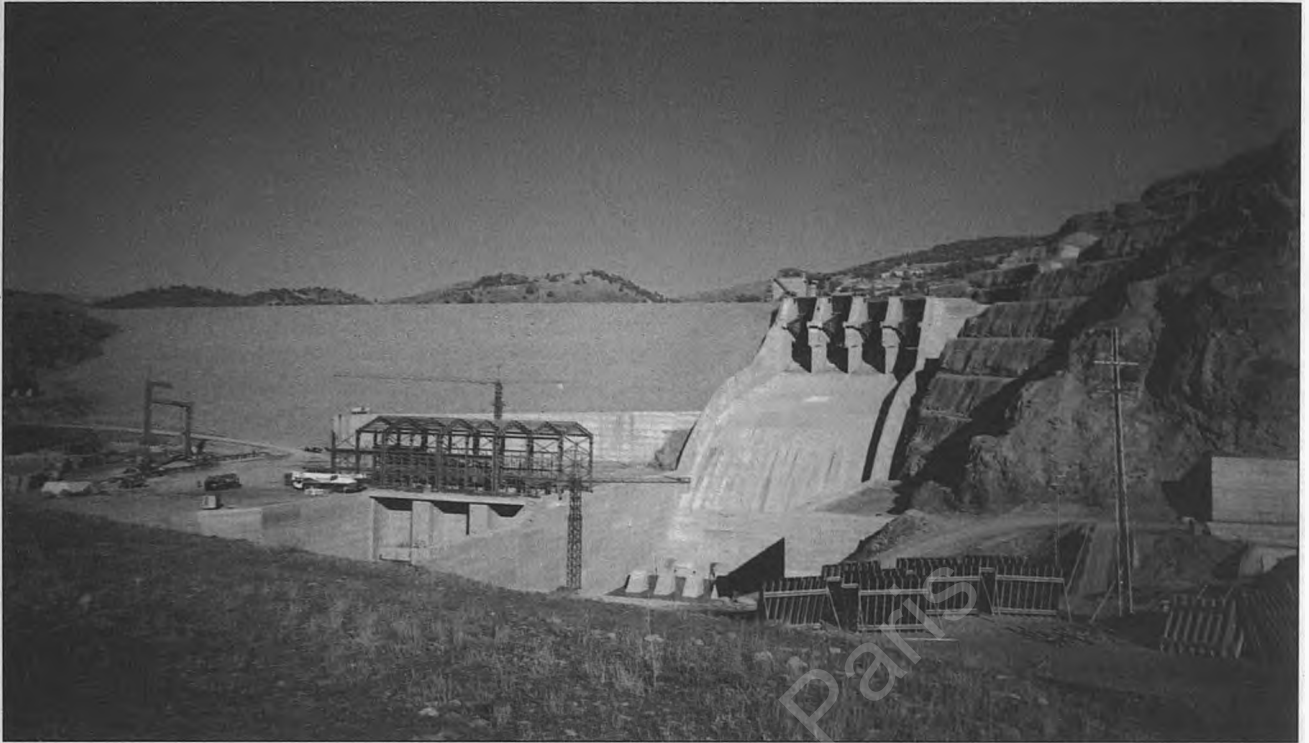
“It is deemed appropriate in order that the natural beauty and flora and fauna in the Munzur Valley and its environs, situated within the boundaries of the Tunceli city district and Ovacık and Hozat districts, are not destroyed, the flora preserved as it is and to prevent the risk of erosion, an area of 23,364 square metres be taken under the protection of Forestry Law no. 6831 article 23, in accordance with the Office of Ministry’s approval of 22.4.1968.”⁶⁴

Arguing that the Munzur dams could violate these domestic laws, the MVPA filed suit in the Daniştay, the State Council in Ankara, the only arena in which it is possible to challenge ministerial decisions. The court recently refused to accept the case without giving a reason. In any case, the Turkish Government has previously failed to implement the rulings of the State Council. For instance, in 1997, the State Council imposed a fine on the Deputy Prime Minister following its ruling that the Bergama goldmine in Northern Turkey violated the country’s constitution and should close. The Prime Minister’s office sanctioned the goldmine to remain operational, which it does to this day.

The MVPA has also filed six cases, one for each of the uncompleted projects, in the Malatya Administrative Court.

3.9 Local Experience of Previous Dams

The mission found overwhelmingly negative reactions to the manner in which previous projects, notably the Uzunçayır Dam, were conducted. The mission visited the site of the Uzunçayır Dam. The dam has been under construction since 1995 yet remains unfinished; the mayor of Tunceli suggested that the DSI is awaiting the delivery of machines from China.⁶⁵



The Uzunçayir Dam

Almost all interviewees met by the mission concurred that, “There are no serious employment or economic benefits for the region.”⁶⁶ Before the construction of Uzunçayir, the companies involved said they would hire local labour. However, after the hundred or so locals who did get menial jobs complained of low wages and discrimination and formed a trade union, they were fired en masse. The construction companies brought in their own workers, machinery and even food from outside, bringing no benefit to the local economy.

Local environmental damage was manifest, including torn hillsides, tracks gouged into the mountains and tainted water supplies. One interviewee told us that the river was full of dead fish from the explosives used to build the dam, and the road to his village was damaged without compensation or repair. He suggested that during the filling of the reservoir, which will take a full *two years* due to the shortage of water in the region, it will become difficult to live in his downstream village.

It was alleged that the construction of Uzunçayir had forced the evacuation of about 20 villages and over a thousand people, the majority with little or no compensation.⁶⁷ Emphasising the link between the construction of GAP dams and militarisation, a large army base has been constructed on the hill overlooking the dam, ostensibly to prevent “terrorist” attacks.

Moreover, there were widespread allegations of non-existent or unfair compensation. The chairman of the local branch of HADEP, the now dissolved pro-Kurdish political party, said that people got, if anything, only a quarter of the value of their land, and nothing for their crops, figures which were generally concurred with by other respondents.⁶⁸

The mayor suggested that this was part of a much wider agenda of the progressive and sustained impoverishment of the region. He noted that the central state frequently failed to send the funds necessary for local government: while the municipality needed 160 billion (₺60,000 a month) to carry out its tasks, it often received a mere 3 or 4 billion (₺1500), necessitating the piecemeal sale of public land to meet costs. The mayor alleged that when he complained about this to the Minister for Social Security, the minister sequestered his personal assets and used them to pay the salaries of municipal workers.⁶⁹

Each dam displaces great numbers of people at a stroke: at least 150,000, for instance, were flooded out by the Atatürk dam.⁷⁰ Far from improving agricultural prospects, it inundates prime arable land under hundreds of feet of water, damaging the environment and producing localised climate change. As the KHRP fact-finding mission waited for the ferry across Lake Keban, fellow travellers keenly told the delegation of the fate of the people who had lived there before the Keban Dam was built,

“Formerly this area was under snow at this time of year, but now the climate has completely changed. This land was the most fertile for cultivation. The families who farmed it were distributed all over Turkey; many fell into poverty because they had no investments and wasted what little compensation they got.”⁷¹

Because of the dam, locals claim, the area round the dam has warmed up, reducing the snow and rainfall and the volume of water in the dam, and thus its electricity generating capacity. According to a local energy expert, reduced rainfall, combined with the increase in riparian soil erosion after the army burnt all the local forests, causing the dam turbines to silt up quickly, meant that in 2001 only one of the four main turbines of the Keban Dam actually produced electricity. And what little there was went elsewhere: interviewees also noted the hollowness of GAP claims of energy provision to local communities. “80-90% of the electricity produced by the dam goes to the west of Turkey, only a little is used locally.”

45 Mission interviews with the Munzur Valley Protection Association and others, November 15-17 2002.

46 Correspondence, Ursula Scheidl to Nick Hildyard, 28 February 2003

47 All figures from Munzur Valley Protection Association, *Munzur Vadisi ve Barajlar Sorunu*, April 2000, pp.13-17

48 KHRP et al, *Downstream Impacts*, op. cit., pp.13-14, 21-22

49 Shaw Group, “Shaw subsidiary to Lead Consortium for Hydroelectric Power Plant in Turkey”, Shaw Group press release, 20 March 2002, www.shawgrp.com/Press_Releases/2002/032002.cfm, accessed 9 February 2003.

50 For more see Hildyard et al, ‘VA Tech Hydro’, in *Dams Inc.*, op. cit., pp.5-29

51 Scheidl, S./Kien., A. (2003), “Comments on VA TECH report”, email to N. Hildyard, 4 Feb 2003.

52 Turkish Daily News, “Daley: Open Trade is a Win-Win Game”, 3 January 1998

53 *Mechanical Engineering* magazine, News Digest, March 23, 1998

54 US Department of Energy, “US Department of Energy Signs Agreements with Turkey to Boost Energy Technology”, press release, 22 March 2002.

55 Şhin Oylum, ‘Interview with Ata’s Motugan’, (trans. from Turkish by Andrew Penny), *Energate* magazine, undated.

56 All quotations *ibid.*, the last with emphasis added.

57 Interview with chair of HADEP, Tunceli, Turkey, November 16 2002

58 Hildyard, ‘VA Tech Hydro’, op. cit., p.2

59 Kate Geary, interview with the Save Munzur Valley Platform, Istanbul, Turkey, 17 June 2001

60 IHD Diyarbakir branch, *The Burned and Evacuated Settlement Units*, June 1996, pp.41-42

61 Kate Geary interview, op. cit.

62 Mission interview with Hasan Korkmaz, Tunceli, Turkey, 15 November 2002

63 *Ibid.*

64 Law Regarding the Protection of National Parks no.2873; see Appendix D, p.6

65 Mission interview with Hasan Korkmaz, Mayor of Tunceli, Turkey, November 15, 2002

66 Interview with Hasan Korkmaz, Tunceli, Turkey, 15 November 2002

67 *Ibid.*, also Firaz Baran, ‘Dersim is in Pain’, *Özgür Politika*, 7 January 2003

68 Interview with chairman of HADEP, Tunceli, Turkey, 16 November 2002. On 13 March 2003, the Constitutional Court ruled that HADEP should be closed permanently for “aiding” the Kurdistan Worker’s Party (PKK) and “carrying out activities challenging the state”.

69 Interview with Hasan Korkmaz, Tunceli, Turkey, November 15 2002

70 Nick Hildyard et al, ‘VA Tech Hydro’, p.13, in *Dams-Inc.* (Corner House, UK), forthcoming

71 Mission interviews, Tunceli, Turkey, November 17, 2002. Interviewees’ identity not disclosed for security reasons.

4. Conclusion and Recommendations

Even on what can only be in the loosest sense called their merits, the Munzur dams in general and the Konaktepe Dam and HEPP projects are surrounded by an unacceptable number of serious questions. Any objective analysis should consider at length:

- *The proposed expenditure on the projects versus the predicted energy production, making for questionable financial viability, particularly in an glutted energy market;*
- *The lack of benefits and surfeit of burdens born by local people;*
- *Overwhelming opposition amongst local and international community groups and NGOs to the project;*
- *The social and human rights repercussions, including displacement, fragmentation of communities, lack of compensation and lack of consultation;*
- *The disastrous environmental impacts on a beautiful and unique ecosystem;*
- *The domestic legal obligations as well as international law and best practice standards;*
- *The potential for accidents caused by seismological and geological flaws.*

However, when the history of displacement in the Kurdish regions is taken into account, the integral role of dam projects in the manipulation of lives to political ends is considered, and the particular history of Dersim/Tunceli's relationship with the central state is recollected, then the Munzur projects take on quite a different appearance.

It is the considered opinion of the Kurdish Human Rights Project fact-finding mission that the Munzur dams are an egregious and unjustifiable attempt on the part of the Turkish state to assert its control once and for all over a region it has always regarded as troublesome, by flooding the Munzur valley and making the region uninhabitable. While there is always some debate over the balance between costs and benefits in any major project (which is why the WCD now strongly advocates moving away from large dams such as Konaktepe), there seems to be no real argument here.

In the mission's opinion, there is no justification for the Munzur dam projects which can offset their catastrophic human rights, environmental, social and cultural implications. This is because the projects are designed not to provide benefits to local people or even to the rest of Turkey (in which sense the Munzur dams are of even less utility than most GAP dams), but solely to further the Turkish state's hegemonic grip on the local Kurdish population.

The mission therefore recommends:

- *A permanent moratorium on the Konaktepe Dam or any further major dam or infrastructure projects in the Munzur valley; until such time as independent analysis indicates that the social and environmental benefits to local people outweigh the damage and costs;*
- *That all potential funding bodies evaluate the evidence assembled here, in full awareness of the Turkish state's policies towards the Kurds and the potential reputational damage arising out of association with these projects, and seriously reconsider their role in Munzur;*
- *That all companies participating in the projects similarly reconsider their positions, and are aware of the implications of involvement.*

To participate in the Munzur projects, the mission feels, would be to facilitate the human rights violations committed against the Kurdish population by the Turkish state. The Munzur project fails on every level: economic, political, environmental and socio-cultural. The Mission urges a permanent moratorium on its construction.

Appendix A

Excerpts from Özal's letter

President Turgut Özal's letter to Prime Minister Suleyman Demirel

Shortly before his sudden death in 1993, President Turgut Özal sent a top-secret letter to the then Prime Minister Suleyman Demirel, listing a number of proposals for a solution to Kurdish subversive activity, which he looked upon as the gravest danger Turkey faced. The letter was first revealed on the popular Turkish Arena television program and later published in full, along with a copy of it, by the mass circulation daily *Hurriyet*.

The following is a translation of the an extensive excerpt from the letter exactly as published in mid-November 1993, in the English-language weekly *Turkish Probe* and daily *Turkish Daily News*.

Introduction

In the southeast, we are faced with perhaps the most significant problem in the republic's history. The "Kurdish Question" in southeastern Turkey, with its political, social and economic aspects, and with bloody acts of terrorism, poses an ever-growing danger. The beginnings of the problem date back to the final years of the Ottoman rule. In the 15 years that ensued after the declaration of the republic, the state had to put down a number of rebellions [by Kurdish secessionists]. Blood was shed when necessary, and a certain portion of the local population was forced to migrate to the west of the country.

With the annulment of a policy of forced migration following the introduction of democracy in 1950, some of those forced to settle in the west returned. Yet starting from the 1960's, the local population again began shifting towards the west.

Despite the lack of definitive official figures, 60 percent of those called Kurds probably live in sectors of the country west of Ankara. Because the migrations were not planned ones, in certain provinces in the West – such as Adana, Mersin, Izmir, Antalya, and even Istanbul – our Kurdish citizens live in close proximity in certain districts.

Suggestions for a solution

The problem we face is way beyond the simple dimensions of terrorism. Therefore, it is imperative to consider short-, medium, and long-term solutions and to adopt two separate approaches for dealing with the local population and the terrorists.

Short- and medium-term suggestions

Despite the availability of information on the causes of the problem, no in-depth analyses have as yet been made. In order to add to the efficiency of the policies we have been pursuing, our struggle against terrorism must be backed by comprehensive analyses by scientists, both foreign and Turkish. Research groups should immediately be set up with a view to conducting investigations on socioeconomic and psychological aspects of the issue. Public opinion polls should be conducted to improve understanding of the problem. Research groups should comprise scientists, state officials, statisticians, soldiers, and other relevant experts.

- It must be borne in mind that owing to military measures being taken to wipe out terrorist activity, the locals in the Southeast have been subjected to harsh treatment and felt, as a result, estranged. If there have been mistakes made in tackling terrorism, they should be frankly discussed and realistic solutions must be sought.
- A complete overhaul of the training system of security forces is necessary. This should be accompanied by the modernization of their equipment and of the methods they employ to fight against terrorists. They need re-education on "public relations."

- Starting with the most troubled zones, villages and hamlets in the mountains of the region should be gradually evacuated. With this group of PKK (outlawed Kurdistan Workers' Party) supporters, in number no more than 150,000 to 200,000, being resettled in the Western parts of the country according to a careful plan, logistic support for the PKK will have been cut off and their standard of living will have improved. This group should be given employment priorities.
- With the evacuation of mountain settlements, the terrorist organization [PKK] will have been isolated. Security forces should immediately move in and establish complete control in such areas. To prevent the locals' return to the region, the building of a large number of dams in appropriate places is an alternative.
- On all highways in the region, 24-hour patrol duty by special teams is a must. Helicopters in daytime, and night-vision armoured personnel carriers at night, must be on patrol duty. A complete overhaul of the security network in the region is urgent. Security personnel must be transformed from a defensive force to one that is offensive.
- The purchase of 20 Cobra and 20 to 30 Sikorsky helicopters for the security forces deployed in the area will help create a mobile force that can handle incidents that might occur simultaneously. The restructuring of state intelligence organizations active in the Southeast is an urgent priority, to make up for lack of sufficient information on the [PKK's] plans. Coordination must immediately be effected between the National Intelligence Organization (MIT), the gendarmerie's intelligence command, the armed forces, and police.
- A 40,000 to 50,000-strong special force, comprised of fully professional units, with at least one year of special training behind them, should be set up to fight against the PKK. They should be paid satisfactory salaries. Unit commanders in this force should be given leeway to take initiatives on any issue when conditions necessitate it. The special force must not be a force on the defensive. It must be a force that tracks terrorists down and attacks them. Naturally, they should maintain contact with other units deployed in the area and cooperate with them. Ordinary units of the standing army must only be used for routine military duties such as security checks and control.
- Border trade, an important source of income for the local population, must be free. The opening of new border posts with Syria, and the reopening of those that have been closed are necessary. An improvement in border trade will mean new opportunities for the locals and make life easier for at least some.
- In order to cut off logistic support for the PKK, the local people should be won over to the side of the state. The people settled in faraway mountain villages and hamlets should be encouraged to move into bigger settlement areas.
- Given a tendency for the locals to migrate to the west of the country, it would appear that only 2 to 3 million people will inhabit the region in the future. If this migration is not regulated, only the relatively well-off portion of the population will have moved and the poor will have been left behind. Thus the area will turn into a breeding ground for further anarchy. To prevent this, the migration must be regulated by the state. A planned, balanced migration, including members from all segments of society, to predetermined settlements in the West is essential.
- In addition to committing terrorist acts, [the PKK] is spreading widespread, effective propaganda with the purpose of intimidating and ultimately brainwashing the local people to win them over to its side. Counter-propaganda to strengthen local support for the state, to boost morale, and correct disinformation is of crucial importance.
- Therefore, it is imperative that special efforts be spent to inform both the public and the international community of the true nature of developments. In order to do this, the setting up of a special team of experts to create a favourable climate of public opinion is necessary. Thus the scope of our activity in releasing press statements, leaking news, and, if need be, spreading "disinformation" will increase.

- It is of the utmost significance that the statements made to the press regarding the security forces' struggle against terrorists be regulated with the greatest possible care. Press reports, both written and visual, which could be exploited by [the PKK] to highlight itself as either a "heroic or an innocent" organization, must be avoided.

Medium- and long-term suggestions

- Such cities as Adiyamna, Diyarbakir, Urfa, Mardin, Batman, Siirt, Elazig, Malatya, Erzincan, Erzurum, Kars, Ardahan, and Igdır must be turned into centres of attraction for the local population currently settled in the countryside. This should be done through special incentives for investors. Thus, the evacuation of the countryside will have been facilitated.
- Incentives must be provided for the private sector to invest in the region. Corporate tax should be lifted for a long period. Income tax levied on the locals must be decreased and the electricity must be cheapened.
- This problem should be debated freely, in an unbiased manner, in a prejudice-free atmosphere. Through debate, the rights and wrongs will come to light, thus leading us closer to the truth. To bar discussion, to cover up the truth, will not alleviate the problem. On the contrary, it will lead to further chaos because of the adoption of a mistaken approach.

Conclusion

If mistakes are not committed, and inconsistent, unnecessarily hurried action is not taken, the fire in the Southeast will die out in five to 10 years, with the weakening of nationalist sentiment and the decrease of foreign involvement. (Because the fire has undoubtedly been started and fuelled by foreign powers which desire to prevent Turkey from using its historic opportunity to accomplish its aim of becoming a powerful nation.)

State officials must not project an image that shows Turkey as a country afraid of, and intimidated by, terrorism. It will be of a great help to show to the world outside Turkey that the state is capable of tackling such an issue and that it is not at all wary of, or worried about, terrorism.

Therefore, it is the responsibility of all state officials, whatever their rank may be, of politicians, and of the press, to differentiate between terrorists and the local population and to treat them accordingly, in order to maintain our unitary state apparatus and to wipe out terrorism by taking the above-mentioned measures to prevent its incidence.

Appendix B

Turkey and Fulfilling the Copenhagen Criteria for Accession to the European Union: Theory or Practice?

**Memo from the Kurdish Human Rights Project
to
President of the European Union
EU Commissioner for Enlargement
Permanent Representatives of the Member States**

10 December 2002

Background

The Kurdish Human Rights Project is an independent, non-political project founded and based in Britain. The KHRP is a registered charity committed to the protection of the human rights of all persons within the Kurdish regions, irrespective of race, religion, sex, political persuasion or other belief or opinion. Its supporters include both Kurdish and non-Kurdish people. It aims to promote awareness of the situation of the Kurds in Iran, Iraq, Syria and the former Soviet Union, to bring an end to the violation of the rights of the Kurds in these countries, and to promote the protection of human rights of the Kurdish people everywhere.

Considerable political pressure is building up in support of granting Turkey a definite and imminent date to begin EU accession talks. US President George Bush has openly and frequently lobbied Danish Prime Minister Anders Fogh Rasmussen, current holder of the EU presidency, and both German Chancellor Gerhard Schröder and British Foreign Secretary Jack Straw have come out in support of awarding Turkey a specific time to begin negotiations.

Part of the impetus behind this developing consensus comes from the significant legislative changes Turkey has made, particularly in the course of the last year. Turkey passed several reform packages in 2002, notably the Harmonisation Laws of August 3rd, aimed at increasing its compliance with the Copenhagen criteria for EU accession. If implemented, these reforms, taken together with other changes such as the lifting of the State of Emergency (OHAL) in the south-east and improving the conduct of elections, will significantly ameliorate the situation facing Kurdish people in the south-east, and improve Turkey's general human rights, political and social situation immensely.

The Kurdish Human Rights Project therefore regards the processes (and attendant changes in practices) of Turkey's EU accession as absolutely critical to the future well-being of the Kurds of the south-east, and so to the health of the Turkish body politic as a whole. In that context, while we believe that Turkey deserves due acknowledgement of the considerable strides it has made in law, we urge that the EU take all necessary steps to ensure the full and effective implementation of all the reforms Turkey has passed.

What concerns many is that support for Turkey's accession application is not solely due to its efforts at internal reform. There are also undeniable extraneous political factors at work, notably the need to garner Turkish support for the upcoming war with Iraq, and the consequent desire on the part of many to pre-empt accusations of a 'clash of civilisations' between Christian and Islamic societies by showing, through approval of Turkey's application, that the EU is not a 'Christian club'.

The Kurdish Human Rights Project, as already stated, is in no way opposed to Turkey's EU accession application, but we are convinced that it must be evaluated not on the grounds of theoretical reform but on concrete and tangible improvements in human rights and other social practices in areas where Turkey was previously deficient. In the course of our work and frequent fact-finding missions to the Kurdish regions of Turkey, the KHRP has heard numerous allegations of continued malfeasances by gendarmerie, police, army and elected officials, despite the nominal improvements undertaken by the Turkish state.

Below, we divide these reports into three sections: problems supposedly rectified by the recent changes; ongoing and unrectified wrongs; and new and scarcely known malfeasances. We urge the member states of the European Union currently considering Turkey's application to bear this evidence in mind, and to take all necessary steps to ensure that ongoing Turkish reforms, admirable in theory, become consistent and equally admirable practice.

Part One: Rectified?

Harmonisation Law: Perhaps the most eagerly anticipated section of these reforms, for Kurds at least, was the right to broadcast and teach in Kurdish. Their hopes have not, however, been fulfilled. The head of the broadcasting authority ruled in November that private broadcasting in Kurdish is not allowed; only state television and radio can be used, and then only for a maximum of 30 minutes per day, two hours a week for TV (45 minutes a day, four hours a week for radio).

Similarly, only citizens of Turkey are permitted to teach Kurdish, leading to a massive shortfall in qualified personnel; Kurdish teachers have never been trained in Turkey, as only a decade ago the Kurdish language was banned outright. Moreover, students may only attend Kurdish courses on weekends or holidays, and then only if they are between 12 and 18, have completed primary school and have a certificate confirming they are neither physically or mentally handicapped. Institutes must gain the permission first of the central government and then of the National Security Council to open premises.ⁱ Under these conditions, says the chair of the Diyarbakir Teachers' Union, instruction is "simply impossible."ⁱⁱ

The use of Kurdish in everyday circumstances still frequently leads to prosecution on grounds of separatism. In recent cases, a woman received a sentence of nearly four years for attending a program at the Kurdish satellite channel Medya TVⁱⁱⁱ; a father was prosecuted for naming his daughter after a Kurdish character in a popular TV soap, one of dozens of instances of attempted prosecutions of families trying to register their children with Kurdish names^{iv}; a Turkish singer was threatened by the Commander of the Aegean Army and the Minister of Culture for presenting a "domestic threat" by singing Kurdish songs^v; and seven members of the Diyarbakir branch of the Human Rights Association (IHD) were prosecuted for spelling the name of the Kurdish New Year celebration on posters with a 'W' instead of a 'V'^{vi}.

There is also the suggestion that many of the reforms will be overturned. Last week the Turkish media reported that the government, prompted by the opposition Republican People's Party (CHP), will cancel the sections of the reforms which allow for retrials if domestic decisions are found in violation of the ECHR and remove the time limitation on the ability to bring legal action over torture cases. Ironically, they will also rescind the proposed amnesty for students dismissed from university for presenting petitions in favour of education in Kurdish.^{vii}

The reforms themselves are also crafted in such a way that they provide considerable latitude for repression to continue unabated. Notable amongst these provisions are the Article 2 definition that "expressions of thought" can be "made only for criticism, without the intention to insult or deride [state] bodies or institutions", and the frequent reiteration of prosecution for "those who are found to be against the indivisible integrity of the state with its territory and nation, the Constitutional order or public morality," the rubric usually invoked in cases of separatism.

State of Emergency (OHAL): The state of emergency legislation, known as OHAL, was finally lifted officially in Hakkari and Tunceli provinces at the end of July this year and in Diyarbakir and Şirnak provinces at the end of November, a full three and a half years after the ceasefire of the conflict by which it was justified. Having been in place throughout the Kurdish regions since 1987 and extended at least 40 times, OHAL was a remarkably long state of 'emergency' by any standards, and it is perhaps therefore no surprise that recent KHRP missions to the region have revealed that very little has changed, as interviewees universally suggested.

The missions discovered that the regime of arbitrary roadblocks and detention, fear and intimidation is still very much in place. As one report, written by a distinguished law professor, notes, "It is difficult to communicate to those who have not been subjected to them how wearing, fear-inducing, and enervating is the experience of constant subjection to unbridled official controls on freedom of movement."^{viii}

The continuing presence of both the infrastructure and, equally importantly, the prevailing mentalities of OHAL among both the security services and the local population, have serious impacts on the legitimacy of independent civil and political life in the Kurdish regions. It continues to be highly problematic for people to go about their daily lives, let alone

to exercise their theoretically upgraded rights of association and expression. In that sense, it is difficult to accept, in the Kurdish regions at least, that Turkey now fulfils the basic requirements of a modern state, in terms of having functional institutions ensuring democracy and respect for human rights.

Elections: Although the conduct of the recent national elections undoubtedly represents an improvement on those conducted in 1995 and 1999, which featured the murder and assault of pro-Kurdish candidates and the bombing, disqualification and dissolution of their parties, there are still serious deficiencies in the electoral processes in Turkey. Allegations have been raised, by the victorious Justice and Development Party (AKP) among others, that army leaders frequently visited Kurdish villages to 'advise' villagers that if they voted for DEHAP, the pro-Kurdish party, they would suffer a variety of penalties, including torture and displacement from their homes. DEHAP officials were prevented from going to the villages to campaign. In some villages, ballots were open; opponents of this policy were detained and in at least one case, shot. DEHAP also estimated that up to a third of their votes, between 1 and 2% of the electoral total, disappeared.^{xi}

In general, KHRP mission interviewees reported that physical pressure had been replaced with more psychological methods: while polling stations are generally no longer located in Gendarmerie stations, the police and army waited at polls armed with a list of people wanted for 'questioning'. False entries in the electoral register left many Kurds ineligible to vote. Reporting of pro-Kurdish political activity in the mainstream Turkish media was almost negligible. Perhaps only 30% of displaced people, of whom there are over 3 million in Turkey, in the regions visited by the missions were eligible to vote. In the words of one Tunceli official, "There may have been some improvement, but even so, if they tried these kinds of things in England, there would be outrage."^x

Moreover, prior to the election, the military disbarred three major parties and dozens of potential candidates, one of whom was the AKP's own leader, Recep Tayyip Erdoğan, whose barring ironically caused the now Prime Minister, Abdullah Gül, to remark that Turkey "is not so free after all."

Torture: Despite claims to the contrary, along with extrajudicial killing, abduction, disappearance, unlawful detention and other egregious human rights violations, torture is still a systematic occurrence in Turkey, which shows no sign of declining. Figures compiled by the IHD show rather a progressive and disturbing *increase* in recorded torture cases, from 346 in 1996 to 762 for the months of January to September 2001 alone.^{xi}

Amnesty International (AI) found in its 2002 Annual Report that, "all the factors that contribute to the persistence of systematic torture and impunity for perpetrators, and which we documented in October 2001, are unfortunately still in place." AI likewise found a shift from flagrant to more subtle forms of violation. "In 2002, Amnesty International has observed the increasing use throughout the country of more sophisticated torture methods that do not leave visible marks... such as electric shock, hanging by the arms and falaka (beating on the soles of the feet)." AI also listed an array of other torture methods still widely practised, including rape and other sexual abuse, beating and psychological assaults.^{xii}

Amnesty International also criticised the so-called "Mini-Democracy" reforms of February 2002, supposed to improve freedom from torture, as inadequate. AI noted that many dubious legal provisions remain essentially unchanged, such as Article 159 of the Penal Code, used to prosecute women who have denounced rape in custody under the rubric of "insulting the security forces". Others, like Article 8 of the Anti-Terror Law, No. 3713, on 'separatist propaganda', have actually been enlarged in scope.^{xiii}

Human Rights Watch has likewise concluded that reform of torture practices has been insufficient and ineffective. In a statement of September 10th, HRW noted that "torture... continues to be rampant in Turkish prisons and police precincts. In February 2002, the government enacted reforms aimed at curbing torture, but since then Human Rights Watch has received reports of 29 cases of torture and ill-treatment involving 52 individuals, including four juveniles."^{xiv}

A recent KHRP trial observation of a torture case noted, "the complete failure of the legal process to protect detainees from ill-treatment, which is then compounded by an unwillingness and inability to prosecute those responsible for it... It appears that the criminal courts are used as a vehicle for oppression, and the integrity of the rule of law has been compromised as a result." It concluded, "Torture of detainees in Turkey would seem to be as rife now as ever before."^{xv}

Spurred by the imminent Copenhagen meeting, the Turkish cabinet last week passed draft legislation, as yet not ratified, which would improve detainees' legal access and facilitate prosecution of alleged torturers. Yet even from this rushed piece of prospective legislation the cabinet removed an amendment which would have permitted the retrial of Leyla Zana

and the other DEP MPs sentenced to 15 years in prison after the dissolution of their party in 1994, even though a landmark judgement of the European Court of Human Rights (ECtHR) in June this year found Turkey in violation of the right to free elections^{xvi} (Article 3 of Protocol 1 to the European Convention on Human Rights [ECHR]) in the DEP case.^{xvii}

Meanwhile, deaths in custody continue apace. In an emblematic case, on August 6 this year the Istanbul Security Department reported the death of Ilkay Tasdemir, who allegedly threw himself out of the fifth floor window of the Security Department while in handcuffs. Members of the IHD who went to the police to question this account of Tasdemir's death were taken into custody themselves.

Role of the Military: The most obvious embodiment of the dominant role of the military in Turkish civic and political affairs is the National Security Council, which exerts a powerful constitutional mandate over national and government policy in a way unparalleled in Europe. According to Article 118 of the Turkish Constitution,

*The National Security Council shall submit to the Council of Ministers its views on taking decisions and ensuring necessary coordination with regard to the formulation, establishment and implementation of the national security policy of the state. The Council of Ministers shall give **priority consideration** to the decisions of the National Security Council concerning the measures that it deems necessary for the preservation of the existence and independence of the State, the integrity and indivisibility of the country and the peace and security of society.*

While recent reforms have meant that the military members of the NSC are no longer numerically superior to the civilians on the Council, there is no evidence that their practical dominance of power has receded. Rather, the power of the military is reinforced both by further institutional anomalies (unlike in other European states, the army is not under the authority of the defence minister), and its remarkable financial autonomy – the army has lucrative interests in industries from biscuit manufacture through to cars and insurance.

Quite apart from its institutional inappropriateness to European civil society, this has serious consequences for the formulation of policy throughout Turkey, and particularly in the Kurdish regions. It also calls the independence and validity of judicial processes into question, particularly in the military and state security (DGM) courts. The recent physical removal of soldiers from some of these courtrooms does not mean that their corollary, an atmosphere of intimidation inimical to the conduct of balanced justice, has likewise been taken away.

Indeed, while the military presence in some areas of Turkish society has decreased, in others it has actually become stronger; the army conducted a wholesale purge of civilians from its Secretariat and the state defence department in 2000, signalling a further militarisation of both. Soldiers, in the form of the Gendarmerie, are still responsible for policing more than half the country, and civilians may still be tried by military courts for criticising the institution of military service or “insulting the armed forces”.

Part Two: Unresolved Questions

A pattern emerged in the first section of this memo, in which many of Turkey's vaunted reforms turned out to be worth considerably less than advertised. Flagrant and egregious violations of human rights were often eradicated just on paper, or transformed into practices which are more insidious but scarcely improved, and occasionally are actually worse. There are, however, a number of serious malpractices to which little if any reformist attention has yet been turned. Among these are:

Displacement: During the course of the 18 year armed conflict between the Turkish security forces and the Kurdistan Workers' Party (PKK), over 3 million people were forcibly displaced from their homes in the rural areas of the Kurdish south-east. In many strategic areas, such as border regions, the Turkish army systematically razed villages to the ground; in others, settlements were subsequently occupied by state-sponsored Village Guards. The Turkish state consistently refuses to grant displaced people the permanent right to return to their home villages; they are reduced to precarious lives squatting illegally in slums on the outskirts of major cities, unwilling or unable to re-register with the local authorities and thus often prevented from obtaining education or employment.

The length of time of displacement and physical damage wrought to the villages are such that people now need state aid to rebuild the infrastructure, agriculture and animal stocks of the rural areas. Yet villagers are often permitted to return only during daylight hours, and the relatively rare instances of state aid usually amount to no more than a barrow-load of bricks and a few wooden poles. There have been several cases of people disappearing or being killed after returning to their villages.^{xxviii}

Rather than permit people to return to their villages of origin, the state prefers to return them selectively to so-called 'centralised villages', settlements with a village guard or military outpost at their centre and linked to other settlements by a network of roads allowing easy military access to the area. The Turkish state has attempted several of these projects; for the most recent, the Köykent or Village Return project, reminiscent of a discredited 1970's endeavour of the same name, Turkey has applied to the World Bank for a \$300 million grant.

Displacement is particularly hard on women; their sustaining social networks are destroyed and they often find themselves unable to communicate with their own children. In that sense displacement does incalculable damage to Kurdish culture, and many analysts have suggested that it is part of a wider plan, outlined in a well-known leaked memo from then President Özal to then PM Demirel, to assimilate the Kurds into mainstream Turkish culture by forcing them to leave the Kurdish regions^{xxix} (see also *Part Three: GAP and Ongoing Dam Projects*).

The European Court of Human Rights and Domestic Justice: As the European Union itself pointed out in concluding in its 2002 Regular Report that Turkey "does not meet the political criteria" required to enter into EU accession talks, one of the country's most significant failures is the continuing high number of cases filed against it in the ECtHR. The Report details that between October 1 2001 and June 30 2002, no fewer than 1874 applications against Turkey were made to the ECtHR. Of these, the majority, 1125, came under Article 6, the right to a fair trial, casting fundamental and profound doubt on the legitimacy of Turkish domestic justice. A further 304 cases came under Article 5, the right to liberty and security; 246 under Article 3, the prohibition of torture; 104 to Article 11, freedom of assembly and association; and 95 to Article 10, freedom of expression. Moreover, when eventually heard, judgments in these cases go overwhelmingly against Turkey; as of August this year, Turkey had lost 260 ECtHR cases and won a mere 11.^{xxx}

Even more seriously, the Report also noted that, "Turkey's failure to execute judgments of the European Court of Human Rights remains a serious problem." It cited 90 cases in which Turkey failed to ensure just satisfaction of the Court's orders, and a further 18 freedom of expression cases in which the state failed to rectify the consequences of domestic criminal convictions which violated the ECHR. This concurs with the conclusion of the Committee on Legal Affairs and Human Rights of the Council of Europe Parliamentary Assembly, which argued in September that Turkey consistently fails to implement adverse ECtHR judgements.

The Kurdish Human Rights Project is familiar with these failures, having brought a very sizeable number of the cases in which judgment was found against Turkey. Indeed, after no fewer than three KHRP cases the Committee of Ministers issued interim measure resolutions denouncing Turkey for its lax and recalcitrant efforts at legal reform. In particular, many of the cases in which Turkey has failed to implement adverse judgements relate to village clearances and the Turkish government's continued refusal to pay compensation awarded against them to Kurdish villagers.

While some may try to mitigate the significance of the high volume of ECtHR cases against Turkey by claiming that they are the legacy of an earlier period of conflict, Turkey's failure to implement adverse judgements, despite these frequent admonitions from EU officials, indicates that the residual mentalities of that period still dominate the judicial system. Whatever symbolic changes have been enacted, the same deeply flawed processes continue to operate in practice. "More than two years after the original complaints, the Turkish legal system is yet to properly investigate or require the attendance of the defendants at court," a recent KHRP trial observation report noted. "This complete lack of commitment to bringing the perpetrators of torture to justice is in fact an implicit encouragement to them in the continuance of their inhuman practices."^{xxxi}

Moreover, the number of people held in Turkey's prisons, themselves repeatedly found in violation of human rights standards,^{xxxii} only represents a tiny proportion of those detained by the security services. Most human rights organisations in Turkey estimate that less than 5 per cent of people detained, some for extended time, are ever formally arrested.^{xxxiii}

Independence of the Press: Newspapers and journalists who pursue a line of debate deemed too critical of the major institutions of the state are still subject to sudden and often savage repressions. This particularly applies to Kurdish

publications. The pro-Kurdish weekly *Yedinci Gündem* (The Seventh Agenda, thus called because its previous six incarnations were also shut down) ceased printing in August this year after heavy police harassment, the filing of over 30 court cases against it and the enforcement of large fines against its editor and publisher. But it also applies to other outlets: *Serbesti*, an independent scientific publication, has had every one of its issues confiscated. A magazine was charged with “spreading the propaganda of the terrorist organisations and their members,”^{xxiv} for publishing the poetry of Pablo Neruda.

Journalists are regularly threatened and abducted. In September this year, Reporters Sans Frontieres (RSF) denounced the kidnapping and intimidation of Ahmet Un, a journalist on a weekly paper in Diyarbakir who was threatened with death if he did not provide information to the security services. In its 2002 Annual Report, RSF noted, “Despite the announcement of democratic reforms within the framework of Turkey’s candidacy for membership of the European Union, prosecutions for beliefs and opinions are still systematically and severely punished by virtue of a repressive legislative arsenal aimed at protecting the state from demands by the Kurds, Islamists and the far left.”^{xxv}

Such demonstrable curtailment of freedoms of thought and expression are incompatible with the values of democracy and human rights which modern states rightly claim as the foundations of their legitimacy. They also cast serious aspersions on the legitimate function of the electoral and judicial processes in Turkey.

Internal exile: The practice of ‘internal exile’, sending workers in public sector industries and civil servants to posts in other provinces without granting them permission to take their families, continues to be widespread in Turkey. As well as being highly traumatic and disruptive for the families concerned, internal exile has a wider ‘chill effect’ of repression and self-censorship. As the state does not have to provide justification for the move, and it is widely known that active or vocal workers are the ones likely to be transferred, many people prefer to remain quiet about state abuses rather than risk dislocation, creating a false sense of the legitimacy of various state actions. As one interviewee remarked on a recent KHRP mission to Hakkari, “There was not that much exile here because we didn’t undertake any activities. You must get permission to do anything, and we knew we wouldn’t.”^{xxvi}

Disempowering elected officials: Many elected officials in the Kurdish regions, particularly those from the pro-Kurdish parties, report that the state undermines their abilities to act in several ways. The most common is simply to cut their operating budgets drastically. The Mayor of Hakkari, a member of the pro-Kurdish party DEHAP, told a recent mission that the central government had cut his budget by 80%, leaving him unable to make any investments to develop the local economy. Public officials in Hakkari have been unpaid for 15 months, a far from unusual state of affairs in Turkey.

Similarly, the Mayor of Tunceli, although a member of the CHP, now the official opposition in Parliament, claimed that the state had reduced his budget from 160 billion lira per month to around 3 or 4 billion lira, around 2,000 euros a month. Often they received nothing at all. To pay his officials, the mayor was forced to sell off public land piecemeal. Furthermore, the mayor claimed that when he mentioned the problem to the Minister for Social Security, the minister sequestered the mayor’s own personal assets and forced him to pay state workers with his own money.^{xxvii}

The impact of these budgetary cuts is multifarious. It encourages corruption, as officials need to extract rents to make up for their shortfalls in income. It delegitimises elected representatives, who are unable to enact policy changes, and thus undermines the process and the credibility of democracy in Turkey. It also progressively impoverishes the regions, predominantly Kurdish, in which the cuts take place, a process which many analysts and officials believe is connected to Turkey’s systematic efforts to depopulate the Kurdish areas (see above, *Displacement*).

The Turkish state also frequently removes elected officials from office directly. The Kurdish mayor of the city of Van was ousted from his position in September by the Administrative Court, despite the fact that Article 312 of the Turkish Penal Code, under which he was convicted of “sedition”, has been changed as part of Turkey’s reform package.^{xxviii}

Closure of independent civil society organisations: As of late November this year, cases were ongoing against some of the foremost civil society organisations in Turkey which aim to mitigate the ongoing excesses of the Turkish state. Turkey’s main human rights group, the Human Rights Association (IHD) faced attempts to close the entire organisation, on the grounds that officials of the IHD’s Siirt branch allowed a member of the former pro-Kurdish party, HADEP, to make a speech that “insulted the courts and police”. Eren Keskin, advocate with the Istanbul branch of the IHD, was also on trial, accused of “separatism” for a speech delivered at a German conference.

Similarly, prosecutors in Istanbul were seeking three years in jail for the head of Göç-Der, the main group aiding displaced people in Turkey, on the grounds that a report detailing the forced migrations of Kurds to Istanbul in recent years “incited hatred among people on ethnic and regional differences.”^{xxxix}

The effects of these continuous attempts to harass, threaten and dissolve such independent organizations as exist in Turkey do not bode well for the country’s prospects of adhering to the Copenhagen criteria. The existence of groups and NGOs which proffer a critical perspective of the actions of governments, armies and states is widely acknowledged to be a *sine qua non* of modern functional democracy, and their repression conflicts in both form and spirit with the fundamental precepts of the European Union.

Part Three: Little-Known Problems

While this memo has now detailed both the many ways in which Turkish reforms do not measure up to expectations and the areas in which reforms have largely not been undertaken at all, there is a third arena which has not yet been addressed. These are issues, largely related to major infrastructural projects involving foreign states and companies, which although not widely discussed in the context of EU accession, nonetheless present possible human rights violations which are highly traumatic for those affected and thus antithetical to the fundamental principles of the European Union. Since they may therefore imperil Turkey’s prospects for accession, it is important that they too be added to the current debate to facilitate immediate rectification. Among them are:

The Baku-Ceyhan Pipeline (BTC): In the Project Agreement Turkey has signed to participate in this massive oil project, called the Host Government Agreement (HGA), it makes some extraordinary concessions. The HGA overrides all conflicting domestic law, both present and future, bar the Constitution. This means that should a future Turkish state decide to pass more stringent environmental, human rights or social laws to regulate the pipeline regions during the 40 to 60 years the project is scheduled to last, the construction consortium led by BP will be exempted from them. Except in extraordinary circumstances, only BP and its consortium can terminate the HGA.

Moreover, should those new laws affect the “Economic Equilibrium”, or profitability, of the project, Turkey must pay BP open-ended compensation. That is not the only blank cheque Turkey has signed: it has also indemnified any extra cost of building its section of the pipeline, above the \$1.4 billion BP gave the state construction company BOTAS. Not only was the general cost estimate at least \$2 billion, but since pipeline costs normally spiral after the actual construction begins, Turkey, a country deep in its most serious economic crisis since the 40s, is potentially facing a bill of many billions of dollars. Those costs might very well breach the guarantee ceiling imposed by the IMF as part of its bailout package.

There is very serious concern among legal observers that the HGA and other project documents will lead to breaches of Turkey’s obligations under the European Convention of Human Rights, and that the agreements will seriously imperil the process of EU accession. Moreover, there is a strong likelihood that the pipeline, behind which there is enormous political pressure led by the US and Turkish governments as well as BP, will perpetuate serious human rights abuses in the Kurdish regions through which it runs. Notable among them are the pipeline’s ‘double displacement’ effects, adding another serious barrier to displaced people’s efforts to return to their home villages. The fact that the pipeline will be policed by the Gendarmerie, the paramilitaries implicated in some of the very worst atrocities inflicted on Kurdish civilians, whose human rights record BP themselves have called “not good”, is also a cause of grave concern.^{xxx}

GAP and Ongoing Dam Projects: The construction of the Southeast Anatolian Project (GAP in Turkish), a multiplicitous network of vast dams and hydro-electric plants across the rivers of the Kurdish regions, is ostensibly to meet Turkey’s rising domestic power needs. Analysts have charged, however, that GAP has another objective: to force and perpetuate the displacement of the Kurds from their regional heartlands and encourage their assimilation into mainstream Turkish society.

Prime evidence for this assertion comes from a leaked 1993 memo from then President Özal to then PM Demirel, which deals systematically with methods to solve “the Kurdish Question”, states that, “Starting with the most troubled zones, villages and hamlets in the mountains of the region should be gradually evacuated... [and] resettled in the Western parts of the country according to a careful plan... Security forces should immediately move in and establish complete

control in such areas."The memo continues, explicitly, "To prevent the locals' return to the region, the building of a large number of dams in appropriate places is an alternative."^{xxxii}

Dam projects that form part of GAP, such as the Ilisu, Yusufeli and Hakkari Dams and the several dams due to be built in the Munzur Valley National Park, if built regularly displace tens of thousands of people and disrupt the lives of tens of thousands more, often with little or no compensation or even consultation of those affected. Again, there are serious questions over the compatibility of projects such as these, in form, spirit and intention, with the Copenhagen criteria. Certainly their scale and the mode in which they are conducted find no parallel in the practices of EU member states.

Conclusion

There is no doubt that Turkey has exerted considerable energy towards reforming the legal framework of its institutional and political practices over the past twelve months, and deserves a portion of the acclaim it has received for its efforts. It is critical, however, to remember just how far Turkey had to come to even enter the frame for credible consideration as a modern functioning democratic state with appropriate respect for human rights. That has truly been a long road, and as many strides as Turkey has taken along it, many more remain.

It is equally crucial to recall that genuine reform of the sort needed to meet the Copenhagen criteria in both form and spirit, particularly the requisite of "stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities," needs more than merely formal legal change. It also requires a demonstrable commitment on the part of authorities at all levels to enforce and ensure the new frameworks operate in practice. That in turn necessitates both a firm ideological commitment to deep and genuine reform on the part of major power holders, and a period of transition, often extended, during which new modes of institutional and administrative behaviour are established and learned and cadres of officials entrenched in old modes of thinking and action are replaced.

A clear-sighted look at the situation in Turkey reveals that while none of these essential elements of true, as opposed to superficial, reform are necessarily precluded, it is certainly far too early to say that they are definitively present. The reforms of the past year are too recent to have effected a significant change in practices in Turkish life as yet, and as this memo shows, most of them amount to far less than advertised. Not only are they largely superficial, but they lack the institutional will to proper enforcement, without which they remain merely nominal. There are also a number of serious and systemic violations of human rights which continue in the Turkish polity largely unabated by reform efforts. Finally, there are a number of significant issues, largely related to major infrastructural projects involving foreign states and companies in Turkey, which despite possibly imperilling the accession process through their legal and human rights implications, have not yet been considered in the accession debate.

As Romano Prodi, President of the European Commission, has only today been quoted as saying, it is therefore incumbent upon the European Union to ensure that its standards for accession are not traduced by a piecemeal and superficial adherence to the Copenhagen criteria on the part of applicant states, one which precludes rather than produces real change in respect for democracy and human rights. If the EU does not ensure that changes in theory are matched by equivalent changes in practice, it risks irreparable damage to its credibility and integrity. It also risks compounding rather than alleviating the systematic violations to which the Kurdish citizens of Turkey have been subjected for decades, and thereby reigniting the bloody conflict which wracked the southeast for nearly two decades.

The Kurdish Human Rights Project therefore urges the representatives of the European Union meeting in Copenhagen this week not to submit to irrelevant and unfair external political pressure, and to consider in detail whether Turkey's reforms are sufficiently proven and established to grant a definite date for the start of accession talks. To offer rewards for work not yet done is to set a precedent which imperils rather than expedites the utterly desperate need for genuine human rights reform in Turkey. We trust that such rewards will only be made on merit.

- i Selcan Hacaoglu, 'Turkey to Air Limited Kurdish Language Programming', *Associated Press (AP)*, November 20, 2002; Nick Thorpe, 'Kurds unmoved by Turkish pledge: want unrestricted broadcasts in their language', *BBC*, November 22, 2002
- ii *Neue Zuercher Zeitung*, September 20, 2002
- iii Sultan Ogras, a member of HADEP women's branch, was sentenced by No.2 Diyarbakir DGM. *Özgür Politika*, August 16, 2002
- iv *AP*, September 7, 2002
- v *Hurriyet*, September 1, 2002
- vi KHRP Fact Finding Mission report, '*W*' and Torture: *Two Trial Observations*, September 2002
- vii 'HADEP denounces steps to cut back reforms', *Turkish Daily News*, December 3, 2002
- viii KHRP Fact Finding Mission report, "The Lifting of the State of Emergency: A Democratic Future for the Kurds?", November 2002
- ix Jim Lobe, 'Turkish Security Forces Accused of Intimidation in November 3 Elections', *Yahoo.com News*, December 2, 2002; Andreas Schug, *Neues Deutschland*, November 6, 2002
- x KHRP Fact Finding Mission report, "*This is the Only Valley Where We Live*": *The Impact of the Munzur Dam*, forthcoming
- xi IHD torture figures:

1996	346
1997	366
1998	498
1999	596
2000	594

January-September 2001 762 individuals (for comparison:
January-September 1999 472 individuals;
January-September 2000 508 individuals)

IHD reports the incidents of which it is aware. It cannot know the totality. In 2000 it reported 1,023 clients applied to its clinics. In 2001, the figure was 1,200. It is not possible to draw much conclusion from these two figures, since the figures do not reflect the number of tortures occurring in a single year, and may only reflect a growing courage on the part of the torture victims. Perhaps it is more noteworthy to consider the view of human rights advocates who vary in their assessment that this is only the tip of the iceberg, which in their view may be **anything between five and twenty times greater than the number of clients indicate.**
- xii Amnesty International, 2002 Annual Report, Turkey, September 1, 2002
- xiii Amnesty International, "'Mini-Democracy' law does not guarantee freedom of expression or freedom from torture", February 19, 2002
- xiv Human Rights Watch, September 10, 2002
- xv KHRP, '*W*' and Torture, op. cit.
- xvi More on the imprisoned Kurdish MPs is found at <http://www.ipu.org/hr-e/171/Tk39.htm>
- xvii Suzan Fraser, 'Turkey approves Anti-Torture Legislation', *AP*, December 3, 2002
- xviii For a more extended analysis, see Human Rights Watch, *Displaced and Disregarded: Turkey's Failing Village Return Program*, October 2002. Also KHRP Fact Finding Mission report, *Internally Displaced Persons: The Kurds in Turkey*, June 2002
- xix President Turgut Özal, memo published in *Turkish Daily News and Daily Probe*, November 18, 1993
- xix Commission of the European Communities, *2002 Regular Report on Turkey's Progress towards Accession*, October 9, 2002. Also *Hurriyet*, October 10, 2002
- xx KHRP, '*W*' and Torture, op. cit.

- xxi KHRP Fact Finding Mission Report, *The F-Type Prison Crisis and the Repression of Human Rights Defenders In Turkey*, October 2001
- xxii In its report for 1998, the Turkish human rights organisation Mazlum-Der reported that out of 35,914 people whom it knew who had been taken into detention the number of people actually arrested was only 1,279, approximately 3.5 per cent of those detained. For the same period, the Istanbul branch of another human rights organisation, IHD, reported it was aware of 23,312 people detained in Istanbul, of whom 560 had been formally arrested, approximately 2.4 per cent of those detained. TIHV reported that it was aware of 48,095 persons detained by the police during the first eleven months of 1999. Of these, 2,056 were arrested, some 4.3 per cent of those detained. These statistics indicate that over 95 per cent of those detained by the police were released without charge. IHD's current annual balance sheet has a slightly different criterion, but this again demonstrates the fact that ten times as many people are detained as are ever jailed:
- | | | | | |
|------|--------|----------|-------|--------------------------------|
| 1996 | 20,434 | detained | 2,071 | jailed |
| 1997 | 27,308 | | 1,273 | |
| 1998 | 42,991 | | 3,659 | |
| 1999 | 50,318 | | 2,105 | |
| 2000 | 35,007 | | 1,937 | |
| 2001 | 35,389 | | 2,634 | (NB figures for Jan-Sept only) |
- xxiii *KurdishMedia.com*, August 28, 2002; *Özgür Politika*, September 10, 2002
- xxiv Reporters Sans Frontieres, 2002 Annual Report, September 9, 2002
- xxv KHRP, "This is the Only Valley Where We Live": *The Impact of the Munzur Dam*, op. cit.
- xxvi Ibid.
- xxvii *Anatolia News Agency*, September 19, 2002
- xxviii 'Court hears case to ban human rights association', *Turkish Daily News*, November 22, 2002
- xxix For more on the Baku-Ceyhan pipeline, see Platform et al., *Some Common Concerns: Imagining BP's AGT Pipelines System*, London, 2002; Anders Lustgarten, 'Why Campaigners Oppose the Pipeline', *The Observer*, December 1, 2002
- xxx Özal memo, op. cit. See also KHRP Fact Finding Mission reports, *Downstream Impacts of Turkish Dam Construction on Syria and Iraq*, July 2002; *The Ilisu Dam: Displacement of Communities and Destruction of Culture*, October 2002
- xxxi *Frankfurter Allgemeine Zeitung*, December 11, 2002

Appendix C

UNITED NATIONS OFFICE FOR THE COORDINATION
OF HUMANITARIAN AFFAIRS –

Guiding Principles on Internal Displacement

**Foreword to the Guiding Principles
by Under-Secretary-General for Humanitarian Affairs
Mr. Sergio Vieira de Mello**

The humanitarian community is increasingly aware of the crisis of internal displacement which affects over 20 million people worldwide. While responsibility for the protection of IDPs rests first and foremost with national governments and local authorities, it is important for the international community to see how best it can contribute to enhancing the protection of IDPs in conflict and crisis situations. We must also design humanitarian assistance in such a way that it will promote the protection of IDPs.

Within the United Nations system, significant steps have been taken to enhance an effective and timely response to the needs of internally displaced persons (IDPs). The Inter-Agency Standing Committee (IASC) has entrusted me with the responsibility to act as Focal Point within the UN system for issues relating to the internally displaced. In discharging this mandate, I am committed to enhancing the capacity of the United Nations as a whole to respond to situations of internal displacement as well as to promoting strong coordination and a clearer division of institutional responsibilities and adequate support to operational agencies.

In this context, I welcome the issuance by the Secretary-General's Special Representative on IDPs of the Guiding Principles on Internal Displacement. These Principles, which are based upon existing international humanitarian law and human rights instruments, are to serve as an international standard to guide governments as well as international humanitarian and development agencies in providing assistance and protection to IDPs.

The IASC fully supports the Guiding Principles and has encouraged its members to share them with their Executive Boards and with their staff, especially those in the field, in order to ensure that the Principles are applied in their activities on behalf of internally displaced persons.

I believe that the Guiding Principles can play a significant role in raising awareness of the needs of IDPs, mobilizing support within the humanitarian community and helping field colleagues to find solutions when confronted with the protection and assistance needs of the internally displaced. The Principles will also assist governments in providing for the security and well-being of their displaced populations.

I hope that each of you will work to ensure the widest possible dissemination and application of the Guiding Principles in order to achieve the much needed improvement in the status and treatment of internally displaced persons.

Introductory Note
by the Representative of the Secretary-General
on Internally Displaced Persons
Mr. Francis M. Deng

The international community is confronted with the monumental task of ensuring protection for persons forcibly uprooted from their homes by violent conflicts, gross violations of human rights and other traumatic events, but who remain within the borders of their own countries. Nearly always they suffer from severe deprivation, hardship and discrimination. It is to meet this challenge that the Guiding Principles on Internal Displacement were developed.

The Principles identify the rights and guarantees relevant to the protection of the internally displaced in all phases of displacement. They provide protection against arbitrary displacement, offer a basis for protection and assistance during displacement, and set forth guarantees for safe return, resettlement and reintegration. Although they do not constitute a binding instrument, these Principles reflect and are consistent with international human rights and humanitarian law and analogous refugee law.

The Principles were developed over several years pursuant to the mandate given to me in 1992 by the Commission on Human Rights and reinforced by subsequent resolutions of both the Commission and the General Assembly. Initially I was asked to study the causes and consequences of internal displacement, the status of the internally displaced in international law, the extent to which their needs are being addressed under current institutional arrangements, and ways to improve protection and assistance for them.

Accordingly, developing needed legal and institutional frameworks for the internally displaced and undertaking country missions to engage Governments and others in a dialogue on their behalf have been the main activities of my mandate. In collaboration with a team of international legal experts, I examined the extent to which internally displaced persons receive adequate coverage under international law and produced a "Compilation and Analysis of Legal Norms" (E/CN.4/1996/52/Add.2). The study found that while existing law provides substantial coverage for the internally displaced, there are significant areas in which it fails to provide an adequate basis for their protection and assistance. Subsequently, the Commission and the General Assembly requested me to prepare an appropriate normative framework for the internally displaced. This led to the drafting of the Guiding Principles which both restate existing norms and seek to clarify grey areas and fill in the gaps.

After I presented the Guiding Principles to the Commission in 1998, the Commission adopted a resolution taking note of the Guiding Principles and of my stated intention as the Representative of the Secretary-General to use them in my ongoing dialogue with Governments and all those whose mandates and activities relate to the needs of the internally displaced. The Commission also took note of the decision of the Inter-Agency Standing Committee, which had welcomed the Principles and encouraged its members to share them with their Executive Boards and staff, especially in the field, and to apply them in their activities on behalf of the internally displaced.

The Guiding Principles should provide valuable practical guidance to Governments, other competent authorities, intergovernmental organizations and NGOs in their work with internally displaced persons. It is my hope that they will be widely circulated and given practical application in the field.

Guiding Principles on Internal Displacement

Introduction – Scope and Purpose

1. These Guiding Principles address the specific needs of internally displaced persons worldwide. They identify rights and guarantees relevant to the protection of persons from forced displacement and to their protection and assistance during displacement as well as during return or resettlement and reintegration.
2. For the purposes of these Principles, internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.
3. These Principles reflect and are consistent with international human rights law and international humanitarian law. They provide guidance to:
 - (a) The Representative of the Secretary-General on internally displaced persons in carrying out his mandate;
 - (b) States when faced with the phenomenon of internal displacement;
 - (c) All other authorities, groups and persons in their relations with internally displaced persons; and
 - (d) Intergovernmental and non-governmental organizations when addressing internal displacement.
4. These Guiding Principles should be disseminated and applied as widely as possible.

Section I. General Principles

Principle 1

1. Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.
2. These Principles are without prejudice to individual criminal responsibility under international law, in particular relating to genocide, crimes against humanity and war crimes.

Principle 2

1. These Principles shall be observed by all authorities, groups and persons irrespective of their legal status and applied without any adverse distinction. The observance of these Principles shall not affect the legal status of any authorities, groups or persons involved.
2. These Principles shall not be interpreted as restricting, modifying or impairing the provisions of any international human rights or international humanitarian law instrument or rights granted to persons under domestic law. In particular, these Principles are without prejudice to the right to seek and enjoy asylum in other countries.

Principle 3

1. National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.
2. Internally displaced persons have the right to request and to receive protection and humanitarian assistance from these authorities. They shall not be persecuted or punished for making such a request.

Principle 4

1. These Principles shall be applied without discrimination of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or on any other similar criteria.
2. Certain internally displaced persons, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs.

Section II. Principles Relating to Protection From Displacement**Principle 5**

All authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons.

Principle 6

1. Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence.
2. The prohibition of arbitrary displacement includes displacement:
 - (a) When it is based on policies of apartheid, "ethnic cleansing" or similar practices aimed at/or resulting in altering the ethnic, religious or racial composition of the affected population;
 - (b) In situations of armed conflict, unless the security of the civilians involved or imperative military reasons so demand;
 - (c) In cases of large-scale development projects, which are not justified by compelling and overriding public interests;
 - (d) In cases of disasters, unless the safety and health of those affected requires their evacuation; and
 - (e) When it is used as a collective punishment.
3. Displacement shall last no longer than required by the circumstances.

Principle 7

1. Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects.
2. The authorities undertaking such displacement shall ensure, to the greatest practicable extent, that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated.
3. If displacement occurs in situations other than during the emergency stages of armed conflicts and disasters, the following guarantees shall be complied with:
 - (a) A specific decision shall be taken by a State authority empowered by law to order such measures;
 - (b) Adequate measures shall be taken to guarantee to those to be displaced full information on the reasons and procedures for their displacement and, where applicable, on compensation and relocation;
 - (c) The free and informed consent of those to be displaced shall be sought;
 - (d) The authorities concerned shall endeavour to involve those affected, particularly women, in the planning and management of their relocation;
 - (e) Law enforcement measures, where required, shall be carried out by competent legal authorities; and
 - (f) The right to an effective remedy, including the review of such decisions by appropriate judicial authorities, shall be respected.

Principle 8

Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected.

Principle 9

States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.

Section III. Principles Relating to Protection During Displacement

Principle 10

1. Every human being has the inherent right to life which shall be protected by law. No one shall be arbitrarily deprived of his or her life. Internally displaced persons shall be protected in particular against:
 - (a) Genocide;
 - (b) Murder;
 - (c) Summary or arbitrary executions; and
 - (d) Enforced disappearances, including abduction or unacknowledged detention, threatening or resulting in death. Threats and incitement to commit any of the foregoing acts shall be prohibited.
2. Attacks or other acts of violence against internally displaced persons who do not or no longer participate in hostilities are prohibited in all circumstances. Internally displaced persons shall be protected, in particular, against:
 - (a) Direct or indiscriminate attacks or other acts of violence, including the creation of areas wherein attacks on civilians are permitted;
 - (b) Starvation as a method of combat;
 - (c) Their use to shield military objectives from attack or to shield, favour or impede military operations;
 - (d) Attacks against their camps or settlements; and
 - (e) The use of anti-personnel landmines.

Principle 11

1. Every human being has the right to dignity and physical, mental and moral integrity.
2. Internally displaced persons, whether or not their liberty has been restricted, shall be protected in particular against:
 - (a) Rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, and other outrages upon personal dignity, such as acts of gender-specific violence, forced prostitution and any form of indecent assault;
 - (b) Slavery or any contemporary form of slavery, such as sale into marriage, sexual exploitation, or forced labour of children; and
 - (c) Acts of violence intended to spread terror among internally displaced persons. Threats and incitement to commit any of the foregoing acts shall be prohibited.

Principle 12

1. Every human being has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention.
2. To give effect to this right for internally displaced persons, they shall not be interned in or confined to a camp. If in exceptional circumstances such internment or confinement is absolutely necessary, it shall not last longer than required by the circumstances.
3. Internally displaced persons shall be protected from discriminatory arrest and detention as a result of their displacement.
4. In no case shall internally displaced persons be taken hostage.

Principle 13

1. In no circumstances shall displaced children be recruited nor be required or permitted to take part in hostilities.
2. Internally displaced persons shall be protected against discriminatory practices of recruitment into any armed forces or groups as a result of their displacement. In particular any cruel, inhuman or degrading practices that compel compliance or punish non-compliance with recruitment are prohibited in all circumstances.

Principle 14

1. Every internally displaced person has the right to liberty of movement and freedom to choose his or her residence.
2. In particular, internally displaced persons have the right to move freely in and out of camps or other settlements.

Principle 15

Internally displaced persons have:

- (a) The right to seek safety in another part of the country;
- (b) The right to leave their country;
- (c) The right to seek asylum in another country; and
- (d) The right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk.

Principle 16

1. All internally displaced persons have the right to know the fate and whereabouts of missing relatives.
2. The authorities concerned shall endeavour to establish the fate and whereabouts of internally displaced persons reported missing, and cooperate with relevant international organizations engaged in this task. They shall inform the next of kin on the progress of the investigation and notify them of any result.
3. The authorities concerned shall endeavour to collect and identify the mortal remains of those deceased, prevent their despoliation or mutilation, and facilitate the return of those remains to the next of kin or dispose of them respectfully.
4. Grave sites of internally displaced persons should be protected and respected in all circumstances. Internally displaced persons should have the right of access to the grave sites of their deceased relatives.

Principle 17

1. Every human being has the right to respect of his or her family life.
2. To give effect to this right for internally displaced persons, family members who wish to remain together shall be allowed to do so.
3. Families which are separated by displacement should be reunited as quickly as possible. All appropriate steps shall be taken to expedite the reunion of such families, particularly when children are involved. The responsible authorities shall facilitate inquiries made by family members and encourage and cooperate with the work of humanitarian organizations engaged in the task of family reunification.
4. Members of internally displaced families whose personal liberty has been restricted by internment or confinement in camps shall have the right to remain together.

Principle 18

1. All internally displaced persons have the right to an adequate standard of living.
2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to:
 - (a) Essential food and potable water;
 - (b) Basic shelter and housing;
 - (c) Appropriate clothing; and
 - (d) Essential medical services and sanitation.
3. Special efforts should be made to ensure the full participation of women in the planning and distribution of these basic supplies.

Principle 19

1. All wounded and sick internally displaced persons as well as those with disabilities shall receive to the fullest extent practicable and with the least possible delay, the medical care and attention they require, without distinction on any grounds other than medical ones. When necessary, internally displaced persons shall have access to psychological and social services.
2. Special attention should be paid to the health needs of women, including access to female health care providers and services, such as reproductive health care, as well as appropriate counselling for victims of sexual and other abuses.
3. Special attention should also be given to the prevention of contagious and infectious diseases, including AIDS, among internally displaced persons.

Principle 20

1. Every human being has the right to recognition everywhere as a person before the law.
2. To give effect to this right for internally displaced persons, the authorities concerned shall issue to them all documents necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth certificates and marriage certificates. In particular, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions, such as requiring the return to one's area of habitual residence in order to obtain these or other required documents.
3. Women and men shall have equal rights to obtain such necessary documents and shall have the right to have such documentation issued in their own names.

Principle 21

1. No one shall be arbitrarily deprived of property and possessions.
2. The property and possessions of internally displaced persons shall in all circumstances be protected, in particular, against the following acts:
 - (a) Pillage;
 - (b) Direct or indiscriminate attacks or other acts of violence;
 - (c) Being used to shield military operations or objectives;
 - (d) Being made the object of reprisal; and
 - (e) Being destroyed or appropriated as a form of collective punishment.
3. Property and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation or use.

Principle 22

1. Internally displaced persons, whether or not they are living in camps, shall not be discriminated against as a result of their displacement in the enjoyment of the following rights:
 - (a) The rights to freedom of thought, conscience, religion or belief, opinion and expression;
 - (b) The right to seek freely opportunities for employment and to participate in economic activities;
 - (c) The right to associate freely and participate equally in community affairs;
 - (d) The right to vote and to participate in governmental and public affairs, including the right to have access to the means necessary to exercise this right; and
 - (e) The right to communicate in a language they understand.

Principle 23

1. Every human being has the right to education.
2. To give effect to this right for internally displaced persons, the authorities concerned shall ensure that such persons, in particular displaced children, receive education which shall be free and compulsory at the primary level. Education should respect their cultural identity, language and religion.
3. Special efforts should be made to ensure the full and equal participation of women and girls in educational programmes.
4. Education and training facilities shall be made available to internally displaced persons, in particular adolescents and women, whether or not living in camps, as soon as conditions permit.

Section IV. Principles Relating to Humanitarian Assistance**Principle 24**

1. All humanitarian assistance shall be carried out in accordance with the principles of humanity and impartiality and without discrimination.
2. Humanitarian assistance to internally displaced persons shall not be diverted, in particular for political or military reasons.

Principle 25

1. The primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities.
2. International humanitarian organizations and other appropriate actors have the right to offer their services in support of the internally displaced. Such an offer shall not be regarded as an unfriendly act or an interference in a State's internal affairs and shall be considered in good faith. Consent thereto shall not be arbitrarily withheld, particularly when authorities concerned are unable or unwilling to provide the required humanitarian assistance.
3. All authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced.

Principle 26

Persons engaged in humanitarian assistance, their transport and supplies shall be respected and protected. They shall not be the object of attack or other acts of violence.

Principle 27

1. International humanitarian organizations and other appropriate actors when providing assistance should give due regard to the protection needs and human rights of internally displaced persons and take appropriate measures in this regard. In so doing, these organizations and actors should respect relevant international standards and codes of conduct.
2. The preceding paragraph is without prejudice to the protection responsibilities of international organizations mandated for this purpose, whose services may be offered or requested by States.

Section V. Principles Relating to Return, Resettlement and Reintegration

Principle 28

1. Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavour to facilitate the reintegration of returned or resettled internally displaced persons.
2. Special efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration.

Principle 29

1. Internally displaced persons who have returned to their homes or places of habitual residence or who have resettled in another part of the country shall not be discriminated against as a result of their having been displaced. They shall have the right to participate fully and equally in public affairs at all levels and have equal access to public services.
2. Competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation.

Principle 30

All authorities concerned shall grant and facilitate for international humanitarian organizations and other appropriate actors, in the exercise of their respective mandates, rapid and unimpeded access to internally displaced persons to assist in their return or resettlement and reintegration.

Appendix D

Tunzur Vadisi ve Barajlar Sorunu (Munzur Valley and Dam Issues)

Dams planned to be constructed in Munzur valley

Consortium that will undertake the Konaktepe 1 and Konaktepe 2 Hydro-Electric Projects:

- 1 Stone and Webster – USA – Co-ordinator (credit etc.)
- 2 Soyak and Ata Construction – Turkey – Construction of the dam and power station
USA – Tribune and generator construction
- 3 Elln – Germany – Tunnel construction
- 4 Bllfinger and Berger – Austria – Tunnel construction

Konaktepe (Torunoba) dam

- 1 Name of dam: Konaktepe (Torunoba) Hydro-electric power station
 - 2 Site of dam: Munzur valley – 35 kilometres from Tunceli on the Ovacık road
 - 3 Length of project: 26 kilometres
 - 4 Drainage area: 1,068 square kilometres
 - 5 Reservoir area: 1,390 hectares
 - 6 Volume of Water to be stored: 450 million cubic metres
 - 7 Amount of water during construction of dam: 374 cubic metres per second
 - 8 Capacity on completion: 1,401 cubic metres per second
 - 9 Depth of reservoir: 112 metres
 - 10 Maximum height: 92 cubic metres per second
 - 11 Power; 90 MW
 - 12 Number of units: 4
 - 13 Total energy: 290 GWH
 - 14 Height of dam: 111.4
 - 15 Height above sea level: 1,235 metres
- Latest situation: feasibility study completed, tenders given out, in the process of being undertaken

Konaktepe II (Torunoba) Hydro-electric power station

What will be lost due to the planned dams in the Munzur valley

- 1 Munzur Valley National Park
The areas taken under protection by Forestry Law no. 6831 dated 21.12.1971 will be destroyed. The Master Plan and fundamental development plans of the National Parks Office will be obstructed. The Munzur Valley was declared a National Park on account of its geological makeup, its flora and fauna and its rare natural beauty. Many species of flora and fauna will face extinction in the event of these dams being built.
- 2 Trout
The rainbow trout found in the Munzur river will be no more.
- 3 The springs at the source of the Munzur, the subject of legend, will be severely affected by the reduced snowfall that will result from the building of the dams.

- 4 Climate change
The balance of the natural, healthy climate will be upset. The current weather with abundant oxygen will be replaced by damp weather which will adversely affect the habitat.
- 5 Worsening communications
All transportation on the Tunceli-Ovacık road will cease and all villages on the left and right sides of the Munzur valley will be cut off. The provincial capital of Tunceli will be isolated and the people of the town of Ovacık will be condemned to using ferryboats.
- 6 Displacement will increase.
At the present time 90% of people originating from Tunceli live outside the province. No infrastructure will be provided to a nearly totally depopulated rural area. People will not go to a place where there is no road, water, electricity, education, health provision or economy.
- 7 Tunceli city will be entirely cut off from its districts
The province of Tunceli has 7 districts. Of these the inhabitants of Çemşgezek, Pertek, Hozat and Mazgirt do all their shopping and conduct all their business from Elaziğ, while the inhabitants of Pülümür go to Erzincan. The inhabitants of Ovacık gain access to Tunceli city by means of the Munzur valley and the people of Nazımiye go via the Harçık valley. When the dams are built these roads will be unusable. Even worse is the fact that these are the only routes available. The population of Ovacık has fallen below 3,000 and that of Nazımiye below 2,000. Once the dams have been built social and economic life in these towns will come to a halt. There is therefore a serious possibility of these towns being entirely evacuated.
- 8 Tunceli may lose its provincial status
It will be difficult for Tunceli to remain as a province with no remaining population, economy and infrastructure and where people have taken refuge in Tunceli city. As long ago as 1935 there were proposals made along these lines in reports prepared by the Interior Ministry. In these reports "Let Dersim be abolished" was proposed, with Pülümür district going to Erzincan, Çemşgezek and Pertek to Elaziğ while other districts were to be allocated to new provinces. Historically Tunceli has sometimes been a province, sometimes a district and from time to time been ignored but it has never been as close to oblivion as it is today. This situation is not just connected to dams but the dams will accelerate the process.
- 9 Munzur and its valley will vanish
When the dams become clogged with mud their functions will be complete. A mass of wet mud tens of metres high is what will remain in the places where there will be lakes. In this way the legendary holy place of "Munzur Baba" will be no more.
- 10 Drinking water and other water sources will dry up
The reduction in snowfall and the accompanying climate change, the displacement of millions of square metres of earth and rock in the valley and the swelling of the Munzur valley will lead to the beautiful springs drying up. Great destruction will occur during construction.
- 11 The beds of the Munzur valley at 15.1 kilometres and the Mercan valley at 11 kilometres will dry up
Since water will be diverted through water pipes for the Mercan Hydroelectric power station and the Konaktepe II Hydroelectric power station there will be hardly any water flowing in the riverbeds in these places.
- 12 Popular mythology will suffer
Many places considered sacred by local people will disappear. Many people will be spiritually affected by this loss. Memories and cultural values will vanish.

- 13 Natural sources of nourishment will disappear
The best sources of human nourishment are natural ones. The region is rich in these resources. Poverty and deprivation will replace this wealth.
- 14 Contravention of national and international law – legal provisions such as the Salt law of 1936, Hunting law of 1937, Forestry law no. 6831 of 1956, Law on water products of 1971, Law on Conservation of cultural artefacts and natural riches of 1983, “National Parks” Law no. 2873 of 1983, “Law on Environment” of 1983, Law on public construction of 1985, Regulations on control of water pollution of 1988, Regulations regarding the use of arable areas for non-agricultural purposes of 1988, Decree with the Force of Law regarding the Presidency of the Council for Environmental Conservation of 1989, Shore law of 1990, Decree with the Force of Law regarding the establishing of a Ministry of the Environment of 1991, Prime Minister’s Office directive regarding wet lands of 1993, Grazing land law of 1997 have taken the Munzur Valley under “Absolute Protection”.

Our demands submitted to the President, leader of the Turkish Grand National Assembly, Prime Minister’s Office, political parties and the press by a delegation from the Tunceli Solidarity Council between May 20 and May 22 1998

We are here as various parties, trade unions, local administrators, intellectuals and Tunceli associations and foundations, who believe in democracy and secularism, fully committed to human rights, equality and peace, who endeavour to closely follow change and developments in the world, in order to raise in general the problems of our region and in particular the problems of our province.

Since 1994 287 of our 420 villages have been evacuated and partially burnt and the population of the province has dropped by 53%. 284 out of 314 schools and 104 out of 117 health centres are closed. The per capita income of people in Tunceli is \$1,413 and 60% of our young people are unemployed. In tax collection Tunceli is 3rd in the country, with 92% of taxes paid. The remaining unpaid 8% belong to public sector bodies. There are no instances of credit having been taken and not paid back.

We believe that the time has come to bind the wounds opened by the adversities involved in living under a state of emergency.

- 1 Initially the state of emergency should be lifted and people’s right to live without fear should be secured.
- 2 Forest fires, bans on going to the high pastures, food embargoes and restrictions on our travel should be ended.
- 3 The measures referred to officially as “Food control” and by the people as “Food embargo” must be entirely lifted. These measures have turned our province into a virtual open prison, wearied the inhabitants and led to significant migration.
- 4 Those people who were forced to leave their villages wish to return to their land. Measures should be taken to ensure our people can return to their villages without pressure being put on them to become village guards.
- 5 Picnic sites, mill and educational and medical centres being used for other purposes should be opened up.
- 6 The authorities should not be allowed to transfer their powers to others. A hierarchy should be established.
- 7 Displaced people should be compensated for their losses.
- 8 A solution to unemployment should be found.
- 9 Action should be taken in the Munzur Valley National Park in accordance with laws no. 6831 and 2873.
- 10 Security precautions should not exceed their aims.
- 11 The harassment and repression of democratic organisations in our region should be lifted.

- 12 A public campaign should be launched to counter the racist, sectarian animosity that has developed on account of the demographic makeup of our province. Visits should be made to our province and these groundless prejudices condemned and complaints regarding officials who view our people as "potential offenders" should be taken seriously and the perpetrators transferred.
- 13 The dire shortages of personnel that exist should be addressed and the wealth of everyone – whether military or civilian – should be examined and tenders supervised.
- 14 Necessary steps for the development of agriculture and livestock farming and the ORKÖY and TUYAP and similar projects should be supported.
- 15 Damaged and destroyed bridges, roads, water, electricity, communications and other infrastructure facilities should be repaired and new ones constructed where necessary.
- 16 Agricultural land should be cleared of mines and hand grenades and water supplies analysed.
- 17 Facilities should be built to promote our areas that are renowned for their dairy products, Munzur springs and tourism.
- 18 Projects that have completed the planning stage should be realised.
- 19 Tunceli is situated on one of the shortest routes linking Eastern Anatolia and the Black Sea region to the Mediterranean. Road improvements should be made on the Erzincan-Pülümür-Tunceli-Pertek route for this purpose.
- 20 Vehicle parks for machinery should be renewed.
- 21 The decrepit prefabricated houses in Ovacık district should be replaced with modern housings.
- 22 Interest on agricultural credits should be waived and the credits themselves rescheduled.
- 23 People rendered financial assistance after the earthquake in Tunceli should not be required to repay the money.

In short, people in our province are suffering from poverty, hunger and unemployment. Our people should not be accused on account of their religion, language, sect and ethnic origin. The working of justice is dependent on the proper functioning of rights, law, freedom, peace and equality. On the one hand there are families made homeless and on the other young people condemned to unemployment. Our people have been forced into leaving the province due to the continuing pressures and hardships, which are in conflict with the concept of the rule of law. We believe we have prepared this text free from prejudice. Everyone should fulfil their responsibilities. It will not be to the benefit of anyone to ignore what is going on. The people of Tunceli are the enlightened face of contemporary democracy. We believe that you will take heed of our humanitarian demands and be in the forefront to ensure the necessary steps are taken.

Yours faithfully

Tunceli Solidarity Council

Discussion of pros and cons:

1 “We’ll work on the construction sites and earn money.”

The reality: at most 150 unskilled workers will be employed. As some will not be from the area this means a maximum of 100 local people will be employed for a few months. This will have a small temporary effect on unemployment.

2 “We’ll get money for compulsory purchase.”

The reality: those areas in the National Park were compulsorily purchased in 1971. The National Park Department is the owner. Only a few people will receive small sums of compensation.

3 “The economy will revive.”

The reality: there are 5 foreign and two Turkish firms involved. They will pocket around \$300 million of revival. These projects are solely designed to produce power. There are no irrigation projects. Once the construction is completed there will only be a few jobs for security guards, technicians, engineers and administrators. It would be illusory to expect a province such as Tunceli, which is not appropriate for industry, to become an industrial zone.

Proposal: a master plan should be made for the National Park and tourism, agriculture and livestock farming should be revived, irrigation projects should be implemented and alternatives such as mountaineering, hunting, bee-keeping, mining, winter sports, rafting, fishing etc should be developed.

4 “It is a positive step for investment to be made in the area.”

The reality: investment in the area should of course be advocated, but these dam projects will prevent other investment being made and block the development of the economy.

5 “There is a need for electricity, therefore dams should be built.”

The reality: the total potential electric power that may be obtained from water in Turkey is in the region of 34,000 megawatts. Turkey has harnessed 28,000 MW of this potential, while it needs 18,000 megawatts. However, due to leaks and the fact that the national grid has not been rehabilitated a third of existing electric power cannot be utilised. This means that the power of at least 25 dams is being wasted.

Proposal: a lot more energy could be produced for the same money using alternative technology such as solar energy and wind power, which would also be much more environmentally friendly.

6 “The dams would lengthen the life of the Keban dam by filtering mud.”

The reality: the Munzur river runs clear for 10 months of the year and is only muddy in April and May. If these projects are realised the river will become a mud bath.

Proposal: erosion can be prevented through planting trees and digging channels.

7 “Opposing the dams will cause tension with the authorities.”

The reality: constructing dams in this area is in contravention of Forestry law no. 6831 article 23 and the law regarding Protection of National Parks no. 2873. Defending the law will not create tension.

8 “Wasted water would be put to good use.”

The reality: for a start this water does not go to waste. It provides life and beauty to everywhere it goes. It nourishes trout and is a source of drinking water, including Tunceli city. There are picnic and camping grounds alongside the river. It is the only place where the inhabitants can swim and cool down in summer. (swimming in dam lakes is dangerous and banned).

Proposal: the 85 million square metre Ovaçık plain could be irrigated and provide for tens of thousands of people. Tourist facilities could be built along the river and the drinking water needs of people in neighbouring provinces met by a bottling plant.

9 “As the valley is narrow not many places will be flooded.”

The reality: for a start the whole valley will be submerged to a depth of 100 metres and hundreds of metres wide and will eventually turn into a layer of mud. Even if dozens of villages on both sides of the valley are not submerged they will be cut off from each other and will become impossible to access even for a visit. These villages will inevitably be abandoned due to the fact that millions will not be spent on new roads.

10 “The lakes will enhance the scenery.”

The reality: the lakes will destroy memories, fields, villages, beliefs and numerous other things.

Proposal: leave our heritage alone; we have nothing ugly that needs covering by lakes.

“Munzur Valley National Park” Decree with Force of Law

Regarding the Ovacık-Munzur Valley Conservation Area:

To the Office of the Ministry:

It is deemed appropriate in order that the natural beauty and flora and fauna in the Munzur Valley and its environs, situated within the boundaries of the Tunceli city district and Ovacık and Hozat districts, are not destroyed, the flora preserved as it is and to prevent the risk of erosion, an area of 23,364 square metres be taken under the protection of Forestry Law no. 6832 article 23, in accordance with the Office of Ministry's approval of 22.4.1968.

Taking into consideration the principles of the second 5-year development plan it has been considered that in order for tourism to be developed in addition to forestry in the area, for infra-structural development to take place in the Munzur Valley and environs in Tunceli province and, consequently, for the area to be assessed as a conservation area, joint work should be carried out by the offices concerned...

Based on article 15 of Forestry Law no. 6331 the area of Munzur valley and its environs has been evaluated as 42,000 hectares and in accordance with the circular regarding the establishing and functioning of national parks it has been deemed appropriate for the area to be a separate National Park according to the principles of the aforesaid circular.

In this respect:

- 1 A separate Regional Office to be established for the Munzur Valley and environs National Park within the boundaries of the Elazığ Forestry Directorate-Tunceli Forestry Department,
- 2 The cost of activities to be carried out in the Elazığ Munzur Valley Park to be met from the separate article in the supplementary budget,
- 3 For the boundaries of the Munzur Valley National Park shown on the attached map to be declared in the provinces of Elazığ and Tunceli and the districts of Hozat and Ovacık,

I request your approval.

Certified copy

Yılmaz Erel
National Parks Planning Director
28.07.1978

Approval
Selahattin Inal
21.12.1971

Şahabettin Ertem
Director General
28.07.1978

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