



## Istanbul Water Tribunal

Tütün Deposu, Istanbul, March 14, 2009

### Recommendations to the Government of Turkey

Having reviewed the cases of Ilisu (Hasankeyf), Yusufeli and Konaktepe, pertaining to the construction of dams and hydroelectric power plants along the river valleys of Dicle, Çoruh and Munzur in Turkey, and having observed several common patterns in all three projects, the jury of the Water Tribunal in Istanbul has felt compelled to issue recommendations to the Government of Turkey regarding its policies on the protection and management of water resources, on the preservation of natural and cultural heritage and on energy.

Therefore, the Water Tribunal in Istanbul:

#### EXPRESSES CONCERN:

- 1) That Provisional Article 4 of the Environmental Impact Assessment Regulation exempts hydroelectric power projects conceived before the date of 07.02.1993 from the requirement to conduct an environmental impact assessment study;
- 2) That Article 89 of the State Tenders Law exempts “works of a special nature” from the regular procedural rules governing public works which require public tenders;
- 3) That the government makes use of the aforementioned provisions to issue executive decisions exempting hydroelectric power projects from the requirements of environment impact assessment and public tender procedures.

#### ESTABLISHES:

- 1) On the basis of the aforementioned, that the Government disregards the substantive achievements in the last four decades in international law, science and technology regarding water, energy, environment and human rights which promote sustainable development policies;
- 2) That the Government insists on continuing with outdated energy and development policies including hydroelectric power projects notwithstanding their lack of economic viability and environmental sustainability and disregard of the well-being of local communities and the public at large.

## RECOMMENDS:

- 1) The Government to adopt a comprehensive concept of public benefit that rests on a cost-benefit analysis which integrates social, environmental and cultural factors as well as economic considerations;
- 2) The Government to review and redesign its general policies on development, water use and energy, in consultation with civil society and the affected local communities;
- 3) In doing so, the Government to elaborate alternative policies that make sustainable use of natural resources, to observe human rights and liberties, and to protect biodiversity and natural and cultural heritage;
- 4) The Government to annul the Provisional Article 4 of the Environmental Impact Assessment Regulation;
- 5) The Government to ensure that environmental impact assessments are systematically carried out without exemptions in all projects;
- 6) The Government to annul Article 89 of the State Tenders Law and any other exemptions present in this or other legislation precluding public bidding in significant projects.

