

THE ACCESS INITIATIVE (TAI) IN TURKEY

Access to Information
Public Participation
Access to Justice



“Towards a Better Environmental Governance”

Authors

Yusuf GUNES

Aynur Aydın COSKUN

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Istanbul 2011

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PREFACE

We wish to congratulate The Istanbul University Faculty of Forestry Department of Environmental and Forestry Law and TEMA Foundation (Foundation of Combatting Soil Erosion and Afforestation) who form the Turkish National TAI Coalition for researching, developing and publishing the Turkish TAI report. We also thank and congratulate the Environmental Law and Management Association of Hungary for mentoring the Turkey coalition and assisting and guiding this assessment. This is a milestone for the Turkish TAI Coalition. It marks the beginning of their endeavours to improve transparency, inclusiveness and accountability in decision-making concerning the environment in Turkey. The Access Initiative (TAI) is more than ten years old now. TAI is the world's largest network of civil society organizations working to ensure that people have the right and ability to influence decisions about the natural resources that sustain their communities. TAI coalitions are engaging their governments in 50 countries and the network has over 250 civil society organizations in its fold. We welcome the TAI coalition and other civil society groups in Turkey who wish to join in pursuing this worthy agenda. At the Earth Summit In 1992, 127 governments agreed to the Rio Declaration. Principle 10 of that declaration recognized that environmental issues are best handled with the participation of all stakeholders and the public, access to information and access to justice. In Europe, Principle 10 has evolved to a set of citizen rights in the form of the Aarhus Convention (UN ECE Convention) and these rights have spread across Europe. The rights in the convention have also been strengthened through directives issued by the European Commission. As Turkey aspires to join the European Union, it is critical to ensure that her laws, institutions and practices fully comply with these conventions. In this report, the Turkish TAI Coalition has assessed the laws, institutions and practices in Turkey pertaining to principle 10 and identified critical gaps that need to be closed. In the next phase, we hope that the Turkish TAI Coalition will enlarge its membership to include other civil society groups and work with the Government of Turkey to close these gaps through legal, institutional and practice reforms. To this end, the rest of the Global TAI Network pledges our support to the TAI Turkey Coalition.

Lalanath de Silva
Director, The Access Initiative
World Resources Institute.

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Istanbul University

TEMA Foundation (Foundation of Combatting Soil Erosion and Afforestation)

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The Istanbul University Faculty of Forestry Department of Environmental and Forestry Law together with TEMA (the other member of the Turkish National TAI Coalition) wishes to express a very special thank to the directors, consultants and other persons in The Access Initiative (TAI) having a special contribution to this Project and the World Resources Institute (WRI), Washington, D.C.) for discussing and initiating the TAI programme in Turkey. Activities under TAI commenced in April 2009 with the launch and initial meeting held in Istanbul Technical University. Thereafter, a second meeting again was organized by several CSO's together with a few academicians in the same University in early summer 2009. Work on the Turkey assessment started in March 2010 with a workshop organized by Istanbul University and held in the facility of the Ministry of Environment and Forestry in Istanbul together with the Regional Directorate of the General Directorate of Forestry. To that workshop the contribution of the Ministry deserve to be mentioned herein. We note with much appreciation and thanks the encouragement, support, advise and quick responses given by Mr. Csaba Kiss, Mr. Lalanath de Silva, Ms. Lesly Baesens, and rest of the TAI team – particularly Ms. Carol Excell, Ms. Olimpia Castillo Blanco, and Ms. Loraine Gatlabayan throughout the training and programme proper.

We wish to extend our many thanks and appreciation to all members of the National TAI Advisory Panel in Turkey, for giving their support and time towards this programme. Their comments and advice has helped to shape the Turkey report.

Our grateful thanks also go to all NGO Coalition members for participating and contributing towards the research, all consultants and staff who have put in work in countless ways.

A very special thank you to the World Bank for funding both the Training Workshop held in Turkey and the assessment proper. Implementing this project and researching the selected issues has been a very rich experience all round. Many important findings and recommendations have emerged from the assessment and we appreciate the opportunity given to us by the World Bank.

ACKNOWLEDGEMENT - EMLA

“This assessment was completed by The Istanbul University Faculty of Forestry Department of Environmental and Forestry Law together with TEMA (hereinafter called the “TAI National Coalition of Turkey”). The study was conducted using the assessment method developed by The Access Initiative, a global network of civil society organizations. Unless otherwise noted, the opinions, interpretations and findings presented in this document are the responsibility of the TAI National Coalition of Turkey and not of The Access Initiative.

As the director of Environmental Management and Law Association (EMLA), a public interest environmental law office from Budapest (Hungary), being the European Lead Organization of The Access Initiative, I had the privilege to work together with Professor Gunes, Ms. Coskun and Mr. Elvan in the TAI assessment of Turkey. The work they have undertaken was tremendous and the task they have completed was a pioneer one. Thanks to their dedication and hard work, now we have a full picture of how access to information, participation and justice is regulated and applied in Turkey. The outcome, the TAI Turkey National Report is a high quality product, a scientific study and an activist document at the same time, combining analytical research with policy recommendations. I thank the TAI Turkey Team in the name of the entire TAI Community and wish the authors success in continuing their valuable duty.

Dr.Csaba Kiss
Director

SPECIAL THANKS

This study is an achievement of a group of young scientists, environmentalists and their contributors, like World Bank, World Research Institute, TAI, EMLA and like others. Frankly, the real efforts spent during the research belong to TAI Turkish Team (Yusuf, Aynur and Osman Devrim) and their young colleagues. As a tema leader I consider by myself as one of the luckiest researcher having such a team members and supporters. I hope that all my colleagues and team members have the same feelings as myself that we, as TAI TURKEY, can succeed in much larger projects. This study proved us that we have a scientific and technical capacity to do that.

As the TAI Turkish Team we would like to send special thanks to the Ministry of Environment and Forestry, initially Fevzi bey, the General Director of Environmental Management, its nice expert Ayşen hanım and the rest of the bureaucrats who helped us. Other special thanks shall go to all SCO's whom we consider the environmental protection pioneers. Also we wish to nice life and enjoyment the public whom we have faced during the research and do not withhold their help to us.

Then, the turn is our colleagues, Özhan, Duygu, Bekir, Nimet and Gökçe, whom we have inspired their smiling, contributions and efforts. Let us say some more words for Özhan. He has done all the things we have told him perfectly. Then Duygu is another hero when she made interviews and filled the questionnaires. Bekir is another nice person. Even I have been struggling when I find words and letters to express an armful thanks. Then, Nimet and Gökçe, nice persons of the Department. Also, Sedat hoca and Üstüner, who supported us with their mood.

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Yusuf GÜNEŞ, my best wishes to all

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III. Executive Summary

The Access Initiative (TAI) formed in 2000 is a coalition of civil society groups across the world working together to promote national-level implementation of commitments to access to information, public participation and access to justice (the three access principles). One of the main objectives of the TAI community is to ensure that citizens are given a meaningful voice in decisions and actions that affect their lives, health and community. TAI networks and coalitions aim at achieving this by working with governments. Today, TAI has partners from over 50 countries and is the largest network in the world working on peoples' right to information and decision making in relation natural resources and the environment

TAI was created within the context of the Rio Declaration of 1992, where 178 governments agreed and committed to Principle 10 which recognized the three "access principles" mentioned above. The three access principles aimed at achieving "transparent, equitable and accountable decision making" that make up the framework for good environmental governance. In 1998 the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, known as the "Aarhus Convention" was signed, which came into force in 2001. A further commitment to P10 was made by over one hundred participating countries at the World Summit on Sustainable Development (WSSD) in 2002 through the Plan of Action.

In Turkey the programme was initiated in 2009 with the support of the World Bank and managed by the World Resources Institute (WRI), Washington DC (which is the secretariat for TAI). This study is the first Turkey assessment that has been carried out and started in March 2010 by the Turkey National Coalition. And this report contains the analysis and findings of this study. The main objective of the Turkey study is to assess the government's performance and progress on access to information, public participation and access to justice at the national level in relation to environment. The analysis and findings identify the main weaknesses and strengths of the laws and its practice is intended to provide the basis for reforms in environmental governance in the above three areas.

The assessment has been carried out by using the TAI methodology which has been developed and tested over a long period of time. The methodology is based

on looking at the actual status (and future) of the three fundamental access principles enshrined within principle 10. Capacity building is also built into the assessment as it is an intrinsic part of the access principles. Hence, the assessment consists of four main subjects namely, Access to Information, Public Participation, Access to Justice and Capacity Building. These four subjects are examined by looking at the existing laws and its practice (in reality) including capacity building. Beyond that general with respect to the above four subjects are also examined.

III.1.The Constitution

Turkey's Constitution was evaluated on the basis of the extent to which it guarantees the following four rights: a clean and safe environment; access to justice; freedom of expression; and right to freedom of association. Although it does not have any clear provision guaranteeing right to information and right to public participation in administrative decision-making, some articles deal with those rights and a particular statute was enacted to guarantee right to information and a regulation was enacted allowing public participation in decision making process in Environmental impact assessment.

Right to live in a clean and safe environment:

Article 56 guarantees right to live in a clean and safe environment and how to protect the environment. To the article:

Everyone has the right to live in a healthy, balanced environment. It is the duty of the state and citizens to improve the natural environment, and to prevent environmental pollution.

To ensure that everyone leads their lives in conditions of physical and mental health and to secure cooperation in terms of human and material resources through economy and increased productivity, the state shall regulate central planning and functioning of the health services.

The state shall fulfill this task by utilizing and supervising the health and social assistance institutions, in both the public and private sectors.

In order to establish widespread health services general health insurance may be introduced by law.

Right to access to justice:

Constitutional guarantees on access to justice are strong, inclusive of equal protection and non-discrimination provisions, the presumption of innocence, the right to be represented by an attorney, and the right to access the courts including a direct application to the Supreme Court and the State Council in the case of infringement of fundamental rights.

According to the article 9 *judicial powers shall be exercised by independent courts on behalf of the Turkish Nation.*

Article 10 of the Constitution, as amended on May 22, 2004, deals with equality before the law as saying that:

All individuals are equal without any discrimination before the law, irrespective of language, race, color, sex, political opinion, philosophical belief, religion and sect, or any such considerations.

Men and women have equal rights. The State shall have the obligation to ensure that this equality exists in practice.

No privilege shall be granted to any individual, family, group or class.

State organs and administrative authorities shall act in compliance with the principle of equality before the law in all their proceedings.”

Article 36 is about to freedom to claim rights. According to article 36 (As amended on October 17, 2001)

Everyone has the right of litigation either as plaintiff or defendant and the right to a fair trial before the courts through lawful means and procedures.

No court shall refuse to hear a case within its jurisdiction.

Article 37 guarantees lawful judgment. To the article:

No one may be tried by any judicial authority other than the legally designated court. Extraordinary tribunals with jurisdiction that would in effect remove a person from the jurisdiction of his legally designated court shall not be established.

Article 138 guarantees independence of the courts. The article reads as follow:

Judges shall be independent in the discharge of their duties; they shall give judgment in accordance with the Constitution, law, and their personal conviction conforming to the law.

No organ, authority, office or individual may give orders or instructions to courts or judges relating to the exercise of judicial power, send them circulars, or make recommendations or suggestions

No questions shall be asked, debates held, or statements made in the Legislative Assembly relating to the exercise of judicial power concerning a case under trial.

Legislative and executive organs and the administration shall comply with court decisions; these organs and the administration shall neither alter them in any respect, nor delay their execution.

Article 139 secures the tenure of judges and public prosecutors. The article reads as the following:

Judges and public prosecutors shall not be dismissed, or retired before the age prescribed by the Constitution; nor shall they be deprived of their salaries, allowances or other rights relating to their status, even as a result of the abolition of court or post.

Exceptions indicated in law relating to those convicted for an offence requiring dismissal from the profession, those who are definitely established as unable to perform their duties on account of ill-health, and those determined as unsuitable to remain in the profession, are reserved.

Article 144 guarantees transparency of the judicial processes and hearings and justifying verdict. To the article:

Court hearings shall be open to the public. It may be decided to conduct all or part of the hearings in closed session only in cases where absolutely required for reasons of public morality or public security.

Special provisions shall be provided in the law with respect to the trial of minors.

The decisions of all courts shall be made in writing with a statement of justification.

It is the duty of the judiciary to conclude trials as quickly as possible and at minimum cost.

The Constitution has a special provision about how to supervise judges and public prosecutors. Article 144 reads as the following:

Supervision of judges and public prosecutors with regard to the performance of their duties in accordance with laws, regulations, by-laws and circulars (administrative circulars, in the case of judges), investigation into whether they have committed offences in connection with, or in the course of their duties, whether their behavior and attitude are in conformity with their status and duties and if necessary, inquiry and investigations concerning them shall be made by judiciary inspectors with the permission of the Ministry of Justice. The Minister of Justice may request the investigation or inquiry to be conducted by a judge or public prosecutor who is senior to the judge or public prosecutor to be investigated.

Right to freedom of expression:

The Constitution has a special provision guaranteeing right to freedom of expression and through media, press and publications.

Article 28 (Paragraphs 1 and 2), as amended on October 17, 2001, deals with freedom of press as stating that:

The press is free, and shall not be censored. The establishment of a printing house shall not be subject to prior permission or the deposit of a financial guarantee.

The state shall take the necessary measures to ensure freedom of the press and freedom of information.

Right to freedom of association:

Article 33 of the Constitution gives a right to freedoms of assembly and how to establish associations. To the article: (As amended on October 17, 2001)

Everyone has the right to form associations, or become a member of an association, or withdraw from membership without prior permission.

No one shall be compelled to become or remain a member of an association.

Freedom of association may only be restricted by law on the grounds of protecting national security and public order, or prevention of crime commitment, or protecting public morals, public health.

The formalities, conditions, and procedures governing the exercise of freedom of association shall be prescribed by law.

Associations may be dissolved or suspended from activity by the decision of a judge in cases prescribed by law. In cases where delay endangers national security or public order and in cases where it is necessary to prevent the perpetration or the continuation of a crime or to effect apprehension, an authority designated by law may be vested with power to suspend the association from activity. The decision of this authority shall be submitted for the approval of the judge in charge within twenty-four hours. The judge shall announce his decision within forty-eight hours, otherwise this administrative decision shall be annulled automatically.

Provisions of the first paragraph shall not prevent imposition of restrictions on the rights of armed forces and security forces officials and civil servants to the extent that the duties of civil servants so require.

The provisions of this article are also applicable to foundations.

Right to access to information:

There is no specific right to ‘information’ in the Constitution, but the right to freedom of speech and expression under Article 14(1)(a) has been judicially interpreted to include the right to information, though of course this means that a party has to go to court to enforce it. The right to public participation is not constitutionally guaranteed, although the Constitution guarantees freedom of association and assembly.

According to the Constitution everyone has a right to file a petition aiming to have information from the government about a particular issue.

Article 74 of the Constitution deals with right of petition. The article reads as follow: (As amended on October 17, 2001)

Citizens and foreigners resident considering the principle of reciprocity have the right to apply in writing to the competent authorities and to the Turkish Grand National Assembly with regard to the requests and complaints concerning themselves or the public.

The result of the application concerning himself shall be made known to the petitioner in writing without delay.

The way of exercising this right shall be determined by law.

In addition, Turkey’s constitution has several articles aiming to protect natural resources, lands, water resources, forests, wildlife, coastal areas etc.

III.2.Right to Information

Right to information is first traced into the Constitution of 1982. However, such a provision does not directly allow obtaining all information from relevant authority, but it allows the public to ask for getting information from public bodies. That provision deals also with submitting complaints concerning themselves or the public. Beyond that the foreigners reside in Turkey is given right to file a petition concerning themselves or the public as well.

Article 74 of the Constitution deals with right of petition. According to the Constitution every citizen has a right to file a petition aiming to have information from the government about a particular issue. The article reads as follow: (As amended on October 17, 2001)

Citizens and foreigners resident considering the principle of reciprocity have the right to apply in writing to the competent authorities and to the Turkish Grand National Assembly with regard to the requests and complaints concerning themselves or the public.

When right to access to information is in consideration, Turkey has a framework law supporting access to official information. In addition, some environment relevant laws such as Forest Code, Law on Land Survey and Law on Public Works are comparatively strong on disclosure requirements, while others contain none at all. Beyond that, Environmental Law of 1983, No: 2872 has a particular provision disclosing chemicals and side products to the Public and the Ministry issues annual state of the environment report covering all the country. It was also the first law to introduce the environmental impact assessment process (EIA) to Turkey.

The Law on Access to Information, No: 4982 is the first and broadest in scope law to provide for disclosure of information. However, it has considerable limitations with respect to obtaining information on the environment.

III.3. Public Participation

In here the Constitution does not allow public participation in public administration, as well as environmental management. However, the same article above (article 74) allows people, both citizens and foreign residents, to intervene governmental decision making process as asking requests or complaints about

themselves or the public. The referred article permits the interested individuals asking in writing to the competent authorities.

In addition, current Environmental Law of 1983, No: 2872 allows public participation indirect way when preparing environmental impact assessment report. Under the Environmental Law, information disclosure and public participation are very limited, thereby restricting their operation to projects where the approving agency has determined that an Environmental Impact Assessment (EIA) is necessary.

III.4. Access to Justice

Access to justice issue is the one that having one of the most detailed provision in Constitution. In other words, its constitutional basis is quite strong and well articulated. However, having a constitutional judicial structure is not the same as having access to courts. The first is the static, the second is the dynamic component of the mechanism and thus, having a good court system does not guarantee access to justice in environmental matters.

The Constitution guarantees to every person the right to invoke the jurisdiction of a competent court in person or through an Attorney-at-Law. The constitutional provision on access to justice is the most apparent and strongest one guaranteeing all persons filing a petition when any harmful or any other type of misconducts occurs on the environment.

The Constitution states, at first hand, the independency of the courts and authorization of the said courts exercising judicial power in behalf of the Turkish Nation.

Furthermore, the recent amendment of the Constitution guarantees the equality of all individuals before the law. In other words, it denies any type of discrimination regarding language, race, color, sex, political opinion, philosophical belief, religion and sect, or any such considerations.

On the other hand, men and women have been treated in equal conditions by any means and under all situations by the Constitution and they have equal rights with respect to both by law and the State ensures this equality exists in practice.

Beyond that, the Constitution does not give any priority granting privilege to any individual, family, group or class in the society.

Then, State of Law (Rule of Law) is mentioned in the Constitution. This is one of the most developed steps in any democratic society, hopefully its reflections are observed in practice. Because, several malpractices of the State may have been observed in environmental areas over the years.

The 2001 amendment of the article 36 of the Constitution guarantees freedom of claiming rights in front of the courts. This article plays a significant role when bringing an environmental conflict in front of the court. In general every individual may file a lawsuit if any of his rights is not granted or faces an unlawful manner. However, when Environmental problems are in consideration it is seen that the individuals injured by such a problem may not file a lawsuit due to some reasons as costs, Environmental unconsciousness etc. In such a case, the people other than the one mentioned above may be willing to file such a lawsuit not only on his own behalf but also on behalf of the Constitution. The above provision opens a path to environmentalists pursuing a filed lawsuit and became a party to such a conflict and makes the access to justice cheaper.

Independency of the courts in fair and equal judgment is very important in general and in any Environmental trial in particular. This is a constitutional guarantee by law provisioned by article 138 of the Constitution. Such a power gives rights to the judges making a fair trial, hearing all relevant people and experts.

On the other hand, the tribunals are immune from all types of interventions, Public pressure, political pressure and other occurrences intervening fair trial. Even, such a constitutional guarantee makes the judges immune from intervention of Legislative Assembly against any pressure concerning a case under trial.

The above power of the courts may be considered as good judicial practice from the point of independency of the courts and fair judgment on one hand; but it does not allow any environmental expert, media or CSOs other relevant Public to act in any way concerning an environmental case under trial. Due to the lack of expertise of the courts about Environmental issues and conflicts, such an obstacle may withdraw the opportunity from environmentalists giving more detailed explanations to the judges about the case under trial.

Transparency in Environmental trials, process and hearing is another important issue to be dealt with in here. Such a concept is put under the constitutional guarantee as well and it gives an opportunity for the public to get hear their voice by the courts and give their thoughts and ideas about the cases under trial. Therefore, article 141, guaranteeing the above right is another crucial constitutional provision.

The same article as above guarantees minimizing the costs of the judgment and completing the judgment at a very minimum time period. Of course, in practice a simple trial may take several years. However, the legislative provisions as such do not contribute or cause any delay in such judgment process. The legal practitioners may be accused of such a poor judgment process. The trial costs plays an important role an efficient trial and judgment process and its being under the constitutional guarantee is another good point for fair and efficient judgment.

III.5.Capacity Building

There would be little purpose in having laws on access to information, public participation and access to justice, if the public lacked the capacity to make use of such laws. Similarly, the relevant official agencies should have the capacity to respond in a manner that is prompt and meaningful (Sri Lanka Assessment Report).

The legal provisions do not oblige implicitly the responsible agencies to take action improving capacities of the public concerning access rights. In other words, the law does not seek to block capacity building, it does not specifically require it at the agency level. And efforts for capacity building is left to the discretion of the agencies by law concerning to determine their levels of staffing and staff training.

CSOs/NGOs have played a significant role in almost all the cases under review. By law such organizations are free for the establishment and there are not any legal obstacles for them to raise revenue, assemble members and finding other sources of funding. However, the State does not provide any financial incentives, tax exemptions and other benefits specific to those who organized as environmentalists. In brief they feed themselves up with respect to funding, etc. The legal basis s good for establishment, which gives more room to those organisation to play active role, however it is bad on ground that they are not take any financial supported by the State.

Impossibility of carrying out a training program, due to constitutional prohibition of intervening judicial process in a case under trial, addressing environmental awareness of the Judges have been remarkable. This seems a deficient with respect to obtaining sole and efficient court resolution on environmental protection behalf. However, by considering present level of consciousness of the judges seems hope for good results. And thus, such training is not considered necessary for members of both the higher judiciary including State Council and Supreme Court and lower level courts, as well as senior lawyers or legal academics, or persons promoted from the lower ranks of the judiciary where they have already had satisfactory background. The capacity of the judiciary to appreciate the nature of public interest claims in relation to the environment

appears, on the whole, to be satisfactory but needs to be well-developed by considering the specialty areas of environmental issues.

Efforts to improve public awareness by training local people and general public with respect to access rights are the area that left to open, except for only a few cases, e.g., wild forest fire in Antalya. Such a deficiency is quite common in whole Country, simply because there is not any legal provision obliging relevant institutions to carry out necessary Public awareness programs or training courses. On the other hand there is not any legal bar preventing those institutions from implementing such programs, which implies that at first those institutions' awareness is to be improved before launching the referred programs.

The shortage of relevant legislation for free legal aid is another drawback in environmental litigations. In addition, a number of NGOs run legal aid schemes. Also, there are also a number of CSOs which have been willingness to file public interest cases on behalf of persons whose environment is adversely affected.

III.6. Recommendations

Therefore, in summary this Report will recommend:

- Empowering legal basis for information and public participation and strengthening the provisions that is already there.
- Introducing a pro-active approach to the dissemination of information to the poor and less educated sections of society and local people.
- Harmonizing and integrating information disclosure and public participation laws and practices in all institutions dealing with the public.
- Establishing internal mechanisms for monitoring compliance and ensuring that the principles laid down by judicial decisions are incorporated into the practices of all relevant institutions;
- Greater financial provision for legal aid in environment-related cases.
- Raising revenue for combating environmental harm and underlying reasons for such damages.

- Improving public awareness, developing education programs and curricula for young members of the society.
- Case studies revealed some interesting specifics, e.g. that a pro-active approach towards information dissemination have been more visible in respect of emergency situations and the ones covered by the media than in the other case types that were studied.
- Public participation does not satisfy due to its limited to at the stage of decision making and ignoring the rest stages, e.g., monitoring, inspection, etc., of a decision making process.. Also, the simple right to petition does not give you real rights to participate.

IV. Part I – Introductory Material

IV.1. Introduction

Principle 10 of the Rio Declaration: At the Earth Summit in Rio de Janeiro in 1992, 178 governments agreed and committed to Principle 10 (P10) of the Rio Declaration which in essence recognized the need to provide access to environmental information, public participation in environmental decision-making processes and greater opportunities for redress and remedy through the courts for the public. These three “access principles” aimed at achieving “the fundamental norms of transparent, equitable, and accountable decision-making that are the basis for sound environmental governance”¹.

Principle 10 of the Rio Declaration

“Environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided”.

(Source: Executive Summary: Closing the Gap, WRI, Washington DC)

¹ Closing the Gap: Information, Participation Environment”, Elena Petkova et al, WRI, Washington, 2002.

THE THREE ACCESS PRINCIPLES

ACCESS TO INFORMATION is defined as the ability of citizens to obtain environmental information in the possession of public authorities. "Environmental Information" includes information about air and water quality, for example, and information about whether any hazardous chemicals are stored at a nearby factory.

ACCESS TO PARTICIPATION is defined as the opportunity for citizens to provide informed, timely, and meaningful input and influence decisions on general policies, strategies, and plans at various levels and on individual projects that have environmental impacts. Individuals may, for example, engage in electoral processes, testify at hearings and meetings, serve on advisory committees, have direct contact with public officials, express views and opinions through the media, or engage in some form of protest action.

ACCESS TO JUSTICE is defined as the ability of citizens to turn to impartial arbiters to resolve disputes over access to information and participation in decisions that affect the environment. Such impartial arbiters include mediators, administrative courts, and formal courts of law, among others.

(Source: D.L. Dresang and J.J. Gosling. 1999. Politics and Policy in American States and Communities. Boston: Allyn and Bacon Publishers in Closing the GAP, WRI, Washington DC.

A decade later, in 2002 at the World Summit on Sustainable Development (WSSD) there was a further commitment to Principle 10 by over one hundred of the participating countries through the Plan of Action². At the WSSD, PP10 was also launched as a Sustainable Development Partnership between governments, civil society organizations and international organizations. A partnership that would enable these stakeholders to work together to "promote better environmental governance at the national level"³.

The United Nations (UN) Agenda 21, a non-binding but comprehensive plan of action aimed at taking countries towards sustainable development further elaborates these principles. Many countries have taken measures to implement Agenda 21, whilst the Commission on Sustainable

² The Access Initiative Assessment Toolkit: Evaluating the Foundations of Environmental Governance, WRI, Washington DC.

³ The Access Initiative: Information, participation and Justice, information docket (distributed at the TAI global meeting held in Bangkok, April 2006). Sri Lanka Environmental Assessment Report, 2007.

Development is also working towards achieving the same⁴.

The “Aarhus Convention” (1998) is also an important landmark and outcome of furthering the norms of Principle 10. The Convention which is a regional instrument of the United Nations Economic Commission for Europe (UNECE) embodies the three key access principles. Non-UNECE countries can also join it provided they comply with the requirements of the Conventions and the Meeting of the Parties endorses their accession. The Aarhus Convention is binding and brings together legal and procedural elements on environmental governance into an integrated system⁵. However, Turkey has not become a party of the Aarhus Convention yet.

The goals of The Access Initiative

“To strengthen the capacity of public interest groups to track progress toward and build a global constituency for national-level implementation of a set of common participation and access standards.

To raise the awareness and commitment of governments toward building national access and public participation systems to implement Principle 10 of the Rio Declaration and public participation provisions of Agenda 21”.

(Source: Executive Summary: Closing the Gap, WRI, Washington DC)

The Access Initiative: It is in the light of this background that The Access Initiative (TAI) was formed and created in 2000. TAI is a “global coalition of civil society groups collaborating to promote national-level implementation of commitments to access to information, participation and justice⁶”. TAI initially included 25 civil society organizations spread over nine countries in five continents. The TAI community and network works to ensure that citizens have a meaningful voice in decisions and actions

⁴ Closing the Gap: Information, Participation, and Justice in Decision-making for the Environment”, Elena Petkova et al, WRI, Washington, 2002. Sri Lanka Environmental Assessment Report, 2007.

⁵ Closing the Gap: Information, Participation, and Justice in Decision-making for the Environment”, Elena Petkova et al, WRI, Washington, 2002. Sri Lanka Environmental Assessment Report, 2007.

⁶ Closing the Gap: Information, Participation, and Justice in Decision-making for the Environment”, Elena Petkova et al, WRI, Washington, 2002. Sri Lanka Environmental Assessment Report, 2007.

that affect their lives, health and community. TAI networks and coalitions aims at working with government to achieve this.

As a first step after its formation, TAI carried out and completed Initial assessment reports on public access to information and environmental decision making in nine countries. The nine countries were Chile, Uganda, Mexico, Hungary, Indonesia, India, United States, Thailand and South Africa. These reports show the status and steps taken by these countries on implementing Principle 10 of the Rio Declaration. The findings comment on the achievements and weaknesses, commonalities and variations within countries (please see <http://www.accessinitiative.org> for more details on these reports and TAI).

These initial reports also tested the approach and methodology used in the assessments⁷. From their experience the methodology was further developed and improved over a long period of time. Presently, more than 50 countries from East Africa, Central and Eastern Asia, Latin America and Eastern Europe have applied the methodology and carried out their first assessments. Some countries have proceeded to their second and even third assessments.

Today, TAI having partners from over 50 countries is the largest network in the world working on the peoples' right to information and decision making in relation natural resources and the environment⁸.

Preparation for TAI Programme in Turkey: Discussions and preparation for the initiation of the TAI programme in Turkey commenced around June 2009. One of the first steps taken was to form the NGO coalition which would work together to carry out the programme in Turkey.

Following, the EMLA, along with TAI, has agreed with Istanbul University to implement an assessment work in Turkey. Upon having reached an agreement for the Turkey's assessment, planned activities and events have been scheduled. At the first step a workshop was organized in Istanbul, in March 3-6, 2010, aiming launching the assessment, instructing the TAI methodology and training TAI Turkey research team.

⁷Executive Summary: Closing the Gap, WRI, Washington DC. Sri Lanka Environmental Assessment Report, 2007.

⁸ Welcome address by Lalanath de Silva, Director, TAI at the TAI global meeting held in Bangkok, April 2006. Sri Lanka Environmental Assessment Report, 2007.

The objective of the training was to give participants an overall introduction to TAI and PP10, guidance on the methodology, computer software and various aspects of the assessment proper. The training consisted of presentation by WRI resource persons, group work and presentations, open forum discussions, clarifications and questions and practical training in using the TAI Version 2.0 software. There was good interaction, lively debate and discussion between the participants and WRI personnel on various aspects of the programme such as the methodology, software and country experiences.

Purpose of the First Turkey Assessment: The main objective of the Turkey study is to assess the overall Country's performance and progress on access to information, public participation and access to justice at the national level in relation to environment.

The assessment has been carried out by using the TAI methodology as stated and given in the TAI website and other WRI publications on the subject. It is envisaged that the findings – which would identify the major weaknesses and strengths - will provided the basis for advocacy and reform in environmental governance in these three areas.

IV.2. Methodology

Basis of the Framework: The TAI methodology is based on looking at the actual status (and future) of the three fundamental access principles enshrined within Principle 10. Capacity building is also built into the assessment as it is an intrinsic part of the access principles. The entire approach is aimed at making it possible to “break Principle 10 into discrete parts or measurable characteristics”⁹. To achieve this, the assessment is divided into four main subject headings namely, Access to Information (A2I), Public Participation (PP), Access to Justice (A2J) and Capacity Building (CB). These four subject headings are researched within a threefold structure of an examination and assessment of (i) the existing law, (ii) practice of the law through the study of a minimum of 18 case studies and (iii) capacity building. The assessment and research is carried out by and through the administration of a set of indicators which is explained below¹⁰.

⁹ The Access Initiative Assessment Toolkit: Evaluating the Foundations of Environmental Governance; WRI, Washington DC.

¹⁰ Sri Lanka Environmental Assessment Report, 2007.

The Indicators: A set of research questions and/or “indicators” have been developed to be applied under each of the four subject headings also called categories. The indicators under these four headings or categories are examined under and within the threefold structure mentioned above. As such each subject heading and/or category has both ‘law’ and ‘practice’ indicators. The law indicators evaluate the existing legislative and judicial framework for guaranteeing the three access principles, whilst the practice indicators are applied to the case studies to examine the real world conditions. The practice indicators include looking at the effort put in by governments into facilitating these principles and how effective it is¹¹.

There are 148 indicators or questions in all divided under the four categories mentioned above. Some of the indicators within the 148 are called core indicators. Core indicators are required or compulsory indicators whilst the others can be optional¹². Instructions are given on how to research the indicators. After carrying out the research all indicator worksheets are filled in (according to the manner required) with the information collected. These worksheets are then uploaded into the TAI software¹³.

The following diagram shows how the indicators are divided within the given methodological framework.

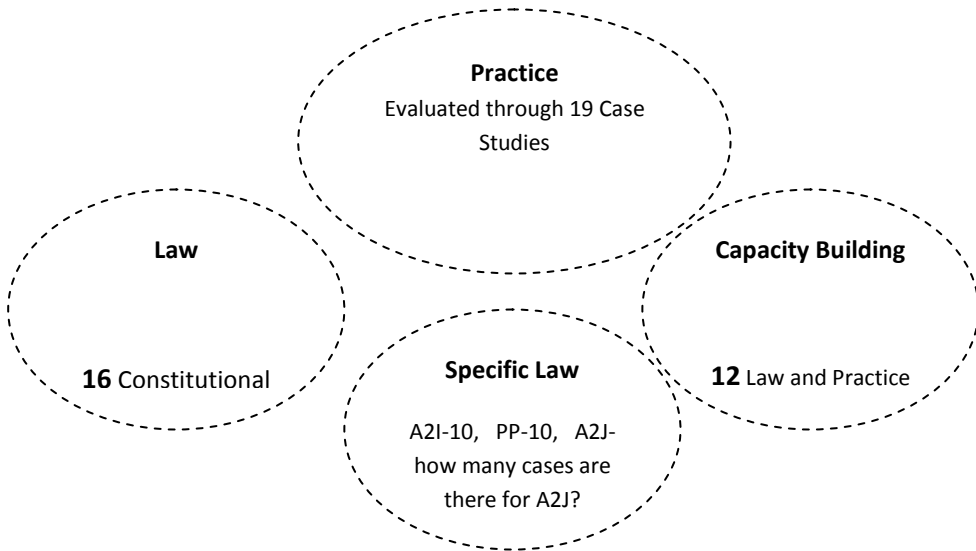
The Division and Composition of indicators in a TAI Assessment¹⁴

¹¹ Sri Lanka Environmental Assessment Report, 2007.

¹² All indicators were applied in the Turkey study.

¹³ Sri Lanka Environmental Assessment Report, 2007.

¹⁴ Oriented from Sri Lanka Environmental Assessment Report, 2007.



Organization of Indicators into Subtopics: The entire sets of indicators are further subdivided into twelve subtopics within the aforementioned framework. These subtopics are the key areas under which a government’s performance is assessed in relation to the three access principles. Hence, these are the subtopics under which information gathered, researched and analyzed in an assessment.

TAI Subtopics for Analysis

Scope and Quality of Access—Scope and quality indicates access the fundamental laws and systems needed to protect citizens’ access rights. They address issues such as the presence of a freedom of Information Act, the quality of information management systems, efforts to involve minorities in decision making, and the rules for registration of civil society organizations (CSOs)

Limits on Access—Limits indicators assess the extent to which restrictions on citizens’ access rights are clear, narrow, and justified in the law. Examples of limits include laws that allow information to be kept confidential, that permit

decision to be made behind closed doors or that make certain government bodies immune to claims.

Timeliness—Timeliness indicators assess whether processes for collecting and distributing information enabling participation and deciding judicial claims proceed to a pace appropriate for supporting access rights. For example, notification of upcoming decisions should provide citizens enough time to fit participation into their schedules.

Cost and Affordability—Costs can present a significant barrier to citizens exercising their access rights. Indicators in this subtopic assess government efforts to keep costs low.

Fairness and Equitability—Fairness and equitability indicators measure the degree to which government efforts are free from bias and provide equal treatment to all citizens

Channels of Access—Channels of access include courses of action or methods of communication through which citizens can obtain information, participate in a decision, or seek redress for a harm. Indicators in this subtopic assess whether the channels in a given case are sufficient and appropriate for supporting access rights.

Capacity Building for Government Agencies—Capacity building for government agencies means establishing both the institutional infrastructure and the human resources needed for the national government to support citizens' access rights.

Capacity Building for the Public—The government should invest in the capacity of the public to exercise its access rights. The indicators in the Capacity Building for the Public subtopic assess how well the government helps citizens learn how to obtain and use environmental information, participate in decision processes, or use the justice system. This subtopic also includes indicators on civic and environmental education in the public schools.

Capacity Building for sub-national Agencies—Indicators in this subtopic assess how well the national government helps state/provincial and local agencies develop the institutional infrastructure and human resources needed to support citizens’ access rights.

Capacity Building for the Media and Civil Society Organizations—Indicators in this subtopic evaluate how well laws and governments create an environment in which the media and CSOs can play a positive role in promoting access to information participation and justice.

Impacts of Law and Government Efforts—Impacts indicators measure the degree to which relevant laws and efforts lead to greater transparency, participation, or access to justice for citizens.

Outcomes from the Provision of Access—Outcomes indicators measures the degree to which the world changed as a consequence of the level of access or capacity attained in a certain case study.

(Source: The Access Initiative Assessment Toolkit: Evaluating the Foundations of Environmental Governance; WRI, Washington DC).

Assigning a Value: All indicator worksheets give a box with a set of five values (or six¹⁵) with a color assigned to each. The colors given move from red (worst) to green (best). A value is selected for each indicator according to the information received and evaluated¹⁶ and is meant to reflect a governments’ performance in relation to that indicator and/or the question being researched. The values assist in obtaining an overall picture of the country situation¹⁷.

¹⁵ A sixth value (black) is assigned in some of the Law indicator worksheets and represents situations where the law clearly does not allow a given activity.

¹⁶ The Access Initiative Assessment Toolkit: Evaluating the Foundations of Environmental Governance; WRI, Washington DC.

¹⁷ Sri Lanka Environmental Assessment Report, 2007.

Case Studies: The 19 case studies (to which the indicators are applied) are selected according to given guidelines. A minimum of at least 8 cases are required to be studied under A2I while a minimum of 6 cases are required to be studied under PP. The minimum number of cases to be studied under A2J is 4, however, 1 more case study is added to be studied under A2J. The cases must fall under the case types specified in the guidelines as seen below¹⁸.

Types and Examples of TAI Case Studies

TAI Case Types	Example Cases
	Access to Information
Information in an Emergency	Antalya Serik Forest Fire, Turkey
Other Access to Information	Bergama Gold Mining, Turkey
Facility-level Information	Dilovası Industrial Zone, Turkey
State of Environment Reports	Environmental Reference Lab, Turkey
Information in an Emergency	Flooding in Istanbul, Turkey
Information from Regular Monitoring	Istanbul Air Quality Monitoring Network, Turkey
Information from Regular Monitoring	Melen River Drinking Water Supplying System, Turkey
Facility-level Information	Tupras Petro-Chemical Plant, Turkey

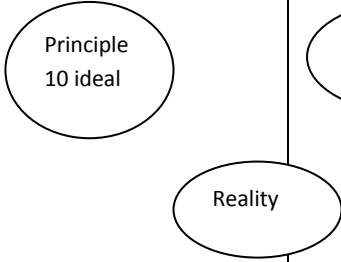
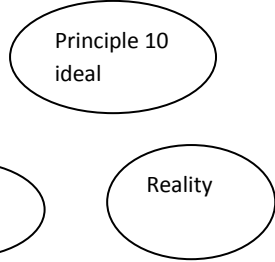
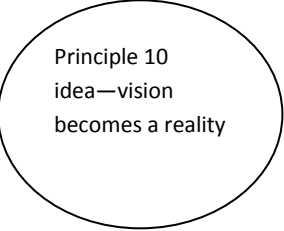
¹⁸ Sri Lanka Environmental Assessment Report, 2007.

	Public Participation
Project-level Decisions	Abant Natural Park Construction Project, Turkey
Policy-making	Article 2-B of Forest Code, Turkey
Other Public Participation	Bilezikci Ciftligi Research Forest, Turkey
Project-level Decisions	City Planning and 3. Rd. Bridge, Turkey
Regulatory Decisions	Ida Mountains Gold Mining Sites, Turkey
Policy-making	Konya Karapinar Erosion Control Site, Turkey
	Access to Justice
Non-compliance	Afforestation Regulation, Turkey
Access to Information	Allianoi Antique City, Turkey
Other Access to Justice	Laws on Genetically Modified Organisms, Turkey
Public Participation	Mining Law, Turkey
Environmental Harm	Vize Cement Factory Case

(Source: *The Access Initiative Assessment Toolkit: Evaluating the Foundations of Environmental Governance*; WRI, Washington DC).

Expected Result: By applying the indicators within the aforementioned framework it is expected that the gaps between a country’s laws and policies and its actual implementation in relation to the access principles can be identified. Once identified appropriate measures can be taken to improve the situation. Beyond that, a new institutional structure, if necessary, may be established in accordance with the outcomes of the assessment.

Closing the Gap between International Commitments and National Policies and Practice

1. Present Situation	2. TAI Assessments Promote Change	3. Realizing the Principle 10 Vision
Few Governments have taken adequate steps to implement their Principle 10 commitments to access right	Governments move towards the Principle 10 ideal in response to TAI assessments	Governments take action to ensure adequate implementation of the three access principles
		
A LARGE GAP	CLOSING THE GAP	REALITY MATCHES VISION

(Source: The Access Initiative Assessment Toolkit: Evaluating the Foundations of Environmental Governance; WRI, Washington DC).

V.Part II – Findings and Analysis of Law and Practice

V.1.Introduction

Part II of this report presents the research and results of the law and practice indicators for the 19 case studies. The law indicators cover both constitutional and general law in terms of the three access principles. The practice indicators analyses the actual enforcement of the law on the ground in relation to the 19 case studies. Both the law and practice sections are presented and discussed under the three subject headings of A2I, PP and A2J. The Capacity Building indicators related to these areas and the law is presented immediately after.

The practice section further maintains the sub-topics listed in Part I of this report under the section on Methodology. The subtopics along with the relevant questions are given under each of the three subject areas including capacity building (i.e. A2I, PP, A2J and CB) in annexures D, E, F and G respectively for easy reference. This will provide the reader with a mechanism for quick reference to the questions that have been examined and reported upon in each of these subject areas.

V.2. Assessment of the Law

Constitutional Law

Within the context of this project the Constitution of 1982 was investigated. Upon completion of the study the following points deserve to be mentioned herein that the Constitution guarantees with respect to access rights:

Living in a clean and safe environment

Access to justice

A right to freedom of expression

A right to freedom of association

Access to information

Fair and equal in justice

On the other hand, the same Constitution is to be criticized from the following points of view:

With respect to access to information the Constitution has some provisions indirectly allow accessing public information about environmental protection and management.

It does not guarantee right to participate in public decision making process. In detail the Constitution does not have any provision giving such a right to all citizens playing a role in any public decision making process.

Another point deserve to be mentioned herein is that the provisions relevant to access to justice are directly relevant to regular justice system. Which means that all those provisions guarantees accessing justice in general, but does not reflects any rules and regulations directly relevant to environmental protection and management. Such an approach might be criticized that environmental protection and management have some particular characteristics different from regular judicial rules and conditions and they should be reflected in legislation at Constitutional level.

Such a point is a lack in Turkish Constitution of 1982 and should be put into it through amendments.

Access to Information Laws

Within the context of the project several laws and regulations have been investigated. Of which the most prominent are listed below:

- Law on Access to Information of 2003, No: 4982
- Environmental Law of 1983, No: 2872
- Military Criminal Law of 1930, No: 1632
- Law on Turkish Army's Duties and Responsibilities of 1983, No: 2803
- Turkish Criminal Code of 2004, No: 5237

- Turkish Civil Law of 2001, No: 4721
- Mining Law of 1985, No: 3213
- Organic Law on the Ministry of Energy and Natural Resources of 1985, No: 3154
- Law on Establishing Ministries of 1984, No:3046
- Organic Law on the Ministry of Transportation of 1987, No: 3348
- Regulation on Chemical Materials' Inventory and Controls
- Organic Law on the Ministry of Environment and Forestry of 2003, No:4856
- Regulation on Right to Access to Information, 2004
- Regulation on Duties, Activities and Procedures of Central Organization of Ministry of Environment and Forest, 2004
- Regulation on Principles of Good Laboratory Practices, Harmonization of The Test Unit and Inspection of Good Laboratory Studies and Practices, 2010
- Regulation on Staff Education of General Directorate of State Meteorology Works, 2002
- Law on General Directorate of State Hydraulic Works of 1953, No: 6200
- Regulation of Environmental Control, 2008
- Law of Industrial Zone of 2000 No: 4562
- Law of Electricity Market of 2001, No: 4628
- Regulation on Controlling Industrial Based Air Pollution, 2009
- Regulation on Controlling Used Tyres, 2006
- Regulation of the Control of Dangerous Waste, 2005

- Law on Organization and Duties of Industry and Trade Ministry of 1985
No: 3143
- Law on General Directorate of Meteorology of 1986, No: 3254
- Law on Metropolitan Municipalities of 2004, No: 5216
- Law on Catastrophe of 1959, No: 7269
- Development Plans Procedure Law of 1984, No:3067
- Regulation of the Protection of Air Quality, 2008
- Regulation on Controlling of Waste Battery and Accumulator, 2004
- Regulation on Controlling Dangerous Wastes, 2005
- Construction Law of 1985, No: 3194
- Municipality Act of 2005, No: 5393
- Regulation on City Council, 2006

Laws on Public Participation

This access right is particularly provisioned at regulatory level. In contrast, laws and statutory level provisions are not satisfactory with respect to public participation in decision making process. The following are the ones to be focused on herein:

- Regulation on Environmental Impact Assessment, 2008
- Law on Terrestrial Hunting of 2003, No: 4915
- Law on Land Survey of 1987, No: 3402
- Pasture Law of 1998, No: 4342
- Law on Protecting Cultural and Natural Assets of 1983, No: 2863
- Environmental Law of 1983, No: 2872
- Law on Associations of 2004, No: 5253

- Turkish Criminal Code of 2004, No: 5237
- Turkish Civil Law of 2001, No: 4721
- Law of Press of 2004, No: 5187
- Law on Catastrophe of 1959, No: 7269
- Law on Farming of 2006, No: 5488
- Law on Soil Protection and Land Use of 2005, No: 5403
- Forest Law of 1956, No: 6831
- Regulation on Identifying Land Survey Work Fields, 2005
- Regulation on Carrying out Forest Land Survey, 2007
- Law on Supporting Forest Villagers of 1983, No: 2924
- Construction Law of 1985, No: 3194
- Regulation on City Council, 2006
- Regulation on Forest Management and Planning, 2008
- The Organic Law on General Directorate of Forestry of 1985, No: 3234
- Law on Mobilization of National Afforestation and Combating Erosion of 1995, No: 4122
- Law on Province Administration of 2005, No: 5302
- Decree-Law on the Establishment and Duties of the State Planning Organization of 2003, No: 4968

Laws on Access to Justice

Turkish legislation is rich enough with respect to access to justice in general, but poor enough with respect to access to justice for environmental protection and management. They are:

- Law on Administrative Procedure of 1982, No: 2577

- Law on Establishing the Ministry of Justice and Its Duties of 1984, No: 2992
- Turkish Criminal Code of 2004, No: 5237
- Turkish Civil Law of 2001, No: 4721
- Law on Criminal Procedure of 1929, No: 3842
- Law on Civil Procedure of 1927, No: 1086
- Law on Establishing Regional Administrative Courts, Administrative Courts and Tax Courts and Their Duties of 1982, No: 2576
- Tort Law of 1926, No: 818
- Regulation on Afforestation, 2003
- Law on Mobilization of National Afforestation and Combating Erosion of 1995, No: 4122

Laws on supporting Capacity Building

Laws and regulation in public education, training and public participation are not directly applicable to capacity building of access rights. However, provisions relevant to capacity building are not directly relevant to applicable for it. In other words, not any special provision exists allowing capacity building efforts of the public agencies. But, the provisions relevant to public relation, education and training in general areas are implicitly allows relevant agency launching training courses and education program addressing capacity building. The following laws are to be mentioned here:

- Organic Law on the Ministry of Energy and Natural Resources of 1985, No: 3154
- Law on Establishing Ministries of 1984, No: 3046
- Organic Law on the Ministry of Transportation of 1987, No: 3348
- Regulation on Chemical Materials' Inventory and Controls, 2008
- Organic Law on the Ministry of Environment and Forestry of 2003, No: 4856

V.2.1.Name of the Case: General Law

Scope and Quality of Access

Turkish legislation has essential provisions relevant to scope and the quality of access rights. Even the provisions about access to justice are more open, broader in scope and fair. However, access to information and right to public participation are indirectly provisioned in the Constitution. In contrast, at the statutory level, of the three, access to justice and access to info have legal basis.

However, right to Public participation does not any clear and open statutory basis. The provisions relevant to it have been scattered throughout the legislation and at the limited occasions. For example, Forest Code and Law on Land Survey have special provisions allowing the people to participate in land survey Works. But such a provision is quite limited and cannot be applied in all decision making process.

The scope and the quality of access to justice are more secure and larger in scope comparing with the other two.

Similarly right to access to information has a legal basis at the statutory level. In addition, several regulations has satisfactory provisions allowing the public accessing to information

At the regulatory level right to public participation is provisioned particularly in the Regulation on Environmental Impact Assessment. However, such a right is given to the public at the beginning of the decision making process. At the other stages of the public participation such a right is not allowed much and quite limited.

Limits on Access

Limits on access to info are mostly clear but its limitation depends on how you interpret it. When a conflict is brought in front of the court the access to information is limited by law allowing the parties of the conflict at first hand. Then, if a national security issue is observed, such a limitation is applied again. However, access to justice is more secure and except for national security not any other limitation or obstacles is observed in the law. Likewise, access to

public participation is more limited and not clear. Beyond that by law public participation is only allowed at the stage of making a decision. At the other stages of the decision making process not any such rights are given, except for a few provisions, to the public.

Capacity Building for the Media & CSOs

In Turkish legislation not any special provision is available particularly supporting CSOs and media in the environmental issues. Not any particular financial support, tax exemption, deduction etc. is available for them specific to those who are environmentalists. All of them are under the care and supervision of the State. Likewise, CSOs are not particularly supported by the State with any means and methods. They do not have any financial support etc. However, establishment of the association is free and not any official investigation is needed. Only completion of a series of paper works is enough for establishment.

General Capacity Building

By law, in general the public is aware of environmental issues and they know how to get information, how to access to justice, but only limited in public participation. However, each of them has some obstacles to be overcome.

Specific Law- Antalya Serik Forest Fire

The Constitution has some provisions and a specific law called "Law on Access to Information" is applicable for this case. Therefore, we used those laws effectively to obtain relevant information more easily. However, document request was not satisfactorily provided to us. Which means that the responsible agency must improve its staff for document requests and should make them more aware of responding such a request.

Specific Law- Bergama Gold Mining

In here the Mining law, Law of Administrative Procedure and court decisions were effectively used to experience rights to access to info, access to justice and public participation. Also provisions in Constitution, Law of Associations were implemented quite well.

Specific Law- Dilovasi Industrial Zone

Satisfactory, but the capacity of the public was limited for some reason, may be their limited capacity due to limited access to means and methods of using access rights.

Specific Law- Environmental Reference Lab

The law on access to info, the law on administrative procedure and environmental law were intensively used to access all those three rights.

Specific Law-Flooding in Istanbul

Turkish Constitution, Law on Access to Information, Law on Municipalities were extensively used and we did not observed any limitation when we make interview.

Specific Law- Melen River Drinking System

Laws and legislation seemed satisfactory. In here it may be said that local people was not asked by the responsible agency when making the decision that their only water source was to flow to Istanbul free of charge.

Specific Law- Tupras Petro-Chemical Plant

The law was moderate but capacity building of the public was not satisfactory. Also a special provision in the Environmental Law about chemical materials blocked us to get all relevant information and data about air pollution from the managerial office of the plant. They just reminded us that they might not release all info and data about chemicals. But, the Ministry of Environment and Forestry released some info and data through its website. Also the Ministry released EIA Report about the TUPRAS.

Specific Law- Abant Natural Park Construction Project

Laws have good provisions. In practice also we got all relevant information quite easily. May be due to our daily visit to the Abant Lake and met the responsible local agents of the Ministry of Environment and Forestry and the Secretary of the Bolu Province.

Specific Law- Article 2-B of the Forest Code Case

The Constitution has two particular articles dealing with the issue and the Forest Code and the law on Development of Forest Villagers have several provisions addressing the article 2B issue. In practice, we saw that the responsible agency implemented the law well inviting all stakeholders when launching the fieldworks. However, their responsibility to invite the public was limited only to local people, particularly forest villagers. However, management decision of those lands, due to their being public property, attracts the interests of all the country. This was the lacks of the current law and observed in practice.

Specific Law- Bilezikci Ciftligi Research Forest

The law is satisfactory for the case. In practice the case has gone through in a limited area of the public. In other words, the public in general could not hear the issue so much. The conflict was among the Istanbul University and a private construction company. And the University has won the litigation and rescued the forest from construction so to speak. This was a success for the sake of environmental protection as well.

Specific Law- City Planning and 3 rd. Bridge Case

In this case the law was blocked by the official authority so to speak, exempting the project from EIA Procedure. Not any other laws relevant to access to info, public participation and access to justice was extensively used. Even, not any activity or efforts from CSOs and media might be satisfactory. However, when we asked the responsible agents of the General Directorate of the State Public Highways, a directorate under the Ministry of Transportation, has told us that they knowingly hid the procedures and developments from the public in order not to allow looting potential lands and lots adjacent to tentative course of the bridge and its crossroads.

Specific Law- Ida Mountain Gold Mining Case

Law of access to info, law on administrative procedure, law of municipality were extensively used. However, we could not get relevant document when we requested them from the responsible agency.

Specific Law- Konya Karapinar Erosion Control Site

The laws on the topic are purely satisfactory but some rights for the public to increase them more in decision making processes could be offered. There may be other ways to participate them in decision making processes.

Specific Law on the Cases of Access to Justice: Afforestation Regulation, Specific Law- Allianoi Antique City Case, Specific Law- Law on Genetically Modified Organisms, Specific Law- Mining Law Case and Specific Law- Vize Cement Factory Case

In here almost all the cases reflect parallel outcomes. And thus their analyses are made altogether.

At first the Constitution supports the citizens how to access justice when the environmental conflict is in consideration. In addition, The law on Administrative Judicial Procedure, the law on Civil Procedure and the law on Criminal Procedure have satisfactory level of provision allowing the people access the justice.

In here it may be said that, the laws on access to justice was not satisfactory when capacity building of the staff of the justice department is in consideration. Also, the Ministry of Justice could not launch by law any training or educational program addressing access to justice. Because such an effort is considered as intervening into the justice and trial. Otherwise, it is considered as crime violating Criminal Code.

Also, the access to info was implemented by limited level to some extent. Which means that the information from the case file was only allowed to the parties of the lawsuits or their representatives and lawyers. Of course the trial and hearing was open for the general public, it was not allowed them to request any written documents.

In addition, the courts' specialty was oriented toward general judgment and they are not specialized in environmental issues and lawsuits. Therefore, it may be said that such a lack may seem preventing thoroughly accessing justice in environmental conflicts.

On the other hand, costs of accessing justice is not so high but not any government support for the plaintiffs and defendants and their attorney's fees were provided. However, CSOs lawyers of an CSOs have brought the case in front of the courts and the rest of the public seemed a kind of free riders, which was good for the environmentalisms and environmental protection.

V.3. Assessment of Practice

Access to Information (A2I)

Information in an Emergency

V.3.1- Name of the Case: Antalya Serik Forest Fire

Case Type: Information in an Emergency

Category: Access to Information

a. Case Description



In the year 2008, a wild forest fire occurred. Turkey's biggest-ever forest fire caused more than \$1 billion of damage with 2.5 million trees burned. (Hurriyet reported, citing government officials)

Two people died in the fire. It destroyed at least 60 houses, dozens of farming buildings, a school and a mosque in Manavgat and Serik towns. Six villages were evacuated. It also damaged biodiversity. The area destroyed by this fire, which is described as "the fire caused damage in the region as if an atomic bomb had hit" by the officials, is reported to be around 20.000 ha, while the different numbers were reported by different sources of information,

Different press organs gave different information about this fire. The biggest discrepancy of information occurred in the size of burned forest area. Forest Administration reported 4 to 5 thousand ha. was burned, however, there were discrepant information reporting that the real size was much larger, fire-fighting teams were lack of sufficient equipment, helicopter support arrived late, fire behavior estimations were not healthily done, pre-fire measures were not taken, and etc.

In this case, we tried to assess the scope of public access to the information about this matter.

b. Case Assessment

Scope and Quality of Access

General Law is extensively satisfactory providing access to comprehensive information. Law requires adequate generation and reporting of the selected information type. Government's efforts to generate and collect environmental information especially about the reason of the forest fire, amount of burned area, the process of forest fire and policies, measures and/or actions to reduce, alleviate, remove negative impacts, are quite impressive and deserve to be underlined herein. The Agency strictly control and manage how to access those three access rights. Since the Local Agency has assigned a person responsible for access to information, the one who would disobey the rules and regulations could have been monitored and punished if necessary. However, the Agency did not respond our document request on time even not any document they sent so far. In contrast, the information we got through other ways like interview, web sites, telephone surveying etc., are sound, correct, relevant and satisfactory.

Limits on Access

The limits on access by law are clear and narrow. However, some concepts in the laws may still be under discussion.

Timeliness

The General Law has satisfactory provision for timeliness when accessing information. The provision of the Law on Access to Information gives a 15 days' time limit to the responsible agency to release requested information to the applicant. In practice, it was seen that they release the info through web sites, telephone and other communication methods much quicker than the above time period. Even when we interview local people they responded our questions quite easily and the most common impression for us was that they had been well informed on time and such a timely information made them trusted the officials and had made them cooperated with the Agency to put off the fire. The only weakness herein is that the Agency did not respond out written document request.

Cost and Affordability

The cost for access the info is affordable. Moreover, in some ways of obtaining relevant documents and information are free of charge.

Fairness and Equitability

Access to information in the selected case seems fair and equitable. The agency treated all interested people as fair as they can.

Channels of Access

Channels of access were quite broad in this case. The information was made available through internet, media and personal application. Even local people cooperated with the Local Agency to get information and disseminate them to each other.

Impacts

The effort for releasing information is satisfactory and such a satisfaction increased transparency and fairness.

Outcomes

Since the fire influences very large areas, the people were well informed about the fire and played a role when putting off the fire. On the other hand, the efforts,

transparency and accessing the three rights made definitely the people more conscious and well aware of the potential forest fires.

Information from regular monitoring

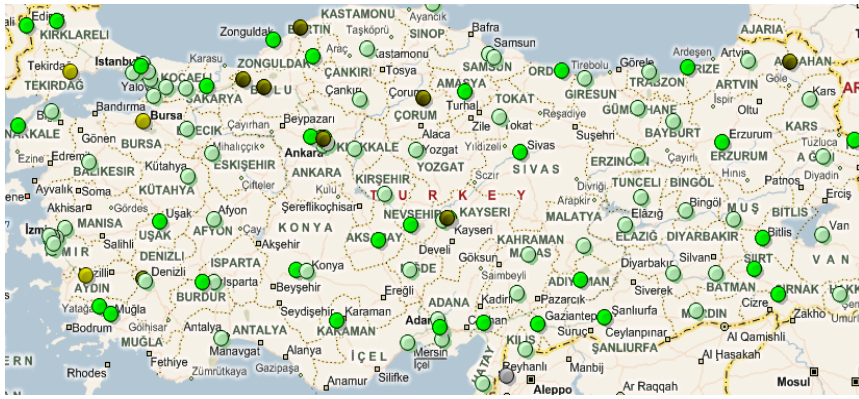
V.3.2- Name of the Case: Air Quality Monitoring Network in Istanbul

Case Type: Information from regular monitoring

Category: Access to Information

a. Case Description

Air Quality Monitoring Network



Sources: Ministry of Environment and Forest

Accurate measurement of air pollution, developing air pollution policies, and providing cities with a better air quality than the previous year in accordance with such policies are important for a healthy livable environment.

Air quality must be determined accurately in order to inform the public about air quality, to determine the measures required for living in a healthy environment, to obtain supporting information for competent authorities to adopt decisions, and to fulfill the obligations relating to air quality protection and management under Environmental Legislation and EU Directives.

For this purpose, Ministry of Environment and Forestry planned to form an Air Quality Monitoring Network throughout Turkey, and started with establishing 36 air quality measurement stations in 2005 giving priority to the cities where air pollution is extremely high, and then formed a National Air Quality Monitoring

Network. In 2007, 45 air quality measurement stations were added to the foregoing stations with the intention to roll out the Air Quality Monitoring Network across 81 cities in Turkey.

In addition to the said stations, 10 air quality measurement stations owned by Istanbul Metropolitan Municipality have been integrated into the system.

Thanks to the “Air Quality Monitoring Network”, one of only a few examples in the world, it is now possible to access air quality data at any time in each city of Turkey and to take necessary measures instantly. The data are disclosed in hourly average values and made instantly available at www.havaizleme.gov.tr. Also, mobile phones with internet applications may be used to access such data at <http://mobil.havaizleme.gov.tr>. Thus, public access to information has become very easy.

In this case chosen by us, information generation and dissemination levels have been examined, and conditions of access to information by stakeholders have been discussed.

b. Case Assessment

Scope and Quality of Effort

In relation to the Air Quality Monitoring System in Istanbul there is a fairly good system for data collection and management on ambient air quality. The Agency has air quality monitoring system surrounding all the city and works quite well. There are well detailed government websites that cover most aspects of air pollution. The government agencies release air quality data publish the same through their websites.

The general public may have difficulties in accessing the available information due to many reasons. For example, accessing websites require the ability to pay for internet facilities and a large number of people may not be able to afford it. Hence, the lack of resources and even the lack of knowledge and know how to obtain available data are constraints in accessing information.

People can write and request for information from the relevant agency on air quality. But it is disseminated by the agency and it is not responded in general and thus it is not possible to evaluate whether it is complete, relevant and accurate. Therefore, it was observed during the research that the Ministry of

Environment and Forestry may not answer each and every request sent to them (no specific reason can be given for this).

The question on the existence of a monitoring system and/or penalties for non-compliance with government obligations and regulation on disclosure of information was examined for the case study on air quality monitoring system. It was found that there was no government document that reports on this matter in relation to case study.

Limits on Access

Limits are mostly narrow and clear by law. However, in practice within the context of the case study, there were not any limits faced. In other words, all types of information, data and other products were freely available and disseminated to the public through web sites, annual report etc., without any limitation.

Timeliness

In the selected case the law establishes a reasonable timeframe to get information. The data was updated monthly basis. Almost all relevant information was collected by the responsible agency and disseminated to the Public. Even, the Agency responded our document request earlier than legal time period set by the Law on Access to Information.

This proves us that the Agency has spent much effort to make the data and information available to the people. And thus the people live in Istanbul had a chance and opportunity to make comments and participate in policy making process.

However, almost all data have been available through website and for some reasons (its cost, poor service, etc.) the Public might be in difficulty when accessing those data on time.

Cost and Affordability

Processed data on air quality data and other information on air quality in Istanbul is available free of charge through relevant websites. However, accessing websites may be expensive for a majority of the public.

Fairness and Equitability

In here, the responsible agency has spent satisfactory effort to reach a wide range of stakeholders to disseminate the relevant information. However, not any such effort has been spent to reach disadvantaged groups with the information in order to increase the fairness and effectiveness of the information dissemination system. But, they provided a special program for children only nothing more than for disabilities, illiterates etc.

Channels of Access

As far as air quality is concerned the Agency has collected all relevant data through many ways and channels, like billboards, reports, websites, etc. However the most efficient and prominent ones are website and annual reports. However, people did not know where to get the reports and could not afford to pay for the internet access. Of course the print media is another option for providing information and air quality data. But, only extreme cases (the most pollution or smoke on the air and the clearest time period) might be given in agenda. Thus, such a media broadcasting strategy prevents the Public from obtaining more information on a timely basis.

Impacts of Laws and Government Effort on Access

Air quality network of Istanbul is the product of a very much effort of the relevant agency. Accessing all data and other relevant information has made a greater transparency when the Access rights are in consideration. For example, the Public have obtained relevant information through websites and this is quite helpful for some sectors like health. Also, through the years the Agency has improved its efforts and launched a heating policy for Istanbul by using natural gas instead of coal and charcoal, which were very much pollutant for the air. Providing that all people have a financial resource to buy natural gas.

Outcomes from the Provisions of Access

As a result of the air quality network the Public has learnt how to impose Public pressure on the government and relevant agency to reduce air pollution and increase the quality of the fresh air. Ultimately the government has shifted the heating policy from charcoal and coal mining oriented to natural gas. And thus, it becomes clear that the air of Istanbul is more clear and breathable than before.

To achieve this both citizens and the government have taken action on this account.

V.3.3- Name of the Case: Bergama Gold Mining

Case Type: Other Access to Information

Category: Access to Information

a.Case Description



In 1989, Eurogold Company obtained a gold prospecting license, without preparing an Environmental Impact Assessment (EIA) report. As a result of reactions of Bergama residents and scientific and legal objections, an EIA report was prepared via the initiative of the Environment Ministry in 1991. And the mining license was given in 1994. In 1997, the mine was ready to operate. Meanwhile, a lawsuit was filed against the EIA approval given in 1994. In 1997, the Court ordered cancellation of the said mining license given by the Ministry of Environment.

The Company filed applications with Scientific and Technological Research Council of Turkey (TUBITAK) for a mining license again, stating that additional measures were taken to provide a better security in its gold mining operations. Based on a new report prepared by Scientific and Technological Research Council of Turkey (TUBITAK), the Prime Ministry took some steps to give the license required to operate the mine.

The licensing process was annulled as a result of the lawsuit filed against the said order of the Prime Ministry. However, an in-principle decision (P. 2002/4, dd. March 29th, 2002) to resume operation of the mine was adopted by the Cabinet; and the mine started operating again in 2002. Thus, the mine had been illegally operated for 3.5 years. In 2004, at the end of a long judicial process, execution of the said in-principle decision of the Cabinet was ordered to be stopped. However, the Company was given another license by the Ministry of Environment and Forestry upon an application filed by the Company. The mine, which continuously operated until January 2009, was stopped again as a result of a lawsuit filed with the State Council.

The most recent lawsuit filed in the last 20 years, aka Bergama Lawsuit, was filed by the Ministry of Environment and Forestry against the aforesaid EIA approval dated February 18th, 2009, which allows the gold mine to operate again.

The legal struggle, which started upon the first legal permission the Mining Company obtained in 1989, has moved to another stage by the said recent lawsuit filed against the EIA approval given to Enterprise of Koza Gold Mining by the Ministry of Environment and Forestry on February 18th, 2009.

Chamber of Electrical Engineers, Chamber of Agricultural Engineers, Chamber of Chemical Engineers, Chamber of Geological Engineers, Chamber of Metallurgical Engineers, Chamber of Environmental Engineers and Chamber of Landscape Architects – all are members of Union of Chamber of Turkish Engineers and Architects (TMMOB) –, and Contemporary Lawyers Association, Confederation of Progressive Trade Unions of Turkey (DISK) – Progressive Mineral Research & Treatment Workers Trade Union (Dev Maden-Sen), Aegean Environment and Culture Platform (EGEÇEP), Kozak Plateau Natural Environment, Culture and Tourism Association, and administrations of 16 villages in Bergama filed another lawsuit with İzmir Administrative Court (Vacation Court) on April 20th, 2009.

The way that the locals struggle, participate in the decision-making process and access to judicial process regarding the issue above, which has become a symbol as it is the most widely-known environmental lawsuit in Turkey, is a notable point.

b. Case Assessment

Bergama gold mining was the first event including essential issues of both public participation, access to justice and access to information. Before entering into force of Law on Access to Information it was the first time that a broad range of information was held by the public in an environmental issue. That is why the case is classified into access to information.

Scope and Quality of Access

Law is extensively satisfactory providing access to comprehensive information. The legislation requires the responsible institution to put the information about Bergama Gold Mining into report form. Also, the legislation requires the said institution to make sufficient disclosure of information. Data collection system and integrated management of data in relation to Bergama Gold Mining are available, but in a limited way. Documents obtained and the interviews with the CSOs in the locality confirm this conclusion. The system developed by the responsible institution for integrated management and collection of environmental data relating to this matter is successful. The problem is that the request to get information was not answered. On the other hand, there is an adequate monitoring or punishment system applicable in case the institution fails to fulfill its obligation to give information about this matter.

Limits on Access

During the research some limitations to accessing to information have been observed. By law the limits are narrow and clear. In other words, the types of information kept secret from the public are clearly mentioned in the law. They are easily understandable. Particularly the Law on Access to Information set for some limitations for the public.

Timeliness

The legislation requires the responsible institution to give sufficient time to allow sufficient level of information about Bergama Gold Mining to be made public. The Law No. 4982 on the Right to Information, which directly relates to this matter, requires the institution to answer an application within fifteen days from the application date. According to the interview with the officials of the Ministry of Environment and Forestry, the government collects or generates the necessary information at regular intervals and within a reasonable time frame. It has been

ascertained, particularly as a result of the interview with CSOs, that the government acts a little late but still in time to make information about Bergama Gold Mining available, although this started with a little delay. Also, it has been learned that, although delayed, the information requested by the public were provided.

Cost and Affordability

Information was inexpensive.

Fairness and Equitability

Effort to reach the target audience mostly adequate, but with room for improvement. On the other hand, the relevant agency did not spend any effort to reach out disadvantaged groups like illiterate, children, poor people and disabilities.

Channels of Access

Channels of access are not much diversified, however seems satisfactory to reach broad range of the public.

Impacts of Laws and Government Effort on Access

The law allowed greater transparency on access to justice and public participation. However, the information available is limited for some reason.

Outcomes from the Provisions of Access

The outcomes are great but confusing. Initially the mining operation was halted by law. The license of the company was cancelled as well. However, the government in 1998 renewed the license which means that by passing the court resolution. This is one of the most influential outcomes of the case. Also for the first time the State Council recognized the right to citizens' access to justice and it opened a new path in environmental issues, conflict and lawsuits. This is a landmark in accessing environmental information and opened a path obtaining satisfactory level of information.

Facility-level information

V.3.4- Name of the Case: Dilovasi Industrial Zone

Case Type: Facility-level information

Category: Access to Information

a. Case Description



Dilovasi is an industrial zone located in between Kocaeli and Istanbul. Organized Industrial Zones (OIZ) in Dilovasi county cover an industrial area of nearly 2200 ha. With its 193 industrial establishments and 20000 employees, Dilovasi OIZ contributes greatly to the national economy. While Dilovasi OIZ is a Mixed OIZ, establishments engaged in metal and chemistry industries are dominant in the county.

Dilovasi Organized Industry Zone is one of the most important OIZs in Turkey with its highly strategic geographical position and many large-scale industrial establishments that contribute significantly to the national economy, as well as other 185 various-scale industries. This OIZ, which has suffered from difficulties in meeting its infrastructural needs – despite its intense industrial activities – as a

result of unplanned and improper urbanization in Turkey, has occupied the public agenda in recent years due to environmental sensibility.

In order to have a better-arranged and planned infrastructure and to meet its environmental obligations, Dilovası administration has started a large project to fight air pollution in cooperation with science organizations in the region, and made investment plans. Visual pollution was greatly reduced as of March 2009.

Domestic and industrial wastewaters in Dilovası, together with the industrial and settlement areas, constitute one of the significant pollutants in the Gulf of İzmit and pose an important problem. There are also ongoing works on this matter. Dilovası OIZ Treatment Plant has been included in the 6 environmental projects, which European Union decided to support in Turkey.

b. Case Assessment

Scope and Quality of Access

In terms of the chosen topic from the perspective of general law, the legislation supports the access to wide information about the environment (water, air, forests). This support is secured by the 1982 Constitutional Law. The legislation, in terms of the chosen topic, foresees the responsible institution to produce sufficient information and obliges this to be reported. Moreover, it is compulsory for the produced and reported information to be declared public. However, the level of the information is limited.

When the efforts on the scope and the quality of the access are examined, it is seen that the data collection and integrated management system on the chosen topic is fairly limited. The representatives of the NGOs have the opinion about the topic that the data collection system does not work so well. Information about its quality is very good. However, for other pollutants and other elements of the environment it is not as good as for air. Besides, when the personnel of the responsible institution does not fulfill their obligation to give information, it is observed that there is a sufficient monitoring and punishment system. The institution officials report that the obligation for spread of information is secured by the law and they have to spread information due to the law. Information is demanded from the responsible institution to test the obligation to spread information and it is seen that the given information is only about the topic. The information about the Dilovası Industrial Zone is delivered public truly and relatively.

Limits on Access

Limits are mostly narrow and clear due to legislation on chemical products. In other words, in the chosen industrial zone, most of the plants are in chemical industry. According to a provision in Environmental Law relevant to chemical products the information and data might be filtered and kept closed by the producers and the relevant agency. However, it is not good from the citizens' perspective and environmental protection.

Timeliness

With respect to the General Law, in the selected case, the law establishes a reasonable timeframe. When the efforts on timeliness on the chosen topic are examined, the responsible institution was observed to collect and produce the necessary information sufficiently, periodically and in a reasonable time. For the same topic chosen, the government was observed to act on time to spread the information. Besides, the authorities of the responsible institution state that the air quality ratio of the region was monitored by the air stations and shared on the internet site of the institution systematically. Also, the responsible institution responded, though belatedly, the demand of written information.

In terms of the chosen topic on timeliness, when the effectiveness of the efforts was examined, it was seen that the required information mostly reached to public on time. The data about the environment was systematically but filteredly published on the internet site of the responsible institution.

Cost and Affordability

Information is inexpensive. However, accessing to internet to reach the data might be costly for the low income level and mostly laborers.

Fairness and Equitability

It seems fair and equal in treatment. Since the population of the area in the vicinity of the industrial zone is workers, the demographic structure poses homogeneity. Of course the agency has treated all of them equally.

Channels of Access

Moderate. In other words, only a few channel of access like web sites, public announcements and some warning billboards were available for the public.

Impacts of Laws and Government Effort on Access

Some deliberate actions taken. However, we have been told that the relevant agency together with the companies in the industrial zone promised to renew the technology emitting less smoke and filtering poisonous gases, they had not kept their promises so far. Also, good news in here is that the companies in the industrial zone and the relevant agency have stepped up toward accessing information that they had created their own web sites, office of public relations and released annual environmental status report.

Outcomes from the Provisions of Access

The outcomes are not satisfactory, because the chimneys of the plants still emitting smoke. Another interested thing that we heard from the local people that if they would have an opportunity to get another income source or another employment opportunity they would leave the area. In here also we can say that both relevant agency and the companies are more sensitive and they are more open to the public about environmental issues, particularly pollution as releasing environmental status report annually and creating web sites and hiring a responsible person for releasing environmental information.

V.3.5- Name of the Case: Environmental Reference Lab

Case Type: State of Environment reports

Category: Access to Information

a.Case Description



Scope and Quality of Access

Environment Reference Laboratory located in Ankara and operating under the Department of Analysis and Inspection of The Ministry of Environment and Forestry. Duties of this Laboratory are defined in Article 2 of the Law No. 4856 on Establishment and Duties of the Ministry of Forestry and Environment as follows:

“Environmental Reference Laboratory is set up to conduct any kind of analysis, measurement and controls on the basis of environmental standards and ecologic criteria to protect environment and prevent pollution”. The Laboratory has undertaken important duties such as “determining, implementing and ensuring implementation of the criteria for measurement, detection and quality regarding environmental pollution, setting up and having others to set up laboratories that

will conduct any kind of measurement, monitoring, analysis and control, carrying out transactions relating to accreditation of the same, appointing institutions that will conduct measurements on air, water and soil, and, for the plants to be set up, expressing opinions with respect to environmental pollution in accordance with the receiving environment characteristics, monitoring and intervening in such plants as necessary, giving preliminary and full authorizations to existing or future plants for emissions, monitoring and inspecting emissions and treatment systems". The following units have been established in order to fulfill the foregoing duties:

Sample acceptance and reporting unit

Chemistry Laboratory

Fuel Laboratory

Air Quality Monitoring Network

Mobile Laboratories (air and water quality monitoring)

b. Case Assessment

Scope and Quality of Access

The law for access to information is general in its scope with a number of exceptions that result in limiting information released to the public. The law requires adequate generation and reporting of the selected information type. And the legislation on the Environmental Reference Lab requires responsible institutions to disclose certain information generated and reported by them. Such disclosure is made on a limited basis. On the other hand, data collection system and management relating to Environmental Reference Lab are adequate and satisfactory. The conclusion reached from both interviews with officials of the responsible institution and the documents examined is that the Lab has an adequate monitoring and classification system. The Ministry has recorded satisfactory level of data and published them at its website. Furthermore, it has been found that there is an adequate monitoring or punishment system applicable to any failure of the institution to fulfill its obligation to disclose information. The obligation has arisen from the Law on the Right to Information. However, the request for information filed with the institution relating to Environmental Reference Lab was not responded adequately. In this respect, it is not possible to

say that Environmental Reference Lab makes information publicly available in a widespread manner.

Limits on Access

Limits are clearly mentioned by law and easily understandable. It is not quite broad, only some concerns like national security and the like are in consideration.

Timeliness

In the selected case, the law establishes a reasonable timeframe. In terms of effort, Environmental Reference Lab collects and generates the necessary information adequately and at regular intervals and within a reasonable time frame. Furthermore, it can be said that the Lab acts in a timely manner in making information publicly available. Especially the information on the institution's web site is constantly updated, and the public is able to access such information easily and in time. However, Environmental Reference Lab is weak in terms of making the said information available separately to those who asked for information.

Cost and Affordability

Information is not much expensive.

Fairness and Equitability

The government provided equal treatment to all citizens. Not any bias was observed.

Channels of Access

Channels of access were satisfactory and provided more than a single courses of action or methods of communication to the citizens, like internet, telephone, visiting etc. and thus the citizens obtained information, participated in the agency actions Channel in a given case are sufficient and appropriate for supporting access rights.

Impacts

The laws have a particular impact when accessing information and accessing justice. However, the public participation remained limited.

Outcomes

The outcomes of this case were satisfactory. The quality of info was enough and satisfactory. The people learnt about the level of pollutions and other environmental indicators and made more and sound decisions.

V.3.6- Name of the Case: Flooding in Istanbul

Case Type: Information in an emergency

Category: Access to Information

a. Case Description



In the year 2009 a severe flood occurred in Istanbul and its vicinity. The rain was described as the heaviest in 80 years. The flood occurred suddenly following a very heavy rainfall on Tuesday and overnight into Wednesday. Lorries were swept up and dumped like litter. Main roads were suddenly submerged - some under several feet of water. Pictures showed people sitting on top of buses, while cars barely poked above the surface.

Rescuers toured the scene in boats, while others were helped from their stranded vehicles with the help of planks or ladders stretched to a safe place, and helicopters plucked people from the roofs of buildings.

It caused several deaths, and damaged many workplaces, vehicles and the environment. Even the creeks and shorelines in Marmara Sea were polluted.

In this case, different aspects of public access to information before and after the flood have been addressed. Public access to information have been examined on

the basis of precipitation forecast reports of relevant authorities, weather conditions information, warning before the flood, and getting information after the disaster.

b. Case Assessment

Scope and Quality of Access

In terms of general law, there are a few exceptions limiting the public information announced in the law of Access to Information. However, the Law requires the type of information to be produced enough, reported and presented. Also, the legislation obliges the responsible institution to make some of the produced and reported information public.

From the perspective of the efforts on the areas and quality of access, in the selected case, the system set up for information picking and management is satisfactory. Information is gathered to widen the available information in all areas. If the personnel in the responsible institution break the law of giving information, the related penalties are applied. However, the authorized institution hasn't answered the information request. As well as these, the information declared public, covers only a limited part of the case.

Limits on Access

In access to law, the borders are open and narrow in general. In other words, the information is easy for the public to access.

Timeliness

In terms of time schedule, law in the chosen case is defined as a reasonable period of time.

When the efforts on the time schedule are examined, it is seen that the information is shared periodically and in time with public. There are only a few delays observed. Moreover, the authorized institution answered quickly to the information request.

From the point of the effectiveness of the time schedule, the necessary information is seen to be made public simultaneously with the disaster

Cost and Affordability

For the public, accessing the information is for a low cost.

Fairness and Equitability

The effort to reach the target audience is almost enough but that seems to be developed. For instance, the related information can be found in different areas and places. It can be accepted fair.

Channels of Access

In the case chosen, information channels are efficient and proper for the supported access rights.

Impacts of Laws and Government Effort on Access

Since there are sources of information easy to access, after the flood disaster, the seriousness of the danger is made public with all aspects.

Outcomes from the Provisions of Access

The public is more sensitive and cautious for the possible rains and floods in the field.

V.3.7- Name of the Case: Melen River Drinking Water Supplying System

Case Type: Information from regular monitoring

Category: Access to Information

a. Case Description



Melen River System is developed to cover the long-term water demand of Istanbul. By supplying 268 millions m³ of water at the first stage and 1,180 billions m³ of water at the third stage, water demand of the city until the year 2040 will be met. At Stage I of the project, water taken by the regulator constructed on the Melen River will be transferred to Melen Header Tank from Melen Pump Station by a steel rising main that is 1,75 km long. The water in the Melen Header tank will be transferred to Alacalı Dam Reservoir by the steel pipeline (129,6 km long) and Sile-Alacalı Tunnel (3,8 km long). The process will continue by transferring the water from the Alacalı Dam to the Cumhuriyet Water Treatment Plant by Alacalı-Omerli-Hamidiye Tunnel (8,00 km long) and steel pipeline (8,9 km long) and by gravity main. If necessary, the excess water in the Melen System will be transferred to Omerli Dam by the connection structure between Hamidiye Tunnel and Omerli Dam by gravity main. The capacity of Cumhuriyet Water Treatment Plant will be 720 000 m³/day. One of the main objectives of the project is to refine the raw water in order to offer the

same to public use by the help of modern technology, Quality of such water will meet the standards of the European Union.

This case aims to measure the level of access to information – about the foregoing large-scale project to provide Istanbul with water – by residents of Duzce and Istanbul, the former being the source and the latter being the destination of such water.

b. Case Assessment

Scope and Quality of Access

In terms of general law, the legislation in the chosen topic makes the authorized institution to make the necessary and adequate information public.

In the related topic, the data collection system and the integrated management is at sufficient degree. About the Melen River Drinking Water Supplying System, on the integrated management of the knowledge and data collection, the system created by the institution is successful. However, the only difficulty encountered in this question is that despite the well-integrated management and data collection system, the institution finds it hard to share it with public. If the responsible institution does not fulfill the obligation to inform, there is a satisfactory monitoring and punishment system and this is the only reason for the information's broadcast. In this case, the responsible person is punished by fine at a particular amount of money. The Law of Access to Information makes the institution to share information. There is no feedback or answer to the information demands from the institution. The quality of the people who access the information wanted to be accessed shows the injustice in the distribution of the information. On this point, it should be added that there are two important duties which responsible institution adequately fulfils. The first is that the information on the chosen topic is sufficient and the second is that the information is to be related to the issue.

On the related topic, there was no answer for our demand to access written information and documents. At this point, there is an ambiguity of authority. There are more than one institutions studying on the subject and their authorities on information sharing are ambiguous.

Limits on Access

Limits are narrow and clearly mentioned by law. And in practice we got all relevant information as long as the law allowed doing so.

Timeliness

In the selected case the law establishes a reasonable timeframe. In the chosen topic, the government collects and produces the required information periodically and in a reasonable time. ISKI Branch Manager of Press and Media Ahmet Oz, who we consulted for information, said that the information production and broadcast process is successful. However, according to the research, the problem is not the collection or production but the access of information to the public. At this point, it is clear that there is a disagreement between the NGOs and the responsible institutions. In addition to our demands which remain unanswered, there are some problems in survey process. It should be added that the information collected and produced reached to public after the project ended. The public did not have any information about the topic in the construction and decision making processes. The institutions and individuals who are going to be affected by the project on the chosen topic were not informed sufficiently and they were involved as spectators (not participants) in the decision making process after the outlines of the project were shaped.

Cost and Affordability

The related institution does not demand any cost after accepting to share information.

Fairness and Equitability

The information-sharer institution behaved equally to each category of the society. This process is applicable for the project's completion and presentation to the public. However, the institutions and individuals who have a questioning approach were biased and avoided to share information. Our surveyors were declined when they declared that the results were going to be used for a project and they get the permission provided that their thesis after the survey would support that chosen topic was successful.

Channels of Access

Only a few channels have been available but might seem satisfactory to get relevant information. The tools for accessing to the information are narrow and they are spread to public and related agencies by the channels defined by the project executor institution.

Impacts of Laws and Government Effort on Access

Almost no deliberate actions are taken.

Outcomes from the Provisions of Access

The laws and the efforts of the government might provide much better public participation.

V.3.8- Name of the Case: Tupras Petro-Chemical Plant

Case Type: Facility-level information

Category: Access to Information

a.Case Description



Operating four oil refineries, with a total of 28.1 million tons annual crude oil processing capacity, Tupras is Turkey's largest industrial enterprise. In addition, 50,000 tons capacity petrochemical production facility, a majority stake (79,98 %) in shipping company DITAS and 40% share ownership of petrol retailer Opet, creates synergies and adds value to the operations. The roots of Tupras, an integrated petroleum company with a large market share, corporate reliability, production complexes and affiliates, dates back to IPRAS (İstanbul Petrol Rafinerisi A.Ş.) founded by the U.S. Caltex Company. In 1983, IPRAS and three other publicly owned refineries were brought under the Tüpraş umbrella by arrangements made for a more effective operation of State Economic Enterprises.

The first step for operational diversification of Tupras was the purchase in 2001 of the Petkim Yarımca facilities, putting in place the ready-to-operate

infrastructure for enlargement projects that were needed by the refining operations.

Tupras describes its main target as “continuously upgrading products and services which protect the environment and human health”. However, Tupras is a petro-chemical plant producing petroleum based products like gas, asphalt, etc. It emits large amount of smoke with sculpture and carbon dioxide, which pollutes its vicinity and threatens the health and living conditions of local people. And access to information seems a problem with respect to its accuracy and timing.

b. Case Assessment

Scope and Quality of Access

Scope and quality of access, examined in terms of general law, it supports to limited access to information. In the chosen topic, the legislation foresees the responsible institution to produce a wide range of information and obliges them to be reported. Moreover, the legislation obliges the institution to make the information broadly public.

When the efforts on the topic are examined, the data collection system and the integrated management are in a sufficient degree. Moreover, in this topic, the system produced by the responsible institution is successful. Some stations are built in the related areas of the city and via these, air pollution is observed. Not any response received in time even so far. The information disseminated to the public is very limited and filtered.

Limits on Access

Limits are mostly narrow and clear.

Timeliness

In terms of the chosen topic, from the perspective of general law, in the selected case the law establishes a reasonable timeframe.

When the efforts on the topic are evaluated, the state was seen to be collecting and producing the necessary information periodically and in a reasonable time. The lieutenant governor interviewed states that the information was collected periodically. Moreover, it was known that via the various stations among the

city, the quality of the air was continuously observed. In here or may be in some other questions, the answers from responsible agency and NGOs could be totally different. In such a case, the research Team uses its discretion as given more priority to one than the other. For example, dissemination is timely and regular to responsible agency; however, it is not to NGOs. The Team wish to inform that is to be considered such a separation. Besides, written information was demanded to test the performance of the responsible institution on access to information however, there was no answer back to that demand.

When the effectiveness of these efforts is examined, it is seen that the necessary information accesses to public on time. The information collected by the air observation stations among the city is published via the internet site of the institution effectively.

Cost and Affordability

Information was inexpensive with respect to copying relevant materials and taking other documents. However, accessing to the internet might be costly for the poor people.

Fairness and Equitability

It seemed fair. The agency has treated all classes of the public in equally.

Channels of Access

Satisfactory levels of channels were available for access. However, we have seen that all channels of access could not be available though.

Impacts of Law and Government Efforts

Almost no deliberate actions have been taken so far.

Outcomes from the Provision of Access

Moderate. But, employment opportunity dictated the outcomes more than that of the efforts and current work conditions of the plant. In other words, regarding the information made available for the public the people would like to move another place to seek for their own destiny with respect to employment opportunity and health conditions. They have learnt that the area in the vicinity of the industrial

zone was not suitable for life and even survive. The pollution level, both air and water pollution, is so high and has been threatening their health. But they could not leave the area for employment. Whenever they find another job, they are willing to move to such that place.

Public Participation (PP)

V.3.9- Name of the Case: Abant Natural Park Construction Project Case

Case Type: Project-level decisions

Category: Public Participation

a. Case Description



Declared a natural park in 1988, Abant Lake Natural Park faced the threat of losing its values. Abant Lake Natural Park has a Long Term Development Plan completed in 2007 and revised in 2009. This Plan constitutes a legal document that includes the basic principles of protection and management of biological diversity values in the region and defines the operations allowed/prohibited in and around the Lake.

Management of Abant Lake and its vicinity has been transferred to Bolu Governor's Office, after which some practices that are not provided in the Long Term Development Plan of Abant Lake Natural Park started damaging the natural forests around the lake. The Plan closed the road around the Lake to motor-vehicle traffic and allowed only walking or horse carriage rides, and prohibited expansion or raising level of roads or opening new roads, however,

the Governor increased the road width around the Lake from 7 meters to 11 meters and built a barrier to increase water level and widen the surface of the Lake. Plant species, picnic areas, forest, meadow and pastures were flooded due to the said barrier, and some trees began to dry out since their roots were flooded.

Various NGOs and trade associations stated that this destruction of environment in Abant Natural Park was brought to an irremediable phase, and protested against noncompliance of the Government with the planning decisions under Abant Long Term Development Plan.

Visited by both domestic and foreign tourists in all seasons, Abant National Park is one of the most important national values of Turkey. It was stated that any negative intervention into this area will be contrary to the international agreements entered into by Turkey.

Locals, particularly the media, resorted to participation procedures, and thereby, submitted a parliamentary question to the parliament members from the Opposition Party. As a result of this effort, the process to stop the aforesaid interventions into the Lake and remedy the damage has begun. Therefore, it can be suggested that this was a successful period in terms of public participation.

b. Case Assessment

Scope and Quality of Access

The law has relevant and satisfactory provisions about the scope and the quality of access. The scores of both questions are "good" in this case. Beyond that, the effort for scope and quality of access in the selected case seems varies from "good" to the "worst". Legal basis for is satisfactory by taking good score. However, the information provided to the public is worst in score. Which means that not any information was provided to the public.

Limits on Access

In this case some limitations have been observed when attempting to get information.

Timeliness

General law has a satisfactory provision about timelines for public participation in the Abant Lake case. Then the score is "good". In relation to effective public participation and decision-making processes of Abant Natural Park Construction Project, starting dates of only a few stages of the said processes were notified to the public a reasonable time before such dates. And it has been understood from the interviews with the locals that the time given them to express their opinions was reasonable. Still, it is clearly known that the public's participation in the decision-making process was requested only in certain stages. On the other hand, nearly no information about the result obtained from the comments about Abant Natural Park Construction Project has been provided to the public. This may be considered as an inadequacy.

Cost and Affordability

The cost of public participation was almost affordable.

Fairness and Equitability

The agency treated the public fair and equitable.

Channels of Access

Of course several ways are available for access to public participation. In reality the most efficient ways are media coverage and civil society organizations.

Impacts of Law and Government Efforts

Both the efforts of the responsible agency, the local public, CSO and the media have spent quite well efforts to lead to greater transparency in participation for stakeholders. In other words, the issue was put into national agenda as a results of the referred efforts. And thus, the construction was halted.

Outcomes from the Provision of Access

The outcomes of the access rights have produced ample results, because the Abant Lake was rescued from potential destruction.

V.3.10- Name of the Case: Article 2-B of Forest Code Case

Case Type: Policy-making

Category: Public Participation

a. Case Description



Forestry Law, article 2, paragraph B deals with exclusions from forest areas, and stipulates as follows:

“The areas that scientifically and technically lost their forest character prior to 31 December 1981, and determined to be suitable for different agricultural purposes such as farmland, vineyard, garden, fruit, olive, hazelnut, pistachio orchards; or livestock purposes such as pasture, summer and winter grazing lands; or the settlement areas where city, town or village buildings exist, shall be excluded from the forest regime. Apart from such areas, no limitation of any kind can be placed on the boundaries of forest.”

The first legal arrangement on this matter was the 1970 amendment to Turkish Constitution. This amendment was transferred to the Forestry Law in 1974. (Law No. 1744).

The provisions on forests in the previous Constitution have remained unchanged in the current Constitution, last amended in 1982.

Known publicly as 2B but could not be understood clearly, this matter has been intensely discussed by the public for 40 years. This is because the opportunity to use the excluded areas as residential areas causes the authorities to consider generating income by selling these areas. From this point of view, only the economic aspect of the matter is discussed, while legal, social and environmental aspects are ignored. Those who address the environmental aspect of this matter put up the argument that these are forest areas indeed, but their exclusion from forest areas leads to forest destruction. Another argument is that selling such excluded areas to those who cause deforestation by occupying forests “encourages the occupancy”. Therefore, the problem remains unsolved. Legal regulations made to solve this problem have been cancelled by the Constitutional Court. Recently, legal regulations are tried to be made again.

It was stated that nearly 500.000 ha of land has been excluded from forest areas until now. These areas have a particular importance for biodiversity, scenic beauty and landscape of the Country. However, majority of the public objected the governments and the governments altered the policy on behalf of those areas. This is a typical example of how to change policy via public participation. The method of participation mainly media involvement, public rallying, collecting signature and conducting polls for that purpose.

b. Case Assessment

Scope and Quality of Access

Forestry issue is very crucial for the public in general and the local people in particular in Turkey. Article 2-B means, in brief, taking particular characteristics of forest lands out of forest boundary and allocate special usage types other than forestry and transfer ownership of the lands to the occupiers. Ultimately the former Public forests have been allocated to private owners and such an unfair treatment attracts negative public comments and criticism.

At the initial stage of the survey of article 2-B, the Survey Commission of the responsible agency announced the time, place and how to participate in the work. However, such an announcement was limited to the local people and the ones who have their own parcel adjacent to forest boundary due to lack of legislative provisions. Other than that of such a limitation the responsible agency has spent much efforts to provide transparency, fair and impartial treatment and accessing those three rights.

Limits on Access

The limits on access rights and particularly right to participation are quite clear for local people but not for whole public. But it prohibits all public to participate in the process by law. In other words, the Forest Code and the Law on Land Survey require the responsible agency to invite only the local people and the ones having parcel adjacent to forestry boundary. However, such a limitation is not clear. And the responsible agency uses its discretion whether they allow broader public access or not.

Timeliness

Timeframe for the people who would like to participate in the decision making process about Article 2-B issue was reasonable enough. 15 days notification period for the interested people was given by law and seemed reasonable and logical. In addition to the 15 days notification period, a 6 months lead time for public to objection to the Land Survey's commission decision was given and it is also reasonable with respect to its length and preparing themselves for objection and submitting evidences for supporting justification.

Cost and Affordability

Costs negligible or participation free. Agency action exemplary. But, Public notification and announcement of starting the survey was made in the center of the village and most of the time the people who were away from their home for a particular period of time in temporarily might miss the opportunity to participate in decision making process. When they were away it was costly for them to get relevant information from the agency.

Fairness and Equitability

Within the context of the case under investigation, the efforts of the responsible agency are free of bias and it has stood equal to all citizens. Article 2-B works countrywide have been within the scope of the interests of the local people and the agency has treated all stakeholders equal in length and it has proved that its treatment was fair.

Channels of Access

With respect to access rights, right of public participation was promulgated in two ways; the one is locally announcing the local people that article 2-B works would be started and in such an announcement the agency invited local people to participate in their works and intervene in their decision making process.

Impacts of Law and Government Efforts

Main laws (Forest Code, Law on Land Survey and a few others) on public participation in decision making process within the scope of the Article 2-B works requires the responsible agency to spend much efforts providing transparency and participation. The agency has made its role and established quite transparent means and methods for public when making final decisions. The decision making process has been carried out more fair and equitable. And thus such a transparency and efficient public participation had influenced on the final decision.

Outcomes from the Provision of Access

The outcomes of the public in Article 2-B works has been changed apparently. However, the way in which it is positive or negative with respect to environmental protection seems questionable and still under discussion in Turkish society. The local seem more prone to manage those areas under private ownership by transferring the ownership of those areas to the occupiers, while the other parts of the public, which are more environmentalists and the ones who did not occupied those previous forestlands opposed such an efforts aiming to sell those areas to the occupiers.

Therefore, the debate still has been going on. But, it is quite obvious that the access rights have apparently an influence on the final decision, hopefully in favor of the environmental protection side.

V.3.11- Name of the Case: Bilezikci Ciftligi Research Forest Case

Case Type: Other Public Participation

Category: Public Participation

a.Case Description



Bilezikci Ciftligi is the largest last patch of university owned stretching through the Bosphorus. The forest used to be owned by a family and around 1990's was sold to a large construction company. The company had been planned to construct the villas and houses into the forests and not any piece of forests would have been left before confiscation process was completed. Then, the Istanbul University intervened into the issue and has declared that the forest was expropriated by the University. Following that, the company sued the University in the court, but lost the case. Then, it forwarded the case bringing it in front of the Court of Human Rights.

The Court declared that the company's property rights were intervened and a particular amount of compensation shall be awarded. However, the company lost its ownership on the forest. Then, a particular discussion has been going on between the parties whether the University shall manage the forest with respect to Forest legislation or shall develop other development plans aiming to open the

forests for investments like rallying, tourism etc., other than pure forestry practices.

b. Case Assessment

Scope and Quality of Access

The legislation requires the competent institution to make a limited amount of information publicly available during the decision-making process with respect to Bilezikci Ciftligi Research Forest. The legislation is satisfactory enough to offer opportunities for public participation. However, such an opportunity does not offer at all stages of public participation. For example, the public is not asked to participate in the stages of inspection, investigation and monitoring. In addition, the institution responsible for Bilezikci Ciftligi Research Forest fails to enable the public to receive clear information about decision-making process. It has been concluded, particularly from the interviews with the locals, that the public does not have a clear idea about Bilezikci Ciftligi. There is no monitoring, supervision or punishment mechanism applicable to the failure of the institution responsible for Bilezikci Ciftligi Research Forest to fulfill its obligation with respect to public participation. Also, the institution provided the public with a very limited amount of information about decision options and effects of such options on environment and human health. However, such information was not sufficient. The responsible institution achieved public participation at only one stage of the decision-making processes. Nearly no consultation meeting that is effective and able to yield significant information was held by the institution. Another finding derived from the interviews with the locals is that the locals do not have sufficient information about Bilezikci Ciftligi Research Forest.

Limits on Access

Limits are provisioned by law clearly and its scope is not quite broad.

Timeliness

General Law is silent on that. In order to achieve an effective public participation with respect to Bilezikci Ciftligi Research Forest, starting date of each decision-making process were notified, at a limited level, to the public a reasonable time before such dates. However, the time given to the public was too short. Moreover, information about the result of the comments made by the public about Bilezikçi Çiftliği Research Forest has not been made publicly available.

Cost and Affordability

Costs were negligible or participation free. Agency action is exemplary.

Fairness and Equitability

It seems fair and equal in treatment.

Channels of Access

Not very broad, however the narrow channels were satisfactory and efficient.

Impacts of Law and Government Efforts

Not broadly heard in the public, however all stakeholders has spent much efforts to lead much transparency and participation.

Outcomes from the Provision of Access

Satisfactory because the forest is rescued and secured from construction. However, the Law on Access to Information has not played a significant role, instead the officials of the Istanbul University, as the party of confiscation of the referred private forests, had made their duties by rescuing the forests from construction.

V.3.12- Name of the Case: City Planning and 3. Rd. Bridge Case

Case Type: Project-level decisions

Category: Public Participation

a.Case Description



The Government has been planning to construct the 3rd Bridge in Bosphorus. Potential location will definitely be the Northern part of the Istanbul, which has mass forest zones and water resources. Potential threats to the environment are that it might attract more population to the area, destroys water resources, biodiversity and scenic beauty of the city. Several foundations, professional chambers, associations, NGOs and the public object the project. And they formed a platform called “Life instead of 3. Rd. Bridge”

They think that "Third bridge across the Bosphorus is a crime. Such a venture would bear fatal results on modern urbanization and metropolitan public transportation system of Istanbul."

The Government Authority claims that third Bosphorus bridge will be constructed for solving the problems of in-city traffic and public mass transportation whereas they assume that this bridge would also facilitate the intercity transit traffic passing through Istanbul.

Platform believes that the third bridge would, as it is with the previous two bridges, not solve the traffic problems of Istanbul, contrarily it would just produce new unsolvable problems. A new Bosphorus bridge would rapidly increase the number of rubber-tired vehicles passing from Asian Side to European Side and vice versa, however the number of passengers transported could not be further increased. Since the Authorities do not have any scientifically acceptable transportation policies for the Metropolitan Istanbul, the result would not change much if three or more bridges would be constructed across the Bosphorus.

b. Case Assessment

Scope and Quality of Access

The 3rd. Bridge construction efforts have posed unique characteristics with respect to access rights, particularly comparing with other cases in this study. The responsible agency did not spend any efforts providing access rights for the public. The agency did not announced decision making process and did not make the planning stages of the bridge available for the public.

As mentioned above that the legislation in many cases gives discretion to the responsible agency inviting people to participate in decision making process. Only a single article has been provisioned in the Regulation on Environmental Impact Assessment. However, the government leading to responsible agency to enact another provision by passing public participation requirement of the referred legislation by exempting the construction of the 3rd. Bridge from environmental impact assessment process. And thus, almost all the stages of the planning of the referred construction process have been hidden from the public agenda. Only public gossiping and leaks from bureaucracy has played a crucial role when releasing information to the public about the planning and the information censored and filtered from the responsible agency has been released

to the public. Therefore, the agency did not spend any efforts to provide access rights for the public.

However, when we asked the persons who were in charge of the 3rd. Bridge in the headquarters of the responsible agency in Istanbul we have faced an interesting but a reasonable response from them. To those people, if they would release all relevant information about all the stages and steps of the 3rd. Bridge construction in Bosphorus, the lands adjacent to the course of the bridge, its highways and intersections and crossroads, could have been looted by the public. Such a justification for hiding all stages of the activities seemed reasonable and logical from their perspective at first hand. However, former experiences proved that this is absolutely not reasonable and logical. If the government would like to prevent looting of space, then there would be, and still will be, other legal means to secure that, e.g. it can introduce a temporary ban on land transactions. But cutting back access rights is absolutely damaging.

Limits on Access

Although the limits on access by law is limited and clear, in practice in this case this was neither clear nor limited, simply because not any access rights were available for the public to play a role in decision making process.

Timeliness

By law in here the timeframe seems somewhat reasonable for participation. In practice within the scope of this case study not any effort was spent. And thus not any public comment was available. The public could not hear about the 3rd. Bridge construction efforts. Thus, it is not logical to assess timeliness in here.

Cost and Affordability

Costs may present a barrier to citizens to some degree exercising their access rights by law. However, in practice here in this case not any efforts from either responsible agency or from the public were observed. Therefore, not any assessment here in was made.

Fairness and Equitability

Nothing in here to be assessed due to hiding the efforts in all stages of the 3rd. Bridge case.

Channels of Access

Since not any access for the citizens and a special efforts spent by the responsible agency for hiding all stages of the planning, not any channel of access for participation had been observed herein.

Impacts of Law and Government Efforts

Very poor impact was observed in this case. Almost all the things had been going on behind the closed doors without any public participation. No transparency and public participation efforts had been observed.

Outcomes from the Provision of Access

Nothing has been change since then. Which means that the efforts to 3rd. Bridge construction case has still been going on, despite the fact that several environmentalists and city planners have been objecting those construction activities.

V.3.13- Name of the Case: Ida Mountains Gold Mining Sites

Case Type: Regulatory decisions

Category: Public Participation

a. Case Description



Spread over an area of nearly 258.000 ha, Ida Mountains are unique with their environment as well as ecological, mythological and socio-economic characteristics. Biogeographically location of Ida Mountains, where the climate is transient between variants of the Mediterranean climate and Oceanic climate, is at the intersection of Euxin province of Euro-Siberian region and Eastern Mediterranean province of the Mediterranean region according to its location, geomorphology and dominant climate type.

Although some parts have been declared “National Park” and taken under special protection areas, Ida Mountains offer a real ecological integrity worthy of “high-level protection” with its summits, plains, surface waters, aquifers, flora and wildlife. Therefore, it has been chosen as one of the pilot conservation areas under “In-situ Conservation of Genetic Resources” project funded by the World Bank. Ida Mountains’ flora, which has nearly 900 taxa from 101 families, includes 78 endemics and rare plant species of Turkey, 37 of which can be seen

only in these Mountains. Furthermore, Ida Mountains, one of the most important plant areas of Europe, have been declared “Important Plant Area (IPA)”.

Heated public discussions have been taking place since prospecting licenses were granted to allow mining operations in an area of nearly 38.200 ha in Ida Mountains’ skirts (Edremit, Ayvacık, Bayramic, Can, Yenice).

In Ida Mountain- Balıkesir a mining company called KOZA and its Canadian Partner Company were issued a mining license to extract gold mines by using cyanide. But the local people objected and rallied against that activity. It was the case that public participated in the decision making process and eventually halted the mining. The activity and battles of local people have been going on nowadays.

b. Case Assessment

Scope and Quality of Access

The legislation does not require the relevant institution to provide the public with information in order to start decision-making process for Ida Mountains Gold Mining Sites. The legislation provides limited opportunities to the public in connection with the decision-making process. Although it is known that the responsible institution works to ensure public participation via periodic meetings, it is possible to say that the information shared about this matter is not transparent at all. Furthermore, there are two leading civil groups in the region of the gold mine who think the project damages the environment, while the locals are generally conservative and mostly embracing the local government’s point of view. Another finding about this matter is that the responsible institution and the company have interviews and meetings with the public and make local announcements so frequently that the public does not criticize them effectively.

Limits on Access

Some limits have been observed in this case. The public could not be heard about the issue quite well. Only closely interested people, CSOs and local people heard about when the mining extraction was started. And they could not participate in all the stages of public participation.

Timeliness

Here the timeframe seems somewhat reasonable for participation. However, it is not enough, because it is impossible to say that public participation is achieved. As it is well known, response of the locals to the activities is followed by the public, but it is hard to say that such response has achieved an effective result. It can be claimed that one of the most important reasons of this is the support of the local government to the project. The minor clash between the local government police force and one of the Edremit Sub-Province CSOs executives occurred during the CSOs attempt to conduct a poll in the locality is a good example of the said support. However, the approval given by the forest administration of the locality, which is one of the approving authorities of the project, for the request to examine the archives can be considered as a positive result about this matter. In relation to the works conducted to build the public's capacity, the works conducted by the company, which implements the project, in order to leave a positive impression on the public, while the company takes all the initiative can be given as an example.

Cost and Affordability

Costs negligible or participation free. Agency action exemplary.

Fairness and Equitability

The government efforts are fair and its treatments to all citizens are equal and correct.

Channels of Access

Satisfactory level of channels like media, billboards, websites etc., were used to access to all three rights.

Impacts of Law and Government Efforts

Information provided was relevant and generally sufficient. The laws and efforts of the government had provided sufficient level of use of access rights.

Outcomes from the Provision of Access

The outcomes were great and the sewage system and industrial zone through the waterbed were cleared due to access rights provisioned by the relevant legislation.

V.3.14- Name of the Case: Konya Karapınar Erosion Control Site

Case Type: Policy-making

Category: Public Participation

a.Case Description



Karapınar County in Konya province suffers from the extreme effects of wind erosion. Soil in this county is rich in clay and potash, but poor in organic matters and phosphorus. There are 296 900 ha agricultural land in the county, however 23% of this area, that is 103.000 ha, is damaged by erosion caused by various wind types and forces. Semi-arid climate dominates the region. Annual average precipitation is 275 mm, average temperature 11° C, prevailing wind direction north to northeast, and annual average wind speed 3.5 m/sec. And the winds considered important in terms of erosion blows from south to southwest. Soil in the county has lost fertility due to erosion.

The poor conditions caused by combination of these negative factors have not discouraged the locals, who are seeking a way to solve this problem. First of all, Karapınar residents have found a society called “Saving Karapınar from Erosion Association”. Complaints of this Association, which occurred due to public sensibility, were conveyed firstly to the relevant administrative organization

(Soil-Water General Directorate). The General Directorate immediately started working. Karapınar Project is the first project in the world which achieved success in fighting wind erosion by natural methods. This project set a good example and led other projects around the world. Moreover, research projects conducted on the Karapınar Project site and the studies that may light the way for the science world are still in progress. “Drought and Erosion Monitoring Center” planned to be set up in the research station is intended to create a national unit – and an international unit later – and to increase scientific data generation.

After bringing the erosion under control, an agriculture-based economy has been created in the region. Karapınar seem to forget tough times in the past and look to the future confidently. The county celebrates leaving erosion and the troubles it caused behind by “Defeating Erosion Day” in May-June each year, and thus, aims to let the tough times and their efforts and the achievements in the past be remembered by the next generations.

In addition to the pride of defeating erosion, Karapınar stands as a successful example of government-citizen cooperation and public participation in solving problems.

b. Case Assessment

Scope and Quality of Access

In terms of the scope and the quality of access, during the decision making process in the chosen case, the legislation obliges the authorized institution to supply limited information for the public in order to start the process. Moreover, in decision making process of the chosen case, the legislation has some rules on providing limited opportunities for the public.

When the efforts on the scope and quality of access are examined, the responsible institution is seen to have provided the public to get open and clear information (including timing, location, business processes, and opportunities-opportunities to participate) but have provided limited information on the project. Moreover, the responsible institution provides information aids to the public via some brochures and local media. Besides, for the institutions which ignore the public involvement, the monitoring, control and punishment mechanisms are only on bureaucratic and hierarchical level. Along with them, the authorize institution only makes a general information on decision options

and their effects on environment and human health although the educational level of the public makes it necessary. In addition to these, in the topic chosen, the responsible institution has not provided any involvement for the public in any level (written or speech). The decision is only applied in accordance with the commands from the official authorities. However, the responsible institution has organized some public consultation meetings from which it gathered some efficient and meaningful data (hall meetings, public meetings and smaller meetings, individual-focused interviews). These meetings are periodical and there is a satisfactory audience.

Limits on Access

The limits are narrow and open on access to information. In other words, the public can easily reach the information on the topic.

Timeliness

The time interval on the topic is in enough degree.

When the efforts on the time interval are examined, in the chosen case, each level of the decision making process have announced to public by NGOs via providing a reasonable time interval. In Karapinar, which is a small town in Central Anatolia, the NGOs worked closely to local media and thus the public has been given enough time to participate in decision making process. Even they were not set an exact time limit to share their opinions.

From the perspective of efficiency of the time interval, in the chosen topic, the information on results of the comments is seen to be shared rapidly with the public.

Cost and Affordability

In the case chosen, it is free to access to the information. In other words, the applicants for accessing to information were given all necessary documents, materials, etc. free of charge.

Fairness and Equitability

The efforts made by the authorized institution on the chosen topic are fair and the application is equal for each citizen.

Channels of Access

It is observed that the channels of access on the chosen topic are satisfactory but that does not mean they cannot be developed. For instance, easier ways to provide public involvement can be offered.

Impacts of Laws and Government Effort on Access

In the chosen case, the law and the efforts of the government are satisfactory.

Outcomes from the Provisions of Access

The data on the chosen case shows the studies continue successfully and the results of the project goes on in positive ways.

Access to Justice (A2J)

V.3.15- Name of the Case: Afforestation Regulation

Case Type: Non-compliance

Category: Access to Justice

a. Case Description



The abstract rule on afforestation operations set forth for protection and improvement of forests under article 169 of the 1982 Constitution, have become concrete in articles 57-63 of the Forestry Law No. 6831. And Afforestation Regulation has been put into force for the purpose of setting forth the procedures and principles of implementing the provisions on afforestation works to be performed in order to increase forest areas. The Regulation has been amended since the effective date; and the most recent amendment relating to this matter has taken effect in April 2009.

The Regulation, which introduced fundamental changes in afforestation, was discussed by the public. However, some NGOs thought that such a regulation is against the Constitution and it does not have any legal basis for enactment and brought the case in front of the court in 2009.

b. Case Assessment

Scope and Quality of Access

According to the article 3 of the Law on Administrative Procedure of 1982, No: 2577, all courts are authorized and held responsible to hear the selected claim type and issue a decision. In other words, general law is excellent on that. The law gives a right to the claimant to bring the case in front of the Supreme Court of Administrative Judicial System, if the first degree court rejects their claim.

Effort of the forum is quite good for judgment but their specialty is not directly relevant to environmental issues and thus the selected case.

On the other hand, according to Turkish legal system the courts and judges are under the care, control, supervision, inspection and guarantee of the Constitution. Such a guarantee is provided by not any government decision but by law itself. And thus it made the Court was independent from any public body and its fund was provided by the budget.

The procedure of the law was publicly available through website, books and other publications. Information is easily available for parties. Of course, not whole documents, summations, expert witness reports, etc. have been posted in the website of State Council. But each step of administrative procedure could have been tracked through web site. This made the process satisfactorily transparent. In addition the Court reviewed all facts, figures and legislative provisions to the parties and to the public to some extent when making a decision.

In the end it may be said that within the context of the afforestation regulation the agency has spent necessary efforts providing access to justice for the public. However, the legislation limited the Courts and the relevant agency, which is the Ministry of Justice, launching training programs and courses for the public aiming to improve capacities of the public within the context of access to justice.

Limits on Access

The limit is very low only national security may obstacle access to justice except for such limitation there is not any legal provision prohibiting access to justice. However, access to justice requires a special knowledge and high level of

expertise, which would require being legal expert or lawyer, and this made it more expensive and limited to regular public to access justice.

Timeliness

By law timeframe for judgment and forum decision is satisfactory. The court has a right by law to cut a time period for response and making advance notice to some extent. However, total time period saved by such a processing method was no more than 3 months. Whether such a minimization in time period was meaningful or not with regard to total time period of taking 3-4 years for whole cases is a value judgment. It may be useful for some people but may not for some others. To us, such a time cut was meaningful, simply because it may be needed only a few days or months rescuing some values.

Cost and Affordability

Costs may present a barrier to citizens to some degree exercising their access rights. Because legal issues require being a legal expert to follow a case in front of the court. And to hire a lawyer makes the access to justice more expensive and in some case make it impossible to access the court. Within the scope of the case of afforestation regulation the lawyer of the TEMA Foundation had filed the lawsuits free of charge and had lost to the case. Such an effort and legal help made access to justice free of charge for all the public at least within the scope of the selected case. Just make sure that we cannot generalize such a help to whole potential environmental lawsuits that we probably will have been faced in the future.

Fairness and Equitability

The tribunals are fair and treats equitable to either parties. They did not discriminate to any party.

Channels of Access

The channels in a given case were sufficient and appropriate for supporting access to justice. However, accessing through website made it expensive and hard to access to the justice due to not the availability of internet in all county.

Impacts of Law and Government Efforts

The laws and efforts of the relevant agency and courts had provided satisfactory level of transparency when access to justice is in consideration in Afforestation Regulation case.

Outcomes from the Provision of Access

All efforts and endeavor has produced almost nothing when the lawsuit was lost. And thus alteration in Afforestation Regulation had entered into force in spite of the efforts of the environmentalists. However, the efforts and information on the conflict and intervening into the lawsuits have been provided by both Administrative Procedure Law but not by the provisions of the Law on Access to Information.

V.3.16- Name of the Case: Allianoi Antique City Case

Case Type: Access to information

Category: Access to Justice

a.Case Description



The ancient city Allianoi, which has been largely uncovered by the excavations that started 1998, is an important ancient health center in Bergama (Ancient Pergamon). It was inferred that Allianoi was used from 2nd century B.C. to 2nd century A.D. as a health cult built as a votive offering to Asclepius, Greek god of medicine, like the Asclepion of Bergama. However, important findings support the conclusion that the curing method in Asclepion was mental healing, while Allianoi was a hydrotherapy center.

The hot water emerging in Allianoi is still usable today. Unfortunately, Allianoi, the most protected hot spring in Anatolia, faces the risk of being flooded by Yortanlı Dam being constructed in the region. Necessary actions should be taken

to save such an important cultural heritage. An ancient writer P. Aelius Aristides mentioned Allianoi in his book Hieroi Logoi. Allianoi is also known as “The Land of Asclepius”, god of Medicine.

Nowadays a dam project has been being implemented in just next to the antique city of Allianoi in İzmir province. However, Doğa Derneği/Nature Association, a CSOs based in Ankara, has launched an initiative along with a famous Turkish singer, combating against the project. The association filed a lawsuit against the Government and has brought the conflict to the court. The Administrative Court processed the case and stopped the project. The case is still pending. Hopefully, the dam construction project will be cancelled by the court order.

b. Case Assessment

Scope and Quality of Access

According to the article 3 of the Law on Administrative Procedure of 1982, No: 2577 all courts are authorized and held responsible to hear the selected claim type and issue a decision. The forum is quite good for judgment. But their specialty is not directly relevant to environmental issues. Extensive fact finding or access to information is possible particularly after a quarrel between the Minister and a pop singer. Even the Turkish pop star has been involved to the case. The case is well-known by the public through media and CSOs. Therefore, the Court extensively investigated the facts and figures about the Allianoi antique city.

Limits on Access

The limit is very low only national security may obstacle access to justice except for such limitation there is not any legal provision prohibiting access to justice.

Timeliness

The time frame is reasonable for forum decisions. However, workloads of the Courts are very heavy and thus issuing a resolution takes much longer time like 3-4 years in some cases. But, a type of remedy called "ordering a stay execution" might be available. The court has a right by law to cut a time period for response and making advance notice to some extent. However, total time period saved by such a processing method is no more than 3 months. Whether such a minimization in time period is meaningful or not regarding total time period

taking 3-4 years for whole cases is a value judgment. It may be useful for some people but may not for some others. In Alliano case such a 3 months period is useful and stopped harmful activities in antique city. In the end it may be said that all time schedules for judgment procedures are satisfactory enough

Cost and Affordability

Costs may present a barrier to citizens to some degree exercising their access rights.

Fairness and Equitability

The tribunals are fair and treats equitable to either parties. However, the Court has not a specialty in environmental conflicts and that might pose an obstacle for accessing fair judgment.

Channels of Access

The channels in a given case are sufficient and appropriate for supporting access rights. Through internet, media and CSOs efforts were the most prominent channels of access to the justice.

Impacts

The media involvement and CSOs efforts have brought the case in front of the public agenda. And thus such an effort provided more transparency and efficient participation in effective, fair and equal judgment. Such an effort also has established an opposition groups and objection in public.

Outcomes

As an outcome of the efforts of the public to participate in decision making and accessing justice has produce a hopeful outcomes. This means that Alliano Antique City has rescued from ruining to some extend and the City was covered by sand as a means of preventing it from damages and destructions. This proved us that access rights had helped to the public so much and increased their consciousness. Otherwise, those people protesting the destruction could have been arrested or may have been accused of objecting public agency personnel.

V.3.17- Name of the Case: Laws on Genetically Modified Organisms

Case Type: Other Access to Justice

Category: Access to Justice

a.Case Description



In Turkey genetically modified organisms have been considered a serious problem threatening public health and agricultural products. In 2009, the first regulation was put into force. Having asserted that the regulation did not have any legal basis, the CSOs and a group of people brought the conflict to the State Council Chamber 10. The court cancelled the regulation. Meanwhile, a new statute called "biodiversity law" has been put into force. And depending upon the new law, the second regulation has been put into practice in 2010. The CSOs, media and labor confederations have become involved in the issue. Thereafter, the conflict has been minimized to a particular extent.

b. Case Assessment

Scope and Quality of Access

General Law According to the article 3 of the Law on Administrative Procedure of 1982, No: 2577 all courts are authorized and held responsible to hear the selected claim type and issue a decision.

The law gives a right to the claimant to bring the case in front of the Supreme Court of Administrative Judicial System. Regarding such a legislative provision an NGOs has brought the case in front of the court. And the responsible agency, which is the Ministry of Justice, has spent all efforts to provide infrastructure for accessing justice. However, the Ministry by law was prohibited to organize training and educational program for public to improve their capacities to accessing justice. The Constitution and relevant laws strictly prohibit such efforts and activities on behalf of providing fair and equal judgment.

Limits on Access

The limit is very low only national security may obstacle access to justice except for such limitation there is not any legal provision prohibiting access to justice. Within the context of the case herein there were not any particular obstacles and the public accessed to the justice via the help of an NGOs effort to bring the case in front of the court.

Timeliness

By law the time period is satisfactory. In practice, within the context of the actual case the time frame was reasonable for forum decisions. Effort all time schedules for judgment procedures were satisfactory.

Cost and Affordability

Costs may present a barrier to citizens to some degree exercising their access rights. However, within the context of the case Laws on Genetically Modified Organisms an CSOs has brought the case in front of the court. And comparing with the citizens' economic power to offset all expenses the referred CSOs bear all the costs and thus it made accessing justice free of charge for the rest of the public at least within the scope of this selected case. However, just make sure

that we cannot generalize such a help to whole potencial environmental lawsuits that we probably will have been faced in the future.

Fairness and Equitability

The tribunals are fair and treats equitable to either parties.

Channels of Access

The channels in a given case are sufficient and appropriate for supporting access rights.

Impacts

Particularly the efforts of CSOs have provided opportunity for public to intervene the judicial process to some extend and thus made more transparent and fair judgment.

Outcomes

As a results of the efforts and endeavor the laws on Biosecurity was entered into force through the efforts of the public in general and the efforts of media, CSOs and relevant public in particular.

V.3.18- Name of the Case: Mining Law Case

Case Type: Public Participation

Category: Access to Justice

a. Case Description



Mining Law was amended in 2004, and some regulations have been put into force under this law. This amendment allows mining in:

“Forests, protection forests, afforestation areas, land hunting areas, special protected areas, national parks, natural monuments, nature reserve areas, agricultural lands, pastures, protected areas, water basins”.

Entry into force of this regulation, which allows mining operations in all natural resources, caused discussions that ended up in filing of an application with the Constitutional Court for an order to cancel it.

The Constitutional Court examined the relevant article in terms of the application for cancellation, and unanimously decided to cancel the same in 2009.

Mining Law has been amended again and put into force in 2010, but the discussions have not ended yet.

b. Case Assessment

Scope and Quality of Access

According to the article 3 of the Law on Administrative Procedure of 1982, No: 2577 all courts are authorized and held responsible to hear the selected claim type and issue a decision. The court cannot deny hearing any claim. The law gives a right to the claimant to bring the case in front of the Supreme Court of Administrative Judicial System.

The Court considers itself having adequate capacity and experiences on the lawsuits in front of it. However, let it be known that not any court in Turkey is a special for environmental issues. Within the scope of the Mining Law Case, the court saw itself authorized to hear the claim.

According to Turkish legal system the courts and judges are under the care, control, supervision, inspection and guarantee of the Constitution. Such a guarantee is provided by not any government decision but by law itself. The procedure of the law is publicly available through website, books and other publications. The Court is independent from any public body and its fund is provided by the budget.

Regarding the above theoretical and legislative provision, in practice, the process was satisfactorily transparent. And the court was quite fair and equal in treatment to all parties of the lawsuit. On the other hand, the Ministry of Justice itself has spent its best effort to provide infrastructure for equal and fair judgment. However, the lack in here was that the court was not a special court for hearing environmental conflicts. This is the most crucial issue in Turkish judicial system with respect to environmental lawsuits.

Limits on Access

The limit is very low only national security may obstacle access to justice. Except for such a limitation there is not any legal provision prohibiting access to justice. This is guaranteed by law and constitution as well.

Timeliness

Timeframe for judgment and forum decision was satisfactory. Efforts of the responsible agency were satisfactory enough to be ready for assertion or defending one's claims. The court has a right by law to cut a time period for response and making advance notice to some extent. However, time period for whole judgment due to extensive workloads of the courts the case shall take at least 3-4 years. And such a delay shadows fair, equal and efficient judgment.

Cost and Affordability

Costs may present a barrier to citizens to some degree exercising their access rights. However, within the scope of this case a lawyer hired by an CSOs brought the case in front of the court and it was cheaper or free for the rest of the interested people and stakeholders at least within the scope of this selected case. However, just make sure that we cannot generalize such a help to whole potential environmental lawsuits that we probably will have been faced in the future.

Fairness and Equitability

The tribunals were fair and treated equitable to either party.

Channels of Access

The channels in a given case were sufficient and appropriate for supporting access rights. Through internet database of the State Council and the file of the lawsuits in either court house or the documents held by the lawyer all relevant documents were available for the interested people. Consequently, the access was quite limited to those having access to internet, to the courthouse or those having a lawyer in the case.

Impacts

The CSOs has brought the case in front of the court and it's effort has provided transparency and accessing the justice. Due to that lawsuit a particular number of people intervened the issue and participated in procedure of the lawsuit. And thus they accessed the justice to a particular extend.

Outcomes

The lawsuit was approved by the court and such an approval seemed satisfactory. Mining regulation was cancelled by the State Council and therefore the new regulation was enacted by the Ministry of Environment and Forestry.

V.3.19- Name of the Case: Vize Cement Factory Case

Case Type: Environmental harm

Category: Access to Justice

a.Case Description



In 2001, a company applied for setting up a cement factory in Vize in Kırklareli Province. Then, the company obtained EIA Positive report. However, the place where the plant was planned to be built was within the territory of water resources and recreational areas. TEMA, the plaintiff and CSOs, brought the case to the administrative court of Edirne in 2006. The court cancelled the EIA Positive report and the court decision was approved by the State Council (the Supreme Court of Administrative Judgment) in 2010. Following that, the company took the second step by getting the second EIA Positive decision approved by the Ministry. And then, the first plaintiff brought the case to the administrative court of Edirne again. Now, the case is still pending.

At the same time, the Ministry of Environment and Forestry has approved the Environmental Management Plans of the region allowing the cement factory. Again, the TEMA has brought the conflict to the court (by law in front of the State Council Chamber 6) in 2007. Since then, the two lawsuits have been under processing. In 2009 the State Council has cancelled the Environmental

Management Plan. Upon cancellation of the referred plan the Ministry revised it. Then, the TEMA has brought the issue in front of the State Council Chamber 6. Following that the lawsuit is under processing at the stage of field investigation and collecting other evidences.

b. Case Assessment

Scope and Quality of Access

According to the article 3 of the Law on Administrative Procedure of 1982, No: 2577 all courts are authorized and held responsible to hear the selected claim type and issue a decision. The law gives a right to the claimant to bring the case in front of the State Council (the Supreme Court of Administrative Judicial System).

The responsible agency has spent many efforts to provide transparency and fair judgment. Regarding that the interested people reached justice to bring the lawsuit in front of the court and the court issued a remedy by stopping the factory's activity.

Limits on Access

The limit is very low only national security may obstacle access to justice except for such limitation there is not any legal provision prohibiting access to justice. This was the case in Vize Cement Factory.

Timeliness

Timeframe was reasonable. All time schedules for judgment procedures were satisfactory enough to be ready for assertion or defending one's claims.

Cost and Affordability

Costs may present a barrier to citizens to some degree exercising their access rights. However, within the scope of this case herein a CSOs has hired the lawyer and he brought the conflict in front of the court. Thus, accessing justice became free of charge for the rest of the stake holders at least within the scope of this selected case. However, just make sure that we cannot generalize such a help to whole potencial environmental lawsuits that we probably will have been faced in the future.

Fairness and Equitability

The tribunals were fair and treats equitable to either parties. Not any word heard by the people against fair judgment.

Channels of Access

The channels in a given case were sufficient and appropriate for supporting access rights.

Impacts

The CSOs has brought the case in front of the court and it's effort has provided transparency and accessing the justice. Due to that law suit a particular number of people intervened the issue and participated in procedure of the law suit. And thus they accessed the justice to a particular extend.

Outcomes

The court resolution was issued by the court and It was accepted to be satisfactory. Cement factory project was cancelled at least during the case. Environment Management Plan was revised.

V.3.20.Name of the Case: General Capacity Building

General Capacity Building

The general capacities of the public when access rights are in consideration have been observed moderate.

By law not any specific law have been enacted so far dealing with directly environmental education, raising consciousness and training. Therefore, the legislation should be improved at the first stage.

However, several laws enacted so far indirectly dealing with improving capacities of the public, with respect to environmental consciousness etc. For example, Laws on Establishment of the Ministries in general and laws on establishment of the ministry of Environment and Forestry have a few provisions on education of the staffs and organizing training and education programs. The responsible local agencies have been launched some programs dealing with capacity building based on the referred laws.

Scope and Quality of Access

The law has satisfactory provisions dealing with CSOs and their work environment. Unfortunately not any extensive incentives are provided by the government.

Adequate civic education has been offered in public schools. Environmental education seems satisfactory. Special course called "citizenship" is offered in curriculum dealing with how to use fundamental rights and access to all types of main rights and duties arises from the Constitution and main legislation. However, not any of them directly relevant to environment. In curriculum the lecture "science" has some chapters dealing with environmental issues. However, not any special training offered to the teachers to improve their own skills and consciousness about environment.

Most of the time freedom of press is provided by law. But some problems like arresting the correspondents or columnists have been experienced in other areas of the life. The good news in here was that not any columnist or correspondents have been arrested so far when brought an environmental issue in public agenda.

When funding support is in consideration it was observed that the grade of the government was not satisfactory. However, some incentives like tax exemption, raising money etc. are not offered to those CSOs specific to those who are environmentalists. However, they are authorized to collect money as a donation from the public, although it was not satisfactory. Almost not any funding support for media is provided by law from the public fund. Likewise, not any free legal aid for environmental lawsuits except for criminal cases was has been provided.

In brief the efforts of the relevant agencies seem moderate. But some more steps to improve the capacities of the public should be taken.

Fairness and Equitability

The law is fair and equally applied, not any discrimination for any groups, or groups of people was observed in the law.

Capacity Building for the Public

It needs to be also improved by covering some special areas like disabilities, women and illiterates.

Capacity Building for the Media & CSOs

By law, particularly at the constitutional level, the law has satisfactory provisions dealing with CSOs and their work environment. Their establishment and freedom are under constitutional guarantee. They do not need any official approval or prepermission from any official authority. The law allowed them an automatic method for establishment. Whenever they are established and started their activities, their works, activities and efforts have been care, control and supervision of the responsible State agency, which is the Provincial authorities in each of the 81 cities.

In practice, government implements rules and guidelines moderately equitable for CSOs including CSOs on environmental issues.

Unfortunately not any extensive incentives are provided by the government to the CSOs. Except for tax exemption, raising money etc. Not any columnist or correspondents have been arrested so far when brought an environmental issue in public agenda.

Also, almost not any funding support has been provided for media. They may raise their money depending upon the types, efforts and effectiveness and lobbying.

When we look at the each of the cases with respect to capacity building we have observed the below points deserved to be mentioned herein.

In Antalya Serik Forest Fire case, we have seen that the Local Branch of the Ministry in Antalya had organized a training course for all people about forest fires. Such an effort for capacity building was very impressive and effective with respect to combating the fire. After the training course the ones who participated in the course was presented a special certificate. Beyond that, with respect to infrastructure and technical capacity of the State, it was seen that all relevant infrastructure and technical capacity were well enough and had played a significant role to combat the fire.

In addition, since the area is just next to tourism resorts and hotels, the local agency has told us that they noticed and well informed the tourists with respect to the possibility of scattering the fire to shoreline. And the tourists have felt well after informed in a timely manner.

The laws support particularly the media organizations but do not give such a support to CSOs with respect to reaching several access channels. However the law does not obstacle to those two groups in particular. Within the context of the fire, the Media and CSOs have played a crucial role when increasing public awareness and provided their participation more effectively.

In the case of Istanbul Air Quality Network, we have observed that the responsible agency assigned a person who was in charge of access rights. The agency also released information in a timely fashion to the public about the air quality of Istanbul.

Within the last three years they have organized special training courses but not on a regular basis. In general it was observed that the responsible agency spent satisfactory efforts for capacity improvements. However, in practice, it was seen that the means and methods to reach relevant information and the infrastructure for access rights need more improvements.

The agency has developed a training program for children, which is fine. However, they do not have any program for disadvantaged groups, like illiterates

and disabilities. This is the one that was observed the weakest point of the agency with respect to reaching all the public.

On the other hand, the information shared with the public was quite much technical and needed to be interpreted. However, except for air forecasting, they do not have any program easing those hi-tech information into public level.

In the Bergama Gold Mining case, the agency has adequate staff responsible for disseminating environmental information. However, it is questionable that they might not be as experienced as they were expected. In this case the agency does not offer regular training programmes for its staff.

The media had moderate effectiveness in enhancing access to information, CSOs played a strong role in enhancing access to information.

In Dilovası Industrial Zone case, from the perspective of general law, the legislation brings an obligation for the responsible institution to develop the personnel's capacity on access to information. Especially, the Law of Access to Information No 4982 and the Regulation for the Right to Access to Information holds the provisions about the subject. However, the legislation brings a limited obligation for capacity building. When the 2009 reports of the Ministry of Industry and Trade was researched, it was found out that the personnel had not given sufficient importance to capacity building for environment. Moreover, the legislation obliges the responsible institution to constitute the required infrastructure for public access to information.

When the efforts on the capacity building for government agencies were examined, in terms of the chosen topic, the personnel of the responsible institution was seen to be offered some guidance and training on access to information in the last 3 years. The "Training Performance Program" of the Ministry of Forestry and Environment was a proof for it. However, in terms of the chosen topic, it was stated that the authorities and the officials in the responsible institution had not been offered any training of guidance. However, the budget determined by the government could be accepted as fairly sufficient for capacity building.

When the efficiency of the efforts on the capacity building for government agencies were examined, it was observed that the shareholders thought that the relevant personnel and the officials were sometimes successful and sometimes unsuccessful for their managerial responsibilities.

Looking from the chosen topic to the efforts on it, the public guidance showing the access to information was seen as open and accessible. During the interviews with the representatives of the NGOs, it was stated that there was no problem in accessing to the information. Furthermore, in terms of the chosen topic, there were systematic activities for making the public conscious and capacity building for the last 3 years when looking at the Ministry of Forestry and Environment's the Booklet of In-Service Trainings for 2010.

When the effectiveness of the efforts about the topic is examined, the shareholders were observed to be sufficient in skills and knowledge to access to information required.

The media and NGOs had moderate effectiveness in enhancing access to information.

In the case of Environmental Reference Lab., the responsible agency has released relevant information through web sites. However, it did not develop any training program, courses, etc., to improve public capacity for access rights. The stakeholders have complained that they did not reach any relevant information about the environment, because of their lack of knowledge and capacities on those data and information. Although their budget allocated for those activities were observed at satisfactory level, the efforts of the responsible agency seemed unsatisfactory. But they told us that the agency has developed a special training program for the public within the last three years, although they did not provided any written document for it.

On the other hand, the information released through web sites and environmental status reports were quite much technical and too high level to be understood. They needed a simplification and easing to be understood by the regular public.

On the other hand, the role of the media was neutral and the CSOs had limited effectiveness in enhancing access to information.

In the context of the Flooding in Istanbul case, the increase of the capacity of government agencies, the legislation brings the authorized institution an obligation to improve their staff's capacity of accessing information. The regulations about the topic can be seen in the Law of Access to Information and Municipality Laws. In ISKI's (Istanbul Sewage and Water Institution) strategic plans which are examined during the research, it is found out that the officials

are educated about that topic. The legislation obliges the responsible institutions to set up the substructure to supply the public access of information.

When the effort of the government agencies on capacity building was examined, it was seen that the agencies had an official responsible for broadcasting the information. It was understood that this system worked well. It was clear that the authorized institutions provided in-service trainings for their personnel; however, they were not directly on improving their capacity. When the budget was examined, we could assume that there was not any limitation on the budget.

When the efficiency of the capacity building activities of the government agencies was analyzed, it was seen that those activities were almost satisfactory. Also, the technical support offered to public for capacity building was satisfactory.

When the effort on capacity building for the public was examined, it was observed that the public was offered an open and accessible guidance service. However, there it was observed that there was a limited in practice about the issue.

When the impacts of the capacity building activities of the government agencies was examined, it was seen that the public had the necessary skills and capacity to reach the information.

The media agencies have shown great efficiency to enhance the public access to information; however, the CSO's have spent a limited effort.

Melen River Drinking System, when examined general law, the legislation obliges the responsible institution to improve the capacity of their personnel on access to information. Especially, the Law of Access to Information No: 4982 has related regulations. In the strategic plan of ISKI investigated, the authorized personnel were observed to be trained. It should be noted that on the chosen topic, the institution holds the personnel responsible for answering the applications for sharing information.

Also it was observed during the local visits that the personnel were experts and well educated for giving quality information. But the trainings were not systematic and periodical. It was seen also that in the surveys the institution had not provided any training in the last 3 years. The trainings were far away from being systematic and based on learning-by-doing.

In contrast, the shareholders who would be affected by the project were not given any guidance or training. Although the budget for the project supplied by the

state was enough, the number of individuals affected by the project was increasing daily basis.

The efforts of the NGOs aiming to inform and make the public conscious had been observed that the people spent efforts to access to information. At this point, it was seen in the surveys that the shareholders were tempted to think the personnel in the authorized institution were disqualified. Although, from the perspective of general law, there was a public guidance showing the means and methods of the access to information, the guidance includes inaccessible and incomprehensible elements. NGOs could be beneficial at this point for rearticulating the problem. The research proved that there was not any activity increasing the awareness and capacity of the public during the last 3 years.

On the related topic, the shareholders needed specific knowledge and skill to access to information. This proved also that the people who lack of the relevant information could not access to information (the research showed that the mass people who were devoid of the information were in high numbers). The public who were aware of the construction of this project could not access to healthy and comprehensible information. Moreover, the information shared was full of technical data and hard to understand for the public.

Beyond that the media had moderate effectiveness in enhancing access to information, but not any involvement by civil society organizations.

In Tüpraş Petro-Chemical Plant case, in terms of capacity building for the government agencies, the legislation is found out to be having no regulations for developing the personnel's capacity on access to information in a direct ways. Besides, it was seen that there was no regulations on capacity building of the personnel on environment. The officials of the public institution stated that they had not been offered any training. However, in terms of the chosen topic, the legislation obliged the responsible institution to build the infrastructure for developing the public access to information.

When the efforts on the topic were examined, in terms of the chosen case, the personnel of the responsible institution had been offered limited guidance and training about environment for the last three years. In spite of the limited studies conducted, the budget allocation of the government for collection and spread of information was seen to be sufficient.

When the effectiveness of efforts related to the subject was examined, in selected issue, it was seen that the stakeholders, responsible personnel and civil servants thought that they sometimes carried out their administrative responsibilities and practices related to information successfully and sometimes unsuccessfully. Having a very limited level of staff training activities were emerging as the most important reason of this result.

Legislation do not require responsible institution in public technical assistance, guidance or providing training, in the context of selected topic, in access to and use of selected information type and about building for the public capacity. There was no provision in the legislation on this subject.

When efforts on this issue were examined, in the context of selected topic, public guidance showing how to get the information was observed that it was clear and easily accessible. In selected topic, it was learned that some of regular activities were performed about public awareness about access to information and capacity expansion in the last 3 years. Public officials interviewed on the subject said that there were regular activities in this regard.

It was understood that stakeholders did not need any special knowledge or ability in accessing to information when the effectiveness of efforts related to the subject was examined. A large part of the stakeholders had the knowledge and ability to understand the information released.

On the other hand, the media had limited effectiveness in enhancing access to information, while NGOs had moderate effectiveness in enhancing access to information.

In the case of Abant Natural Park Construction Project, legal basis for such an effort is enough, but, in practice, not any particular education or training program was available for capacity building. Also, law has satisfactory provisions dealing with maintaining infrastructure for capacity building.

In here the lack is that the agency assigned a staff responsible for public participation. However, the staff has also another duty other than public participation.

The responsible agency did not develop any training program for public to improve their capacities for public participation within the last three years. And the agency did not announce public meeting to inform the stakeholders about the construction project.

Within the context of the Abant Natural Park Construction Project the Media and CSOs have quite much influential and spent many efforts to improve capacities of the public for public participation. We also observed during the field trip and interview that the media and CSOs have satisfactory capacities to deal with the case investigated. Ultimately they have played a crucial role and obtained a nice outcome by stopping the said construction.

Article 2-B of Forest Code Case is another interesting case about public participation. The agency has an adequate staff for public participation, but it had launched only limited training program for public to improve their capacities better access to public participation. The training programs, manuals and guidelines are about to technical land surveying, measurements and mapping issues, not directly relevant to environmental concern. But we have seen that the staffs have done their own best for public participation and they have made the public satisfied during the process.

Also, the media and CSOs had limited effectiveness in enhancing public participation.

In the case of Bilezikçi Çiftliği Research Forest, legal basis for such an effort is enough, but, in practice, not any particular education or training program was offered for capacity building. The agency has appointed a person authorized to manage decision making process, but he was not well trained and expert on public participation. Also, almost not any training program for capacity building was launched during the last 3 years.

Within the context of the Bilezikçi Çiftliği Research Forest the media had moderate effectiveness in enhancing public participation. And the CSOs had played a limited role in improving public participation.

In the City Planning and 3rd. Bridge Case, the general law did not have any provisions requiring the responsible agency to improve capacities of the public and the agency.

In practice also, not any public participation procedure was held and thus not any staff appointed for it. Even the responsible agency did not spend any tiny effort to improve public's capacity and even to improve the capacity of its staffs.

İda Mountain Gold Mining Case is the one that the responsible agency did not launched satisfactory level of training program for capacity building of the

public. The Ministry had a general training and education program for its staff. However, the program did not directly deal with the mining issues and its potential outcomes. On the other hand, some staffs apparently denied us to interview themselves. Only a seminar was organized in Canakkale for public effectiveness.

In the Konya Karapinar Erosion Control Site case, the legal base is sufficient in the chosen topic for capacity building for government agencies. However, the training in practice was inappropriate for it. The law was inadequate level for the capacity building of the authorized personnel. Moreover, the legislation in the chosen topic limitedly forces the government to set up the necessary infrastructure for public involvement to the decision making process.

When the efforts of the capacity building for government agencies was examined in the chosen case, the institution responsible for decision making processes was seen to lack authorized personnel on the topic. The responsible personnel are observed to behave in awareness of their responsibilities which can be developed. But in the context of the chosen case, the guidance and the training (workshops, seminars, distribution of electronic or printed materials) were seen to be made by the authorized institutions in the last 3 years via written or oral announcements. What is more, in the topic chosen, these guidance and trainings were seen to be held regularly in the last 3 years. In these studies, the data prepared by the Ministry of Environment and Forestry was presented.

On capacity building for the public, the law foresees to present a limited public aid. Also, in the law, there are enough regulations about the topic. When the efforts on capacity building for the public were examined, in the chosen case, the access to the public guides which explain the involvement in decision making processes was seen to be purely clear and easy. Moreover, the regular activities were seen to be held via meetings, announcements, local media webs and administrative notifications to increase the involvement of the public in decision making processes.

When the efficiency of the activities on capacity building for the public was examined, in the chosen case, the shareholders were seen to lack the needed knowledge and skill for efficient involvement. Primarily, the education levels of the local people are low with the impact of the high ages. However, there seems to be right directions by means of NGOs and various other mediators.

Within the context of the cases on access to justice (Afforestation Regulation Case, Allianoi Antique City Case, Law on Genetically Modified Organisms Case, Mining Law Case and Vize Cement Factory Case), general law does not have any particular provisions dealing with capacity building of the judges and

members of the court. But, the law extensively requires the selected forum to maintain all relevant infrastructures for accessing remedy.

In practice, the council appointed a person whose duty was to release information about the case. However, not any guidelines or training environmental issues were offered.

When looking at the capacity building of the public, general law does not allow the court guiding the people how to gain access to the judgment. In Turkish legal system there are not any public guidelines informing the people how to use the available court for redress and remedy. Such an effort is prohibited by law (Turkish Constitution, article 138).

But the stakeholders had enough skills and knowledge. The Turkish legislation does not pose any obstacle to capacity building for the media and CSOs. However it does not have any provision significantly support those two in terms of access to justice. In contrast the legislation prohibits all people other than the parties of the lawsuits intervening to judgment procedure through media and other means and methods.

In this case of Allianoi Antique City the media and CSOs had played a crucial role when objecting the project.

General Law requires limited capacity building, which means that when appointed a judge not any entity intervene his/her business unless offering a training program by the Ministry of Justice for improving their skills and experience, nothing more than. Not any provision has the legislation about capacity building for judges and other officials in the Court. Although they sometimes arrange training courses for the members, but such trainings are not particularly address environmental issues as well as the selected case.

All types of infrastructure were available by law and in practice the courts have almost all types of facilities, infrastructures etc. even they have teleconference system for investigating or hearing the parties or witnesses.

VI. Part III – Conclusions and Recommendations

Conclusions Law and Practice

General law about access to info and justice are more secure, broad and well supported for environmental issues. Particularly access to justice is provided to everybody in environmental issues like in the areas of the life. However, not any special court or tribunal for environmental issues are established yet in Turkey. The court is not expert on the environmental issues. In addition, access to info is more secure, broad, but has some limitations. The worse one is public participation in decision making process when any environmental conflict is in consideration.

VI.1. Constitutional Law

Clean and safe environment

The Turkish Constitution of 1982 is evaluated on the basis of the extent to which it guarantees to live a clean and safe environment. To the article 56 of the Constitution, everybody has a right to live a safe and healthy environment. Having given such a right to the public by the Constitution is good. Because the legal basis for environmental lawsuits is the referred article 56 of it.

Right to Information

There is no specific right to “information” in the Constitution. However, some other articles indirectly deal with right to information. Among them articles relevant to the right to petition, right to freedom of speech and freedom of expression are the ones deserved to be referred herein. But they cannot substitute A2I in the Constitution. They have been legally interpreted and analyzed with respect to accessing right to information.

Of course such a provision does not directly allow obtaining all information from relevant authority, but it allows the public to ask for getting information from public bodies. That provision deals also with submitting complaints concerning themselves or the public. Beyond that the foreigners reside in Turkey is given right to file a petition concerning themselves or the public as well.

In here it is safe to recommend that such a right is to be entered into the Constitution by a new amendment.

Right to Public Participation

The right to public participation is not constitutionally guaranteed, although the Constitution guarantees freedom of association and assembly. In here the Constitution has implicitly allows public participation in public administration, as well as environmental management. The same article above (article 74) allows people, both citizens and foreign residents, to intervene governmental decision making process as asking requests or complaints about themselves or the public. The referred article permits the interested individuals asking in writing to the competent authorities. But that is not the same as having legal standing and be able to participate actively.

In addition, current Environmental Law of 1983, No: 2872 allows public participation indirect way when preparing environmental impact assessment report. Under the Environmental Law, information disclosure and public participation are very limited, thereby restricting their operation to projects where the approving agency has determined that an Environmental Impact Assessment (EIA) is necessary.

However, such a public participation does not satisfy due to its limited to at the stage of decision making and ignoring the rest stages, e.g., monitoring, inspection, etc., of a decision making process.

In brief, lack of constitutional basis of public participation in decision making process is a drawback and needed to be improved by amending the Constitution.

Access to Justice

Constitutional guarantees on access to justice are strong, inclusive of equal protection and non-discrimination provisions, the presumption of innocence, the right to be represented by an attorney, and the right to access the courts including a direct application to the Supreme Court and the State Council in the case of infringement of fundamental rights.

Turkey's Constitution was evaluated on the basis of the extent to guarantee the freedom of expression; and right to freedom of association.

Access to justice issue is the one that having one of the most detailed provision in Constitution. In other words, its constitutional basis is quite strong and well articulated.

The Constitution guarantees to every person the right to invoke the jurisdiction of a competent court, the independency of the courts, the equality of all individuals before the law, denies any type of discrimination, guarantees men and women have been treated in equal conditions by any means and under all situations and the State ensures this equality exists in practice.

Beyond that, the Constitution does not give any priority granting privilege to any individual, family, group or class in the society.

Then, Rule Law is mentioned in the Constitution. This is one of the most developed steps in any democratic society, hopefully its reflections are observed in practice.

The 2001 amendment of the article 36 of the Constitution guarantees freedom of claiming rights in front of the courts. This article plays a significant role when bringing an environmental conflict in front of the court. In general every individual may file a lawsuit if any of his rights is not granted or faces an unlawful manner. However, when Environmental problems are in consideration it is seen that the individuals injured by such a problem may not file a lawsuit due to some reasons as costs, environmental unconsciousness etc. In such a case, the people other than the one mentioned above may be willing to file such a lawsuit not only on his own behalf but also on behalf of the public based the above article of the Constitution.

On the other hand, the tribunals are immune from all types of interventions.

Transparency in environmental trials, process and hearing is another important issue to be dealt with in here. Such a concept is put under the constitutional guarantee as well and it gives an opportunity for the public to get hear their voice by the courts and give their thoughts and ideas about the cases under trial. Therefore, article 141, guaranteeing the above right is another crucial constitutional provision.

Therefore, the only thing to be criticized with respect to constitution basis of the access rights is that a specialty court on the environmental conflicts might be established by law and its constitutional basis might be included in the Constitution by a new amendment.

VI.2. Access to Information Framework Law

The Law on Access to Information, No: 4982 is the first and broadest in scope law to provide for disclosure of information. However, it has considerable limitations with respect to obtaining information on the environment.

When right to access to information is in consideration, Turkey has a framework law supporting access to official information. In addition, some environment relevant laws such as Forest Code, Law on Land Survey and Law on Public Works are comparatively strong on disclosure requirements, while others contain none at all. Beyond that, Environmental Law of 1983, No: 2872 has a particular provision disclosing chemicals and side products to the Public and the Ministry issues annual state of the environment report covering all the country. It was also the first law to introduce the environmental impact assessment process (EIA) to Turkey.

Access to Information Practice

Case studies revealed some interesting specifics, e.g. that a pro-active approach towards information dissemination have been more visible in respect of emergency situations and the ones covered by the media than in the other case types that were studied.

On the other hand, in general the efforts of the responsible agencies in the Country were observed as satisfactory, although it may have some drawbacks.

All agencies have satisfactory and well working infrastructures for access to information. Of course timeliness for accessing to information has posed some problems particularly in document requests, which means that some agencies did not responded our document requests on time. In might be considered as ignoring the severity of their duties. However, accessing to information via interview, telephone surveying and personally applied seem well and satisfactory regardless of who asked for it: a regular citizen or a law professor.

In practice almost all agencies, excluding a few of them, have hired at least a responsible person to respond information requests of the public.

Extensive usage of the internet for access to information is observed as quite common in all selected cases. Particularly responding information request

through internet and assigning a person for it is very impressive and quite efficient.

The costs of access to information are another issue to be dealt with. Almost all document requests, except for copying and duplication, are free of charge. However, accessing internet might be expensive for poor people in some areas, particularly in rural areas.

On the other hand, we have investigated that the agencies have monitored responsible agents appointed for releasing information and warned whenever they retarded or hampered their duties. And a special public body called (BEDK- Access to Information Monitoring and Controlling Council) in Ankara.

The agencies, regarding Law on Access to Information, No: 4982, released almost all information, exempting some areas of interests clearly defined and remarked in the law. This means that implementation of the referred law has been well implemented.

The budget allocation of the Government for accessing, releasing and collecting information was satisfactory in all selected cases.

Except for a few cases, the CSOs and media have made easier to accessing information.

In general it was observed that the efforts of the responsible agencies to release information to mass public, stakeholder and other interest groups were quite weak and unsatisfactory. This means that although the agencies were successful when producing relevant information, they are not satisfactory enough when attempting to release the information to the public. But, the network of public guidance worked well, however it is not enough.

Capacity building is supported by law in general through training and educational programs, however not any responsible public body was formed by the same law to improve the capacities of their own staff.

On the other hand, not any recording system that gives an opportunity to the people for access to information in all details is provided. In other words, a system of recording could have been provided through internet for people accessing all relevant information and make comments, add opinions and thoughts to improve the capacities of both the public and the personnel of the responsible agency.

VI.3. Public Participation Framework Law

Environmental Law of 1983, No: 2872 allows public participation indirect way when preparing environmental impact assessment report. Under the Environmental Law, information disclosure and public participation are very limited, thereby restricting their operation to projects where the approving agency has determined that an Environmental Impact Assessment (EIA) is necessary.

However, such a public participation does not satisfy due to its limited to at the stage of decision making and ignoring the rest stages, e.g., monitoring, inspection, etc., of a decision making process.

Public Participation Practice

In general public participation throughout the Country has been observed as not good as at the level of accessing information countrywide.

Almost in all cases the local people, CSOs and stakeholders have been observed that they have participated at the decision making stages of the participation process. In other words, at the rest of the decision making process like monitoring, investigation, control and inspection, they have not been allowed to participation.

In all selected cases we cannot say that all the above procedures of public participation have been followed. The reason for that is not due to lack of legislative provision but due to the treatment of the responsible agents. In other words, the legislation of course does not allow explicitly at all the stages of the decision making process, but it does not strictly prohibits the public to participate in all the stages of decision making process.

Timeliness in public participation was observed as satisfactory and not any drawbacks have been observed.

On the other hand, we have observed that the relevant agencies' efforts to disseminate all necessary information about public participation to the public were not satisfactory.

The channels of access remained quite limited in many cases, while current channels could not easily available for all the public. For example, in many cases

only internet and personnel application might be available, however it was not easy to assess to internet with respect to costs and infrastructure.

In addition, the relevant agencies could not spent satisfactory efforts to reach the disadvantaged groups of the society like illiterates, disabilities, etc. They did not develop any infrastructure for those people, except for children.

Likewise, the personnel hired for public participation were not satisfactory with respect to their numbers and qualifications. Even in many cases not any particular person has been appointed to such a duty.

However, in some cases like Abant Lake Natural Park Construction Case, Article 2-B Case and Bilezikci Ciftligi Case, we have observed that participation of the relevant public resulted in nice outcomes and all those activities have been reverted back to in favor of environmental protection.

In addition, the efforts of media and CSOs for supporting and easing public participation are not deniable. They have been deserved to be mentioned in here that they have played an efficient role when making the above decisions.

As a recommendation, it should be noted that the legislation should be amended at firsts concerning the above criticism. And the institutional structures of the relevant agencies should also be rearranged by considering also the above comments and criticism.

VI.4. Access to Justice Framework Law

Parallel to provision in Constitution the legislative provisions on access to justice is quite well and satisfactory with respect to almost all perspectives of fair and equitable judgment.

As summarized above, the Turkish legislation is rich enough with respect to access to justice in general. Law on Administrative Procedure of 1982, No: 2577, Law on Establishing the Ministry of Justice and Its Duties of 1984, No:2992, Turkish Criminal Code, Turkish Civil Law No: 4721, Law on Criminal Procedure, Law on Civil Procedure of 1927, No: 1086, Law on Establishing Regional Administrative Courts, Administrative Courts and Tax Courts and Their Duties of 1982, No: 2576, Tort Law of 1926, No: 818 are the most prominent legislation when access to justice is in consideration.

However, the justice system might be criticized that the courts are not specialized in environmental litigations. In other words, the legislation is poor enough with respect to access to justice for environmental protection and management.

As referred above, the tribunals are immune from all types of interventions, public pressure, political pressure and other occurrences intervening fair trial. Even, such a guarantee makes the judges immune from intervention of any pressure concerning a case under trial.

The above power of the courts may be considered as good judicial practice from the point of independency of the courts and fair judgment on one hand; but it does not allow any environmental expert, media or CSOs other relevant public to act in any way concerning an environmental case under trial. Due to the lack of expertise of the courts about Environmental issues and conflicts, such an obstacle may withdraw the opportunity from environmentalists giving more detailed explanations to the judges about the case under trial.

In here only recommendations might be that a specialized court on environmental conflicts is to be established. Then, financial support to citizens when they would like to bring a case in front of the court might be provisioned in legislation.

Access to Justice Practice

In all cases selected herein we have observed that the justice system works satisfactory, except for time period of trial, which may take several years.

However, such a satisfaction might not be said about capacity building of the public when access to justice is in consideration. The reason for that is that the Constitution strictly prohibits all interventions into a trial in held via any means and methods.

Also we have observed that all trials have been fair, transparent and all information about the lawsuits have made available to interested parties of the litigation, except for general public.

VI.5. Capacity Building Framework Law

Laws and regulation in public education, training and public participation are not directly applicable to capacity building of access rights. However, provisions relevant to capacity building are not directly relevant to applicable for it. In other words, not any special provision exists allowing capacity building efforts of the public agencies. But, the provisions relevant to public relation, education and training in general areas are implicitly allows relevant agency launching training courses and education program addressing capacity building.

The legal provisions do not oblige implicitly the responsible agencies to take action improving capacities of the public concerning access rights. In other words, the law does not seek to hinder capacity building, it does not specifically require it at the agency level. And efforts for capacity building is left to the discretion of the agencies by law concerning to determine their levels of staffing and staff training.

CSOs/NGOs have played a significant role in almost all the cases under review. By law such organizations are free for the establishment and there are not any legal obstacles for them to raise revenue, assemble members and finding other sources of funding. However, the State does not provide any financial incentives, tax exemptions and other benefits. In brief they feed themselves up with respect to funding, etc.

Impossibility of carrying out a training program, due to constitutional prohibition of intervening judicial process in a case under trial, addressing environmental awareness of the judges have been remarkable. In other words, by law not any legal explanations, criticism through any means and methods on a case under trial is considered as a crime. And thus, not any single explanation could be given to the public at the level or degree of aiming to direct the Court. This seems a deficient with respect to obtaining sole and efficient court resolution on environmental protection behalf. However, by considering present level of consciousness of the judges seems hope for good results. And thus, such training is not considered necessary for members of both the higher judiciary including State Council and Supreme Court and lower level courts, as well as senior lawyers or legal academics, or persons promoted from the lower ranks of the judiciary where they have already had satisfactory background. The capacity of the judiciary to appreciate the nature of public interest claims in relation to the environment appears, on the whole, to be satisfactory but needs to be well-developed by considering the speciality areas of environmental issues.

Efforts to improve public awareness by training local people and general public with respect to access rights are the area that left to open, except for only a few cases, e.g., wild forest fire in Antalya. Such a deficiency is quite common in

whole Country, simply because there is not any legal provision obliging relevant institution to carry out necessary public awareness program or training course. On the other hand there is not any legal bar preventing those institutions from implementing such programs, which implies that at first those institutions' awareness is to be improved before launching the referred programs.

The shortage of relevant legislation for free legal aid is another drawback in environmental litigations. In addition, a number of NGOs run legal aid schemes. Also, there are also a number of CSOs which have been willingness to file public interest cases on behalf of persons whose environment is adversely affected.

In here it may be recommended that current legislation is to be updated covering capacity building of the public, the relevant agencies and CSOs.

On the other hand, it has been observed that nearly no guidance or training about improving capacity building has been launched for years.

In practice also, the legislation does not require the responsible institution to ensure capacity building for its staff in connection with in all three access rights.

VII. Annexure

VII.1. Social, Environmental and Political Context of the Country

Geographic Location

Geography location: South-western Asia (that part west of the Bosphorus is sometimes included with Europe), bordering the Black Sea, between Bulgaria and Georgia, and bordering the Aegean Sea and the Mediterranean Sea, between Greece and Syria.

Area

Total area: 780,580 sq km

Land area: 770,760 sq km

Water area: 9,820 sq km

Terrain

Terrain: mostly mountains; narrow coastal plain; high central plateau (Anatolia)
lowest point: Mediterranean Sea 0 m

highest point: Mount Ararat 5,166 m

largest lake: Lake Van 3,713 square km

Natural resources: coal, iron ore, copper, chromium, antimony, mercury, gold, barite, borate, celestite (strontium), emery, feldspar, limestone, magnesite, marble, perlite, pumice, pyrites (sulfur), clay, arable land, and hydropower.

Land use

Arable land: 32%

Permanent crops: 3%

Other: 66% (2006)

Environment

International agreements: party to - Air Pollution, Antarctic Treaty, Biodiversity, Desertification, Endangered Species, Hazardous Wastes, Ozone Layer Protection, Ship Pollution, Wetlands, Environmental Modification. Current issues are: water pollution from dumping of chemicals and detergents; air pollution, particularly in urban areas; deforestation; concern for oil spills from increasing Bosphorus ship traffic.

Geographic note

Strategic location controlling the Turkish Straits (Bosphorus, Sea of Marmara, Dardanelles) that link Black and Aegean Seas. Mount Ararat, the legendary landing place of Noah's Ark, is in the far eastern portion of the country, in the city of Agri. The country is divided into 7 fictional geographic regions.

Population

Officially 72,561,312 as of 1st January 2010 (was 67,803,927 in 2000), effectively is around 75 million, average of 94 inhabitants live per square kilometer, 75.5% of the total population live in the cities and 24.5% in villages or small towns in the countryside.

Istanbul: 12,915,158 as of January 2010 (10,033,478 in 2000), 17.8 % of the total population, 2444 people per square kilometer

Ankara: 4,650,802 as of January 2010 (4,007,860 in 2000), 6.4 % of the total population Izmir: 3,868,308 as of January 2010 (3,387,908 in 2000), 5.3 % of the total population, 316 people per square kilometer Bayburt has the lowest population in Turkey: 74,710 (as of January 2010)

Government

Type of government: Republican parliamentary democracy

Capital: Ankara

Independence

Independence: 29 October 1923 (successor state to the Ottoman Empire)

Governance Context

The Constitution of Republic of Turkey recognizes that sovereignty vests in the people. Parliament exercises the legislative power at the national level. Government exercises executive power and the Courts exercise the judicial power.

Parliament exercises legislative power at the national level. Below the Parliament are eighty one provinces each having appointed governor. Local authorities constitute the third layer of governance including municipalities, villages and city councils, which all are elected.

Laws formulated by Parliament are subject to investigation of the Constitutional Court. A Court or tribunal can also question the validity of any such law, but should forward such an investigation to the above Constitutional Court.

Legal system

Turkey is a state of law to a particular extend. One the three pillars of the parliamentary democracy is the judiciary. By law the judiciary is independent from all external influences and interventions. The Constitutional Court as the highest Court in Turkey is the final appellate Court when investigating whether a legal provision is in accordance with the constitution or not. Also, the Court is authorized to make judgment of the President and the members of the Government. Following the Constitutional Court, the Supreme Court is the second degree highest Court in the final appellate. The State Council is also the final appellate Court of administrative juridical system and also Court in the final appellate and having appellate jurisdiction also exercises writ jurisdiction. Under the above first degree courts there is a first degree, the lowest degree, courts have been established being authorized to exercise judgment countrywide. Derived from various European legal systems; accepts compulsory ICJ jurisdiction, with reservations. Member of the European Court of Human Rights (ECHR)

Cabinet

Council of Ministers appointed by the President on nomination of the prime minister

Legislative branch: Unicameral

Grand National Assembly of Turkey: (Türkiye Büyük Millet Meclisi), abbrev. TBMM (550 seats; members are elected by popular vote to serve four-year terms)

Judicial branch

Constitutional Court, judges appointed by the President; High Court of Appeals (Yargıtay) and Council of State (Danıştay), judges are elected by the Supreme Council of Judges and Prosecutors. Court of Accounts (Sayıştay); Military High Court of Appeals; Military High Administrative Court.

Political pressure groups

Confederation of Public Sector Unions or KESK; Confederation of Revolutionary Workers Unions or DISK; Independent Industrialists' and Businessmen's Association or MUSIAD ; Moral Rights Workers Union or Hak-Is; Turkish Industrialists' and Businessmen's Association or TUSIAD; Turkish Confederation of Employers' Unions or TISK; Turkish Confederation of Labor or Turk-Is; Turkish Confederation of Tradesmen and Craftsmen or TESK; Turkish Union of Chambers of Commerce and Commodity Exchanges or TOBB.

International organization participation

AsDB, Australia Group, BIS, BSEC, CE, CERN (observer), EAPC, EBRD, ECO, EU (applicant), FAO, IAEA, IBRD, ICAO, ICC, ICFTU, ICRM, IDA, IDB, IEA, IFAD, IFC, IFRCS, IHO, ILO, IMF, IMO, Interpol, IOC, IOM (observer), ISO, ITU, NATO, NEA, NSG, OAS (observer), OECD, OIC, OPCW, OSCE, PCA, UN, UNCTAD, UNESCO, UNHCR, UNIDO, UNMIK, UNMIL, UNMISSET, UNOMIG, UNRWA, UPU, WCO, WEU (associate), WFTU, WHO, WIPO, WMO, WToO, WTrO, ZC.

Economic overview

Turkey's dynamic economy is a complex mix of modern industry and commerce along with a traditional agriculture sector that in 2004 still accounted for 34% of employment. It has a strong and rapidly growing private sector, yet the state still plays a major role in basic industry, banking, transport, and communication. Its most important industry and largest exporter is textiles and clothing, which is almost entirely in private hands. The economic situation in recent years has been marked by rapid growth coupled with partial success in implementing structural

reform measures. Inflation declined to 8.4% in 2007, down from 99% in 1997, but the public sector fiscal deficit probably remained near 10% of GDP due in large part to interest payments which accounted for 40% of central government spending in 2003. The government enacted a new tax law and speeded up privatization in 1998 but made no progress on badly needed social security reform. Ankara is trying to increase trade with other countries in the region yet most of Turkey's trade is still with OECD countries. Despite the implementation in January 1996 of a Customs Union with the EU, foreign direct investment in the country remains low - about \$1 billion annually. Results in 2002-04 improved, because of strong financial support from the IMF and tighter fiscal policy. A major political and economic issue over the next decade is whether or not Turkey will become a member of the EU. But further economic and judicial reforms and prospective EU membership are expected to boost Foreign Direct Investment (FDI). Privatization sales are currently approaching \$21 billions (2007).

Communications

Country code: 90

Defense

Branches: Turkish Armed Forces (TSK): Land Forces, Naval Forces Command (includes Naval Air and Naval Infantry), Air Force, Coast Guard Command, Gendarmerie (Jandarma)

VII.2. Reason for selecting cases

The selection of case studies for the research was based on the case selection guideline set out in the TAI methodology. Information on the methodology can be accessed on the web at www.accessinitiative.org. In addition, several other factors were also taken into consideration in selecting the case studies such as the availability of data and information, involvement and familiarity of the TAI National Coalition of Turkey member carrying out the research for a given case study, distance to sites for field visits and the short time available for research (which is only around 2-3 months).

Note: The reasons given here are meant to give a quick outline only and may not be exhaustive.

VII.2.1. ACCESS TO INFORMATION

1) Case: Air Quality Monitoring System in Istanbul

Case Type: Information from regular monitoring

Reasons for selection:

- The air quality monitoring facility in operation in Istanbul is the only automatic air quality monitoring system in the country and is operational. Data on air quality is available.
- The criteria require that an air quality monitoring system in existence is evaluated.
- It is located in an urban area and is accessible.
- The system has been in place for over ten years.

2) Case: Antalya Serik Forest Fire

Case Type: Information in an emergency

Reasons for selection:

- It is a large scale environmental emergency that has a measurable impact on human population (deaths, illnesses, injuries, evacuation, loss of income) and environmental resources
- It involves a response by national authorities
- The area is accessible for field work
- Has occurred in the last five years
- Availability of information

3) Case: Bergama Gold Mining

Case Type: Other Access to Information

Reasons for selection:

- Bergama is a small nice city having significant environmental values. It has also archaeological sites and antique city.
- Bergama gold mining is operated by a private company and is accessible for field work if required.
- The system has been in place for over five years.
- Information is available.

4) Case: Dilovasi Industrial Zone

Case Type: Facility-level information

Reasons for selection:

- It is an industrial zone
- The location is easily accessible
- There are thousands of employees
- Information is available

5) Case: Environmental Reference Lab

Case Type: State of Environment reports

Reasons for selection:

- It is a very recent case.
- Data and information is available.

6) Case: Flooding in Istanbul

Case Type: Information in an emergency

Reasons for selection:

- Very recent case.
- Its impact very influential
- Information available.

7) Case: Melen River Drinking Water Supplying System

Case Type: Information from regular monitoring

Reasons for selection:

- Major social and environmental impacts.
- Has available data and information.
- Is less than five years.

8) Case: Tupras Petro-Chemical Plant

Case Type: Facility-level information

Reasons for selection:

- Project will have major environmental, economic and social impacts on Turkey
- Relevant documents and information available with the authorities
- Information available to the public limited.
- Ongoing case.

VII.2.2. PUBLIC PARTICIPATION

1) Case: Abant Natural Park Construction Project Case

Case Type: Project-level decisions

Reasons for selection:

- Information is available.
- Subject is not covered by other case studies.

2) Case: Article 2-B of Forest Code Case

Case Type: Policy-making

Reasons for selection:

- Sector plays an important role in the economy.
- An ongoing case.
- Information available.
- Accessible for fieldwork if required.

3) Case: Bilezikci Ciftligi Research Forest Case

Case Type: Other Public Participation

Reasons for selection:

- Information is available and location is accessible.
- Recent Case.

4) Case: City Planning and 3Rd. Bridge Case

Case Type: Project Level decisions

Reasons for selection:

- Not involves an EIA.
- Information available is very limited.

- Recent Case.
 - Location is easily accessible.
 - Unique for some reasons.
- 5) Case: Ida Mountains Gold Mining Sites
- Case Type: Regulatory decisions
- Reasons for selection:
- Representative of the project type.
 - Very much influential to the environment
- 6) Case: Konya Karapinar Erosion Control Site
- Case Type: Policy-making
- Reasons for selection:
- Representative of the project type.
 - Information is available.
 - NGOs driven project.

VII.2.3. ACCESS TO JUSTICE

- 1) Case: Afforestation Regulation
- Case Type: Non-compliance
- Reasons for selection:
- Occurred in the last five years.
 - Different types of claimants.

- Major social and environmental impacts.
 - Public Access to relevant documents is allowed.
- 2) Case: Allianoi Antique City Case
- Case Type: Access to information
- Reasons for selection:
- Occurred in recently.
 - Having mass media coverage.
 - Information available.
- 3) Case: Laws on Genetically Diversified Organisms
- Case Type: Other Access to Justice
- Reasons for selection:
- Occurred in the last five years.
 - It is national public interest issue
 - Newly emerging issue worldwide.
- 4) Case: Mining Law Case
- Case Type: Public Participation
- Reasons for selection:
- Reflects average practice.
 - Occurred in the last five years.
 - Quarrying operations caused great distress to residents (noise and dust pollution, drying up of drinking water wells) in the area as well as the environment.

5) Case: Vize Cement Factory Case

Case Type: Environmental harm

Reasons for selection:

- Occurred in the last five years.
- Harmful for the vicinity very much.

Acronyms

A2I	Access to Information
A2J	Access to Justice
CSO	Civil Society Organization
EIA	Environmental Impact Assessment
NGO	Non-Governmental Organization
PP	Public Participation
TAI	The Access Initiative
USA	United States of America
WRI	World Resources Institute

VII.3. Bibliography

VII.3.1. Legislation

VII.3.1.1. The Constitution

Laws

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No: 3154
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VII.3.1.2. Documents

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VII.3.2. Websites

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VII.4. TÜRKÇE BÖLÜM

VII.4.A. ÖZET

Sürdürülebilir Kalkınma anlayışının temelini oluşturan Rio Yeryüzü Zirvesi, 1992 yılında 178 ülkenin katılımıyla gerçekleştirilmiş ve bu zirvede, bilgiye erişim, halkın yönetime katılımı ve adalete erişim gibi, sürdürülebilir çevre ve doğal kaynak yönetiminin üç temel hak ve bunların yerine getirilmesi konusunda uzlaşma sağlanmıştır. On yıl sonra ise, dünya ülkeleri söz konusu üç ilkenin önemini ve hayata geçirilmesi konusundaki taahhütlerini teyit etmişlerdir. Fakat söz konusu hakların hayata geçirilmesi konusundaki beklentiler halen gerçekleşmemiştir.

Adı geçen üç temel hakka ulaşım ve sorumlu yönetim anlayışı sürdürülebilir kalkınmanın temelini oluşturmaktadır. Diğer yandan, bilgiye ulaşım, katılımcı yönetim ve adalete erişebilme hakkı, toplum sağlığını, yaşam kalitesini, gelişme düzeyini ve ülke kalkınmasını doğrudan etkileyecek karar alma süreçlerinde etkili olmalarını ve seslerini duyurmalarını sağlayacaktır. Çevresel süreçlere ulaşım hakları aynı zamanda çevresel demokrasi veya daha şeffaf, daha kapsayıcı ve sorumlu karar alma süreçlerini teşvik etmesi ve bu şekilde daha etkin ve verimli bir çevre yönetimi sağlanmış olacaktır.

Çevresel Haklara Erişim İnisiyatifi (The Access Initiative - TAI), en büyük küresel sivil toplum grupları koalisyonu olup, sürdürülebilir kalkınmanın temelini oluşturan şeffaf, katılımcı ve güvenilir yönetim anlayışını teşvik etmektedir. TAI ve Ortakları dünya üzerinde 40 tan fazla ülkede, hukuksal, kurumsal ve uygulama reformlarını savunmak, çevre bilincini artırmak, hükümetlerle yapıcı işbirliği kurarak ve çalıştığı tüm ülkelerde gerekli çevresel değişim ve gelişimi sağlamak için çevresel haklara erişim analizi ve değerlendirmesi yapmaktadır.

Yukarıda sözü edilen çevresel haklara erişim konusunda Türkiye'nin durumunu ve 1992 Rio Yeryüzü Zirvesinden bu yana geçen sürede gösterdiği ilerlemeleri ve daha iyi bir çevre yönetiminin sağlanması için yapılması gerekenleri belirlemek üzere, ülkemizde de TAI Metodu ile bir çevresel haklara erişim projesi planlanmıştır. Söz konusu proje TAI Turkey¹⁹ ekibi tarafından

¹⁹ Doç.Dr. Yusuf GÜNEŞ Takım Lideri- İstanbul Üniversitesi Orman Fakültesi Çevre ve Orman Hukuku ABD.

gerçekleştirilmeye çalışılmış ve bu bağlamda aşağıdaki konu ve olaylar TAI metodu ile çalışılmıştır.

Bilgiye Erişim

- İstanbul Hava Kalitesi İzleme Ağı
- Melen İçme Suyu Projesi
- Antalya Serik Orman Yangını
- İstanbul Sel Baskını
- Dilovası Organize Sanayi Bölgesi
- TÜPRAŞ (Türkiye Petrol Rafinerileri AŞ)
- Çevresel Referans Laboratuvarı
- Bergama Altın Madeni

Halkın Katılımı

- 2/B Kanun Maddesi
- Konya Karapınar Erozyon kontrol Sahası
- Abant Milli Parkı İnşaat Projesi
- İstanbul 3. Köprü
- Kazdağları Altın Arama Sahası
- Bilezikçi Çiftliği Araştırma Ormanı

Prof. Dr. Aynur Aydın COŞKUN- İstanbul Üniversitesi Orman Fakültesi Çevre ve Orman Hukuku ABD
Yrd.Doç.Dr. Osman Devrim Elvan -İstanbul Üniversitesi Orman Fakültesi Çevre ve Orman Hukuku ABD
Ferhat TAZE- TEMA

Yargıya Erişim

- Ağaçlandırma Yönetmeliği
- Allianoi Antik Kenti
- Genetiği Değiştirilmiş Organizmalar Hakkında Kanun
- Maden Kanunu
- Vize Çimento Fabrikası

Seçilmiş bu konu ve olaylara ilişkin kısa bilgiler ise aşağıda özetlenmeye çalışılmıştır.

VII.4.B. BİLGİYE ERİŞİM

VII.4.1- İstanbul Hava Kalitesi İzleme Ağı

Konu Tipi: Düzenli İzleme Bilgisi

Kategori: Bilgiye Erişim

Hava kirliliğinin doğru bir şekilde ölçülmesi, hava kirliliği politikaları oluşturulması ve bu politikalar çerçevesinde illerin hava kalitesinin bir önceki yıldan daha iyi durumlara getirilebilmesi sağlıklı yaşanabilir çevre için önemlidir.

İnsanların hava kalitesi hakkında bilgilendirilmesi ile sağlıklı bir çevrede yaşayabilmesi için alınması gereken tedbirlerin saptanabilmesi, yetkili mercilerin karar oluşturmalarını destekleyecek bilgilerin edinilmesi, Çevre Mevzuatı ve AB Direktifleri kapsamında, hava kalitesinin korunması ve yönetimi ile ilgili yükümlülüklerin yerine getirilebilmesi için hava kalitesinin doğru bir şekilde tespit edilmesi gereklidir.

Bu amaçla Çevre ve Orman Bakanlığı, Türkiye genelinde Hava Kalitesi İzleme Ağı kurmayı hedeflemiş ve öncelikle hava kirliliğinin yoğun olduğu iller dikkate alınarak 2005 yılında 36 ilde hava kalitesi ölçüm istasyonu kurulmuş ve Ulusal

Hava Kalitesi İzleme Ağı oluşturulmuştur. Hava Kalitesi İzleme Ağı'nın 81 ile yaygınlaştırılması kapsamında 2007 yılında 45 ile daha hava kalitesi ölçüm istasyonları kurulmuştur.

Bu istasyonlara ek olarak İstanbul Büyükşehir Belediyesine ait 10 adet hava kalitesi ölçüm istasyonu da sisteme entegre edilmiştir.

Dünyada birkaç örneği bulunan, "Hava Kalitesi İzleme Ağı" projesi sayesinde; Türkiye'nin her ilinde, her an hava kalitesi verilerine ulaşılarak, gerekli tedbirlerin anında alınması mümkün hale gelmiştir. Veriler saatlik ortalamalar şeklinde eşzamanlı olarak www.havaizleme.gov.tr adresinde yayınlanmaktadır. Ayrıca internet uygulamalarını destekleyen cep telefonları ile de <http://mobil.havaizleme.gov.tr> adresinden söz konusu istasyon verilerine ulaşılabilmektedir. Bu şekilde halkın bilgiye erişimi son derece kolaylaşmaktadır.

Seçilen bu vakada, bu önemli konuda yetkili idarelerin bilgi üretme ve yayma düzeyi irdelenmiş; paydaşların bilgiye erişim koşulları değerlendirilmiştir.

VII.4.2- Melen İçme Suyu Projesi

Konu tipi: Düzenli İzleme Bilgisi

Kategori: Bilgiye Erişim

İstanbul'un artan nüfus projektörlerini dikkate alarak doğacak su ihtiyacını karşılamak amacıyla 1997 yılında "Büyük Melen Projesini" hazırladı. Üç aşamadan oluşan projenin 1. aşamasının inşaat çalışmaları 2001'de başlamıştır. Toplam 180 kilometrelik boru hattı, "Cumhuriyet Arıtma Tesisi" ve "Boğaziçi Tüneli inşaatını" da içeren 1. aşama ile Melen Çayı'ndan İstanbul'a yılda 268 milyon metreküp su taşınması hedeflenmiştir.

2010 yılında tamamlanması hedeflenen 1. aşamada, Melen Çayı'ndan getirilecek olan su, Ağva'dan itibaren Yeşil Vadi'den geçirilip Cumhuriyet Arıtma Tesisine aktarılarak burada arıtılacak, daha sonra bu suyu Avrupa yakasına aktarmak amacıyla İstanbul Boğazı'nın 60-65 metre altından tabana tünel kazılarak boru döşenmesi düşünülmüştür. Beykoz Ortaçesme'den başlayacak ve Sarıyer'de Ayazağa'ya ulaşacak 5,5 kilometre uzunluğundaki boru hattından geçecek su,

İSKİ'nin Kağıthane'deki arıtma tesislerine aktararak dağıtımı yapılması kararlaştırılmıştır.

Ancak DSİ, İstanbul'a su sağlayan barajlardaki doluluk oranının düşmesi ve şehrin su sıkıntısıyla karşı karşıya kalması üzerine, bu sorunu aşmak için Melen projesinin 1. aşamasının bitmesini beklemeden Ağva ile Yeşilçay arasındaki 105 kilometrelik boru hattından Ağva ile Yeşilçay arasında kalan 30 kilometrelik boru hattını tamamlayarak Melen Çayı'nı Yeşilçay isale hattına bağlamıştır. Ömerli İçmesuyu Arıtma Tesisleri'nde arıtılan su; İSKİ tarafından İstanbul Boğazı tabanında inşa edilen 2 x 1870 m uzunluğundaki Boğaz Geçiş Hattı ile nüfusun yoğun olduğu Avrupa Yakası'na verilmeye başlanarak, İSKİ, bu çalışmayı tamamlamış ve İstanbul'a Melen suyunu ulaştırmıştır.

İlk etapta 1. kademesinin 2010 yılında tamamlanması öngörülen ancak İstanbul'un içinde bulunduğu kurak dönem nedeniyle çalışmalarına hız verilen projenin ilk kademesinin tamamlanmasıyla İstanbul günlük 734 bin m³, yıllık ise 268 milyon m³ 'lük verime sahip bir içmesuyu kaynağına kavuşmuştur. İkinci ve üçüncü aşamalar tamamlandığında da İstanbul'a yılda 1 milyar 180 milyon m³ 'lük su kaynağı sağlanacak ve kentin 2040 yılına kadar olan su ihtiyacı önemli ölçüde karşılaması beklenen projenin maliyeti 1.18 milyar dolar olarak hesaplanmış, bu projeye İSKİ 190 Milyon YTL'lik bir yatırım gerçekleştirmiştir.

Bu konu, İstanbul'a su sağlayacak olan bu büyük proje hakkında, suyun alınacağı Düzce bölge halkının ve suyun getirileceği İstanbul halkının konuyla ilgili olarak bilgiye erişim düzeyini ölçmeyi amaçlamaktadır.

VII.4.3- Antalya Serik Orman Yangını

Konu tipi: Acil Durumda Bilgiye Erişim

Kategori: Bilgiye Erişim

2008 yılında Antalya ili Serik bölgesinde çıkan orman yangını kayıtlara Türkiye'deki en büyük orman yangını olarak geçmiştir. Söz konusu yangında 2,5 milyon ağaç yanmış ve 1 milyar dolardan fazla maddi kayıp ortaya çıkmıştır.

Manavgat ilçesine de sıçrayan orman yangınında, İki vatandaş hayatını kaybetmiş, 60 ev, düzinelerce hayvan barınağı, bir okul ve bir cami,

kullanılmaz hale gelmiştir. Altı köyün boşaltıldığı yangın için yetkililer bir atom bombası zararı etkisi görüldüğünü belirtmiş ve çeşitli kaynaklara göre 200.000 ha orman alanının yandığı ifade edilmiştir.

Yangına ilişkin olarak, basın yayın organlarında farklı bilgiler yer almıştır. Bunların başında yanan orman alanının büyüklüğü gelmektedir. Orman idaresinin büyüklüğü 4-5 bin ha. olarak bildirdiği ve gerçek rakamın çok daha büyük olduğu; yangına müdahale eden ekiplerin yeterli donanıma sahip olmadığı, helikopter desteğinin zamanında gelmediği, yangın davranış tahminlerinin sağlıklı olarak yapılamadığı, yangın öncesi gerekli tedbirlerin alınmadığı gibi konularda bilgi farklılıkları yaşanmıştır.

Bu konu ile, halkın konuyla ilgili bilgiye erişiminin boyutları değerlendirilmeye çalışılmıştır.

VII.4.4- İstanbul Sel Baskını

Konu tipi: Acil Durumda Bilgiye Erişim

Kategori: Bilgiye Erişim

2009 yılında İstanbul ve civarında şiddetli bir sel meydana gelmiştir. Yağan yağmur, 80 yılda gerçekleşen en şiddetli yağmur olarak tarif edilmiştir. Sel, Salı gününü Çarşamba'ya bağlayan gece çok şiddetli bir şekilde aniden gelmiştir. Kamyonlar çöp yığınındaki çöp gibi süpürülmüşlerdir. Anayollar aniden suyun birkaç metre altına batmışlardır. O zaman çekilen resimler insanların otobüslerin üstünde oturduklarını veya zar zor arabalarını tutunarak suyun yüzeyinde kaldıklarını göstermişlerdir.

Kurtarma ekipleri, olay yerini botlarla gezerek diğer karaya oturmuş araçlara yardım etmişler, bir kısım kurtarma ekipleri, güvenli bir yere çıkmış olanlara plakalar veya merdivenlerle uzanarak yardım etmişler, helikopterler de binaların çatılarındaki insanları toplamışlardır.

Sel çok sayıda işyeri ve aracın ve çevrenin zarar görmesine ve birkaç kişinin de ölmesine neden olmuştur. Hatta bu felaket, Marmara Denizindeki ve çevresindeki derelerin kirlenmesine neden olmuştur.

Bu vakada, halkın sel felaketi öncesi ve sonrasında bilgiye erişim konusu farklı açılardan ele alınmıştır. İlgili idarelerin yağış tahmin raporları, hava durumu bilgileri, erken sel uyarısı ve felaket sonrası bilgi edinme konuları üzerinde halkın bilgiye erişimi incelenmiştir.

VII.4.5- Dilovası Organize Sanayi Bölgesi

Konu Tipi: Tesis Düzeyi Bilgilendirme

Kategori: Bilgiye Erişim

Dilovası, Kocaeli ve İstanbul arasında bulunan bir sanayi bölgesidir. Dilovası ilçesinde kurulan Organize Sanayi Bölgeleri (OSB) yaklaşık 2200 hektarlık sanayi alanını kapsamaktadır. Dilovası OSB de 193 sanayi kuruluşu ve 20000 çalışanı ile ülke ekonomisine önemli katkıda bulunmaktadır. Dilovası OSB Karma OSB olup, bölgede ağırlıklı olarak metal ve kimya sektöründe sanayi kuruluşları yer almaktadır.

Dilovası Organize Sanayi Bölgesi, ülke ekonomisine son derece önemli katkıları bulunan çok sayıda büyük endüstriyel kuruluşun yanında, çeşitli boyutlarda toplam 185 endüstriye ev sahipliği yapan ve oldukça stratejik bir coğrafi konumda bulunan en önemli OSB'lerden biridir. Ülkemizdeki plansız ve yanlış kentleşmenin sonucu olarak, yoğun bir endüstriyel faaliyete sahip olmasına rağmen altyapı ihtiyaçlarını tamamlamakta güçlük çekmiş olan bu OSB, sadece yukarıda belirtilen özellikleri ile değil, çeşitli çevresel hassasiyetler nedeniyle de son yıllarda kamuoyunun gündeminde sürekli bir yer tutmuştur.

Gerek daha düzenli ve planlı bir altyapıya sahip olmak, gerekse çevresel yükümlülüklerini yerine getirmek için Dilovası yönetimi, Hava kirliliği ile mücadele için bölgedeki bilimsel kuruluşlarla birlikte büyük bir proje başlatmış ve yatırım planları oluşturulmuştur. Mart 2009 itibarı ile görsel kirlilik büyük oranda azaltılmıştır.

İzmit Körfezi'nin sanayisi ve yerleşim alanlarıyla birlikte önemli kirletici kaynaklarından birisi olan Dilovası'nda oluşan evsel ve endüstriyel atıksular önemli sorun oluşturmaktadır. Bu konuda da çalışmalar devam etmektedir. Avrupa Birliği'nin Türkiye'de destekleme kararını verdiği 6 adet çevre projesinden 1 tanesinin Dilovası OSB Arıtma Tesisinin olması sağlanmıştır.

VII.4.6- TÜPRAŞ (Türkiye Petrol Rafinerileri AŞ)

Konu Tipi: Tesis Düzeyi Bilgilendirme

Kategori: Bilgiye Erişim

Yıllık toplam 28,1 milyon ham Petro işleme kapasitesiyle birlikte 4 petrol rafinerisi işletmesi olan Tüpraş Türkiye'nin en büyük sanayi holdingidir. Ek olarak, 50.000 tonluk petrokimyasal üretim tesisi kapasitesi, DİTAŞ nakliye şirketinin büyük (% 79,98) hissedarı, petrol perakende şirketi olan OPET'in % 40 sahibi olarak operasyonlarına değer katar ve sinerji oluşturur. Tüpraş'ın kökleri, büyük bir borsa payı, kurumsal güvenilirlik, üretim kompleksleriyle bağlı entegre bir petrol şirkettir ve U.S. Caltex şirketi tarafından kurulan İPRAŞ (İstanbul Petrol A.Ş.)'a kadar uzanmaktadır. 1983 yılında, İPRAŞ ve diğer 3 halka açık rafineri, Devlet Ekonomik Holdinglerinin daha efektif operasyonlar gerçekleştirebilmeleri için düzenlemelerle Tüpraş şemsiyesi altında birleşmişlerdir.

Tüpraş'ın operasyonel çeşitlikleri için ilk adım Petkim Yarımca tesislerinin 2001 yılında satın alınması ve inceleme faaliyetleri tarafından ihtiyaç duyulmuş olan genişleme projeleri için faaliyete hazır bir altyapı tesisi olarak kullanılmasıdır.

Tüpraş'ın amacını, “ana hedef, ürünlerin ve çevre ve insan sağlığını koruyacak hizmetlerin sürekli olarak geliştirilmesidir” şeklinde ifade etmektedir. Ancak, Tüpraş, gaz, asfalt vb. ürünleri üreten petrol temelli bir petrokimyasal fabrikadır. Büyük miktarlarda, yerel halkın yaşam koşullarını ve sağlığını tehdit eden ve civarını kirleten karbondioksit ve sülfür ihtiva eden duman yaymaktadır. Ancak, bilgiye erişim, zamanlamayı ve doğruluğa saygı göstermesiyle birlikte bir sorun olarak görünmektedir.

VII.4.7- Çevresel Referans Laboratuvarı

Konu Tipi: Devlet Çevre Raporu

Kategori: Bilgiye Erişim

Çevresel Referans Laboratuvarı Çevre ve Orman Bakanlığı Çevre Yönetimi Genel Müdürlüğü'ne bağlı olarak Ankara'da bulunmaktadır. Laboratuvarın görevleri, 4856 sayılı Çevre ve Orman Bakanlığının Teşkilat ve Görevleri Hakkında Kanununun 2. maddesinde şu şekilde tanımlanmıştır.

Buna göre çevre referans laboratuvarı “Çevrenin korunması ve kirliliğinin önlenmesi için çevre standartları ve ekolojik kriterler esas olmak üzere her türlü analizi, ölçüm ve kontrolleri gerçekleştirmek amacıyla” kurulmuştur. Bu amaçla kurulan laboratuvar “çevre kirliliği ile ilgili olarak ölçüm, tespit ve kalite kriterlerini belirlemek, uygulamak ve uygulanmasını sağlamak; çevreyle ilgili her türlü ölçüm-izleme, analiz ve kontroller yapacak laboratuvarlar kurmak, kurdurmak, bunların akreditasyon işlemlerini yapmak, hava, su ve toprak konusunda ölçüm yapacak kuruluşları belirlemek, kurulacak tesisler için, alıcı ortam özelliklerine göre çevre kirliliği yönünden görüş vermek, izlemek ve gerektiğinde müdahale etmek, mevcut ve kurulacak tesislere emisyon ön izni ve emisyon izni vermek, emisyonları ve arıtma sistemlerini izlemek ve denetlemek” gibi önemli görevler yüklenmiştir. Bu görevleri yerine getirebilmek için de aşağıdaki birimler kurulmuştur:

Numune kabul ve raporlama birimi

Kimya laboratuvarı

Yakıt laboratuvarı

Hava Kalitesi İzleme Ağı

Mobil laboratuvarlar (hava ve su kalitesi izleme)

Yukarıda kısaca tanıtılan laboratuvar Devlet çevre raporları hakkında bilgiye erişim hususunda irdelenmeye çalışılmıştır.

VII.4.8- Bergama Altın Madeni

Konu Tipi: Çeşitli Konularda Bilgiye Erişim

Kategori: Bilgiye Erişim

Eurogold şirketi, 1989 tarihinde, ÇED raporu hazırlanmaksızın altın aramalarını başlatma iznini almıştır. Bergama halkının tepkisi, bilimsel ve hukuksal itirazlar karşısında Çevre Bakanlığı'nın inisiyatifiyle 1991 yılında ÇED raporunu alan şirkete, 1994 yılında söz konusu madende işletme izni verildi. 1997 yılında işletmeye hazır hale gelen maden aleyhine 1994 yılında verilen ÇED olumlu raporu işlemi dolayısıyla dava açılmıştır. Dava sonucunda, ilgili mahkeme 1997 yılında maden işletmesine izin veren Çevre Bakanlığı'nın işleminin iptaline karar vermiştir.

Şirket, altın madeni işletmesinde daha iyi güvenlik sağlamak amacı ile ek önlemler almış olduğunu belirterek yeniden faaliyetine izin verilmesi için başvurularla bulunarak, Türkiye Bilimsel Araştırma Kurumu'na (TÜBİTAK) hazırlatılan yeni rapor sonucunda, Başbakanlık tarafından madenin çalışması için gereken izinlerin verilmesine yönelik adımlar atılmıştır.

Başbakanlığın bu emrine karşı açılan dava sonucunda işlem yine iptal edilerek, maden 2002 yılında mühürlenmiştir. Ancak, bunun ardından Bakanlar Kurulu maden işletmesinin çalışmasını sürdürmesi konusunda "prensip kararı" (29 Mart 2002 gün ve P.2002/4) aldığını duyurarak, madenin 2002 yılında tekrar çalışmasına olanak tanımıştır. Bu şekilde maden 3,5 yıl çalıştırılmış ancak uzun süren yargılama sonunda Bakanlar Kurulu'nun söz konusu bu işleminin 2004 yılında yürütmesi durdurularak maden tekrar kapanmıştır. Ancak, şirketin yeniden ruhsat başvurusu üzerine Çevre ve Orman Bakanlığı tarafından yeniden ruhsat verilmiş, bu işlemin iptali için Danıştay'da açılan bir başka dava sonucu 2009 yılı Ocak ayına kadar kesintisiz çalışan madenin faaliyeti tekrar durdurulmuştur.

Bergama Maden İşletmesi'nin 1989 yılında ilk yasal izinleri almasıyla başlayan hukuk mücadelesi; Çevre ve Orman Bakanlığı tarafından Koza Altın İşletmeleri'ne verilen 18 Şubat 2009 tarihli çevre etki değerlendirme (ÇED) olumlu işlemi aleyhine açılan bu davayla, yeni bir evreye girmiş oldu.

TMMOB'a bağlı Elektrik Mühendisleri Odası, Ziraat Mühendisleri Odası, Kimya Mühendisleri Odası, Jeoloji Mühendisleri Odası, Metalurji Mühendisleri Odası,

Çevre Mühendisleri Odası, Peyzaj Mimarları Odası ile Çağdaş Hukukçular Derneği, DİSK-Dev Maden-Sen, EGEÇEP (Ege Çevre ve Kültür Platformu) Derneği, Kozak Yaylası Doğal Çevre Kültür ve Turizm Derneği ve Bergama'daki 16 köy muhtarlığı ile birlikte hukuksal mücadeleyi sürdürmektedirler.

Türkiye’de en çok bilinen çevre davası olması nedeniyle simge haline gelen bu konuda yöre halkının konuyu sahiplenışı ve karar alma süreçlerine katılımı, yargıya erişimi son derece dikkat çekicidir.

VII.4.C. HALKIN KATILIMI

VII.4.9- 2/B Kanun Maddesi

Konu Tipi: Politik Karar Alma

Kategori: Halkın katılımı

Orman Kanununun 2. maddesinin B fıkrası, orman sınırları dışına çıkarma konusunu düzenlemektedir. Buna göre;

“31/12/1981 tarihinden önce bilim ve fen bakımından orman niteliğini tam olarak kaybetmiş yerlerden; tarla, bağ, bahçe, meyvelik, zeytinlik, fındıklık, fıstıklık (antep fıstığı, çam fıstığı) gibi çeşitli tarım alanları veya otlak, kışlak, yaylak gibi hayvancılıkta kullanılmasında yarar olduğu tespit edilen araziler ile şehir, kasaba ve köy yapılarının toplu olarak bulunduğu yerleşim alanları orman sınırları dışına çıkarılır” denmektedir.

Bu konuda ilk yasal düzenleme 1970 yılında Türk Anayasasında yapılan değişiklikle olmuştur. Bu değişikliğin Orman Kanununa aktarılması 1974 yılında olmuştur (1744 sayılı Kanun).

1982 yılında değişen ve halen yürürlükte bulunan Anayasada, önceki Anayasanın ormanlarla ilgili hükümleri aynen benimsenmiştir.

Kamuoyunda 2B olarak bilinen ve fakat tüm yönleriyle tam olarak da kavranamamış olan bu konu, yaklaşık 40 yıldır kamuoyunda yoğun olarak tartışılmaktadır. Zira orman sınırları dışına çıkarılan alanların yerleşim alanı

olarak kullanılması imkanının bulunması, yetkili otoriteleri bu alanları satarak gelir sağlama düşüncesine yönlendirmektedir. Bu yönüyle konunun sadece ekonomik boyutu tartışılmakta, hukuki, sosyal ve çevresel boyutu göz ardı edilmektedir. Konuyu çevre boyutu ile ele alanlar ise, bu alanların aslında orman olduğunu, orman sınırları dışına çıkarma işleminin orman tahribatına yol açtığını ileri sürmektedirler. Üstelik bu şekilde bir orman alanını işgal etmek suretiyle o alanın ormansızlaşmasına neden olan kişilere o alanların satılmasıyla “ işgallerin özendirildiği” de tartışılan konuların başında gelmektedir. Dolayısıyla çözümsüzlük halen devam etmektedir. Bunu çözebilmek için yapılan yasal düzenlemeler Anayasa Mahkemesince iptal edilmiştir. Son günlerde yeniden kanuni düzenlemeler yapılmaya çalışılmaktadır.

Bugüne kadar orman sınırları dışına çıkarılan alanların yaklaşık 500.000 ha olduğu ifade edilmektedir. Bu alanlar, ülkenin peyzajı ve doğal güzelliği ve biyoçeşitliliği için özellikle bir öneme sahiptirler. Ancak, halkın büyük kısmının hükümetlere itirazları sonucunda, hükümetler, bu alanlar üzerindeki politikalarını değiştirmişlerdir. Bu halkın katılımının politikayı nasıl değiştirdiğine tipik bir örnektir. Katılım metodlarında en çok uygulananlar ise medyanın konuyla ilgilenmesi, halk yürüyüşleri, imza toplanması ve bu amaç için anketler yapılmasıdır.

VII.4.10- Konya Karapınar Erozyon kontrol Sahası

Konu Tipi: Politik Karar Alma

Kategori: Halkın Katılımı

Konya-Karapınar ilçesi rüzgar erozyonunun olumsuzluklarının en etkili şekilde görüldüğü bir ilçedir. Topraklar kireççe ve potasyumca zengin, organik madde ve fosforca fakirdir. İlçede tarım arazisi varlığı 296 900 hektar olup bu arazilerin % 23’ü olan 103.000 hektar arazide çeşitli tip ve şiddette rüzgar erozyonu zararı söz konusudur. Bölgede yarı kurak karasal iklim hüküm sürer. Yıllık ortalama yağış 275 mm. ortalama sıcaklık 11 C°, hakim rüzgar yönü kuzey-kuzeydoğu, yıllık ortalama rüzgar hızı 3.5 m/sn’dir. Erozyon yönünden önemli rüzgarlar ise güney-güneybatı yönünden esmektedir. İlçede erozyonla birlikte topraklar verim gücünü kaybetmiştir.

İlçede bu kadar kötü faktörün bir araya gelmesi ile ortaya çıkan durum ilçe halkını yıldırmamış, bundan kurtulmanın çareleri aranmaya başlanmıştır. İlk önce “Karapınar’ı Erozyondan Kurtarma Derneği” adında Karapınar Halkı bir dernek kurmuşlardır. Halkın duyarlılığı ile ortaya çıkan bu birlikteliğin şikayetleri ilk olarak konu ile ilgili idari teşkilata (Toprak-Su Genel Müdürlüğü) iletilmiştir. Genel Müdürlük vakit geçirmeden çalışmalarını başlatmıştır. Halen dünyada rüzgar erozyonuyla mücadelede tabii yöntemler kullanılarak başarılı olunmuş ilk proje olan Karapınar Projesidir. Karapınar’da uygulanan proje iyi bir örnek teşkil etmiş ve dünyada uygulanan projelere öncü olmuştur. Ayrıca proje alanında yapılan araştırma projeleri ile bilim dünyasına ışık tutacak çalışmalara devam edilmektedir. Araştırma istasyonunda kurulması düşünülen “Kuraklık ve Erozyon İzleme Merkezi” ile önce ulusal daha sonra ise uluslararası bir birim oluşturularak bilimsel veri üretiminin daha da artırılması planlanmıştır.

Erozyon kontrol altına alındıktan sonra bölgede tarıma dayalı ekonomik hareket yaratılmıştır. Karapınar, geçmişteki acı günlerini unutmaya ve yarına güvenle bakmaya başlamıştır. Geçmişteki yaşanan acı günlerden ve erozyondan kurtulmanın sevincini her yıl Mayıs-Haziran aylarında "Erozyondan Kurtulma Bayramı" olarak kutlamakta ve bu şekilde geçmişte yaşananları, yapılan çalışmaları ve kazanılan başarıyı gelecek nesillere aktarmayı amaçlamaktadır.

Karapınar, erozyondan kurtulmanın sevinciyle birlikte devlet-vatandaş işbirliği ve sorunların çözümünde toplumsal katılımın başarılı bir örneği olarak yeni ziyaretçilerini beklemektedir.

VII.4.11- Abant Milli Parkı İnşaat Projesi

Konu Tipi: Proje Düzeyinde Kararlar

Kategori: Halkın Katılımı

1988 yılında Tabiat Parkı ilan edilen Abant Gölü Tabiat Parkı, sahip olduğu değerleri kaybetme tehdidiyle karşı karşıya kalmıştır. Abant Gölü Tabiat Parkı'nın 2007 yılında tamamlanan ve 2009 yılında revize edilen bir Uzun Devreli Gelişim Planı bulunmaktadır. Bu plan, alandaki biyolojik çeşitlilik değerlerinin korunması ve yönetimi için temel ilkeleri içeren göl ve çevresinde yapılabilecek/yapılamayacak faaliyetleri tanımlayan yasal bir belgedir.

Abant Gölü ve çevresi alanının yönetimi, Bolu Valiliği'ne devredilmiş; takip eden süreçte; Abant Gölü Tabiat Parkı Uzun Devreli Gelişim Planı'nda yer almayan uygulamalar göl çevresindeki doğal ormanlarda tahribat oluşturmaya başlamıştır. Planda, göl çevresindeki yolun motorlu araç trafiğine kapatılması, yalnızca yürüyüş ve atlı araba gezinti yolu olarak kullanılması yer almakta ve yol genişletme, yükseltme ve yeni yol açma faaliyetleri yasaklanmaktayken, Valilik yolu araç trafiğine yönelik olarak 7 metreden 11 metreye genişletmiş; gölün seviyesini yükseltmek ve yüzeyini genişletmek amacıyla set yapmıştır. Bu set, bitki türünün, piknik alanlarının, ormanın, çayırılık ve meranın sular altında kalmasına neden olmuş; kökleri su altında kalan ağaçlar kurumaya başlamıştır.

Çeşitli sivil toplum kuruluşları ve meslek odaları; Abant Tabiat Parkında yaşanan çevre ve doğa katliamının geri dönülemez bir noktaya taşındığını ifade ederek, Bolu Valiliği'nin "Abant Uzun Devreli Gelişim Planı"nda yer alan planlama kararlarına uymadığına tepki göstermişlerdir.

Her dönem yerli ve yabancı turistlerce ziyaret edilen Abant Tabiat Parkı, Türkiye'nin sayılı ulusal değerlerinden birisidir. Bu alanda yapılacak olumsuz her türlü müdahalenin Türkiye'nin taraf olduğu ve imzaladığı uluslararası sözleşmelere de ters düşeceği belirtilmiştir.

Konuyla ilgili yöre halkı, özellikle yerel medya katılım usullerine başvurmuş, Muhalefet partisi milletvekillerince meclise soru önergesi verilmiştir. Bu çabalar sonucunda, göle yapılan müdahalelerin ortadan kaldırılarak eski haline dönme süreci başlamıştır. Bu nedenle, halkın katılımı anlamında başarılı bir süreç yaşandığını söylemek mümkündür.

VII.4.12-: İstanbul 3. Köprü

Konu Tipi: Proje Düzeyinde Kararlar

Kategori: Halkın Katılımı

Hükümet İstanbul Boğazına 3. Köprü'nün yapılmasını planlamıştır. Köprü'nün potansiyel geçeceği alanlar büyük orman alanlarına ve su kaynaklarına sahip yerler olan, İstanbul'un kuzey bölgesi olarak açıklanmıştır. Bunun çevreye potansiyel zararları olarak; bu bölgeye daha fazla insanın gelmesi, şehrin güzelliğinin ve manzarasının, biyoçeşitliliğinin ve su kaynaklarının yok olması

olarak sayılabilir. Bu nedenle deęişik organizasyonlar, meslek odaları, dernekler, STK'lar ve halk bu projeye itiraz etmişlerdir ve "3. Köprü yerine yaşam" isimli bir platform oluşturmuşlardır.

Bu platform, "3. Köprü Boğaza karşı işlenen bir suçtur. Böyle bir girişim, İstanbul'un metropol halkının ulaşım sistemine ve modern şehirleşme üzerine vahim sonuçlar yükleyecektir" şeklinde düşünmektedirler.

Hükümet yetkilileri, 3. Boğaz Köprüsü'nün, şehir içi trafik sorununun çözülmesi ve halk kitlesinin ulaşımın sağlanması için inşa edilmesi gerektiğini iddia etmektedirler. Yetkililer, bu köprünün, şehirlerarası transit trafiğin İstanbul'dan geçişini kolaylaştıracağını düşünmektedirler.

Platform, 3. Köprü'nün daha önceki iki köprü gibi İstanbul'un trafik sorununu çözümeceğine, aksine yeni çözümsüz sorunlar üreteceğine inanmaktadır. Yeni bir Boğaz Köprüsü, Asya ve Avrupa arasında geçiş yapan taşıt sayısında hızlı bir artışa neden olacak, ancak daha fazla sayıda yolcu taşınmasına sağlamayacaktır.

VII.4.13- Kazdağları Altın Arama Sahası

Konu Tipi: Düzenleyici Kararlar

Kategori: Halkın Katılımı

Yaklaşık 258.000 hektarlık bir alana yayılan Kazdağları, çevresiyle birlikte ekolojik, mitolojik ve sosyo-ekonomik özellikleri ile özgündür. Akdeniz ikliminin varyantları ve Okyanussal iklim arasında bir geçiş bölgesi özelliğini taşıyan Kazdağları, konumu, jeomorfolojisi ve hüküm süren iklim tiplerine bağlı olarak biyocoğrafya açısından Avrupa-Sibirya bölgesinin Öksin Provensi ile Akdeniz Bölgesi, Doğu Akdeniz Provensinin kesişim noktasında yer alır.

Belirtilen özellikleri nedeniyle bir kısmı "milli park" statüsü ile özel koruma altına alınmış olmasına rağmen, gerçekte zirveleri, eteklerinde oluşturduğu ovaları, yüzeysel suları, akiferleri, barındırdığı bitki örtüsü ve yaban hayatı ile "koruma değeri yüksek" ekolojik bir bütünlük oluşturur. Bu nedenle Dünya Bankası tarafından desteklenen "gen kaynaklarını yerinde koruma" projesinin pilot uygulama bölgelerinden biri olarak seçilmiştir. Nitekim, 101 familyaya

mensup yaklaşık 900 taksonun kayıtlı olduğu Kazdağları florasında, 37'si sadece bu dağda yetişen Türkiye'nin 78 adet endemik ve nadir bulunan bitki türü yer almakta ve tüm Avrupa kıtasının en önemli bitki alanlarından biri olarak. "Önemli Bitki Alanı (ÖBA)" statüsüne alınmış bulunmaktadır.

Kazdağları'nın eteklerinde (Edremit, Ayvacık, Bayramiç, Çan, Yenice) maden işletmeciliğine yönelik yaklaşık 38 200 hektarlık geniş alan için maden arama ruhsatlarının verilmesi ile kamuoyunda büyük bir tartışma başlamıştır.

Balıkesir Kazdağları'nda KOZA ve onun Kanadalı ortağı olan maden şirketlerine "cynide" kullanarak altın çıkarılması için madencilik lisansı verilmiştir. Fakat, yöre insanları bu çalışmalara karşı itiraz etmişler ve yürüyüş düzenlemişlerdir. Bu olayda karar verme sürecine halkın katılımı sağlanmış ve sonunda madendeki çalışmalar durdurulmuştur. Yöre insanların bu çalışmaları ve mücadelesi günümüzde de hala devam etmektedir.

VII.4.14- Bilezikçi Çiftliği Araştırma Ormanı

Konu Tipi: Çeşitli Halkın Katılımı

Kategori: Halkın Katılımı

Bilezikçi Çiftliği, İstanbul Boğazına doğru yayılmış, İstanbul Üniversitenin sahip olduğu en büyük ve en değerli yerlerden biridir. Araştırma ormanı önceki sahibi olan aile tarafından kullanılarak 1990'larda büyük bir inşaat şirketine satılmıştır. Şirket, ormanın içinde lüks konut ve yapılar yapılması konusunda projeler yapmıştır. Ancak İstanbul Üniversitesi Orman Fakültesi kontrolünde konuya müdahale ederek söz konusu yerin kamulaştırılmasını sağlamıştır. Bunun sonrasında, şirket üniversiteyi dava etmiş ancak açılan davayı kaybetmiştir. İlerleyen zamanlarda dava İnsan Hakları Mahkemesine götürülmüştür. Mahkeme, şirketin sahiplik haklarına müdahale edildiğini belirtmiş ve özellikle şirkete bir tazminat verilmesi gerektiği kararına varmıştır. Söz konusu tazminat davalı tarafa ödenmesi sonucu adı geçen orman alanı İstanbul Üniversite Orman Fakültesi Araştırma ve Uygulama Ormanı olarak İstanbul Üniversitenin mülkiyetine geçmiştir.

Üniversitenin, Orman Kanununa göre ormanı yönetmesi veya diğer gelişim planlarında hedeflediği ve diğer ormancılık uygulamalarını da içeren

uygulamalar nedeniyle ormanın halkın faydalanmasına açık olması görüşleri hakkındaki tartışmalar bugün halen devam etmektedir.

VII.4.C. YARGIYA ERİŞİM

VII.4.15- Ağaçlandırma Yönetmeliği

Konu Tipi: Uygunsuzluk

Kategori: Access to Justice

1982 Anayasasının ormanların korunması ve geliştirilmesini amaçlayan 169. maddesinin ağaçlandırma faaliyetleri ile ilgili koyduğu soyut kural, 6831 sayılı Orman Kanunu'nun 57-63. maddelerinde somutlaşmıştır. Orman sahasını artırmak maksadıyla yapılacak ağaçlandırma faaliyetleri hakkındaki hükümlerin uygulama usul ve esaslarını göstermek için de, Ağaçlandırma Yönetmeliği yürürlüğe girmiştir. Yönetmelik, yürürlüğe girdiği tarihten bu yana değişikliklere uğramış ve konuyla ilgili en son düzenleme 2009 yılının Nisan ayında gerçekleştirilmiştir.

Ağaçlandırma konusunda temel değişiklikler yapan çalışma konusu Yönetmelik, kamuoyunda tartışılmış, ancak 2009 yılında, bazı STK'lar yönetmeliğin Anayasa'ya aykırı olduğu ve herhangi bir yasal dayanağı olmaması iddiasıyla, bunu mahkeme önüne taşımışlardır.

VII.4.16- Alliano Antik Kenti

Konu Tipi: Bilgiye Erişim

kategori: Yargıya Erişim

1998 yılında başlayan kazılarla büyük bir bölümü toprak altından çıkarılan Alliano Antik Kenti, Bergama'nın eski çağlarda önemli bir sağlık merkezidir. M.Ö. II. Yüzyıl'dan M.S. II. Yüzyıl'a kadar kullanıldığı tahmin edilen Alliano, tıpkı Bergama Asklepieon'u gibi, Sağlık Tanrısı Asklepios'a adanarak yapılmış bir sağlık kütüdür. Ancak Asklepieon'da telkinle tedavinin uygulandığı,

Allianoî'nin ise hidroterapi (suyla sađaltma) merkezi olduđu, önemli buluntularla desteklenmektedir.

Burada çıkan sıcak su, günümüzde bile kullanılacak niteliktedir. Anadolu'nun en sağlam kalmış ılıca yapısı olarak dikkat çeken Allianoî, ne yazık ki, bölgede yapımı süren Yortanlı Barajı'nın suları altında kalma tehlikesiyle karşı karşıyadır.

Antik yazarlardan P.Aelius Aristides'in Hieroî Logoî adlı yapıtında Allianoî anılmaktadır. Allianoî, "Sađlık Tanrısı Asklepion'un yurdu" olarak bilinmektedir.

Günümüzde, İzmir'deki Allianoî Antik Kenti yanında bir baraj projesi yapılmaktadır. Ancak, Ankara'daki bir STK olan Dođa Derneđi, ünlü bir Türk Şarkıcısı'nın insiyatifiyle projeye karşı bir savař başlatmıştır. Hükümete karşı bir dava açan dernek, uyuřmazlıđı mahkeme önüne taşımıştır. Davayı gören İdare Mahkemesi projenin durdurulması istemiştir. Şu ana kadar Mahkeme kesin kararını henüz vermemiştir. Umulmaktadır ki baraj inřaati projesi mahkeme kararıyla iptal edilecektir.

VII.4.17- Genetiđi Deđiřtirilmiř Organizmalar Hakkında Kanun

Konu Tipi: Çeřitli Yargıya Eriřim

Kategori: Yargıya Eriřim

Türkiye'de genetiđi deđiřtirilmiř organizmalar, tarımsal ürünler aracılıđıyla, halk sađlığını tehdit eden ciddi bir problem olarak kabul edilmektedir. İlk yönetmelik 2009 yılında uygulamaya konmuřtur.

Yönetmeliđin herhangi bir yasal dayanađının olmadığı iddiası STK ve bir grup insanı olayı 10. Danıřtay Dairesinin önüne getirmişler ve akabinde mahkeme, yönetmeliđi iptal etmiştir. Bu arada "Biyoeçeřitlilik Kanunu" yeni bir statü olarak ortaya çıkmıştır. Yeni kanuna bađlı olarak, 2010 yılında ikinci yönetmelik uygulamaya konulmuřtur. STK, medya ve emek konfederasyonları soruna müdahale ederek daha sonra, uyuřmazlıđın özellikle geniş boyutlara varmasını önlenmişlerdir.

VII.4.18- Maden Kanunu

Konu Tipi: Halkın Katılımı

Kategori: Yargıya Erişim

2004 yılında Maden Kanunu deęişmiş ve bu kanuna baęlı olarak bazı düzenlemeler getirilmiştir. Bu deęişiklikler, “*Orman, muhafaza ormanı, ağaçlandırma alanları, kara avcılığı alanları, özel koruma bölgeleri, milli parklar, tabiat parkları, tabiat anıtı, tabiatı koruma alanı, tarım, mera, sit alanları, su havzaları*.....nda madencilik yapılmasına olanak tanınmıştır.

Ayrım yapmaksızın tüm doğal kaynakları madencilik faaliyetlerine açan bu düzenlemenin yürürlüğe girmesi, tartışmaların başlamasına neden olmuş ve bu sürecin sonunda konu, iptal istemiyle Anayasa Mahkemesi’ne taşınmıştır.

Anayasa Mahkemesi, maddeyi iptal istemi doğrultusunda incelemiş ve 2009 yılında oybirliğiyle iptaline karar vermiştir.

Maden Kanunu 2010 yılında tekrar düzenlenerek yürürlüğe girmiş ancak halen konuyla ilgili tartışmalar sona ermemiştir.

VII.4.19- Vize Çimento Fabrikası

Konu Tipi: Çevresel Zarar

Kategori: Yargıya Erişim

2001 yılında, Kırklareli’nin Vize ilçesinde bir şirket, bir çimento fabrikası kurmak için başvuruda bulunmuştur. Söz konusu şirket ÇED olumlu raporu almış ancak, fabrikanın kurulacağı alan su kaynaklarının bulunduğu ve rekreasyon faaliyetlerin yürütüldüğü bir bölge olması sebebiyle 2006 yılında TEMA, davacılar ve diğer STK’lar konuyu Edirne İdare Mahkemesine götürmüşlerdir. Diğer taraftan, çevreciler tarafından açılan dava mahkemede halen görülürken, Çevre ve Orman Bakanlığı, çimento fabrikasına izin verilen bölgenin Çevre Yönetim Planı’nı kabul etmiş bunun akabinde 2007 yılında,

TEMA tekrar, uyuşmazlığı mahkeme önüne getirmiştir. 2009 yılında İl Meclisi, Çevre Yönetim Planı'nı iptal etmiş, bunun üzerine Bakanlık, iptal edilen planı revize etmiştir. Bu idari işleme karşı TEMA Danıştay'da bir dava daha açmıştır. 2010 yılında çevrecilerin ilk başvurusunu haklı gören Edirne İdare Mahkemesi ÇED olumlu raporunu iptal etmiş ancak bu iptalin ardından şirket, Bakanlığa ikinci defa başvurarak tekrar ÇED olumlu raporunu almıştır. Bunun üzerine davacılar konuyu tekrar Edirne İdare Mahkemesine götürerek yargısal sürecin tamamlanmasını beklemektedirler.

Yukarıda kısaca özetlenen dava süreci, çevresel konularda STK'ların başvuru haklarını kullanmaları ve takip etmeleri bakımından örnek bir dava olarak karşımıza çıkmaktadır.

VIII. SONUÇ

Seçilen çalışma konu ve olaylar, incelendiği konu başlıklarına göre irdelenmeden önce, Türk mevzuatının çalışma konularına dair TAI metot içeriğine göre kısa bir değerlendirilmesi yapılacak olursa, öncelikle belirtilmelidir ki, Türk mevzuatı çevre zararlarının önlenmesi için yeterli derecede yükümlülükler içermektedir. Bu konuda temiz ve sağlıklı bir çevre, dernek kurma, ifade özgürlüğü, yargı yolu ve tazminat talebi anayasal güvence altına alınmıştır. Çevreye ilişkin davalar, büyük ölçüde idari yargı konusudur. Gerek ilk derece mahkemelerinde gerekse temyiz makamı olan Danıştay bünyesinde uzmanlaşmış daireler mevcuttur. Dolayısıyla “Çevre Mahkemeleri” olmamakla birlikte, özellikle Danıştay düzeyinde belli daireler sadece çevreye ilişkin davalara bakmaktadırlar. Ancak bu dairelerde “bilgiye erişim, katılım, çevre, yargıya erişim veya bunlarla ilgili rehberlik hizmeti” verilmemektedir. Hakimler, kendi imkanları ile bu tür faaliyetlerde bulunabilmekte, sempozyum, çalıştay benzeri bilimsel organizasyonlara katılmaktadırlar.

Türk Mevzuatında, Devletin, medya uygulamaları ve kayıtları için mevcut mevzuatı ve kuralları iyi uyguladığı, eğitimcilere ve konuyla ilgili uzmanlara çevre eğitimi konusunda destek ve teşvik ile birlikte erişim hakkı konusunda da kaynak ve müfredat sağladığı görülmektedir. Mevzuatın, özellikle devlet okullarında çevre eğitimi ile birlikte basın özgürlüğü ve Sivil Toplum Kuruluşlarının (STK) kurulması ve çalışması konusunda yeterli düzeyde olduğu ifade edilebilir. Mevzuat ayrıca halkın STK'lara veya bireysel girişimlere katılımı destekleyici hükümlerin yanı sıra, gerekli durumlarda tazminat ve

iyileştirici kazanımlar elde etmesi konusunda da yeterli sayılabilecek hükümler içermektedir.

Mevzuat, bilgiye erişim konusunda ise gerekli altyapı ve teknik desteğin sağlanmasını zorunlu kılmaktadır. Başta çevre görevlilerinin kapasitelerini geliştirilmesi için sorumlu kurumların oluşturulmasına imkan tanısa da, bilgiye erişim konusunda genel olarak görevli kişilerin kapasitelerinden sorumlu bir kurum oluşturulmasına imkan tanımamaktadır. Ayrıca, mevzuatın seçilen bilginin veya raporların kamuya ulaştırılmasında yetkili kurumları, bazı konularda eksiklikler bulunmasına rağmen desteklediğini görebilmekteyiz.

Çalışmanın olay ve konuları, araştırma başlıkları altında değerlendirilecek olursa, bu değerlendirme ve sonuçlar; Bilgiye Erişim, Halkın Katılımı ve Yargıya Erişim başlıkları altında değerlendirilebilir. Buna göre;

Bilgiye Erişim hakkında seçilen konularda;

- Üretilen bilgi, insan ve çevre sağlığı üzerindeki negatif etkilerini önlemek için, planlı faaliyetleri de beraberinde getirmiş ve büyük oranda başarılı sonuçlar ortaya çıkmaktadır.
- Kurumların bilgiyi yönetecek düzeyde yetişmiş sorumlu elemanları bulunmaktadır. Özellikle son yıllarda Bilgi Edinme Hakkında Kanun'un yürürlüğe girişinden bu yana hemen tüm yetkili idarelerde konuyla ilgili personel görevlendirilmiş, birimler kurulmuş, resmi internet sayfalarından başvuruların yapılması mümkün hale getirilmiştir.
- Bilgiye erişimde sağlanan ilerlemeler, izleme ve yaptırım uygulama aşamalarında başarı ile sürdürülmektedir. Bunun için merkezi başkent Ankara'da olan bir Bilgi Edinme Denetleme Kurulu oluşturulmuştur. Yetkili idarelerin bilgiye erişimi sağlamamaları halinde bu kurula şikayet mümkündür. Ayrıca Bilgi Edinme Hakkında Kanun konu ile ilgili de yaptırımlar öngörmektedir.
- Sorumlu kurumlar, katılım maliyetlerini düşük tutmuşlar ve genel olarak seçilmiş konular için bilgi toplama ve dağıtımını da düzenli bir şekilde yapmışlar ve halkın bilgiye erişim hakkını da çok büyük ölçüde ücretsiz olarak karşılamışlardır. Bununla birlikte bilgi talebi hakkında yasada talebe cevap verilmesine dair makul süre bulunmakta ayrıca yasa kamunun çevresel konularda bilgiye kapsamlı bir şekilde erişimini yeterli ölçüde desteklemektedir.

- Bilginin geniş paydaş kitlelere ulaşması konusunda, planlı ve kapsamlı çabaların genelde orta ve zayıf düzeyde kaldığı görülmektedir. Yetkili kurumlar başarılı olarak bilgiyi üretse de kimi zaman bunu halka ulaştırmada aynı başarıyı elde edememişlerdir.
- Hükümetin, bilginin toplanması ve yayılmasını kolaylaştırmak için bütçe tahsisi yeterlidir. Sorumlu kurumlar birkaç istisna haricinde genel olarak talepleri cevaplamak ve bilgiyi halka ulaştırma konusunda sorumlu bir personel bulundurmaktadır. Hükümetin bilginin ulaştırılmasında zamanlama açısından eksiklikleri bulunmakla beraber genel olarak yeterli zamanda bilgiyi ulaştırdığı ifade edilebilir. Ayrıca, bilgi verme yükümlülüğünü yerine getirmediği taktirde kurumların izleme veya cezalandırma sisteminin olduğu ve bunun çalıştırılmasının da yasal zorunluluk olduğunun altı çizilmelidir.
- Bilginin entegre yönetimi ve veri toplanmasında kurumların oluşturduğu sistemin başarılı olmasının yanı sıra, sorumlu kurumlar bilginin erişimi için yeterli sayılabilecek altyapıyı sağlamaktadırlar. Konunun mevzuat kısmı ele alındığında ise, mevzuatın sorumlu kurumlara bilginin dağıtım ve paylaşım konusunda zorunluluk getirdiği görülmektedir. Ancak kanunun saydığı hallerle ilişkin birtakım sınırlamalar bulunmaktadır. Diğer taraftan, birkaçı hariç, bilginin halka doğru, tam ve eksiksiz olarak ulaştırılmaya çalışıldığı ve veri toplama sistemi ile entegre halde yönetimin iyi derecede olduğunu ifade etmek mümkündür.
- Paydaşların, etkin katılımı için ihtiyaçları olan bilgiye ve yeteneğe genel olarak yeteri kadar sahip oldukları ve bilgiye erişimde çok spesifik özellik veya yeteneğe ihtiyaç duymadıkları görülmüştür. Bu konuda bilginin elde edilmesini açıklayan kamu rehberliği sisteminin aksayan yönleri olmasına rağmen mevcut rehberlerin açık ve ulaşılabilir olduğu belirtilebilir.
- Sorumlu kurumların, alınan kararların kaydını halkın ulaşabileceği biçimde, üçüncü köprü projesi gibi, birkaç istisna dışında düzenli tuttuğunu belirtmek mümkündür. Bu bilgilerin tümünün paydaşlara ulaştırılması için yeterli çabanın gösterilmediği vurgulanabilir.
- Halkın yargı süreçlerinin işleyişini açıklayan kamu rehberleri veya kılavuzlara ulaşmaları pek mümkün değildir. Konuyla ilgili usul ve esaslar kanunlarda açıkça gösterilmesine rağmen, vatandaşların bu bilgileri alıp yorumlamaları çok kolay olmamaktadır. Bu nedenle, halka süreci açıklayan rehberlerin olmaması önemli bir eksiklik olarak görülmektedir.

- Bilgiye erişim ve halkın katılımında olduğu gibi yargıya erişimde de medya ve Sivil Toplum Kuruluşlarının (STK)'ların rolü oldukça büyüktür. Zira, pek çok önemli çevre davası STK'lar tarafından açılmakta ve takip edilmektedir. Bu yolla kamuoyunun gündemine yerleşen davalar, medyanın etkisi ve katkısı ile daha bilinir ve takip edilir hale gelmiştir.
- Bilginin vatandaşa ulaşma düzeyi memnuniyet vericidir. Fakat, yetkililer tarafından halkın ulaşabileceği konularla ilgili tüm detayların yer aldığı bir kayıt sistemi başarılı olarak sağlanamamıştır. Dolayısıyla, paydaşların bu konudaki bilgilere zamanında ulaşabilmeleri de mümkün değildir.
- Bilgiye erişim, halkın davranışlarında büyük ölçüde değişikliğe yol açmamıştır. Ancak, insan sağlığı üzerine etkilerinin yoğun olarak görüldüğü konularda bu etki gerçekleşirken diğer konularda bu durumun orta düzeyde kaldığı görülmüştür.
- Elde edilen bilgilere farklı yerlerden ulaşmak mümkündür. Bunlar içinde en temel ulaşım kaynağı resmi web siteleri olup, bunun yanı sıra kütüphaneler ve yetkili kurumlarda da söz konusu bilgiler bulunabilmektedir.

Halkın Katılımı hakkında seçilen konularda;

- Halkın Katılımı, bilgiye erişim kadar memnun edici bir görüntü çizmemekte ve yeterli düzeyde halkın katılımının sağlandığı söylenememektedir. Ortaya çıkan bu tablo mevzuat düzenlemelerinden kaynaklanmamaktadır. Mevcut mevzuat, halkın katılımını açık olarak destekleyici çok sayıda düzenleme içermekle birlikte, halkın katılımını kısıtlayan normlara rastlanmamaktadır.
- Mevzuat, halkın katılımı ve çevre konusunda yetkili kurum çalışanlarının kapasitelerini geliştirmesine dair genel ve dolaylı hükümler içermektedir. Söz konusu düzenlemelerin tam olarak tatmin edici olduğu ifade edilemese de, bir engel olarak da düşünülemeyeceği açıktır. Örneğin katılım konusunda halka uygun bir zaman dilimi sunulmaktadır.
- Görülen eksikliklerden biri, yetkili idarelerin yetersiz kaldıkları konularda, bilgilendirme ve tanıtım olanaklarını halka sunmamalarıdır. Halk, kimi zaman bu olanakları, katılım usul ve esasları ile birlikte zamanını bilmediği için karar alma mekanizmalarına dahil

olamamaktadır. Bu mekanizmanın işletilmemesi, ciddi sonuçlara da yol açmaktadır. Nitekim çevresel sonuçları olabilecek faaliyetlerde istenen ÇED (EIA) süreçlerinde halkın katılımı toplantılarının yapılması zorunludur. Bu toplantılar sürecin bir parçasıdır ve yapılmadıklarında ÇED sürecinin tamamlanması mümkün değildir. Ancak bu zorunluluk yeterli değildir. Zira yetkili idareler, halkın katılımını ve dolayısıyla karar alma süreçlerinin tüm aşamalarında çalıştırmamaktadırlar. Bu da halkın sadece belli aşamalarda düşüncelerini ifade edebilmesi anlamına gelmektedir.

- Medya desteği veya katılımı, halkın katılımı sürecini kolaylaştırıcı etkiye sahiptir. Medya ve STK'ların halkın katılımını artırma yolundaki çabaları hemen hemen tüm konularda görülmektedir. Türkiye'de halkın bilgiye erişimi de genellikle medya ve STK çabaları ile olduğundan, aynı somut etki halkın katılımı konusunda da görülmektedir. Gerekli bilgilerin halka zamanında ulaşım ulaşmadığı konusunda ise buna gayret edildiği anlaşılmıştır. Halkı bilinçlendirmek ve kapasite artırımı hakkında, son 3 yılda düzenli faaliyetler adına girişimler olmakla birlikte istenilen seviyede değildir.
- Süreç halka açık ve şeffaf olarak ilerlemiştir. Bu sürecin ilerlemesinde, Sivil Toplum Kuruluşlarının desteği, süreci orta düzeyde etkilemiştir. Mevzuatın ise, hükümeti karar verme sürecinde halka fırsat tanınması konusuna çok zorlayıcı hükümler içerdiğini söylemek zordur. Fakat kamu kurumlarının, halkın katılımı yükümlülüğünün yerine getirilmesi konusunda izleme, denetim ve cezalandırma mekanizmalarının olduğunu da belirtilmelidir.

Yargıya Erişim hakkında Seçilen konularda;

- Bağımsız ve tarafsız hareket eden mahkemelerin kararlarının uygulandığı görülmüştür. Diğer taraftan mevzuatın da bu konuda tutarlı olduğu hatta paydaşların, engelleme ve tehditlere karşı güvence altında olduğu görülmüştür.
- Mahkeme üyeleri ve personelinin, yargıya erişim konusundaki sorumluluklarını yerine getirmelerinde oldukça başarılı oldukları sonucuna varılmıştır.
- Mahkemelerin, davayla ilgili teknik ve bilimsel veriyi de kapsayan, tüm kanun ve maddi vakıaları iyi derecede ele aldıkları, davanın taraflarının her türlü bilgi ve maddi delillere ilişkin bilgilere kolayca ulaşabildikleri görülmüştür.

- Paydaşların, mahkemeleri etkili bir şekilde kullanmak için gerekli bilgi ve beceriye sahip oldukları ve hükümetin mahkemeye tahsis ettiği bütçenin adaletin yerine getirilmesi için yeterli olduğunu belirtmek mümkündür. Ayrıca, mahkemelerin, dava ile ilgili bilgileri halka sağlamak ve dava açmayı isteyenlere cevap verme konusunda açıkça yetkilendirilmiş personellerinin olduğu görülmüştür. Çevre hakkına erişim konusunda da mahkemelerin ortaya koyduğu kısıtlayıcı kuralların destekleyici etkileri olduğu yine yapılan bu çalışma ile anlaşılmıştır.
- Hukuksal çözüm sağlayabilecek ve kamu tarafından finanse edilen bağımsız bir kişiye veya makama ulaşmak mümkündür. Şeffaf ve adil yürüyen bu süreçle mahkeme masrafları bazen çevre konulu davalarda sorun olabilmektedir. Zira, mahkemenin bu bedelleri düşük tutmak gibi yetkileri bulunmamaktadır.
- Yargı mensuplarının, konunun taraflarına ulaşmak gibi bir çaba göstermeleri Türk Mevzuatı açısından mümkün değildir. Özellikle idari yargı davaları dosya üzerinden görülmekte, hakimler serbest iradeleriyle tüm belge ve bilgileri değerlendirmektedirler.
- Çevreye ilişkin davalarda, dava açma koşulu içerisinde yer alan “menfaat” koşulu geniş olarak yorumlanmaktadır. Anayasanın 56. maddesinde tanımlanan ‘çevre hakkı’ kapsamında, çevrenin herkesin ortak varlığı olmasından hareketle dava şartı geniş yorumlanmaktadır. Bu, yargıya erişim için çok önemli ve olumlu bir yaklaşımdır.
- Mahkeme kararlarının, davaya katılanların davranışları üzerinde değişen etkileri olmuştur. Örneğin, GDO Yönetmeliğine ilişkin davada davranış değişiklikleri görülürken, Ağaçlandırma Yönetmeliğine ilişkin davada herhangi bir davranış değişikliği olmamıştır. Dolayısıyla, her kararın sonunda bir davranış değişikliği beklenmemektedir.
- Mahkeme kararları sonrasında, insan ve çevre sağlığı üzerindeki olumsuz etkileri azaltıcı önlemler alındığı görülmektedir. Bu sonuç çevre konusunda yargıya erişimin önemini vurgulamaktadır.
- Davalarda ulaşılan ortak bir sonuç da yargı mensuplarının yargıya erişim konusundaki sorumluluklarını tam olarak yerine getirmekte oldukları ve halkın yargıya olan güveninin yüksekliğidir. Ayrıca, davanın paydaşları da yargı sürecini etkili kullanabilmek için yeterince bilgi, beceri ve donanıma sahiptir.
- Dava sürecinin, açık bir zaman çizelgesine sahip ve taraflara yeterli bilgilendirme yapılmak suretiyle makul bir harekete geçme zamanı sağladığı görülmektedir. Ancak mahkemenin nihai karar için

gecikmeleri azaltma yönünde özel bir çabasının olmadığına altı çizilmelidir.

- Hükümetin ücretsiz hukuki yardımı ise söz konusu değildir.

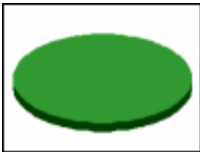
IX. ANNEXES

IX.1. WHERE IS A COUNTRY GOVERNMENT PERFORMING WELL OR POORLY?


Case Listing/Search Results

Indicator

Cart




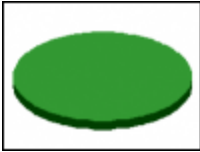
#92 To what extent does the legal system recognize liability for environmental harm?

 Gneral Law




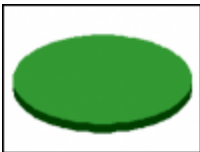
#48 How limited and clearly defined is the scope of “closed door” decisions that affect the environment?

 General Law




#6 How clear and inclusive are constitutional guarantees to the right to freedom of association?

 General Law




#5 How clear and inclusive are constitutional guarantees to the right of freedom of expression?

 General Law




#4 How clear and inclusive are constitutional guarantees to the right of access to justice, including redress and remedy?

 General Law



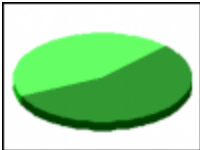
#1 How clear and inclusive are constitutional guarantees to the right to a clean and/or safe environment?

 General Law



#65 To what extent did the responsible agency keep costs of participation low for participants in the selected case?

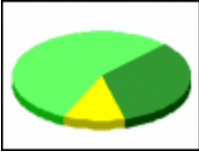
- Article 2-B of Forest Code Case
- Abant Natural Park Construction Project Case
- Bilezikçi Çiftiğ Research Forest Case
- Konya Karapinar Erosion Control Site
- Ida Mountains Gold Mining Sites
- City Planning and 3. Rd. Bridge Case



#13 How clear and narrow are the limits on claims of confidentiality of the selected information type?

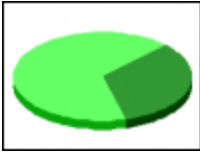
- Bergama Gold Mining
- Environmental Reference Lab
- Dilovasi Industrial Zone
- Flooding in Istanbul

- Air Quality Monitoring Network in Istanbul
- Melen River Drinking Water Supplying System
- Antalya Serik Forest Fire
- Tüpraş Petro-Chemical Plant



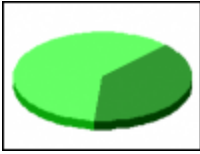
#28 To what extent does the government generate/collect the selected information type at regular time intervals and in a timely fashion?

- Bergama Gold Mining
- Environmental Reference Lab
- Dilovasi Industrial Zone
- Flooding n Istanbul
- Air Quality Monitoring Network in Istanbul
- Melen River Drinking Water Supplying System
- Antalya Serik Forest Fire
- Tüpraş Petro-Chemical Plant



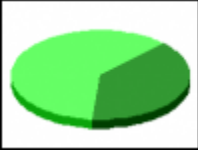
#25 To what extent did the public have access to information in the selected case at little or no cost?

- Bergama Gold Mining
- Environmental Reference Lab
- Dilovasi Industrial Zone
- Flooding in Istanbul
- Air Quality Monitoring Network in Istanbul
- Melen River Drinking Water Supplying System
- Antalya Serik Forest Fire
- Tüpraş Petro-Chemical Plant



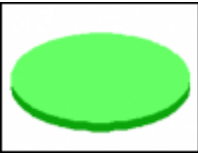
#19 Does the law establish a reasonable timeframe within which the responsible agency must make information of the selected type available to the public?

- Bergama Gold Mining
- Environmental Reference Lab
- Dilovasi Industrial Zone
- Flooding in Istanbul
- Air Quality Monitoring Network in Istanbul
- Melen River Drinking Water Supplying System
- Antalya Serik Forest Fire
- Tüpraş Petro-Chemical Plant



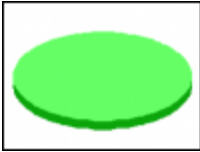
#10 To what extent does the law support public access to comprehensive information about the environmental area (water, air, forest, etc.) concerned in the selected case?

- Bergama Gold Mining
- Environmental Reference Lab
- Dilovasi Industrial Zone
- Flooding in Istanbul
- Air Quality Monitoring Network in Istanbul
- Melen River Drinking Water Supplying System
- Antalya Serik Forest Fire
- Tüpraş Petro-Chemical Plant



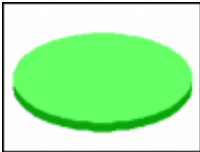
#147 How equitably does the government implement rules and regulations for registration and operation of media organizations?

- General Capacity Building



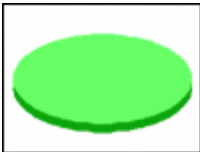
#145 How well does the government provide opportunities and incentives for public school teachers' professional development in environmental education?

 General Capacity Building




#144 How well does the government provide training or curriculum resources on access rights to public school teachers?

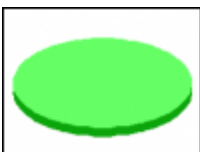
 General Capacity Building




#142 To what extent does the law require the public school system to provide environmental education?

 General Law

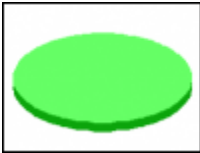
 General Capacity Building




#141 To what extent does the law require the public school system to provide civic education?

 General Law

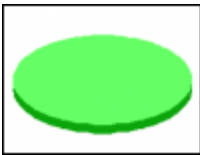
 General Capacity Building




#139 How well do laws and rules for registration and operation of media organizations support press freedom?

 General Law

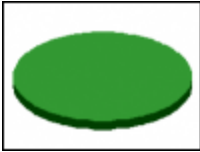
 General Capacity Building



#137 How well do laws and rules for registration and operation of civil society organizations promote an enabling environment for CSOs?

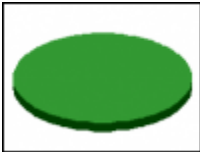
 General Law

 General Capacity Building



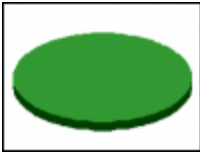
#129 To what extent was the forum decision implemented in the selected case?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms



#119 To what extent did the proceedings have a clear schedule and provide both parties with adequate notice and a reasonable amount of time to act?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms



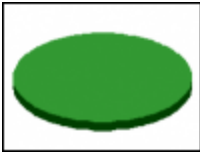
#117 How broadly was legal standing interpreted by the forum in the selected case?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms



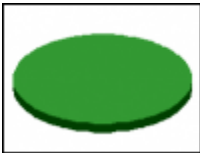
#115 To what extent did intimidation prevent stakeholders from effectively bringing a claim in the selected case?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms



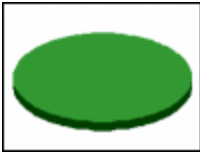
#108 To what extent was the forum independent and impartial in the selected case?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms



#105 How strong are the forum's standards, regulations or formal policy to ensure independence and impartiality of the forum?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms



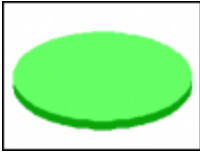
#100 To what extent does the law require the selected forum to maintain the infrastructure needed for access to redress and remedy?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms




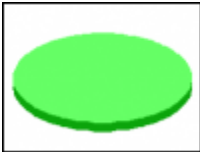
#95 To what extent does the law require a forum to hear the selected claim type and issue a decision?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms




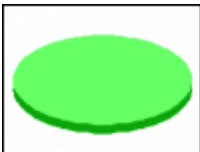
#94 To what extent is standing or the ability to bring a claim defined to include any interested individual and civil society organizations?

 General Law




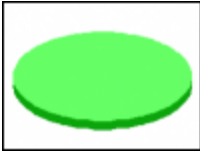
#91 How well does the law support broad public and civil society organization access to redress and remedy?

 General Law



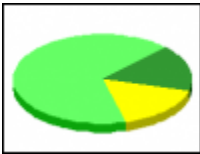
#49 To what extent is “the public” that can participate in decision-making defined to include any interested individual and civil society organizations?

 General Law



#35 How adequate is the government budget allocation for facilitating the collection and dissemination of the selected information type?

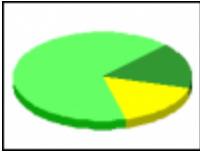
- Bergama Gold Mining
- Environmental Reference Lab
- Dilovasi Industrial Zone
- Flooding in Istanbul
- Air Quality Monitoring Network in Istanbul
- Melen River Drinking Water Supplying System
- Antalya Serik Forest Fire
- Tüpraş Petro-Chmical Plant



#32 To what extent does the agency that manages the selected information type have staff explicitly responsible for disseminating information and responding to requests?

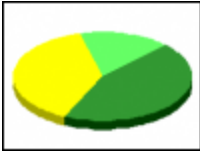
- Bergama Gold Mining
- Environmental Reference Lab
- Dilovasi Industrial Zone

- Flooding in Istanbul
- Air Quality Monitoring Network in Istanbul
- Melen River Drinking Water Supplying System
- Antalya Serik Forest Fire
- Tüpraş Petro-Chemical Plant



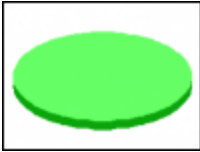
#31 To what extent was all relevant information in the selected case found in many different outlets in different locations?

- Bergama Gold Mining
- Environmental Reference Lab
- Dilovasi Industrial Zone
- Flooding in Istanbul
- Air Quality Monitoring Network in Istanbul
- Melen River Drinking Water Supplying System
- Antalya Serik Forest Fire
- Tüpraş Petro-Chemical Plant



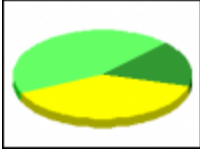
#29 With what level of timeliness does the government disseminate the selected information type?

-  Bergama Gold Mining
-  Environmental Reference Lab
-  Dilovasi Industrial Zone
-  Flooding in Istanbul
-  Air Quality Monitoring Network in Istanbul
-  Melen River Drinking Water Supplying System
-  Antalya Serik Forest Fire
-  Tüpraş Petro-Chemical Plant



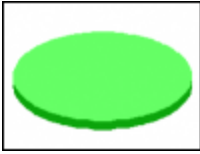
#22 To what extent is there a monitoring system and/or penalties for non-compliance to ensure the agency meets its obligations to disclose information?

- Bergama Gold Mining
- Environmental Reference Lab
- Dilovai Industrial Zone
- Flooding in Istanbul
- Air Quality Monitoring Network in Istanbul
- Melen River Drinking Water Supplying System
- Antalya Serik Forest Fire
- Tüpraş Petro-Chemical Plant



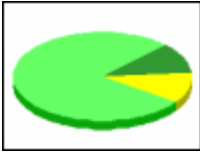
#21 To what extent does an agency or system generate and/or collect information about the environmental area (water, air, forest, etc.) concerned in the selected case?

- Bergama Gold Mining
- Environmental Reference Lab
- Dilovasi Industrial Zone
- Flooding in Istanbul
- Air Quality Monitoring Network in Istanbul
- Melen River Drinking Water Supplying System
- Antalya Serik Forest Fire
- Tüpraş Petro-Chemical Plant



#16 To what extent does the law require the agency responsible for the selected information type to maintain the infrastructure needed to provide the public access to the information?

- Bergama Gold Mining
- Enviromental Reference Lab
- Dilovasi Industrial Zone
- Flooding in Istanbul
- Air Quality Monitoring Network in Istanbul
- Melen River Drinking Water Supplying System
- Antalya Serik Forest Fire
- Tüpraş Petro-Chemical Plant



#11 To what extent does the law require a government agency to generate or report regular and diverse information of the selected type?



Bergama Gold Mining



Environmental Reference Lab



Dilovasi Industrial Zone



Flooding in Istanbul



Air Quality Monitoring Network in Istanbul



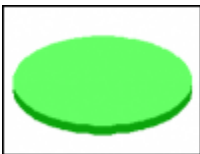
Melen River Drinking Water Supplying System



Antalya Serik Forest Fire



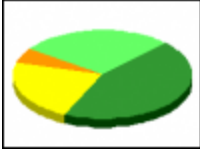
Tüpraş Petro-Chemical Plant





#9 How limited and clearly defined is the scope of confidential information?

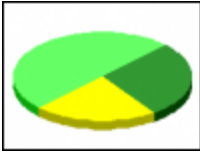


General Law



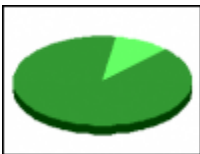
#24 How complete, relevant, and accurate was the information disseminated to the public in the selected case?

-  Bergama Gold Mining
-  Environmental Reference Lab
-  Dilovasi Industrial Zone
-  Flooding in Istanbul
-  Air Quality Monitoring Network in Istanbul
-  Melen River Drinking Water Supplying System
-  Antalya Serik Forest Fire
-  Tüpraş Petro-Chemical Plant






#20 How good is the system for data collection and integrated management of the selected information type?

-  Bergama Gold Mining
-  Environmental Reference Lab
-  Dilovasi Industrial Zone
-  Flooding in Istanbul
-  Air Quality Monitoring Network in Istanbul
-  Melen River Drinking Water Supplying System
-  Antalya Serik Forest Fire
-  Tüpraş Petro-Chemical Plant



#132 How well did forum members and staff execute their access to justice responsibilities in the selected case?

-  Afforestation Regulation
-  Allianoi Antique City Case
-  Mining Law Case

■ Vize Cement Factory Cse

■ Laws on Genetically Diversified Organisms



#87 In the selected case, to what extent did stakeholders have the skills and knowledge they needed to participate effectively?

■ Article 2-B of Forest Code Case

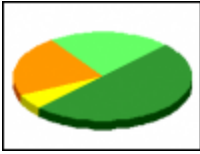
■ Abant Natural Park Construction Project Case

■ Bilezikçi Çiftliği Research Forest Case

■ Konya Karapınar Erosion Control Site

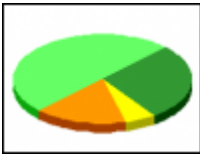
■ İda Mountains Gold Mining Sites

■ City Planning and 3. Rd. Bridge Case



#43 In the selected case, to what extent did stakeholders have the skills and knowledge to obtain the information they needed?

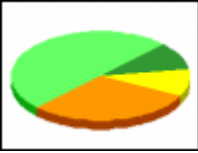
- Bergama Gold Mining
- Environmental Reference Lab
- Dilovasi Industrial Zone
- Flooding in Istanbul
- Air Quality Monitoring Network in Istanbul
- Melen River Drinking Water Supplying System
- Antalya Serik Forest Fire
- Tüpraş Petro-Chemical Plant



#37 How clear and easily accessible are the public guidelines on how to obtain the selected information type?

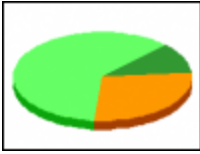
- Bergama Gold Mining
- Environmental Reference Lab
- Dilovasi Industrial Zone
- Flooding in Istanbul

- Air Quality Monitoring Network in Istanbul
- Melen River Drinking Water Supplying System
- Antalya Serik Forest Fire
- Tüpraş Petro-Chemical Plant



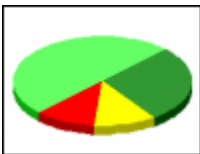
#89 To what extent did media involvement facilitate public participation in the selected case?

- Article 2-B of Forest Code Case
- Abant Natural Park Construction Project Case
- Bilezikçi Çiftliği Research Forest Case
- Konya Karapınar Erosion Control Site
- İda Mountains Gold Mining Sites
- City Planning and 3. Rd. Bridge Case



#41 To what extent did information lead to deliberate actions to prevent or reduce negative impacts on the environment or human health?

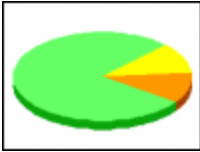
-
- Bergama Gold Mining
 - Environmental Reference Lab
 - Dilovasi Industrial Zone
 - Flooding in Istanbul
 - Air Quality Monitoring Network in Istanbul
 - Melen River Drinking Water Supplying System
 - Antalya Serik Forest Fire
 - Tüpraş Petro-Chemical Plant



#17 To what extent does the law require the government to offer the public technical assistance, guidance or training on how to access and use the selected information type?

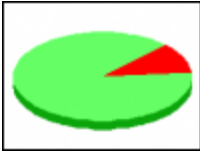
-
- Bergama Gold Mining
 - Environmental Reference Lab
 - Dilovasi Industrial Zone

- Flooding in Istanbul
- Air Quality Monitoring Network in Istanbul
- Melen River Drinking Water Supplying System
- Antalya Serik Forest Fire
- Tüpraş Petro-Chemical Plant



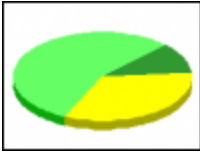
#15 To what extent does the law require the agency responsible for the selected information type to build the capacity of its staff on the environment?

- Bergama Gold Mining
- Environmental Reference Lab
- Dilovasi Industrial Zone
- Flooding in Istanbul
- Air Quality Monitoring Network in Istanbul
- Melen River Drinking Water Supplying System
- Antalya Serik Forest Fire
- Tüpraş Petro-Chemical Plant



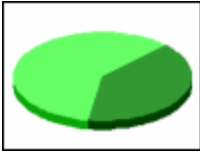
#14 To what extent does the law require the agency responsible for the selected information type to build the capacity of its staff on access to information?

-
- Bergama Gold Mining
 - Environmental Reference Lab
 - Dilovasi Industrial Zone
 - Flooding in Istanbul
 - Air Quality Monitoring Network in Istanbul
 - Melen River Drinking Water Supplying System
 - Antalya Serik Forest Fire
 - Tüpraş Petro-Chemical Plant



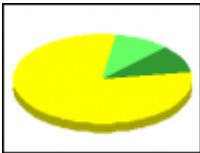
#12 To what extent does the law require a government agency to publicly disseminate all generated or reported information of the selected information type?

-
- Bergama Gold Mining
 - Environmental Reference Lab
 - Dilovasi Industrial Zone
 - Flooding in Istanbul
 - Air Quality Monitoring Network in Istanbul
 - Melen River Drinking Water Supplying System
 - Antalya Serik Forest Fire
 - Tüpraş Petro-Chemical Plant



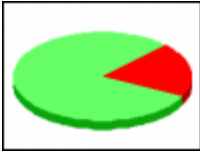
#110 To what extent was the process transparent to the public in the selected case?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms



#90 To what extent did civil society organization involvement facilitate public participation in the selected case?

- Article 2-B of Forest Code Case
- Abant Natural Park Construction Project Case
- Bilezikçi Çiftliği Research Forest Case
- Konya Karapınar Erosion Control Site
- İda Mountains Gold Mining Sites
- City Planning and 3. Rd. Bridge Case



#61 To what extent is there a monitoring system and/or penalties for non-compliance to ensure the agency meets its obligations to facilitate public participation?



Article 2-B of Forest Code Case



Abant Natural Park Construction Project Case



Bilezikçi Çiftliği Research Forest Case



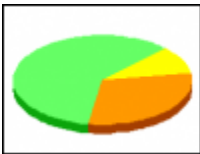
Konya Karapınar Erosion Control Site



Ida Mountains Gold Mining Sites



City Planning and 3. Rd. Bridge Case



#52 How clear and narrow are the limits on claims of confidentiality of relevant information about the selected decision-making process?

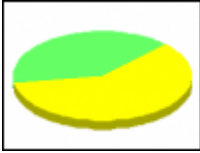


Article 2-B of Forest Code Case



Abant Natural Park Construction Project Case

- Bilezikçi Çiftliği Research Forest Case
- Konya Karapınar Erosion Control Site
- İda Mountains Gold Mining Sites
- City Planning and 3. Rd. Bridge Case



#51 To what extent does the law require the government to provide opportunities for public involvement in the selected decision-making process?

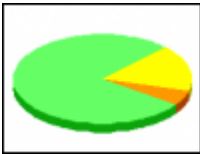
- Article 2-B of Forest Code Case
- Abant Natural Park Construction Project Case
- Bilezikçi Çiftliği Research Forest Case
- Konya Karapınar Erosion Control Site
- İda Mountains Gold Mining Sites
- City Planning and 3. Rd. Bridge Case









#46 To what extent did civil society organization involvement facilitate access to information in the selected case?

- Bergama Gold Mining

-  Environmental Reference Lab
-  Dilovasi Industrial Zone
-  Flooding in Istanbul
-  Air Quality Monitoring Network in Istanbul
-  Melen River Drinking Water Supplying System
-  Antalya Serik Forest Fire
-  Tüpraş Petro-Chemical Plant

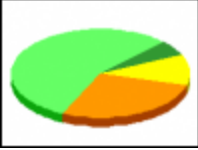


#45 To what extent did media involvement facilitate access to information in the selected case?

-  Bergama Gold Mining
-  Environmental Reference Lab
-  Dilovasi Industrial Zone
-  Flooding in Istanbul
-  Air Quality Monitoring Network in Istanbul
-  Melen River Drinking Water Supplying System

■ Antalya Serik Forest Fire

■ Tüpraş Petro-Chemical Plant



#39 To what extent did the relevant information in the selected case reach the relevant public in time?

■ Bergama Gold Mining

■ Environmental Reference Lab

■ Dilovasi Industrial Zone

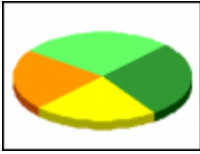
■ Flooding in Istanbul

■ Air Quality Monitoring Network in Istanbul

■ Melen River Drinking Water Supplying System

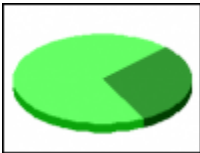
■ Antalya Serik Forest Fire

■ Tüpraş Petro-Chemical Plant







#38 How regularly have activities to build the capacity of the public in the selected information type been conducted over the last three years?


-  Bergama Gold Mining
-  Environmental Reference Lab
-  Dilovasi Industrial Zone
-  Flooding in Istanbul
-  Air Quality Monitoring Network in Istanbul
-  Melen River Drinking Water Supplying System
-  Antalya Serik Forest Fire
-  Tüpraş Petro-Chemical Plant



#111 To what extent did the forum consider all appropriate law and facts, including scientific and technical data, relevant to the selected case?


-  Afforestation Regulation
-  Allianoi Antique City Case
-  Mining Law Case


 Vize Cement Factory Case


 Laws on Genetically Diversified Organisms





#109 To what extent were both parties able to gain access to information and conduct fact finding in the selected case?

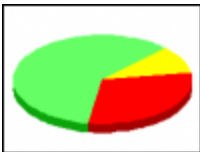
 Afforestation Regulation

 Allianoi Antique City Case


 Mining Law Case

 Vize Cement Factory Case

 Laws on Genetically Diversified Organisms




#71 How well does the responsible agency maintain a publicly accessible registry of relevant supporting documentation for decisions?


 Article 2-B of Forest Code Case

 Abant Natural Park Construction Project Case

 Bilezikçi Çiftliği Research Forest Case


 Konya Karapınar Erosion Control Site


 Ida Mountains Gold Mining Sites


 City Planning and 3. Rd. Bridge Case





#26 How comprehensive and planned were efforts to reach a wide range of stakeholders with information in the selected case?


 Bergama Gold Mining

 Environmental Reference Lab


 Dilovasi Industrial Zone

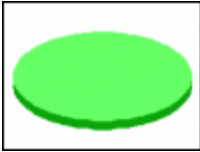
 Flooding in Istanbul

 Air Quality Monitoring Network in Istanbul

 Melen River Drinking Water Supplying System

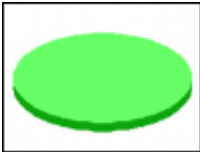
 Antalya Serik Forest Fire

 Tüpraş Petro-Chemical Plant



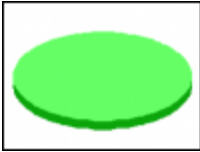
#133 In the selected case, to what extent did stakeholders have the skills and knowledge they needed to use the forum effectively?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms



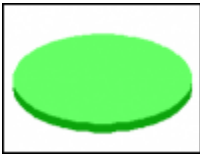
#125 How adequate is the government budget allocation to support the forum's justice functions?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms



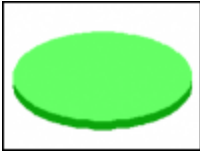
#122 To what extent does the forum have staff explicitly responsible for responding to inquires from citizens wishing to bring claims and of providing relevant information to the public?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms



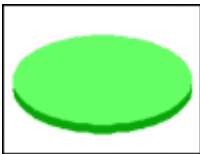
#118 To what extent were the forum’s restraining rules or limits supportive of environmental and “access” interests in the selected case?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms



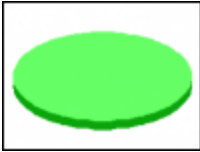
#107 To what extent is a publicly funded independent entity available to provide redress in the selected claim type?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms



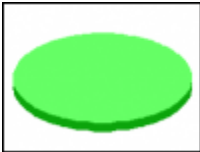
#106 To what extent is information regarding rules of procedure and types of claims to be heard by the forum made publicly available?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms



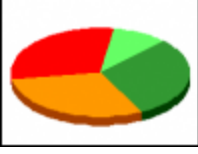
#103 How clearly does the law establish a reasonable timeframe for forum decisions?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms



#96 To what extent does the law enable a party to seek review or appeal of selected claim type to an independent body with the power to reverse a decision?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms



#84 To what extent did public participation influence the final decision in the selected case?



Article 2-B of Forest Code Case



Abant Natural Park Construction Project Case



Bilezikçi Çiftliği Research Forest Case



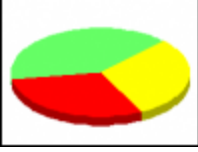
Konya Karapınar Erosion Control Site



Ida Mountains Gold Mining Sites



City Planning and 3. Rd. Bridge Case



#83 How extensive was the public input provided in the selected case?



Article 2-B of Forest Code Case



Abant Natural Park Construction Project Case



Bilezikçi Çiftliği Research Forest Case



Konya Karapınar Erosion Control Site



Ida Mountains Gold Mining Sites

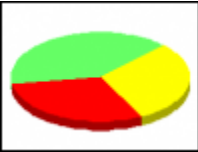


City Planning and 3. Rd. Bridge Case



#77 How adequate is the government budget allocation for effectively facilitating public participation in the selected decision-making process?

-
- Article 2-B of Forest Code Case
 - Abant Natural Park Construction Project Case
 - Bilezikçi Çiftliği Research Forest Case
 - Konya Karapınar Erosion Control Site
 - İda Mountains Gold Mining Sites
 - City Planning and 3. Rd. Bridge Case

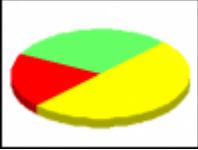


#72 In the selected case, to what extent did records of decisions and the decision process enable the public to stay informed of developments in the decision, other related decisions, and upcoming decisions and consultations?

-
- Article 2-B of Forest Code Case
 - Abant Natural Park Construction Project Case
 - Bilezikçi Çiftliği Research Forest Case
 - Konya Karapınar Erosion Control Site

■ Ida Mountains Gold Mining Sites

■ City Planning and 3. Rd. Bridge Case



#59 How clearly does the law establish a reasonable timeframe for participation in the selected decision-making process?

■ Article 2-B of Forest Code Case

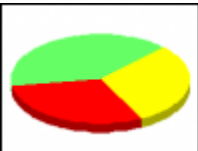
■ Abant Natural Park Construction Project Case

■ Bilezikçi Çiftliği Research Forest Case

■ Konya Karapınar Erosion Control Site

■ Ida Mountains Gold Mining Sites

■ City Planning and 3. Rd. Bridge Case

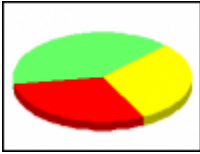


#55 To what extent does the law require the agency responsible for the selected decision-making process to maintain infrastructure to support public participation?

■ Article 2-B of Forest Code Case

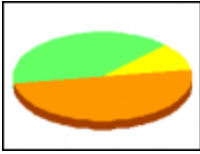
■ Abant Natural Park Construction Project Case

- Bilezikçi Çiftliği Research Forest Case
- Konya Karapınar Erosion Control Site
- İda Mountains Gold Mining Sites
- City Planning and 3. Rd. Bridge Case



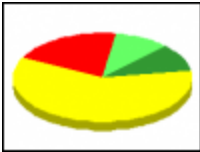
#54 To what extent does the law require the agency responsible for the selected decision-making process to build the capacity of its staff with regard to the environment?

-
- Article 2-B of Forest Code Case
 - Abant Natural Park Construction Project Case
 - Bilezikçi Çiftliği Research Forest Case
 - Konya Karapınar Erosion Control Site
 - İda Mountains Gold Mining Sites
 - City Planning and 3. Rd. Bridge Case



#53 To what extent does the law require the agency responsible for the selected decision-making process to build the capacity of its staff with regard to public participation?


-
- Article 2-B of Forest Code Case
 - Abant Natural Park Construction Project Case
 - Bilezikçi Çiftliği Research Forest Case
 - Konya Karapınar Erosion Control Site
 - İda Mountains Gold Mining Sites
 - City Planning and 3. Rd. Bridge Case

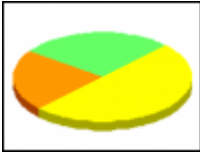


#50 To what extent does the law require a government agency to provide relevant information to the public about the intention to start the selected decision-making process?


-
- Article 2-B of Forest Code Case
 - Abant Natural Park Construction Project Case
 - Bilezikçi Çiftliği Research Forest Case
 - Konya Karapınar Erosion Control Site


 Ida Mountains Gold Mining Sites


 City Planning and 3. Rd. Bridge Case




#40 To what extent did individual choices and behavior change because of information?


 Bergama Gold Mining

 Environmental Reference Lab


 Dilovasi Industrial Zone

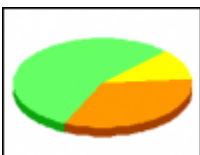
 Flooding in Istanbul

 Air Quality Monitoring Network in Istanbul


 Melen River Drinking Water Supplying System

 Antalya Serik Forest Fire

 Tüpraş Petro-Chemical Plant



#33 To what extent were guidelines or training on access to information offered regularly over the last 3 years to staff in the agency managing the selected information type

 Bergama Gold Mining

-  Environmental Reference Lab
-  Dilovasi Industrial Zone
-  Flooding in Istanbul
-  Air Quality Monitoring Network in Istanbul
-  Melen River Drinking Water Supplying System
-  Antalya Serik Forest Fire
-  Tüpraş Petro-Chemical Plant




#146 How equitably does the government implement rules and regulations for registration and operation of CSOs?

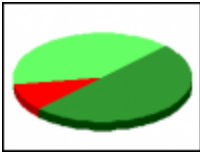
 General Capacity Building



#138 To what extent does the law create diverse legal and regulatory incentives supporting financial independence of civil society organizations?

 General Law

 General Capacity Building



#136 To what extent did civil society organization involvement facilitate access to justice in the selected case?



Afforestation Regulation



Allianoi Antique City Case



Mining Law Case



Vize Cement Factory Case



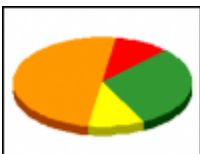
Laws on Genetically Diversified Organisms



#93 How limited in number and clearly defined is the scope of government bodies who are immune to claims?



General Law



#85 To what extent was the final decision more protective of the environment or human health than the initial draft in the selected case?



Article 2-B of Forest Code Case

■ Abant Natural Park Construction Project Case

■ Bilezikçi Çiftliği Research Forest Case

■ Konya Karapınar Erosion Control Site

■ Ida Mountains Gold Mining Sites

■ City Planning and 3. Rd. Bridge Case



#70 How well does the responsible agency maintain a publicly accessible registry of past and pending decisions?

■ Article 2-B of Forest Code Case

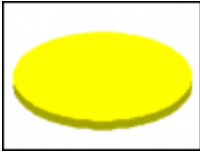
■ Abant Natural Park Construction Project Case

■ Bilezikçi Çiftliği Research Forest Case


■ Konya Karapınar Erosion Control Site

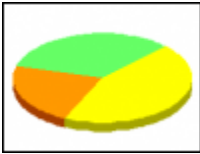
■ Ida Mountains Gold Mining Sites

■ City Planning and 3. Rd. Bridge Case





#47 How well does the law support broad public and civil society organization participation in decision-making by administrative and executive bodies?


 General Law




#42 How well did staff/officials execute their information provision and management responsibilities in the selected case?


 Bergama Gold Mining

 Environmental Reference Lab


 Dilovasi Industrial Zone

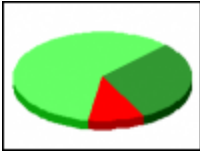
 Flooding in Istanbul

 Air Quality Monitoring Network in Istanbul

 Melen River Drinking Water Supplying System

 Antalya Serik Forest Fire

 Tüpraş Petro-Chemical Plant



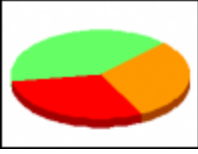
#135 To what extent did media involvement facilitate access to justice in the selected case?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms



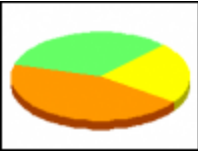
#86 How well did staff/officials execute their participation responsibilities in the selected case?

- Article 2-B of Forest Code Case
- Abant Natural Park Construction Project Case
- Bilezikçi Çiftliği Research Forest Case
- Konya Karapınar Erosion Control Site
- İda Mountains Gold Mining Sites
- City Planning and 3. Rd. Bridge Case



#69 How reasonable was the length of the public comment period in the selected case?


- Article 2-B of Forest Code Case
- Abant Natural Park Construction Project Case
- Bilezikçi Çiftliği Research Forest Case
- Konya Karapınar Erosion Control Site
- İda Mountains Gold Mining Sites
- City Planning and 3. Rd. Bridge Case



#34 To what extent were guidelines or training on the environment offered regularly over the last 3 years to staff in the agency managing the selected information type?


- Bergama Gold Mining
- Environmental Reference Lab
- Dilovasi Industrial Zone
- Flooding in Istanbul
- Air Quality Monitoring Network in Istanbul
- Melen River Drinking Water Supplying System


 Antalya Serik Forest Fire


 Tüpraş Petro-Chemical Plant





#131 To what extent did the forum decision in this case lead to measures to avoid or reduce negative impacts on the environment or human health or improve access or participation?

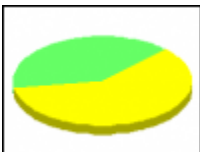
 Afforestation Regulation

 Allianoi Antique City Case


 Mining Law Case

 Vize Cement Factory Case


 Laws on Genetically Diversified Organisms





#104 To what extent is there a forum with adequate capacity to deal with the selected claim type?

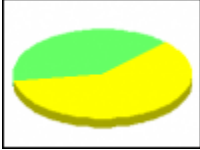
 Afforestation Regulation

 Allianoi Antique City Case


 Mining Law Case

 Vize Cement Factory Case


 Laws on Genetically Diversified Organisms





#97 How clear and narrow are the limits on claims of confidentiality regarding information relevant to selected claim type?

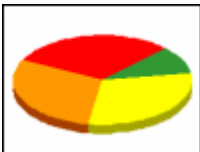
 Afforestation Regulation

 Allianoi Antique City Case


 Mining Law Case

 Vize Cement Factory Case

 Laws on Genetically Diversified Organisms




#82 How promptly did the public receive information about the dispensation of comments in the selected case?


 Article 2-B of Forest Code Case

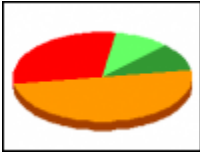
 Abant Natural Park Construction Project Case

 Bilezikçi Çiftliği Research Forest Case


 Konya Karapinar Erosion Control Site

 Ida Mountains Gold Mining Sites


 City Planning and 3. Rd. Bridge Case




#75 To what extent were guidelines or training on public participation offered regularly over the last 3 years to officials in the agency that leads the selected decision-making process?


 Article 2-B of Forest Code Case

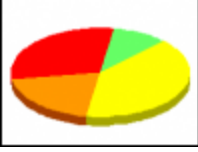
 Abant Natural Park Construction Project Case

 Bilezikçi Çiftliği Research Forest Case







 Konya Karapinar Erosion Control Site

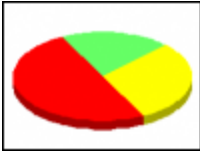
 Ida Mountains Gold Mining Sites

 City Planning and 3. Rd. Bridge Case



#64 To what extent did the agency organize consultations so as to actively solicit and capture public input in the selected case?

-  Article 2-B of Forest Code Case
-  Abant Natural Park Construction Project Case
-  Bilezikçi Çiftliği Research Forest Case
-  Konya Karapınar Erosion Control Site
-  İda Mountains Gold Mining Sites
-  City Planning and 3. Rd. Bridge Case



#57 To what extent does the law require the government to offer the public guidance or training on how resulting decisions affect the environment?



Article 2-B of Forest Code Case



Abant Natural Park Construction Project Case



Bilezikçi Çiftliği Research Forest Case



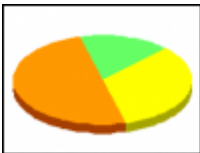
Konya Karapınar Erosion Control Site



Ida Mountains Gold Mining Sites



City Planning and 3. Rd. Bridge Case









#27 How well did the responsible agency make a planned and systematic effort to disseminate information to a minority or disadvantaged group (identified in the explanation to this indicator) in the selected case?

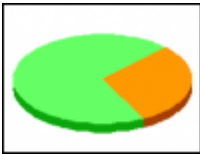


Bergama Gold Mining








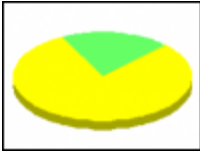
Environmental Reference Lab

-  Dilovasi Industrial Zone
-  Flooding in Istanbul
-  Air Quality Monitoring Network in Istanbul
-  Melen River Drinking Water Supplying System
-  Antalya Serik Forest Fire
-  Tüpraş Petro-Chemical Plant



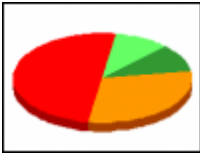
#130 To what extent did the forum decision lead to change in the behavior of any of the participants in the case?

-  Afforestation Regulation
-  Allianoi Antique City Case
-  Mining Law Case
-  Vize Cement Fctory Case
-  Laws on Genetically Diversified Organisms



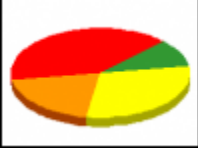
#120 To what extent did the forum minimize delays in processing and reviewing the claim and in issuing a decision?

-
- Afforestation Regulation
 - Allianoi Antique City Case
 - Mining Law Case
 - Vize Cement Factory Case
 - Laws on Genetically Diversified Organisms



#80 How regularly have activities to build the capacity of the public to participate in the selected decision-making process been conducted over the last three years?

-
- Article 2-B of Forest Code Case
 - Abant Natural Park Construction Project Case
 - Bilezikçi Çiftliği Research Forest Case
 - Konya Karapinar Erosion Control Site
 - Ida Mountains Gold Mining Sites
 - City Planning and 3. Rd. Bridge Case



#74 To what extent does the agency that leads the selected decision-making process have staff explicitly responsible for public participation?



Article 2-B of Forest Code Case



Abant Natural Park Construction Project Case



Bilezikçi Çiftliği Research Forest Case



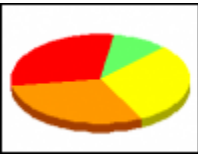
Konya Karapınar Erosion Control Site



Ida Mountains Gold Mining Sites



City Planning and 3. Rd. Bridge Case



#73 To what extent was relevant supporting documentation available through public registries for the selected decision-making process?



Article 2-B of Forest Code Case




Abant Natural Park Construction Project Case




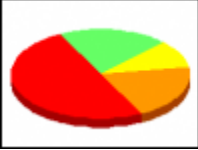
Bilezikçi Çiftliği Research Forest Case




Konya Karapınar Erosion Control Site

 Ida Mountains Gold Mining Sites

 City Planning and 3. Rd. Bridge Case




#68 Did notification of the start of each stage in the decision-making process in the selected case provide reasonable lead time for effective public participation?


 Article 2-B of Forest Code Case

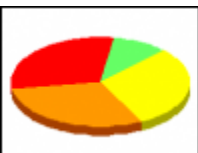
 Abant Natural Park Construction Project Case

 Bilezikçi Çiftliği Research Forest Case


 Konya Karapınar Erosion Control Site






 Id Mountains Gold Mining Sites

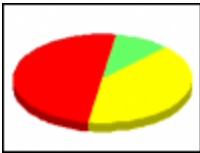
 City Planning and 3. Rd. Bridge Case









#63 To what extent did the responsible agency hold public participation sessions at all stages of the decision-making process in the selected case?

 Article 2-B of Forest Code Case

-  Abant Natural Park Construction Project Case
-  Bilezikçi Çiftliği Research Forest Case
-  Konya Karapınar Erosion Control Site
-  İda Mountains Gold Mining Sites
-  City Planning and 3. Rd. Bridge Case



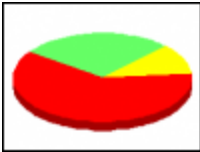
#60 To what extent does the responsible agency make available to the public a clear description of its decision-making processes, including opportunities for participation?

-
-  Article 2-B of Forest Code Case
 -  Abant Natural Park Construction Project Case
 -  Bilezikçi Çiftliği Research Forest Case
 -  Konya Karapınar Erosion Control Site
 -  İda Mountains Gold Mining Sites
 -  City Planning and 3. Rd. Bridge Case




#56 To what extent does the law require the government to offer the public technical assistance, guidance or training on participation in the selected decision-making process?


-
- Article 2-B of Forest Code Case
 - Abant Natural Park Construction Project Case
 - Bilezikçi Çiftliği Research Forest Case
 - Konya Karapınar Erosion Control ite
 - İda Mountains Gold Mining Sites
 - City Planning and 3. Rd. Bridge Case




#30 How prompt was the response to a request for information in the selected case?

-
- Bergama Gold Mining
 - Environmental Reference Lab
 - Dilovasi Industrial Zone
 - Flooding in Istanbul
 - Air Quality Monitoring Network in Istanbul


 Melen River Drinking Water Supplying System


 Antalya Serik Forest Fire


 Tüpraş Petro-Chemical Plant





#116 To what extent did the allocation of the burden of proof support access and/or environmental protection?

 Afforestation Regulation

 Allianoi Antique City Case

 Mining Law Case

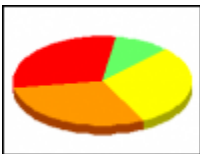
 Vize Cement Factory Case

 Laws on Genetically Diversified Organisms



#98 To what extent does the law require the selected forum to build the capacity of members with regard to access to justice?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms



#81 To what extent was a public record kept in a reasonably accessible format detailing comments made, comments incorporated in the selected decision, and reasons for any rejection of comments?

- Article 2-B of Forest Code Case
- Abant Natural Park Construction Project Case
- Bilezikçi Çiftliği Research Forest Case
- Konya Karapınar Erosion Control Site

Ida Mountains Gold Mining Sites

City Plannin and 3. Rd. Bridge ase



#79 How clear and easily accessible are the public guidelines on how to participate in the selected decision-making process?

Article 2-B of Forest Code Case

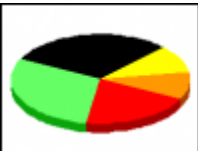
Abant Natural Park Construction Project Case

Bilezikçi Çiftliği Research Forest Case

Konya Karapınar Erosion Control Site

Ida Mountains Gold Mining Sites

City Planing and 3. Rd. Bridge Case




#66 How comprehensive and planned were the responsible agency's efforts to include a wide range of stakeholders in the selected case?


Article 2-B of Forest Code Case

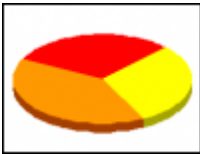
Abant Natural Park Construction Project Case

Bilezikçi Çiftliği Research Forest Case


 Konya Karapinar Erosion Control Site

 Ida Mountains Gold Mining Sites

 City Planning and 3. Rd. Bidge Case




#67 How well did the responsible agency make a planned and systematic effort to involve a minority or disadvantaged group (identified in the explanation to this indicator) in decision-making in the selected case?


 Article 2-B of Forest Code Case

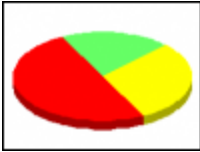
 Abant Natural Park Construction Project Case

 Bilezikçi Çiftliği Research Forest Case

 Konya Karapinar Erosion Control Site

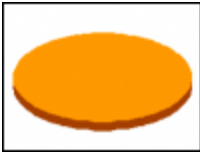
 Ida Mountains Gold Mining Sites

 City Planning and 3. Rd. Bridge Case



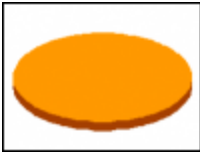
#62 To what extent did the responsible agency provide relevant information to the public about decision options and their environmental and health impacts in the selected case?

- Article 2-B of Forest Code Case
- Abant Natural Park Construction Project Case
- Bilezikçi Çiftliği Research Forest Case
- Konya Karapınar Erosion Control Site
- İda Mountains Gold Mining Site
- City Planning and 3. Rd. Bridge Case




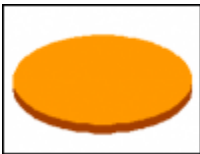
#143 To what extent does the law require the government to provide free legal aid?

- General Law
- General Capacity Building




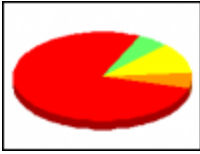
#7 How clear and inclusive is a framework law supporting broad access to government information?

 General Law



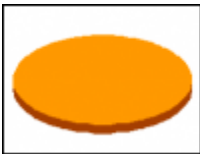
#2 How clear and inclusive are constitutional guarantees to the right of access to information held at public bodies?

 General Law






#23 How complete, relevant, and accurate were responses to requests for information in the selected case?

-  Bergama Gold Mining
-  Environmental Reference Lab
-  Dilovasi Industrial Zone
-  Flooding in Istanbul
-  Air Quality Monitoring Network in Istanbul
-  Melen River Drinking Water Supplying System
-  Antalya Serik Forest Fire
-  Tüpraş Petro-Chemical Plant



#121 To what extent was there a choice of forums which could consider the selected claim?

-  Afforestation Regulation
-  Allianoi Antique City Case
-  Mining Law Case

■ Vize Cement Factory Case

■ Laws on Genetically Diversified Organisms



#112 To what extent did the forum keep the costs of bringing a claim low for the parties in the selected case?

■ Afforestation Regulation

■ Allianoi Antique City Case

■ Mining Law Case

■ Vize Cement Factory Case

■ Laws on Genetically Diversified Organisms





#113 How comprehensive and planned were the forum's efforts to enable a wide range of stakeholders to access the forum in the selected case?

■ Afforestation Regulation

■ Allianoi Antique City Case

■ Mining Law Case

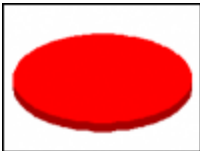
 Vize Cement Factory Case

 Laws on Genetically Diversified Organisms




#148 To what extent does the government provide free legal aid?

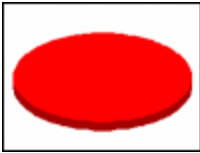
 General Capacity Building



#140 How well do laws and regulations enable media organizations to have diverse sources of funding?

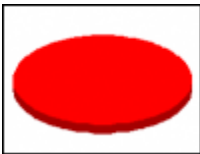
 General Law

 General Capacity Building



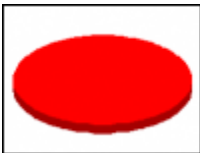
#8 To what extent does the law protect government employees who release information to the public in an effort to expose corruption in government conduct or to protect the public interest?

General Law



#3 How clear and inclusive are constitutional guarantees to the right to direct public participation in government decision-making?

General Law



#127 How clear and easily accessible are the public guidelines on how to use the forum?

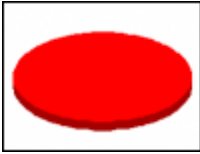
Afforestation Regulation

Allianoi Antique City Case

Mining Law Case

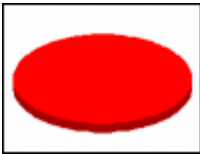
Vize Cement Factory Case

Laws on Genetically Diversified Organisms



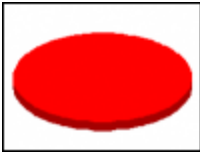
#124 To what extent were guidelines or training on the environment offered regularly over the last 3 years to forum members?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms



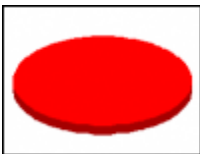
#123 To what extent were guidelines or training offered regularly over the last 3 years to forum members on access to information, participation?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms



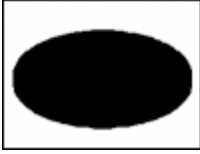
#114 How well did the forum take steps to make the forum accessible to to a minority or disadvantaged group (identified in the explanation to this indicator) in the selected case?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms



#99 To what extent does the law require the selected forum to build the capacity of members with regard to the environment?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms



#101 To what extent does the law require the government to offer the public technical assistance, guidance or training on how to use the selected forum?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms



#128 How regularly have activities to build the capacity of the public on how to use the forum been conducted over the last three years?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms



#134 To what extent did sub-national government agencies facilitate access to justice in the selected case?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms



#126 How regularly did relevant sub-national government officials relevant to the selected case receive guidelines or training on access to justice over the last 3 years?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case

Vize Cement Factory Case

Laws on Genetically Diversified Organisms



#102 To what extent does the law require the government to build the capacity of sub-national government officials to understand and facilitate citizens' rights within the justice system?

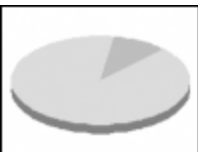
Afforestation Regulation

Allianoi Antique City Case

Mining Law Case

Vize Cement Factory Case

Laws on Genetically Diversified Organisms



#88 To what extent did sub-national government agencies facilitate public participation in the selected case?

Article 2-B of Forest Code Case

Abant Natural Park Construction Project Case

Bilezikçi Çiftliği Research Forest Case

- Konya Karapinar Erosion Control Site
- Ida Mountains Gold Mining Sites
- City Planning and 3. Rd. Bridge Case



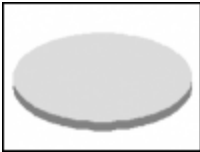
#78 How regularly did relevant sub-national government officials receive guidelines or training on public participation in the selected decision-making process over the last 3 years?

- Article 2-B of Forest Code Case
- Abant Natural Park Construction Project Case
- Bilezikçi Çiftliği Research Forest Case
- Konya Karapinar Erosion Control Site
- Ida Mountains Gold Mining Sites
- City Planning and 3. Rd. Bridge Case



#58 To what extent does the law require the government to build the capacity of sub-national governments with regard to participation in the selected decision-making process?

- Article 2-B of Forest Code Case
- Abant Natural Park Construction Project Case
- Bilezikçi Çiftliği Research Forest Case
- Konya Karapınar Erosion Control Ste
- İda Mountains Gold Mining Sites
- City Planning and 3. Rd. Bridge Case



#44 How well did sub-national government agencies facilitate access to information in the selected case?

- Bergama Gold Mining
- Environmental Reference Lab
- Dilovasi Industrial Zone
- Flooding in Istanbul
- Air Quality Monitoring Network in Istanbul

Melen River Drinking Water Supplying System

Antalya Serik Forest Fire

Tüpraş Petro-Chemical Plant



#36 How regularly did relevant sub-national government officials receive guidelines or training on access to the selected information type over the last 3 years?

Bergama Gold Mining

Environmental Reference ab

Dilovasi Industrial Zone

Flooding in Istanbul

Air Quality Monitoring Network in Istanbul

Melen River Drinking Water Supplying System

Antalya Serik Forest Fire

Tüpraş Petro-Chemical Plant



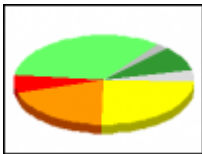
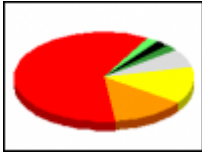
#18 To what extent does the law require the government to build the capacity of sub-national governments to provide access to the selected information type?

- Bergama Gold Mining
- Environmental Reference Lab
- Dilovasi Industrial Zone
- Flooding in Istanbul
- Air Quality Monitoring Network in Istanbul
- Melen River Drinking Water Supplying System
- Antalya Serik Forest Fire
- Tüpraş Petro-Chemical Plant

IX.2. HOW DOES PERFORMANCE COMPARE AMONG CASE TYPES?


Case Listing/Search Results

Public Participation: Project-level decisions

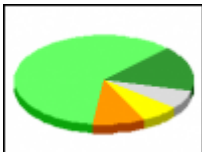
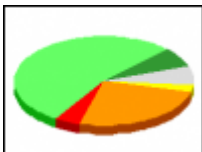
Chart	Case Title	Case Description
	Abant Natural Park Construction Project Cse	<p>Nowadays, the Bolu City Council has launched a project into Abant Nature Park. They have been constructing new roads, pawns, in brief infrastructure for tourism investments. The ultimate goal is to construct hotels and motels. The activity is potential threats to several plant species endemic to Turkey and put under protection by some international conventions like Biodiversity convention. Environmentalists and local people are organised by themselves for halting the project.</p>
	City Planning and 3. Rd. Bridge Case	<p>The Government has been planning to construct the 3 rd. Bridge in Bosphorus. Potential location will definitely be the Northern part of the Istanbul, which has mass forest zones and water resources. Potential threats to the environment is that it might attract more population to the area, destroys water resources, biodiversity and scenic beauty of the city. Several foundations, professional</p>

chambers, associations , NGO's and the public object the project. And they formed a platform called "Life instead of 3. Rd. Bridge"

Access to Justice: Non-compliance

Chart	Case Title	Case Description
	<p>Afforestation Regulation</p>	<p>The Ministry has enacted a Regulation about afforestation. However, some NGO's though that such a regulation is against the Constitution and it does not have any legal basis for enactment and brought the case in front of the court in 2009.</p>

Access to Information: Information from regular monitoring

Chart	Case Title	Case Description
	<p>Air Quality Monitoring Network in Istanbul</p>	<p>Examine air quality information available to local residents of Istanbul. This would include examining the ease of access and the level of comprehensibility keeping in mind the level of understanding of the local population.</p>
	<p>Melen River Drinking Water Supplying System</p>	<p>Istanbul Municipality has launched a project aiming to flow the Waterbasin of Duzce to Istanbul for supplying drinking water to about half of the Istanbul. However, Duzce is a city having about 350.000 population,</p>

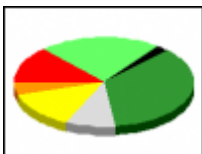
industrial zones and massive agricultural practices. Thus, the people do not know the quality of the water they have been drinking. But, the Ministry and the Municipality have departments collecting relevant data about the water.

Access to Justice: Access to information

Chart

Case Title

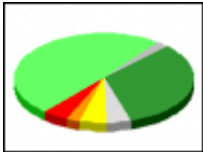
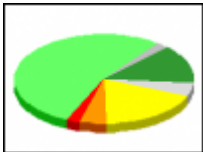
Case Description



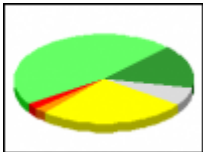
Allianoi Antique City Case

Nowadays a dam project has been being constructed in just next to the antique city of Allianoi in İzmir province. However, Doğa Derneği-Nature Association, a CSO based in Ankara, has launched an initiative along with a famous Turkish singer, combatting against the project. The association filed a lawsuit against the Government and has brought the conflict in front of the court. The administrative court held the case and stopped the project. At present the Court has not given a resolution yet. Hopefully the dam construction project will be cancelled by the court decision.

Access to Information: Information in an emergency

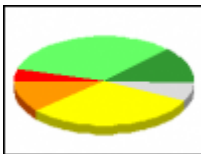
Chart	Case Title	Case Description
	Antalya Serik Forest Fire	In the year 2008 a wild forest fire occurred and burnt about 20.000 ha. of forests in Antalya, Southern Turkey. It damaged biodiversity, farmlands and even homes of some local people. However, the people do not know about how to access information about the possibility of fires, weather conditions etc.
	Flooding in Istanbul	In the year 2009 a severe flooding occurred in Istanbul and its vicinity. It caused several death and so many workplaces, vehicles and the environment were damaged. Even, it polluted creeks and shorelines in Marmara Sea.

Public Participation: Policy-making

Chart	Case Title	Case Description
	Article 2-B of Forest Code Case	Since 1973 the Governments have been taken some particular areas out of forest boundary. The people have been occupied those areas so far, violating forest code, criminal code and looted public property in a sense. Those areas have a particular importance for biodiversity, scenic

beauty and landscape of the Country. However, majority of the public objected the governments and the governments altered the policy on behalf of those areas. This is a typical example of how to change policy via public participation. The method of participation mainly media involvement, public rallying, collecting signature and constructing polls for that purpose.

Karapinar is the most drought location in Turkey having severe erosion. By the support and participation of local people some NG'S and the Ministry the area has been afforested and such an event influenced the people and region so much.



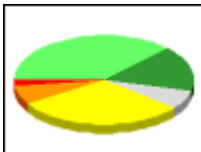
Konya
Karapinar
Erosion Control
Site

Access to Information: Other Access to Information

Chart

Case Title

Case Description



Bergama Gold
Mining

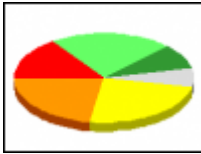
In Bergama a mining company called EUROGOLD was issued a mining license to extract gold mines by using cyanide. But the local people objected and rallied against that activity. It was the case that public participated in the decision making process and eventually halted the mining.

Public Participation: Other Public Participation

Chart

Case Title

Case Description

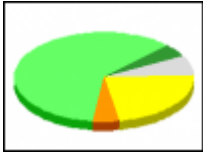
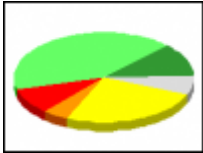


Bilezikçi Çiftliği
Research
ForestCse


Bilezikçi Çiftliği is the largest last patch of university owned stretching through the Bosphorus. The forest used to be owned by a family and around 1990's was sold to a large construction company. The company had been planned to construct the villas and houses into the forests and not any piece of forests would have been left before confiscation process was completed. Then, the Istanbul University intervened into the issue and has declared that the forest was expropriated by the University. Following that, the company sued the University in the court, but lost the case. Then, it forwarded the case bringing it in front of the Court of Human Rights. The Court declared that the company's property rights was intervened and a particular amount of compensation shall be awarded. However, the company lost its ownership on the forest. Then, a particular discussion has been going on between the parties whether the University shall manage the forest with respect to Forest legislation or shall develop other development plans aiming to open the forests for

investments like rallying, tourism etc., other than pure forestry practices.


Access to Information: Facility-level information

Chart	Case Title	Case Description
	Dilovasi Industrial Zone	Dilovasi is an industrial zone located in between Kocaeli and Istanbul. It has so many plants running about chemicals mainly and discharging polluted water. The area has also a substantial amount of population and get affected by those wastes and emissions.
	Tüpraş Petro-Chemical Plant	Tüpraş is a petro-chemical plant producing petroleum based products like gas, asphalt, etc. It emits large amount of smoke having sulphure and carbondiokside, which pollutes its vicinity and threatens the health and living conditions of local people. However, access to information seems a problem with respect to its accuracy and timing.

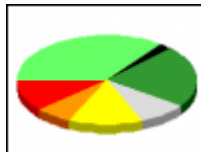
Access to Information: State of Environment reports

Chart	Case Title	Case Description
	Environmental Reference Lab	The Ministry has a lab aiming to collect data about some main environmental indicators and issues periodical report to release information to the public.

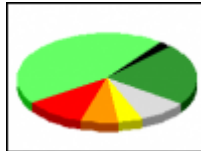
Public Participation: Regulatory decisions

Chart	Case Title	Case Description
	Ida Mountains Gold Mining Sites	In Ida Mountain- Balikesir a mining company called KOZA and its Canadian Partner Company were issued a mining license to extract gold mines by using cyanide. But the local people objected and rallied against that activity. It was the case that public participated in the decision making process and eventually halted the mining. The activity and battles of local people have been going on nowadays.

Access to Justice: Other Access to Justice

Chart	Case Title	Case Description
	<p>Laws on Genetically Diversified Organisms</p>	<p>In Turkey genetically diversified organisms have been considered a serious problem threatening public health, agricultural products. In 2009 the first regulation was put into practice. Having asserted that the regulation did not have any legal basis, the SCO and a group of people has brought the conflict in front of the State Council Chamber 10. The court cancelled the regulation. Meanwhile, a new statute called "biodiversity law" was implemented. And depending upon the new law, the second regulation was put into practice in 2010. The SCO, media and labor confederations have been intervned the issue. Thereafter, the ocnflict has been minimized to a particular extend.</p>

Access to Justice: Public Participation

Chart	Case Title	Case Description
	<p>Mining Law Case</p>	<p>Mining Law changed in 2004 and some regulations depends on this law has been come into force. According to these rules, forests and other natural resources areas are allowed</p>

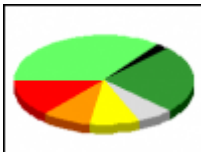
to mining activities.

Access to Justice: Environmental harm

Chart

Case Title

Case Description



Vize Cement
Factory Case

In 2001 a company has applied for planting a cement factory in Vize within the boundary of Kirklareli Province. Then, the company obtained EIA Positive report. However, the place where the plant was planned to be built is within the territory of water resources and recreational areas. TEMA, the plaintiff and and SCO, has brought the case in front of the administrative court of Edirne in 2006. The court cancelled the EIA Positive report and the court resolution was approved by the State Council (the Supreme Court of Administrative Judgement) in 2010. Following that, the company has taken the second step by got the second EIA Positive decision approved by the Ministry. Then, the first plaintiff one more time has brought the case in front of the the administrative court of Edirne in 2010. At present the processing of the judgement has been going on. At the same time, the Ministry of Environment and Forestry has approved the Environmental

Management Plans of the region allowing the cement factory. Again, the TEMA has brought the conflict in front of the court (by law in front of the State Council Chamber 6) in 2007. Since then, the two lawsuits have been under processing. In 2009 the State Council has cancelled the Environmental Mangement Plan. Upon cancellation of the referred plan the Ministry revised it. Then, the TEMA has brought the issue in front of the State Council Chamber 6. Following that the lawsuit is under processing at the stage of field investigation and collecting other evidences.

IX.3. HOW DOES PERFORMANCE COMPARE AMONG SECTORS?

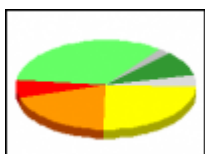
Case Listing/Search Results

Tourism

Chart

Case Title

Case Description



Abant Natural
Park
Construction
Project Case

Nowadays, the Bolu City Council has launched a project into Abant Nature Park. They have been constructing new roads, pawns, in brief infrastructure for tourism investments. The ultimate goal is to construct hotels and motels. The activity is potential threats to several plant species endemic to Turkey and put under protection by some international conventions like Biodiversity convention. Environmentalists and local people are organised by themselves for halting the project.

Forestry

Chart

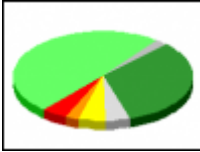
Case Title

Case Description



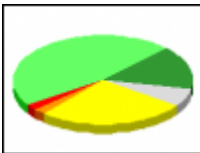
Afforestation
Regulation

The Ministry has enacted a Regulation about afforestation. However, some NGO's though that such a regulation is against the Constitution and it does not have any legal basis for enactment and brought the case in front of the court in 2009.



Antalya Serik
Forest Fire

In the year 2008 a wild forest fire occurred and burnt about 20.000 ha. of forests in Antalya, Southern Turkey. It damaged biodiversity, farmlands and even homes of some local people. However, the people do not know about how to access information about the possibility of fires, weather conditions etc.



Article 2-B of
Forest Code
Case

Since 1973 the Governments have been taken some particular areas out of forest boundary. The people have been occupied those areas so far, violating forest code, criminal code and looted public property in a sense. Those areas have a particular importance for biodiversity, scenic beauty and landscape of the Country. However, majority of the public objected the governments and the governments altered the policy on behalf of those areas. This is a typical example of how to change policy via public participation. The method of participation mainly media involvement, public rallying, collecting signature and constructing polls for that purpose.



Konya
Karapinar
Erosion Control
Site

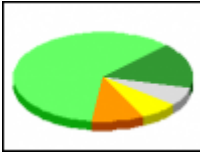
Karapinar is the most drought location in Turkey having severe erosion. By the support and participation of local people some NG'S and the Ministry the area has been afforested and such an event influenced the people and region so much.

Sector not applicable for this case

Chart

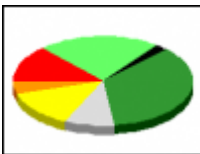
Case Title

Case Description



Air Quality
Monitoring
Network in
Istanbul

Examine air quality information available to local residents of Istanbul. This would include examining the ease of access and the level of comprehensibility keeping in mind the level of understanding of the local population.

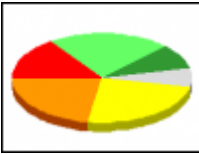


Allianoi Antique
City Case

Nowadays a dam project has been being constructed in just next to the antique city of Allianoi in İzmir province. However, Doğa Derneği- Nature Association, a CSO based in Ankara, has launched an initiative along with a famous Turkish singer, combatting against the project. The association filed a lawsuit against the Government and has brought the conflict in front of the court. The administrative court held the case and stopped the project. At present the Court has not given a resolution yet.

Hopefully the dam construction project will be cancelled by the court decision.

Bilezikçi Çiftliği is the largest last patch of university owned stretching through the Bosphorus. The forest used to be owned by a family and around 1990's was sold to a large construction company. The company had been planned to construct the villas and houses into the forests and not any piece of forests would have been left before confiscation process was completed. Then, the Istanbul University intervened into the issue and has declared that the forest was expropriated by the University. Following that, the company sued the University in the court, but lost the case. Then, it forwarded the case bringing it in front of the Court of Human Rights. The Court declared that the company's property rights was intervened and a particular amount of compensation shall be awarded. However, the company lost its ownership on the forest. Then, a particular discussion has been going on between the parties whether the University shall manage the forest with respect to Forest legislation or shall develop other development plans aiming to open the forests for investments like rallying, tourism etc., other than pure forestry practices.



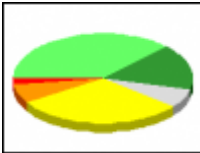
Bilezikçi Çiftliği
Research Forest
Case

Extractive Industries

Chart

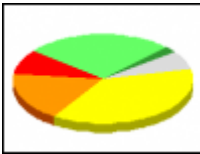
Case Title

Case Description



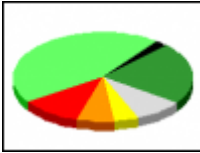
Bergama Gold Mining

In Bergama a mining company called EUROGOLD was issued a mining license to extract gold mines by using cyanide. But the local people objected and rallied against that activity. It was the case that public participated in the decision making process and eventually halted the mining.



Ida Mountains Gold Mining Sites

In Ida Mountain- Balikesir a mining company called KOZA and its Canadian Partner Company were issued a mining license to extract gold mines by using cyanide. But the local people objected and rallied against that activity. It was the case that public participated in the decision making process and eventually halted the mining. The activity and battles of local people have been going on nowadays.



Mining Law Case

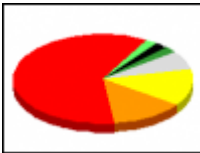
Mining Law changed in 2004 and some regulations depends on this law has been come into force. According to these rules, forests and other natural resources areas are allowed to mining activities.

Transportation

Chart

Case Title

Case Description



City Planning and 3. Rd. Bridge Case

The Government has been planning to construct the 3 rd. Bridge in Bosphorus. Potential location will definitely be the Northern part of the Istanbul, which has mass forest zones and water resources. Potential threats to the environment is that it might attract more population to the area, destroys water resources, biodiversity and scenic beauty of the city. Several foundations, professional chambers, associations , NGO's and the public object the project. And they formed a platform called "Life instead of 3. Rd. Bridge"

Chemicals

Chart

Case Title

Case Description



[Dilovasi Industrial Zone](#)

Dilovasi is an industrial zone located in between Kocaeli and Istanbul. It has so many plants running about chemicals mainly and discharging polluted water. The area has also a substantial amount of population and get affected by those wastes and emissions.



Tüpraş Petro-Chemical Plant

Tüpraş is a petro-chemical plant producing petroleum based products like gas, asphalt, etc. It emits large amount of smoke having sulphure and carbondiokside, which pollutes its vicinity and threatens the health and living conditions of local people. However, access to information seems a problem with respect to its accuracy and timing.

Government

Chart

Case Title

Case Description



Environmental Reference Lab

The Ministry has a lab aiming to collect data about some main environmental indicators and issues periodical report to release information to the public





Vize Cement Factory Case

In 2001 a company has applied for planting a cement factory in Vize within the boundary of Kirklareli Province. Then, the company obtained EIA Positive report. However, the place where the plant was planned to be built is within the territory of water resources and recreational areas. TEMA, the plaintiff and and SCO, has brought the case in front of the administrative court of Edirne in 2006. The court cancelled the EIA Positive report and the court resolution was approved by the State Council (the Supreme Court of Administrative Judgement) in 2010. Following that, the company has taken the second step by got the second EIA Positive decision approved by the Ministry. Then, the first plaintiff one more time has brought the case in front of the the administrative court of Edirne

in 2010. At present the processing of the judgement has been going on. At the same time, the Ministry of Environment and Forestry has approved the Environmental Management Plans of the region allowing the cement factory. Again, the TEMA has brought the conflict in front of the court (by law in front of the State Council Chamber 6) in 2007. Since then, the two lawsuits have been under processing. In 2009 the State Council has cancelled the Environmental Management Plan. Upon cancellation of the referred plan the Ministry revised it. Then, the TEMA has brought the issue in front of the State Council Chamber 6. Following that the lawsuit is under processing at the stage of field investigation and collecting other evidences.

Water and Sanitation

Chart	Case Title	Case Description
	<p>Flooding in Istanbul</p>	<p>In the year 2009 a severe flooding occurred in Istanbul and its vicinity. It caused several deaths and so many workplaces, vehicles and the environment were damaged. Even, it polluted creeks and shorelines in Marmara Sea.</p>
	<p>Melen River Drinking Water Supplying System</p>	<p>Istanbul Municipality has launched a project aiming to flow the Waterbasin of Duzce to Istanbul for supplying drinking water to about half of the Istanbul. However, Duzce is a city having about 350.000 population, industrial zones and massive agricultural practices. Thus, the people do not know the quality of the water they have been drinking. But, the Ministry and the Municipality have departments collecting relevant data about the water.</p>

"Local-global"

Chart	Case Title	Case Description
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Laws on
Genetically
Diversified
Organisms

In Turkey genetically diversified organisms have been considered a serious problem threatening public health, agricultural products. In 2009 the first regulation was put into practice. Having asserted that the regulation did not have any legal basis, the SCO and a group of people has brought the conflict in front of the State Council Chamber 10. The court cancelled the regulation. Meanwhile, a new statute called "biodiversity law" was implemented. And depending upon the new law, the second regulation was put into practice in 2010. The SCO, media and labor confederations have been intervened the issue. Thereafter, the conflict has been minimized to a particular extend.

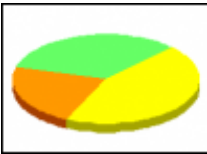
IX.4. HOW DO LAW, EFFORT AND EFFECTIVENESS COMPARE?

Case Listing/Search Results

Effectiveness: Capacity Building for Government Agencies

Chart

Indicator



#42 How well did staff/officials execute their information provision and management responsibilities in the selected case?



Bergama Gold Mining



Environmental Reference Lab



Dilovasi Industrial Zone



Flooding in Istanbul



Air Quality Monitoring Network in Istanbul



Melen River Drinking Water Supplying System



Antalya Serik Forest Fire

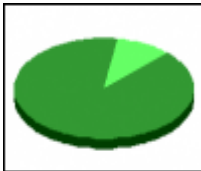


Tüpraş Petro-Chemical Plant

#86 How well did staff/officials execute their participation responsibilities in the selected case?



-
- Article 2-B of Forest Code Case
 - Abant Natural Park Construction Project Case
 - Bilezikçi Çiftliği Research Forest Case
 - Konya Karapınar Erosion Control Site
 - İla Mountains Gold Mining Sites
 - City Planning and 3. Rd. Bridge Case



#132 How well did forum members and staff execute their access to justice responsibilities in the selected case?

-
- Afforestation Regulation
 - Allianoi Antique City Case
 - Mining Law Case
 - Vize Cement Factory Case
 - Laws on Genetically Diversified Organisms

Effectiveness: Capacity Building for Sub-National Agencies

Chart



Indicator

#44 How well did sub-national government agencies facilitate access to information in the selected case?

- Bergama Gold Mining
- Environmental Reference Lab
- Dilovasi Industrial Zone
- Flooding in Istanbul
- Air Quality Monitoring Network in Istanbul
- Melen River Drinking Water Supplying System
- Antalya Serik Forest Fire
- Tüpraş Petro-Chemical Plant

#88 To what extent did sub-national government agencies facilitate public participation in the selected case?

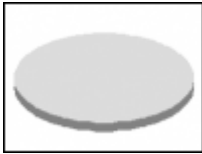


- Article 2-B o Forest Coe Case
- Abant Natural Park Construction Project

Case

- Bilezikçi Çiftliği Research Forest Case
- Konya Karapınar Erosion Control Site
- Ida Mountains Gold Mining Sites
- City Planning and 3. Rd. Bridge Case

#134 To what extent did sub-national government agencies facilitate access to justice in the selected case?



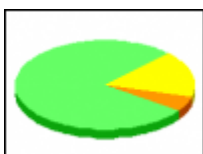
-
- Afforestation Regulation
 - Allianoi Antique City Case
 - Mining Law Case
 - Vize Cement Factory Case
 - Laws on Genetically Diversified Organisms


Effectiveness: Capacity Building for the Media & CSOs


Chart


Indicator


#45 To what extent did media involvement facilitate access to information in the selected case?




 Bergama Gold Mining

 Environmental Reference Lab


 Dilovasi Industrial Zone

 Flooding in Istanbul

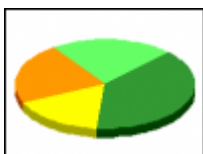
 Air Quality Monitoring Network in Istanbul


 Melen River Drinking Water Supplying System


 Antalya Serik Forest Fire







 Tüpraş Petro-Chemical Plant

#46 To what extent did civil society organization involvement facilitate access to information in the selected case?

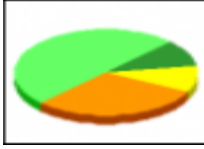








 Bergama Gold Mining

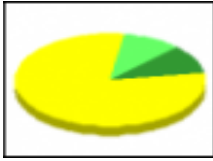
 Environmental Reference Lab

-  Dilovasi Industrial Zone
-  Flooding in Isanbul
-  Air Quality Monitoring Network in Istanbul
-  Melen River Drinking Water Supplying System
-  Antalya Serik Forest Fire
-  Tüpraş Petro-Chemical Plant

#89 To what extent did media involvement facilitate public participation in the selected case?

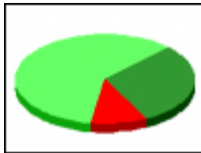


-
-  Article 2-B of Forest Code Case
 -  Abant Natural Park Construction Project Case
 -  Bilezikçi Çiftliği Research Forest Case
 -  Konya Karapinar Erosion Control ite
 -  Ida Mountains Gold Mining Sites
 -  City Planning and 3. Rd. Bridge Cse



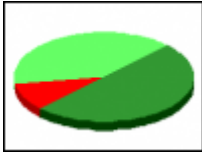
#90 To what extent did civil society organization involvement facilitate public participation in the selected case?

- Article 2-B of Forest Code Case
- Abant Natural Park Construction Project Case
- Bilezikçi Çiftliği Research Forest Case
- Konya Karapınar Erosion Control Site
- Ida Mountains Gold Mining Sites
- City Planning and 3. Rd. Bridge Case



#135 To what extent did media involvement facilitate access to justice in the selected case?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms



#136 To what extent did civil society organization involvement facilitate access to justice in the selected case?

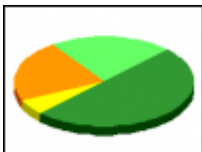
-
- Afforestation Regulation
 - Allianoi Antique City Case
 - Mining Law Case
 - Vize Cement Factory Case
 - Laws on Genetically Diversified Organisms

Effectiveness: Capacity Building for the Public





Chart

Indicator

#43 In the selected case, to what extent did stakeholders have the skills and knowledge to obtain the information they needed?



-
- Bergama Gold Mining
 - Environmental Reference Lab
 - Dilovasi Industrial Zone
 - Flooding in Istanbul

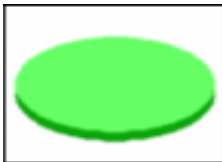
-  Air Quality Monitoring Network in Istanbul
-  Melen River Drinking Water Supplying System
-  Antalya Serik Forest Fire
-  Tüpraş Petro-Chemical Plant



#87 In the selected case, to what extent did stakeholders have the skills and knowledge they needed to participate effectively?



-
-  Article 2-B of Forest Code Case
 -  Abant Natural Park Construction Project Case
 -  Bilezikçi Çiftliği Research Forest Case
 -  Konya Karapınar Erosion Control Site
 -  İda Mountains Gold Mining Sites
 -  City Planning and 3. Rd. Bridge Case

#133 In the selected case, to what extent did stakeholders have the skills and knowledge they needed to use the forum effectively?



-
-  Afforestation Regulation
 -  Allianoi Antique City Case

- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms

Effectiveness: Impacts

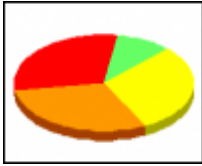
Chart



Indicator

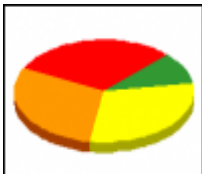
#39 To what extent did the relevant information in the selected case reach the relevant public in time?

-
- Bergama Gold Mining
 - Environmental Reference Lab
 - Dilovasi Industrial Zone
 - Flooding in Istanbul
 - Air Quality Monitoring Network in Istanbul
 - Melen River Drinking Water Supplying System
 - Antalya Serik Forest Fire
 - Tüpraş Petro-Chemical Plant



#81 To what extent was a public record kept in a reasonably accessible format detailing comments made, comments incorporated in the selected decision, and reasons for any rejection of comments?


- Article 2-B of Forest Code Case
- Abant Natural Park Construction Project Case
- Bilezikçi Çiftliği Research Forest Case
- Konya Karapınar Erosion Control Site
- Ida Mountains Gold inngSites
- City Planning and 3. Rd. Bridge Case



#82 How promptly did the public receive information about the dispensation of comments in the selected case?


- Article2-B of Forest Code Case
- Abant Natural Park Construction Project Case
- Bilezikçi Çiftliği Research Forest Case
- Konya Karapınar Erosion Control Site

 Ida Mountains Gold Mining Sites


 City Planning and 3. Rd. Bridge Case





#129 To what extent was the forum decision implemented in the selected case?

 Afforestation Regulation

 Allianoi Antique City Case

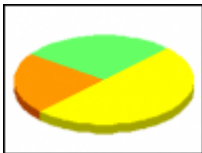
 Mining Law Case

 Vize Cement Factory Case

 Laws on Genetically Diversified Organisms


Effectiveness: Outcomes

Chart

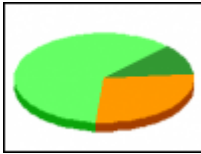


Indicator

#40 To what extent did individual choices and behavior change because of information?


 Bergama Gold Mining

- Environmental Reference Lab
- Dilovasi Industrial Zone
- Flooding in Istanbul
- Air Quality Monitoring Network in Istanbul
- Melen River Drinking Water Supplying System
- Antalya Serik Forest Fire
- Tüpraş Petro-Chemical Plant



#41 To what extent did information lead to deliberate actions to prevent or reduce negative impacts on the environment or human health?

-
- Bergama Gold Mining
 - Environmental Reference Lab
 - Dilovasi Industrial Zone
 - Flooding in Istanbul
 - Air Quality Monitoring Network in Istanbul
 - Melen River Drinking Water Supplying System
 - Antalya Serik Forest Fire

 Tüpraş Petro-Chemical Plant





#83 How extensive was the public input provided in the selected case?


 Article 2-B of Forest Code Case

 Abant Natural Park Construction Project Case

 Bilezikçi Çiftliği Research Forest Case


 Konya Karapınar Erosion Control Site

 İda Mountains Gold Mining Sites

 City Planning and 3. Rd. Bridge Case




#84 To what extent did public participation influence the final decision in the selected case?


 Article 2-B of Forest Code Case

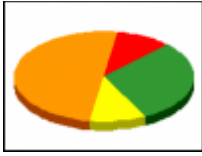
 Abant Natural Park Construction Project Case

 Bilezikçi Çiftliği Research Forest Case

 Konyarapınar Erosion Control Site

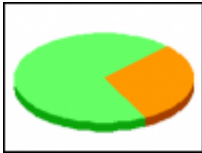
 İda Mountains Gold Mining Sites

 City Planning and 3. Rd. Bridge Case



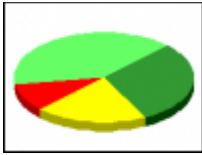
#85 To what extent was the final decision more protective of the environment or human health than the initial draft in the selected case?

- Article 2-B of Forest Code Case
- Abant Natural Park Construction Project Case
- Bilezikçi Çiftliği Research Forest Case
- Konya Karapınar Erosion Control Site
- Ida Mountains Gold Mining Sites
- City Planning and 3. Rd. Bridge Case



#130 To what extent did the forum decision lead to change in the behavior of any of the participants in the case?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms

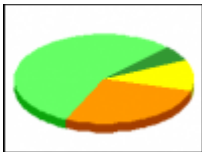


#131 To what extent did the forum decision in this case lead to measures to avoid or reduce negative impacts on the environment or human health or improve access or participation?

-
- Afforestation Regulation
 - Allianoi Antique City Case
 - Mining Law Case
 - Vize Cement Factory Case
 - Laws on Genetically Diversified Organisms

Effectiveness: Timeliness

Chart

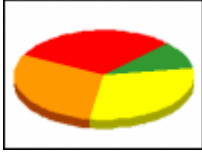


Indicator

#39 To what extent did the relevant information in the selected case reach the relevant public in time?

-
- Bergama Gold Mining
 - Environmental Reference Lab
 - Dilovasi Industrial Zone
 - Flooding in Istanbul

- Air Quality Monitoring Network in Istanbul
- Melen River Drinking Water Supplying System
- Antalya Serik Forest Fire
- Tüpraş Petro-Chemical Plant

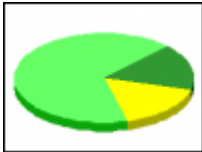


#82 How promptly did the public receive information about the dispensation of comments in the selected case?

- Article 2-B of Forest Code Case
- Abant Natural Park Constructin Project Case
- Bilezikçi Çiftliği Research Forest Case
- Konya Karapınar Erosion Control Site
- Ida Mountains Gold Mining Sites
- City Planning and 3. Rd. Bridge Case

Effort: Capacity Building for Government Agencies

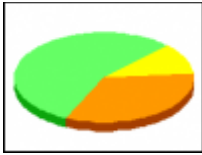
Chart



Indicator

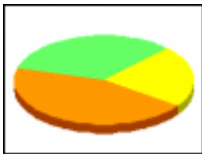
#32 To what extent does the agency that manages the selected information type have staff explicitly responsible for disseminating information and responding to requests?

-
-  Bergama Gold Mining
 -  Environmental Reference Lab
 -  Dilovasi Industrial Zone
 -  Flooding in Istanbul
 -  Air Quality Monitoring Network in Istanbul
 -  Melen River Drinking Water Supplying System
 -  Antalya Serik Forest Fire
 -  Tüpraş Petro-Chemical Plant



#33 To what extent were guidelines or training on access to information offered regularly over the last 3 years to staff in the agency managing the selected information type?

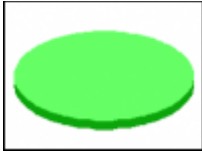
-
- Bergama Gold Mining
 - Environmental eference Lab
 - Dilovasi Industrial Zone
 - Flooding in Istanbul
 - Air Quality Monitoring Network in Istanbul
 - Melen River Drinking Water Supplying System
 - Antalya Serik Forest Fire
 - Tüpraş Petro-Chemical Plant



#34 To what extent were guidelines or training on the environment offered regularly over the last 3 years to staff in the agency managing the selected information type?

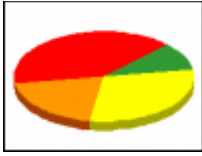
-
- Bergama Gold Mining
 - Environmental Referece Lab
 - Dilovasi Industrial Zone

- Flooding in Istanbul
- Air Quality Monitoring Network in Istanbul
- Melen River Drinking Water Supplying System
- Antalya Serik Forest Fire
- Tüpraş Petro-Chemical Plant



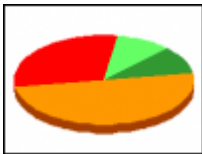
#35 How adequate is the government budget allocation for facilitating the collection and dissemination of the selected information type?

- Bergama Gold Mining
- Environmental Reference Lab
- Dilovasi Industrial one
- Flooding in Istanbul
- Air Quality Monitoring Network in Istanbul
- Melen River Drinking Water Supplying System
- Antalya Serik Forest Fire
- Tüpraş Petro-Chemical Plant








#74 To what extent does the agency that leads the selected decision-making process have staff explicitly responsible for public participation?


-  Article 2-B of Forest Code Case
-  Abant Natural Park Construction Project Case
-  Bilezikçi Çiftliği Research Forest Case
-  Konya Karapınar Erosion Control Site
-  İda Mountains Gold Mining Sites
-  City Planning and 3. Rd. Bridge Case

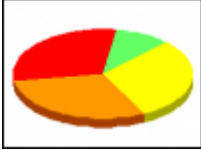


#75 To what extent were guidelines or training on public participation offered regularly over the last 3 years to officials in the agency that leads the selected decision-making process?


-  Article 2-B of Forest Code Case
-  Abant Natural Park Construction Project Case
-  Bilezikçi Çiftliği Research Forest Case
-  Konya Karapınar Erosion Control Site

 Ida Mountains Gold Mining Sites

 City Planning and 3. Rd. Bridge Case




#76 To what extent were guidelines or training on the environment offered regularly over the last 3 years to officials in the agency that leads the selected decision-making process?


 Article 2-B of Forest Code Case

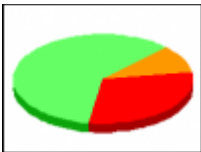
 Abant Natural Park Construction Project Case

 Bilezikçi Çiftliği Research Forest Case


 Konya Karapınar Erosion Control Site

 Ida Mountains Gold Mining Sites

 City Planning and 3. Rd. Bridge Case





#77 How adequate is the government budget allocation for effectively facilitating public participation in the selected decision-making process?


 Article 2-B of Forest Code Case

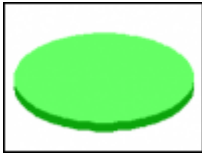
 Abant Natural Park Construction Project Case

 Bilezikçi Çiftliği Research Forest Case


 Konya Karapınar Erosion Control Site


 İda Mountains Gold Mining Sites


 City Planning and 3. Rd. Bridge Case





#122 To what extent does the forum have staff explicitly responsible for responding to inquiries from citizens wishing to bring claims and of providing relevant information to the public?

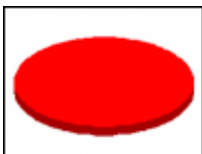
 Afforestation Regulation

 Allianoi Antique City Case


 Mining Law Case


 Vize Cement Factory Case

 Laws on Genetically Diversified Organisms



#123 To what extent were guidelines or training offered regularly over the last 3 years to forum members on access to information, participation?

 Afforestation Regulation

 Allianoi Antique City Case

Mining Law Case

Vize Cement Factory Case

Laws on Genetically Diversified Organisms



#124 To what extent were guidelines or training on the environment offered regularly over the last 3 years to forum members?

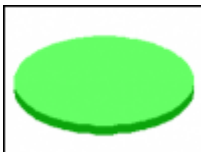
Afforestation Regulation

Allianoi Antique City Case

Mining Law Case

Vize Cement Factory Case

Laws on Genetically Diversified Organisms




#125 How adequate is the government budget allocation to support the forum's justice functions?

Afforestation Regulation

Allianoi Antique City Case

Mining Law Case

 Vize Cement Factory Case

 Laws on Genetically Diversified Organisms


Effort: Capacity Building for Sub-National Agencies


Chart




Indicator

#36 How regularly did relevant sub-national government officials receive guidelines or training on access to the selected information type over the last 3 years?


 Bergama Gold Mining

 Environmental Reference Lab


 Dilovasi Industrial Zone

 Flooding in Istanbul

 Air Quality Monitoring Network in Istanbul

 Melen River Drinking Water Supplying System

 Antalya Serik Forest Fire

 Tüpraş Petro-Chemical Plant



#78 How regularly did relevant sub-national government officials receive guidelines or training on public participation in the selected decision-making process over the last 3 years?


- Article 2-B of Forest Code Case
- Abant Natural Park Construction Project Case
- Bilezikçi Çiftliği Research Forest Case
- Konya Karapınar Erosion Control Site
- İda Mountains Gold Mining Sites


- City Planning an 3. Rd. Bridge Case



#126 How regularly did relevant sub-national government officials relevant to the selected case receive guidelines or training on access to justice over the last 3 years?

- Afforestation Regulation
- Allianoı Antique City Case
- Mining Law Case

 Vize Cement Factory Case

 Laws on Genetically Diversified Organisms

Effort: Capacity Building for the Media & CSOs

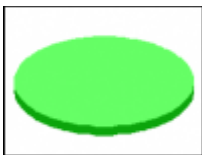
Chart




Indicator

#146 How equitably does the government implement rules and regulations for registration and operation of CSOs?

 General Capacity Building

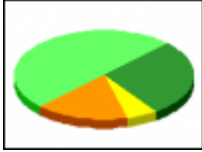


#147 How equitably does the government implement rules and regulations for registration and operation of media organizations?

 General Capacity Building

Effort: Capacity Building for the Public

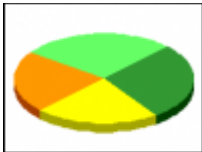
Chart




Indicator

#37 How clear and easily accessible are the public guidelines on how to obtain the selected information type?

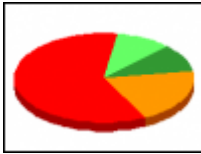
-  Bergama Gold Mining
-  Environmental Reference Lab
-  Dilovasi Industrial Zone
-  Flooding in Istanbul
-  Air Quality Monitoring Network in Istanbul
-  Melen River Drinking Water Supplying System
-  Antalya Serik Forest Fire
-  Tüpraş Petro-Chemical Plant









#38 How regularly have activities to build the capacity of the public in the selected information type been conducted over the last three years?

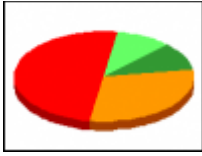
-  Bergama Gold Mining

-  Environmental Referenc Lab
-  Dilovasi Industrial Zone
-  Flooding in Istanbul
-  Air Quality Monitoring Network in Istanbul
-  Melen River Drinking Water Supplying System
-  Antalya Serik Forest Fire
-  Tüpraş Petro-Chemical Plant



#79 How clear and easily accessible are the public guidelines on how to participate in the selected decision-making process?

-  Article 2-B of Forest Code Case
-  Abant Natural Park Construction Project Case
-  Bilezikçi Çiftliği Research Forest Case
-  Konya Karapinar Erosion Conrol Site
-  Ida Mountains Gold Mining Sites
-  City Planning and 3. Rd. Bridge Case



#80 How regularly have activities to build the capacity of the public to participate in the selected decision-making process been conducted over the last three years?



Article 2-B of Forest Code Case



Abant Natural Park Construction Project Case



Bilezikçi Çiftliği Research Forest Case



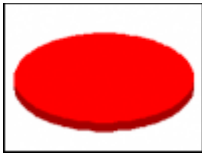
Konya Karapınar Erosion Control Sie



Ida Montains Gold Mining Sites



City Planning and 3. Rd. Bridge Case



#127 How clear and easily accessible are the public guidelines on how to use the forum?



Afforestation Regulation



Allianoi Antique City Case



Mining Law Case



Vize Cement Factory Case

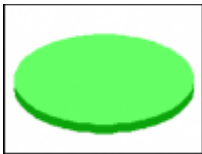


Laws on Genetically Diversified Organisms



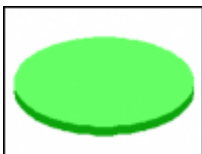
#128 How regularly have activities to build the capacity of the public on how to use the forum been conducted over the last three years?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms



#144 How well does the government provide training or curriculum resources on access rights to public school teachers?

- General Capacity Building

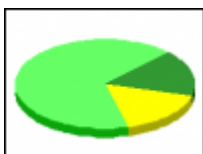


#145 How well does the government provide opportunities and incentives for public school teachers' professional development in environmental education?

- General Capacity Building








Effort: Channels of Access

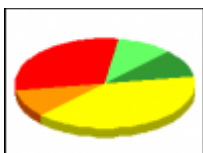
Chart



Indicator

#31 To what extent was all relevant information in the selected case found in many different outlets in different locations?

-  Bergama Gold Mining
-  Environmental Reference Lab
-  Dilovasi Industrial Zone
-  Flooding in Istanbul
-  Air Quality Monitoring Network in Istanbul
-  Melen River Drinking Water Supplying System
-  Antalya Serik Forest Fire
-  Tüpraş Petro-Chemical Plant



#70 How well does the responsible agency maintain a publicly accessible registry of past and pending decisions?

-  Article 2-B of Forest Code Case

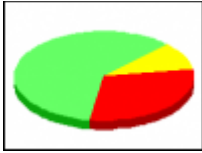
Abant Natural Park Construction Project Case

Bilezikçi Çiftliği Research Forest ase

Konya Karapinar Erosio ontrol Site

Ida Mountains Gold Mining Sites

City Planning and 3. Rd. Bridge Case



#71 How well does the responsible agency maintain a publicly accessible registry of relevant supporting documentation for decisions?

Article 2-B of Forest Code Case

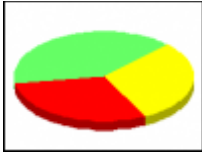
Abant Natural Park Construction Project Case

Bilezikçi Çiftliği Research Forest Case

Konya Karapinar Erosion Control Site

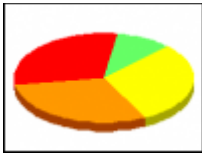
Ida Mountains Gold Mining Sites

City Planning and 3 Rd. Bridge Case




#72 In the selected case, to what extent did records of decisions and the decision process enable the public to stay informed of developments in the decision, other related decisions, and upcoming decisions and consultations?


-
- Article 2-B of Forest Code Case
 - Abant Natural Park Construction Project Case
 - Bilezikçi Çiftliği Research Forest Case
 - Konya Karapınar Erosion Control Site
 - İda Mountains Gold Mining Sites
 - City Planning and 3. Rd. Bridge Case

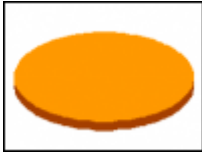


#73 To what extent was relevant supporting documentation available through public registries for the selected decision-making process?


-
- Article 2-B of Forest Code Case
 - Abant Natural Park Construction Project Case
 - Bilezikçi Çiftliği Research Forest Case
 - Konya Karapınar Erosion Control Site


 Ida Mountains Gold Mining Sites


 City Planning and 3. Rd. Brige Case





#121 To what extent was there a choice of forums which could consider the selected claim?

 Afforestation Regulation

 Allianoi Antique City Case

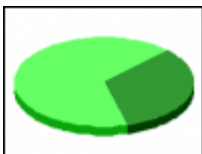
 Mining Law Case

 Vize Cement Factory Case

 Laws on Genetically Diversified Organisms


Effort: Cost and Affordability


Chart



Indicator

#25 To what extent did the public have access to information in the selected case at little or no cost?

 Bergama Gold Mining

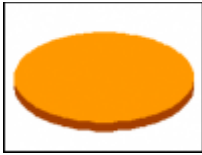
 Environmental Reference Lab

- Dilovasi Industrial Zone
- Flooding in Istanbul
- Air Quality Monitoring Network in Istanbul
- Melen River Drinking Water Supplying System
- Antalya Serik Forest Fire
- Tüpraş Petro-Chemical Plant








#65 To what extent did the responsible agency keep costs of participation low for participants in the selected case?

- Article 2-B of Forest Code Case
- Abant Natural Park Construction Project Case
- Bilezikçi Çiftliği Research Forest Case
- Konya Karapınar Erosion Control Site
- İda Mountains Gold Mining Sites
- City Planning and 3. Rd. Bridge Case



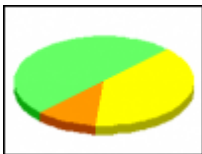
#112 To what extent did the forum keep the costs of bringing a claim low for the parties in the selected case?

-
-  Afforestation Regulation
 -  Allianoi Antique City Case
 -  Mining Law Case
 -  Vize Cement Factory Case
 -  Laws on Genetically Diversified Organisms

Effort: Fairness and Equitability

Chart

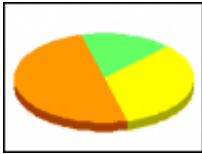
Indicator



#26 How comprehensive and planned were efforts to reach a wide range of stakeholders with information in the selected case?

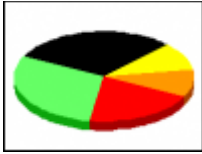
-
-  Bergama Gold Mining
 -  Environmental Reference Lab
 -  Dilovasi Industrial Zone
 -  Flooding in Istanbul

- Air Quality Monitoring Network in Istanbul
- Melen River Drinking Water Supplying System
- Antalya Serik Forest Fire
- Tüpraş Petro-Chemical Plant



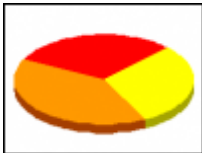
#27 How well did the responsible agency make a planned and systematic effort to disseminate information to a minority or disadvantaged group (identified in the explanation to this indicator) in the selected case?

-
- Bergama Gold Mining
 - Environmental Reference Lab
 - Dilovasi Industrial Zone
 - Flooding in Istanbul
 - Air Quality Monitoring Network in Istanbul
 - Melen River Drinking Water Supplying System
 - Antalya Serik Forest Fire
 - Tüpraş Petro-Chemical Plant








#66 How comprehensive and planned were the responsible agency's efforts to include a wide range of stakeholders in the selected case?


-  Article 2-B of Forest Code Case
-  Abant Natural Park Construction Project Case
-  Bilezikçi Çiftliği Research Fos Case
-  Konya Karapinar Erosion Control Site
-  Ida Mountains Gold Mining Sites
-  City Planning and 3. Rd. Bridge Case



#67 How well did the responsible agency make a planned and systematic effort to involve a minority or disadvantaged group (identified in the explanation to this indicator) in decision-making in the selected case?


-  Article 2-B of Forest Code Case
-  Abant Natural Park Construction Project Case
-  Bilezikçi Çiftliği Research ForestCase
-  Konya KarapinrErosion Control Site


 Ida Mountains Gold Mining Sites


 City Planning and 3. Rd. Bridge Case





#113 How comprehensive and planned were the forum's efforts to enable a wide range of stakeholders to access the forum in the selected case?

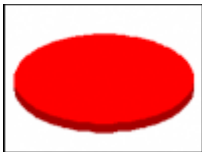
 Afforestation Regulation

 Allianoi Antique City Case


 Mining Law Case


 Vize Cement Factory Case

 Laws on Genetically Diversified Organisms



#114 How well did the forum take steps to make the forum accessible to a minority or disadvantaged group (identified in the explanation to this indicator) in the selected case?

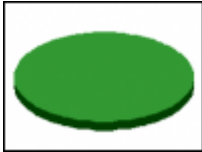
 Afforestation Regulation

 Allianoi Antique City Case

Mining Law Case

Vize Cement Factory Case

Laws on Genetically Diversified Organisms



#115 To what extent did intimidation prevent stakeholders from effectively bringing a claim in the selected case?

Afforestation Regulation

Allianoi Antique City Case

Mining Law Case

Vize Cement Factory Case

Laws on Genetically Diversified Organisms



#116 To what extent did the allocation of the burden of proof support access and/or environmental protection?

Afforestation Regulation

Allianoi Antique City Case

Mining Law Case

Vize Cement Factory Case

Laws on Genetically Diversified Organisms



#117 How broadly was legal standing interpreted by the forum in the selected case?

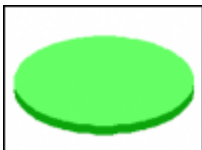
Afforestation Regulation

Allianoi Antique City Case

Mining Law Case

Vize Cement Factory Case

Laws on Genetically Diversified Organisms





#118 To what extent were the forum's restraining rules or limits supportive of environmental and "access" interests in the selected case?

Afforestation Regulation

Allianoi Antique City Case

Mining Law Case

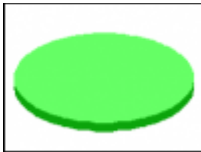
 Vize Cement Factory Case

 Laws on Genetically Diversified Organisms



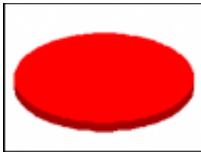
#146 How equitably does the government implement rules and regulations for registration and operation of CSOs?

 General Capacity Building



#147 How equitably does the government implement rules and regulations for registration and operation of media organizations?

 General Capacity Building



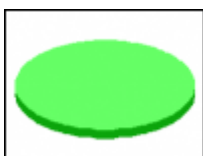
#148 To what extent does the government provide free legal aid?

 General Capacity Building

Effort: General Capacity Building

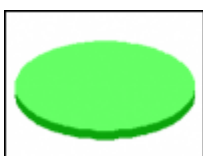
Chart

Indicator



#144 How well does the government provide training or curriculum resources on access rights to public school teachers?

 General Capacity Building



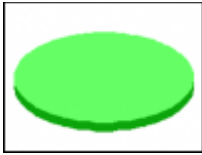
#145 How well does the government provide opportunities and incentives for public school teachers' professional development in environmental education?

 General Capacity Building



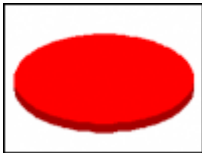
#146 How equitably does the government implement rules and regulations for registration and operation of CSOs?

 General Capacity Building



#147 How equitably does the government implement rules and regulations for registration and operation of media organizations?

 General Capacity Building



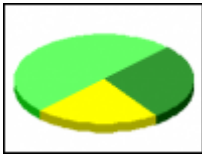
#148 To what extent does the government provide free legal aid?

 General Capacity Building


Effort: Scope and Quality of Access


Chart


Indicator




#20 How good is the system for data collection and integrated management of the selected information type?

 Bergama Gold Mining

 Environmental Reference Lab

 Dilovasi Industrial Zone

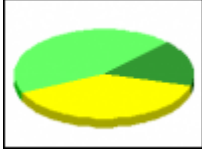
 Flooding in Istanbul

 Air Quality Monitoring Network in Istanbul

Melen River Drinking Water Supplying System

Antalya Serik Forest Fire

Tüpraş Petro-Chemical Plant



#21 To what extent does an agency or system generate and/or collect information about the environmental area (water, air, forest, etc.) concerned in the selected case?

Berma Gold Mining

Environmental Referec Lab

Dilovasi Industrial Zone

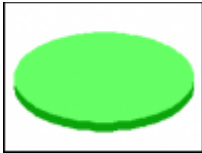
Flooding in Istanbul

Air Quality Monitoring Network in Istanbul

Melen River Drinking Water Supplying System

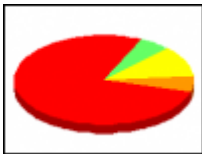
Antalya Serik Forest Fire

Tüpraş etro-Chemical Plant



#22 To what extent is there a monitoring system and/or penalties for non-compliance to ensure the agency meets its obligations to disclose information?

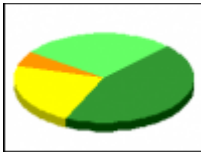
- Bergama Gold Mining
- Environmental Reference Lab
- Dilovasi Industrial Zone
- Flooding in Istanbul
- Air Quality Monitoring Network in Istanbul
- Melen River Drinking Water Supplying System
- Antalya Serik Forest Fire
- Tüpraş Petro-Chemical Plant



#23 How complete, relevant, and accurate were responses to requests for information in the selected case?

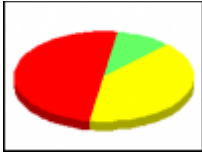
- Bergama Gold Mining
- Environmental Reference Lab
- Dilovasi Industrial Zone

- Flooding in Isanbul
- Air Quality Monitoring Network in Istanbul
- Melen River Drinking Water Supplying System
- Antalya Serik Forest Fire
- Tüpraş Petro-Chemical Plant



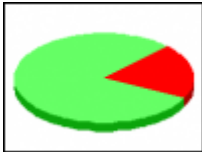
#24 How complete, relevant, and accurate was the information disseminated to the public in the selected case?

- Bergama Gold Mining
- Environmental Reference Lab
- Dilovasi Industrial Zone
- Flooding in Istnbu
- Air Quality Monitoring Network in Istanbul
- Melen River Drinking Water Supplying System
- Antalya Serik Forest Fire
- Tüpraş Petro-Chemical Plant




#60 To what extent does the responsible agency make available to the public a clear description of its decision-making processes, including opportunities for participation?


-
- Article 2-B of Forest Code Case
 - Abat Natural Park Construction Project Case
 - Bilezikçi Çiftliği Research Forest Case
 - Konya Karapınar Erosin Control Site
 - Ida Mountains Gold Mining Sites
 - City Planning and 3. Rd. Bridge Case

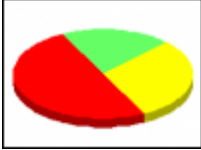


#61 To what extent is there a monitoring system and/or penalties for non-compliance to ensure the agency meets its obligations to facilitate public participation?


-
- Article 2-B of Forest Code Case
 - Abant Natural Park Construction Project Case
 - Bilezikçi Çiftliği Research Forest Case
 - Kona Karapınar Erosion Control Site

 Ida Mountains Gold Mining Sites

 City Planning and 3. Rd. Bridge Case





#62 To what extent did the responsible agency provide relevant information to the public about decision options and their environmental and health impacts in the selected case?


 Article 2-B of Forest Code Case

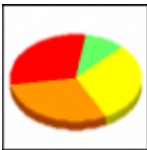
 Abant Natural Park Construction Project Case

 Bilezikçi Çiftliği Research Forest Case


 Konya Karapınar Erosion Control Site

 Ida Mountains Gold Mining Sites

 City Planning and 3. Rd. Bridge Case



#63 To what extent did the responsible agency hold public participation sessions at all stages of the decision-making process in the selected case?

 Article 2-B of Forest Code Case

 Abant Natural Park Construction Project Case

 Bilezikçi Çiftliği Research Forest Case

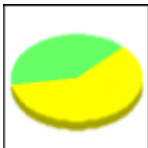


- Konya Karapinar Erosion Control Site
- Ida Mountains Gold Mining Sites
- City Planning and 3. Rd. Bridge Case

#64 To what extent did the agency organize consultations so as to actively solicit and capture public input in the selected case?

- Article 2-B of Forest Code Case
- Abant Natural Park Construction Project Case
- Bilezikçi Çiftliği Research Forest Case
- Konya Karapinar Erosion Control Site
- Ida Mountains Gold Mining Sites
- City Planning and 3. Rd. Bridge Case

#104 To what extent is there a forum with adequate capacity to deal with the selected claim type?



- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case



Vize Cement Factory Case

Laws on Genetically Diversified Organisms

#105 How strong are the forum's standards, regulations or formal policy to ensure independence and impartiality of the forum?

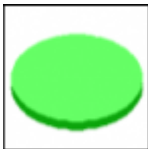
Afforestation Regulation

Allianoi Antique City Case

Mining Law Case

Vize Cement Factory Case

Laws on Genetically Diversified Organisms



#106 To what extent is information regarding rules of procedure and types of claims to be heard by the forum made publicly available?

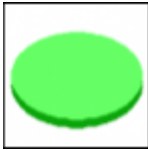
Afforestation Regulation

Allianoi Antique City Case

Mining Law Case

Vize Cement Factory Case

Laws on Genetically Diversified Organisms



#107 To what extent is a publicly funded independent entity available to provide redress in the selected claim type?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms



#108 To what extent was the forum independent and impartial in the selected case?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms



#109 To what extent were both parties able to gain access to information and conduct fact finding in the selected case?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms



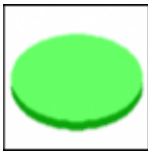
#110 To what extent was the process transparent to the public in the selected case?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms



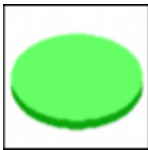
#111 To what extent did the forum consider all appropriate law and facts, including scientific and technical data, relevant to the selected case?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms



#144 How well does the government provide training or curriculum resources on access rights to public school teachers?

- General Capacity Building



#145 How well does the government provide opportunities and incentives for public school teachers' professional development in environmental education?

- General Capacity Building




Effort: Timeliness

Chart



Indicator

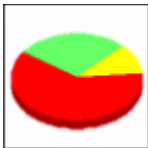
#28 To what extent does the government generate/collect the selected information type at regular time intervals and in a timely fashion?

-  Bergama Gold Mining
-  Environmental Reference Lab
-  Dilovasi Industrial Zone
-  Flooding in Istanbul
-  Air Quality Monitoring Network in Istanbul
-  Melen River Drinking Water Supplying System
-  Antalya Serik Forest Fire
-  Tüpraş Petro-Chemical Plan



#29 With what level of timeliness does the government disseminate the selected information type?


- Bergama Gold Mining
- Environmental Reference Lab
- Dilovasi Industrial Zone
- Flooding in Istanbul
- Air Quality Monitoring Network in Istanbul
- Melen River Drinking Water Supplying System
- Antalya Serik Forest Fire
- Tüpraş Petro-Chemical Plant




#30 How prompt was the response to a request for information in the selected case?

- Bergama Gold mining
- Environmental Reference Lab
- Dilovasi Industrial Zone
- Flooding in Istanbul

 Air Quality Monitoring Network in Istanbul


 Melen River Drinking Water Supplying System

 Antalya Serik Forest Fire

 Tüpraş Petro-Chemical Plant





#68 Did notification of the start of each stage in the decision-making process in the selected case provide reasonable lead time for effective public participation?


 Article 2-B of Forest Code Case

 Abant atural Park Construction Project Case

 Bilezikçi Çiftliği Research Forest Case


 Konya Karapınar Erosion Control Site

 İda Mountains Gold Mining Sites


 City Planning and 3. Rd. Bridge Case



#69 How reasonable was the length of the public comment period in the selected case?






 Article 2-B of Forest Code Case

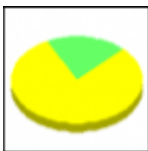
 Abant Natural Park Construction Project Case

-  Bilezikçi Çiftliği Research Forest Case
-  Konya Karapınar Erosion Control Site
-  İda Mountains Gold Mining Sites
-  City Planning and 3. Rd. Bridge Case





#119 To what extent did the proceedings have a clear schedule and provide both parties with adequate notice and a reasonable amount of time to act?

-  Afforestation Regulation
-  Allianoi Antique City Case
-  Mining Law Case
-  Vize Cement Factory Case
-  Laws on Genetically Diversified Organisms



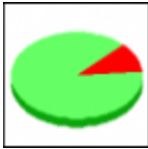
#120 To what extent did the forum minimize delays in processing and reviewing the claim and in issuing a decision?

-  Afforestation Regulation
-  Allianoi Antique City Case

- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms

General Law: Capacity Building for Government Agencies

Chart



Indicator

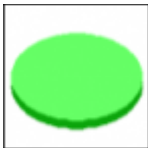
#14 To what extent does the law require the agency responsible for the selected information type to build the capacity of its staff on access to information?

-
- Bergama Gold Mining
 - Environmental Reference Lab
 - Dilovasi Industrial Zone
 - Flooding in Istanbul
 - Air Quality Monitoring Network in Istanbul
 - Melen River Drinking Water Supplying System
 - Antalya Serik Forest Fire
 - Tüpraş Petro-Chemical Plant



#15 To what extent does the law require the agency responsible for the selected information type to build the capacity of its staff on the environment?

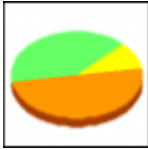
- Bergama Gold Mining
- Environmental Reference Lab
- Dilovasi Industrial Zone
- Flooding in Istanbul
- Air Quality Monitoring Network in Istanbul
- Melen River Drinking Water Supplying System
- Antalya Serik Forest Fire
- Tüpraş Petro-Chemical Plant



#16 To what extent does the law require the agency responsible for the selected information type to maintain the infrastructure needed to provide the public access to the information?

- Bergama Gold Mining
- Environmental Reference Lab
- Dilovasi Industrial Zone

- Flooding in Istanbul
- Air Quality Monitoring Network in Istanbul
- Melen River Drinking Water Supplying System
- Antalya Serik Forest Fire
- Tüpraş Petro-Chemical Plant



#53 To what extent does the law require the agency responsible for the selected decision-making process to build the capacity of its staff with regard to public participation?

- Article 2-B of Forest Code Case
- Aant Natural Park Construction Project Case
- Bilezikçi Çiftliği Research Forest Case
- Konya Karapınar Erosion Control Site
- Ida Mountains Gold Mining Sites
- City Planning and 3. Rd. Bridge Case



#54 To what extent does the law require the agency responsible for the selected decision-making process to build the capacity of its staff with regard to the environment?

- Article 2-B of Forest Code Case
- Abant Natural Park Construction Project Case
- Bilezikçi Çiftliği Research Forest Case
- Konya Karapınar Erosion Control Site
- İda Mountains Gold Mining Sites
- City Planning and 3. Rd. Bridge Case



#55 To what extent does the law require the agency responsible for the selected decision-making process to maintain infrastructure to support public participation?

- Article 2-B of Forest Code Case
- Abant Natural Park Construction Project Case
- Bilezikçi Çiftliği Research Forest Case
- Konya Karapınar Erosion Control Site



Ida Mountains Gold Mining Sites

City Planning and 3. Rd. Bridge Case

#98 To what extent does the law require the selected forum to build the capacity of members with regard to access to justice?

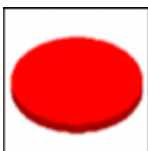
Afforestation Regulation

Allianoi Antique City Case

Mining Law Case

Vize Cement Factory Case

Laws on Genetically Diversified Organisms



#99 To what extent does the law require the selected forum to build the capacity of members with regard to the environment?

Afforestation Regulation

Allianoi Antique City Case

Mining Law Case



Vize Cement Factory Case

Laws on Genetically Diversified Organisms

#100 To what extent does the law require the selected forum to maintain the infrastructure needed for access to redress and remedy?

Afforestation Regulation

Allianoi Antique City Case

Mining Law Case

Vize Cement Factory Case

Laws on Genetically Diversified Organisms

General Law: Capacity Building for Sub-National Agencies

Chart



Indicator

#18 To what extent does the law require the government to build the capacity of sub-national governments to provide access to the selected information type?

- Bergama Gold Mining
- Environmental Reference Lab
- Dilovasi Industrial Zone
- Flooding in Istanbul
- Air Quality Monitoring Network in Istanbul
- Melen River Drinking Water Supplying System
- Antalya Serik Forest Fire
- Tüpraş Petro-Cemical Plant



#58 To what extent does the law require the government to build the capacity of sub-national governments with regard to participation in the selected decision-making process?

- Article 2-B of Forest Code Case

■ Abnt Natural Par Construction Project Case

■ Bilezikçi Çiftliği Research Forest Case

■ Konya Karapınar Erosion Control Site

■ İda Mountains Gold Mining Sites

■ City Planning and 3. Rd. Bridge Case



#102 To what extent does the law require the government to build the capacity of sub-national government officials to understand and facilitate citizens' rights within the justice system?

■ Afforestation Regulation

■ Allianoı Antique City Case

■ Mining Law Case

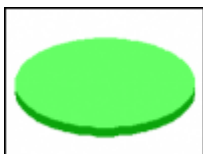
■ Vize Cement Factory Case

■ Laws on Genetically Diversified Organisms

General Law: Capacity Building for the Media & CSOs

Chart

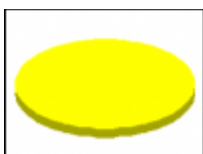
Indicator




#137 How well do laws and rules for registration and operation of civil society organizations promote an enabling environment for CSOs?

 General Law

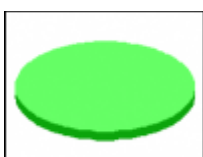
 General Capacity Building



#138 To what extent does the law create diverse legal and regulatory incentives supporting financial independence of civil society organizations?

 General Law

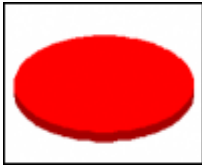
 General Capacity Building




#139 How well do laws and rules for registration and operation of media organizations support press freedom?


 General Law

 General Capacity Building



#140 How well do laws and regulations enable media organizations to have diverse sources of funding?

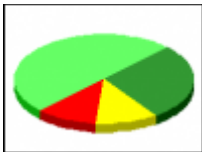
 General Law

 General Capacity Building


General Law: Capacity Building for the Public


Chart


Indicator




#17 To what extent does the law require the government to offer the public technical assistance, guidance or training on how to access and use the selected information type?

 Bergama Gold Mining

 Environmental Reference Lab

 Dilovasi Industrial Zone

 Flooding in Istanbul

 Air Quality Monitoring Network in Istanbul

 Melen River Drinking Water Supplying System

■ Antalya Serik Forest Fire

■ Tüpraş Petro-Chemical Plant



56 To what extent does the law require the government to offer the public technical assistance, guidance or training on participation in the selected decision-making process?

■ Article 2-B of Forest Cod Cas

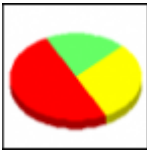
■ Abant Natural Park Construction Project Case

■ Bilezikçi Çiftliği Research Forest Case

■ Konya Karapinar Erosion Control Site

■ Ida Mountains Gold Mining Sites

■ City Planning and 3. Rd. Bridge Cae




#57 To what extent does the law require the government to offer the public guidance or training on how resulting decisions affect the environment?


■ Article 2-B of Forest Code Case

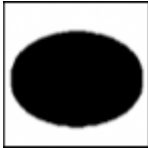
■ Abant Natural Park Construction Project Case

■ Bilezikçi Çiftliği Research Forest Case


 KonyaKarpia Erosion Control Site


 Ida Mountains Gold Mining Sites


 City Planning and 3. Rd. Bridge Case





#101 To what extent does the law require the government to offer the public technical assistance, guidance or training on how to use the selected forum?

 Afforestation Regulation

 Allianoi Antique City Case

 Mining Law Case

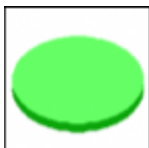
 Vize Cement Factory Case

 Laws on Genetically Diversified Organisms


General Law: General Capacity Building

Chart

Indicator



#137 How well do laws and rules for registration and operation of civil society organizations promote an enabling environment for CSOs?

 General Law

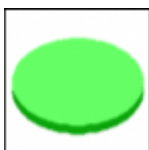
 General Capacity Building




#138 To what extent does the law create diverse legal and regulatory incentives supporting financial independence of civil society organizations?

 General Law

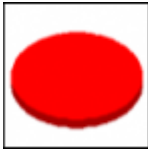
 General Capacity Building



#139 How well do laws and rules for registration and operation of media organizations support press freedom?

 General Law

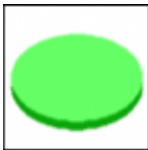
 General Capacity Building



#140 How well do laws and regulations enable media organizations to have diverse sources of funding?

General Law

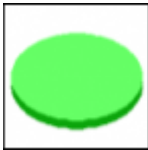
General Capacity Building



#141 To what extent does the law require the public school system to provide civic education?

General Law

General Capacity Building




142 To what extent does the law require the public school system to provide environmental education?

General Law

General Capacity Building



#143 To what extent does the law require the government to provide free legal aid?

 General Law

 General Capacity Building


General Law: General Law

Chart

Indicator




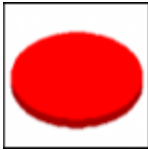
#1 How clear and inclusive are constitutional guarantees to the right to a clean and/or safe environment?

 General Law




#2 How clear and inclusive are constitutional guarantees to the right of access to information held at public bodies?

 General Law




#3 How clear and inclusive are constitutional guarantees to the right to direct public participation in government decision-making?

 General Law




#4 How clear and inclusive are constitutional guarantees to the right of access to justice, including redress and remedy?

 General Law




#5 How clear and inclusive are constitutional guarantees to the right of freedom of expression?

 General Law




#6 How clear and inclusive are constitutional guarantees to the right to freedom of association?

 General Law




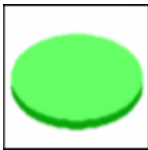
#7 How clear and inclusive is a framework law supporting broad access to government information?

 General Law




#8 To what extent does the law protect government employees who release information to the public in an effort to expose corruption in government conduct or to protect the public interest?

 General Law




#9 How limited and clearly defined is the scope of confidential information?

 General Law




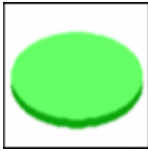
#47 How well does the law support broad public and civil society organization participation in decision-making by administrative and executive bodies ?

 General Law




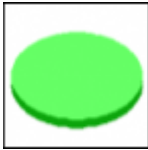
#48 How limited and clearly defined is the scope of “closed door” decisions that affect the environment?

 General Law




#49 To what extent is “the public ” that can participate in decision-making defined to include any interested individual and civil society organizations?

 General Law




#91 How well does the law support broad public and civil society organization access to redress and remedy?

 General Law




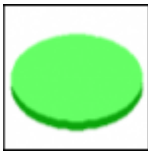
#92 To what extent does the legal system recognize liability for environmental harm?

 General Law




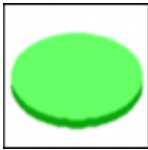
#93 How limited in number and clearly defined is the scope of government bodies who are immune to claims?

 General Law




#94 To what extent is standing or the ability to bring a claim defined to include any interested individual and civil society organizations?

 General Law




#137 How well do laws and rules for registration and operation of civil society organizations promote an enabling environment for CSOs?

 General Law

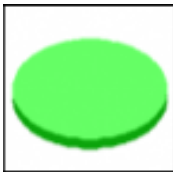
 General Capacity Building




#138 To what extent does the law create diverse legal and regulatory incentives supporting financial independence of civil society organizations?

 General Law

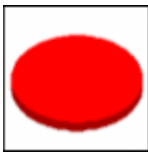
 General Capacity Building




#139 How well do laws and rules for registration and operation of media organizations support press freedom?

 General Law

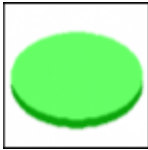
 General Capacity Building



#140 How well do laws and regulations enable media organizations to have diverse sources of funding?

 General Law

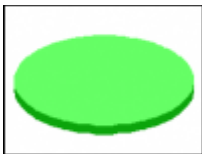
 General Capacity Building



#141 To what extent does the law require the public school system to provide civic education?

General Law

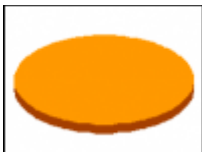
General Capacity Building



#142 To what extent does the law require the public school system to provide environmental education?

General Law

General Capacity Building



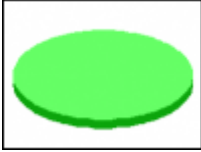
#143 To what extent does the law require the government to provide free legal aid?

General Law

General Capacity Building

General Law: Limits on Access


Chart

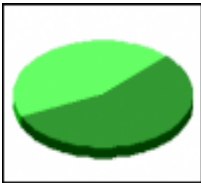


Indicator

#9 How limited and clearly defined is the scope of confidential information?





 General Law





#13 How clear and narrow are the limits on claims of confidentiality of the selected information type?





 Bergama Gold Mining

 Environmental Reference Lab

 Dilovasi Industrial Zone

 Flooding in Istanbul

 Air Quality Monitoring Network in Istanbul

 Melen River Drinking Water Supplying System

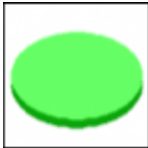


■ Antalya Serik Forest Fire

■ Tüpraş Petro-Chemical Plant

#48 How limited and clearly defined is the scope of “closed door” decisions that affect the environment?

■ General Law



#49 To what extent is “the public ” that can participate in decision-making defined to include any interested individual and civil society organizations?

■ General Law




#52 How clear and narrow are the limits on claims of confidentiality of relevant information about the selected decision-making process?


■ Article 2-B of Forest Code Case

■ Abant Natural Park Construction Project Case

 Bilezikçi Çiftliği Research Forest Case


 Konya Karapınar Erosion Control Site

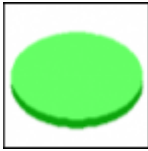
 İda Mountains Gold Mining Sites

 City Planning and 3. Rd. Bridge Case




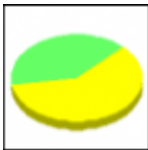
#93 How limited in number and clearly defined is the scope of government bodies who are immune to claims?

 General Law





#94 To what extent is standing or the ability to bring a claim defined to include any interested individual and civil society organizations?


 General Law





#97 How clear and narrow are the limits on claims of confidentiality regarding information relevant to selected claim type?

 Afforestation Regulation

 Allianoi Antique City Case

 Mining Law Case

 Vize Cement Factory Case

 Laws on Genetically Diversified Organisms


General Law: Scope and Quality of Access

Chart

Indicator




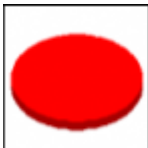
#1 How clear and inclusive are constitutional guarantees to the right to a clean and/or safe environment?

 General Law




#2 How clear and inclusive are constitutional guarantees to the right of access to information held at public bodies?

 General Law




#3 How clear and inclusive are constitutional guarantees to the right to direct public participation in government decision-making?

 General Law




#4 How clear and inclusive are constitutional guarantees to the right of access to justice, including redress and remedy?

 General Law




#5 How clear and inclusive are constitutional guarantees to the right of freedom of expression?

 General Law




#6 How clear and inclusive are constitutional guarantees to the right to freedom of association?

 General Law




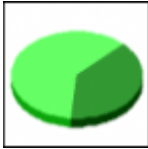
#7 How clear and inclusive is a framework law supporting broad access to government information?

 General Law





#8 To what extent does the law protect government employees who release information to the public in an effort to expose corruption in government conduct or to protect the public interest?


 General Law




#10 To what extent does the law support public access to comprehensive information about the environmental area (water, air, forest, etc.) concerned in the selected case?


 Bergama Gold Mining

 Environmental Reference Lab


 Dilovasi Industrial Zone

 Flooding in Istanbul

 Air Quality Monitoring Network in Istanbul

 Melen River Drinking Water Supplying System

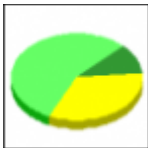
 Antalya Serik Forest Fire

 Tüpraş Petro-Chemical Plant




#11 To what extent does the law require a government agency to generate or report regular and diverse information of the selected type?

-  Bergama Gold Mining
-  Environmental Reference Lab
-  Dilovasi Industrial Zone
-  Flooding in Istanbul
-  Air Quality Monitoring Network in Istanbul
-  Melen River Drinking Water Supplying System
-  Antalya Serik Forest Fire
-  Tüpraş Petro-Cmical Plant




#12 To what extent does the law require a government agency to publicly disseminate all generated or reported information of the selected information type?


-  Bergama Gold Mining
-  Environmental Reference Lab
-  Dilovasi Industrial Zone

 Flooding in Istanbul

 Air Quality Monitoring Network in Istanbul


 Melen River Drinking Water Supplying System

 Antalya Serik Forest Fire

 Tüpraş Petro-Chemical Plant




#47 How well does the law support broad public and civil society organization participation in decision-making by administrative and executive bodies ?

 General Law

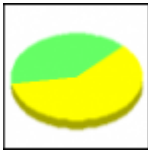


#50 To what extent does the law require a government agency to provide relevant information to the public about the intention to start the selected decision-making process?







 Article 2-B of Forest Code Case

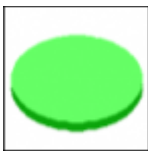
 Abant Natural Park Construction Project Case

-  Bilezikçi Çiftliği Research Forest Case
-  Konya Karapınar Erosion Control Site
-  İda Mountains Gold Mining Sites
-  City Planning and 3. Rd. Bridge Case




#51 To what extent does the law require the government to provide opportunities for public involvement in the selected decision-making process?

-  Article 2-B of Forest Code Case
-  Abant Natural Park Construction Project Case
-  Bilezikçi Çiftliği Research Forest Case
-  Konya Karapınar Erosion Control Site
-  İda Mountains Gold Mining Sites
-  City Planning and . d. Bridge Case



#91 How well does the law support broad public and civil society organization access to redress and remedy?

-  General Law



#92 To what extent does the legal system recognize liability for environmental harm?

General Law



#95 To what extent does the law require a forum to hear the selected claim type and issue a decision?

Afforestation Regulation

Allianoi Antique City Case

Mining Law Case

Vize Cement Factory Case

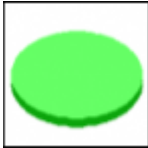
Laws on Genetically Diversified Organisms





#96 To what extent does the law enable a party to seek review or appeal of selected claim type to an independent body with the power to reverse a decision?


Afforestation Regulation

Allianoi Antique City Case




 Mining Law Case

 Vize Cement Factory Case

 Laws on Genetically Diversified Organisms


#137 How well do laws and rules for registration and operation of civil society organizations promote an enabling environment for CSOs?

 General Law

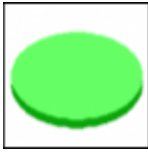
 General Capacity Building



#138 To what extent does the law create diverse legal and regulatory incentives supporting financial independence of civil society organizations?

 General Law

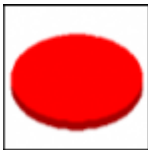
 General Capacity Building



#139 How well do laws and rules for registration and operation of media organizations support press freedom?

General Law

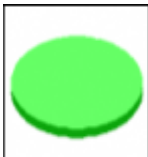
General Capacity Building



#140 How well do laws and regulations enable media organizations to have diverse sources of funding?

General Law

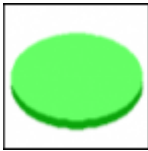
General Capacity Building




#141 To what extent does the law require the public school system to provide civic education?

General Law

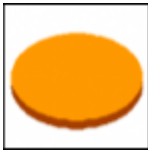
General Capacity Building




#142 To what extent does the law require the public school system to provide environmental education?

 General Law

 General Capacity Building



#143 To what extent does the law require the government to provide free legal aid?

 General Law

 General Capacity Building

General Law: Specific Law

Chart



Indicator

#10 To what extent does the law support public access to comprehensive information about the environmental area (water, air, forest, etc.) concerned in the selected case?

 Bergama Gold Mining

- Environmental Reference Lab
- Dilovasi Industrial Zone
- Flooding in Istanbul
- Air Quality Monitoring Network in Istanbul
- Melen River Drinking Water Supplying System
- Antalya Serik Forest Fire
- Tüpraş Petro-Chemical Plant

#11 To what extent does the law require a government agency to generate or report regular and diverse information of the selected type?

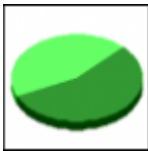


-
- Bergama Gold Mining
 - Environmental Reference Lab
 - Dilovasi Industrial one
 - Flooding in Istanbul
 - Air Quality Monitoring Network in Istanbul
 - Melen River Drinking Water Supplying System
 - Antalya Serik Forest Fire
 - Tüpraş Petro-Chemical Plant







#12 To what extent does the law require a government agency to publicly disseminate all generated or reported information of the selected information type?

-
- Bergama Gold Mining
 - Environmental Reference Lab
 - Dilovasi Industrial Zone
 - Flooding in Istanbul
 - Air Quality Monitoring Network in Istanbul
 - Melen River Drinking Water Supplying System
 - Antalya Serik Forest Fire
 - Tüpraş Petro-Chemical Plant









#13 How clear and narrow are the limits on claims of confidentiality of the selected information type?

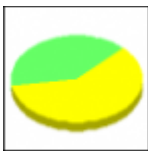
-
- Bergama Gold Mining
 - Environmental Reference Lab
 - Dilovasi Industrial Zone
 - Flooding in Istanbul

-  Air Quality Monitoring Network in Istanbul
-  Melen River Drinking Water Supplying System
-  Antalya Serik Forest Fire
-  Tüpraş Petro-Chemical Plant




#50 To what extent does the law require a government agency to provide relevant information to the public about the intention to start the selected decision-making process?


-  Article 2-B of Forest Code Case
-  Abant Natural Park Construction Project Case
-  Bilezikçi Çiftliği Research Forest Case
-  Konya Karapınar Erosion Control Site
-  da Mountains Gold Mining Sites
-  City Planning and 3. Rd. Bridge Case





#51 To what extent does the law require the government to provide opportunities for public involvement in the selected decision-making process?


-  Article 2-B of Forest Code Case

 Abant Natural Park Construction Project Case

 Bilezikçi Çiftliği Research Forest Case


 Konya Karapınar Erosion Control Site

 İda Mountains Gold Mining Sites

 City Planning and 3. Rd. Bridge Case




#52 How clear and narrow are the limits on claims of confidentiality of relevant information about the selected decision-making process?


 Article 2-B of Forest Code Case

 Abant Natural Park Construction Project Case

 Bilezikçi Çiftliği Research Forest Case


 Konya Karapınar Erosion Control Site

 İda Mountains Gold Mining Sites

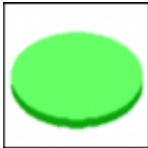
 City Planning and 3. Rd. Bridge Case

#95 To what extent does the law require a forum to hear the selected claim type and issue a decision?



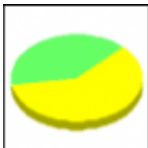
 Afforestation Regulation

- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms



#96 To what extent does the law enable a party to seek review or appeal of selected claim type to an independent body with the power to reverse a decision?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms



#97 How clear and narrow are the limits on claims of confidentiality regarding information relevant to selected claim type?

- Afforestation Regulation
- Allianoi Antique City Case

- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms

General Law: Timeliness

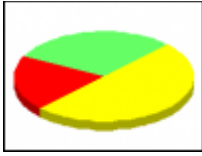
Chart



Indicator

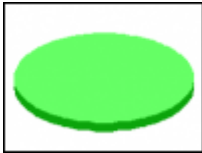
#19 Does the law establish a reasonable timeframe within which the responsible agency must make information of the selected type available to the public?

-
- Bergama Gold Mining
 - Environmental Reference Lab
 - Dilovasi Industrial Zone
 - Flooding in Istanbul
 - Air Quality Monitoring Network in Istanbul
 - Melen River Drinking Water Supplying System
 - Antalya Serik Forest Fire
 - Tüpraş Petro-Chemical Plant



#59 How clearly does the law establish a reasonable timeframe for participation in the selected decision-making process?

- Article 2-B of Forest Code Case
- Abant Natural Park Construction Project Case
- Bilezikçi Çiftliği Research Forest Case
- Konya Karapınar Erosion Control Site
- Ida Mountains Gold Mining Sites
- City Planning and 3. Rd. Bridge Case



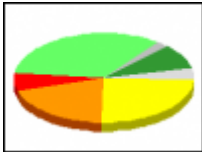
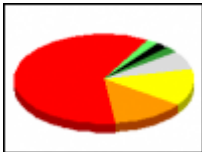
#103 How clearly does the law establish a reasonable timeframe for forum decisions?

- Afforestation Regulation
- Allianoi Antique City Case
- Mining Law Case
- Vize Cement Factory Case
- Laws on Genetically Diversified Organisms

IX.5. HOW DOES PERFORMANCE COMPARE AMONG CASE TYPES?

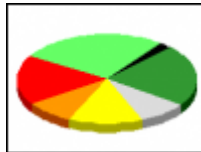
Case Listing/Search Results

Public Participation: Project-level decisions

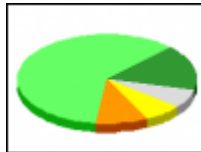
Chart	Case Title	Case Description
	Abant Natural Park Construction Project Case	Nowadays, the Bolu City Council has launched a project into Abant Nature Park. They have been constructing new roads, pawns, in brief infrastructure for tourism investments. The ultimate goal is to construct hotels and motels. The activity is potential threats to several plant species endemic to Turkey and put under protection by some international conventions like Biodiversity convention. Environmentalists and local people are organised by themselves for halting the project.
	City Planning and 3. Rd. Bridge Case	The Government has been planning to construct the 3 rd. Bridge in Bosphorus. Potential location will definitely be the Northern part of the Istanbul, which has mass forest zones

and water resources. Potential threats to the environment is that it might attract more population to the area, destroys water resources, biodiversity and scenic beauty of the city. Several foundations, professional chambers, associations , NGO’s and the public object the project. And they formed a platform called “Life instead of 3. Rd. Bridge”

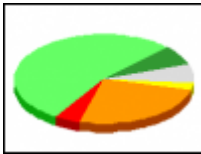
Access to Justice: Non-compliance

Chart	Case Title	Case Description
	Afforestation Regulation	The Ministry has enacted a Regulation about afforestation. However, some NGO’s though that such a regulation is against the Constitution and it does not have any legal basis for enactment and brought the case in front of the court in 2009.

Access to Information: Information from regular monitoring

Chart	Case Title	Case Description
	Air Quality Monitoring Network in Istanbul	Examine air quality information available to local residents of Istanbul. This would include examining the ease of access and the level of comprehensibility keeping in mind the level of understanding of the local

population.



Melen River
Drinking
Water
Supplying
System

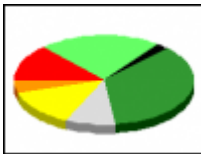
Istanbul Municipality has launched a project aiming to flow the Waterbasin of Duzce to Istanbul for supplying drinking water to about half of the population. However, Duzce is a city having about 350.000 population, industrial zones and massive agrucutural practices. Thus, the people do not know the quality of the water they have ben drinking. But, the Ministrty and theMnicipality have departments collecting relevant data about the water.

Access to Justice: Access to information

Chart

Case Title

Case Description

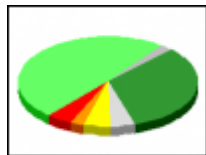
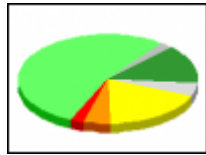


Alliano
Antique
City
Case

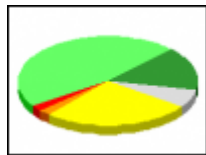
Nowadays a dam project has been being constructed in just next to the antique city of Alliano in İzmir province. However, Doğa Derneği-Nature Association, a CSO based in Ankara, has launched an initiative along with a famous Turkish singer, combatting against the project. The association filed a lawsuit against the Government and has brouhgt the conflict in front of the court. The administrative court held the case and stopped the project. At present the Court has not given a resolution yt.

Hopefully the dam construction project will be cancelled by the court decision.

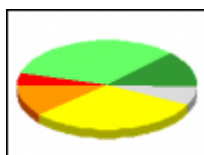
Access to Information: Information in an emergency

Chart	Case Title	Case Description
	<p>Antalya Serik Forest Fire</p>	<p>In the year 2008 a wild forest fire occurred and burnt about 20.000 ha. of forests in Antalya, Southern Turkey. It damaged biodiversity, farmlands and even homes of some local people. However, the people do not know about how to access information about the possibility of fires, weather conditions etc.</p>
	<p>Flooding in Istanbul</p>	<p>In the year 2009 a severe flooding occurred in Istanbul and its vicinity. I caused several death and so many workplaces, vehicles and the environment were damaged. Even, it polluted creeks and shorelines in Marmara Sea.</p>

Public Participation: Policy-making

Chart	Case Title	Case Description
	<p>Article 2-B of Forest Code Case</p>	<p>Since 1973 the Governments have been taken some particular areas out of forest boundary. The people have been occupied those areas so far, violating forest code, criminal code and</p>

looted public property in a sense. Those areas have a particular importance for biodiversity, scenic beauty and landscape of the Country. However, majority of the public objected the governments and the governments altered the policy on behalf of those areas. This is a typical example of how to change policy via public participation. The method of participation mainly media involvement, public rallying, collecting signature and constructing polls for that purpose.



Konya
Karapinar
Erosion
Control Site

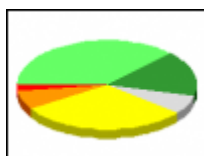
Karapinar is the most drought location in Turkey having severe erosion. By the support and participation of local people some NG'S and the Ministry the area has been afforested and such an event influenced the people and region so much.

Access to Information: Other Access to Information

Chart

Case Title

Case Description



Bergama Gold
Mining

In Bergama a mining company called EUROGOLD was issued a mining license to extract gold mines by using cynide. But the local people objected and rallied against that activity. It was the

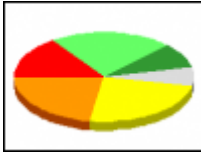
case that public participated in the decision making process and eventually halted the mining.

Public Participation: Other Public Participation

Chart

Case Title

Case Description

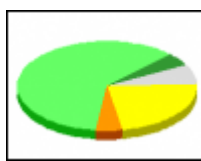
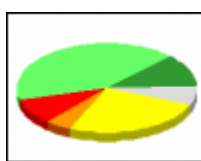


Bilezikçi
Çiftliği
Research
Forest Case

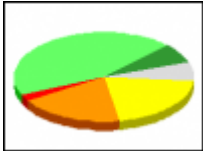
Bilezikçi Çiftliği is the largest last patch of university owned stretching through the Bosphorus. The forest used to be owned by a family and around 1990's was sold to a large construction company. The company had been planned to construct the villas and houses into the forests and not any piece of forests would have been left before confiscation process was completed. Then, the Istanbul University intervened into the issue and has declared that the forest was expropriated by the University. Following that, the company sued the University in the court, but lost the case. Then, it forwarded the case bringing it in front of the Court of Human Rights. The Court declared that the company's property rights was intervened and a particular amount of compensation shall be awarded. However, the company lost its ownership on the forest. Then, a particular discussion has been going on between the parties whether the

University shall manage the forest with respect to Forest legislation or shall develop other development plans aiming to open the forests for investments like rallying, tourism etc., other than pure forestry practices.


Access to Information: Facility-level information

Chart	Case Title	Case Description
	<p>Dilovasi Industrial Zone</p>	<p>Dilovasi is an industrial zone located in between Kocaeli and Istanbul. It has so many plants running about chemicals mainly and discharging polluted water. The area has also a substantial amount of population and get affected by those wastes and emissions.</p>
	<p>Tüpraş Petro-Chemical Plant</p>	<p>Tüpraş is a petro-chemical plant producing petroleum based products like gas, asphalt, etc. It emits large amount of smoke having sulphure and carbondiokside, which pollutes its vicinity and threatens the health and living conditions of local people. However, access to information seems a problem with respect to its accuracy and timing.</p>

Access to information: State of Environment reports

Chart	Case Title	Case Description
	Environmental Reference Lab	The Ministry has a lab aiming to collect data about some main environmental indicators and issues periodical report to release information to the public

Public Participation: Regulatory decisions

Chart	Case Title	Case Description
	Ida Mountains Gold Mining Sites	In Ida Mountain- Balıkesir a mining company called KOZA and its Canadian Partner Company were issued a mining license to extract gold mines by using cyanide. But the local people objected and rallied against that activity. It was the case that public participate in the decision making process and eventually halted the mining. The activity and battles of local people have been going on nowadays.

Access to Justice: Other Access to Justice

Chart

Case Title

Case Description



Laws on Genetically Diversified Organisms

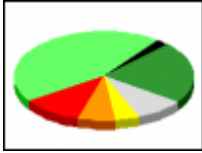
In Turkey genetically diversified organisms have been considered a serious problem threatening public health, agricultural products. In 2009 the first regulation was put into practice. Having asserted that the regulation did not have any legal basis, the SCO and a group of people has brought the conflict in front of the State Council Chamber 10. The court cancelled the regulation. Meanwhile, a new statute called "biodiversity law" was implemented. And depending upon the new law, the second regulation was put into practice in 2010. The SCO, media and labor confederations have been intervened the issue. Thereafter, the conflict has been minimized to a particular extend.

Access to Justice: Public Participation

Chart

Case Title

Case Description



Mining Law Case

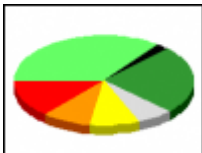
Mining Law changed in 2004 and some regulations depends on this law has been come into force. According to these rules, forests and other natural resources areas are allowed to mining activities.

Access to Justice: Environmental harm

Chart

Case Title

Case Description



Vize Cement Factory Case

In 2001 a company has applied for planting a cement factory in Vize within the boundary of Kirklareli Province. Then, the company obtained EIA Positive report. However, the place where the plant was planned to be built is within the territory of water resources and recreational areas. TEMA, the plaintiff and and SCO, has brought the case in front of the administrative court of Edirne in 2006. The court cancelled the EIA Positive report and the court resolution was approved by the State Council (the Supreme Court of Administrative Judgement) in 2010. Following that, the company has taken the second step by got the second EIA Positive decision approved by the Ministry.

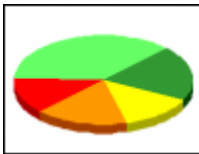
Then, the first plaintiff one more time has brought the case in front of the the administrative court of Edirne in 2010. At present the processing of the judgement has been going on. At the same time, the Ministry of Environment and Forestry has approved the Environmental Management Plans of the region allowing the cement factory. Again, the TEMA has brought the conflict in front of the court (by law in front of the State Council Chamber 6) in 2007. Since then, the two lawsuits have been under processing. In 2009 the State Council has cancelled the Environmental Mangement Plan. Upon cancellation of the referred plan the Ministry revised it. Then, the TEMA has brought the issue in front of the State Council Chamber 6. Following that the lawsuit is under processing at the stage of field investigation and collecting other evidences.

IX.6.HOW DID VARIOUS AGENCIES PERFORM?

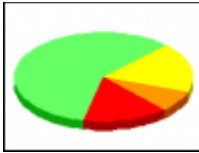
Case Listing/Search Results

No Agency Specified

Chart	Case Title	Case Description
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	General Law	n/a
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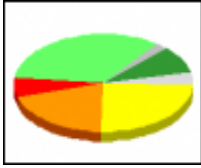


	General Capacity Building	n/a
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Ministry of Environment and Forestry

Chart	Case Title	Case Description
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		<p>Nowadays, the Bolu City Council has launched a project into Abant Nature Park. They have been constructing new roads, pawns, in brief infrastructure for tourism</p>
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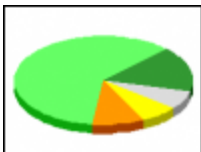
Abant Natural
Park
Construction
Project Case

investments. The ultimate goal is to construct hotels and motels. The activity is potential threats to several plant species endemic to Turkey and put under protection by some international conventions like Biodiversity convention. Environmentalists and local people are organised by themselves for halting the project.



Afforestation
Regulation

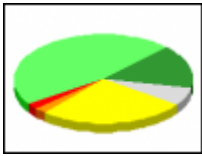
The Ministry has enacted a Regulation about afforestation. However, some NGO's though that such a regulation is against the Constitution and it does not have any legal basis for enactment and brought the case in front of the court in 2009.



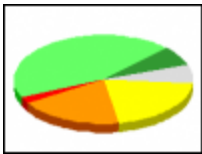
Air Quality
Monitoring
Network in
Istanbul

Examine air quality information available to local residents of Istanbul. This would include examining the ease of access and the level of comprehensibility keeping in mind the level of understanding of the local population.

Since 1973 the Governments have been taken some particular areas out of forest boundary. The people have been occupied those areas so far, violating forest code, criminal code and looted public property in a sense. Those areas have a particular importance for biodiversity, scenic beauty and landscape of the Country. However, majority of the public objected the governments and the governments altered the policy on behalf of those areas. This is a typical example of how to change policy via public participation. The method of participation mainly media involvement, public rallying, collecting signature and constructing polls for that purpose.

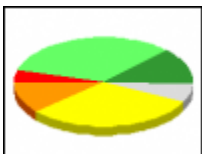


Article 2-B of Forest Code Case



Environmental Reference Lab

The Ministry has a lab aiming to collect data about some main environmental indicators and issues periodical report to release information to the public

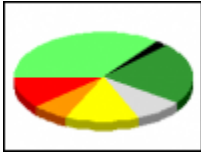


Konya Karapinar Erosion Control Site

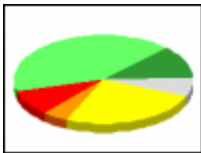
Karapinar is the most drought location in Turkey having severe erosion. By the support and participation of local people some NG'S and the Ministry

the area has been afforested and such an event influenced the people and region so much.

In Turkey genetically diversified organisms have been considered a serious problem threatening public health, agricultural products. In 2009 the first regulation was put into practice. Having asserted that the regulation did not have any legal basis, the SCO and a group of people has brought the conflict in front of the State Council Chamber 10. The court cancelled the regulation. Meanwhile, a new statute called "biodiversity law" was implemented. And depending upon the new law, the second regulation was put into practice in 2010. The SCO, media and labor confederations have been intervened the issue. Thereafter, the conflict has been minimized to a particular extend.



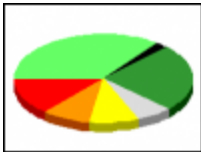
Laws on Genetically Diversified Organisms



Tüpraş Petro-Chemical Plant

Tüpraş is a petro-chemical plant producing petroleum based products like gas, asphalt, etc. It emits large amount of smoke having sulphure and carbondiokside, which pollutes its vicinity and threatens the health and living conditions of local people.

However, access to information seems a problem with respect to its accuracy and timing.



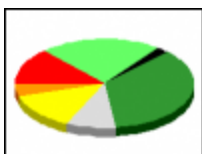
Vize Cement
Factory Case

In 2001 a company has applied for planting a cement factory in Vize within the boundary of Kırklareli Province. Then, the company obtained EIA Positive report. However, the place where the plant was planned to be built is within the territory of water resources and recreational areas. TEMA, the plaintiff and and SCO, has brought the case in front of the administrative court of Edirne in 2006. The court cancelled the EIA Positive report and the court resolution was approved by the State Council (the Supreme Court of Administrative Judgement) in 2010. Following that, the company has taken the second step by got the second EIA Positive decision approved by the Ministry. Then, the first plaintiff one more time has brought the case in front of the the administrative court of Edirne in 2010. At present the processing of the judgement has been going on. At the same time, the Ministry of Environment and Forestry has approved the Environmental

Management Plans of the region allowing the cement factory. Again, the TEMA has brought the conflict in front of the court (by law in front of the State Council Chamber 6) in 2007. Since then, the two lawsuits have been under processing. In 2009 the State Council has cancelled the Environmental Mangement Plan. Upon cancellation of the referred plan the Ministry revised it. Then, the TEMA has brought the issue in front of the State Council Chamber 6. Following that the lawsuit is under processing at the stage of field investigation and collecting other evidences.

Ministry of Energy and Natural Resources

Chart



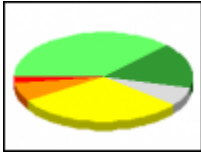
Case Title

Allianoi
Antique
City Case

Case Description

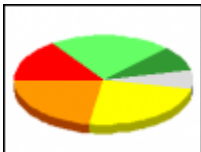
Nowadays a dam project has been being constructed in just next to the antique city of Allianoi in İzmir province. However, Doğa Derneği-Nature Association, a CSO based in Ankara, has launched an initiative along with a famous Turkish singer, combatting against the project. The association filed a lawsuit against the Government and has brought the

conflict in front of the court. The administrative court held the case and stopped the project. At present the Court has not given a resolution yet. Hopefully the dam construction project will be cancelled by the court decision.



Bergama
Gold Mining

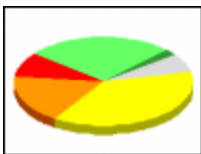
In Bergama a mining company called EUROGOLD was issued a mining license to extract gold mines by using cyanide. But the local people objected and rallied against that activity. It was the case that public participated in the decision making process and eventually halted the mining.



Bilezikçi
Çiftliği
Research
Forest Case

Bilezikçi Çiftliği is the largest last patch of university owned stretching through the Bosphorus. The forest used to be owned by a family and around 1990's was sold to a large construction company. The company had been planned to construct the villas and houses into the forests and not any piece of forests would have been left before confiscation process was completed. Then, the Istanbul University intervened into the issue and has declared that the forest was expropriated by the University. Following that, the company sued the

University in the court, but lost the case. Then, it forwarded the case bringing it in front of the Court of Human Rights. The Court declared that the company's property rights was intervened and a particular amount of compensation shall be awarded. However, the company lost its ownership on the forest. Then, a particular discussion has been going on between the parties whether the University shall manage the forest with respect to Forest legislation or shall develop other development plans aiming to open the forests for investments like rallying, tourism etc., other than pure forestry practices.



Ida
Mountains
Gold Mining
Sites

In Ida Mountain- Balikesir a mining company called KOZA and its Canadian Partner Company were issued a mining license to extract gold mines by using cyanide. But the local people objected and rallied against that activity. It was the case that public participated in the decision making process and eventually halted the mining. The activity and battles of local people have been going on nowadays.



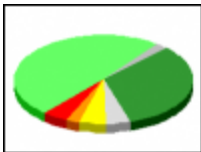
Mining Law Case

Mining Law changed in 2004 and some regulations depends on this law has been come into force. According to these rules, forests and other natural resources areas are allowed to mining activities.

Chart

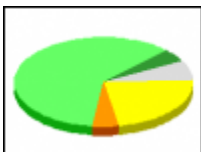
Case Title

Case Description



Antalya Serik Forest Fire

In the year 2008 a wild forest fire occurred and burnt about 20.000 ha. of forests in Antalya, Southern Turkey. It damaged biodiversity, farmlands and even homes of some local people. However, the people do not know about how to access information about the possibility of fires, weather conditions etc.

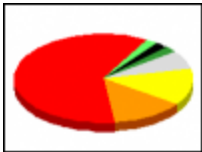
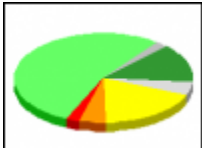


Dilovasi Industrial Zone

Dilovasi is an industrial zone located in between Kocaeli and Istanbul. It has so many plants running about chemicals mainly and discharging polluted water. The area has also a substantial amout of population and

get affected by those wastes and emissions.

Istanbul Metropolitan Municipality

Chart	Case Title	Case Description
	City Planning and 3. Rd. Bridge Case	<p>The Government has been planning to construct the 3 rd. Bridge in Bosphorus. Potential location will definitely be the Northern part of the Istanbul, which has mass forest zones and water resources. Potential threats to the environment is that it might attract more population to the area, destroys water resources, biodiversity and scenic beauty of the city. Several foundations, professional chambers, associations , NGO's and the public object the project. And they formed a platform called "Life instead of 3. Rd. Bridge" ,</p>
	Flooding in Istanbul	<p>In the year 2009 a severe flooding occurred in Istanbul and its vicinity. I caused several death and so many workplaces, vehicles and the environment were damaged. Even, it polluted creeks and shorelines in Marmara Sea.</p>

Istanbul Municipality has launched a project aiming to flow the Waterbasin of Duzce to Istanbul for supplying drinking water to about half of the Istanbul. However, Duzce is a city having about 350.000 population, industrial zones and massive agrucutural practices. Thus, the people do not know the quality of the water they have been drinking. But, the Ministrty and the Municipality have departments collecting relevant data about the water.

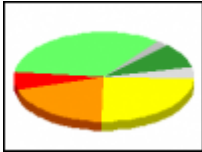


Melen
River
Drinking
Water
Supplying
System

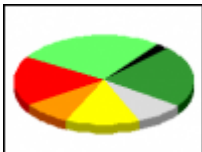
IX.7. HOW DOES PERFORMANCE COMPARE ACROSS LOCATIONS?

Case Listing/Search Results

Bolu

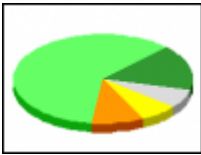
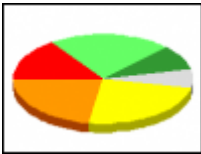
Chart	Case Title	Case Description
	Abant Natural Park Construction Project Case	<p>Nowadays, the Bolu City Council has launched a project into Abant Nature Park. They have been constructing new roads, pawns, in brief infrastructure for tourism investments. The ultimate goal is to construct hotels and motels. The activity is potential threats to several plant species endemic to Turkey and put under protection by some international conventions like Biodiversity convention. Environmentalists and local people are organised by themselves for halting the project.</p>

Whole Turkey

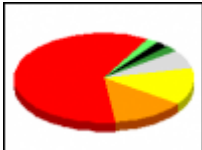
Chart	Case Title	Case Description
	Afforestation Regulation	<p>The Ministry has enacted a Regulation about afforestation. However, some NGO's though that such a regulation is against the Constitution and it does not have any legal basis for enactment and brought the case in front of the court</p>

in 2009.

Istanbul

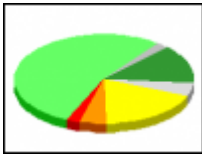
Chart	Case Title	Case Description
	Air Quality Monitoring Network in Istanbul	Examine air quality information available to local residents of Istanbul. This would include examining the ease of access and the level of comprehensibility keeping in mind the level of understanding of the local population.
	Bilezikçi Çiftliği Research Forest Case	Bilezikçi Çiftliği is the largest last patch of university owned stretching through the Bosphorus. The forest used to be owned by a family and around 1990's was sold to a large construction company. The company had been planned to construct the villas and houses into the forests and not any piece of forests would have been left before confiscation process was completed. Then, the Istanbul University intervened into the issue and has declared that the forest was expropriated by the University. Following that, the company sued the University in the court, but lost the case. Then, it forwarded the case bringing it in front of the Court of Human Rights. The Court declared that the company's property rights was

intervened and a particular amount of compensation shall be awarded. However, the company lost its ownership on the forest. Then, a particular discussion has been going on between the parties whether the University shall manage the forest with respect to Forest legislation or shall develop other development plans aiming to open the forests for investments like rallying, tourism etc., other than pure forestry practices.



City Planning
and 3. Rd.
Bridge Case

The Government has been planning to construct the 3 rd. Bridge in Bosphorus. Potential location will definitely be the Northern part of the Istanbul, which has mass forest zones and water resources. Potential threats to the environment is that it might attract more population to the area, destroys water resources, biodiversity and scenic beauty of the city. Several foundations, professional chambers, associations , NGO's and the public object the project. And they formed a platform called "Life instead of 3. Rd. Bridge"



Flooding in Istanbul

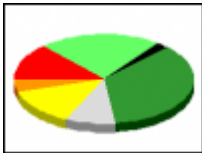
In the year 2009 a severe flooding occurred in Istanbul and its vicinity. It caused several deaths and so many workplaces, vehicles and the environment were damaged. Even, it polluted creeks and shorelines in Marmara Sea.

Izmir

Chart

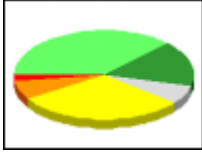
Case Title

Case Description



Allianoi Antique City Case

Nowadays a dam project has been being constructed in just next to the antique city of Allianoi in Izmir province. However, Doğa Derneği-Nature Association, a CSO based in Ankara, has launched an initiative along with a famous Turkish singer, combatting against the project. The association filed a lawsuit against the Government and has brought the conflict in front of the court. The administrative court held the case and stopped the project. At present the Court has not given a resolution yet. Hopefully the dam construction project will be cancelled by the court decision.



Bergama Gold Mining

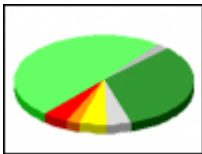
In Bergama a mining company called EUROGOLD was issued a mining license to extract gold mines by using cyanide. But the local people objected and rallied against that activity. It was the case that public participated in the decision making process and eventually halted the mining.

Antalya

Chart

Case Title

Case Description



Antalya Serik Forest Fire

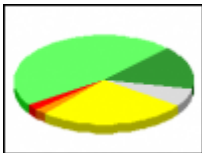
In the year 2008 a wild forest fire occurred and burnt about 20.000 ha. of forests in Antalya, Southern Turkey. It damaged biodiversity, farmlands and even homes of some local people. However, the people do not know about how to access information about the possibility of fires, weather conditions etc.

Country Level

Chart

Case Title

Case Description



Article 2-B of Forest Code Case

Since 1973 the Governments have been taken some particular areas out of forest boundary. The people have been occupied those areas so far, violating forest code, criminal code and looted public property in a sense. Those areas have a particular

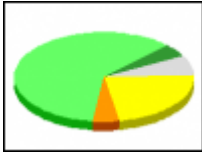
importance for biodiversity, scenic beauty and landscape of the Country. However, majority of the public objected the governments and the governments altered the policy on behalf of those areas. This is a typical example of how to change policy via public participation. The method of participation mainly media involvement, public rallying, collecting signature and constructing polls for that purpose.

Kocaeli

Chart

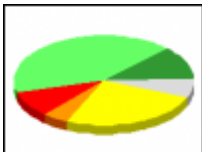
Case Title

Case Description



Dilovasi
Industrial
Zone

Dilovasi is an industrial zone located in between Kocaeli and Istanbul. It has so many plants running about chemicals mainly and discharging polluted water. The area has also a substantial amount of population and get affected by those wastes and emissions.

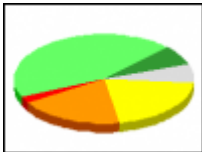


Tüpraş Petro-
Chemical
Plant

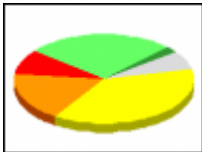
Tüpraş is a petro-chemical plant producing petroleum based products like gas, asphalt, etc. It emits large amount of smoke having sulphure and carbondiokside, which pollutes its vicinity and threatens the health and living conditions of local people. However, access to information seems a problem with respect to its accuracy

and timing.

Whole Country

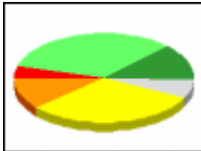
Chart	Case Title	Case Description
	Environmental Reference Lab	The Ministry has a lab aiming to collect data about some main environmental indicators and issues periodical report to release information to the public

Balikesir

Chart	Case Title	Case Description
	Ida Mountains Gold Mining Sites	In Ida Mountain- Balikesir a mining company called KOZA and its Canadian Partner Company were issued a mining license to extract gold mines by using cynide. But the local people objected and rallied against that activity. It was the case that public participated in the decision making process and eventually halted the mining. The activity and battles of local people have been going on nowadays.

Konya

Chart



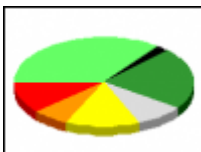
Konya
Karapinar
Erosion
Control Site

Case Description

Karapinar is the most drought location in Turkey having severe erosion. By the support and participation of local people some NG'S and the Ministry the area has been afforested and such an event influenced the people and region so much.

Turkey

Chart



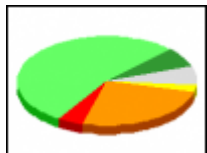
Laws on
Genetically
Diversified
Organisms

Case Description

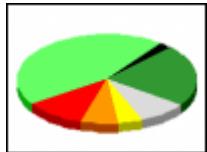
In Turkey genetically diversified organisms have been considered a serious problem threatening public health, agricultural products. In 2009 the first regulation was put into practice. Having asserted that the regulation did not have any legal basis, the SCO and a group of people has brought the conflict in front of the State Council Chamber 10. The court cancelled the regulation. Meanwhile, a new statute called "biodiversity law" was implemented. And depending upon the new law, the second regulation was put into practice in 2010. The SCO, media and labor

confederations have been intervened the issue. Thereafter, the ocnflict has been minimized to a particular extend.

Duzce

Chart	Case Title	Case Description
	<p>Melen River Drinking Water Supplying System</p>	<p>Istanbul Municipality has launched a project aiming to flow the Waterbasin of Duzce to Istanbul for supplying drinking water to about half of the Istanbul. However, Duzce is a city having about 350.000 population, industrial zones and massive agrucutural practices. Thus, the people do not know the quality of the water they have been drinking. But, the Ministrty and the Municipality have departments colectig releant data about the water.</p>

Ankara

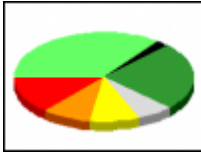
Chart	Case Title	Case Description
	<p>Mining Law Case</p>	<p>Mining Law changed in 2004 and some regulations depends on this law has been come into force. According to these rules, forests and other natural resources areas are allowed to mining activities.</p>

Kirklareli

Chart

Case Title

Case Description

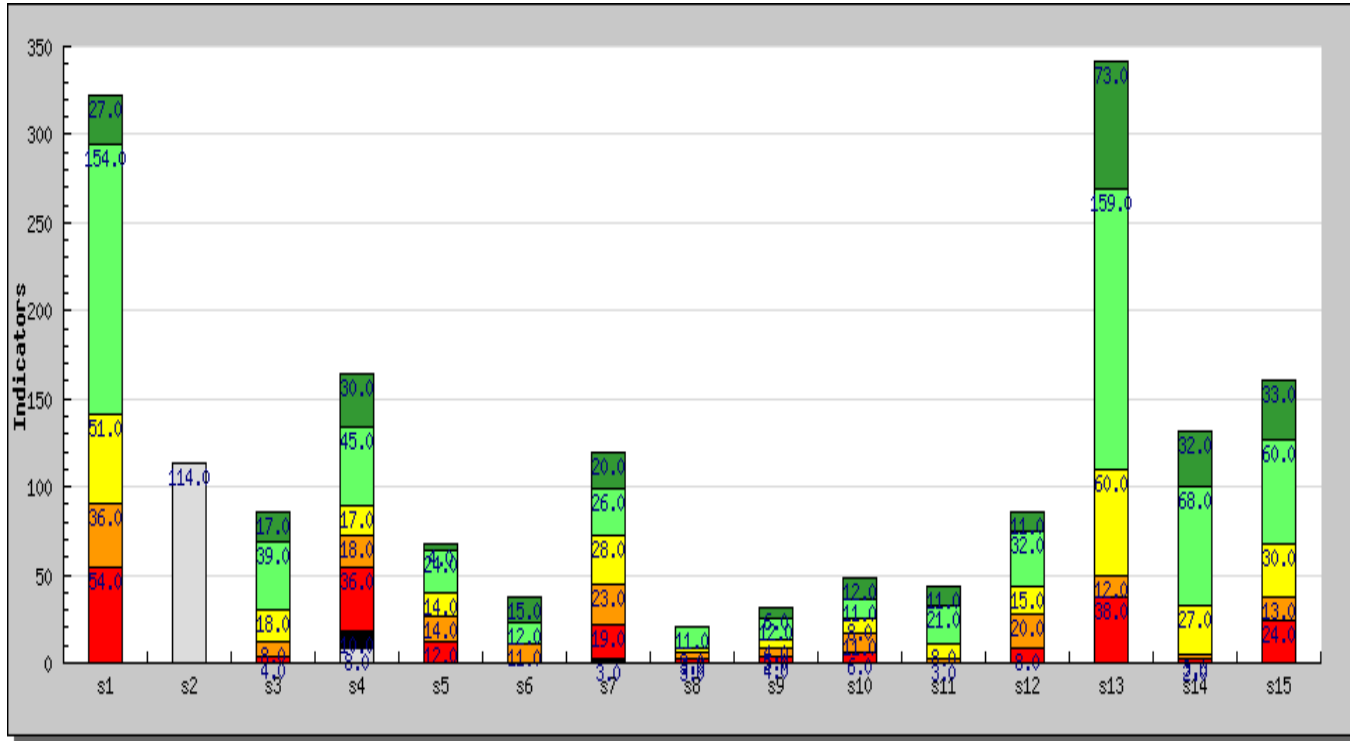


Vize Cement
Factory Case

In 2001 a company has applied for planting a cement factory in Vize within the boundary of Kirklareli Province. Then, the company obtained EIA Positive report. However, the place where the plant was planned to be built is within the territory of water resources and recreational areas. TEMA, the plaintiff and and SCO, has brought the case in front of the administrative court of Edirne in 2006. The court cancelled the EIA Positive report and the court resolution was approved by the State Council (the Supreme Court of Administrative Judgement) in 2010. Following that, the company has taken the second step by got the second EIA Positive decision approved by the Ministry. Then, the first plaintiff one more time has brought the case in front of the administrative court of Edirne in 2010. At present the processing of the judgement has been going on. At the same time, the Ministry of Environment and Forestry has approved the Environmental Management Plans of the region allowing the cement factory. Again, the TEMA has brought the conflict in front of the court (by law in front of the State Council Chamber 6) in 2007. Since then, the two lawsuits have been under processing. In 2009 the State Council has cancelled the Environmental Mangement Plan. Upon cancellation of the referred plan the Ministry revised it. Then, the TEMA has brought the issue in front of the State Council Chamber 6. Following that

the lawsuit is under processing at the stage of field investigation and collecting other evidences.

HOW WAS PERFORMANCE ACROSS A SUBTOPIC?



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s1	Capacity Building for Government Agencies
2	Capacity Building for Sub-National Agencies
s3	Capacity Building for the Media & CSOs
s4	Capacity Building for the Public
s5	Channels of Access
s6	Cost and Affordability
s7	Fairness and Equitability
s8	General Capacity Building
s9	General Law
s10	Impacts
s11	Limits on Access
s12	Outcomes
s13	Scope and Quality of Access
s14	Specific Law
s15	Timeliness

TAI TURKEY

“Towards a Better Environmental Governance”



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