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## The Ilisu Dam in Turkey and the Role of Export Credit Agencies and NGO Networks

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**ABSTRACT:** The World Commission on Dams (WCD) report focused attention on the question of how those displaced by large dams can be adequately compensated and properly resettled. An important debate from the Dams and Development Forum concerned the appropriate roles of different stakeholders, and the question as to how governments and 'external stakeholders' such as international institutions, financial investors and non-government organisations (NGOs) can be encouraged to implement the WCD recommendations and international standards on resettlement and environmental protection. This article analyses the actions of three European Export Credit Agencies (ECAs) aimed at improving the outcomes of the Ilisu Dam and hydroelectric power project in Kurdish-populated southeast of Turkey. It also explores the role of NGOs within the process of achieving best practice and preventing poor outcomes. Even though the ECAs' efforts to meet World Bank project standards were unsuccessful and ended in July 2009 with their withdrawal, this was the first case in history where ECAs tried to implement specified social and environmental project conditions. This article aims ultimately to analyse the reasons for the failure to meet the ECAs' conditions, and the lessons to be learned from this process.

**KEYWORDS:** Turkey, Export Credit Agencies (ECAs), World Bank safeguard policies, dams, non-government organisations (NGOs), civil society campaigning

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## INTRODUCTION

Ilisu is a small village on the Tigris river in the mainly Kurdish-populated south-eastern part of Turkey, close to the borders of Syria and Iraq. It would have remained unknown to the outside world had it not been for a massive hydropower project that the Turkish government intends to develop where the village of Ilisu lies. The Ilisu dam project has been in Turkish and international headlines many times in recent years, as it is currently one of the most contested dam projects in the world. The project's impact on the population and environment in the region will be immense, according to local communities affected by the project. For instance, the ancient city of Hasankeyf, once a trading centre on the silk route and continuously inhabited for the last 10,000 years, will be flooded.

In a project of this dimension, many different stakeholders with different interests are involved, some of whom have a stronger voice than others. In order to ensure that those with less influence are heard, and that the impact upon those most directly affected is minimised, the WCD developed a set of recommendations to address the impacts and outcomes of large dams. As a consequence, in the follow-

up after the WCD, it was debated within the Dams and Development Forum<sup>1</sup> which roles were appropriate for the different stakeholders, and specifically governments and 'external stakeholders', such as international institutions, financial investors and NGOs. A question central to the discussion was how these actors could be encouraged to implement the WCD recommendations and other international standards on resettlement and environmental protection, such as World Bank standards, to improve compliance and accountability aligned with best practices.

The construction of a large hydropower project is not only a technical endeavour, but also entails a complicated governance process and a complex financial structure. When, in 2005 (after an attempt failed some years earlier due to international pressure from NGOs), Turkey invited European companies to join the building consortium, the project was no longer a national affair but became a transnational and international political and financial decision (Warner, 2008). The European companies applied for export insurance cover with their national Export Credit Agencies (ECAs) and for export loans with European banks.<sup>2</sup> Having learned from earlier attempts to establish international building and finance consortia for the same project (1997-2002), the ECAs decided to request a set of project conditions. The ECAs would only agree to support deliveries<sup>3</sup> to the project if Turkey committed to international standards of dam building and met their safeguards (based on World Bank standards) to protect the environment, affected people, riparian states and cultural heritage.

For the second time, European ECAs tried to implement specific social and environmental project conditions, this time including an agreement with Turkey and a tight monitoring process. Although it became evident, after a three-year engagement, that these conditions would not be met by Turkey, this was still a major step forward in attempting to apply international standards to such projects. Hence, there are significant lessons to be learned from this process.

In this article we will analyse the actions of the German, Swiss and Austrian ECAs, who sought to adhere to World Bank standards for the Ilisu dam project. We will also examine the role of transnational NGO networks within this process, in which the authors were directly involved, to promote best practices and to prevent the anticipated detrimental outcomes of the dam project.

We begin by giving a general overview of the Ilisu dam project including general issues on dam building in Turkey and the geographical, socioeconomic and political settings of the South-eastern Anatolian Project (GAP), of which Ilisu is a part. In this context, we also examine the projected impact of the Ilisu dam, Turkey's plans for mitigating the consequences of construction and an overview of the project history up to the withdrawal of the ECAs. We will then analyse the roles and interests of both primary and secondary stakeholders, particularly those of ECAs and NGOs as secondary stakeholders in the Ilisu dam project. In the next two sections, we examine the measures taken by the ECAs to achieve World Bank standards and by NGOs to ensure that best practice was applied, or – if standards and best practices to prevent the occurrence of major negative impacts could not be met – that financial support for the project would be rejected. In the final section we highlight how the ECAs failed in their efforts to implement World Bank standards and to encourage Turkey to abide by their obligations. We then conclude with the lessons to be learned by all sides from this resource-intensive process that stretched over a period of several years.

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<sup>1</sup> [www.unep.org/dams/](http://www.unep.org/dams/)

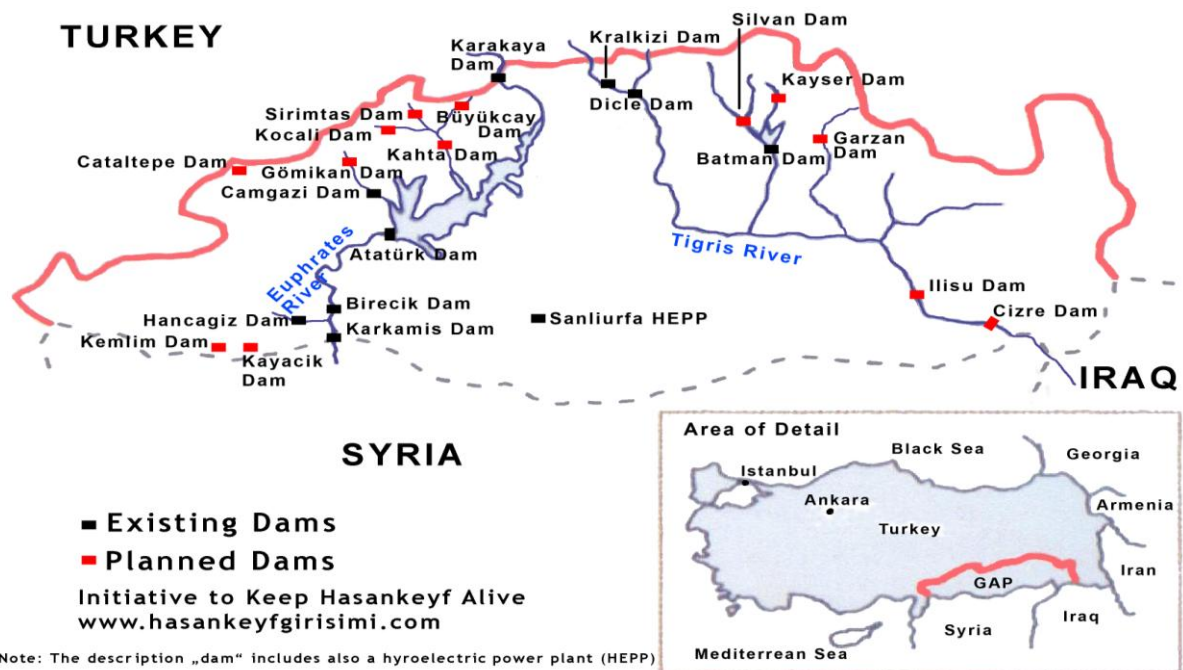
<sup>2</sup> Governments provide official export credits through export credit agencies (ECAs) in support of national exporters competing for overseas sales. ECAs provide credits to foreign buyers either directly or via private financial institutions benefiting from their insurance or guarantee cover. ECAs can be government institutions or private companies operating on behalf of the government. [www.oecd.org/about/0,3347,en\\_2649\\_34169\\_1\\_1\\_1\\_1\\_37431,00.html](http://www.oecd.org/about/0,3347,en_2649_34169_1_1_1_1_37431,00.html)

<sup>3</sup> The Swiss ECA(SERV) uses the terminology 'deliveries' as synonym for exports. See: [www.serv-ch.com/fileadmin/serv-dateien/Download/Kompakt\\_E.pdf](http://www.serv-ch.com/fileadmin/serv-dateien/Download/Kompakt_E.pdf) - The exports for deliveries include turbines, generators and electric equipment etc.

**BACKGROUND INFORMATION ON THE ILISU DAM PROJECT**

Ilisu, a mainly Kurdish village on the river Tigris in south-eastern Anatolia, has become the eponymous large hydropower project. The planned Ilisu dam consists of a wall 1.8 km wide and 135 m high, and will create the third largest reservoir in Turkey covering an area of 313 km<sup>2</sup> (IEG, 2005). The €1.2 billion dam is to be situated ca. 65 km from the border with Syria and Iraq. The Ilisu dam has a designed capacity of 1200 MW and an annual production of 3822 GWh, approximately 2 per cent of the national electricity requirements (IEG, 2005).

Figure 1. GAP region with the existing and planned dams and hydroelectric power plant projects (GegenStromung and Initiative to Keep Hasankeyf Alive, 2009).



The Ilisu dam project is part of a large infrastructure and development project by the Turkish Government for the whole south-eastern Anatolia region, which originally dates back to the 1950s. The Greater South-eastern Anatolian Project (GAP)<sup>4</sup> includes the construction of a total of 22 dams, including 19 hydropower plants for almost 10 per cent of the country and three dams for the irrigation of 1.8 million hectares of farmland;<sup>5</sup> 15 of the dams have already been built (GAP, 2006; GAP, 2007). According to the Turkish government, GAP also aims to promote economic development and create 3.8 million jobs for this region, where the gross regional product accounts for 5.5 per cent of the nation’s gross domestic product (GDP). Kurds are the majority ethnic group in this region, which is characterised by high unemployment, low literacy rates and unequal land ownership (Avci, 1995; Goc-Der, 2006). This also applies to the Ilisu region, where people work mainly in cotton plantations, tourism and small heterogeneous cottage industries, or live as subsistence farmers with small gardens along the river. There is no major industrial economic enterprise in the area and average income is low.<sup>6</sup> The largest

<sup>4</sup> [www.gap.gov.tr](http://www.gap.gov.tr)

<sup>5</sup> See official GAP website: [www.gap.gov.tr/gap\\_eng.php?sayfa=English/Ggbilgi/gozel.html](http://www.gap.gov.tr/gap_eng.php?sayfa=English/Ggbilgi/gozel.html)

<sup>6</sup> See above.

ethnic group within the project region is Kurdish with other diverse origins such as Arab, Aramean and Armenian.

GAP has certainly generated a number of benefits in agricultural and energy production; however, its outcomes are rather conflicting<sup>7</sup> and, as Harris (2008) points out, can be quite different for individual groups. Harris moves on in her GAP case studies<sup>8</sup> to suggest that certain populations have experienced enhanced vulnerabilities and considerable losses in addition to any gains and benefits of ongoing changes (particularly the landless, poor, some women and those previously engaged in animal husbandry). Bischoff and Pérouse (2003) give a detailed description of national heritage lost to the flooding of many cultural and religious heritage sites and archaeological artefacts by GAP dams, which the GAP administration openly acknowledges (see Harris, 2002). Further, a case study of the Swiss Federal Institute of Technology on GAP (Sahan et al., 2001) found the past 25 years of GAP implementation have created many unresolved problems, both ecological (erosion, sedimentation, salinisation, falling water quality) and social (population displacement, archaeological site destruction). The study reported that "these problems were not investigated properly, there was no transparent information policy, the financial impacts were misjudged and many problems remained unresolved" (Sahan et al., 2001). Similar impacts were recognised by the WCD: "While dams have delivered many benefits and made a significant contribution to human development, in too many cases the price paid to secure those benefits, especially in social and environmental terms, has been too high and, more importantly, could have been avoided".<sup>9</sup>

### **Socio-political setting**

The many policies and programmes of the GAP need to be understood and evaluated in relation to the long history of aggressive state policies toward the region.<sup>10</sup> During the 1980s and 1990s, the region was the centre of a civil 'ethnic-based' conflict between Turkish security forces and the armed Kurdish Workers' Party (PKK). In 1978, the PKK was formed to defend the rights of the Kurdish population in Turkey. The situation veered out of control, and in 1987 a permanent state of emergency was declared in the Kurdish regions of Turkey, which lasted until February 2002. Two and a half million people were driven from their homes by the Turkish military or fled in fear during the conflict (KHRP, 2005). Although the military conflict ended in 1999, since 2005 battles between the Turkish security forces and the PKK have reignited sporadically. Despite the announcement by the Turkish government, in the summer of 2009, that they would be seeking a peaceful solution to the Kurdish question, a heavy military presence is still in situ along the Syrian, Iranian and Iraqi borders, including the Ilisu region. Human rights organisations have revealed that arbitrary imprisonments and torture are still frequent occurrences (IHD, 2009).

The security tensions could also be seen and felt in Ilisu. In 2008, for instance, pre-construction work for the Ilisu dam consisted of securing the future reservoir from PKK attacks by encircling the area with military defence units and strengthening the military presence throughout the reservoir area. Visitors – locals and foreigners – without official permission were not allowed to visit the areas either side of the Tigris near Ilisu where the dam wall was to be built. This also affected official visits to monitor the project's progress. For example, in the summer of 2008, members of an international group of environment and cultural heritage experts were not allowed to visit certain areas (CoE, 2008d). In 2008 and 2009, when members of a local Turkish NGO tried to visit relatives living in Ilisu, they were arrested and detained for two days (KHRP, 2008).

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<sup>7</sup> For example, greater agricultural productivity may compromise soil or water quality, or increased income and benefits for some families may be realised at the cost of an increased work burden falling heavily on women and children (Harris, 2002).

<sup>8</sup> Findings from case studies in the Harran plain of southeastern Turkey (Harris, 2002 and 2008).

<sup>9</sup> WCD reports thesis [www.unep.org/dams/documents/Default.asp?DocumentID=662](http://www.unep.org/dams/documents/Default.asp?DocumentID=662)

<sup>10</sup> For a detailed analysis, see Harris, 2002.

Figure 2. Area affected by the Ilisu Project (GegenStromung and Initiative to Keep Hasankeyf Alive, 2009).



Another remnant of the Kurdish conflict are government-appointed 'village guards', charged with 'protecting' Kurdish villages. These guards tend to abuse their position; for example, when the authors of this article visited the region to gather information about the impacts of the Ilisu dam project in October 2007, we were arrested by village guards and taken to the local military post (Eberlein and Ayboga, 2007). Inquiries by the Kurdish Human Rights Project showed that due to the strong military presence and omnipresence of the village guards, people most affected by the Ilisu dam are reluctant to voice their opinions about the dam (KHRP, 2005).

### Ilisu dam – History

A brief overview of the history of the dam project<sup>11</sup> is important, in order to show why external financiers and companies, involved in the third attempt to build Ilisu in 2005, paid particular attention to the monitoring and implementation of international standards. The first attempt to build the dam as a build-operate-transfer (BOT) project failed in 1996 due to a lack of investors (Hildyard et al., 2000). A second attempt was launched by the Turkish government in 1998 by commissioning an international consortium led by the British construction company Balfour Beatty, including companies from Switzerland, Italy, Great Britain, Germany and Turkey and the Union Bank of Switzerland, as financial supervisor (Setton and Drillisch, 2006). To cover the financial risk, the European companies received export risk guarantees from their respective ECAs. As the project did not meet best practice, though,

<sup>11</sup> For a detailed analysis of the second attempt to build Ilisu, see also Bischoff and Pérouse (2008) and the article by Warner (2008), analysing the 1998-2002 NGO campaign.

the ECAs demanded that three conditions be fulfilled before construction of the dam<sup>12</sup> (Hildyard et al., 2000; Bischoff and Pérouse, 2003). Yet, after three years of project assessment, civil society organisations in Europe<sup>13</sup> exposed that the previously identified environmental and social problems remained unresolved (Balfour Beatty, 2001; UBS, 2002). On 13 November, 2001, Balfour Beatty and the Italian company Impregilo withdrew from Ilisu, commenting that "no further action nor any further expenditure by Balfour Beatty on this project is likely to resolve the outstanding issues in a reasonable timescale" (Balfour Beatty, 2001). In February, 2002, the financial supervisor UBS Switzerland also withdrew due to unresolved environmental and social issues, which ended the second attempt to build Ilisu.<sup>14</sup>

In 2005, the Turkish State Hydraulic Works (DSI) recommenced the project and commissioned a new consortium, this time led by the Austrian company VA Tech Hydro (part of Andritz Austria). Other building companies involved were: Alstom, Stucky, Colenco and Maggia from Switzerland, Züblin from Germany and Nurol, Cengiz, Celikler and Temelsu from Turkey. As Turkey lacked the financial means to pay the upfront costs, the Austrian, German and Swiss companies, in order to minimise their risk, applied for export risk coverage from their national Export Credit Agencies (ECAs) (€450 million).<sup>15</sup> In addition, European private banks DekaBank (GER), Bank Austria Creditanstalt (A), Unicredit (Italy) and Société Générale (F), together with the Turkish banks Akbank and Garantibank, signed the necessary financing contracts in August 2007 to underwrite the project (Die Presse, 2007).

The Turkish government may have learned from the earlier experience that building the dam with the support of international finance would mean that conditions would be imposed by external financiers and ECAs to meet World Bank standards.

### **Ilisu dam – Projected impact**

Previous large dams built within GAP have been shown to have negative consequences.<sup>16</sup> With the large reservoir size and its location within a cultural heritage area rich in biodiversity, the local population together with civil society organisations fear that Ilisu will repeat previous experiences (Initiative to Keep Hasankeyf Alive, 2006). A summary of the expressed concerns follows.

#### *Displacement*

The Ilisu reservoir would flood a total of 199 settlements. This includes the town of Hasankeyf, with 3700 inhabitants, and four smaller towns. Figures on how many people would be affected vary from 12,000 (DSI, 2005) to 78,000 in a study by former World Bank specialist Kudat (2006). Gaps in the Turkish laws on expropriation and resettlement, and project documents like the Resettlement Action Plan (RAP), give rise to concerns that the majority of the affected people would be impoverished.

#### *Cultural heritage*

The area of the planned Ilisu reservoir is home to hundreds of archaeological sites, most of which are unexplored (IEG, 2005). The dam would also flood the ancient town of Hasankeyf, a place of particular significance for the region and beyond, as it is one of the few places in the world that has been inhabited without interruption for between 9000 and 12,000 years (Ahunbay and Balkiz, 2009). Remnants of over twenty cultures can be found in the town (Schmidinger, n.d.) and monuments from

<sup>12</sup> The conditions included the building of water purification plants; a resettlement action plan in line with international best practice; the assurance of adequate water flow for neighbouring countries; and a detailed plan for the conservation of Hasankeyf (Hildyard et al., 2000).

<sup>13</sup> The Berne Declaration, The Corner House, WEED, the Kurdish Human Rights Project, etc.

<sup>14</sup> Letter from UBS to Berne Declaration stating the withdrawal in 2002 and the confirmation not to engage in Ilisu again, 18 July 2007.

<sup>15</sup> [www.agaportal.de/en/aga/nachhaltigkeit/umwelt/projekt/ilisu/beteiligte.html](http://www.agaportal.de/en/aga/nachhaltigkeit/umwelt/projekt/ilisu/beteiligte.html)

<sup>16</sup> [www.hasankeyfgirisimi.com/en/index-dateien/comment\\_ilisu\\_diyarbakirgocder\\_rap\\_engl.pdf](http://www.hasankeyfgirisimi.com/en/index-dateien/comment_ilisu_diyarbakirgocder_rap_engl.pdf)

the 12th and 13th centuries offer wide-ranging research opportunities for scientists (Bischoff and Pérouse, 2003).<sup>17</sup> Ankara claims it is taking all measures to survey and excavate historic sites and that this GAP project is needed to save the region from poverty by providing sources of power and irrigation.<sup>18</sup> According to Turkish cultural heritage protection laws, Hasankeyf is a category 1 Turkish Cultural Heritage Site and must be protected. However, a 'principal decision' taken by the Turkish Ministry for Culture and Tourism from October 4, 2006, (Res. No. 717) lifted the protection of cultural heritage, as the dam project was considered indispensable. A decision by the administrative court of Diyarbakir from February 2010 (Radikal, 2010), however, ruled that there was no legal basis for the flooding and relocation of individual monuments of Hasankeyf.

### *Environmental impact*

The projected reservoir lies in a region rich in biodiversity (Eken, 2009). The habitat of rare and endangered species can be found along the Tigris river (Stop Ilisu Campaign, 2009). The Ilisu dam would impact upon approximately 400 km of the riverine ecosystems along the Tigris and its tributaries, namely Botan, Batman and Salat (Biricik, 2006). The impact would be felt far downstream due to irregular discharges during the day and throughout the year (IEG, 2005), and hydrologists have warned of a drastic deterioration in water quality (EAWAG, 2006).

### *Transboundary impact*

The Tigris flows through the southeast of Turkey, forming a border with Syria for some twenty kilometres, and then running on into Iraq. The planned location for the Ilisu dam is approximately sixty kilometres upstream from the Iraqi border. Warner has already discussed some of the transboundary impacts of the GAP project, including the impacts of Ilisu on the Tigris (Warner, 2008). A study by US environmental consultant Phil Williams (2006) points out that the creation of a huge reservoir will capture the water of the spring floods and, in combination with diversions from the future downstream Cizre project (a dam with the main objective of irrigation), would significantly impact on the agricultural production of the downstream population (PWA, 2006). Hasan Janabi, former water consultant to the Iraqi government, warns that the impact will be felt as far downstream as the Mesopotamian marshes, which were adversely affected during Saddam Hussein's reign and have only recently recovered due to the efforts of conservationists (Janabi, 2009).<sup>19</sup> Critics warn that the Ilisu dam project could cause political instability in the region, as it would enable Turkey to exert pressure on its neighbours by restricting water flows (Dietziker, 1998) and would signify a manifestation of Turkish imperialism at home and abroad (Monbiot, 1999). However, Turkey claims that the opposite is true, that the dam will contribute to regional development and stability (DSI, 2009).

### **Turkish plans to mitigate consequences**

In the Ilisu Environmental Impact and Resettlement Action Plans<sup>20</sup> from 2005 and 2006, Turkey detailed its mitigation plans for the expected negative consequences. Special safeguard measures, which had not been applied to other dams in the GAP region, included a comparatively large resettlement budget (€800 million), compensation for the affected population, income restoration measures, grievance procedures and the promise to transfer twelve historic monuments – including the Tigris bridge dating

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<sup>17</sup> The Architect Professor Zeynep Ahunbay states that Hasankeyf, as well as being an important cultural site in the region, must be considered as having cultural heritage relevance for all of mankind (Ahunbay and Balkiz, 2009).

<sup>18</sup> [www.gap.gov.tr/gap\\_eng.php?sayfa=English/Ggbilgi/gozel.html](http://www.gap.gov.tr/gap_eng.php?sayfa=English/Ggbilgi/gozel.html)

<sup>19</sup> In the 1990s, Saddam Hussein initiated his Third River project, connecting the Euphrates and Tigris in part to 'dehydrate' the marshes to gain access to the elusive Ma'adan (an ethnic community referred to as 'marsh Arabs') in Central Iraq, who had so far eluded his control (Warner, 2008).

<sup>20</sup> The Ilisu dam and HEPP Project's Environmental Impact Assessment and Resettlement Action Plans are online on DSI's homepage: [www.dsi.gov.tr/ilisu/ilisu\\_ced\\_eng.pdf](http://www.dsi.gov.tr/ilisu/ilisu_ced_eng.pdf)

from the 15th century and a mosque from the 14th century – to an archaeological park on the reservoir's banks (IEG, 2005; DSI and Encon, 2005).

Between 2002 and 2006, representatives of the DSI were invited by the United Nations Environmental Program (UNEP) as observers to the Dams and Development Project's Forum (DDP), the follow up forum to the WCD. Further, the WCD report's overview was translated into Turkish and distributed within the government. While the Turkish government did not support the application of the WCD recommendations, DSI representatives were likely aware of its recommendations, but did not integrate the recommendations into national laws.

### **EXTERNAL STAKEHOLDERS: ECAs AND NGOs – ROLES, INTERESTS AND STANDARDS**

In any large project such as the Ilisu dam, many stakeholders are involved (government bodies, contractors, investors, affected communities, etc.) and follow different interests and strategies. In this analysis we primarily examine the interests and roles of ECAs and NGOs in the Ilisu dam project. To explain their self-determined legitimacy in influencing the outcome of Ilisu, we first need to set their engagement in a theoretical context of transnational governance and actors. We will use the terminology of the International Bank for Reconstruction and Development, *Involuntary Resettlement Sourcebook*: "Primary stakeholders are those most directly affected (...). Other people who have an interest in the project – such as the project authority itself, the beneficiaries of the project (...) and interested NGOs are termed secondary stakeholders".

In *Bringing Transnational Relations Back In*, Thomas Risse-Kappen (1997) defines transnational relations as "regular interactions across national boundaries when at least one actor is a non-state agent or does not operate on behalf of a national government or an intergovernmental organisation". By commissioning an international consortium of private corporations that required official export coverage of their exports to build Ilisu, the Turkish government accepted Ilisu as a transnational project including transnational actors. In theory, they also had to accept that the standards set by ECAs, their governments and the legitimate involvement of transnational NGOs would also apply to Ilisu.

Who are the external stakeholders and how do they legitimise their involvement? As outlined, we will focus on secondary stakeholders in ensuring that the project met international standards. However, to understand the role of the transnational NGO network, it is important to mention briefly the roles and interests of the primary stakeholders.

#### **Primary stakeholders in Ilisu**

The primary stakeholders in Ilisu include the potentially affected people, regional civil society organisations lobbying against the project and national environmental organisations.

At the beginning of 2005, the general public learned that Turkey was to launch yet another attempt to build the Ilisu dam. Different civil society organisations in the affected region decided to join forces to fight against the building of the project. In January, 2006, 20 human rights and environmental organisations from the regions of Diyarbakir, Batman, Hasankeyf and Ilisu founded the Initiative to Keep Hasankeyf Alive (*Hasankeyf'i Yaşatma Girişimi*).<sup>21</sup> One year later, the initiative united seventy-three different organisations including the municipalities affected, local NGOs, unions and professional organisations, among others – something that had never happened before in Turkey.

The Initiative to Keep Hasankeyf Alive started in 2006 by networking with affected people, retrieving information from the area and disseminating it in Turkey and Europe. The initiative set up chapters in different areas of the affected region and soon became the biggest platform for civil society organisations in Southeast Anatolia to fight for the preservation of the region's cultural heritage, the Tigris river ecosystem and for socioeconomic development in the interests of the local population. In

<sup>21</sup> [www.hasankeyfgirisimi.com](http://www.hasankeyfgirisimi.com)

2007, one of Turkey's largest environmental organisations, Doga Dernegi, began campaigning against the Ilisu Dam.<sup>22</sup> It aimed to show mainstream society the disastrous ecological and cultural consequences of the project and that a site of national heritage would soon be inundated.

Inquiries by the initiative revealed that the majority of the directly affected population were subsistence farmers or cotton workers in feudal-like systems and living in remote areas, who had never been exposed to the concept of joining a civil society network and may fear that opposition to a state project posed a serious personal risk (KHRP, 2005).

The initiative was concerned that it was unsafe and therefore ill-advised to raise objections to government projects, especially those involving dams – the Turkish government saw dams as a means of bringing prosperity to the nation and would not tolerate opposition. Two examples illustrate this position: in 2009, the Turkish Minister of Energy called opponents of the Ilisu project terrorists<sup>23</sup> and, in March 2009, two members of a US NGO were arrested at the Water Forum in Istanbul for hanging up a banner saying "No risky dams". Aware of their limited influence on the Turkish government's position, the Turkish campaigns teamed up with groups in Europe, hoping that European NGOs and the Kurdish diaspora in Germany, Switzerland and Austria could stop external funding and thereby bring to a standstill the entire project.

### International NGO campaigns as secondary stakeholders

Networks form themselves around a set of issues perceived as problematic, such as the environment and human rights. "A transnational advocacy network includes those relevant actors working internationally on an issue who are bound together by shared values, a common discourse, and exchange of information and services" (Keck and Sikkink, 1998). The Ilisu campaign is a typical example of a transnational campaign. As mentioned in the Ilisu history section, the European Ilisu campaign<sup>24</sup> was created in 1998 and revived in 2005.<sup>25</sup> The general objectives of the involved NGOs is to ensure that their respective national ECAs implement the highest environmental and social standards in order to protect the interests and lives of those affected by large infrastructure projects, as well as to protect the environment and cultural heritage. As ECAs are national or semi-national institutions, the NGOs engage in advocacy work in their countries to ensure that public funds are used in ways that are consistent with their own national laws and also abide by international standards and agreements. With regards to Ilisu, the NGOs were also focused on ensuring accountability and transparency, taking their role as representatives for those who had no power to participate in shaping political decisions. The European Ilisu campaign focused on ensuring that European ECAs as well as Turkey followed the agreed upon guidelines and World Bank standards, as well as the WCD recommendations, in this particular project. The Berne Declaration (founded in 1968), has the objectives of fostering just and sustainable development and globalisation, combined with respecting human rights.<sup>26</sup>

In the course of the campaign, members went further and demanded that a complete stop be put to the project because it would destroy 10,000 years' worth of history, displace almost 70,000 people and

<sup>22</sup> <http://hasankeyfesadakat.kesfetmekicinbak.com>

<sup>23</sup> For this accusation by the Turkish minister for Environment and Forests, see the article "Türk-Pop gegen den Staudamm" in the German newspaper *Badische Zeitung*, 29 May 2009. [www.badische-zeitung.de/.../tuerk-pop-gegen-den-staudamm--15614947.html](http://www.badische-zeitung.de/.../tuerk-pop-gegen-den-staudamm--15614947.html)

<sup>24</sup> [www.stopilisu.com](http://www.stopilisu.com)

<sup>25</sup> European members are: The Berne Declaration (Switzerland), ECA-Watch (Austria), WEED Germany (in 2008 replaced by the network CounterCurrent (GegenStromung), which was supported by members of the international ECA Watch (The Corner House and Fern), BankTrack networks and the German M. Hermsen Foundation and International Rivers, USA.

<sup>26</sup> [www.evb.ch](http://www.evb.ch): "The Swiss foreign policies as well as the Swiss Government institutions assure that the Swiss economy does not profit at the costs of poorer countries and their population... Companies, domiciled in Switzerland respect their corporate social responsibility and commit to respecting social, ethical, labour, ecological and peace-keeping norms and conventions... Further, the Berne Declaration informs the public and its members about the conduct of companies and the Swiss government agencies in developing countries and partner states" (Berne Declaration, 2010).

devastate biodiversity along the Tigris, and because there were neither appropriate nor feasible mitigation measures.

### **Interest and legitimacy of the Export Credit Agencies**

The Swiss, German and Austrian ECAs became involved in Ilisu because exporters from their countries requested export insurance for their exports, covering a total amount of €450 million. The involvement of ECAs was also interesting for Turkey, as the European banks had agreed to grant a certain reduction on their interest on export loans to Ilisu. Most European and OECD governments have set up an Export Credit Agency as a government entity to promote, facilitate and support the exports of goods and services. For example, the Swiss Export Risk Insurance (SERV) "provides insurance cover for exporters as well as financial institutions. Its products and services provide security and trust for foreign orders when receipt of payment is at risk due to political or economic instability".<sup>27</sup> Although ECA support remains a national issue, in the case of Ilisu the three ECAs decided to take decisions together. As ECAs are insurers of national deliveries, they usually come in at a very late stage of project finance and cannot make major changes to the set-up of a project, except for demanding that exporters request project compliance with international best practice. Ilisu was the first time that European ECAs tried to influence the outcome of a project, which can be explained by the history of the project and NGO pressure.

#### *ECAs and environmental guidelines*

During the 1990s, NGOs pressured ECAs to reform their lending for financing and guarantees for large projects with potential negative impacts like the Three Gorges Dam in China. SERV (and in similar ways the German Euler-Hermes and the Austrian OEKB) reacted in 2001 by creating a mission statement on sustainability:

For SERV, foreign-policy goals with regard to development, human rights, democracy, the peaceful coexistence of nations and also environmental aspects are of great importance, and these aspects are all taken into account when assessing applications for an insurance commitment in principle. SERV is therefore required to balance the need to promote the domestic economy against the pursuit of foreign-policy and environmental-policy goals. This requires the critical weighing of interests, an endeavour which SERV takes exceptionally seriously.

In 2001, the Export Credit Group within the OECD reacted to demands from NGOs by agreeing to the Recommendation on Common Approaches on Environment and Officially Supported Export Credits. Although this is a non-binding recommendation, it is a step towards ECAs requiring environmental reviews when considering supporting projects with potential environmental impacts. The 2003 revisions stipulate that members should benchmark projects against one or more relevant environmental standards and guidelines, and safeguard policies published by the World Bank Group and other multilateral banks and any higher internationally recognised environmental standards, such as European Community standards (OECD, 2003, 2009).

#### *ECAs and World Bank standards*

In the context of the third Ilisu dam project, the three ECAs agreed that all relevant safeguard policies of the World Bank should be met (Agaportal, 2007). Years of public protest against the lack of appropriate policies saw, in the 1980s, the World Bank establish ten so-called safeguard policies (Operational Policies/OP) crucial for project assessment (World Bank, 2009a, 2009b). For Ilisu, the following World Bank OPs apply: Environmental Assessment (OP 4.01); Natural Habitats (OP 4.04); Physical Cultural

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<sup>27</sup> [www.serv-ch.com/en/sustainability](http://www.serv-ch.com/en/sustainability)

Resources (OP 4.11); Involuntary Resettlement (OP 4.12); Safety of Dams (OP 4.37); and Projects on International Waterways (OP 7.50).

### *ECAs and the WCD recommendations*

On 15 November, 2005, the export credit group (ECG) of the OECD issued a statement on export credits and hydropower projects regarding special financial terms and conditions for renewable energies and water projects, in which they made reference to the WCD (OECD, 2005). Although NGOs were dissatisfied that the WCD's recommendations were not the overarching mandatory standards for dam building – as they had demanded – references to its core values and strategic priorities were regarded as an improvement on previous practices (ECA-Watch et al., 2005).<sup>28</sup>

Further, both the German and Swiss governments had been members and sponsors of the Dams and Development Project's Forum of the United Nations Environmental Program (UNEP), the follow-up body of the WCD. Both countries had welcomed the WCD report's recommendations<sup>29</sup> and in 2003 conducted follow-up multi-stakeholder workshops to discuss the outcome of the WCD report with stakeholders from NGOs, ECAs, the private sector and government.<sup>30</sup>

The Swiss report of the meeting concluded:

In April 2003, a follow-up workshop in Zurich was jointly organised by the Swiss Development Corporation and the Berne Declaration with the aim to get Swiss specialists involved in dams to become more aware of the WCD report and the impact of dams. Participants (20) included representatives from industry, the Swiss Export Credit Agency (ERG; from 2007 onward renamed SERV), Government and NGOs... The participants acknowledged the value of the WCD report in that it contributed to a very complex topic. There was general agreement that based on the lessons from the past any complex infrastructure investment would have to be planned with a 'multi-stakeholder' approach. Sponsors should be compelled to organise transparent and participatory processes, which are open to all stakeholders. Although the opinions of the various actors on the binding character of the recommendations of the WCD report remained diverse, it was decided to continue this Swiss platform for the exchange of information.<sup>31</sup>

During an information exchange between NGOs, exporters and the Swiss ECA (SERV) in March 2006, the NGOs were informed that SERV was going to monitor the compliance of the Ilisu project "in the spirit of the WCD recommendations".<sup>32</sup>

### *ECAs' rationale for participating in Ilisu*

As the Turkish government never met the ECA conditions for basic international standards when previously attempting to get the Ilisu project off the ground, the ECAs knew that the implementation of international standards would be a delicate issue. They did not reject the project outright, though, due to pressure applied by their national exporters for granting official coverage for their exports. The ECAs also received political pressure from Swiss, Austrian and German ministers, arguing that Turkey was an

<sup>28</sup> Statement by ECA-Watch in "The Trojan Horse for large dams" (ECA-Watch, 2005): "The OECD governments should adopt the recommendations of the WCD for all future dam projects supported with official export credits. They should certainly not give special terms to large dams if export credit support is not tied to WCD compliance".

<sup>29</sup> In a 2000 press information release, the German Minister of Development Cooperation, Wierczorek-Zeul, welcomed the WCD recommendations. She announced that Germany would revise national standards in line with the WCD: "Das Bundesentwicklungsministerium (wird) seine eigenen Richtlinien für Staudammvorhaben überprüfen und sich für eine Annahme der Kommissions-Empfehlungen in der Weltbank und den anderen internationalen Finanzierungsinstituten einsetzen". [www.unep.org/dams/documents/default.asp?documentid=494](http://www.unep.org/dams/documents/default.asp?documentid=494)

<sup>30</sup> No public report is available on the outcome of the German workshops. Further information can be obtained from the German Ministry of development corporation BMZ ([www.bmz.de](http://www.bmz.de)).

<sup>31</sup> Internal report by Paul Peter of the Swiss Development Corporation (SDC) to participants of the 2003 meeting (available upon request of the authors or SDC).

<sup>32</sup> Oral communication on the Ilisu project (Chatham House Rules): Informationsanlass SERV on March 8, 2006.

important market for Swiss, German and Austrian exporters.<sup>33</sup> Furthermore, the ECAs hoped that Turkey would welcome their involvement in the project, playing a role in bringing the project up to international standards. In addition, an often repeated argument was that if the three European ECAs were not involved, Chinese companies would build the dam and they would not require compliance with any international standards.<sup>34</sup>

## **ECA MEASURES TO MEET WORLD BANK STANDARDS**

Turkish laws regarding dams are not in line with international standards, as we will explain below, and the three ECAs committed themselves to cover deliveries to Ilisu only if World Bank safeguards for displaced people, the environment and cultural heritage were met. The ECAs had to ensure Turkey would raise its standards for dam building. The following is an analysis of the 'standards gap' and measures the ECAs undertook in this regard.

### **Turkish law and World Bank standards**

#### *Environmental impact assessments*

World Bank safeguards require a comprehensive environmental impact assessment (EIAR) for all dam building projects. A Turkish government ruling in 1997 stated that dams planned earlier than February 1993 do not need an EIAR (Kartal, 2010), although, in order to meet ECA requirements, an exception was made for Ilisu. An assessment, including a resettlement action plan (RAP) sponsored by the exporters and compiled by the Ankara-based consultants Encon, was published (DSI and Encon, 2005). However, as we will see in the following chapter, the EIAR was based on the Turkish laws and was not in line with World Bank standards.

#### *Resettlement and expropriation*

The Ilisu campaign highlighted the major differences regarding the resettlement and displacement of dam-affected people in letters to the ECAs in 2006 and 2007 (WEED et al. 2006; Eberlein, 2007). Their claims that affected people might be impoverished after displacement due to insufficient means for the establishment of a new means of livelihood were supported by Professor M. Cernea, the former World Bank specialist on resettlement. Cernea wrote, in February 2006, that the World Bank's major objectives to "avoid or minimise involuntary resettlement" would not be met:

Turkey's current policies and laws about land expropriation and population displacement are not in line with internationally accepted policies and standards on development-induced displacement and resettlement. (...) The major fallacy in this respect is a reverse tilt in the Resettlement Action Plan (URAP) to the means for displacement rather than to the means and end-goals of resettlement (Cernea, 2006).

### **Project approval subject to conditions**

Under pressure from exporters to approve export risk guarantees for their deliveries, the ECAs and the Turkish ministry of energy signed a common agreement in October 2006, wherein Turkey promised to fulfil 150 conditions (embodied in an agreed Terms of Reference, or 'ToR')(Federal Ministry of Economics and Technology, 2006). The DSI needed to fulfil a total of 27 ToR by March 2008 and the others before the actual start of dam construction (Agaportal, 2006). The conditions covered measures in the four key areas of resettlement, cultural heritage, environment and transboundary issues. In

<sup>33</sup> During a visit in 2008, the Swiss president, Pascal Couchepin, described Turkey as a "central, strategic partner", in [www.swissinfo.ch/eng/politics/Switzerland\\_and\\_Turkey\\_reinforce\\_friendship.html?cid=7034840](http://www.swissinfo.ch/eng/politics/Switzerland_and_Turkey_reinforce_friendship.html?cid=7034840)

<sup>34</sup> [www.agaportal.de/pages/aga/nachhaltigkeit/umwelt/projekt/ilisu/faqs.html#1](http://www.agaportal.de/pages/aga/nachhaltigkeit/umwelt/projekt/ilisu/faqs.html#1). Switzerland: The statement was made by representatives of the Swiss ministry of economic affairs in a meeting with NGOs.

essence, the Agreed Minutes is a bilateral contract between the governments involved. The ECAs also achieved another safeguard in the form of an 'environmental default clause', allowing withdrawal from the project in a three-step procedure in the event of Turkey failing to fulfil the agreed ToR. Compliance with these conditions was to be verified by a committee of experts (CoE) consisting of long-time World Bank officials, academics and consultants, with three subcommittees covering the environment, resettlement and cultural heritage, all of whom were selected jointly by the ECAs and Turkey. The CoE reports were published on the project's official website, making the progress of the ToR implementation open to the larger public discourse, which was a positive step towards enhancing the transparency of the implementation process. If the conditions were not met, the European Banks would also withdraw their credit approval. On this basis, the export guarantee cover for deliveries to the Ilisu dam project was approved in principle in December 2006 and finally in March 2007 by the federal council of Switzerland, the ministry of finance in Austria and the relevant German Economy, Finance, Foreign Affairs and Development ministries (Federal Ministry of Economics and Technology, Germany, 2007). The minutes of the Final Assessment Meeting (FAM), including 150 conditions, were only made public after the ECAs' final approval of export credit guarantees on 26 and 28 March, 2007.

### **NGO critique: Standards not met**

When the European NGOs of the Ilisu campaign were informed officially in January 2007 by the national ministries of economics on the 'in principle' granting of the guarantees, they heavily criticised the government's position and advocated against the final decision, arguing that relevant World Bank standards and safeguards had not yet been met (The Berne Declaration et al., 2007). The NGO analysis highlighted that a majority of the required World Bank standards had not been fulfilled. There was no environmental impact assessment (EIA), no resettlement action plan and no cultural heritage plan in line with international standards. The NGOs wrote to the governments and ECAs, critically informing them:

In announcing a final financial commitment before an EIAR has been passed as being fit for the purpose, the ECAs and their governments have breached relevant international standards, including those of the World Bank Group (The Berne Declaration et al., 2007).

The NGOs were also critical of the fact that the project had been developed without consideration of the WCD's strategic priorities, as informally noted in the Swiss multi-stakeholder workshop in 2006.

The ECAs responded that the attached conditions (ToR) would provide a safety net which would bring the project up to World Bank standards in the course of its implementation and improve the DSI approach to large dams. The governments of Germany, Austria and Switzerland repeatedly stated that they would ensure that people displaced received fair compensation and new income possibilities. Further, Turkey should be allowed some time to become familiar with and implement the standards with the help of the ECAs and the international experts.

The NGOs stressed that the World Bank explicitly warned against the use of conditions and the so-called 'incremental' or 'rolling planning' approach – where problems which should have been addressed prior to project approval are allowed to be addressed at some future date, having experienced numerous disasters with this approach (Cernea, 2006). Therefore, the European NGOs carefully analysed whether the ToR and their implementation would be capable of bringing the project up to World Bank standards (The Berne Declaration et al., 2007). They concluded that despite some far-reaching ToR measures, a long list of deficiencies and omissions persisted, which allowed for failure in achieving the necessary standards. In particular, the NGOs insisted that unless the ToR became part of the local legal framework, where affected people could seek redress for non-compliance through the legal system, the conditions would be meaningless (The Berne Declaration et al., 2007).

## NGOs – INFLUENCING ECAs' MEASURES AND DECISIONS

We now shift the focus to explore several aspects of the NGOs' campaigning strategies. First, we discuss how they sought to ensure that the ECAs complied with best practice to prevent negative impacts. Secondly, we determine how they established and used their networks and the media to increase the levels of transparency and public awareness which would, in turn, mobilise citizens in Europe and Turkey to either pressure the Turkish government into complying with international regulations or drop the Ilisu project entirely, and to place pressure on Austria, Germany and Switzerland to withdraw their respective export guarantees.

### Monitoring compliance of the ECAs' commitments

After the three ECAs committed only to support the Ilisu project if international standards were met, the Berne Declaration, ECA Watch Austria and CounterCurrent concentrated, in a first step, on comparing the project documents with international standards. For this end, as mentioned above, they asked reputable scientists and experts to comment on the EIAR. The NGOs also saw their role in informing the public about the controversies in this project. As the governance structure of Ilisu was highly complex and the volume of technical project documents and reports enormous, they 'translated' the voluminous technical project documents into clear language that could be better understood by the public.

The NGOs' main findings can be summarised as follows: the relevant central aspects of the World Bank safeguard policies, and thus the common approaches, international law and the WCD's recommendations, had not been met. In this sense, the Swiss, German and Austrian governments accepted to grant official export insurance for national deliveries to a project that would not only be infeasible in Europe, but also not in line with the respective sustainability guidelines of each ECA. As outlined in a later section, the NGOs legitimised their involvement by making the European governments accountable to their own citizens (whose tax money they were ultimately using for the export guarantees) and to their own agreements and guidelines. The NGOs' actions contributed to a large degree to raising the ECAs' awareness about existing gaps in the EIAR. This, in consequence, led not only to the ECAs' request to Turkey to provide several amendments for the EIAR, but also to the ECAs' request that Turkey commit to the ToRs (The Berne Declaration et al., 2007).

When it became known that export credit cover had been granted without meeting the core values of the World Bank standards, the campaign changed names from the 'Ilisu campaign' to the 'Stop Ilisu Campaign',<sup>35</sup> arguing that the ToR would not be sufficient to safeguard cultural heritage, the affected people and the environment.

The Stop Ilisu Campaign tried to engage the Turkish government in a broader debate on large dams and development, and proposed alternatives to electricity produced by large dams. Furthermore, it unified in a watchdog role to monitor compliance with the ToR and simultaneously implemented a media strategy to stop the project.<sup>36</sup>

### Creating a communication network to influence politics

The set-up of a functioning transnational communication network was a precondition for the success of the campaign's strategy to establish wide media coverage to raise public awareness and mobilise citizens in Europe and Turkey. The quick and firsthand information exchange on what was happening at every stage of the project fostered campaign-wide credibility with the media and with politicians. The following examples represent an extensive list of actions and media events organised and reported about by members of the Ilisu campaign.

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<sup>35</sup> [www.stopilisu.com](http://www.stopilisu.com)

<sup>36</sup> [http://m-h-s.org/ilisu/front\\_content.php?idcat=128](http://m-h-s.org/ilisu/front_content.php?idcat=128)

During the official inauguration of the Ilisu hydropower project, on August 5th 2006, the Initiative to Keep Hasankeyf Alive organised an alternative concert attended by 10,000 people. In March 2008, over one hundred affected people travelled to Ankara to hand over 1500 signed letters to the embassies of Germany, Austria and Switzerland, demanding the ECAs' withdrawal from the project. They announced that they would request asylum in Europe if they had to move from their homelands, which was widely reported in Europe. In May 2009, the campaign received global media attention with the proposal that Hasankeyf and the Tigris Valley be nominated for World Heritage listing. Over 60,000 people signed this petition within a few months. Thus, the campaign made sure the project was constantly in the media to ensure wide public support for its aim to stop European funding for the project, and – should the ToR not be met – press the ECAs to withdraw their support. It was hoped that by creating transparency and wide publicity, the governments would not be able to escape from their responsibilities.<sup>37</sup>

In 2007, the Turkish nature society 'Doğa Derneği',<sup>38</sup> brought reputable opinion leaders and stars onboard, such as Turkish pop star Tarkan, the Nobel Prize winner Orhan Pamuk, the German-Turkish director Fatih Akin and other Turkish, German and Austrian celebrities. With their support, the Ilisu dam soon became topical in the Turkish media, which had previously downplayed the situation as a mere Kurdish and strategic issue.<sup>39</sup> Globally, over 1000 articles were published about the Ilisu project. It was regularly covered in the Turkish media and many European countries, and received international media attention in far-flung countries such as the USA, Australia and some in the Middle East.<sup>40</sup> Movies and documentaries<sup>41</sup> also contributed largely to the publicity of the situation in Ilisu and helped raise awareness amongst, for instance, school children and students.<sup>42,43</sup>

### Information transfer and distribution

The exchange of information between the networks was instrumental in remaining up-to-date on what was happening in the project area and disseminating it. The following examples illustrate how the transnational network provided the ECAs with information they did not previously have access to, as their institutional set-up only allowed for one field trip during the entire process and three trips for the panel of experts.

1. In September 2006, the expropriation process for the new Hasankeyf settlement started according to Art. 27 of the Turkish expropriation law. This law is intended to be used for emergencies only (national catastrophes, military reasons) (Resmi Gazete, 2006).<sup>44</sup> The same happened in 2008 when the ToR should have already been applied. The ECAs were not informed by the Turkish government about this step, which presented, as it turned out, a breach with the contract conditions. Instead, they heard the news from the NGOs.
2. In October 2007, members of the Swiss NGO Berne Declaration and the initiative went on a field trip to monitor the implementation of the ToR. They found that the villagers of Ilisu and Karabayir near the construction site had already been expropriated (March 2007), although in line with ToR conditions but according to Turkish laws. Villagers reported that they had been

<sup>37</sup> [www.stopilisu.com](http://www.stopilisu.com)

<sup>38</sup> Homepage von Doga Dernegi: [www.dogadernegi.org](http://www.dogadernegi.org)

<sup>39</sup> <http://hasankeyfesadakat.kesfetmekicinbak.com>

<sup>40</sup> [www.stopilisu.com](http://www.stopilisu.com)

<sup>41</sup> [www.stopilisu.com](http://www.stopilisu.com)

<sup>42</sup> The European NGOs received weekly demands from students, producing reports about the project. Several diploma theses were written (e.g. Fliesser, 2010).

<sup>43</sup> The campaign's outstanding media work was honoured in September 2009, when the Berne Declaration on behalf of all NGOs involved in the campaign received the Swiss Media Relations Award, sponsored by the Swiss Northern Polytechnical Colleges: [www.award-cc.com/index.asp?l=1&p=70](http://www.award-cc.com/index.asp?l=1&p=70)

<sup>44</sup> *Resmi Gazete* (Official Gazette). 2006. Bakanlar Kurulu Karari, Karar Sayisi: 2006/10642 (Decision of the Council of Ministers, Decision No: 2006/10642). 12.07.2006.

offered token compensation. In addition, they found the allocated resettlement land to be too steep to farm, without water sources and therefore inadequate to sustain their livelihoods. People were told they would only receive loans as income restoration measures. Further, they had not been informed by DSI about the existence and content of the ToR (Eberlein and Ayboga, 2007).

3. In October 2008, pictures of the construction of a bridge crossing the Tigris below the village of Ilisu appeared, indicating clearly that a step in the dam building had started, which was in breach with the agreements of the ToR and the advice of the CoE on resettlement. The CoE report on resettlement had stipulated that construction should not start before the expropriation and resettlement process of the villages near Ilisu was closed.
4. In April 2008, a Hasankeyf public meeting was held by DSI in order to inform the population about the resettlement process. Members of the initiative and a participating German radio journalist reported that the consultation was significantly out of line with international best practice: questions from the affected people were not answered, the attendance of police officers intimidated the population, and information was unclear or not given with regards to procedures on expropriation, compensation and income restoration measures.<sup>45</sup>

Whenever something happened regarding the project, the NGO network alerted the directors of the ECAs and the respective government representatives. They took the NGOs' alerts and information seriously, because the implementation of the ToR in five villages near Ilisu, where the wall of the dam was to be built, had been specified in the February 2007 resettlement plan as a pilot test for the successful overall implementation of the ToR.<sup>46</sup>

### THE PROCESS LEADING TO THE ECAs' WITHDRAWAL

In the following section, we describe the actions undertaken by the ECAs in reaction to the NGOs' alerts and their campaigning, how they monitored compliance of the ToR and ultimately which measures they undertook to withdraw from Ilisu.

Responding to the NGOs' critique, the ECAs ordered an on-site inspection by the committee of experts (appointed jointly by Turkey and the three ECAs and responsible for monitoring the project's implementation and compliance with the ToR in the Agreed Minutes), which arrived on site in December 2007. The CoE resettlement report revealed that only a few conditions had been fulfilled one year after the ToR agreement (CoE, 2008a, 2008b, 2008c). The experts found that the responsible Turkish authorities on site had no information about the ToR and had not been familiarised with the World Bank standards. They argued explicitly that no further displacements should occur before the ToR had been properly implemented and before construction would start:

The CoE-R calls full attention to the fact that neither the letter and spirit of the ECA-DSI agreement, nor the logic of development projects and resettlement preparation, can support the start of the construction engineering in the absence of the indispensable preparation, planning, population data, and land resources for Ilisu's vast resettlement component. Beginning the technical construction without having a soundly prepared program for resettlement, material resources for relocation, a full population census, and a feasible timetable for population transfer harmonised with the technical construction over the duration of the project, would only aggravate the current time discrepancy rather than reduce it (Cernea et al., 2008).

In a follow-up report in November 2008, resettlement experts described the process as worse than comparable projects in China, and came to the conclusion that a period of one year to 15 months (since the project's approval) had been largely lost. The reports of the other subcommittees on cultural

<sup>45</sup> [www.stopilisu.com](http://www.stopilisu.com)

<sup>46</sup> DSI, Ilisu Consortium, 12 February 2007: Ilisu Dam and HEPP Project, Resettlement Implementation Plan.

heritage and the environment came to similar regrettable conclusions (CoE, 2008c, 2008e, 2008f, 2008d).

Despite repeated ECA advice and warnings, the Turkish partners continued to delay the implementation of the ToR and instead continued the construction of the dam and expropriations in line with Turkish laws. After more CoE reports critiqued a substantial backlog in the completion of the ToR, in October 2008 the German Under-Secretary of State, Erich Stather, announced all three countries had initiated exit proceedings by sending an Environmental Failure notice to the Turkish Government, which would allow 180 days to fulfil the conditions.<sup>47</sup> The main complaints were shortcomings in the resettlement of the project-affected persons, as well as the ill-prepared relocation of Hasankeyf's monuments. Turkey was given sixty days to deliver a response. The environmental failure notice prompted the export companies into action, resulting in further Encon reports. When Turkey requested more time at the end of this period, the ECAs ordered the suspension of delivery contracts for another period of 180 days, beginning on December 23, 2008. A new evaluation of the project in July 2009, however, presented no satisfactory results (Eberlein and Drillisch, 2009; CoE, 2009a, 2009b, 2009c, 2009d).

This unwillingness of the Turkish partner to uphold its responsibilities led finally to the withdrawal of export credit cover for the project in July 2009 (Federal Ministry of Economics and Technology, Germany, 2009; and Agaportal, 2009). This also ended all contracts with the banks that had received guarantees for their financing of the project (UniCredit, 2009). In the following months, the Swiss and German companies also cancelled their contracts with the consortium, whereas the Austrian company Andritz decided to remain in the project.<sup>48</sup>

## CONCLUSIONS AND LESSONS TO BE LEARNED

Even though the ECAs' goal to implement best practice remained ultimately unmet, important experiences have been learnt so that lessons for other projects can be drawn.

### Regarding the WCD

Contrary to the suggestions of the WCD multi-stakeholder workshops in Switzerland and Germany (2003), and the ECA promises made during a March 2006 meeting with NGOs on Ilisu, the ECAs ultimately ignored the WCD recommendations. Had they given greater emphasis to the WCD recommendations, they could have used the implementation of the first three strategic priorities – Gaining Public Acceptance, a Comprehensive Options Assessment and Addressing Existing Dams –<sup>49</sup> as a test for the willingness of the Turkish sponsors to implement international best practice.

### Regarding the ToR

The ToR mechanism proved to be adequate for the ECAs to terminate their involvement in a project that did not meet their specified standards, but it did not help achieve the desired improvements in the project or Turkish dam-related policy in general.

While, in the view of the ECAs and the panel of experts, this was attributable mainly to a lack of knowledge and commitment within the Turkish institutions (CoE, 2008a, 2008d), the question arises as to what an adequate structure would look like in future cases, and which policy improvements need to be made in order to prevent similar projects gaining approval in the future.

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<sup>47</sup> [www.ngo-online.de/2008/12/22/ilisu-staudamm/](http://www.ngo-online.de/2008/12/22/ilisu-staudamm/)

<sup>48</sup> E-mail communication: 15 May 2010 by Alstom to Christine Eberlein, Berne Declaration and by Züblin to Heike Drillisch, CounterCurrent, Presseclips on Andritz.

<sup>49</sup> [www.unep.org/dams/documents/Default.asp?DocumentID=664](http://www.unep.org/dams/documents/Default.asp?DocumentID=664)

Even though large in number, the conditions for Ilisu were not adequate to solve the problems associated with the project. Indeed, if the lack of appropriate compensation and income restoration measures had been the only problem of the Ilisu dam, then the involvement of the European ECAs could have helped greatly to improve the project. This was not the case, however. Neither the feasibility of the planned measures nor the commitment of the project sponsor we given by the time the ECAs withdrew. In relation to the environment and cultural heritage, the possible impact would be so massive that the narrow range of conditions was not at all adequate to solve the broader problems. The concerns were that even if the Turkish authorities had satisfied the ECAs' conditions regarding resettlement, then both the environment and cultural heritage of the region would still have been sacrificed. In relation to public participation, conducting consultations without considering the human rights situation was inadequate for protecting the rights of the people.

### **Regarding the panel of experts**

Overall, the establishment of the panel of experts proved to be a very good instrument for assessing the compliance of the project with international standards. The experts acted far more independently than had been anticipated by the NGOs and, when their findings became public, worked hard to find solutions to difficult problems.

It is obvious that the experts have learnt lessons from earlier projects. One issue arising with a panel of experts is to find specialists knowledgeable about the project, region and issues as well as independent of the project sponsor, and who can credibly evaluate and enforce compliance with international standards. An excellent result from the panel of experts was the inclusion of a former World Bank resettlement specialist, who inspired a better reporting standard and highlighted the deficiencies of the resettlement process while he was on the team.

The effectiveness of the experts was limited by their scarce capacity to be on site. Infrequent visits will not provide them with the necessary field experience and information to convince the project sponsor of the need for meaningful commitment to required standards. Thus, international experts can only be truly effective if the institution can commit the necessary resources that experts need to do their jobs effectively, such as adequate funding for field visits.

### **CONCLUSION**

The efforts of the three European ECAs to implement social, cultural and environmental guidelines within the Ilisu dam project mark a historical step towards trying to achieve international standards in the field of government-backed guarantees. Furthermore, their withdrawal in July 2009 shows an unprecedented will to take social and environmental standards seriously and weigh negative impacts against economic benefit. NGOs played an important role in this process, as without their persistent demands to ECAs to implement best practice, and without giving their alerts and information to the media and the public in general, it is quite unlikely that the ECAs would have decided in favour of the ToR process in the first place. The NGOs' demands for project monitoring by an independent committee of experts were met in order to ensure Turkey's commitment to the project conditions. Nevertheless, this panel of experts could not ensure that Turkey would comply with the ECAs' conditions. In addition, because the panel of experts did not have adequate capacity to visit the field and region, the role of NGOs – who were in close contact with affected communities and local NGOs in the region – was to help provide information about activities and impacts in the region and the many contractual breaches committed by Turkey. Ultimately, the public and European ECAs and government agencies gained access to project monitoring information generated through the successful cooperation between local and international NGOs.

Through demonstrating the shortcomings of the Environmental Impact Assessment and Resettlement Plan reports, and also collaborating with scientists and other experts, the campaign

demonstrated that the project documents did not meet World Bank standards. Our analysis showed that the transnational Ilisu campaign network was able to influence the decision of the ECAs and the European governments, and provided for a decision making process within the European ECAs which strictly followed the agreed-upon procedures. At the time of the Final Agreement in 2006, it looked like the influence of the ECAs themselves had been successful and Turkey had understood the importance of meeting international safeguards. Yet, ultimately, Turkey decided to follow national laws and best practice for Ilisu, thereby rejecting the conditions set by European governments.

DSI and the Turkish government have since made clear that they plan to continue with the Ilisu hydropower project. NGO networks will have to extend their influence beyond European decision makers by strengthening awareness within Turkish civil society and by uniting the different local dam campaigns to promote best practices within Turkey. First steps have already been initiated in 2010 by creating a Turkey-wide river network labelled *Akarsu Hareketleri* (River Movements), calling for a new water policy in January 2010 (Akarsu Hareketleri, 2010).

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