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Çağla KOSOVA

The Aims of Environmental Policy in Turkey
Are the Political Approaches Realistic or Idealistic?

Joint Master's Programme European Studies Master Thesis

Antalya / Hamburg, 2012

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LIST OF ABBREVIATIONS

CITES	Convention on International Trade in Endangered Species of Wild Flora and Fauna
COREPER	Committee of Permanent Representatives
EAP	Environmental Action Plan
EC	European Community
EIA	Environmental Impact Assessment
EU	European Union
GEF	Global Environment Facility
GMOs	Genetically Modified Organisms
IPA	Instrument for Pre-Accession
MoEF	Ministry of Environment and Forestry
NGOs	Non-Governmental Organizations
NEAP	National Environmental Action Plan
NEAS	National Environmental Approximation Strategy
OECD	Organization for Economic Cooperation and Development
PCB	Polychlorinated Biphenyls
REACH	Registration, Evaluation, Authorization and Restriction of Chemicals
REC	Regional Environment Center
REI	Regulation on Environmental Inspection
SEA	Strategic Environmental Assessment
SEA	Single European Act
TEMA	Türkiye Erozyonla Mücadele, Ağaçlandırma ve Doğal Varlıkları Koruma Vakfı (The Turkish Foundation for Combating Soil Erosion, for Reforestation and the Protection of Natural Habitats)
WWF	World Wild Fund for Nature
UN	United Nations
UNDP	United Nations Development Program
UNEP	United Nations Environment Program
VOC	Volatile Organic Compounds

ABSTRACT

Environmental destruction has caused critical environmental problems for Europe and the world since the 1970s but also it has been providing new improvements regarding the environment. Turkey, as a country which conducts protection of nature and sustainable development based environmental policy, is an arguably country regarding which subjects works primarily, by the protection of nature or only for conformity to the *acquis* of the EU and by its policies are contradictory to the *acquis* of EU in the academic and ethical fields. The questions whether environmental policies of Turkey are idealistic or realistic and whether there is a real environmental policy bring up an important debate. In this study, environmental policy and environmental law and their priorities in Turkey were analysed to shed light on the debates. Looking at the subject from the European perspective and researching progress reports composed the most important objective part of the study. The effect of the Environment Chapter which was opened in December 2009 and Turkey's actions to comply with the *acquis* of the EU were analysed and assessments were made in accordance with current evolutions.

Key Words: Environment, Environmental Protection, Environmental Policies, Environmental Law, Sustainable Development, Environment Chapter, Compliance with the *Acquis* of the European Union

ÖZET

Türkiye’de Çevre Politikasının Amaçları: Politik Yaklaşımlar Realist mi Yoksa İdealist mi?

1970’li yıllardan itibaren meydana gelen çevresel tahribat, çevre sorunlarının Avrupa’nın ve dünyanın en önemli konuları arasında yer almasına sebep olmakta ve tüm dünyada çevre konusunda önemli gelişmelerin yaşanmasına yol açmaktadır. Doğa koruma ve sürdürülebilir kalkınma temelli bir çevre politikası güden Türkiye’nin hangi alanlarda öncelikli çalışmalar yaptığı, doğa koruma esaslı mı yoksa yalnızca Avrupa Birliği müktesebatına uyum çerçevesinde bir yaklaşım mı sergilediği; hatta bazı durumlarda sürdürülebilir kalkınma ve ekonomik çıkarlar doğrultusunda, Avrupa Birliği müktesebatına aykırı bir takım politikalar izleyip izlemediği akademik alanda ve etik açısından büyük tartışma konusudur. Türkiye’nin çevre politikası yaklaşımlarının idealist mi yoksa realist bir çerçevede mi geliştiği, gerçek bir çevre politikasının varlığı tartışmasını da beraberinde getirmektedir. Bu çalışmada, söz konusu tartışmalara objektif bir ışık tutmak ve açıklık getirmek amacıyla, Türkiye’nin çevre politikası ve çevre mevzuatı gelişim sürecinde ve öncelikleri doğrultusunda incelenmiştir. Konuya Avrupa Birliği perspektifinden bakılması ve bu amaçla ilerleme raporlarının incelenmesi çalışmanın en önemli objektif kaynaklarını oluşturmuştur. Aralık 2009’da açılmış olan Çevre Faslı’nın konuya olan etkisi ve Türkiye’nin Avrupa Birliği müktesebatına uyum çalışmaları incelenmiş ve güncel gelişmeler doğrultusunda değerlendirmeler yapılmıştır.

Anahtar Kelimeler: Çevre, Çevre Koruma, Çevre Politikaları, Çevre Mevzuatı Sürdürülebilir Kalkınma, Çevre Faslı, Avrupa Birliği Çevre Müktesebatına Uyum

INTRODUCTION

The EU-membership of Turkey has been a never ending story. On by the accession process of EU, all policies are very important for Turkey. But environmental policy is a popular and important issue for the EU and the world. Turkey needs to do more serious works in compliance with the EU *acquis*, also on environmental policy issues. In the Community's founding treaties, environmental compliance criteria are located the responsibility of candidate countries and it is an essential qualification for full membership. To benefit from the European Union funds, Turkey should meet the convergence criteria and should allocate a significant amount of financial support for it. As it is seen, the subject is transformed into a loop. Beginning from being a member of EU, Turkey has to approve all the regulations on environmental protection of the EU. Environmental policy is very difficult to implement because there are differences among the environmental problems of the member countries. Harmonization of the European Union's environmental legislation and Turkish legislation on the environment is the first requirement in order to ensure compliance with the European Union *Acquis*. Implementation of the legislation with the same validity as well as harmonization of legislation is obligatory. However, in Turkey, many issues seem not currently the subject of regulation. Furthermore, there are some inconsistencies when policies which are adopted within the framework of the European Union *acquis* are taken into consideration¹.

The popularity of the issue comes from its costs, advantages, disadvantages and the international feature. While analysing the issue of the aims and changes of the Environmental Policy in Turkey, the question to be answered is not only “what?”, but also “how?”. The development of environmental policy will be analysed in a critical perspective and the real targets of environmental policy will be found in this thesis. Is the aim of environmental policy idealistic or realistic? What kind of a political approach does Turkey have? The reason of addressing the issue is the dilemma between the policies and implementations. There are several environmental problems in Turkey which should be solved by administrative power.

When the environmental problems and environmental policy are compared, it is possible to see that in some areas Turkey has taken measures only for the accession process of

¹ Özel. 2003: pp. 235

EU, not for the protection of the environment. Since the eighties, when the program of governments was evaluated with environmental policies, it was possible to see the effect of the change in the world on environmental issues. Furthermore, there are some examples of legal and political activities, which are in conflict with the EU *Acquis*. That means, the priorities of Turkish environmental policy are variable through the economic interests of the country. Environmental policy should be implemented with idealistic approaches. If economic benefits come before environmental protection, the ethic of this environmental policy should be discussed. The important difference of environmental policy comes from the features of environment. It should be protected also for future generations and therefore countries should take the responsibility. Limited resources of the world cause the obligation of respect to nature. The international dimension of environmental politics makes it a popular and significant topic in international relations. Environmental policy should be considered with ethics because ethics are the core of green politics.² If we talk about ethics, national interests and international relations we should first understand the fundamental theories of international relations. Then it will be possible to discuss the environmental policy in an idealistic and realistic frame for evaluating the Turkish environmental policy approach.

In the first part of this study the definition of idealism, realism and environmental policy will be made. Understanding the core idea of these three terms is very important for explaining the relation among them. Also the relation between two political approaches and environmental policy will be explained in order to make the reasons clear for addressing these issues. Then two fundamental examples of environmental policy approaches; Germany as idealistic and USA as realistic, will be discussed. Finally the fundamental aims of environmental policy will be explained including the interests to be followed for understanding the general concept of environmental policy.

It is very important and helpful to look at the general frame of environmental policy of the EU for comparison with Turkey. It is also important to have a general frame of environmental policy of the EU while analyzing the adaptation process of Turkish environmental policy. There are several reasons for developing environmental policy. It will be easy to understand the historic factors, which were effective for the development of environmental policy in Turkey. In the second part the structuring of environmental legislation and policy will be shown chronologically and the legal instruments with their

² Connelly. Smith. 2003: pp.49

duties and responsibilities will be explained. The discussion of fundamental issues and problems on environmental policy will make it possible to see the changes and improvements of Turkish environmental policy. The role and effectiveness of NGOs on environmental issues are very important to understand the requirements and the ineffectiveness of the environmental policy in Turkey. Because of the legal structure of international agreements, the international environmental responsibilities of Turkey will show some reasons for active environmental policy. The actual and the most important environmental responsibility of Turkey is adapting the environmental *acquis* of EU. The chapter of environment will be explained with fundamental issues and requirements for Turkey. There are policy areas on issues in the environment chapter which were determined by the EU. The Environment chapter has been very famous because of its costs and obligations, which are difficulties for Turkey. The opening and closing criteria for the environment chapter and the analysis of progress reports of the European Commission will be explained to see the development and the progress and the situation of Turkish environmental policy in the view of the adaptation process. The progress reports can be considered as the main objective indicator of Turkish environmental policy. Turkey's progress on the relevant issues will be explained for determining the priorities of actual environmental issues. All these issues will be analyzed and explained in the second part of this study.

In the third part there will be a general evaluation of Turkish environmental policy. The financial dimension of environmental policy has a big importance on implementation activities. The advantages and disadvantages of the EU environmental *acquis* will be explained through the difficulties and opportunities. The huge cost of environmental policy will also be shown in a sectoral distribution. The fundamental implementation problems, the transparency and the efficiency of Turkish environmental policy will also be discussed. There are several conflicts between the measures and actions. The changing feature of Turkish environmental policy will be criticized and the conflicts between legislation and policies will show the use of environmental policy through the benefits. The activities on the environment carried out by Turkish administrations are important when they are compared with the basic principles of environmental policy. These discussions are the core of the thesis statement and given examples in these parts will be the evidences for the whole argument of this study. The major implementation and legislation problems will be addressed as the fundamental factor of an unsuccessful Turkish environmental policy. After all these explanations, analysis and discussions it will be possible to find the answer of the research question.

1. IDEALISM, REALISM AND ENVIRONMENTAL POLICY

In this part the three terms will be defined before explaining the relation between two approaches (in international relations) and environmental policy. The fundamental aims of environmental policy will be analyzed with the examples of realistic and idealistic environmental policies in the frame of environmental and national interests. In this part it is possible to understand why idealism and realism are important in politics and then it will be easier to analyze the environmental policy approaches of the EU and Turkey. The core idea and aims of environmental policy will be compared with both approaches for making the interests of environmental policy clear.

1.1 Basic Definitions of the Terms

Idealism appeared after the First World War as an approach of international relations. It is also named “Wilsonianism” or “Wilsonian Idealism” because of the *Fourteen Points*³ of Woodrow Wilson⁴, which contain many idealist principles. According to idealism the decisions of states should be in a parallel line in internal and foreign politics. The state should consider the foreign political aims by determining the internal policy approach in the frame of ethical values. The Wilsonian Idealism has led to the rise of liberal international relations theory⁵. “Idealism defends considering universal ethical principles rather than national interests. It concentrates on how the states should behave. After the hazardous results of the First World War, idealism stressed the need of institutional and legal arrangements for a peaceful world.”⁶

Nowadays, liberalism and idealism are actually used in the same meaning. If we look at the basis of both approaches, it is possible to see the similarities of the theories. The only difference is the appearance time of the approaches so it is true to say that both approaches are in interaction. The reason for this explanation is the need to refer to liberalism while analyzing the international relations’ theories. “Idealists seek to apply liberal thinking in domestic politics to international relations, in other words, institutionalize the rule of law.”⁷ Because of these reasons it is difficult to separate liberalism from idealism.

³ Dunne. 2005: pp. 191 (Box 8.3)

⁴ Thomas Woodrow Wilson was the 28th president of USA. He brought the idea of idealistic internationalism, fight for democracy and he had many peace-making efforts.

⁵ Görentaş. 2009: pp. 69

⁶ Dağ. 2005: pp.249

⁷ Dunne. 2005: pp. 200 (Box 8.7)

Idealism emphasizes the role of international politics and international organizations in the political order. Although the war was not a waited result, the only way to prevent the war was the creation of an international order.⁸ According to idealism, if the required arrangements are made in international law, democratic regimes rather than dictator regimes are established, the tradition of open democracy comes rather than secret democracy develops and international organizations are established, then the peace area (based on cooperation) can be created.⁹ The aim of idealism is the alliance of the interests of people with peace and cooperation in the international society. Universal ethic norms are the basis of common rules which determines the behavior of people while achieving the aims of idealism. Because of their nature, people are good, so the occurrence of universal ethic norms is a natural result. International organizations increase the cooperation between institutions and because of that states and other institutions need some international and supranational organizations. According to idealists, each state should have a democratic regime, which is seen as the guarantee of peace and cooperation. As a requirement of democracy, open diplomacy should substitute secret diplomacy.¹⁰ Idealism is mostly concentrated on how the international relations and politics need to be. It doesn't explain the present and actual situation of international relations.

Realism entered to international relations literature as an official theory after the Second World War. The famous realist writers are E. H. Carr, Hans J. Morgenthau, Reinhold Niebuhr and Frederick Schuman. Realism has appeared as a criticism to idealism and is concentrated on the power and interest concept. "According to Morgenthau, interest is defined as power for the purpose of political science. ...The state is moved by the moral principle of national survival which requires prudence and there is no knowable good and evil as pertains to state interests."¹¹ Morgenthau also states that the human nature causes the war and the individuals are selfish. States, such as the individuals, generally follow their interests. It is very significant to emphasize the importance of **power** for the state. International politic is a struggle for power. According to realism the aim of each state is to pursuit national interests and military power which is the most important confidence factor. States are fundamental elements of international politics and the conflict among them is natural and inevitable.¹²

⁸ Görentaş. 2009: pp. 70

⁹ Eralp. 2004: pp. 62

¹⁰ Dağ. 2005: pp. 94

¹¹ Laferrière. Stoett. 1999: pp. 7

¹² Ari. 2004: pp. 92

There is no effort for the prevention of war except for the power at variance peace struggles which are seen as a weakness of states and a danger for them and their power.

The understanding of realism comes with the consideration how the discipline was produced and characterized in a specific discourse. The opposition to idealism comes from the opposition between political realism and utopianism.¹³ When the historical perspective is considered, the concentration of realists on military strategy, the elements of national power, the instruments of diplomacy and state government and the nature of national interests can be seen as very natural rather than depending on international law and organizations. According to the results of the Second World War, the only way to prevent the war was the basis of concert and balance of powers. Realism has been the dominant approach of international relations after 1945, when international relations were named as a discipline in the academic area.¹⁴

According to realism there is no authority over the state, which may control the state or its actions. States are the only actors in the international system and the international organizations, NGOs, multinational associations and individuals have a very small effect. There is a general distrust regarding long-term cooperation and alliances, because the states behave through national interests and those interests are based on national security.¹⁵ States, which are the main actors of international politics, use the natural sources and human capital for making power while protecting the national interests.¹⁶ “Realists argue that the need for survival requires state leaders to distance themselves from traditional morality which attaches a positive value to caution, piety, and the greater good of humankind as whole.”¹⁷ There is also a distinction between domestic and international politics because international politics are seen as an extra effort for power like other politics. If the concentration on domestic politics is separated, the power of the state will also be decreased. All these explanations show the characteristic nature of realism, which does not allow any moral or idealistic behavior in international and domestic politics.

Environmental policy defines the strategies of governments to protect and build on natural and artificial environments for the future. In other words, environmental policy refers to set of preference and targets of a country on the subject of the environment. Environmental

¹³ Walker. 1993: pp. 107

¹⁴ Aydın. 1996: pp. 93

¹⁵ Görentaş. 2009: pp. 44

¹⁶ Pamukçu. 1998: pp. 431

¹⁷ Dunne. Schmidt. 2005: pp. 163

policy can also be defined as a set of principles and purposes that is used to conduct the decision making about human management of environmental capital and services¹⁸.

According to another definition, “environmental policy is all integral preventions to cover an environment in which people can protect their own health and live a suitable life for the mankind, to protect the earth, animals, plants, water and air against destructive impacts of human being actions and to remove the costs and damages which are caused from human being actions.”¹⁹ Environmental policy is shaped differently in any country according to characteristics of that country. Besides, there are common features of all environmental policies. These features are to provide a life in a healthy environment for people, to protect and develop values of society about environment and to provide compliance to social justice for sharing responsibility on environmental policy practices.

“Environmental policy comprises a diversity of governmental actions that affect or attempt environmental quality or the use of natural resources. It represents society’s collective decision to pursue certain environmental goals and objectives and to use particular tools to achieve them, often within a specified time.”²⁰ With this definition it is possible to understand that environmental policy has to be managed in a democratic way. While achieving environmental targets society’s collective decision should play a role. It is also important to emphasize not only the environmental protection and prevent the damages but also to pay attention on environmental quality. Environmental policy should be protective and should increase the quality of environment for the future generations.

Countries try to give different shapes to environmental policy relatively new. In the shaping of this policy, it is seen that economics and technology are dominant factors rather than ideology. There are two types of environmental policies²¹; which are reparative and preventative policies. **Reparative** policies are produced as a reaction to problems and aims to remove destructive effects of activities on environment generally after harmful results emerge. There are two main tools for the implementation of reparative policies as the compensation (polluter pays) and direct supervision of executive institutions. With **preventative** policies, it is aimed to prevent deterioration of the natural and artificial environment and life for lives of the future, so before the environment is damaged. Therefore, costs of preventative policies are not as high as cost of reparative policies. Implementation tools of preventative policies are technological innovations and structural changes.

¹⁸ Roberts. 2011: pp. 2

¹⁹ Budak. 2000: pp.22

²⁰ Kraft. 2004: pp. 12

²¹ Keleş. 1997: pp. 271-272

Environmental policy of a state includes not only the choices of government for protecting the environmental quality and natural resources but also the choices not to do, thereby to allow other impacts, such as private decision making, to fix environmental products.²²

1.2 The Importance of Idealism and Realism in Politics

Idealism and realism are two fundamental approaches. The principles of international relations are the milestones of today's political order. Idealism composes the basis of international relations doctrine. The first chairs of international relations have become possible with idealism and idealists.²³ Idealism has also a big importance on the appearance of realism and the development of liberalism. Its impact on literature and political thought has caused the actual and fundamental principles. Idealism concentrated always on how the politics should be. It can be seen as a politics guide. The emphasis of ethical rules, peace and cooperation has always been the "good side" of politics in the world. Although idealism lost its popularity after the Second World War, today it is used for explaining and understanding other theories which are against idealism.²⁴

Although realism appeared as a reaction to idealism, it explains the real situation of international politics today and it has been the dominant theory of world politics. Realism can be seen as a mirror of states that behave through their national interests without considering the results of their politics. "It provides the most powerful explanation for the state of war which is the regular condition of life in the international system."²⁵ As Morgenthau states policies are governed by law which is made by human nature. International politics are through the interests, described in terms of power.²⁶ Realism denies the need of universal ethical values in international politics and characterises the politics in the frame of national interests. So, realism is defined as the rationalist explanation of international relations.²⁷

The state behaviour in international relations is created under the conditions of anarchy and power that requires no supranational authority or organization to set the state actions.²⁸ Today, the existence of the European Union, as a supranational organization, creates lots of arguments in the international system and about the issue of sovereignty. If realism has

²² Kraft. 2004: pp. 13

²³ Eralp. 2004: pp. 58

²⁴ Görentaş. 2009: pp. 71

²⁵ Dunne. Schmidt. 2005: pp. 161

²⁶ Dunne. Schmidt. 2005: pp. 166 (Table 7.1)

²⁷ Eralp. 2004: pp. 74

²⁸ Sitaraman. 2001: pp. 112

appeared from the results of international politics and if idealism has lost its popularity in international relations theory, there should be no international cooperation or supranational organization in the world. It is very important to explain the conflicts of political approaches because of the international and global feature of environmental problems and politics.

1.3 The Relation between Environmental Policy and Two Approaches

This chapter will explain the core of the study, which is the evaluation of environmental policy in theoretical view. Environmental policy should be evaluated in a different concept because of its global feature. Environmental problems are one of the most famous problems in international politics. On the one hand it is impossible to manage the environmental problems without international cooperation because of their nature. On the other hand the variety and complexity of environmental problems in each country and region cause the concentration on “national” environmental interests. There are critical points in respect to environmental policies. First, environmental issues are seen as protection problems. However, when developments in the last 25 years are considered, it seems that environmental problems emerge as problems of “maintenance, amendment and cultivation”. Second, environmental issues are supranational and universal problems. So while national policies are being developed, governments should pay attention on an international level of the problem. Another critical problem is the position of humans in environmental politics. Environmental policies are closely related with humanitarian necessities²⁹. Environmental policy shows the attention of countries for about the issue. While some countries are behaving idealistic, others act realistic.

It is also important to note that the issues of international environmental problems should be evaluated in different areas like economy, security, social issues, health, ethics etc.,. Because of that it is wrong to explain environmental policy only through one simple approach. If environmental policy is evaluated in the frame of idealism, the related issues are international cooperation, ethics, international organizations and international law. Protecting the environment for the future generations is also in a parallel way with idealism. International environmental politics are made by the cooperation with non-state actors. Today, the important role of the state and the relation between international and domestic features of political activity are discussed with considering the basic separation of theoretical

²⁹ Akbay. 1997: pp.316

approaches.³⁰ Like the NGOs, international organizations and also supranational organizations play a role in environmental politics. The cooperation among the all the actors and institutions is the fundamental factor of international environmental politics.

If the actual situation of environmental policies is considered it is possible to see that sometimes environmental interests come after the other national interests. One of the most popular discussions of environmental issues is the security which is one of the most significant issues of realism. Environmental problems like environmental pollution and degradation, global warming and climate change will cause a lot of natural disasters like drought, desertification, the rise of water level of seas etc.. These problems are also serious security issues. For example the rise of water level of seas will cause the disappearance of some small island states. The security side of environmental problems oblige the states to take account of their economic and military power in international system. Those are survival issues of the states. The economic side of environmental policy can be seen as a difficulty of implementation. The implementation of environmental polices can be very expensive for the states in short-time periods and states should evaluate the national priorities and interests through their benefits.

“Each of the main approaches within International Relations theory provides important insights into international environmental politics. At the same time, environmental issues pose major challenges, particularly relating to: the role and significance of states and the notion of sovereignty; the relationship between international and domestic spheres of political activity; and the relationship between knowledge, values, power, and interests in determining outcomes in international processes.”³¹ It is possible to understand how the environmental policy includes complicated issues of both approaches. Peace and international cooperation should be the main factors while solving environmental problems. The cooperation will be easier and more effective with the common responsibility.³² The reasons of environmental problems are realistic but the solutions are and have to be idealistic.

Climate change, which is the fundamental example of this study, came to the agenda of societies because of the economic concerns. The rapid consume of natural resources will increase the economic dependence to other countries, which have rich natural resources, and this situation will cause the change of power balance between states. So it would be possible to say that the realistic reasons caused idealistic solutions like international cooperation while

³⁰ Greene. 2005: pp. 458

³¹ Greene. 2005: pp. 462

³² Pamukçu. 1998: pp. 439

solving the environmental problems. The solutions of climate change may be very expensive for developed countries (gas emissions) and they don't seem voluntary enough to take these expensive measures. This is the deficient of realism while finding solutions for environmental problems and where we need the help of idealism. Idealism takes notice of peace and supports international cooperation, which is the basis of solutions for environmental problems.

1.4 The Examples of Idealist and Realist Environmental Policies

Germany and the USA are seen as regional leaders and largest economies of the world. It would be very beneficial to example the environmental policy approaches of both countries while understanding the direction of environmental protection efforts. The participation of Germany to the European Union's economy means a significant influence on EU environmental decisions. The USA can be shown as the super military and economic power globally.³³ These reasons and the environmental policy differences of both countries are enough for addressing these countries as the basic environmental examples of the world. After understanding these examples it will be easier to evaluate the environmental policy approaches of the EU and Turkey, which is the core of this study.

Although political environmental movements started in 1960s, environmental policy developed very quickly in Germany rather than France and other West European countries. The reason for this can be shown as the protests against war, pacifism and disarmament movements and citizen interferences (Bürgerinitiativen).³⁴ The role of ideologies in the German political system was also another effect for this environmental policy development. Until 1990s, Germany has also been shown as an environmental leader state within the European Union.³⁵ It is also important to note the success of green party politics in Germany. The German Greens are very active in parliament (Bundestag) since 1983 and in 1998 the Green Party formed the first 'Red-Green' government with SPD³⁶. Environmental interests have a direct voice in German parliament. Additionally the influence of local, federal and international environmental groups³⁷, several academic centers and environmental actors causes the high attention on environmental issues in Germany.

Although Germany, with a developed industry, has the largest greenhouse gas emissions within the EU (about one third of EU emissions), it has been very active on climate change

³³ Schreurs. 2002: pp. 3

³⁴ Keleş. 1997: pp. 250

³⁵ Wurzel. 2006: pp. 4

³⁶ SPD: the Social Democratic Party in Germany

³⁷ Weidner. 1995: pp. 39

issue in international actions and pushed very hard for developing international agreements to cope with this issue.³⁸ It is very important to touch on the precautionary principle (Vorsorgeprinzip), which is one of five fundamental principles of German environmental policy. This principle has become sanctity in German law and applied in the practice of protection and defense of environment of the world around us. This principle espouses not only requirements for strict environmental protection but also for sustainable development.³⁹ “The Germans see precaution not only as an excuse for greater federal participation in the social market economy. They also regard it as an entry point for stimulating fresh markets in low waste and environmentally restoring technologies aimed at conserving energy, reusing waste materials, cleaning up old waste dumps, restoring contaminated land and improving the monitoring of any changes in environmental conditions.”⁴⁰ The *Vorsorge* approach can be the indicator how Germany pays attention to the responsibility on environmental issues. In German law there are *Umweltschutz* (environmental protection) statements much more than *Umwelt* (environment).⁴¹ Referring to *Umweltschutz*, which is a constitutional obligation in several German states, rather than *Umwelt* explains us the concentration on the protection and prevention of environment.

Other principles of German environmental policy are polluter pay principle, cooperative principle and integrative principle. All of these principles flow into the fundamental principle of German environmental policy, the principle of sustainability, which might be in conflict with precautionary principle because of the strict application of it⁴². “The cooperative principle is intended to integrate all participating actors in the process of environmental decisions, while the integrative principle is intended to bring environmental protection into action in all areas of politics.”⁴³ The cooperative principle is very important while discussing the political approach of German environmental policy. Idealism emphasizes always the importance of cooperation and the participation of all actors while implementing the policies. The integrative principle, which explains the priority of environmental policy, can also be shown as a supportive factor of idealistic approach. The integration is the way to have an effective and working environmental policy, which could not be conflict with all other areas of politics.

³⁸ Schreurs. 2002: pp. 10

³⁹ Boehmer-Christiansen. 1994: pp. 31

⁴⁰ O’Riordan. Cameron. 1994: pp. 23

⁴¹ Boehmer-Christiansen. 1994: pp. 32

⁴² Marr. 2003: pp. 40-41

⁴³ Kohout. 2009: <http://www.goethe.de/ges/umw/ein/en5099932.htm>

While considering the arrangements and regulations on environmental policy in Germany, on which Germany approaches the interventionist ideal type, “patterns of interest intermediation tend to be formal and legalistic, with informal bargaining between regulatory authorities and industry taking place under the 'shadow of the law'”⁴⁴. Another important example of German environmental policy is the concept of ‘product responsibility’. Product responsibility obliges the producers, distributors and consumers to take back the waste and packages and to recycle the goods after use. At present, that policy has been successful with one third recycling rate of total waste.⁴⁵ All these explanations can show us the environmental political approach of Germany. It can be evaluated in an idealistic frame because of the development factors of environmental policy, the voice of environmental interests in parliament, the behavior on climate change, precautionary principle and the emphasis on protection. The importance of cooperation and the priority of environment issue can also be shown as an indicator of idealistic approach.

With the effect of environmental movements in 1960s and 1970s, like other countries, the United States started to pay attention on environmental issues and develop policies for the protection of environment. The government has brought many regulations into force for the prevention of environmental pollution and the protection of environment.⁴⁶ Also the precautionary principle caused the first impacts on the federal environmental acts in 1970s, but there were obstacles by implementing precautionary principles in US environmental regulation.⁴⁷ From time to time the United States passed many environmental laws like other countries. But the implementation of these regulations couldn't be very successful because of their costs and most importantly the effect of economic interests and the press of the producers. “In comparison with Japan and Germany, the US environmental policy community is the largest and most pluralistic, but divided government and the power of economic interest groups at times have made it difficult for the environmental policy community to gain political support for its agenda.”⁴⁸ The inefficiency of precautionary principle didn't elude observation of international organizations. It should have been more than a catchword, the complexities of it should be solved and the principle has to be transformed into precautionary actions.⁴⁹ These situations are very clear while saying that the environment has no priority in the United States. It comes after the economic power which is very significant for realism.

⁴⁴ Knill, Lenschow. 1998: pp. 597

⁴⁵ Frondel *et al.* 2004: pp. 5-6

⁴⁶ Kraft. 2004: pp. 29-38

⁴⁷ Bodansky. 1994: pp. 204

⁴⁸ Schreuers. 2002: pp. 8

⁴⁹ Bodansky. 1994: pp. 205

When environmental problems considered as a ‘security issue’ they have an impact on national security strategies like in the USA. Environmental problems have been important for USA as a national security issue and when USA categorizes the national interests in the frame of security, environmental issues come after the vital and important national interests.⁵⁰

The United States, as the greatest polluter of the world, has financial, technological and diplomatic resources, which can cause environment and development problems.⁵¹ As it was said before, comparing the behavior on the issue of climate change is the best way to understand the approach of countries. The issue of Kyoto Protocol⁵² can be the fundamental indicator of this argument. The United States opposed the Protocol in 2001, so the efforts of other countries failed. It was very difficult to reach the targets of protocol without the USA, however there were no solution for it, so the countries made an agreement to move forward on Kyoto Protocol without the USA.⁵³ The Protocol came into force on 16th February 2005 only with 84 signatories (total 192 states and one regional economic integration organization). As a member of EU, Germany signed the protocol with other EU Member States on 29th April 1998 and the Protocol came into force on 31st May 2002. As being a party to the United Nations Framework Convention on Climate Change, the USA has signed the Protocol on 12th November 1998, but because of the costs of bringing into force the protocol, which would affect the economic interests of the country negatively, it did not come into force yet. There is no doubt that USA has to consider the environmental threats more than national economic interests.⁵⁴

The indicators of environmental political approaches of the countries can be shown as the success of implementation, the priorities of environmental issues, the behavior on climate change and also the comparison of economic and environmental interests. As it is discussed in this part, it is possible to say that Germany has an idealistic approach on environmental policy according to its efforts on environmental protection and the effective development of German environmental policy. While evaluating the USA, although the regulatory efforts are very important on environmental policy in 1960s and 1970s, the importance of national economic

⁵⁰ Barnett. 2001: pp. 73

⁵¹ Harris. 2001: pp. 33

⁵² The Kyoto Protocol is an international agreement linked to the United Nations Framework Convention on Climate Change. The major feature of the Kyoto Protocol is that it sets binding targets for 37 industrialized countries and the European community for reducing greenhouse gas (GHG) emissions. The Kyoto Protocol is a legally binding agreement under which industrialized countries will reduce their collective emissions of greenhouse gases by 5.2% compared to the year 1990. (http://unfccc.int/kyoto_protocol/items/2830.php)

⁵³ Schreuers. 2002: pp. 10

⁵⁴ Harris. 2001: pp. 249

interests and the concentration on cost-benefit issues can be seen as a selfish behavior and causes a realistic approach of environmental policy.

1.5 The Fundamental Aims of Environmental Policy in Literature: The Environmental Interests to Be Followed

There is always a need to make politics for solving environmental problems and there is no way to separate the environmental problems from the politics. The difference of environmental policies for each country lies on the variety of environmental problems. This situation causes different environmental focus for different regions and countries. Thereby it is impossible to determine the environmental aims and interests in a definite frame. Because of that it will be very helpful to analyze the aims and interests of environmental policy in a general and basic way. For instance in the 1992 United Nations Conference on Environment and Development (the Earth Summit) and the 2002 World Summit on Sustainable Development it is emphasized that the world should learn how to cope with the risks of global climate change and find solutions for that issue. Other important environmental problems that should be solved the loss of biological diversity, the destruction of forests and the surging human population.⁵⁵ Those are the fundamental issues of environmental problems and should be solved with effective environmental policies in the world. The general aims of environmental policies can be determined as to cope with climate change, protect the biological diversity and the forests and to take measures against the problems caused by population growth.

Environmental policy is related to determining targets, which are to cover the global environment, to sustain the environmental values and to eliminate the damages from production and consumption activities of humans; and the preventions while reaching these targets. According to these targets it is possible to determine the principles of environmental policies, which make clear the aims of environmental policy, in four categories: polluter pay principle, precautionary principle, prevention principle and cooperation principle.⁵⁶ While achieving the targets of environmental policy the most important issue and principle is sustainable development, which has emerged from the dilemma of the limits to growth. The approach of limits to growth is another important factor for determining the goals of environmental policy. That explains the limits and capacity of environment in development

⁵⁵ Kraft. 2004: pp. vii

⁵⁶ Toprak. 2006: pp. 151

and growing. These limits help to determine environmental aims in a parallel way with development targets⁵⁷. While achieving the economic targets, it is an obligation to consider the limits of environment. Although the environmental limits are basic factors for environmental policy making, they are seen as an insufficient basis for working policies.⁵⁸

Natural resources have economic value and are very significant for human survival and economic development.⁵⁹ The most important fundamental principle and goal of today's environmental policy is sustainable development. The balance between environmental viability and economic and human development is a big argument in the international area.⁶⁰ However each country and international environmental organization tries today to manage the environmental policy through the sustainable development. In the Report, *Our Common Future in 1987* sustainable development is referred to as “development which meets the needs of the present without compromising the ability of future generations to meet their own needs”. According to the Report of the World Commission on Environment and Development⁶¹ “in its broadest sense, the strategy for sustainable development aims to promote harmony among human beings and between humanity and nature. In the specific context of the development and of the environmental crises of the 1980s, which current national and international political and economic institutions have not and perhaps cannot overcome, the pursuit of sustainable development requires:

- a political system that secures effective citizen participation in decision making.
- an economic system that is able to generate surpluses and technical knowledge on a self-reliant and sustained basis
- a social system that provides for solutions for the tensions arising from disharmonious development.
- a production system that respects the obligation to preserve the ecological base for development,
- a technological system that can search continuously for new solutions,
- an international system that fosters sustainable patterns of trade and finance, and
- an administrative system that is flexible and has the capacity for self-correction.”

To sum up all these explanations, sustainable development requires the consideration of economic and sustainable benefits while protecting the environment. “The practical

⁵⁷ Roberts. 2004: pp. 69-72

⁵⁸ Roberts. 2004: pp. 73

⁵⁹ Kolluru. 1993: pp. 938

⁶⁰ Harris. 2001: pp. 16

⁶¹ Our Common Future. A/42/427. Article 81

definitions of sustainable development are waste reduction, energy conservation, stewardship of natural resources and aggressive re-mediation of existing environmental problems.”⁶² The core idea of sustainable development that “economic development and related issues of poverty and human well-being cannot separated from environmental protection”⁶³, explains the definite requirement of environmental protection. The basic principle of sustainable development is to provide keeping the use of natural resources within a limit not exceeding their natural reproduction capacity. The effect of sustainable development can be seen as a victory for green thinking⁶⁴ however there is a big interpretation area of it, which can be used for other economic and national interests. “Sustainable development offers a fusion of environmental responsibility with a concern for the needs of all people, those alive now and those yet to be born. This has resulted in a challenging and powerful idea which will undoubtedly shape the environmental policy agenda for decades to come.”⁶⁵ The concept of the needs refers to eradicate poverty and all basic human needs.⁶⁶

The general concept of sustainable development is the indicator of environmental policy interests. The importance of the need to environment for future generations should be understood while considering the national interests. Countries have to determine the environmental policies definitely in the frame of environmental protection, cope with global climate change and in the concept of sustainable development.

⁶² Kolluru. 1993: pp. 29

⁶³ Harris. 2001: pp. 17

⁶⁴ Connelly. Smith. 2003: pp. 5

⁶⁵ Roberts. 2004: pp. 88

⁶⁶ Greene. 2001: pp. 457 (Box 20.2)

2. THE DEVELOPMENT OF ENVIRONMENTAL POLICY IN THE EU AND TURKEY

In this chapter, the development of EU-environmental policy will be explained according to basic principles and priorities, so it will be easier to make a comparison between the EU and Turkey. Then, the development of environmental policy and law in Turkey will be explained according to important developments, which can be seen as the signs of political approaches. International agreements on the environment and the NGO's role on this issue will also be analyzed and the focus point will be on the effect of them on the approach of Turkish environmental policy and international responsibilities of Turkey. The Environment Chapter of EU *Acquis* will be explained and analyzed in the frame of its effects, which is very important for observing the actual development of Turkish environmental policy. The progress is the fundamental sign of the actual line of Turkish environmental policy. It will be possible to evaluate the important environmental priorities of Turkey with this progress.

2.1 The Development, the Principles and Priorities of Environmental Policy in EU

While comparing with Turkish Environmental Policy, it is important to explain the priorities and the principles of environmental policy of the EU because of Turkey's obligation according to the adoption of EU policies. The development of EU environmental policy shows the political approaches, priorities, concentrated issues and determined environmental interests. At the beginning, environmental matters were not stated in the Treaty of Rome establishing the European Economic Community in 1957, but now, there is a very strong legal and political status for the environment. Environmental policy of the EU was developed since the First Environmental Action Program⁶⁷ (EAP) in 1973. Until 1972 there was no special interest for environmental policy and environmental policy was related with the domestic market. There is no doubt that the Community was affected from the environmental movements in the world and from the international conferences. In 1972, with the Paris Declaration, environmental protection has taken into account the "economic expansion" interpretation and after that the idea of the Environmental Action Plan has emerged.⁶⁸ With the First Environmental Action Plan the principles and objectives of the EC environmental policy were determined and the actions needed for its implementation were described.

⁶⁷ Commission of the European Communities, "Declaration of the Council of the European Communities and of the Representatives of the Governments of the Member States Meeting in the Council of 22 November 1973 on the Programme of Action of the European Communities on the Environment", Official Journal of the European Communities, 20.12.1973, No C 112, pp. 1-51

⁶⁸ Talu. 2006: pp. 62

As it was mentioned from the Commission of European Communities in 1984, the principles in the EU environmental action programs (EAP) are⁶⁹; preventing pollution at source, incorporating environmental considerations into all planning and decision-making, adopting the polluter-pays principle, assessing the impact of EC policies on developing countries, encouraging international co-operation, promoting educational activities to increase environmental awareness, ensuring that action is taken at the most appropriate level (regional, national, EC), co-ordinating and harmonizing the environmental programs of individual member states, improving the exchange of environmental information, ensuring policies take precautionary approach to environmental problems and the proximity principle; whenever possible, environmental damage should be rectified at source. These principles are very important, and are seen as guiding principles, while interpreting the environmental policy of the EU.⁷⁰ It is possible to see the frame of the Environmental Policy of the EU with those principles, which were also affected from Germany's political approaches. The continuing development of environmental policy has been affected by the pressure of other Member States like the Netherlands, Denmark, France, Italy, Spain, Belgium, Luxembourg, Ireland, the UK, Greece and Portugal.⁷¹ The examples like international cooperation, the integration of policies and precautionary approach can be the indicators of the idealistic frame. The EU has started to make environmental policies with an ambitious programme⁷² and from time to time the environmental policy of the EU has been developed with some environmental policy instruments such as environmental taxes, permits and international agreements. Also some measures were taken to provide an efficient environmental policy and combat the implementation gap, which is one of the most important obstacles on environmental policy in all countries.

The Single European Act has an importance by separating the Environmental Policy of the EC in 1987. The legal basis of the environmental policy was constituted by the title of Section VII (Articles: 130r, 130s and 130t)⁷³. After the SEA environmental policy was interpreted widely, it was aimed to strengthen the legislation of environmental policy and the environmental policy has focused on the conservative approach. In 1993, with the European Community Treaty (Maastricht), the goal to 'respect for the environment' (Article: 2) was

⁶⁹ Bailey. 2003: pp. 14

⁷⁰ Karluk. 2007: pp. 382

⁷¹ Budak. 2000: pp. 160-173

⁷² Hey. 2005: pp. 18

⁷³ Akdur. 2005: pp. 90

created and the Treaty has named environmental policy and the principle of sustainability⁷⁴. The Fourth Environmental Action Plan was concentrated on the integration of environmental policy within the EC. The ideas of that action plan (integrated approach, sector analysis, new instruments) caused a change from trade orientation to a sustainability frame. It is also important to touch upon the factors by which the development of the environmental policy was affected. The emergence of new global environmental threats, the effect of UNCED conference, the wider support for economic instruments and a new wave of environmentalism in Europe were the fundamental factors for the change of the environmental policy approach in Europe.⁷⁵

In the Treaty of Amsterdam (1999) the concept of sustainable development section has been added at the beginning of the EC Treaty and the objectives of the association and the integration of environmental protection were emphasized in other policy areas.⁷⁶ With the last Environmental Action Plan (sixth EAP for 2002 – 2012) the targets of the EU environmental policy were determined as the development of implementation of environmental legislation, to deepen the integration of environmental issues to other policies, the concentration of market with environmental action, participation of people to decision processes by accessing the information and planning of the use of land by Member States.⁷⁷ The priorities of the action areas were determined as; climate change, nature and biological diversity, environment and health and sustainable use of natural resources and waste management. The EU Treaty (Lisbon) has caused the integration of sustainable development into all EU policies, activities and obligations by considering the environmental protection requirements. The Energy policy is framed of environmental protection and development and environmental protection are added to the goals of the internal market.

After this historical review of EU environmental policy it is useful to evaluate the effectiveness of it. The effectiveness of environmental policy depends on the achievements of its objectives. There is no doubt that the EU creates regular environmental action programs to guide the legislation and the taken measures. The climate change issue has been chosen in this study for explaining the effectiveness and approaches of environmental policies. The EU plays an important role on that issue because of its percentage, which is %16 of global emissions of greenhouse gasses.⁷⁸ The approach to the Kyoto Protocol, without the USA, can be the

⁷⁴ Ural. *et all.* 2001: pp. 38

⁷⁵ Hey. 2005: pp. 21

⁷⁶ Duru. 2007: pp. 4

⁷⁷ Budak. 2004: pp. 407-408

⁷⁸ Grant *et all.* 2000: pp. 105

indicator of responsibility of EU on the climate change issue. The European Union signed the protocol on 29 April 1998, approved it on 31 May 2002 and the protocol entered into force on 16 February 2005. The EU aimed to reduce the emissions to %8 from the 1990 levels. Although the emission trading system within the EU still needs to be developed, climate change is high on the political agenda and further policy progress can be expected.⁷⁹ For instance the carbon tax, energy efficiency and renewable issues have many obstacles because of its measures, which are not approved by all Member States.⁸⁰ The energy policy is one of the most difficult issues because of adapting the measures to the national law. In general for the evaluation of the effectiveness of climate change policy, it is possible to say that there are obstacles and deficits by implementing the measures. Adopting the measures to national level will be a supplementary factor of EU's climate change policy.⁸¹ For being effective, the Commission should consider the different situations of all Member States by implementing the green taxation issues.⁸² Although the EU has an important voice on global affairs and climate policy in the world, there are many issues to be arranged and regulated for having an effective environmental policy on climate change. The voluntary efforts should be considered before having an idea about the approach and as a supranational institution the difficulties of implementation issues causes not unsuccessful but slow policies.

For making a general evaluation of the European Union's environmental policy it is possible to say that the EU definitely has approaches with responsibility for environmental protection issues. Also the respect for sustainable development, the concentration on environmental policy integration and the emphasis on international cooperation are fundamental indicators of EU's environmental policy approaches. Although the existence of all these conditions seems good, the EU has not sacrificed from the enlargement and the competition policy through the benefits of sustainable development.⁸³

2.2 The Development of Environmental Policy and Law in Turkey

In this part the development of environmental policy and law in Turkey will be explained in a historical review with important developments, these can be seen as indicators of the environmental policy approach of Turkey.

⁷⁹ Scheuer. 2005: pp. 13

⁸⁰ Grant *et al.* 2000: pp. 122-135

⁸¹ Grant *et al.* 2000: pp. 150

⁸² Hey. 2002: pp. 130

⁸³ Budak. 2000: pp. 465

In developing countries the economic development concerns have been more important than social issues. At the beginning of 1960s, Turkey started to plan the five-year development periods, but as a social issue, the environment did not exist in the first two development plans. Also in the international area, environmental issues became popular. In the 1970s, Turkey participated in the Stockholm Earth Summit (UN conference on the Human Environment) only with a declaration. It is possible to see the ecological social problems and their solutions in the 3rd Five-year Development Plan (1973-1977) for the first time⁸⁴. In the following years, the associations, foundations and trade associations made technical, scientific and educational studies to make the public opinion conscious of the environment, but they didn't take an interest in internal politics directly because their legal status was a barrier for conducting politics in Turkey. It took a very long time for having institutional environmental activities in Turkey and the first serious start was the establishment of the "Prime Ministry Undersecretary of Environment" in 1978. In 1984 this organization was re-established as "General Directorate of Environment". Five years later, the organization was renamed "Undersecretary of Environment". In 1988 the Green Party was established but it did not have an effective role on political issues. Finally the "Ministry of Environment" was established in 1991. In 2003, the "Ministry of Environment and Forest" was established. After the last general elections in 2011, the "Ministry of Environment and Urbanization" was established.

As mentioned above, it was not possible to see politics on environmental subjects in the first two development plans. But in the 3rd five-year Development Plan (1973-1977)⁸⁵, there was a new approach, which focuses on environmental problems. Although an environment section focused on air and water pollution in this development plan, the fundamental principle of the development plan was to not create policies which would harm industrialization and development. So, it is possible to say that the needed importance for environmental problems was not attached to this plan.⁸⁶ In the 4th five-year Development Plan (1979-1983)⁸⁷ the focus laid on the implementation of "preventive environmental policy" before environmental problems emerge. The fundamental principle for environmental issues was to give importance to the processes such as social change, modernization and urbanization. The 6th five-year Development Plan (1990-1994)⁸⁸ has a big importance for environmental policy.⁸⁹ In this

⁸⁴ Keleş. 1997: pp. 256

⁸⁵ <http://ekutup.dpt.gov.tr/plan/plan3.pdf>

⁸⁶ Talu. 2006: pp. 21

⁸⁷ <http://ekutup.dpt.gov.tr/plan/plan4.pdf>

⁸⁸ <http://ekutup.dpt.gov.tr/plan/plan6.pdf>

development plan environmental issues were considered with other sectoral policies and strategies with the effects of the Rio period which was started with the United Nations Conference in 1992. At the same time with this plan the establishment of the Ministry of Environment, international agreements on environmental protection and some measures that were taken, have been the milestones of environmental policy in Turkey. The aim was to provide environmental management for having a stable development by protecting human health and natural balance. Therefore the need for cooperation between public institutions was determined, which could support economic development by protecting the environment. Another important difference of this plan was the appearance of environmental consciousness and the focus point on sustainable development. Also the waste issue was assessed under a separate title and it was aimed to harmonize the politics on environmental policy of the European Community. The environmental policy of Turkey was detailed in this plan with considering industrialization and protection of the environment by being acceptable to European Community Law. While analysing the development of environmental policy in Turkey one important point is the effect of the European Community. The evolution of Turkish environmental policy can be seen as a shadow of European Community.

The Environmental Impact Assessment (EIA) has been implemented since 7 February 1993. EIA is a process, in which the impacts of specific projects and developments are determined. This process is not a decision making process but it supports the decision making process. It includes the analysis and evaluation of environmental impacts, social results and alternative solutions of new projects and developments on environment. The EU also gives a specific importance to this issue.

Through the effects of the politics, which were determined by 7th five-year Development Plan (1996-2000)⁹⁰, “Institutional Arrangements on Environment” and “National Environment Strategy and Action Plan (NEAP)” were proposed and the strategy was prepared with the coordination of the State Planning Agency and technical support of the Ministry of Environment for an effective environmental management. The importance of international environmental responsibilities, the integration of environmental policy to economic and social politics and the prevention of global pollution were the other focus points of this plan. On the one hand, theoretically, environmental policy was in a positive development period, such as decreasing environmental pollution, prevention politics and sustainable development. On the other hand, it is clearly stated in the plan that there were no

⁸⁹ Talu. 2006: pp.21

⁹⁰ <http://ekutup.dpt.gov.tr/plan/plan7.pdf>

parallel developments in practice. The aimed success was not reached on environmental policy because of the conflicts in Environmental law. Basic reasons for this were the uncertainty of authorization of responsible institutions on environment and the lack of the coordination between these institutions⁹¹. The issues like sustainable development, prevention principle, giving part to the local institutions and organizations during the decision making processes and the integration of environmental policy were the priorities of environmental policy of the EU. These developments have shown the cohesion between the politics of 7th five-year Development Plan and environmental policy of the EU.

The promotion to the candidate statute in 1999 in Helsinki should be evaluated as a positive opportunity on environmental issues for Turkey⁹². This event encouraged the development on issues like air quality, waste management, water quality, and nature protection, control of industrial pollution, risk management, chemicals, GMOs and climate change. In the 8th five-year Development Plan (2001-2005)⁹³, Turkey decided to prepare a national program. The aims of this national program were to follow politics for providing the Copenhagen Criteria and to take measures for adopting the *Acquis Communautaire* in principle. It is possible to say that through this policy, important principles and strategies were adopted for national environmental policy⁹⁴. For accessing the targets it was also aimed to actualize the priorities, to provide coordination between the institutions of environment and to take notice of social consensus and participation on relevant issues. The idea of environmental protection in this plan was considered with the adaptation of EU Environmental Policy and it was emphasized that the environmental policy of Turkey will reach this aim through the EU and international standards.

Through the vision of the 9th five-year Development Plan (2007-2013)⁹⁵, Turkey was seen as a country, which completed the accession process for the EU, with stable development, global competitiveness and turning into an information society. Although there was a progress on issues like waste management, natural protection, noise and environmental impact assessment, it was stated that the participation of the private sector should be provided for coping with high-level-costs of investments and there was a need of many arrangements on the environment⁹⁶. It is very important to mention the report of the State Planning Agency, which was prepared in the 9th five-year Development Plan and aimed to determine the

⁹¹ Bozkurt. 2010: pp. 56

⁹² Talu. 2006: pp.83

⁹³ <http://ekutup.dpt.gov.tr/plan/plan8.pdf>

⁹⁴ Bozkurt. 2010: pp. 57

⁹⁵ <http://ekutup.dpt.gov.tr/plan/plan9.pdf>

⁹⁶ Bozkurt. 2010: pp. 60

fundamental principles of Turkish environmental policy and the direction of development on environmental management. The Report of the Special Committee on Environment⁹⁷, has proposed ideas like providing active participation on international environmental policy decisions, considering environmental values on social and economic decisions, to make environment consciousness widespread, participation of NGOs, private sector and society on decision making processes and being transparent in implementing measures.

The attaining of environmental problems at serious dimensions has shown that only environmental policies were not enough to prevent and eliminate the environmental problems in Turkey. So, constitutional, legal and institutional arrangements were developed on the environment. The 2872 numbered Environmental Law⁹⁸ and other acts such as regulations, communications and principles have direct or indirect effect and are the regulator of management. These instruments have been the basis of Turkish environmental policy. According to the Article 56 of Constitutional Law “*Everyone has the right to live in a healthy and stable environment. It is the duty of the State and the citizens to develop the environment, to protect environmental health and to prevent environmental pollution.*” With this article the right to live in a healthy environment was provided⁹⁹. It was the first time that the right and the protection of environment are considered in three respects such as the responsibility of the state, responsibility of individuals and the rights of individuals¹⁰⁰. It is necessary to point out the term “everyone” in Article 56, which creates a “human-centred” statement about environmental policy¹⁰¹. According to the Article 65 of Constitutional Law “*The state fulfils the duties that are determined by Constitution in social and economic areas, with protecting economic stability according to the efficiency of financial resources.*” That means, the state can fulfil all obligations and duties mentioned in this chapter (the Chapter on Social and Economic Rights), only by protecting the economic benefits and stability in the frame of its economic resources. When the costs of environmental protection activities are considered, it is possible to say that the 65th Article of the Constitutional Law has a serious restrictive impact on the measures to be taken on environmental protection in Turkey¹⁰².

⁹⁷ Ankara: DPT, 2007. (DPT:2737, ÖİK: 688),112s. har. ISBN 978-975-19-4112-1 Available at: <http://ekutup.dpt.gov.tr/cevre/oik688.pdf>

⁹⁸ 2872 numbered Environmental Law was adopted on 09.08.1983 and entered into force on 11.08.1983, Official Journal no: 18132

⁹⁹ Bozkurt. 2010: pp. 22

¹⁰⁰ Egeli. 1996: pp. 76

¹⁰¹ Budak. 2000: pp. 366

¹⁰² Bozkurt. 2010: pp. 24

Environmental Law was first implemented in Turkey in 1983. It has been amended in 1986, 1987, 1988, 2001 and 2006¹⁰³ with protecting the general frame. These amendments can be seen as the result of changing features of environmental situations and as an effort of Turkey that aims to reach the environmental standards of the European Union. According to the amendments made in 2006, the aim of the law is determined in Article 1 as “*to provide the protection of the environment, which is common for all living things, due to the principles of sustainable environment and sustainable development*”. The frame of environmental law was different from the standard of older measures¹⁰⁴. Environmental protection was seen as the duty of everyone.

The principles of Environmental Law are determined in Article 3. Everyone and the institutions like NGOs and trade associations are obliged to adopt the principles, which can cause the integration of environmental policy, for the prevention of pollution and the protection of the environment. Ministries and local administrations when it is needed should be in coordination with trade associations, units and NGOs, for the activities on the protection of environment, the prevention of pollution and the prevention of deconstruction of environment. The authorized institutions should adopt the principle of sustainable development during decision processes in the evaluation of projects and the use of resources and land. The benefits and the impacts of economic activities on natural resources should be evaluated in a long term period and in the frame of the principle of sustainable development. During all activities, the technologies, which provide recycling and the beneficial use of natural resources and energy and which are consistent with the environment should be used. When the principles are considered it is possible to say that Turkey aimed to manage an environmental policy with integration, cooperation and the obligation of sustainable development. Those are very important factors for having an effective environmental policy in an idealistic frame. However there were some difficulties for the implementation and supervision issues because, Environmental Law was prepared as a wide program. The Environmental Law is concentrated on central administrations more than local administrations. If the local situation of the environmental problems is considered, it is difficult to solve the environmental problems without the authorization of local administrations.

For making a general summary of this part, it is very important to say that there has been definitely a big development on environmental policy in Turkey. Not only the

¹⁰³ Official Journal, No.2872, 24 June 2006

¹⁰⁴ Bozkurt. 2010: pp. 27

establishment of political institutions but also the measures for regulating the environmental policy are fundamental factors. All these developments on environmental issues in politics and law were affected by the EU *Acquis* and other international obligations. But those are only the official view of the Turkish environmental policy. Environmental policy should be evaluated with the fundamental environmental problems and the implementation of these measures in Turkey for having a basic idea of the aims and political approaches of Turkish environmental policy.

2.3 The Fundamental Environmental Issues and Problems in Turkey

In this part the fundamental issues and problems on environment in Turkey will be explained for having an idea, where Turkey should concentrate while regulating politics. In the previous part, the regulations and principles of Turkish environmental policy are explained, now it will be very helpful to touch on the present situation of environmental problems and issues in Turkey, then it will be possible to discuss the efficiency, aims and approaches of Turkish environmental policy. First of all, there is one important question to ask. Is the environment a political concept? It is possible to see the environment as a political concept because; governments make it a part of political debates. That is why finding solutions for environmental issues are getting harder day by day. So, it looks like, to reach the solution for environmental issues, we have to reach a consensus on political debates before the environmental issues and it does not seem to be possible. For Turkey, the environmental issues have reached the dimensions that cannot be underestimated. Finding solutions for environmental problems has become very important because, Turkey's environmental policy does not include a solution that prevents "creating pollution". In fact, Turkey's environmental policy is an improved policy like all the European countries. But this policy could not come into force in Turkey like it has to being that if the policy comes into force in a real meaning in Turkey, some groups of companies and people who run those companies and factories can suffer. If these people and group of companies have a close relation with the government, it is not possible to apply this policy against them.

It is very significant to point out the environmental problems of Turkey on a sectorial base and the reasons of the problems should be considered, while analysing them. In Turkey, industry explains for one-quarter of the gross national product and located mainly in or around the western part of the country. Informal sector ignores nearly all supervisory inventions, those aimed at preserving environmental quality. In the services sector tourism

can be signed out for its high growth rate and considerable environmental impact. A mixture of unorganized industrialization, unplanned urbanization, substantial use of chemicals and pesticides in the agricultural sector, badly-managed tourism activities, energy and mega-watering plans with no interest for environmental dynamics, in addition a high population growth, irregular development and income distribution, and persistent poverty, have been putting enormous pressure over the ecological system of Turkey¹⁰⁵. Ground and underground water pollution, air pollution, soil pollution, erosion, salinization, loss of biodiversity, deforestation, visual and noise pollution, especially in coastal areas, all conduce to increasing degradation-some of which demonstrate themselves in immediate others turning evident over time. The performance of environmental policy during the last three decades has been rather irregular, if not completely disappointing¹⁰⁶.

Environmental degradation in Turkey is caused by the overuse of natural resources and dumping of waste outside the assimilative capacity of the ecosystem, has been quickly worsening notably since the 1980's, threatening in many ways the country itself besides its neighbours. Biodiversity is under a threat due to spoiling of land and the destruction of natural resources. The rate of prevented areas is only 1% in Turkey. As a result of erosion 500 megatons of land is lost per year. The wild fire is also a considerable threat where 80-100 thousand acres of forests are lost. On municipal cooperation base the administrations have not fulfilled their duties and responsibilities, like the establishment of areas for recycling of waste and as a result of these environmental problems has increased. In developed countries, factories and plants use their waste to re-create energy and recycle their waste. After the year 2000 and onwards, industrial production started to be more important than agricultural production in the world. This is the reason why industrial wastes started to increase and waste management began to get harder than before. As a consequence of this, in Turkey, the soil started to get dirtier day by day as there were no regulations about waste management. Although the factories and plants have wastes that are recyclable in Turkey, the required regulations do not come into force.¹⁰⁷

The population growth is an important source of environmental problems in Turkey. For a country that has high population growth rates, it can have a detrimental affect whereby this can cause environmental problems today and in the future. Population growth causes irregular and unplanned urbanization. So, it causes other environmental problems such the existence of

¹⁰⁵ Keleş, Hamamcı. 2002: pp. 335

¹⁰⁶ Adaman, Arsel. 2005: pp. 3

¹⁰⁷ Köse *et all.* 2007: pp. 1

slum and concrete areas, infrastructure, canalization and waste management problems will also arise. There is a lack on the solution of those problems and local administrations cannot create projects to solve the environmental problems. Furthermore, unplanned industrialization occurs as a result of irregular urbanization. Industrial areas cause significant environment pollution, where infrastructure and organization were not considered to solve environmental problems.

Nowadays, as a result of rapid economic development, uncontrolled urbanization and high growth rates in air pollution is still a big environmental problem in big cities. Also carbon emissions of the country are a big problem. Turkey's carbon emissions have risen in line with the country's energy consumption. To alleviate air pollution in Turkey, firstly more comprehensive information on air quality should be complied and enforcement of air quality regulations must be strengthened. New economic models should be developed to increase the cost of air quality management. Energy efficiency studies should be conducted and the use of renewable energy should be introduced to the public.¹⁰⁸ As a consequence of increasing energy consumption, carbon emissions of the country have also increased creating an adverse effect on both soil and air pollution. In summary, Turkey has to focus on using renewable energies similar to all the developed countries that have already done so. It already has to focus on renewable energies as a need of Kyoto Protocol. Should renewable energies be used, carbon emissions will cease, the waters will stay clear and waste management will be easier.

2.4 The Effect of International Agreements and NGO's Role on Environmental Policy, International Environmental Responsibilities of Turkey

In this section, the influence of international agreements and the role of NGOs on environmental issues will be discussed to find the answer on how they affected the direction of Turkish environmental policy. In addition, the environmental responsibilities of Turkey that consist, according to the international treaties will be analysed and it will be focused on how Turkey fulfils the international environmental responsibilities. After the 1970's, Turkey started to become more involved in the subject of environmental studies, like other countries, since these studies have intensified by international organizations, concerning the treaties that had been mutually signed which makes Turkey an aspect of these agreements. Additionally, according to the Article 9 of Chapter 3 of Environmental Law, in all plans, it is an obligation to show the areas, which are determined the areas under the protection with having the

¹⁰⁸ Zengin. Ünal. 2010: pp. 3

conservation status by the international treaties and national law in conjunction with the areas that are sensitive and have ecological value.

It is very important to support the issue by giving some examples of international treaties. Turkey has been a party of “Agreement of Protection of the World’s Cultural and Natural Heritage” since the beginning of the 1970’s and affirmed responsibilities occurring from this Agreement. Furthermore, by the “Mediterranean Action Plan” of 1975, due to the thought that Mediterranean Sea was a “Dead Sea” by some countries, they agreed to put into force some measures under the leadership of the United Nation’s Environment Program. The most important one of these agreements is the “Protocol for Protection of Mediterranean Sea against Land Base Pollution”. Countries, which have implemented this Agreement, are responsible from the prevention of land based pollution, are transported by rivers to the Mediterranean Sea. The discharges transported by all the rivers to Mediterranean Sea are required to be decreased to a reasonable level¹⁰⁹. Here it is possible as to how the transnational environmental problems oblige the countries to take measures within international cooperation. “Agreement for the Control of Long-range and Trans Boundary Air Pollution” has also been implemented. Additionally Turkey is a participant of “Declaration of Environmental Resources for the Future”.

In 1991, member countries of the Black Sea Economic Committee, together with Turkey’s encouragement, performed an agreement for the aim of the protection of Black Sea from pollution. In 1992 as a result of “The Environment and Development Conference” five basic agreements were executed: the Convention on Climate Change, the Convention on Bio-diversity, the Rio Declaration, the Agenda 21 and the Protocol on Protection of the Forests. The first two of the conventions are significant. “Convention on Climate Change” arranges a fulfilment of indemnification against developed countries for the advantage of the developing countries due to the difference in the atmosphere caused by developed countries. This was the first example of this type of agreement whereby Turkey has taken place in the developed countries category. Turkey has not ratified this agreement because it is considered as an indemnity payer instead of being an indemnity receiver.¹¹⁰ That was a fail for Turkey while fulfilling the international duties and responsibilities. Other important agreements to which Turkey is a party are: “Convention on Combating with Desertification”, “RAMSAR-

¹⁰⁹ Yaşamış. 1999: pp.9

¹¹⁰ Yaşamış. 1999: pp.10

protection and administration of the wetlands, “the Montreal Protocol on the Protection of Ozone Layer” and “BERN Convention on the protection of the wild life and habitat”.

It is important to remind that, the treaties that Turkey also takes part and the protocols which are attached to these treaties must take as acts of Constitutional Law.¹¹¹ According to the "*pacta sunt servanda*" principle of International Law it is important taking these protocols as National Law. When the treaties that had been signed or the demonstrations in the concerning issues are considered, there are contradictory aspects in accordance with the "*pacta sunt servanda*" principle. Even though Turkey made some legal arrangements in the subject considering the agreements, however, when the details are examined it is obvious that these arrangements are conducted just for the purpose of cohesion to *acquis communautaire*. The correct example for this circumstance must be, “Basel Convention on the Control of Trans boundary Movements of Hazardous Wastes and their Disposal” (1994) and the following regulation that has been conducted one year later afterwards of this convention which is renewed in 2005 in the name of *acquis communautaire*. Exposition of this kind of an attitude in case of Turkey's responsibilities to international communities, which prioritize development with the objectives of national policy, shows that Turkey is not ready to integrate the concept of sustainability in environmental and developmental issues yet.¹¹² However, this certainly is not a valid reason to adapt to international environmental policy; it is seen as a significant deficiency. Turkey takes part of the treaties that seems an idealistic approach in international relations. However when it is considered as taking measures into national law, Turkey acts very slowly, which is normally an obligation through the Constitutional Law. Also, the reason of taken measures until now is not a result of *pacta sunt servanda* principle or the response of Turkey, the reason is more so the accession process of Turkey to the EU. Legislating measures can be seemed as an indicator of idealistic environmental approach, but they are not. Turkey takes measures very late and only for the *acquis communautaire*, that's why it is possible to say that Turkey does not fulfil the international environmental duties when it is not an obligation from EU.

It is very important to explain the role of NGOs, which are effective on environmental issues in Turkey. After the 1990's, the numbers and the range of action of NGOs increased in the world. That is why NGOs became more important on various policies in countries. Even

¹¹¹ According to the Article 90 of Turkish Consitutional Law, International trearies, which came into force, are provisions of national law.

¹¹² Talu. 2006: pp. 31

though, there are various field that NGOs work on, the NGOs will be analysed by those who work on the environment and the role of them on environment policy in Turkey. In Turkey there are lots of works of NGOs on environment in a very effective way. United Nations Environment Program, WWF, REC-Turkey and Greenpeace are four of them and these organizations also act global. United Nations Environment Program helps developing countries about the environment policy and coordinates the activities related on environment in developing countries. Greenpeace works in 40 countries placed on different continents. Since 1971, Greenpeace acts against destruction of environment and it highly effects governments on their environmental policies. Turkey is one of the countries that Greenpeace is effective on policies.

WWF-Turkey was established in 1996 and was named “WWF-Turkey” in 2001. WWF is an independent foundation, which executes the act with the donations and sponsorships, have a non-profit feature and achieved many successful projects on nature protection. WWF-Turkey aims to prevent the threats like global climate change, unsustainable consumption of natural resources and the lost of living quarters. It works for a future, in which human and nature live in harmony, in corporation with local and central governments, citizens and business live for the aim of the creation of awareness and to be effective on decision processes. WWF-Turkey has three working areas as protecting the nature of the country, changing the life style and the fight against climate change¹¹³.

REC-Turkey¹¹⁴ is an independent international institution and works on the issues in Turkey such as gaining access to information, capacity building, education for sustainable development, EU accession on environment, international cooperation, private sector and sustainable development, and sustainable management and the use of natural resources since 2004 in Turkey. It leads lots of projects¹¹⁵ to support the Environmental Policy in Turkey and the EU accession process. In Turkey there are lots of NGOs related to the environment but the most famous one is TEMA. According to the other NGOs related to the environment, TEMA is the most effective NGO in Turkey.

We can analyse an event from Turkey to understand the role of NGOs related on environment has become better. In 2007, the Turkish government has announced that they will build hydroelectric power stations in seven different cities and after this announcement, all the NGO are related to the environment allied to prevent building a power station in Rize.

¹¹³ Further information: <http://www.wwf.org.tr/page.php?ID=27&mID=82>

¹¹⁴ Further information: <http://www.rec.org.tr/?lang=en>

¹¹⁵ Further information: http://www.rec.org.tr/?module=proj&item=proj_projects

All the NGO's related to the environment went to Rize and they tried to warn the civilians living there by creating awareness about the hydroelectric power station and its results to the environment and human health as a consequence. They organized special meetings, conferences and presentations to warn the people. They wanted to see the representatives of the party in power and main opposition party. They brought an action for rescission. They used the power of media and the internet. They organized various activities to attract people and call the attention to the power stations. They worked with all the NGOs that they could reach. They communicated with foreign NGOs related to the environment and they tried to carry this issue to the international platforms. They tried to create an international awareness against the Turkish Government. They tried to reach European Union representatives to call attention. Finally, as the national court decided, the building of these power stations was stopped. One of the important dimensions of the efforts for environmental protection was raising public awareness and participation in this case. This event clearly shows that, NGOs related on environment is really effective in Turkey. They are effective enough to convince the national government to revise the actions that they have made. They could affect the decision of national courts and they achieved putting an end to the building of power stations.

Turkey has been actively involved in international cooperation efforts to address environmental problems that are complex and mostly related to socio-economic issues.¹¹⁶ In the latest years, the regulations about the environment in Turkey are being renewed hence after the period from 2008-2012, Turkey must be cut the carbon emissions and obey the rules of Kyoto Protocol. In order to prevent a similar situation, the Turkish government invites all the NGOs related on environment to discuss about the new regulations of environment. Turkey takes into account its national interests and socio-economic conditions, have become party to a number of conventions both at the global and regional level, with a view to contributing to address environmental problems¹¹⁷.

Although it is an international NGO, Greenpeace also started an effective activity about the underwater life and about the size of fish to hunt. The name of the activity was "Seninki kaç santim?" Before the meeting on biodiversity under water in conjunction with legal hunting size, 13.500 people sent fax and 3000 people called the ministry to call attention. And now they are organizing another effective activity. They invite to everybody to this activity and by this they plan to call the attention to the legal hunting size of fish because, %75 of total

¹¹⁶<http://www.mfa.gov.tr/international-environmental-issues.en.mfa>

¹¹⁷<http://www.mfa.gov.tr/international-environmental-issues.en.mfa>

fish reserve is finished.¹¹⁸ They will send a pen to the ministry because the ministry still did not sign the regulation to save turbot. They plan, that the outcome of this activity will create a massive pressure on the ministry and finally the regulations will be signed and come into force.

Since NGOs have been effective in Turkey they work very hard to protect the environmental goals. They can be seen as non-governmental protection of environment in Turkey. The government pays attention to the issues and campaigns of NGOs and will hopefully continue in the same direction. The aforementioned examples show how the impact can be strong on environmental issues in Turkey. Although there is no high consciousness on environment in Turkey, the role of NGOs for developing this issue is very important. With the support of NGOs in Turkey, the social dimension of environmental problems will be developed in following years and that will affect directly the decisions of government.

2.5 The Role and Importance of Environment Chapter (Chapter 27 of EU *Acquis*)

The role and effect of Environment Chapter is very important by observing the actual development of Turkish environmental policy. The progress of Turkish environmental policy is the fundamental sign of actual line of environmental policy. It is possible to evaluate the important environmental priorities of Turkey with this progress. In this part the fundamental issues of Environment Chapter and the situation of Turkey on this issue will be explained for understanding to obligations. It will be possible to analyse the direction of Turkish environmental policy development with explaining the requirements and the opening and closing criteria for fulfilling the obligations. The progress of Turkey on environment *acquis* will be analysed with important and fundamental examples, which can be the indicator of political direction.

2.5.1 The Summary of Environment Chapter

EU environmental policy aims to promote sustainable development and protect the environment for present and future generations. It is based on preventative action; the polluter pays principle, fighting environmental damage at source, shared responsibility and the integration of environmental protection into other EU policies. The *Acquis* on Environment¹¹⁹ comprises over 200 major legal acts covering horizontal legislation, water and air quality, waste management, nature protection, industrial pollution control and risk management,

¹¹⁸<http://www.greenpeace.org/turkey/tr/>

¹¹⁹ Detailed information is available at: http://europa.eu/legislation_summaries/environment/index_en.htm

chemicals and genetically modified organisms (GMOs), noise and forestry. Compliance with the *acquis* requires significant investment. A strong and well-equipped administration at national and local level is imperative for the application and enforcement of the environment *acquis*.

Environment Chapter has many issues, which determine the basic principles of environmental policy of EU. As the first one, horizontal legislation includes Environmental Impact Assessment (EIA), Strategic Environmental Assessment (SEA), access to environmental information and climate change. EIA is related to the harmonization of the directives of SEA with the directives of access to environmental information, “the cross border cooperation” about Espoo and Aarhus Agreements, which are about “access to environmental information and right to resort to the jurisdiction. Strategic Environmental Assessment is a process which handles the issues of the evaluation and decreases the minimum level or disposal of the potential important impacts of plans and programs on the environment. There are EU regulations about climate change, including the tracking and storing of greenhouse gas emissions.

The other issue is the air quality. There are regulations about the reduction of the framework directive with ozone-depleting substances, emissions related to volatile organic compounds (VOC) and fuel quality. The framework directive of air quality requires the rules of the evaluation of air quality, tracking requirements and methods with the common methods for all users. The basic principles in waste management are polluter pays producer responsibility, sufficiency and closeness. The Framework directive about waste management includes the processes of the prevention of waste production, recycling, recovery and disposal. In the case of Water Quality, the harmonization of the sector constitutes directives, related to Water Framework Directive and heavy environmental investments. Water Framework directive is crucial in transboundary applications and in international agreements. Bird and Habitat directives in Union *Acquis* about Nature protection are important and have priority. In terms of these directives, the determination of protected areas –especially Natura 2000 areas- is primary protection measurement in the sector applications. This situation can have a restrictive impact in sector applications. Another important issue under the name of this sector is about *acquis*, concerning zoos and laboratory animals. This sector, which requires transboundary applications, is also an important area.

Integrated Pollution Prevention and Control Directive, which is under the headline of the control of industrial pollution and risk management, organizes integrated permission system and the prevention from the production of the pollution (the choice of raw materials,

clean production), production pollution control, the best present techniques and the participation of public. The Directive, which is about the classification, packaging and labelling of hazardous materials, officials and wares in the area of chemicals, covers the opening criteria of environment. The application of REACH¹²⁰ (Registration, Evaluation, Authorization and Restriction of Chemicals) which is the most comprehensive regulation of EU in terms of chemicals requires serious structural changes. The exportation of chemicals to EU constitutes 30% of our whole export according to datum of 2006. In line with this, REACH regulation brings about difficulties for our country which is not a member of EU but in costumes union. Other regulations under the headline of chemicals concern with the export and the import of chemicals, the classification of permanent organic pollutants and biotical products.

2.5.2 The Situation and Requirements of Turkey on the Issues of Environment *Acquis*

In this part, the progress of Turkey on Environmental *Acquis* and the requirements on that issue, which should be made in this process, will be explained for understanding the actual situation of Turkey. On the adaptation process of EU there are chapters determined by European Commission. There are also criteria for opening and closing the chapters. Criteria for the opening Chapter of Environmental Assessment Report approved at the level of Expansion Group on 11 November 2009. After the approval of the COREPER, on 12th November 2009, the Swedish presidency sent a letter of invitation concerning Negotiating Position Document. Negotiating Position Document's final framework has been draw by taking consultation from non-governmental organizations (NGOs) and 26 institutions, and submitted to 13 Minister for approval, then, on 13th November 2009 submitted to the Swedish Presidency. The chapter on the Environment opened negotiations on 21st December 2009 Intergovernmental Conference which was held in Brussels.

2.5.2.1 Opening and Closing Criteria of Environment Chapter

Introductory screening meetings were completed in the environmental field in 2006. For this chapter two opening criteria have been reported by the Commission:

- National, regional and local level plans for building up the necessary administrative capacity and financial resources that are needed, including the gradual

¹²⁰ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)

harmonization of the *acquis* in this chapter are well-coordinated, comprehensive strategy for the implementation and enforcement stages and submitted with the calendar, The fulfillment of the obligations and responsibilities of Turkey through implementation of the EU environment *Acquis* related to the decisions of EC-Turkey Subcommittee

- According to the decisions of the EC-Turkey Association Council on the implementation of environmental *acquis* is relied upon to fulfill its obligations of Turkey.

The opening criteria were provided and Negotiation Position Certificate submitted to the Swedish Presidency on 13th November 2009. EU Common Position Paper on the Environment chapter, including one political (Cyprus) and five technical criteria, in total six criteria were identified as Closing Criteria of Environment Chapter. Technical criteria's are the following:

- Turkey should adopt, including cross-border elements and framework of the EU horizontal legislation to harmonize environmental legislations;
- Turkey should adopt the Law on Water Conservation Framework, in particular, to align its legislation with the *acquis* on water quality. By composing River Basin Conservation Action Plans and adopting the implementation of the legislation in this sector, regulatory compliance is improved.
- Turkey should adopt the legislation for the alignment on *acquis* in the areas of industrial pollution control and risk management.
- In this chapter, according to National, Regional and Local Level Required Administrative Capacity Building Plan and the Environmental *Acquis* for the Implementation of Financial Resources, Turkey should continue compliance with the legislation, in accordance to protection of nature and waste management sectors, also Turkey has to show, enforcements on EU requirements on participation and the implementations on this subject.
- Turkey should continue to develop including inspection services for improving the capacity at all levels of administrative unit in accordance with the framework of National, Regional and Local Level Required Administrative Capacity Building Plan and the Environmental *Acquis* for the Implementation of Financial Resources and should continue to improve the coordination of these activities, enforcement of the *acquis* in this chapter in each sector, and within a proper time before

participation to ensure implementation creates all the necessary administrative structures.

If Turkey fulfils all of these duties, it will fully adopt to Environment *Acquis*. Although it is a very broad issue to implement all the measures and requirements, Turkey has enough time to complete this process until 2023. Now it will be very helpful to explain the progress of Turkish environmental policy for having a clear picture of today's situation and the prior areas of Turkey on environmental issues.

2.5.2.2 The Progress of Turkey on Environment *Acquis*

It is very important to explain the progress of Turkish environmental policy, while analysing the success of it. The progress reports are main indicators of policy developments and they were regularly prepared for every candidate country by the Commission. These reports were arranged since 1998 for Turkey and the last one is the 2011 Progress Report. In the first Progress Report in 1998 the environmental policy was evaluated for the last 15 years and the low level of environmental protection was seemed as a significant problem. In this part, the issues of Environment Chapter will be analysed through the last 11 progress reports (from 2000 to 2010) of European Commission. It is possible to see the progress, the change and the development of Turkish Environmental Policy in these reports.

In 2000, Turkish legislation was very different from that of the Community in particular in terms of standards, monitoring requirements and methods of measurement. The implementation of the law was a significant requirement. It was also important to carry out detailed compliance checks of these laws in order to ensure full transposition of EC environmental directives. Although Turkey had some legislative measures and a 9 year-old ministry on the issue, the efforts were not enough. In 2002, Turkey started to make progress in terms of transposition of the EC environmental *acquis*. It was the first time for the Commission to declare about positive progress on environmental issues. Notable progress has been achieved as regards the improvement of administrative capacities. In 2007 a national environmental approximation strategy (NEAS) was adopted by the High Planning Council. The strategy includes a plan for the transposition, implementation and enforcement of the EU environmental *acquis*.

On horizontal legislation issue Turkey has made some regulations to integrate the Sustainable Development Principle and to implement the EIA and SEA regulations. The

legislation on air quality needed to be harmonized with the *acquis* until 2003. A regulation on precautionary measures against emissions from engines using diesel and pressurised petrol gases was amended also in 2004. In 2005 regulations on industrial air pollution control and on control of air pollution from domestic heating were adopted. Transposition of legislation on the pollution from vehicles was rather advanced in 2005. In 2006 good progress has been made as regards the transposition of the directives relating to quality of petrol and diesel fuels and reduction of sulphide content of certain liquid fuels. In 2008 Turkey made good progress in alignment with the air quality framework legislation and daughter directives. In 2010 the legislation relating to the sulphide content of certain liquid fuels has been fully aligned with the *acquis*. A by-law on waste incineration was adopted. Turkey became a party to the Stockholm Convention on persistent organic pollutants. The administrative capacity for implementing the Directive on ambient air quality was not sufficient.

Until 2002, waste management was one of the most problematic areas in particular as regards implementation of related legislation. A large percentage of household waste (93%) was uncontrolled waste, being illegally dumped. Substantial efforts needed to be undertaken to comply with Community standards. In 2004, legislation was adopted on packaging waste, construction waste including excavation soil and rubble control, waste oils, and on management of waste collection facilities in ports and harbours, and with batteries and accumulators. Legislation in the field of waste management was advanced in 2005 with regard to the transposition of several Directives, including the Framework Directive. Sufficient financial resources needed to be allocated to the sector. In 2007 a regulation on waste types and a circular on the control of waste imports were adopted. An amendment to the packaging implementing regulation was adopted. In 2008 implementing legislation on PCB and on the control of waste oils has been adopted. Furthermore, restriction of use of certain hazardous substances in electrical and electronic equipment and on restoration and management of extractive industry sites has been adopted. Alignment in this area was well advanced. In 2009 new legislation on packaging waste was adopted. In 2010 Turkey adopted its national waste management plan for 2009–2013. Legislation on the control of hazardous waste, on receipt of waste from ships and on control of waste has been amended in line with the *acquis*.

Turkey's water legislation did not seem to be compatible with the Community *acquis* until the year 2006. In 2006 good progress was made by transposing legislation urban waste treatment and quality of bathing water. In 2010 legislation on the control of water pollution was amended so as to regulate permit procedures. A high-level steering committee for water

quality management was set up in order to increase coordination among the institutions involved and with the aim to develop strategies and policies for further alignment with the *acquis*.

In order to preserve Turkey's rich assets in biodiversity, particular attention towards nature protection is necessary in the pre-accession process. Turkey needs to make significant efforts to align its legislation with the Community nature protection legislation. Some regulations were amended for implementing the conventions about nature protection. A Ministerial Decree on the import and export of endangered species (CITES Convention) was adopted in February 2003, and the European Landscape Agreement was ratified in June 2003. In 2005 a number of regulations on the establishment of the wildlife conservation and wildlife enhancement areas were established.

EC directives in the field of chemicals were not fully transposed in 2000. In 2008 the legislation on dangerous chemicals has been amended. In 2009 the legislation on signing the Stockholm Convention on Persistent Organic Pollutants has been adopted. By-laws were adopted on: the inventory and control of chemicals; compilation and distribution of safety data-sheets relating to dangerous substances and preparations; restriction of production, placing on the market and use of certain dangerous substances and preparations; and classification, packaging and labelling of dangerous substances and preparations. However, the capacity was insufficient for effective implementation.

In 2004, Turkey ratified the United Nations Framework Convention on Climate Change and in 2009 Turkey ratified the Kyoto Protocol. In 2010 some progress was made on trade in ozone-depleting substances. Turkey began implementing legislation transposing the *acquis* on the availability of consumer information on fuel economy and CO₂ emissions. A national climate change strategy was adopted by the Ministry of Environment and Forestry with UNDP/GEF support. Moreover, a climate change department was established within the Ministry of Environment and Forestry and a high level coordination committee for climate change was set up in order to increase coordination among government institutions. However, no preparations for the EU Emissions Trading Scheme have started yet. Turkey submitted its greenhouse gas inventory but has not submitted its fifth national communication so far. In the international climate negotiations on the post 2012 agreement, Turkey has had a tendency not to align with the EU positions lately. It has not associated itself with the Copenhagen Accord either. Turkey's aim to limit greenhouse gas emission growth by 11% from the projected 2020 emissions on the basis of the business as usual scenario cannot be considered to be ambitious.

The implementation of environmental policy was entrusted to the municipalities, which were playing an important role in implementing environmental protection measures, building environmental infrastructure, collecting and disposing municipal waste as well as land use planning. Until 2001, the administrative capacity at national and regional level was a matter of concern. Enforcement of environmental rules did not seem ensured due to the involvement of various bodies and institutions at different levels and thus conflicting interests and responsibilities, lack of trained and specialized staff, lack of financial resources and lack of equipment. Awareness about environmental issues and knowledge about EC requirements was generally lacking. The municipalities also needed to speed up their preparations for EC environmental policy, in particular in regards training. In 2001, Turkey adopted a law on the redefinition of the main departments of the Ministry of Environment, which establishes local branches of the Ministry. This was an important first step in ensuring proper enforcement of environmental legislation. A law on the redefinition of the functions of the main departments in the Ministry of Environment was adopted in 2002. This law aimed to enhance proper implementation and enforcement of environmental legislation at local level. It represented a positive step towards increasing Turkish administrative capacity to implement the *acquis*. It defined the administrative penalties and the roles and responsibilities of each institution involved in environmental inspections. Moreover, the REI detailed the obligations related to internal environmental inspection for public and private holdings. According to the REI, each of the holdings has to produce its own annual inspection reports and provide data on wastes and disposal. An addendum to the Regulation on Environmental Inspection entered into force in January 2003, in order to improve the quality of the inspectors by laying down new job profiles. In 2009 a by-law was adopted to enhance environmental protection by defining procedures and principles for environmental inspectorates, environmental management departments and certified inspection companies to increase the effectiveness of the environmental inspection system.

As it is mentioned in previous parts, the concept of Environment Chapter is very broad. Except for these aforementioned regulations there is no specific effort in Turkey to adopt the measures of *acquis*. In following years there should be a good progress on this issue for having a good structured environmental legislation and being a part of international environmental policies. It is important to touch upon the climate change issue on which Turkey didn't make a significant progress, which can be difficult to take measures as a developing country. The administrative capacity problem can be considered as a formulaic

problem in Turkish environmental policy. The lack of communication between local and central administrations and also low number of working experts cause the unsuccessful management on environment, which is a fundamental factor of environmental policy. However, while criticizing the implementation and administration problems in Turkey, it is very important to make a comparison with EU. There are lots of difficulties and problems on this issue within the EU too, if it is considered on national level. The integration and implementation of environmental policy is shown as a fundamental problem within the EU. Therefore the criticism on Turkish environmental policy should be in an objective frame with considering the experiences of the EU.

3. THE EVALUATION OF TURKISH ENVIRONMENTAL POLICY

In this part the financial dimension, the fundamental implementation problems and the stability and transparency of Turkish environmental policy will be explained. The financial advantages and disadvantages of EU Environmental *Acquis* and international responsibilities have a big importance on implementation activities. They will be analyzed through the difficulties and opportunities, and the objectivism of Turkish environmental policy will be discussed. The changing feature of Turkish environmental policy will be criticized and the conflicts between legislation and policies will show the use of environmental policy through the benefits. The activities on environment made by Turkish administrations are important when they are compared with the basic principles of environmental policy. These discussions and given examples in this part will be the evidences of the whole argument of this study. The major implementation and legislation problems will addressed as the fundamental factor of an unsuccessful Turkish environmental policy.

3.1 The Financial Dimension of Environmental Policy for Turkey

The adaptation of Environmental Policy of EU is considered as the one of the most expensive policies in Turkey. When the requirements of the environmental policy are accounted like the establishment of relevant institutions, the development of environmental management system, the projects, the education of experts on issue, investments for the harmonization of environmental policy to other policy areas, etc. it is possible to see the huge investment obligations that must be made in Turkey. In this chapter the financial dimension of environmental policy will be analyzed as the advantage and disadvantage of Turkey for considering the issue in an objective frame and to understand the financial importance of the issue.

3.1.1 Disadvantages

Although the harmonization of environmental policy is very significant for Turkey, the costs of legislating and implementing of the policy can be seemed as a disadvantage for a developing country. First the changing structure of responsible institutions should be discussed like the restructuring of the ministry in 1999, 2003 and 2011. The Ministry of Environment was merged with Forest in 2003 and with urban planning in 2011 that caused the change of working and investment areas on environment, which needs time to have an effective management.

There is no an effective funding structure in Turkey. The whole activities for the development of environmental policy should be financed by external actors. The estimated value for the full adaptation of environment chapter is about 60 billion €. Turkey has to fulfill many obligations according to the international environmental responsibilities made by international agreements but due to the financial problems, Turkey cannot fulfill its duties. This situation becomes a violation of “*pacta sunt servanda*” principle. It can also be seemed as a threat for environmental protection on international base because of the international and transboundary features of environmental problems. Because of these difficulties Turkey should behave realistic and consider national interests when there is no other solution.

The dynamic structure of EU can also be seemed as a disadvantage for Turkey. The legislation of EU is changing and developing from time to time because of the changing feature of environmental issues and it is difficult to actualize the environmental policy for implementing and adopting the measures. This means there is no specific determined structure of environmental and political obligations as they should be developed and improved where these actions need actual financing. With the limited financial supports of EU it is very difficult for Turkey to adopt all the relevant measures¹²¹.

The financial problem of environmental policy should also be discussed under the issue of independence. It is very difficult to be dependent upon international financial supports by improving and implementing a “national” environmental policy. The main argument of this thesis is the existing feature of Turkish environmental policy, which is determined through the obligations of EU *acquis* and international agreements and not focused on the national environmental problems. But it seems difficult to focus on national problems in Turkey, as a country which is dependent financially upon international actors. So, giving priority on national environmental problems without having a national financial source is impossible and this situation affects the success of Turkish environmental policy negatively.

3.1.2 Advantages

As it can be noted in previous chapter, there are several disadvantages of financial dimension of environmental policy. However, there are also some financial advantages of the adaptation process of environmental policy. The environmental policy is very different from other policy areas while implementing the EU *acquis*. It needs lots of projects and investments to achieve the environmental standards in all environmental sectors. From the

¹²¹ Talu. 2010: ppt. 43

year 2000 with the financial support of EU a lot of projects were implemented on strengthen the administrative capacity those organized education programs and supports for technical experts and equipment for central and local administrations¹²².

One of the most important financial support instruments is IPA¹²³ (Instrument for Pre-Accession). IPA is structured by EU for creating a support mechanism for candidate countries such as Turkey, during the period of 2007-2013. Turkey is the first beneficiary country among the candidates by having nearly the half of the total amount of IPA supports (about 1,6 billion €) in 2007-2009 period at general sector¹²⁴. But on environment sector the support is determined about 205 million € for 2007-2009 and 400 million € for 2010-2013. The beneficiaries of IPA on environmental issues in Turkey are the Ministry of Environment and Urbanization, municipalities, regional unions and NGO's and the working area of IPA is mainly environmental infrastructure projects¹²⁵.

There are also several non-EU donors such as UNEP (United Nations Environment Program), METAP (Mediterranean Environmental Technical Assistance Program), Blacksea Environment Program, UNDP (United Nations Development Program), UNIDO (United Nations Industrial Development Organization), FAO (Food and Agriculture Organization), GEF (Global Environment Facility), WB (World Bank), JICA (Japan International Corporation Agency), KfW (Kreditanstalt für Wiederaufbau), GIZ (Deutsche Gesellschaft für Internationale Zusammenarbeit), WWF (World Wild Fund for Nature) which have significant role on financing environmental projects in Turkey¹²⁶.

The most important issue of environment on legislation and politics is the Environment Chapter of EU *acquis*. The said cost of environment chapter is determined about 60 billion € in the time period 2007-2023. Now it would be beneficial to look at the financial requirements of environmental policy on sectorial base.

Table 3.1: Sectorial Distribution of Investments on Environment Between 2007- 2023

¹²² Talu. 2006: pp.98

¹²³ Further information: http://ec.europa.eu/enlargement/how-does-it-work/financial-assistance/instrument-pre-accession_en.htm

¹²⁴ <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/06/410>

¹²⁵ Talu. 2010: ppt. 33

¹²⁶ Talu. 2006: pp. 104-111

SECTORS	INVESTMENT NEEDS		
	MILLION (TL*)	MILLION (EURO)	RATE (%)
Water Sector -Total	82.884	33.969	58
Solid Waste - Total	23.326	9.560	16
Air Sector and Nature Protection - Total	734	301	0,50
Noise Sector- Total	0	0	0
Chemicals Sector- Total	0	0	0
Industrial Pollution Control- Total	36.002	14.755	25
Final Total	142.947	58.585	99,50

Source: Saner. 2011: ppt. 47

* The currency exchange as 1 EURO = 2.44 TL (exchange is changed to actual rate)

As it illustrated in the table the need for environmental investments is much more than other policy areas, which Turkey can finance itself. It is also important to touch upon the beneficial side of these investments, which substitutes them in the future and make profit. “All activities were done show that the EU welcomes to support the projects, which bring profits. According to the EU criteria environment projects, which are under the amount of 5 million €, are not investment projects.”¹²⁷

It is very difficult to adopt all necessary measures on environmental policy in a globalizing world. The international and transboundary feature of environmental problems causes lots of obligations for countries. Environmental policy should be implemented on international base because of possible negative impacts of environmental problems. The developed countries and international organizations should support other countries, which have not enough financial sources for the protection of environment and sustainable

¹²⁷ Talu. 2006: pp. 130

development. So, Turkey can be seemed as a lucky country that has a lot of financial supports from international actors. The geopolitical position is realized by other countries and the environmental protection of Turkey has become important for them. Although it seems very difficult to fulfill all obligations of environment *acquis*, all of these aforementioned supports are very big financial advantage for Turkey.

3.2 The Fundamental Implementation Problems of Turkish Environmental Policy

The efficiency and success of politics should be evaluated through the implementation of taken measures. The existence of institutional and legal framework on policies does not ensure the implementation. Especially on environmental policy, implementation is the only and the most important way for having the efficiency of policy in practice. Unfortunately there are lots of implementation problems in Turkey on environmental policy. Until this chapter it is seemed that Turkey took a lot of measures for adopting EU *acquis* and also for international responsibilities on environment. It is possible to say that Turkey made a big progress on environmental policy theoretically that can be seemed as an idealistic approach. Now, in this chapter the efficiency of Turkish Environmental Policy will be analysed through the implementation problems.

On the issue of environmental legislation in Turkey, municipalities have an important role in the implementation of the environmental policies. Central governments were not interested in environmental and pollution problems until today. An effective cooperation between the governments and local administrations is a significant aspect of the active implementation of environmental policy in Turkey. The Ministry was not satisfactorily effective because of the reasons such as limited resources and municipalities were not open to cooperation¹²⁸. But, environmental problems affect local people and those people tackling environmental pollution become included in the policy process. If local people are not to be included in the policy process, the government cannot be mobilized to solve those environmental problems. Central government in Turkey does not pay enough attention on environmental problems, but environmental problems are important issues at the local level. What there could be argued is policy integration, co-ordination of efforts for sustainability and co-operation between the actors.¹²⁹ “The legal and institutional framework of environmental policy in Turkey may be sufficient for problem-solving, if you have the right

¹²⁸ Köse *et al.* 2007: pp. 40

¹²⁹ Orhan. 2004: pp.17

people in the right place to interpret the legislation in the right way and implement these policies. This brings to the role of institutions as providing constraints and opportunities.”¹³⁰

According to the Constitution, improving and protecting the environment, preventing environmental pollution are the duties of all the public institutions, organizations and the citizens. So, every institution, organization or person is responsible for the improvement and protection of environment. But, in practice, the actions of public and private sector are not necessarily effective on that issue and cannot fulfil their duties, responsibilities and the requirements¹³¹.

Turkey has recently made an organizational restructuring, generally through the advices of EU experts. Under this reorganization, the ministries of Environment and Forestry were unified. Through this merging, both central and field organizations of both ministries were changed¹³². But, because of the lack of coordination and corporation between central and local administrations, it is possible to say that this merging of ministries was not successful. If not, the Ministry of Environment and Urbanization should not be established in 2011. So the commend made on this situation is that the governors witness the advices of EU but they are not competence to implement these advices. These actions are non-functional and only for show, which are made to hoodwink to EU.

Although the authorization of local administrations was raised, it is impossible for local environmental services to be independent from general politics. Environmental strategies and policies should be integrated; otherwise local implementations will be unsuccessful from the beginning. For example there are some implementations under the frame of financing policies, which are made to provide income, block the positive aims of environmental policy in Turkey.¹³³ In progress reports of the Commission there are some developments on environmental infrastructures but if the environmental policies of EU considered as integral, it is possible to say that there is a lack of integration and harmonization among the energy, agriculture, tourism and industrial sectors in Turkey, which have a big relation with environmental policies. There is also a problem on environmental authorizations and responsibilities between central administrations, which affects the local administrations and causes unplanned use of environmental resources.

Other implementation problem is the monitoring systems of local administrations. They have insufficient technical infrastructures for monitoring the environmental issues so; they

¹³⁰ Orhan. 2004: pp.16

¹³¹ Köse *et all.* 2007: pp. 62

¹³² Yaşamış. 2006: pp. 12

¹³³ Talu. 2006: pp. 114

cannot provide environmental services as they needed. Also the financial problems of local administrations cause ineffective environmental implementations. It is very important to point some circumstances which are seemed as the key factors of a successful sustainable development. In developing countries the conditions such as the lack of information and experience on environment and intrust to policy implementations are some reasons for having unsuccessful sustainable development policies. But providing the financial sustainability, developing the administrative sustainability, structuring the integration, cohesion among all policy areas and the choice of appropriate indicators are the key factors of sustainability.¹³⁴ Because of these conditions it is possible to say Turkey is very far away from the sustainable development when the aforementioned examples are considered.

3.3 The Stability and Transparency of Environmental Policy in Turkey

Environmental policy is not implemented consistently and systematically in Turkey until the near future¹³⁵. It is possible to support this argument with some examples. There were some regulations¹³⁶ made in 1982 and 1983 with some prohibitions on roads and utilities issues to prevent the structuring that may damage the historical and scenic beauties in Bosphorus area. But in 1985 the aforementioned provisions that related to the prohibitions of structuring were repealed with the 09.05.1985 dated and 3194 numbered Zoning Law¹³⁷. There are similar examples from the 1950s until today.

In Turkey there are 11,377 protected areas and 1685 of them have natural protected area status. There was a Protection Committee that was responsible for these 1685 natural protected areas, which was dissolved by Ministry of Environment and Urbanization in 23.08.2011¹³⁸. The importance of the issue comes from the establishment of hydroelectric plants. The hydroelectric plants are an actual issue in Turkey because of the interesting politics and decisions of government. These areas, which seemed adequate for the hydroelectric plants, mainly are rivers that are water sources of many villages and natural life. It is also a very beneficial financial source for the companies which will establish and build these hydroelectric plants. Because of all these reasons there have been important arguments

¹³⁴ Dulupçu. 2000: pp. 67-68

¹³⁵ Keleş. Hamamcı. 2002: pp. 331

¹³⁶ 22.10.1982 dated Cabinet Decision, the 29.01.1983 dated Bosphorus Decree, 2960 numbered and 22.11.1983 dated Bosphorus Act

¹³⁷ The 46.-48. Articles of this Law

¹³⁸ According to the 648 numbered and 17.08.2011 dated Decree Law on the establishment of the Ministry of Environment and Urbanization.

and protests of people in the villages on this issue. There is no doubt that the establishment of these hydroelectric plants will be harmful for nature life and people. The relation between two issues comes from the protected areas. Among the 1685 protected areas there are a lot of rivers that have natural protection status. After the dissolving of Protection Committee, the responsible and authorized institution for these areas will be the Ministry of Environment and Urbanization. This means, the Ministry can decide with its new “experts” to establish the hydroelectric plants freely and without pressure. From this point in time, the only issue to be discussed must be the transparency and truth of related decisions of this “experts committee”.

Another actual discussion is the said establishment of nuclear plants in Turkey. This issue appeared and came up interestingly after the tsunami and nuclear disaster in Fukushima/Japan. Nuclear energy is a safe and clear energy when it has no risk. Nuclear plants must be established on non-fault line areas. But Turkey has a lot of fault lines and the government will build the first nuclear plant in Mersin Akkuyu, which is only 25 kilometres away from the Ecemiş fault line. Many NGOs are against to this nuclear plant in Turkey. Although Akkuyu was reported by scientists as an area that has lots of earthquakes and tsunamis in history, Turkey made an agreement with Russia on the building and establishment of a nuclear plant.¹³⁹ The most expensive nuclear energy agreement was made before the EIA reports, thus the agreement should be invalid. But the “state agreement status” is a block to take legal action in Turkey. This situation can be seemed as an evidence of governments’ determination on that issue. This problem is also in conflict with EU environmental policy that pays attention on EIA issue definitely.

Those responsible of the institutions for determining and implementing the environmental policy, have not been in connection with society, scientists and non-governmental institutions. So this situation caused an isolated environmental policy in Turkey. The other significant problem is the non-transparent structure of environmental policy. For example during the Chernobyl disaster, the approximate impact of radiation was not declared and people were uninformed in threatened regions. In addition to this confidence, the conflict and inconsistency of declarations made by responsible institutions caused doubts about the seriousness of environmental policies in Turkey¹⁴⁰.

¹³⁹ Özlüler. Atay. 2011

¹⁴⁰ Keleş. Hamamcı. 2002: pp. 334

Additionally, environmental factors were not considered on implementation about some measures and on some public or private sector projects. There is no corporation between the responsible institutions and there is a lack of monitoring systems in Turkey. These factors can be seen as reasons of unsuccessful environmental policy.

Also eco-innovation policies in Turkey need to be improved and structured. It is possible to see that the responsible and authorized institution is TÜBİTAK on research and development projects on environment and energy and also funding of them¹⁴¹. There is a lack of local and central administrations. Innovation projects should be financed by central powers and fundamental decision makers.

¹⁴¹ OECD Report. 2008: pp. 8

CONCLUSION

The environmental policy of Turkey was analyzed through its development in historical view. The historical development and actual implementation of environmental policy should be analyzed in the frame of international relations approaches, idealism and realism. If it is analyzed only through the development, it could be considered in an idealistic frame because of the effects of international dimension, international cooperation efforts and sustainability targets. However it should be considered also with implementation measures that are the fundamental factors of environmental policy. The variety of environmental policy approach shouldn't be understood as only a negative thing because "national environmental policy approaches do not remain immutable, although usually they are adopted only incrementally"¹⁴². The environmental policy aims and implemented measures go in direction of a realistic environmental policy. It is seemed that the reasons for having an environmental policy only for accession process of EU and sometimes when there are profits the policy can be in conflict with EU *acquis*.

"The right for environment includes three main criteria: the right to know, public participation and access to the judiciary on environmental matters. The right of environment and the principle of sustainable development should be regulated through the constitutions or the main legislation of the country concerned and should also be introduced in national development plans or in the investment plans of local governments"¹⁴³. The criteria of the right for environment are very far away from Turkish environmental policy. The examples of Chernobyl and Mersin-Akkuyu were very strong evidences. While discussing the efficiency of Turkish environmental policy, the ethic should be considered. In the first part of this study it is mentioned that the aims of environmental policy should be in idealistic frame, which has a significant relation with ethics. Turkey makes politics which are harmful for natural resources and human health and the politics are made behind closed doors. That is the violation of the right to know and the right of environment.

There is no doubt that there is an inconsistency on Turkish environmental policy. Especially AKP government focuses on sustainable development more than environmental protection. The government has changed the meaning of sustainable development; it has been "the consumption of environment". Natural resources have been seemed as the instrument to

¹⁴² Wurzel. 2006: pp. 5

¹⁴³ Yaşamiş. 2006: pp. 5

provide the capital accumulation, a profit of economy. The nuclear projects of Turkey are the profits of investor countries because of the lack of needed employment, information and technology. Nuclear sector of Turkey will be a profitable market place for the countries, which are in corporation with Turkey. These actions are in conflict with EU *acquis* and show the “realistic” approach of Turkish environmental policy.

The projects and arrangements about hydroelectric plant are in conflict with the duties of Turkey, which came with the sign of international agreements. This means that the government’s implementation is contradictory through the principles of constitutional law. But when it is necessary, the government uses the 90th Article of Constitutional Law for its benefits like the example of the agreement that made with Russia on the establishing and building.

It is also a misjudgment for Turkey not being able to see the opportunities of environmental policy. Turkey is a big country and the geopolitical situation of Turkey is very important. When Turkey can have the required environmental policy without deficits, the economic and social development of the country will be very well. Unfortunately Turkey has not seen the social, natural and economic benefit of an “idealistic environmental policy”. Turkey can also be one of the most important renewable energy producers in the world however it seems easier to buy the energy from other countries and to have a big amount of debt. The financial dimension and the source of Turkish environmental policy (international treaties) can be a structural difficulty for having an objective national environmental policy. Turkey is not independent from financial supports and the start point of each environmental issue come from the basis of international treaties. Under these conditions it is really hard to concentrate on national environmental issues and implement policies for solving the environmental problems.

To sum up, until today Turkey has made a good development process on environmental legislative issues but by implementation Turkey was unsuccessful. Turkey should seem as interested in environmental protection and problems for making profit from the financial support of environmental policy. Environment is not a political priority for Turkey. There is no specific direction of political will on environmental issues that causes inconsistency of politics. The implementation problems of Turkish environmental policy can be the most important indicators of the unsuccessfulness of its current situation. The aim of environmental

policy is to develop through the international agreements, EU accession process and national interests. That makes the environmental policy approach of Turkey realistic.

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APPENDIX I. Basic Definitions of the Terms That Were Used in This Study

In Article 2 of the 2872 Numbered Law on Environment, there are definitions of terms that are used in Environment Law by mentioning the principles. The definitions are:

Environment: the biological, social, physical, economic and cultural area, in which the all living things have mutual interaction and relation.

Environmental Protection: the works that include the prevention of destruction and deterioration of ecological balance and environmental values, countering the existing destructions, improving and developing the environment, the prevention of environmental pollution.

Environmental Pollution: the negative impacts that occurs in environment and may harm the health of living things, environmental values and ecological balance.

Sustainable Environment: the process of improvement, development and protection of the environmental values in all areas (social, economic, physical, etc.), which comprises the environment of today and the future, by not hazarding the natural resources of future generations.

Sustainable Development: the development and improvement that guaranties for todays and future generations, to live in a healthy environment through the basis of the establishment of the balance between environmental, economic and social targets.

After the definitions of Turkish Environmental Law, it is important to define the fundamental principles of environmental policy, which were not defined in this study. In environmental law, the **polluter pays principle** is enacted to make the party responsible for producing pollution responsible for paying for the damage done to the natural environment. It is regarded as a regional custom because of the strong support it has received in most Organisation for Economic Co-operation and Development (OECD) and European Community (EC) countries. In international environmental law it is mentioned in Principle 16 of the Rio Declaration on Environment and Development. The **cooperative principle** states that through the involvement of important social groups it is possible to achieve environmental goals. The **integrative principle** states that environmental protection is also a matter of other policy areas, because environmental problems are caused in many decisions in these areas.

Environmental Impact Assessment should also be defined because of its importance. "EIA can be described as a process for identifying the likely consequences for the biogeophysical

environment and for man's health and welfare of implementing particular activities and for conveying this information, at a stage when it can materially affect their decision, to those responsible for sanctioning the proposals." [Wathern, P. (1988) Environmental Impact Assessment: Theory and Practice. pp. 6. London: Unwin Hyman]

APPENDIX II. The Targets of Turkey Through the Adaptation of Environmental *Acquis*

After opening the Environment Chapter, Turkey determined its targets by Turkish Secretariat General for European Union Affairs (now Ministry for EU Affairs) for adopting the *acquis* by designing the changes, which should be made in this process. The targets were determined like;

-To increase technologies/investments in order to eliminate the damage caused by waste to the environment and human health,

-Closing or rehabilitant of wild waste storage areas, which create a risk to human health and the environment

- To provide collecting, handling, recycling and disposal of wastes separately in all over the country within a specific system,

-To provide recycling of cardboard packaging waste such as especially paper and electronic waste, which will be evaluated as an economic value; thus, contribution to the economy of the country,

- To provide the separate collection and disposal of batteries and accumulators, which are evaluated within the scope of the hazardous waste.

- To minimize the waste production.

- To provide the usage of harmless substances and recycling of used materials in industrial production.

- To determine of permission of the industrial activities in some circumstances, this could create high rate pollution. To take measures to reduce and/or to prevent the pollution applying the best available techniques.

- To provide the public participation to establishment of industrial facilities to process of obtaining a license.

- To consider the issues such as waste generation and disposal, energy efficiency, usage of raw material, noise, prevention of accidents in the scope of an integrated approach for the

prevention and control of pollution (IPPC Directive) for the prevention of pollution caused by industrial activities.

- To focus on measures such as pollution control at source, reduction, waste recycling.

- To provide an effective coordination mechanism among the different public institutions which carrying out the permission procedures and to provide a single source for given permissions.

- To provide the usage of better quality fuels for enhancing the air quality.

- To implement harder air quality standards for making possible to breathe clearer air.

- To monitor the air quality until 2014 with 209 stations.

- To provide the accession of people to environmental information and increase the people's participation in decision-making processes.

- To present the prepared plans and programs (such as tourism plans) subject to environmental assessment and to give the information to decision-makers.

- To consider the issue to live in a healthier environment conditions as a base by providing integration of environmental policies with other sectorial policies.

- To bring higher quality standards on swimming waters in order to protect public health and the environment.

- To increase the number of municipals, which purify wastewaters.

- To take measures in order to prevent the pollution caused by the intermingling of pesticides and especially nitrate in the groundwater.

- To ensure the creation of a more powerful surveillance and monitoring network and the implementation of standards.

- To provide the conservation of biological diversity by evaluating the relationship between the economic growth and usage of natural resources.

- To expand the eco-tourism with natural wealth and natural life of Turkey for targeting different tourist groups of Turkey.

- To create a national plan relating to trade in greenhouse gas emissions in the scope of the alignment with the *acquis* on climate change, to take measures to reduce the amount of greenhouse gas which from industry, motor vehicles and heating, heating with less energy, making long-distance, with the vehicles that consume less energy, to integrate technology systems into industry that consume less energy, to increase the tendency to renewable energy sources such as solar and wind.

- To create a separate record for the mechanism of chemical substances with the REACH Regulation on the Register, Evaluation, Authorization and Restriction of Chemicals that composes the New Chemicals Policy of the European Union.

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DECLARATION OF AUTHORSHIP

I declare that this thesis and the work presented in it are my own and have been generated by me as the result of my own original research.

None of the parts of this thesis has previously been submitted for a degree or any other qualification at this University or any other institution.

This written document matches completely to the CD version.

Where I have quoted from the work of others the sources are always given within references part of my thesis.

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Signature