

**NATURE'S NEOLIBERALISATION AND
RE-REGULATION PROCESSES: THE CASE OF
HEPPs IN TUNCELİ, TURKEY**

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ABSTRACT

NATURE'S NEOLIBERALISATION AND RE-REGULATION PROCESSES: THE CASE OF HEPPs IN TUNCELİ, TURKEY

Spatial sprawling of the capital especially in the post-2002 process in Turkey increased with transportation, extraction and energy investments, by the regulatory role of state. Especially for energy investments as the one of enterprise of capital that progressed by neoliberal policies, the state intervention which is one of the state's roles that is capital-oriented in Turkey is re-regulation processes. In the historical background of HEPPs in Turkey; Munzur Valley, it is one of the place where the capital performs itself on the nature. Munzur Valley is the nature (the nature that self-sanctity of the local people with the historical value) that spatial fix of capital by HEPPs, and it is the place where capital will realize itself. In this process which the state has undertaken a regulatory role in the areas where capital performs its activities by controlling the environmental reactions and resolving the capital-local conflict. In such capital investment processes, the state is behalf of capital to create and expand investment areas as a policy and law-maker. In order to guarantee its own continuity, the state has taken on the task of intervening by making legal regulations in case of conflicts between investors and local people, while the capital is in the stage of having a form. The ecological fixes that Noel Castree mentions, was observed in the case of Munzur Valley National Park which the sacredness and historical value of the local people in this study area.

ÖZET

DOĞANIN NEOLİBERALLEŞMESİ VE YENİDEN DÜZENLEME SÜREÇLERİ: TUNCELİ'DE HES'LER ÖRNEĞİ, TÜRKİYE

Sermayenin mekansal yayılımı, özellikle Türkiye'de 2002 sonrası süreçte, devletin düzenleyici rolü ile ulaştırma, maden ve enerji yatırımlarıyla artmıştır. Özellikle neoliberal politikalarla ilerleyen bir sermaye girişimi olan enerji yatırımları için, devletin Türkiye'de sermaye odaklı rollerinden biri olan devlet müdahalesi, yeniden düzenleme süreçleridir. Türkiye'deki HES'lerin tarihsel arka planında; Munzur Vadisi, sermayenin kendini doğa üzerinde icra ettiği yerlerden biridir. Munzur Vadisi, HES'lerin sermayenin mekânsal sabitlerinin yer aldığı doğadır (yerel halkın tarihi ve kutsal bağının olduğu doğa) ve sermayenin kendisini gerçekleştirdiği yerdir. Bu süreçte devlet düzenleyici bir rol üstlenerek, sermayenin faaliyetlerini gerçekleştirdiği alanlarda çevresel tepkileri kontrol ederek sermaye-yerel çatışmasını çözer. Bu tür sermaye yatırım süreçlerinde devlet bir politika ve yasa üretici olarak sermaye uğruna yatırım alanlarını yaratır ve genişletir. Kendi sürekliliğini garantilemek için, devlet, yasal düzenlemeler yaparak sermaye biçim alma aşamasındayken yatırımcılar ve yerel arasındaki çatışmalara karşı müdahale etme görevini üstlenir. Noel Castree'nin bahsettiği ekolojik sabitler, bu çalışmada, yerel halk için kutsallığı ve tarihi değeri olan Munzur Vadisi Milli Parkı örneğinde gözlemlenmiştir.

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CHAPTER 1

INTRODUCTION

By the 2000s neoliberal policies have become widespread in Turkey. While private sector has been promoted for economic interests, environmental and social negative impacts have been ignored. Neoliberal accumulation model required the creation of appropriate state regulations. State has been supporting private sector investments and projects with new laws, regulations and policies, as well as by creating new institutional structures. In this context, nature is considered as a production process that is transformed or shaped by different actors. State directly intervenes by using instruments of re-regulation in process of nature's neoliberalization. Environmental policy, strategies and tools are developed by constituting legal frameworks for the sake of capital accumulation. The "environmental fixes", that Castree defines, turns into a direct intervention mechanism operated by the state for resolving conflicts in a way of removing all obstacles for private entrepreneurs.

This study focuses on state re-regulations and re-structuring with a special emphasis on the neoliberalization process of nature. It examines dams and HEPPs planned for Munzur Valley within the context of neoliberalization of nature.

Neoliberal policies in the world began in the 1970s. Turkey continues until today, starting with the decision of 1980 regime, on January 24 and September 12. With neoliberal policies that will respond to overcome the capital accumulation crises, the process of neoliberalization of nature has begun and nature, which was not defined as an investment area before, has been subjected to capital accumulation through changing role of the state. The changing role of the state for the benefit of capital accumulation in neoliberalism has brought about legal, economic, scalar and administrative restructuring and regulations in order to open up the natural areas for investment. NUTS regions have been created and re-scaled to facilitate the local penetration of national and international capital by revealing the potential of previously closed areas for capital investments. Regional development agencies, the institutionalization tools, that provide the governance of the regions, have been established while the government offers new investment areas to the capital through incentive packages specific to the regions. Thus,

it is aimed to guarantee the future of capital investments. Governmental guarantees were provided for international credits and funds allocated to energy companies while legal regulations and institutional restructuring policies were being developed.

The commodification of nature by energy investments has been associated with the progress that through the legal framework and institutional arrangements of the state. This study explains process of dams and HEPPs projects in Munzur Valley by conceptualizing problems of thesis that are “nature’s neoliberalisation and re-regulation” and “state and capital leveling at nature”.

This study is based on the question “How Nature’s neoliberalisation operate in the Munzur Valley?”. In the implementation of the dam and HEPP projects planned in Munzur Valley National Park and how nature’s neoliberalisation through the state re-regulation process is examined. Long Term Development Plans and Plan Description Reports were used to obtain detailed information about the decisions. Munzur Valley National Park Litigation Process Files which includes the legal process and litigation decisions of the HEPPs and dams planned in the Munzur Valley were used for understanding how regulations and interventions occurred, in order to interpret the process by making face-to-face deep interviews with advocates. For demonstrating ecological dimensions of the Munzur Valley, “Synthesis and Investigation Reports of Munzur Valley”, that are prepared in study of Long Term Development Plans are used.

This study focuses on the issue of how deregulation, marketization, re-regulation and privatization targeted the Munzur Valley National Park and how these mechanisms were realized. The association between “neoliberalization of nature” and “the production of nature as a commodity” is examined through the lawsuit processes of HEPPs which are planned to be built on the Munzur Valley National Park. Afterwards, mechanisms of the nature’s neoliberalization will be discussed as a process which was developed with re-regulations for realization of HEPPs and dams investments. The litigation process of the dams and HEPPs planned in the Munzur Valley National Park shows how the “production of nature as a commodity” and the “nature’s neoliberalization” are related through changing decisions, regulations and institutional arrangements.

In nature’s neoliberalisation process of the Munzur Valley National Park, “environmental fixes” that Noel Castree mentioned for conceptualizing the environmental regulations that are ways of overcoming problems during capital accumulation processes are observed. The environmental fix-1 refers to a conservation

approach that works with market logic and marketization of natural resources. The environmental fix-2 is about exposing the state-controlled and protected areas of the natural environment to the power of market logic. The environmental fix-3 is related to evaluation of the prohibited and protected areas that cannot be used for capital investments and finally the environmental fix-4 is the logic of state intervention and state's responsibilities by using power on society for social reproduction and economic arrangements (Castree 2008, 146-148). Environmental fixes 1, 2 and 3 are practiced in Munzur Valley National Park, however Environmental fix 4 is not associated with Munzur Valley case for the reason that can not be mentioned the environmental fix that will compense the social unrest.

The definition of "eco-scalar fixes" that Bakker and Cohen use, which is the regulation of spatial scales, is a definition that corresponds to the rescaling and reorganization of governance in the process of neoliberalization of nature (Cohen and Bakker 2014, 132-134). In the case of the Munzur Valley National Park, the eco-scalar fixes are the National Park boundaries, Firat Development Agency (FKA), re-scaling by TRB1 Region and regional incentives which are for capital investmens.

In the conceptual framework of the next chapter, The Neoliberal Production of Nature and Nature's Neoliberalization, our aim is to explain The Production of Nature, Neoliberalization and Nature's Neoliberalization concepts from literature. Chapter 2 includes definitions of production and re-production of nature by society, state's regulatory role in neoliberalization and commodification of nature through neoliberalization processes.

In Chapter 3, that is Turkey's Experience With Neoliberalization and Nature's Neoliberalization in Turkey, the process of neoliberalization through re-scaling and state's regulatory implementations for removing capital accumulation crises by using mechanisms in privatization, urgent expropriations, incentives for national and international capital investments in Turkey are being discussed. This chapter also includes process of nature's neoliberalization and its tools through energy investments in Turkey.

Chapter 4, that is Methodology, includes explanations about research questions, field research and data collection of the thesis. This chapter explains which questions and problematques were aimed to be explained and how datas were used for showing nature's neoliberalization processes in the Munzur Valley.

Chapter 5 contains information about the field: historical and geographical background of Tunceli Province, and also economical structure and social, environmental, natural characteristics of the Munzur Valley.

Chapter 6, that is “Nature's Neoliberalization in Munzur Valley”, contains explanation on how is neoliberalisation of the nature in the Munzur Valley. In order to understand nature's neoliberalization in this case, political decisions that also include incentives of Fırat Developmet Agency and litigation process of dams and HEPPs in Munzur Valley, are explained. This chapter also contains the environmental and natural dimensions of the dams and HEPPs which are planned in the Munzur Valley by showing synthesizing ecological areas with dams and HEPPs projects on the Munzur River.

CHAPTER 2

CONCEPTUAL FRAMEWORK: NEOLIBERAL PRODUCTION OF NATURE AND NATURE'S NEOLIBERALISATION

2.1. The Production of Nature

According to Lefebvre, as the primary version of the social process, nature is the beginning of the history of nature. It is more than a raw material, and other forms of space consist the abstraction of the natural space (Lefebvre 1991, 70). According to Neil Smith, nature is often perceived as something that cannot be produced. Relationship with nature changed with the beginning of production for exchange and the creation of the exchange values. So, it is to be produced not only to be used but also for exchange (Smith 2008, 59).

Nature presents itself as the world of use value, not the value of exchange. However, with the accumulation of capital, nature began being the product of social production. When nature is placed in historical context, it emerges as a process of producing nature (Smith 2008, 49-50). Neil Smith describes production process by interpreting Marx's approach. Production is a process that changes the form of nature. The producer changes the nature's form to make it beneficial to her/himself. On the other hand, the nature of human's production activity is differentiated through labor processes. Together with social development, specific social institutions and forms of organization need to be established in order to facilitate the production and distribution of nature. Thus, the relationship between man and nature is mediated through social institutions (Smith 2008, 55-58).

With the start of production for the exchange value, the production of nature begins to take place on a larger scale. The inherited nature is the "first nature", and people also produce the social nature of their existence. People develop a differentiating nature according to their production and distribution activities. This is the "second nature" produced by human activities. Now, a distinct society emerges from the first

nature through the social institutions that develop as market and state; money and class; private property and family. Producing the exchange value of commodities through human activity creates the “second nature”. Thus, the second nature is created from the first nature and they are integral to each other (Smith 2008, 64-66)

In capitalism, market mechanisms are not sufficient in terms of managing the process of allocating nature to meet economic and competitive demands. Because of the fact that nature is a commodity that is not for sale, the penetration of market circulation into the social re-production of nature possesses a problem with the un-produced character of nature. “For Castree, ‘un-produced’ that is, in that ecological production remains central, even if mixed historically with social production. That is, no claim to first nature is necessary in order to recognize the significance of biophysical processes to the production and reproduction of environmental conditions” (Castree 1995 see McCharty and Prudham 2004, 281).

In the capitalist society, the state undertakes the role that capital cannot do so. The state seeks to create the economic conditions necessary for the accumulation of capital through its own means, and establishes the social order in order to do so (Smith 2008, 71-72).

Nature as a resource represents the area consumed for the realization of certain functions, and the exchange-value for capitalism is prioritized rather than the use value derived from the consumption of the object to meet human needs (Kovel 2002, 195-196). Thus, in the exchange economy, nature is governed by institutional means. With the increase in the commodity production, commercial activities to improve the exchange value of products and a market mechanism ease these activities to develop.

According to Smith, the formation of a market and institutions is an indicator of the centralization of capital. In the end, cities are formed and in fact commercial activities take place in the city. Thus, differentiated activities between urban and rural represent a differentiation that is based on division of labor. Access to nature is unequally distributed through the social classes. The ruling class controls the surplus product from the nature, and the working class employs the means of production. After society is divided into classes, the state realizes itself and the function of the state as to manage society by using the arms it has which are economic, legal, military and ideological instruments, in the interests of the ruling class (Smith 2008, 60-61). “Under capitalism the appropriation of nature and its transformation into means of production occur for the first time at a world scale.” (Smith 2008, 71).

In the capitalist system, the surplus product exists in the form of surplus value, and the competitiveness of private property forces the surplus value to be re-invested in the system. In order to maintain the existence of capitalism, the production and reproduction of the material surplus is required. Hence, in the search of capital's material resources, nature becomes a universal instrument of production (Smith 2008, 69-71).

2.2. Neoliberalisation

Neoliberalism is characterized as a complex and controversial process consisting of different discourses, policies and practices; and not as a best consistent end product (Perreault and Martin 2005, 194).

Neoliberalism realizes itself by interacting with the social and historical conditions of the geography in which is located. Neoliberalism is a process of adapting to its environment because it reproduces itself by taking its final shape according to the conditions of its place. Brenner and Theodore use the phrase "actually existing neoliberalism" to explain the process of neoliberalism realizing itself through different processes in different geographies (Brenner and Theodore 2002, 349-379).

According to Castree, neoliberalism is 'a state-led project' that is criticised as a policy discourse on the grounds of; privatization as defining private property rights to previously uninformed areas, marketization as submission of goods which have not previously been subject to market logic with their exchange value, deregulation as the roll-back of state intervention in areas of social and environmental life in order to make non-political occasion for firms, re-regulation as state intervention in arrangements for the free circulation of capital, market proxies in the residual public sector as the implementation of public services by the state as 'efficient' and 'competitive' enterprises through the private sector, the construction of flanking mechanisms in civil society in encouraging civil society groups to serve or potentially serve citizens by state (Castree 2008, 142-143).

According to Castree, neoliberalism can be seen as a conditional way in which the contradictions of constant necessities and capital accumulation can be managed (Castree 2008, 162). After Keynesian economic policies, neoliberalism can be characterized as the structural, institutional and social transformations of these policies, which are formed in a more comprehensive way around the world. (Erensü 2016, 39).

The state plays a crucial regulatory role in creating new accumulation processes and managing these processes by using the institutional tools to overcome the potential or actual crises of capital accumulation. In capitalist accumulation process, it performs the reproduction of space by playing a role as a policy-making tool by controlling and directing the production and consumption processes. With new arrangements between the relationship of the state and capital having been made the transfer of public resources to the private sector became possible. In other words, with the new regulations between the state and the capital, the investment areas of capital began to expand thanks to the regulatory role of the state. Since the new institutional (legislative, executive and judiciary) re-structuring and regulations, which are expected to be separate and mutually balanced, have to be mobilized in order contribute to the capital accumulation. Especially after 1979, a new market management has begun to be designed (Foucault 2004, 135-190).

State controls the capital flow in the economic structure in the benefit of the capitalist production process, aligning them with the fixed elements of the economy. It also enables the realization of investments through policy-making tools. First of all, in the neoliberal economy, the state regulates the investment occasion by aiming to reduce the risks of capital investments; prepares the appropriate finance and rules system; suppresses the social conflicts and eliminates the obstacles that may arise against the accumulation processes (Harvey 2005, 70-71).

State guarantees individual private property rights, free market and free trade rules in the process of capitalist accumulation. In order to do so, it controls and suppresses labor movements and meets the security requirements for the development of capitalism. The role of the state is actually to provide the necessary social conditions to maximize the accumulation of market forces in the long term (Jessop 1990, 185). In order to solve the over-accumulation crises and ensure the free movement of capital, the state assigns certain tasks to the cities: recreating the interregional hierarchy; mobilizing institutions to increase the share of investments in the market with local competition based on regional competition, and also to create new businesses and markets (Cheshire and Gordon 1996, 385). The scale transformation of the economic organization networks is possible with political and institutional organizations, and the state provides security at every scale while creating the economic order with regionally organized political and institutional arrangements (Jessop 2004, 32).

The national state, which is highly effective in the process of re-organization, is actually both a scale and an actor. Officially the establishment of legal order is one of the most important functions of the type of capitalist state (Swyngedouw 2004, 32). In many studies, the neoliberalization process, which is characterized by transferring the public resources and authority to the private sector in many fields, is expressed and explained as the redefinition of the role of the state in the process of capital accumulation. The state has also identified new areas of power usage in this process (Brenner 2004). Neoliberalism can be interpreted as the reorganization of the mutual relationship between the state and capital. According to Brenner (2004), the transfer of public resources and authority to the private sector does not undermine the role of the state in neoliberalism processes. In fact, new and different areas are opened for state to use its power. Neoliberalization should be perceived as the reorganization of the relationship between state and capital, not the state “roll-back”, because capital fills not only the areas evacuated by the state, but also the areas created by the state intervention (Peck and Tickell 2002, 380-404).

In sum, the capital seeks for investment areas and this has been made possible by the regulatory role of the state. The state carries out re-scaling with its institutional means in order to accelerate the circulation of capital and eliminate the risks that may arise in investment areas. The re-scaling process, which requires the capital to penetrate the local area in order to increase its possible investment areas, includes the process of providing appropriate and necessary conditions for making certain investments in certain geographies. Neoliberalism realizes itself with the historical and social conditions of the geography where the circulation of capital is located on the space and the ability to adapt to the environment.

2.3. Nature’s Neoliberalisation

Nature, which is both a raw material and a product, is the place where exchange value is created and capital realizes itself. While producing solutions to the problems of capitalism, nature is a commodity that contributes to capital accumulation and expands the fields of capital. The neoliberal solutions produced to overcome the capital accumulation crises incorporate nature into the market mechanism by commodifying nature with various tools and policies. Nature participates in the processes of

neoliberalization, which operates by using market logic and produces re-regulation tools unique to neoliberalism. The neoliberalization of nature is the inclusion of nature in the market mechanism through neoliberal policies produced in the process of capital accumulation.

For Noel Castree, capitalism observes, categorizes, uses nature as raw material, and reproduces, pollutes and consumes it (Castree 2008, 40). Castree answered the question why neoliberal ideas and environmental issues rises on natural resources; the first one is global rise of environmental issues between 1960 and 1970 in post-war times when mentioned about 'environmental crisis', the second one is approaches that green development in end of 1980s which natural resources was inserted global market by supporting socio-economic developments, third one is natural resource policies and environmental management during 1950s, the fourth one is managing the natural resources by state bodies as national assets or public services after World War II, the fifth one is green movement that has been popularized in late 1970s (Castree 2010, 14).

Noel Castree defines the nature's neoliberalization processes by categorizing tools that are "privatizing and propertizing nature", "marketizing biophysical resources, goods and services", "deregulation", "market-friendly reregulation", "use of market proxies in the residual state sector", "strong encouragement of 'flanking mechanisms' in civil society" and "creation of 'free', 'self-sufficient', 'self-governing' and entrepreneurial individuals and communities" (Castree 2010, 17-24).

Privatizing and propertizing nature; is the inclusion of natural assets that were previously non-proprietary or owned by society, which belonged to the state or belonged to no one, in the private property relationship.

Marketizing biophysical resources, goods and services; is the transformation of nature into a commodity that can be bought and sold in the market. Commercialization requires privatization, which makes it possible to present nature as property to the market as a commodity. In this way, a relationship of access to the elements of nature based on monetary payment is established.

Deregulation; is the decreasing of the state's control and protection mechanism on environmental goods, ecological services and natural resources to facilitate the free functioning of the market. Thus, the circulation area of market actors on nature expands.

Market-friendly reregulation; is the creation of new policies and regulations that increase privatization and commercialization and spread market functioning. The

state becomes a producer of law and policy to guarantee the future of capital investments.

Use of market proxies in the residual state sector; is the state's conduct of public services that have not been transferred to the market with the logic of market economy.

Strong encouragement of 'flanking mechanisms' in civil society; is encouraging the filling of the areas in which the state reduces its control by non-governmental organizations and civil society. For this purpose, the state establishes new financial mechanisms that like in market logic.

Creation of 'free', 'self-sufficient', 'self-governing' and entrepreneurial individuals and communities; is the adoption of a 'self-sufficient' society mentality that reduces the understanding that the vital needs of society must be met by the state. In this way, the commercialization of natural resources is ensured through social mobilization. Thus, individuals and communities encouraged by entrepreneurship participate in the market mechanism and contribute to the process of neoliberalization of nature (Castree 2010, 17-24).

According to Castree, spatial fixes that are in any case, are correction forms strategically used a way to achieve a fundamental goals of capital or state (Castree 2008, 146). Castree defines four "environmental fixes", which are also environmental regulations, in terms of overcoming problems of sustainable economic growth. Castree when defining environmental fix 1, refers to a conservation approach that works with market logic over resource and ecosystems. "Conservation" enables the marketization of natural resources. This kind of conservation approach can be expressed as 'free market environmentalism' (Castree 2008, 146-147).

The environmental fix 2 is not related to the environmental protection approach, but it is about exposing the state-controlled and protected areas of the natural environment to the power of market logic and capital accumulation. These neoliberal measures include enlarging the real nature sub-assumption of capital without an eco-friendly motivation. In this way, the inhuman world becomes easily the instrument of capital accumulation. It overlaps with what Harvey (2003) calls as 'accumulation by dispossession' that reaching more direct commercial investors than the world had before (Castree 2008, 147).

The environmental fix 3 relates to valuation of the prohibited and protected areas that could not be opened to capital investments in the past in order to serve the purpose

of profit. Thus, without considering the consent of the public, it is actively 'degrading nature for profit strategy' (Castree 2008, 148).

Castree (2008) defines the environmental fix 4 as the logic of state intervention on the neoliberal solution for problems that capital accumulation processes faced with. He speaks about the role of the state in economic production and social reproduction of the world. The state has interventionist role in sake of capital accumulation. The state realizes this responsibilities by using power on society for social reproduction and economic arrangements (Castree 2008, 148).

According to Bakker, Castree uses the environmental fixes to define a set of strategies that are shared between the state and the capital to combat the obstacles to capital accumulation and to promote the economy (Bakker 2009, 1782). Capital aims to maintain its existence in the face of the obstacles of the accumulation process in the system. In this respect, the state avoids financial and legitimacy crises and seeks to fulfill its duties. The first three fixes include some of capital fractions, especially using neoliberal measures to gain commercial advantage in the field of the physical environment. Fourth fix, it includes state bodies that use neoliberal environmental preventions to address the problems that arise in governmental instruments or in the economy and society (Castree, 2008, 146).

Nature's neoliberalization may require a re-scaling of environmental governance in order to take advantage of capital accumulation. Cohen and Bakker associate environmental governance with specific political and economic situations and outcomes and redefine them as spatial processes (Cohen and Bakker 2014, 134). Therefore, Bakker and Cohen use the definition of *eco-scalar fix* by addressing the arrangements made to overcome the capital accumulation crisis with their environmental and economic dimensions. Eco-scalar fix is an active process involving the regulation of spatial scales, a definition that corresponds to the rescaling and reorganization of governance in the process of neoliberalization of nature. Decision-making processes for any scales and the restructuring of power actors in this process, the reproduction of them when necessary, and the rearrangement of the jurisdictions of spatial scales is actually a process of developing a governance mechanism. Political and ecological boundaries are set to create better environmental outcomes in capital accumulation processes. Strategies for ensuring coordination among actors who are environmental regulators, raising public awareness and participating in decision-making processes are developed. These strategies provide solutions to the problems that may occur between

ecological and social scales. In the process of creating scales generally scientific and apolitical terms are used, but scalar construction is always political, because the problems that may arise for capital accumulation are constructed in a political way. In fact, governance policies are repoliticized in this way. Ecological areas are bounded and socio-environmental conditions are externalized in order to reduce political responsibility or eliminate the costs of environmental protection (Cohen and Bakker 2014, 132-134).

CHAPTER 3

METHODOLOGY

3.1. Research Questions

The research questions, which constitute the conceptual framework of the study, have been formed by the construction of the dam and HEPP projects planned in the Munzur Valley National Park in the context of the neoliberalization of nature. It also examines the nature's neoliberalisation during the process of implementing neoliberal policies in the Munzur Valley through re-regulation processes of the state. This study explains such a problem of thesis by answering research questions that are; "How Nature's neoliberalization operate in Munzur Valley? ", "How environmental fixes are established?" and "How environmental fixes are operated?".

3.2. Field Research

As spatial data; in order to understand what kind of strategies are determined in the upper scaled plans for Tunceli Province, it is aimed to determine the type of strategies in the upper scale plans for the city. In this study, 1/100.000 scaled Environmental Plans and Elazığ-Malatya-Bingöl-Tunceli Regional Plans were examined, Long Term Development Plans were obtained from Tunceli Provincial Forest Directorate and information about HEPP decisions and locations determined for Munzur Valley National Park were obtained. At the same time, plan description reports were used to obtain detailed information about the decisions of the plans. Regional Development Reports prepared by Fırat Development Agency from different years and development strategies produced by economic data were examined. The Munzur Valley National Park Lawsuit Process File, which includes the legal process and litigation decisions of the HEPPs and dams planned in the Munzur Valley, was obtained from the advocate Barış YIDIRIM who was in the litigation process as a member of Dersim Cultural and Natural Heritage Conservation Initiative.

3.3. Data Collection

In order to show how plans progressed by years in Tunceli Province and how dams and HEPPs planned in Munzur Valley, spatial plans has been used with visual materials of the plans. Face-to-face deep interviews with advocates had been used for interpreting the litigation process of dams and HEPPs in Munzur Valley. In terms of ecological datas, there was used also Synthesis and Investigation Reports of Munzur Valley, that is prepared in study of Long Term Development Plans in different years. In order to show population movements of Tunceli Province by years, the data obtained from TUIK. In order to examine the re-scaling process of Tunceli with the investment incentives for Tunceli Province, the reports from Firat Development Agency's official website has been used.

CHAPTER 4

TURKEY'S EXPERIENCE WITH NEOLIBERALISATION AND NATURE'S NEOLIBERALISATION IN TURKEY

4.1. Neoliberalisation in Turkey

From the 1980s onwards, a new process which includes the World Bank and IMF structural adjustment programs, that is deregulation, creation of market mechanisms and privatizations, began to be implemented in Turkey. In this way, capital in Turkey included the global capitalist economy by the pressure of local investors's demands. With being included in the global capital, Turkey's economy has entered into a period where competition and neoliberal policies started functioning. In Turkey, as in other countries, measures and interventions were required in the process of generating policies in the interests of the capital, accordingly with its role of state's regulatory authority.

After World War II, the means of the state to provide welfare and land were used to distribute resources for the sake of the state's own continuity. However until the 2000s public lands were significantly commodified; they were no longer a source to be utilized, but a commodity to be bought and sold, and to be protected when necessary. The state was the distributor of the public spaces to ensure its own continuity; but the distribution now became a part of the market mechanism. Since the first neoliberalization process of the 1980s, the state has made some important policy arrangements such as the Local Government Reform Law, the Metropolitan Municipality Law in 1984, the squatter amnesty in 1984 and the establishment of the Mass Housing Administration (TOKI). TOKI is an important institution in the process of state's being included in the neoliberal mechanism. As a continuation of these legal arrangements, in 2000s, TOKI, which was designed as the instrument of neoliberal policies, with empowerment of its institutional structure, operated in the logic of market mechanism. At the final stage of the implementation of neoliberal policies, such arrangements mentioned above facilitated the reproduction of urban land as property and commodity (Türem 2017, 32).

Practices were carried out by market rationality that portrayed their capital investment and Turkey's Council of Ministers' 'urgent expropriation' decisions helped the acceleration of energy investments, especially in the 2000s. With the expropriation decisions, legal and administrative arrangements, which were required by the neoliberalism as a capitalist way of management, started to be implemented. There were 14 urgent expropriation decisions from the year 1978 to 2000. The first urgent expropriation decision of the Council of Ministers was between 2000 and 2014 and there were 830 decisions between these years for transportation and urban transformation investments. However between these years 550 out of 830 urgent expropriations were for energy investment projects (Kaya 2016, 67). The 2000s is the period when the capital accumulation is facilitated with urgent expropriation. The public-private concepts in liberal market rationality, its management and legal process rapidly turned from liberal to neoliberal (Faucault 2000 see Kaya 2016, 68).

Between 1978 and 2007, The Council of Ministers delegated its authority to make urgent expropriation decisions to independent committees (EPDK), public institutions (TEK, BOTAŞ, TKI, General Directorate of Highways) and the companies which are in privatization process (TEDAŞ, TEİAŞ, TEAŞ, BOTAŞ). The number of urgent expropriation decisions taken by the Council of Ministers after 2004 was 828, while the number of urgent expropriation decisions taken by the institutions was 957. In 2012 the Council of State annulled the EPDK's urgent expropriation authority and delegated this authority the Council of Ministers. Moreover with this decision, The Council of Ministers became the sole authority for urgent expropriation decisions once again. Of the 1801 urgent expropriation decisions between 2004 and 2012, 1507 belonged to the energy market; and 92% of the urgent expropriations in the energy market concerned the sub-sector electricity market. 212 of these decisions regarding the electricity market, which also constituted 78% of all urgent expropriation decisions, were taken for HEPPs (Kaya 2016, 78-79).

During the post-2004 period, especial after the 2008 crisis, the urgent expropriation decisions, taken for the HEPPs in the centralization process of the capital, constitute approximately 60% of the total expropriation decisions. Urgent expropriation has become a major tool of the capital accumulation in a period when the public interest is defined as privatization and marketization. In other words, state's economic activities are privatized by transferring them to the private sector and private property. Urgent expropriations play an important role in the labor-capital polarization and reproduction

that may arise in the investment process. Even if the expropriations will give an open result for public use, private property which is closed to capital accumulation is urgently required for market. Investments of companies whose land purchase requests are rejected by landowners are facilitated by urgent expropriation decisions. Although this situation is described as privatization by expropriation, the real estate which is actually private is allocated by EPDK or executive body to the requesting company. In fact, urgent expropriation decisions, rather than forced sale of land rather than privatization, monopolize small private property through the executive body of private property that is in crisis. This occasion, reproduces the dispossession and the polarization of capital-labor. (Kaya 2016, 80-83).

After the 2001 crisis in Turkey, a new management approach increased its dominance in the economy, in order to intervene to the process of capital accumulation (Kaya, 2016, 83-85). In this context, the urgent expropriation decisions are the new type of regulations and practices that the state is obliged to undertake in order to draw attention to the urgency and necessity of the situation on removing the obstacles to capital accumulation. In the new economic structure after the crisis, the duty of expropriation intervention of the state, whose duty is to open the way of capital without any limitation, is to eliminate the resistance and obstacles faced by the local governments and public institutions in the expropriation processes. In a process of decreasing efficiency of the legislative system, “decree-laws” and the “bag-bills” are frequently used, as after 1980 overcoming the obstacles against the free enterprising of the capital has been an important task of the state, especially after 2008 crisis (Kaya 2016, 85-86).

In the neoliberal government logic in the period after the 2008 crisis in Turkey, it is aimed to produce a solution urgently by uniting legislation, the executive and the judiciary to remove potential obstacles to investment. Accordingly, a “bag-bill” presented to the Turkish Grand National Assembly (TBMM) on 3 December 2013. For all lawsuit cases of economic investments a new article has been added to the Law on the Amendment of the Council of State and the Law on Amendment the Administrative Procedure Act proposing a summary procedure. Thus, procedures such as tenders, urgent expropriations, 'EIA positive' certificates or 'EIA not required' decisions, Privatization High Council decisions, Tourism incentives within the scope of sales, allotment and leasing operations, and cancellation of lawsuits regarding urban transformation within the scope of decisions of the Council of Ministers were narrowed.

Thus, it is predicted that decisions would have been taken more quickly (Kaya 2016, 86-87).

The legal process of transferring the energy market to the private sector from state entered into force with the Law No. 4628 in 2001 via the establishment of the Electricity Market Regulatory Authority. Thus, one of the most important structural changes that made HEPPs possible is the privatization of the energy sector. With the Law No. 4628, the facilities for constructing of the dams were transferred to the private sector by state. Aiming to operate, supervise and regulate energy production processes and products in accordance with the provisions of private law in the competitive occasion; EPDK is authorized by the Electricity Market Law No. 4628; the Natural Gas Market Law No 4646; the Petroleum Market Law No. 5015 in 2003 and the Liquefied Petroleum Market Law No. 5307 in the year of 2005 (Orhan 2013, 258). Turkey's government declared Electricity Market Law No. 4628 which is the legal arrangement that enables energy sector to be opened and privatized, by combining state's purpose to 'meet the increasing energy needs' with 'the aim of combating climate change'. In terms of hydroelectric generation, additional regulations have been introduced in order to determine licensing and water use rights procedures. Thus state increased the private sector's interest significantly in hydropower (Uzlu, Akpınar and Kömürçü 2011 see İşlar 2016, 145).

The 1980s onwards was a period which neoliberal policies entered in a process of reorganizing the capital to create an international competition area and developing governments' management strategies in the world. In this period, Turkey also tended to be involved into a new functioning mechanism of capitalism to 'regionalization'. The distinctive political influence of the locality, its policy-making capacity and interests, which are part of the spatial strategies of the state, facilitate the reorganization of urban areas in accordance with the local cultural structure. With the regionalization, a new re-scaling process has been realized as the prominence of localities in this period. It was argued that if the decision-making mechanism of the central state was replaced by a decision-making mechanism with local actors, the decision-making process would be more democratic. The development model, which could be formed by localization of a strong institutionalization in order to overcome the crisis before 1970, was emphasized by some international institutions such as the World Bank with the help of principles such as participation, pluralism and governance concepts (Orhan 2013, 203- 204).

Capital's to overcome the crisis of accumulation, state has encouraged the capital to penetrate new regions and localities. With this way, the capital's over-accumulation crises could have been overcome and the labor surplus could have been reintegrated into the re-accumulation process. The importance of the local's and the regions' overcoming the possible crises of capital has increased. The re-scaling processes, an effort of the state who aims to spread, provided the basis for capital enabling its existence at the local scale. Thus, the penetration of the local by capital is encouraged by the state, allowing capital to travel in certain geographies (Orhan 2013, 207-209).

Decentralization and regional development to produce solutions for the state's capital in Turkey shows that the state began to take an active role in relation to the capital. According to Eric Swyngedouw, the task of the state in this process is to take action to control the social movements and the relationship between labor and capital at the local level (Swyngedouw 1992, 57). In the 1950s and 1960s around the world, important actors supporting the regional economy of the localization process emerged as new methods of overcoming the crises in the EU candidate countries such as Turkey in the 1990s. The common aims of the Regional Development Agencies are to promote the capital to local by revealing the potential of the local, which is the non-capitalized areas (Orhan 2013, 211-212).

Moreover since 2004 important efforts were made by Turkey to display local potential in the less developed regions in the transition to the local level. Thus, Turkey Industrialists' and Businessmen's Association (TUSIAD), Turkish Enterprise and Business Federation led (TURKONFED) members became important new capital associations. Again in 2004, the Federation of Eastern and Southeastern Industrial Businessmen Associations (DOGÜNSİFED), which was in close cooperation with the government, was established and economic and political policies were developed for the region in which they work. DOGÜNSİFED, which is potent in this region during the re-scaling process, made statements in 2010 which encouraged state-capital cooperation. In these statements, it made an attempt to determine with state which investments in the cities in the east would be appropriate. The condition of the secure environment that will enable the investment of DOGÜNSİFED member entrepreneurs and other investors in the eastern cities has entered a new process with the lifting of the state of emergency in the eastern region. The movement of capital to these regions started with the announcement of the solution process in 2013 (Orhan 2013, 214-218).

In Turkey, new approach for the capital-oriented economic policies began in the 2000s. In 2012, the Council of Ministers' Decision formed the basis for the establishment of Regional Development Agencies (BKA). With this decision, it was aimed to collect and develop regional statistics data and to conduct socioeconomic analyzes throughout the country. At the same time, the Classification of Statistical Region Units (IBBS) has been defined to prepare a database in accordance with the European Union Regional Statistics System (NUTS) which will form the basis of regional policies. Thus the formation of capital focused on a new approach to economic policy began in the 2000s. This new system, structured according to NUTS, has categorized cities and guided national and international capital to make rational investment decisions. The incentive system, which was allocated to 4 regions between the years 2009-2012, then came into force as 6 incentive regions in April 2012. In particular, the provinces in the 5th and 6th incentive regions have been provided with significant investment opportunities (Orhan 2013, 220-222).

Table 4.1. Investment Incentive Regions and Provinces in 2012

(Source: 2012/3305 Sayılı Yatırımlarda Devlet Yardımları Hakkında Karar ve 2012/1 Sayılı Tebliğ, 2012)

INVESTMENT INCENTIVE ZONES	PROVINCES
I.Region	Ankara, Antalya, Bursa, Eskişehir, İstanbul, İzmir, Kocaeli, Muğla
II.Region	Adana, Aydın, Bolu, Çanakkale, Denizli, Edirne, Isparta, Kayseri, Kırklareli, Konya, Sakarya, Tekirdağ, Yalova
III.Region	Balıkesir, Bilecik, Burdur, Gaziantep, Karabük, Karaman, Manisa, Mersin, Samsun, Trabzon, Uşak, Zonguldak
IV.Region	Afyonkarahisar, Amasya, Artvin, Bartın, Çorum, Düzce, Elazığ, Erzincan, Hatay, Kastamonu, Kırıkkale, Kırşehir, Kütahya, Malatya, Nevşehir, Rize, Sivas
V.Region	Adıyaman, Aksaray, Bayburt, Çankırı, Erzurum, Giresun, Gümüşhane, Kahramanmaraş, Kilis, Niğde, Ordu, Osmaniye, Sinop, Tokat, Tunceli, Yozgat
VI.Region	Ağrı, Ardahan, Batman, Bingöl, Bitlis, Diyarbakır, Hakkâri, Iğdır, Kars, Mardin, Muş, Siirt, Şanlıurfa, Şırnak, Van

Adıyaman, Aksaray, Bayburt, Çankırı, Erzurum, Giresun, Gümüşhane, Kahramanmaraş, Kilis, Niğde, Ordu, Osmaniye, Sinop, Tokat, Tunceli, Yozgat

provinces are in 5th incentive region; as provinces of the 6th incentive region are Ağrı, Ardahan, Batman, Bingöl, Bitlis, Diyarbakır, Hakkari, Iğdır, Kars, Mardin, Muş, Siirt, Şanlıurfa, Şırnak and Van. Within the scope of the incentives; KDV exemption, customs duty exemption, tax deduction, employer's share of insurance premium support, allocation of investment place and interest support were provided to the investors; and in the 6th region, 50% of company investments and 55% exemption from tax liability for OSB. In addition to incentive of raising interest support ceilings, the most important incentive to the investor was related to employment. With the new incentive system, the potential of the labor force living in the Eastern and Southeastern Anatolia regions, due to the reasons of high unemployment and low levels of wage, is presented by the state; and the responsibility of the capital has been reduced in order to create attractiveness to the regional investment. With the SSK employer-employee share and income tax exemption; investors were offered with cheap labor opportunities, which it made them obliged to pay only the net minimum wage. Thus, capital has begun spreading across the region, with the commodification process of both labor and natural resources on contrary to previously could not be opened areas (Orhan 2013, 222-224).

4.2. Nature's Neoliberalization in Turkey

From past to present, the economy has been seen as both the cause and the solution of societies' problems. Also, even if it is sometimes delayed, development policies have been given priority in order to solve social and political problems quickly (Adaman, Akbulut and Arsel 2016, 295). Considered neoliberalism as a change in the state's economic and social interventions, it can be perceived as a transition from the state's understanding of liberal state development to the understanding of neoliberal state development. As an actor who establishes and regulates market in the field of hydro-energy; and produces economic incentives to direct private capital on certain areas; the state plays a very active role in the implementation of neoliberal policies (Adaman, Akbulut and Arsel 2016, 304).

Until 1960 years in Turkey land have been primarily used for agriculture and farming. The usage of land has changed since the 1980s. Especially in the 2000s, nature started to be a subject to the capital accumulation with investments in mining, tourism, infrastructure, energy, construction and industrial agriculture. In order to facilitate the

realization of the investments; legal arrangements, institutionalizations and regulations to enable privatization, commercialization and deregulation mechanisms have increased in the 2000s. The Forest Law No. 6831 in 1956, the Tourism Incentive Law No. 2634 in 1982, the National Parks Law No. 2873 in 1983, the Mining Law No. 3213 in 1985, the Pasture Law No. 4342 in 1998 and the Land Conservation and Land Use Law No. 5403 in 2005 were enacted. New regulations were put into force and many amendments to the previously mentioned laws have been made (Çoban, Özlüer, Erensü, Akdemir and Üstün 2015, 6).

Post-1980 period in Turkey is a more active period compared to the previous ones, in terms of subjection of natural resources to capital of the private sector. In this period, the process of neoliberalization of nature is aimed to be realized by state with several re-organizations. The regulatory role of the state is very important for the opening of natural areas to capital investment. The state uses its legal tools such as law-making and law-amendment as means of reorganization. Turkey's first hydraulic mission was focused on the Southeastern Anatolia Project (GAP) consisting of 22 dams and 17 hydroelectric power plants for which in 1989 a Master Plan was prepared. The state planners were interested in usage and development of the Fırat and Dicle rivers, as Çarkoğlu and Eder said (Çakaroğlu and Eder 2001 see İşlar 2016, 141). Turkish politicians have always perceived GAP as the Turkey's national honor, eventhough large-scale project has created tensions between Turkey and its neighboring countries such as Syria and Iraq. They created an effective bureaucracy, namely the State Water Affairs (DSI), through which Turkey aimed to adopt the role of being the Middle East's water hegemon (Molle, Mollinga and Wester 2009 see İşlar 2016, 141-142). The state's water policies and means of institutionalization them have been important factors which state controlled and facilitated the institutional functioning of the neoliberal mechanism. In the context of hydroelectric energy; the water management process has gone beyond the traditional hydraulic mission where the state is the main actor in planning and financing; the water use rights in the HEPP processes have been privatized; and the infrastructure and risk responsibilities of the hydraulic infrastructures have been transferred to the market actors. Thus, the state actors, who began to act as operators of these processes, started to adopt neoliberal policies in which not only the public but also the private sector's interests were regulated by themselves. State actors in Turkey are stating that until 2023, the 100th anniversary of the establishment of the Republic of Turkey, 100% of the all water resources of Turkey will be made available for usage and

privatizations within the neoliberal missions which were justified with the discourse of the state's hydraulic mission (İşlar 2016, 142-143).

One of the examples that can be given to economic growth-oriented approach is a speech of the Prime Minister at a inauguration of a HEPP in 2010, where the Prime Minister stated that “The electricity consumption shows the power of a country. It is also an indicator of the progress made in the process of development”. If we take into consideration the history of environmental law in Turkey, the 1982 Constitution (through Article 56) has established the environment right to the citizens and in 1983 a comprehensive environmental law was issued. In 1991 the Ministry of Environment was established, and this process was followed by establishing a comprehensive institutional structure for the preparation of laws and regulations. Moreover, the intention to become a member of the European Union was also a very effective reason in the creation of the organizational structures of the legal framework for environmental protection (Adaman, Akbulut and Arsel 2016, 294-295).

The goal of the government of Turkey to have operated the "all of renewable energy sources at 100th anniversary of Republic of Turkey's in 2023", facilitated the process of construction of dams and HEPPs on water sources. The process of allocating the areas which hydroelectric power plants will be structured on, is accelerated by the privatization of water by state, although the rising reaction of the resisting people (İşlar 2016, 137). Turkey, with a goal of such energy policy, has contributed to the inclusion of the natural resources into the neoliberal mechanisms. Thus, to expand the area of capital investments, water which is a natural resource has been allocated to private companies by the state. Accordingly with the above statement, it can be said that water is transformed into a commodity for private projects which these private companies get 49 years of right to use from the state. Although the water use rights agreements prepared by state institutions make the private sector obliged in terms of risks and responsibilities; the lack of effective inspection by state in practice, with implementation of private sector projects, can create subversive consequences for environment and society. The issue of the transformation of ‘right to use water’ into ownership seems as a right to rent in the context of managing it, because water is a completely uncontrollable and physically incapable asset. As Swyngedouw (2005) describes, although the rights to rent water are limited, it is still another type of privatization. These rights are in fact a transferring of resources into a form of property,

which cannot be officially owned or taken away from the owners, based on private ownership or control (Swyngedouw 2005 see İşlar 2016, 138).

The ambiguous terms in legal documents are often created by the interests of policy-makers. Accordingly so the water rights in Turkey do not guarantee or provide a holistic legal arrangement. Water resources are regarded as private property, underground water is seen as a commodity that is in state's public property (Boelens et al. 2005 see İşlar 2016, 143). In the context of HEPPs; the state guarantees water use rights for the benefit of the private sector and prioritizes the use of water for hydroelectric power generation while making the private sector as the sole responsible for possible risks. Although the water use rights agreements between state and private sector prohibit any transferring of rights born out of these agreements to another user; a private company may still sell its subsidiary to another company. In other words, the owner and operator of the plant can change even if the licensed company does not change (İşlar 2016, 143-144). The transfer of the right to use water to the private sector and the responsibility of companies for the risks that may occur in the project processes can be interpreted as the withdrawal of the state from the supervisory position for the investments of capital in the neoliberal processes. In this way, the relations between foreign capital, local firms and state actors are re-shaped. According to Dauvergne and Neville, due to the fluctuations in the alliances between local firms, multinational corporations and state actors; the areas of natural resource management and the private sector are obscured (Daugverne and Neville 2010 see İşlar 2016, 144).

With neoliberal energy policies water use rights, the state has also transferred its responsibility of transferring the natural resources to future generations by assigning them to private companies. The regulatory role of the state as a means of increasing capital investment opportunities also required alliances between the public actors and the capital. It can be said that, the role of state control in the use of natural resources entering into the process of commodification through neoliberal policies and the transfer of them to the future are not clearly defined. Thus, while alliances between private and public actors in the hydroelectric sector are increasing, it is becoming increasingly difficult for states and local people to obtain public benefit from this production (Borras and Franco 2010 see İşlar 2016, 144-145).

Government has prepared an incentive package to facilitate the investment of small-scale hydropower projects in Turkey and to provide financing to the investors in this direction (Küçükali and Barış 2009 see İşlar 2016, 145). Industrial Development

Bank of Turkey (TSKB), which is a private bank, has started to provide loans for 'renewable energy projects' which also include hydro power plants. This tells us beside public incentives, Turkey has started to provide private loan incentives as well. However, significant contribution to the financing of hydroelectric power plants has been provided by Turkey by signing the United Nations Environment Convention on Climate Change (UNFCCC) in 2004 and the Kyoto Treaty in 2009 (İşlar 2016, 145). As mentioned by Eberlein and Heeb, Turkey's basic strategy in the fight against climate change, as revealed in the Cancun Climate Change Conference, is focused on the improvement of cooperation with private sector (Eberlein and Heeb 2011 see İşlar, 2016, 145). Reduction of the greenhouse gas emissions to 1 million tons per year and development of renewable energy sources; which yet are not used sufficiently such as solar, geothermal, biomass, wind and small-scale hydropower plant energy; have become eminent. Furthermore, in this scope Turkey has signed World Bank Private Sector Renewable Energy and Energy Efficiency Project in order to accelerate the investment in these areas (Eberlein and Heeb 2011 see İşlar 2016, 146). Investment opportunities were boosted with such financial supports and promotions, in the sake of fostering the sustainable energy, such as solar and biomass, has been actually beneficial to an already widely existing market in Turkey, i.e hydropower industry. The financing of the hydroelectric power generation projects was provided by the European Investment Bank, the German Reconstruction Bank and the Islamic Development Bank as well as credit institutions. Besides the banking sector, foreign companies from countries such as Norway, Finland and Germany have also wanted to take advantage of the low cost project investment opportunities in Turkey. The government of Turkey has offered special incentives to increase the initiatives of foreign capital as well as local capital. With the involvement of the Forest Affairs and the Treasury Ministry, during the investment period of hydroelectric power plants, 85% discount is provided for the rents of lands under the state sovereignty. Thus, through various incentives such as possibility to rent, access and use the state-owned land, the state has provided capital with the necessary conditions to invest in natural areas. Considering the water sector, it might be said that this is the result of the co-operation of hydraulic and neoliberal mission paradigms; and in Turkey public and private areas in water management is not clearly defined. On the other hand, the cooperation between the state and the World Bank; and the new investment relations between European and Turkish investors; are examples of the Turkey's neoliberal mission in water aspect (İşlar 2016, 146-147).

The Publication of the State Planning Organization in 1996 stated that during the last 10-year period, only 3 small HEPPs have been constructed through privatization with Build-Operate-Transfer (BOT) model. In these years, approximately 90 percent of the electricity generation and transmission and 80 percent of its distribution in the country were in the state monopoly. Nowadays, there are many dams and hydroelectric power plants that produce mostly small scale energy are in operation. The number of streams transferred to companies, including those in stage of construction or project, has exceeded 1700 (Orhan 2013, 257-258). The adoption of energy policies by the state, which are included in the activities of neo-liberal economic mechanisms in Turkey since the 1990s to the present days, and the opening of natural resources to capital investment, have been possible with certain legal and institutional arrangements.

In order to increase the spread of capital into nature, the state undertakes its regulatory role in the capitalist accumulation process. Since the 1990s, while natural areas were being commodified, a proper legal basis was established and some institutional arrangements were made. With legal regulations made in 2001, 2003 and 2005 in the energy market; companies that intend to construct production plants and micro cogeneration facilities based on renewable energy resources with minimum installed capacity of 500 kilowatts have been exempted from obligations such as obtainment of licenses and establishing of companies. Thus, the construction of HEPPs on small streams and rivers has been facilitated. The change in the definition of the “renewable energy sources” was made in the 2000s and it has shaped the process of transforming and reducing the nature to a material for the market (Orhan 2013, 258). Because this change facilitated the transfer of the areas to the private companies, which have not been opened to capital before. With the Law No. 3096 and Electricity Market Law No. 4628 a competitive electricity market has been established through different mechanisms such as Build-Operate-Transfer (YİD) and Build-Self-Operation. Together with the Law of 2001, this legal mechanism allowed market actors to generate and distribute electricity. Market actors have been assigned and rights given to build, operate and manage water infrastructures such as dams, water plants and irrigation canals; thus the water resources of the public have been opened to the private sector (İşlar 2016, 142).

In the example of Turkey, such mechanisms have increased public-private co-operation, and enabled the creation of rights over water resources, where it is more difficult to establish property rights than land. The large dams were not only important

for infrastructure services for capitalist development but also faster and smoother facilities in terms of financial return; compared to basic development services such as education and health. Therefore this made dams indispensable sources of revenue for obtaining financial supports from the World Bank. However in the 1990s, environmental resistance was obstruct to the construction of dams and the World Bank suffered from a lack of credit returns therefore the issue began to lose the superiority given to it from the development mission. As a solution to this situation, a green principle in restructuring was adopted; naturalists and anthropologists were hired and Environmental Impact Assessment (EIA) processes were put into operation (Erensü 2016, 50).

According to the amendment made on 4 August 2002 in the Regulation on Electricity Market Licensing 'production facilities based on renewable energy sources' are defined as: wind, solar, geothermal, wave, tidal, biomass, biogas, hydrogen energy production facilities, non-reservoir river and canal type hydroelectric generation facilities and hydroelectric generation facilities with installed capacity of less than 20 megawatts (MW). With the regulation on February 24, 2005 the technical limit of 10 MW in EU countries, has been defined as 20 MW-50 MW in Turkey. Thus, according to the laws of Turkey, the investors of HEPPs, which were included in the renewable hydroelectric energy class, has find the opportunity to benefit from cheaper credit facilities from the World Bank. With the amendment of the Law No. 5346 on the Use of Renewable Energy Resources for the Purpose of Generating Electricity in 2010, it has become possible to establish a Hydroelectric Power Plant on the areas with the status of site. The amendment made to Article 8 of the Law; allows the construction of electricity generation facilities based on renewable energy sources in the national parks, nature parks, natural monuments and nature conservation areas, conservation forests, wildlife development sites and natural sites. This change paved the way for the construction of HEPP projects without being connected to development plans (Orhan 2013, 258-259). As of 2012, 'right to use water agreements' have been signed with 924 companies; and in almost all of the HEPP projects, private companies were given the right to use water up to 98 years (Adaman, Akbulut and Arsel 2016, 301). The transfer of the 'right to use natural resources' to private companies necessarily mean transferring the people's 'common human right to the natural resources' to private and profit based enterprising. By this arrangement the process of re-regulation of the state has transformed the areas under protection status to areas available for use. Natural resources marketed by the

state are a solution method in overcoming the crises that the capitalist accumulation process has entered into, in areas where capital investments are not possible.

The most important example of undergoing radical change of approach to nature conservation in Turkey, in June 2013, Forestry and Water Affairs Ministry's initiative to pass a law through the parliament abolishing the necessity of carrying the Environmental Impact Assessment (EIA) in large projects such as dams and bridges. With the new regulations and the structure of the law, the previously protected areas are submitted to the capital accumulation through construction, mining and energy production; in the decision-making processes related to environmental protection, the focus is made on the Decree-Laws, by increasing in this way the implementation of centralization (Adaman, Akbulut ve Arsel 2016, 296). Most importantly, dams serve energy production or irrigation. Besides this, they are seen in Turkey as functional applications in terms of ensuring the social existence of the state and its continuity.

Dams are not introduced only as engineering products, but also as structures designed as steps to move the country toward into the new world and it is emphasized that they are structures that contribute to economic growth and employment. The public perception created for such project does not mention the ecological and social destruction that they will cause (Adaman, Akbulut and Arsel 2016, 300). The implementation of the neoliberal energy policies have been made easier through the public perception created in this regard. The state plays a role in preventing the social movement that may occur while capital investments are realized. The interventionist role of the state fulfilled by producing the social ground to remove any possible barriers and obstacles to capital investments. Thus, the elimination of obstacles in the phase of implementation of dams and HEPP projects, which are large capital investments, is a process in which the state is playing an active role for creating the social ground. Considering the hydro-power generation in Turkey we may say that the state orientation (State Hydraulic Works - DSI) is changing from dam-based hydroelectric power plants to river type hydroelectric power plants (HEPP) (Adaman, Akbulut and Arsel, 2016, 298). The process of transformation of nature into a market mechanism through the General economic transformations occurring in Turkey after 1980 and through the neoliberal policies can be clearly seen by the fact that between the years 1970 and 1979 32 HEPPs were constructed and between the years 1980 and 1989 69 HEPPs were constructed (Orhan 2013, 259). With keeping in mind the neoliberal restructuring policy of state including energy capital, in order to understand the increase in the construction

of HEPP projects; it can be said that the legal regulations applied since the late 1990s eliminated the obstacles to energy investments and HEPP and thermal power plants started to enter the investment area of private capital (Adaman, Akbulut and Arsel 2016, 299). Although the defense and legitimization of river-type HEPPs in the axis of development is common under neoliberal policies; the increase in the prevalence of river-type HEPPs and ecological challenges they brought has created a strong opposition against them (Adaman, Akbulut and Arsel 2016, 291-292). Considering the low cost of investment and infrastructure required for the construction of river type HEPPs, compared to the costs of mega energy projects such as large dams, the fact that they are included in the “renewable energy status” which enables the obtainment of “green” loans and the increasing social resistance to the construction of large dams, we may say that HEPPs are more attractive for the private sector in technical and financial terms (Adaman, Akbulut and Arsel 2016, 299).

In Turkey, especially after 2000, the commodification area of nature has been enlarged and land speculation has increased. This situation has been tried to be prevented by some legal arrangements that would make it difficult for people to claim their rights in public areas. The decision on urban transformation of the Atatürk Forest Farmland, by announcement of the urban renewal area; the reduction of the level of the site; making the arrangements for the saving of the land; the removal of the registration decisions; the transfer of the process to the municipality and the purpose of the transfer of the process to the projects are left unclear stains on the Preservation Plans for Conservation Area. In 2014, the number of lawsuits filed by the Chamber of Architects exceeded 140. This shows that while the public sphere is subject to specific projects or investments in a variety of ways, there are many decisions that are very different among each other; makes it difficult for the public on legal monitoring of the process. On the other hand, the number of lawsuits filed in the context of information and document hiding has increased. For example, an EIA positive decision given to a electricity company which wanted to build a thermal power plant in Çanakkale was canceled in 2013. Afterwards, to rise above this negative complication against capital investment, the EIA report has been divided into four sections in order to complicate the follow-up of the process and to make it more difficult for citizens to open a new case. As in the examples of Cerrahtepe Gold Mine, Sivas Gold Mine and MNG Holding HEPP Projects; after cancellation decisions of the court with circular 2009/7 numbered of the ministry, companies can make a new application as if they have a new EIA prepared

and get permission from the authorized units. In many cases concerning the direct interests of the public, the audit for environmental protection has been limited by professional chambers and active citizen organization, and with the increase in the costs of trial services, it has become increasingly difficult for professional chambers and organizations to undertake proceedings (Özlüer 2014 see Erensü 2016, 452).

From a legal point of view, the meaning of the cases is actually to participate in the decision-making processes through the judiciary; in other words, the participation of the public in decision-making processes and the supervision of the decisions taken. After the permission of the investment is made without permission of the public and without consideration of the ecosystem of the geography or socioeconomic criteria of the subject matter, additional legal proceedings are initiated (Özlüer 2014 see Erensü 2016, 454). In the process of commodification of nature in Turkey, with the increase in the the people's awareness for claiming their rights; the state's failure to comply with its own rules has increased, hence capital has been able to act unjustly. In the process of the commodification of nature and the implementation of neoliberal projects, the majority of environmental cases are the cases against dispossession. These cases, even resulting with violation of the right to life and city, can be rejected (Özlüer 2014 see Erensü 2016, 457). The regulatory role of the state has also increased in environmental struggles cases, and the claiming rights frameworks have narrowed in the litigation processes. The only thing that can be done in the legal process is to ensure that the state complies with its own rules Although there are decisions that should be precedent in front of judicial authorities and administration in Turkey, since the most neoliberal form of capitalism is realized through state practices, what can be legally done is to ensure that the state and Companies Act in accordance with the legal framework that limits them. In this context, the objections to EIA processes demonstrate certainty that the implementation of the projects will harm the ecological area. However, since these objections are only intended to reduce the impact of the projects, the function of law in Turkey is limited to play a regulatory role in the current order, not to create the constituent elements of the process (Özlüer 2014 See Erensü 2016, 458).

With regulatory intervention of the state in the legal process, it was prevented of courts to take decisions commanding prohibition of making an investment in certain areas, like in the cases of Bergama and Ulukışla gold mine companies. Following the transformation in the HSYK structure and in the election of the Presidency of the Council of State, the new memberships in the Council of State departments have started

to reject the certificates in both the domestic courts and the Council of State. For example; according to Article 30 of the Environmental Law, in some cases brought to courts against the damage of the environment, complainants were required to be citizens of that city. Moreover in a HEPP case of Boğazpınar Valley in Mersin, the court questioned whether the complainants were directly affected by the project; and limited the issue with current personal interests. It has been tried to reduce the effect of courts as an opportunity in terms of license, benefit and duration. There have been practices aimed at removing citizens from judicial processes. As a result of the increase in the cost of justice services, tightening of rules of procedure and narrowing the right to claim rights, citizens were tried to be alienated from these processes. “The lawyer tries to reveal whether the current decision is against the law with certain arguments and waits for the judiciary to check for it.” (Özlüer 2014 see Erensü 2016, 464-465). By commodification of nature, privatization of public space with various mechanisms, and in re-producing capital itself by providing the appropriate legal basis for opening up these practices, the state has undertaken a significant spatial policy in the process of neoliberalization (Adaman, Akbulut and Arsel 2016 310-311).

CHAPTER 5

TUNCELI AND MUNZUR VALLEY

5.1. Historical Background

Dersim's official borders has been changed many times at the Ottoman Era. Hozat that is center of Dersim in past, it was district of Harput in 1848. Kemah and Ovacık, declared as a center of Dersim in years that 1851 ve 1859 (Yılmazçelik 1999, 34-37). In 1879, Tunceli, a separate province called "Dersim", was re-attached to Elazığ province in 1892. The region was connected to Erzurum by the Ottoman administration in 1847 and by the name of "Dersim Livası". In 1946, the provincial center was transferred to Kalan Town, which is still today's central location. The name of the "Kalan" in past, was changed to "Tunceli".

The first settlement in Tunceli was founded on the steep and rocky slopes of the Munzur River in the 1930s. The former city center of Tunceli was Hozat and after the 1938 events, it was replaced by Kalan (Mameki); in 1946 this location of Munzur River and Harçık Brook unite was declared the new city center. Tunceli was been administrated from Elazığ until 1946. The new "created" city center Mameki was easy for the central power to control, which had been a small village until 1947 (Orhan Korkmaz 2017, 157).

According to French traveler Vital Cuinet who sees Dersim's population as the banner of Mamuret-ül Aziz, the total population of Tunceli was 63,430 at the end of the 1800s (Cuinet 2001 see Orhan Korkmaz 2017, 261). Cuinet argues that the population of Hozat is 5600, consisting of 1000 Muslims, 2100 Kurds, 1820 Kızılbaş, 506 Gregorian Armenians and 174 Protestant Armenians. If the population of 100 villages in Hozat's jurisdiction is included, its total population rises to 12500 (Cuinet 2001 see Orhan Korkmaz 2017, 264).

Table 5.1. Population Movements of Tunceli Between 1927-1955

(Source: Orhan Korkmaz 2017, 67)

Districts	1927	1935	1940	1945	1950	1955
Çemişgezek	13,680	15,452	15,513	13,172	13,371	14,319
Hozat	10,487	20,028	9,925	8,402	10,000	13,053
Mazgirt	15,837	23,999	20,867	18,845	20,666	22,552
Ovacık	5,327	9,618	8,353	7,159	9,749	12,332
Pertek	13,992	16,522	13,745	14,556	16,310	18,187
Pülümür	10,573	14,606	12,096	12,429	16,298	18,168
Nazımiye	6,394	7,498	7,705	7,315	8,626	10,177
Center	-	-	6,435	8,568	10,739	12,955
Total	76,290	107,723	94,639	90,446	105,759	121,743

We can say that Tunceli is heterogeneous in terms of ethnic groups in the Ottoman period. Due to the events of 1937-38, a dramatic decline was observed in the population of the province after 1930. The spatial consequences of such a demographic change have arisen, and the crowded districts of the 1930s were intensified in the central district after the events of 1937-38, and the population of the new city center increased. Forced migrations created another spatial arrangement in the 1990s, with state-imposed restrictions, abandoning the number of villages inhabited by the local population, and declining the rural population. Many rural settlements have been banned and migration from rural to urban areas has created new social relations and areas (Orhan Korkmaz 2017, 68).

It is seen that the topographic structure of the region is more effective than the other provinces in the development of Tunceli Province which is surrounded by Munzur Mountains and Karasu River in the north and west, Bingöl Mountains and Peri Suyu in the east and Keban Dam Lake in the south. There are places of faith visited by thousands of people every year in the Central District. At the same time, some of the Munzur Valley is located in the central district. Pülümür District is located to the west of Bingöl Province. In addition, Pülümür district is located in the south of Erzincan Province, north of Nazımiye District and east of Ovacık District of Tunceli Province. The dominant sector of Pülümür is beekeeping. Pertek District of Tunceli is located west of Mazgirt District. The center of the Pertek district, which is surrounded by Elazığ

province, is located on the southern slopes of Sprge Mountain. The district acquired municipal status in 1947. The main sector of Pertek District is tourism, the second is services, the third is livestock and the fourth sector is beekeeping. Ovacık District of Tunceli is located in the south of Erzincan Province, west of Plmr and Merkez District, north of Hozat, west of Erzincan Province and emigezek District. The dominant sector of Ovacık is beekeeping. In 1923, the other district of Tunceli, Nazımiye, acquired municipal status. The southeastern border of Nazımiye District is Peri Suyu and the western border is Plmr Stream. To the east of the Nazımiye District is the Central District and Bingl Province. There is also Elazıg Province to the east of Nazımiye District. Mazgirt District is administratively subordinated to Tunceli and in 1945 it acquired municipal status. The dominant sector of Mazgirt is trade. The prosperous town of Akpazar is connected to the Mazgirt district of Tunceli and in 1967 it became a municipality. The primary sector of the settlement is agriculture and the second sector is tourism. Darikent which is prosperous town is also located in Mazgirt District. The economic sector of Hozat district of Tunceli province is based on animal husbandry. The emigezek settlement, which acquired the status of a municipality in 1981, is adjacent to the districts of Hozat and Pertek in the east, Elazıg in the south, and Erzincan in the east and west. There is a ferry line connecting Pertek and emigezek to Elazıg on the Keban Dam Lake in Tunceli. The economy of the district is based on animal husbandry (Malatya-Elazıg-Bingl-Tunceli Environmental Plan Description Report 2018, 131-141).

39,142 ha of Munzur Valley National Park, which covers an area of 42,674 ha in total, is located in Tunceli province and the rocky 3,532 ha of the park is within the boundaries of Erzincan. Munzur Valley, which lies between Tunceli and Ovacık, was declared as National Park on 21 December 1971 according to Article 25 of Forest Law No. 6381. In the declaration process of this region as a National Park, some factors such as river sources, endemic plant species, animal species, wild animals, natural characteristics, natural beauties of the region played important roles. In the flora of the Munzur Valley are registered 1518 types of various plant species, 43 of which are endemic to the Munzur Valley, the 227 of which are endemic to Turkey. The fauna of the Munzur Valley National Park uniquely has *rupicapra rupicapra caucasica* (chamois), mountain goat called "bezuvar", rock partridge (chukar), and red-spotted trout species. The lands within the borders of the national park generally belong to the treasury. The

ownership of forest areas belongs to the General Directorate of Forestry. Protection and operation of forest areas are carried out by General Directorate of Forestry.

There are totally 22 villages in Munzur Valley National Park that are 6 of them in Central District, and 16 of them in Ovacık District.

Table 5.2. Villages in Munzur Valley National Park
(Source: Munzur Valley National Park Development Plan, 1978)

Villages in Munzur Valley National Park	
Central District	Babaocağı, Sarıtaş, Karşılar, Dedeğaç, Dilek, Suvat
Ovacık District	Akyayık, Aşağıtorunoba, Çayüstü, Çemberlitaş, Dumantepe, Yazıören, Güneykonak, Mollailler, Şahverdi, Yaylagünü, Yakatarla, Yarımıyaka, Yenisöğüt, Yoğunçam, Sarıtosun, Yoncalı

Munzur Valley National Park includes Ovacık and Central Districts of Tunceli province. Akyayık, Aşağıtorunoba, Çayüstü, Çemberlitaş, Dumantepe, Yazıören, Güneykonak, Mollailler, Şahverdi, Yaylagünü, Yakatarla, Yarımıyaka, Yenisöğüt, Yoğunçam, Sarıtosun and Yoncalı villages are in Ovacık District. Babaocağı, Sarıtaş, Karşılar, Dedeğaç, Dilek and Suvat villages are in Central District of Tunceli. Especially after 1990, as a result of the events in the region and the security measures taken by the state, most of these settlements are now empty. Çayüstü, Yakatarla, Yoğunçam, Dumantepe and Şahverdi villages are evacuated villages in the Munzur Valley National Park.

5.2. Geography

Tunceli represents an isolated geography as it is surrounded by mountains, and because of its geographical location, the region and local people remained largely isolated from the environmental effects of capitalism and from state activities until the 1990s (Orhan Korkmaz 2017, 45).



Figure 5.1. A View from Central District of Tunceli and Munzur River
(Field Survey, December 2018)

The mountains, which account for about 70% of the earth's mass, are the extension of the Eastern Toros and are known as Munzurs in the east- west axis as the general character of the mountains in the region of Eastern Anatolia. Due to the steep slopes, the Munzur Mountains do not reach the efficient basin between Erzincan and Iğdır, the highest point is over 3000 meters with a length of 130 kilometres (Nebert 1959 see Orhan Korkmaz 2017, 45-46).



Figure 5.2. A View from Munzur Mountains and Munzur River
(Field Survey, November 2018)

Rivers and streams, mostly in the north of the mountainous region, with both physical and symbolic significance for the inhabitants of the province ; Munzur River, Peri River, Mercan River, Pülümür Stream, Hozat (Singeç) Stream, Avuşkert Stream and Ormanyolu (Tahar, Toğar) Stream are important watercourses that flow into the reservoir area of the Euphrates-built Keban Dam. Snow and rain water regularly feed these channels (Orhan Korkmaz 2017, 45).

The Peri River, one of the Murat River's largest branches, originates from Bingöl's Devils Mountains and forms Bingöl-Elazığ's boundary. Inside the boundaries of Tunceli there are Teke, Yuvanık, Kalman, Kıl, Sekban and Muhindi Brooks, who are still alive even in the summer.

Hozat River is a small river from the west of Hozat and the Avuskert Stream joins Ulukale and Hadisar Brooks ; Emirgan, Agveran, Ekrek and Oskih Brooks join the Ormanyolu Brook. An important stream is the Mercan River, which was born in the western part of the Avcı Mountains ; it joins Munzur after crossing the Mercan Valley and then joins the rivers that are Pülümür and Peri to flow into the Euphrates (Orhan Korkmaz 2017, 46-47).

The Munzur River, which is symbolic and vital for the local population, emerges from the foothills of Ziyaret Mountain in Ovacık. After 63 kilometers, many rivulets such as Sarıtaş, Laç, Kalan, İksor, and the Munzur River, which reach the city center, join the Pülümür Stream at a place called Gole Çetu (Gole Çetu).

These geographical features of Tunceli have determined the urban life, thanks to sharp mountains, deep valleys and strong rivers, the city has been largely protected from state and human intervention. The first roads of the city were used by the state for military purposes in the 1930s (Orhan Korkmaz 2017, 47).

With around 42 674 hectares, Munzur Valley, one of Turkey's largest national parks, the Tunceli-Ovacık road north starting from the seventh kilometer, and continues spreading toward the Ovacık Mercan Mountains.

In 1968, 23364 hectares of this area were reserved as conservation forest and hunting reserve. In order to ensure the integrity of the national park area, its borders were extended to the north, taking into account Munzur Mountains and Mercan Creek, and confined to conservation forests.

Munzur Valley was declared a National Park on December 21, 1971 according to Article 25 of the Forest Law No. 6831 with its natural and cultural values. It is located in the Central and Ovacık Districts of Tunceli Province and Çağlayan District of Erzincan Province in the Eastern Anatolia Region (Munzur Valey Long-Term Development Plan, 2013).

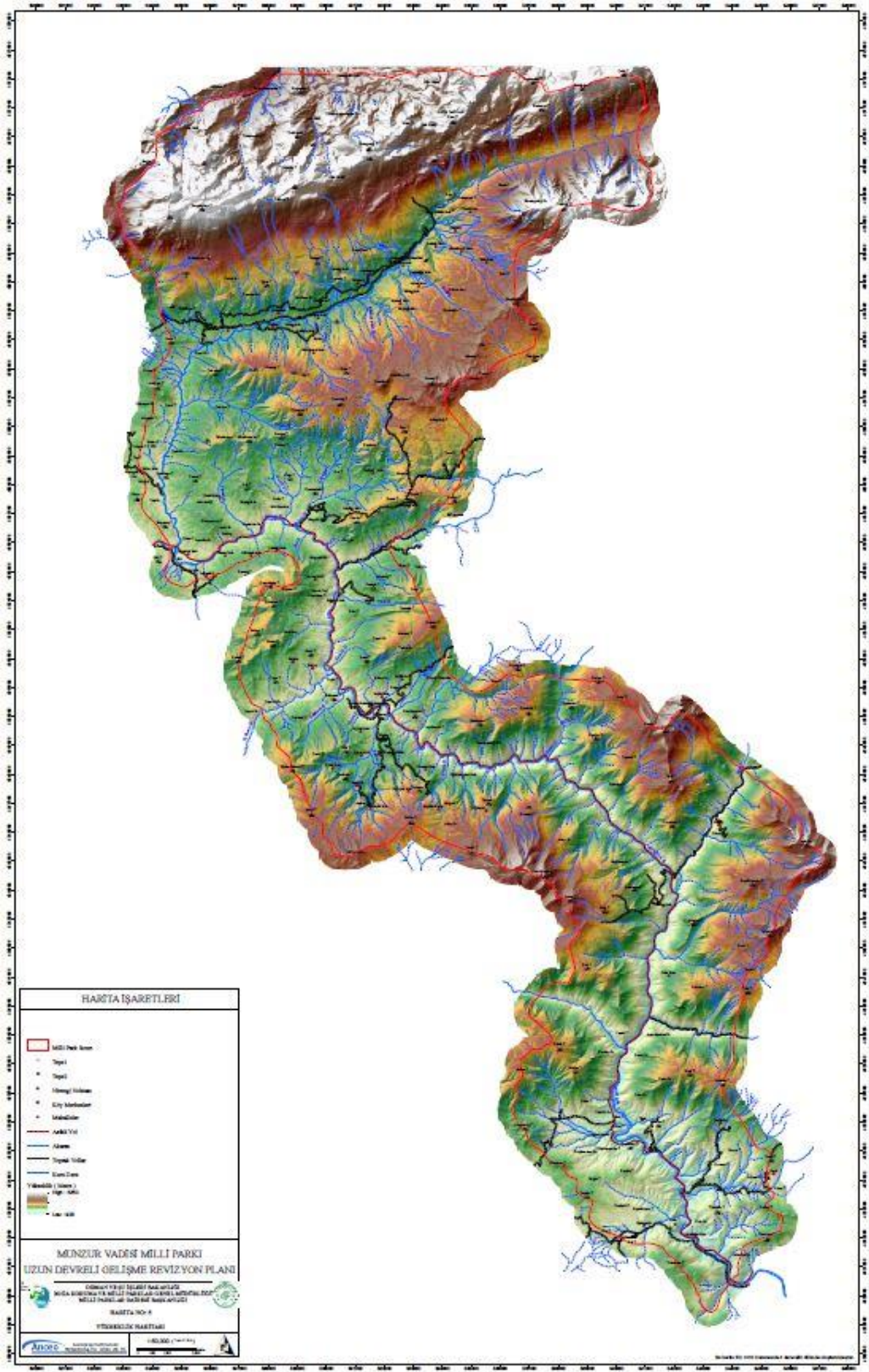


Figure 5.3. Elevation Map of Munzur Valley National Park
 (Source: Munzur Valley Long-Term Development Revision Plan Description Report,
 2012)

5.3. Economic Structure and Social Characteristics

The main sector of the economic structure of the villages in the national park is agriculture and animal husbandry. Generally wheat, barley and pulses are produced. Livestock in forests and villages in the vicinity is generally carried out in the form of family business. In addition to animal husbandry, apiculture has also gained importance recently. Local garlic and beans are grown as agricultural products (Munzur Valley National Park Long Term Development Revision Plan Description Report 2012).

The increasing war occasion since the second half of the 1990s and the forced migration resulting from this have affected the economic relations significantly in Tunceli. Due to migration, dispossession and poverty have emerged and entrepreneurial activities have not been possible in this geography. Local people, with the exception of people working in secure and insured jobs, did not choose to live here unless compulsory. Therefore, a labor-based investment in Tunceli was not feasible (Orhan 2013, 235).

Table 5.3. Population Movement of Subprovinces of Tunceli (1990-2018)

(Source : TUIK, 2019)

	1990	2000	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Çemişgezek	12559	9 773	8210	8572	7929	7700	7566	7860	8270	8149	7709	7480	7513	8347
Hozat	11643	9 143	7823	8349	6828	6645	8209	8661	6812	7189	6988	6563	7041	6891
Mazgirt	21041	12 957	10059	9408	8404	8391	8284	8622	8683	8243	8090	7769	7831	8430
Merkez	38013	30323	31147	33316	35909	30702	37123	35898	36143	38015	38878	37116	37215	38504
Nazımiye	7392	5 604	4374	3624	3201	3233	3162	3378	3456	3369	3249	3024	2886	3599
Ovacık	15316	8 522	7200	6644	5942	5745	5934	6352	6550	6335	6438	6103	5970	6998
Pertek	18475	13 199	11869	13079	11695	11158	11839	12198	11934	11699	11466	11034	10977	11669
Pülümür	9145	4 063	3340	3457	3153	3125	2945	3307	3580	3528	3258	3104	3065	3760
total population	133584	93584	84022	86449	83061	76699	85062	86276	85428	86527	86076	82193	82498	88198

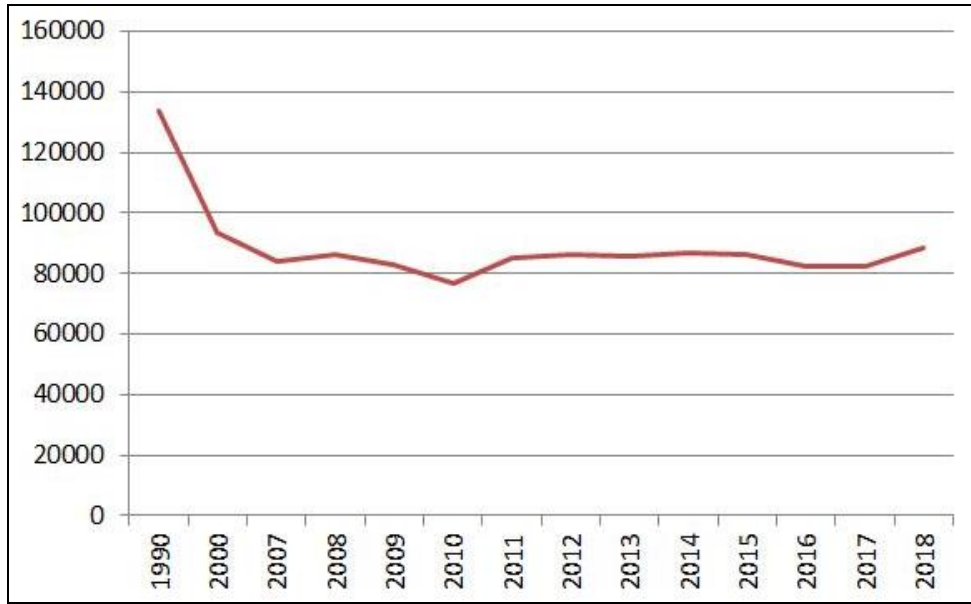


Figure 5.4. Population change of Tunceli Province (1990-2018)

(Source: TUIK, 2019)

When the ongoing investments in the province are considered, the dam investment is in the first place with a project value of 300.000.000 TL, and then it has been transport, education and health investments. Tunceli Organized Industrial Zone has been a step in improving the industrial capacity of the province, but since it is concentrated in the food industry, it is not possible for Tunceli to become an “industrial city” (Orhan 2013, 232-233).

Tunceli in terms of the social life of the local people they live with their identity shows different features from other provinces of Turkey. Women are active in social life and in terms of education levels, marriage ages, and participation in management. The most distinctive feature that it differs from other provinces is that women have a large role in decision-making mechanisms. Between 2004 and 2014, it has been the only province where female mayors in Turkey. It is also the second province on gender equality and teen pregnancy rate is the lowest (Orhan Korkmaz 2017, 68-70).

The belief of the Alevism of local people has been very effective in structuring social life. There are social rules that are shaped according to the belief of society, for example, situations that are wrong according to belief are excluded by the society. In addition, local people's commitment to nature is very important in their faith, nature is at the center of their beliefs. The Munzur River, the center of their beliefs, and the

sanctity of water represent the beginning of life for local people. Munzur is a worship area and its water is an object of worship. The Munzur River expresses a protective body, vitality and eternity for local people. Munzur is also a divine form in which all living things in this geography come to life and are saved (Deniz 2016, 183-185).

5.4. Environmental and Natural Characteristics

Munzur and Mercan Mountains are located between Erzincan and Tunceli and are located within the boundaries of Iran-Turanian Phytogeographical region. In the Munzur Valley Long-Term Development Plan Analytical Study-Synthesis Report prepared in 2012, it is stated that the Munzur Mountain Range is located on the Anatolian Diagonals and is therefore rich in floristic diversity and endemism. Munzur Valley National Park contains different ecosystems such as forest, step, river, pasture and rock ecosystem and almost the whole of the National Park is covered with deciduous oak forest. When Munzur Valley National Park was evaluated in terms of biological diversity, 11 important plant areas were identified. Moreover, the Munzur Mountain range is one of the 122 important plant areas in Turkey (Munzur Valley Long-Term Development Revision Plan Analytical Study-Synthesis Report 2012).

The National Park is a feeding and sheltering area for many mammals and bird species. Furthermore, the different ecosystems in the Munzur Valley have increased the fauna diversity in this area. Considering the general fauna of the Munzur Valley National Park together with the surrounding regions, it hosts a wide variety of vertebrate species. This region is represented by 7 species of two species (Classis: Amphibia), 15 species of reptiles (Classis: Reptilia), 73 species of birds (Classis: Aves), and 31 species of mammals (Classis: Mammalia). The fact that the National Park area is very large, that there are many different habitats where birds can nest and feed, that the region bears a real shelter in the winter months, that the human impact is at a minimum level, is an important ecological factor that enables the local birds to be encountered more in this region. 76 bird species identified according to the Red Data Book criteria; 3 species are in category A.1.2, 7 species in category A.2, 11 types in category A.3, 12 types in category A.4, 1 type in category B.3. The mammalian fauna in the national park area is very dense, and even if they are not settled in the Munzur Valley National Park area, they enter the park area from time to time for feeding or shelter in winter,

It was found that the fishes in the Munzur River are generally a habitat for feeding. Trout and Tench are the most intense fish species in the region. The fish are mainly fed by water insects and insects and grasshoppers that live in a humid rocky area near the river. The main species in the river; Red Spotted Trout (*Salmo trutta macrostigma*), Rainbow Trout (*Oncorhynchus mykiss*), Woodfish (*Ananthebra marmid*), Partially Cyprinidae (*Cyprinus carpiyo*), Black Fish (*Capoeta trutta*), Frog (*Rana ridibunda*), Water Turtle (*Maurana*) Water Snake (*Natrix natrix*, *Natrix tessellata*) are widely available (Munzur Valley Long-Term Development Revision Plan Analytical Study-Synthesis Report 2012).

Research areas 1-2-4-5 on the map of important fauna areas, especially in terms of bird species, regions 2-4 and 6-7 are regions where mammal species are diverse. 1-2-4-5 in the forests of the water edge of the gallery, especially passerine bird species (*Motacillidae*, *Sylviidae*, *Passeridae*, *Turdidae*, *Emberizidae*, *Upupidae*, *Oriolidae* species); phasianidae (*Phasianidae* species) in open areas close to the tops of the field and the mountain; finches, tit (*Fringillidae*, *Paridae*, *Cuculidae* species); cliffs and rock cracks, cave hawk, swallow and owl species (*Accipitridae*, *Hirundinidae*, *Apodidae*, *Stridae* species); sparse forest edges, bushes and open areas, crows on the side of the road (*Corvidae* species) are found. Stations 2-4-6-7 are also areas where mammal species are dense. Flock of wild goats can be found in the rocks and grassy open areas. In the upper parts of these stations bear, wolf, badger, marten; poppy, wild boar, fox; squirrel in woodland; there are mammals such as rabbits, gulfs and arabic rabbits in open fields with grass. The protection of the forest zone in the region is closely related to the national park fauna. The forest zone forms the habitat of many vertebrate and invertebrate animals and helps them to shelter and feed, especially during the heavy winter season, by avoiding the heavy winter conditions by sheltering many mammal species, especially hooves (Munzur Valley Long-Term Development Revision Plan Analytical Study-Synthesis Report 2012).

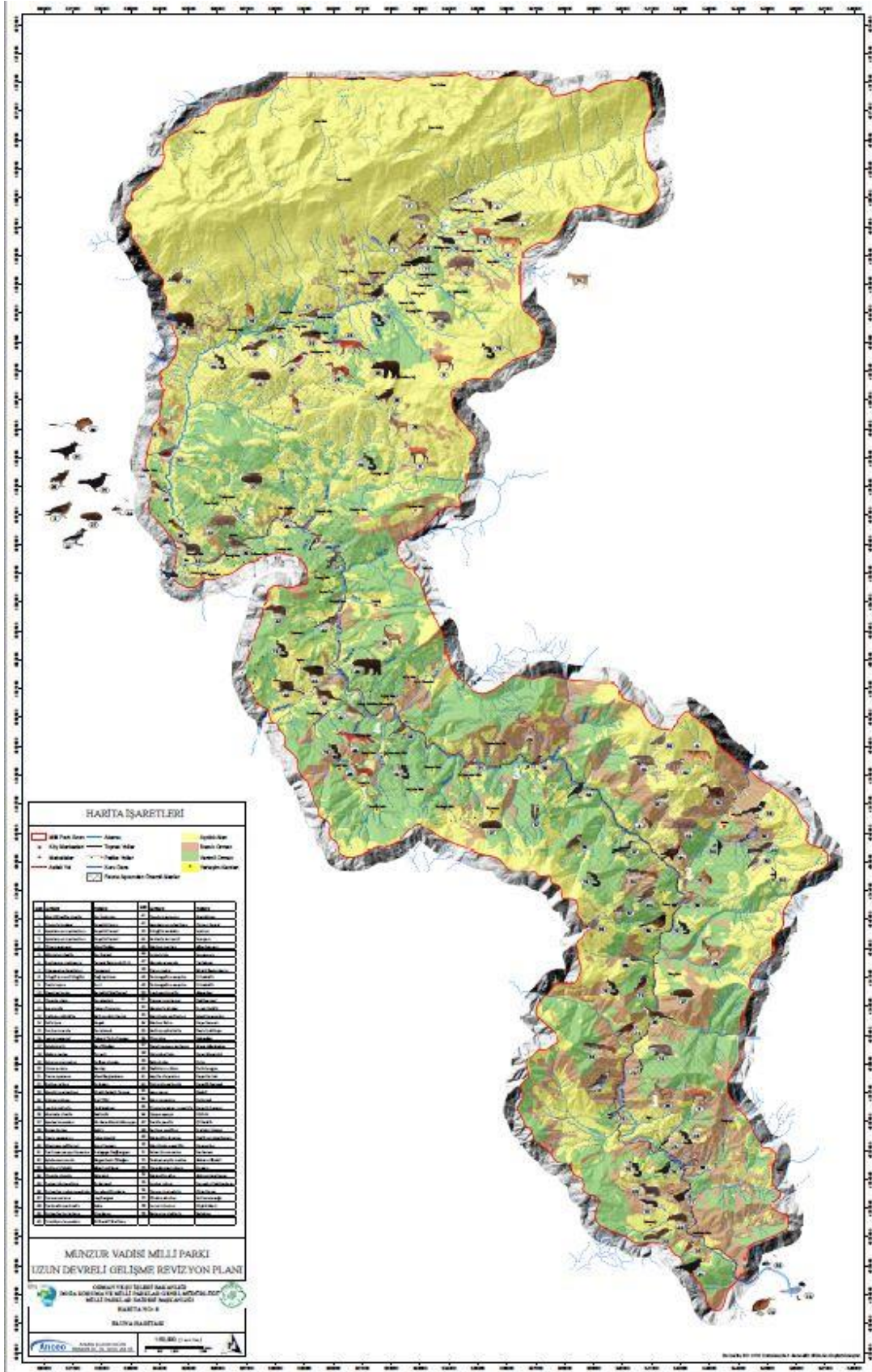


Figure 5.6. Munzur Valley Long-Term Development Plan's Fauna Analysis Map
(Source: Munzur Valley Long-Term Development Revision Plan, 2012)

CHAPTER 6

NATURE'S NEOLIBERALISATION IN MUNZUR VALLEY

6.1. Political Decisions

Tunceli was made suitable for implementation of state intervention, by defining borders of the province and joining the parts of province to neighboring provinces in Republic era. In this way, spatial control by state has been easier. Tunceli that has been governed by the OHAL situation from 1987 to 2002, the termination this OHAL period in the 2000s and producing policies that managing neoliberal mechanisms around the country were coincide. The spatial policies that are produced for Tunceli, as a facility for overcoming the crisis of capital accumulation processes, we can observe that the state operates this province by institutes which are restructured. Leading institutes we mentioned, Development Agencies which are hegemonic spatial or economic units that are conceptualized with regulatory role of the state, with the purpose of expanding the capital investment areas. Even if this types of institutes look like servicing the local people in terms of official regulation, there is a purpose to including Tunceli to the system of neoliberal mechanism and global capitalism with the role of the state which is in relationship with capital. Since 1990s in Tunceli with large-scale development projects including HEPPs and dams, it has made it easier the state's control on this geography and facilitate privatization in the process of commodification of natural resources. The production of space occurs as a result of struggle between different competitive groups for specific interests and political powers, so it is also clear that political powers intervene the space by the way of state's regulatory role to promotes the specific mechanism (Andy Merrifield 2006 see Orhan Korkmaz 2017, 13). Because, regional and local scaling is crucial instrument of state in order to reregulate political, social and economic institution areas (Orhan Korkmaz 2017, 1-14).

During the re-scaling process, which is necessary for Tunceli to get into the market, Firat Development Agency (FKA) has been in the position of promoting and supporting the investments in the TRB1 region of Tunceli and introducing it with the

title of “The Hidden Paradise of the East” (FKA Official Website – Investment Opportunities Brochure 2013). With this kind of approach, Firat Development Agency points out the fact that Tunceli is unexplored and its natural resources are fruitful, thus, its natural beauty can be transformed into a potential factor of production (FKA Official Website – Investment Opportunities Brochure 2013). In the FKA reports, the investment with the highest project cost is worth 300,000,000 TL and it is Uzunçayır Dam and HEPP which was started in 1994 (Orhan 2013, 233). Tunceli is aimed to provide cheap labor for the labor-intensive sectors in the rescaling process, while it is also emphasized that it is a touristic city considering its natural resources. Following this, FKA's main components of the call for proposals have been focusing on tourism. In the FKA's investment opportunities brochure, it is emphasized that the most significant potential for tourism in Tunceli, following the rivers, is the convenience for mountain tourism and ski tourism due to the fact that its areas higher than 1800-2000 meters are covered in snow for 6 months in a year. Investments for various outdoor sports have been promoted by expressing that, as for the rivers, since they carry large volumes of water, it is suitable for rafting sports not only in the province and region, but on an international scale, besides, Munzur Valley National Park, which accommodates the fish which live in rivers and are prohibited from hunting, creates a great potential for amateur fishing and is “very prosperous in terms of hunting animals” (FKA Official Website – Investment Opportunities Brochure 2013).

While the pristine natural beauty of Tunceli is emphasized in the explanations for investment opportunities, it does not seem sensible to think that the nature that has been subject to commodification as an incentive may also be used as an input of the dam and HEPP projects. Since Development Agencies do not have the authority to support Dam and HEPP projects, which are investments over a certain budget, they cannot promote it. However, it is clear that making statements to promote the region with an incentive for tourism while there are already existing projects on the rivers of Tunceli is contradictory. Introducing the observation of 1518 plant species and local wild animals, some of which are endemic to the region, as investment opportunity for not only nature tourism investments, but also nature research tourism investments shows that natural assets have entered the process of commodification. The General Activity Report of the General Directorate of Regional Development and Structural Adjustment of the Ministry of Development, which was published with the name “local motives” in 2011, mentioned that FKA prepared a “Report on Plants of Tunceli with

Economic Value” with the agenda of putting for the plant potential of the city (2012, 86). The nature is observed to have become a tool and subject to commodification for the capital with its increased spatial mobility after 2000. Considering the explanations of FKA in 2011, Tunceli was presented as a more feasible region for tourism with a process of solution and peace, and it was reported that the local newspapers of Tunceli were prominent with “holiday paradise” headlines in the post-2013 period (FKA Official Website – Investment Opportunities Brochure 2013). Re-scaling process and TRB1 Region, makes possible to invest on Munzur Valley that is natural area. The re-scaling offers secure investment areas for capital by making investigation about region-specific features. Fırat Development Agency that is eco-scalar fix in Munzur Valley National Park case. FKA reveals potential of local, thus, it determines and creates investment areas for private sectors. With incentives that FKA determined, investment opportunities increase in Munzur Valley and Tunceli. Thus it expands capital’s spreading areas on nature during the nature’s neoliberalization.

The Munzur Valley General Development Plan was prepared by the National Parks Department of the General Directorate of Forestry in 1970 for the Munzur Valley and this plan was approved by the State Planning Organization. In the plan, it is stated that the State Planning Organization will prioritize the investments made by the institutions related to the implementation of the plan. In accordance with the provisions of the National Parks Law No. 2873 and the Technical Specifications, a new study was considered necessary. In Munzur Valley National Park Long-Term Development Plan prepared in 1978, two areas have been identified as Absolute Protection Zone and Environmental Zone in terms of evaluation and protection of the existing resources of the national park. The Absolute Conservation Zone follows the narrow section of the Munzur Valley National Park. The aim of defining this zone is to protect the trout population of Munzur water and to protect the landscape beauty of oak trees. The area of this zone, which is 40 km long and 2-3 km wide on average, is 7860 hectares. The Environmental Zone includes the Absolute Protection Zone and the Mercan Creek to the north, followed by the Munzur Mountains. In the 34940 hectare Environmental Zone, there are villages and neighborhoods of the villages. It is stated that the forest activities required by the villages due to animal husbandry should be met from the areas outside the Environmental Zone (Munzur Valley National Park Development Report 1978, 29-30). The Elazığ Ministry of Forestry National Parks and Hunting Wildlife

Engineer in Chief initiated Munzur Valley National Park Long Term Development Plan Revision in August 2002, which was terminated in 2006.

In the 2011 data of the Malatya-Elazığ-Bingöl-Tunceli 1 / 100.000 scaled Environmental Plan, tourism areas and cultural and tourism development zones were determined in the plan decisions regarding Tunceli (Malatya-Elazığ-Bingöl-Tunceli Environmental Plan 2011; Ministry of Environment and Urbanization Official Website).

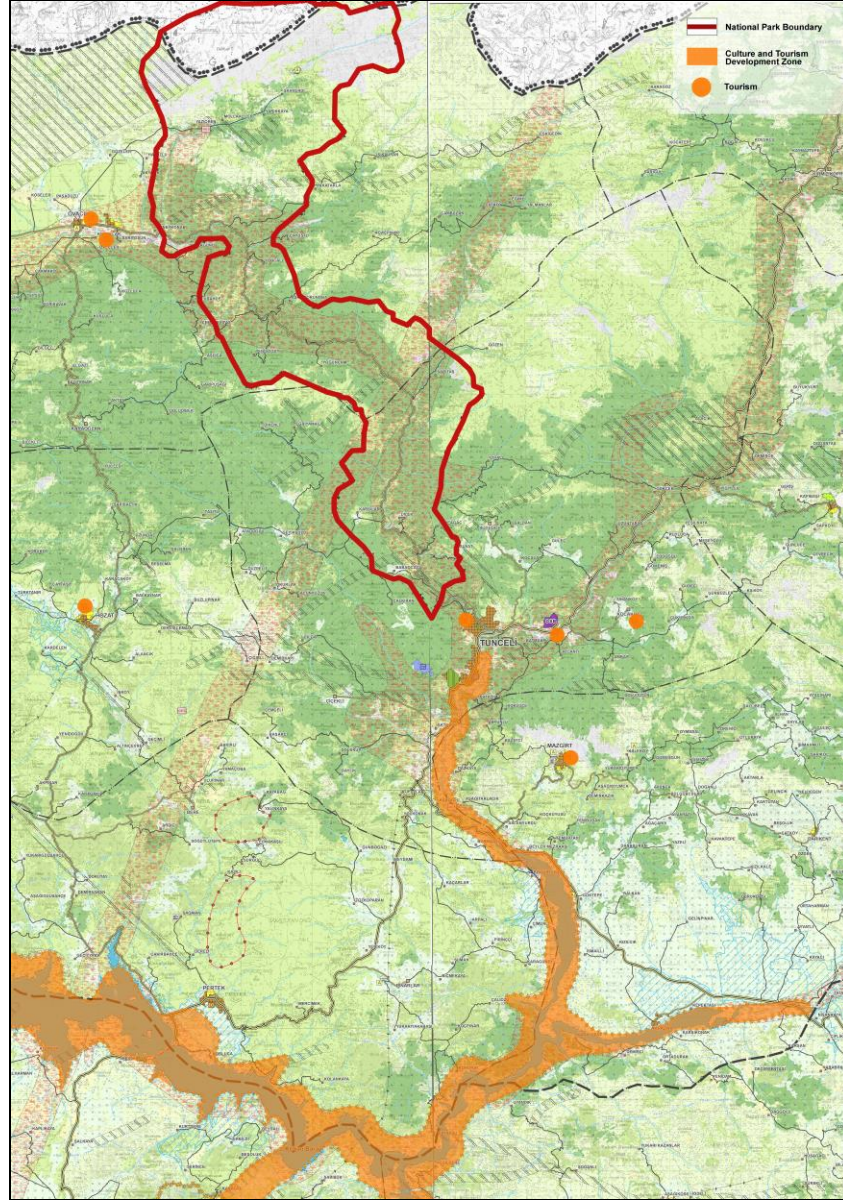


Figure 6.1. Malatya-Elazığ-Bingöl-Tunceli Environmental Plan 2011
(Source: Produced by using Ministry of Environment and Urbanization Official Site, Malatya-Elazığ-Bingöl Tunceli Environmental Plans 2019)

In the 1 / 100.000 scaled Environmental Plan prepared by the Ministry of Environment and Urbanization, tourism decisions are stated in the plans of Tunceli (Malatya-Elazığ-Bingöl-Tunceli Environmental Plans 2011, Ministry of Environment and Urbanization Official Website 2019). Despite the tourism decisions taken on behalf of Tunceli, the dam and HEPP projects taken for Munzur Valley National Park have not been abolished. In fact, these projects do not support the cultural and tourism development zones in Tunceli. Therefore, there is inconsistency between the cultural and tourism development decisions specified for Tunceli and the dam and HEPP projects planned for the Munzur Valley National Park. On the one hand, tourism development decisions were taken and on the other hand, the dam and HEPP projects that would eliminate these areas continued.

Mercan-HEPP started to be built in 1985 on the Mercan Water within the borders of Munzur Valley National Park, and was put into operation in 2003. Mercan-HEPP has been constructed in violation of the National Parks Law and the National Parks Regulation. Mercan-HEPP belongs to Zorlu Doğal Elektrik Üretim A.Ş. and has a capacity of 20.3 MegaWatts. The Tunceli Bar Association filed a lawsuit for the demolition of Mercan-HES, located in the Munzur Valley National Park in Tunceli. In its lawsuit, the Tunceli Bar Association claimed that the power plant operated by the electricity generating company was illegal. According to the National Parks Law and Regulation, Tunceli Bar Association stated that no structures and facilities could be built there until a "Long Term Development Plan" was prepared and approved for a national park. The Tunceli Bar Association also stated that the plan for the Munzur Valley National Park was not approved and did not come into force. It is also stated that there was a plan which was prepared between 2002-2006 and which was not approved by the Ministry of Environment and Forestry for four years, but that the plan did not allow construction and installation of Munzur Valley National Park. According to Article 14 of the Law, it is stated that yapı no structures can be constructed in the National Park area that disturb the ecosystem and natural life ". According to Article 14 of the Law, it is stated that yapı no structures can be constructed in the National Park area that disturb the ecosystem and natural life ". At the same time, it was emphasized that the State Hydraulic Works (DSI), which carried out the dam projects, and the National Parks Directorate, which is responsible for the protection of national parks, are under the same ministry. It has been stated that the Ministry of Environment and Forestry, that is, the state has committed a crime by itself for many years (Bianet

19.03.2010, access date 04.11.2019). It was constructed without the Development Plan of Mercan HEPP in the Mercan River and has not been approved by the Ministry of Environment and Forestry for four years. This situation shows us that the state is not fulfilling the legal practices that prevent capital investment. Although it was stated in the provisions of the Environmental Plan that the construction of the dam was prohibited and according to National Parks Law dams and HEPPs would not be implemented without a Long Term Development Plan, the state did not impose legal sanctions. In Munzur Valley National Park, it was observed that the state tried to facilitate for capital investments by not implementing legal procedures in such a situation. Thus, with the state's de-regulation, it became easier to implement capital investments in the Munzur Valley.

There are a total of 4 dams and 5 HEPP projects in the Munzur Valley National Park. These projects include Bozyaka Dam and HEPP, Kaletepe Dam and HEPP, Akyayık Dam and HEPP and Konaktepe Dam and Konaktepe HEPP I and Konaktepe HEPP II. Construction of the Bozyaka Dam / HEPP at the 1st kilometer of the Munzur Valley on the Tunceli - Ovacik Highway, the Kaletepe Dam / HEPP at the 7th kilometer, the Konaktepe HEPP II at the 21st kilometer, Konaktepe Dam / Konaktepe HEPP I at the 35th kilometer, and Akyayık Dam / HEPP at the 8th kilometer of the Ovacik-Mercan road was planned for construction.

There are 4 dams and 5 HEPP projects totally intended to be constructed in Munzur Valley. These projects include the Bozyaka Dam and HEPP, Kaletepe Dam and HEPP, Akyayık Dam and HEPP, Konaktepe Dam and Konaktepe HEPP-I and Konaktepe HEPP-II.

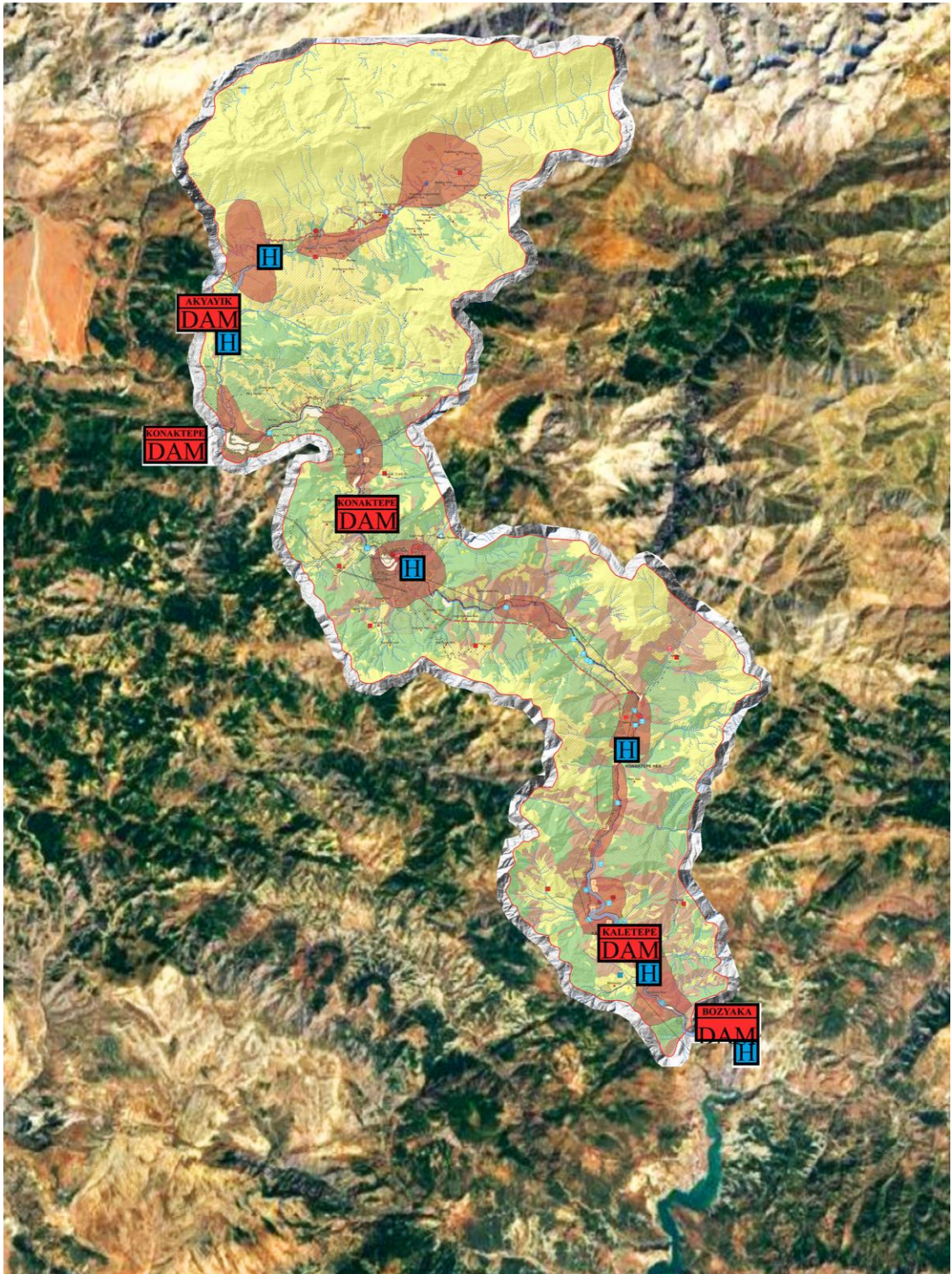


Figure 6.2. Dams and HEPPs planned to build in Munzur Valley National Park
(Source: Created by Using Munzur Valley Long-Term Development Revision Plan-
2012)

Table 6.1. Dams and HEPPs that are planned to build in Munzur Valley

(Source: Created by Using Munzur Valley Dams and HEPPs Litigation Process File, 2018)

	AKYAYIK DAM and HEPP	BOZKAYA DAM and HEPP	KALETEPE DAM and HEPP	KONAKTEPE DAM and HEPP-I	KONAKTEPE HEPP-II
Location of Dam and HEPP	1st km of Ovacik-Mercan Road	1st km of Tunceli-Ovacik Road	7th km of Tunceli-Ovacik Road	35th km of Tunceli-Ovacik Road	21th km of Tunceli-Ovacik Road
Lenght of Dam	6 km	7 km	14 km	26 km	15 km
Drainage Area	130 km ²	1600 km ²	1586 km ²	1086 km ²	
Lake Area	130 Ha	172 Ha	194 Ha	1390 Ha	
Void of Water Storage	32 million m ³ /sec	21 million m ³ /sec	52 million m ³ /sec	450 million m ³ /sec	
Derivation Flow Rate During Construction	60 m ³ /sec	764 m ³ /sec	751 m ³ /sec	374 m ³ /sec	
Spillway Capacity	400 m ³ /sec	2700 m ³ /sec	2660 m ³ /sec	1401 m ³ /sec	
Gross and Net Project Head	60 m	30 m	60 m	112 m	112 m
Built Power Capacity	7 MW	30 MW	60 MW	90 MW	50 MW
Unit Number	2 units	3 units	3 units	4 units	4 units
Total Energy	22 Gwh	109 Gwh	215 Gwh	290 Gwh	280 Gwh
Depth by Width	60 m	30 m	60 m	111.4 m	112 m
Height from the Sea	1286 m	930 m	995 m	1235 m	1112 m

The first lawsuit was filed by Atty. Barış YILDIRIM, who is also member of Dersim Natural and Cultural Heritage Conservation Initiative, for the cancellation of the generation license granted for the Konaktepe Dam and Konaktepe HEPP I and HEPP II Project which are biggest dam projects. Decisions that during the lawsuit process of Munzur Valley National Park, also precedent for other dams and HEPPs planned in Munzur Valley.

Before examining the lawsuit process, the decision process of the Konaktepe Dam and HEPP project should be examined. Firstly, the “Fırat Development Report” was prepared by the General Directorate of State Hydraulic Works (DSI) in 1967. Munzur-Peri projects are included in this report. Then, in 1983, the “Munzur Project Master Plan” was prepared by the General Directorate of State Hydraulic Works. In this

project, seven energy-purpose projects including the Konaktepe Dam were proposed. In 1984, the “Munzur Project Konaktepe Dam HEPP I - HEPP II Planning Report” was completed. An additional research and assessment was conducted by the members of the KPP Konaktepe Project (Elin, Bilfinger+Berger, Stone & Webster, Noel and Soyak) between 1988 and 1990. In 1994, the Konaktepe Dam and HEPP project was added by the General Directorate of State Hydraulic Works to the 1994 Investment and Implementation Schedule. On 26.02.1998, an Intergovernmental Joint Declaration was signed between the US and Turkish authorities in the hydroelectric power field. In the declaration, it is prescribed that a loan utility will be obtained by the consortium formed by the Turkish and US companies to prepare and construct the Konaktepe Dam and HEPP I-II final projects included in the scope of the Munzur Project and to supply and install the electromechanical equipment. The decision of the Council of Ministers was taken on 10.09.1998. In this decision, it is stated “We negotiated with a consortium formed by the Turkish and US companies and granted this consortium upon the work of preparation and construction of the Konaktepe Dam and HEPP I-II final projects and supply and installation of the electromechanical equipment as specified in the Intergovernmental Joint Notification signed between USA and Turkey.” (Konaktepe A.Ş. Official Website 2019). This decision shows us that the government makes arrangements to increase the investment fields of the foreign capital by its institutional means.

On 20.11.1998, the General Directorate of State Hydraulic Works was authorized to negotiate with the consortium upon the approval of the Ministry of Energy and Natural Resources. The General Directorate of State Hydraulic Works required the consortium giving any proposals containing the technical and financial conditions on preparation of a final project. On 24.12.2001, it was decided to have the work constructed by the consortium, to submit the draft agreement to the Ministry of Finance for approval, and to continue any procedures on finalization of the project tender upon the approval of the Ministry of Energy and Natural Resources. On that date, the members of the Konaktepe consortium consist of 4 foreign companies and 2 Turkish companies: Stone & Webster, VA TECH ELIN, VATECH VOEST, Strabag, Soyak and Ata Insaat. An agreement was arranged on preparation of the Konaktepe Dam and HEPP I-II final project and submitted to the Ministry of Finance for approval on 08.03.2002, and such agreement was registered by the Court of Accounts on 27.03.2002 (Konaktepe A.Ş. Official Website 2019).

On 24.06.2002, the Ministry of Environment informed the Ministry of Energy and Natural Resources that the Munzur Project was assessed pursuant to Temporary Article 4 of the Environmental Impact Assessment (EIA) of the Konaktepe Dam project, which was published in the copy dated 06.06.2002 and numbered 24777 of the Official Gazette. As seen here, the Government will use any the legal and administrative instruments actively held by the Government to hinder any obstructions against any capital instruments, because the Ministry of Environment issued a Regulation and an arrangement that any companies, whose as-built projects were approved pursuant to Temporary Article 4 before 07.02.1993, would be included in the scope of the Environmental Impact Assessment exemption, was imposed. This regulation published on June 6, 2002 was notified to the Ministry of Energy and Natural Resources 18 days later and it was stated that Munzur Project was included in the scope of the Environmental Impact Assessment exemption (Konaktepe A.Ş. Official Website 2019). This shows that a cooperation was establishment between the public institutions and investment companies to overcome the obstacles in front of the dam and HEPP investments of the large investment projects in Turkey if necessary.

On 16.01.2009, Elektrik Üretim A.Ş. applied to the Energy Market Regulatory Authority (EPDK) to obtain a generation license. On 12.10.2009, the Energy Market Regulatory Authority decided to give a license for the Konaktepe Dam and HEPP I-II project. Eventually, pursuant to the decision dated 28.01.2010 and numbered E/2407-1/1586 of the Energy Market Regulatory Authority, Konaktepe Elektrik Üretim A.Ş. was granted upon a generation license for 49 years (Konaktepe A.Ş. Official Website 2019). By such licensing, practicing the energy investments planned in Munzur Valley is facilitated by state. This situation also shows that state transferred right to use water to private sector for 49 years and Munzur Valley which is natural resource included to market mechanism by state. It is an environmental fix that examined in Munzur Valley in order to increase spreading area of capital on nature. Thus, with this privatization Munzur Valley marketized for capital energy investments.

The Lawsuit Process Started for Cancellation of the Konaktepe Generation License:

Lawsuit Letter: After the Energy Market Regulatory Authority grants the consortium company upon a generation license as described above, the lawsuit letter of Lawyer Mr. Barış YILDIRIM containing the request dated 28.01.2010 and numbered

EU/2407-1/1586 of the Energy Market Regulatory Authority on stay of execution and cancellation of the proceeding is submitted to the Court of Accounts. Article 56 of the Turkish Constitution, it is stated “Everyone has the right to live in a healthy and balanced environment. It is the duty of the Government and citizens to improve the environment, to protect environmental health and to prevent environmental pollution...” This article assigns every citizen an environmental protection duty. Therefore, every citizen has the right to be a plaintiff for the cancellation of administrative actions that may adversely affect the environment. Mr. Barış YILDIRIM filed a lawsuit for the cancellation of the production license granted by the Energy Market Regulatory Authority based on Article 56 of the Constitution (Munzur Valley Dams and HEPPs Litigation Process File, 2018).

In such lawsuit, it is stated briefly that:

1) The Konaktepe Dam and Konaktepe HEPP I-II projects will be constructed and operated within the boundaries of the Munzur Valley National Park, and no permission can be given for building and facility construction within the boundaries of the National Park until the Long-Term Development Plan of National Parks is finalized according to the Law of National Parks and Regulation of the National Parks, and the Long-Term Development Plan of the National Parks cannot be built within the boundaries of the National Park buildings and facilities, and any building and facility not included in the Long-Term Development Plan of the National Parks cannot be constructed, and the current Long-Term Development Plan of the Munzur Valley National Park by the relevant ministry (Ministry Environment and Forestry); and

2) In the Long-Term Development Plan of the Munzur Valley National Park prepared by the Board, which consists of the persons such as Urban Planner, Geological/ Hydrogeological Engineer, Meteorology Engineer, Environmental Engineer, Architect, Geomorphologist, Aquaculture Engineer, Art History Consultant, Archeology Consultant, Forest Engineer, Biologist, Agricultural Engineer, Landscape Architect, etc., the dam and HEPPs determined to be built within the boundaries of the Munzur Valley National Park violate the Regulation of National Parks and the agreements that Turkey is a party, and the dams and HEPPs will damage the ecosystem in an irreparable way, and the dams and HEPPs must never be built.

For example, In the Analytical Survey Report of the Munzur Valley Long-Term Development Plan, it is stated “Through the Konaktepe Dam, 16 km section beginning from down Torunoba until Ovacik district center will be awash, and a lake of 110m in

height will be formed. Since Munzur water will be carried by the tunnel pipes of 15.1Km in length from this dam reservoir to Halbori Spring, almost no water will flow from Munzur's bed at this distance.” (Munzur Valley Dams and HEPPs Litigation Process File, 2018).

In the section “Environmental Problems” of the Analytical Survey Report, it is stated “It is the most important potential environmental problem that many hydroelectric power plant projects on the Munzur Water and Mercan Creek are on the agenda...This will lead to the destruction of the ecological system and degradation of the ecological system to a great extent in the rivers which constitute the most important natural fortune in terms of the river ecosystem in Tunceli city, especially the endemic trout species, the presence of fish and live life, vegetation and wildlife caused by the river valleys.” (Munzur Valley Dams and HEPPs Litigation Process File, 2018).

In the section “Ecological Assessment” of the Analysis/Assessment Report of the Long-Term Development Plan At A Scale of 1/25,000 of the Munzur Valley National Park, it is stated: “The Munzur Valley National Park is very important because it contains many ecosystems such as forests, rivers, steppes, rock and pastures, and these ecosystems nest and form a whole. Ecosystem diversity is an indispensable element of biodiversity and the national park is of particular importance in this respect.” (Munzur Valley Dams and HEPPs Litigation Process File, 2018).

In the section “Biological Structure” of the Analysis/Assessment Report, it is stated “Flora: The national park is very rich floristically in terms of number of taxa and endemism ratio. In the National Park, 284 species and 477 sub-species of taxa belonging to 79 families were identified. 55 Endemic plant species were identified in the National Park. There are the endemic plant species according to the IUCN categories as 2 endemic plant species are in the LR category [cd], 36 endemic plant species are in the LR category [Ic], and 5 endemic plant species are in the LR category [nt] category. Within the boundaries of the Munzur Valley National Park, two plant species protected by Bern Convention were identified. 11 important plant areas were identified in the zone...” (Munzur Valley Dams and HEPPs Litigation Process File, 2018).

In the Analytical Study Report and Other Plan Documents, It is stated that there are comprehensive data on the fauna and that Munzur Trout, Cengez Horned Goat, Bezuvar Mountain Goat, Ur Partridge are species specific to Munzur (Munzur Valley Dams and HEPPs Litigation Process File, 2018).

In the section “Biological Structure” of the Analysis/Assessment Report, it is stated “As a result, if the national park is completely protected, it is free from habitat destruction and environmental pollution, and the above-mentioned problems are eliminated, the fauna will protect its richness and not lose its property as a national park. Preservation of the National Park is one of the greatest contributions to the Wildlife in Turkey. Otherwise, it will be one of the greatest damages that can be caused to the Wildlife in Turkey” (Munzur Valley Dams and HEPPs Litigation Process File, 2018).

In the “Provisions of the Plan” of the Report, it is addressed “No facility can be constructed except for the facilities and regulations in the plan. The facilities to be built cannot be used for any purpose other than the purposes shown in the plan. Pursuant to the Law of National Parks No.2873 and the related Regulation, all infrastructure works such as drilling, berms, dams, etc., which are performed in the national park, will be stopped.” It is stated that, although the works specified in the Long-Term Development Plan of the Munzur Valley National Park were completed in 2006, they were not approved by the Ministry of Environment and Forest despite a long time passed (Munzur Valley Dams and HEPPs Litigation Process File, 2018).

3) It is illegal that Konaktape Elektrik Üretim A.Ş. is granted by the Energy Market Regulatory Authority upon a generation license without taking the Decision “the Environmental Impact Assessment (EIA) Is Positive” or the Decision “the Environmental Impact Assessment (EIA) Is Necessary;” and

4) Such procedure subject to the lawsuit (the procedure that the Energy Market Regulatory Authority grants the company upon a license) is illegal. If such procedure is continued, it may lead any damages that are difficult or impossible to repair. Therefore, a decision must be taken to stop the execution of such procedure, and first of all, it was requested to stop the execution of the administrative procedure until the decision was taken on the merits, and as a result, the case was accepted and the decision to cancel the administrative procedure was requested (Munzur Valley Dams and HEPPs Litigation Process File, 2018).

There is an important situation in the case letter, which needs to be addressed: The General Directorate of State Hydraulic Works and the General Directorate of Nature Conservation and National Parks, which develop the dam projects, are affiliated to the same ministry. This ministry is the Ministry of Environment and Forestry. It is a great contradiction that a general directorate responsible for protecting the nature and national parks and the general directorate, which develops the dam and HEPP projects

that will harm the nature and environment in the National Park area, are affiliated to the same ministry. Also, this ministry has approved the projects developed by the General Directorate of State Hydraulic Works immediately and has not approved the Long-Term Development Plan, which arranges any irreparable damages caused by the planned dams and HEPPs in details, while the ministry endeavors to ensure that these projects are included in the scope of the Environmental Impact Assessment Exemption to eliminate any possible obstacles under the regulations issued by the ministry. In this way, the ministry endeavors to eliminate the obstacles against the construction of the dams and HEPPs by displaying a passive attitude. This occasion shows state's deregulation for implementing investments on Munzur Valley. Thus, state tries to remove obstacles for capital investments that are planned in natural areas.

Adjudication Given in the First Lawsuit, Examination of The Request for the Suspension of Execution: The case was handled by the 13th Chamber of the Council of State in order to examine the request for the suspension of execution. Upon the decision dated 11.10.2010 and numbered 2010/995 of the 13th Chamber of the Council of State, it is decided to suspend the execution of the procedure for the generation license granted by the Energy Market Regulatory Authority to Konaktepe Elektrik Üretim A.Ş.. Upon this decision, the procedure related to the Konaktepe Dam and HEPP I-II projects was prevented during the proceedings (Munzur Valley Dams and HEPPs Litigation Process File, 2018). The 13th Chamber of the Council of State summarized the reason for the decision to stop the execution that:

1) Since the constitutional provisions and the referred legal and administrative regulations are evaluated together, it is clearly stated in the Constitution that everyone has the right to live in a healthy and balanced environment, and the citizens and Government are obliged to improve the environment, to protect the health of the environment and to prevent the pollution of the environment. Since the necessary regulations on this matter are included in the Environmental Law and Law of National Parks, and in the Electricity Market Law, it is aimed that sufficient, high quality, continuous, low cost electrical power, which generated in an environmentally compatible way, is submitted to the consumers for use the Electricity Market Regulatory Authority must examine any relevant license applications in accordance with the environmental legislation; and

2) According to the Law of National Parks and the Regulation of National Parks, it is forbidden to operate any natural resources in the zones which are national parks,

but in the case of an indispensable and compulsory obligation for the public interest, a project may be implemented separately in such places, provided that the relevant Ministry gives a license;

3) In this context, it is understood that, the Ministry of Environment and Forestry is required to give any information and documents on the licenses given for the Konaktepe Dam and HEPP I-II projects under the Law of National Parks, the Regulation of National Parks and the Regulation on the Licenses To Be Given In The Zones Deemed As Forests, and any licenses or authorities are not given under the arrangements specified in the response of the Ministry of Environment and Forestry;

4) The Ministry of Environment was asked whether the Munzur Valley Long-Term Development Plan was approved or not, but the response stated that this plan was not approved;

5) This time, the Ministry of Finance was asked whether the Konaktepe Dam and HEPP I-II projects were licensed or not under the Law of National Parks, the Regulation of National Parks and the Regulation on the Licenses To Be Given In The Zones Deemed As Forests, but the Ministry of Finance responded that there were no licenses or authorities given according to the provisions of the legislation;

6) It is understood that the General Directorate of State Hydraulic Works, which has signed the water use license with the company having a generation license, has not been granted any license in accordance with the Law of National Parks Law and the related regulation; and

7) In this context, the use and operation of water resources in the Munzur Valley, which is a national park, is subject to the provisions of the Law of National Parks and the relevant Regulation, but to the determination by the relevant Ministry that the provisions on the “indispensable and definite obligation for the public interest” are performed. Therefore, it is stated that firstly the specified conditions must be fulfilled in order to grant a production license to the HEPP projects subject to the proceedings within the boundaries of the national park. It is decided that the procedure subject to the lawsuit is not compatible to the purposes prescribed in Article 1 of the Electricity Market Law, and moreover it violates the provisions of the Law of National Parks and relevant Regulation, and therefore execution of the procedure for the generation license subject to the lawsuit is suspended (Munzur Valley Dams and HEPPs Litigation Process File, 2018).

Review of the Appeal Against the Decision to Suspend the Execution: After the 13th Chamber of the Council of State decided to suspend the execution for the generation license to be granted the Energy Market Regulatory Authority's, Energy Market Regulatory Authority as the defendant, and Konaktepe Elektrik Üretim A.Ş., which jointed the hearing, objected this decision (Munzur Valley Dams and HEPPs Litigation Process File, 2018).

Such objection was examined by the Plenary Session Of Administrative Law Chambers Of the Council of State, which was formed by the participation of all the department heads and members of the Council of State (the number of judges, who participated in this decree, was 45). Upon the objection decree dated 26.05.2011 and numbered 2010/1147 YD. It was decided to reject the objection of the defendant administration against the decree of the 13th Chamber of the Council of State for the adoption of the request for the suspension of the execution principally by a unanimous vote, and by a majority vote in the reasons (Munzur Valley Dams and HEPPs Litigation Process File, 2018).

In the decree of the Council of State Administrative Case Chambers, it is stated that the reasons specified by the 13th Chamber of the Council of State are in place and in addition to these reasons, it is stated that an Environmental Impact Assessment Report must be obtained in order to issue the license subject to the lawsuit and therefore the execution of the procedure should be suspended (Munzur Valley Dams and HEPPs Litigation Process File, 2018).

The decree of the Plenary Session Of Administrative Law Chambers Of the Council of State is important, because it is stated that the Environmental Impact Assessment Report must be obtained and the defendant administration and the consortium company alleged that the site selection of the Konaktepe Dam and HEPP projects was conducted before 1993 and therefore these projects should be exempted from the Environmental Impact Assessment Report in accordance with Article 4 of the Environmental Impact Assessment Regulation (Munzur Valley Dams and HEPPs Litigation Process File, 2018).

In such Temporary Article 4, it is stated that the provisions of this regulation will not apply to the as-built projects approved before 07/02/1993, or to the projects, for which permission, license or approval or expropriation decision was taken from the competent authorities in accordance with the environmental legislation and other relevant legislation, or the site zoning plans were approved, and to any activities, which

are documented to begin to generate and/or operate. However, a lawsuit was filed for the annulment of this article of the Regulation and it is stated that this regulation will not be applied only to the activities that are documented to begin to generate and/or operate before 1993. Furthermore, it is agreed that failure to approve the project and to include it in the investment schedule will not cause the exemption of the Environmental Impact Assessment (Munzur Valley Dams and HEPPs Litigation Process File, 2018).

The Plenary Session Of Administrative Law Chambers Of The Council of State refers to the cancellation of a certain part of this article and states “For projects before 07.02.1993, there is no legal compliance with respect to the principle of environmental protection in providing exemption from the Environmental Impact Assessment process without a specific period.” (Munzur Valley Dams and HEPPs Litigation Process File, 2018).

The Decree of the Council of State on the Merits of the Lawsuit: The case was examined on the merits, and upon the decree dated 19.04.2012 and numbered 2010/995 and Basis No.2012/809 of the 13th Chamber of the Council of State, it was decided to cancel the generation license granted by the Energy Market Regulatory Authority to Konaktepe Elektrik Üretim A.Ş. The rationale for this decree is summarized as follows:

1) The Ministry of Environment and Forestry never give any licenses and authorities under the Law of National Parks, the Regulation of National Parks and the Regulation on the Licenses To Be Given In The Zones Deemed As Forests; the Long-Term Development of the Munzur Valley was not approved; there were not any licenses and authorities given by the Ministry of Finance; any license was not given by the General Directorate of State Hydraulic Works; the use and operation of water resources in the Munzur Valley, which is a national park, is subject to the provisions of the Law of National Parks and the relevant Regulation, but to the determination by the relevant Ministry that the provisions on the “indispensable and definite obligation for the public interest” are performed. Unless this provision is performed, such procedure is illegal.

2) Although the intervening company, which jointed the lawsuit together with the defendant administration, alleged that it was decided that there was a superior public interest on implementation of the Dam and HEPP projects designed in the National Park upon the consent dated 18.04.2011 of the Ministry of Environment and Forest pursuant to the provisions of the Law of National Parks and relevant Regulation; the energy supplies couldn't be met by any other local sources; and the indispensable and definite obligation conditions were created, it was stated that such allegation was not found in

place and it was decided to cancel the procedure for granting the generation license subject to the lawsuit, because the procedure subject to the lawsuit must be carried out in accordance with the applicable legislation and the defendant administration may determine a new procedure upon the consent dated 11.10.2010 of such Ministry upon the decision of our Department on suspension of execution of the procedure subject to the lawsuit (Munzur Valley Dams and HEPPs Litigation Process File, 2018).

As seen herein, on 11.10.2010, the Council of State specified that construction of the buildings and facilities in the National Parks would be possible only, if it was proven by the relevant Ministry that there was “an indispensable and definite obligation for public interest” (Sisligün 2019). Afterwards, the Ministry made its countermeasure and decided on 18.04.2011 that there was an indispensable and definite obligation for the public interest. This situation shows the state’s re-regulation in order to eliminate the legal obstacles in order to open and operate national parks to companies.

Lawsuits Filed for the Cancellation of the “Public Benefit” Decision of the Ministry of Environment and Forestry

Upon the decision dated 18.04.2011 of the Ministry of Environment and Forest, it was decided that construction of the Dam and HEPP projects intended to be built in the Absolute Protection Zone of the Munzur Valley was a superior public interest, and was not possible to meet the energy requirement with any other local sources, and an indispensable and definite obligation conditions were created. Upon such license decision and based on the decision of the Ministry, the Bozyaka Dam/HEPP, Kaletepe Dam/ HEPP, Konaktepe Dam/HEPP I-II, Akyayık Dam/HEPP, Mercan Reg./HEPP projects are included in the Long Term Development Plan of Munzur Valley National Park. Upon such decision of the Ministry of Environment and Forestry, 4 Dam projects and 6 HEPP projects were allowed within the boundaries of Munzur Valley National Park (Munzur Valley Dams and HEPPs Litigation Process File, 2018).

Lawyer Mr. Barış YILDIRIM filed a second lawsuit for cancellation of such decision of the Ministry, and required cancellation of the “Superior Public Interest” decision taken by the Ministry of Environment and Forest on 18.04.2011. In this case letter, it is summarized as follows:

1) After the 13th Chamber of the Council of State decided that the water sources in the Munzur Valley deemed as a national park would be used and operated in accordance with the provisions of the Law of National Parks and the relevant

Regulation only if the relevant Ministry documented that the indispensable and definite obligation conditions were performed for public interest, it was possible that the Ministry took a decision subject to the lawsuit.

2) It was stated that the decision subject to the lawsuit violated the Law of National Parks and the Regulation of National Parks; the Long-Term Development Plan was not approved; according to the scientific determinations in such unapproved plan, the Dams and HEPPs to be built in the Munzur Valley would cause any irreparable damages to the nature and environment, and therefore the plan was not approved; and failure to approve such plan may never change accuracy of such scientific determinations. (The reasons given in this headline are repeated because they are not the same as the reasons given in the first letter.)

3) The decision subject to the lawsuit is contrary to the International Conventions that Turkey is a party (International Convention Concerning the Protection of Birds, the World Cultural and Natural Heritage Protection Convention, the European Convention on Conservation of Wildlife and Natural Habitats, and especially the Convention on Wetlands, Which Have A Common International Importance For Life of Waterfowls, Convention on International Trade of Endangered Wild Animal and Plant Species, Convention on Biological Diversity, European Landscape Convention, United Nations Framework Convention on Climate Change), Environmental Impact Assessment legislation and legislation on Protection of Culture and Natural Resources.

4) There was not public interest in the decision subject to the lawsuit.

5) If the dams/ HEPPs planned to be built consecutively on the Munzur Water are constructed, there will not be a geography called Munzur Valley, and the Dams and HEPPs intended to be built will be implemented without conducting a Basin Planning compulsory for protection of the wetlands, maintenance of the ecosystem and sustainable environment pursuant to the environmental legislation.

6) If the Dams and HEPPs intended to be built in the Munzur Valley are constructed, the ecosystem, biodiversity, endemic flora-fauna, topography etc., which are the reasons for declaration of the Munzur Valley as a National Park, will disappear, and since the Munzur Valley is a type of canyon, if the canyon is filled with water, this will destroy the eco-system in the canyon.

7) Since the implementation of the Dam and HEPP Projects in the Munzur Valley will provide economic benefits only to the electricity producing companies and the life of the dam-type hydroelectric power plants is generally limited to 49 years,

which is the validity of the water usage right agreement / electricity generation license, energy needs cannot be solved in the long term, and there not any public interest in terms of sustainable environment in destroying a natural wonder that has been formed in billions of years for the purpose of generating energy.

8) As emphasized in the Long-Term Development Plan of the Munzur Valley National Park, the Munzur Valley, where the Dam and HEPP projects designed, is located on the North Anatolian Fault Line and the first-degree seismic zone. If the planned projects are implemented, it will create a great danger for houses in Tunceli at lower altitudes in terms of earthquake risk area.

9) It is stated that only the energy needs are taken into consideration while the decision subject to the lawsuit is taken, whereas the superior public interest phenomenon must be assessed in terms of versatile needs, sustainable environment and different disciplines (history, sociology, psychology, economy, faith, flora, fauna, ecosystem, hydrology, geology, It should be evaluated in terms of hydro-geology, biology, landscape, archeology, topography, physics, meteorology etc.) and therefore, the obligation of Strategic Environmental Assessment arranged in Article 10 of the Environmental Law is ignored, and thus suspension of execution and cancellation of the decision are requested (Munzur Valley Dams and HEPPs Litigation Process File, 2018).

Lawsuit Response Letter: In the defense letter of the defendant administration, it is stated briefly that the energy to be generated from the HEPPs to be built on the Munzur Stream should be used as soon as possible in order to meet the increasing energy needs of our country (Munzur Valley Dams and HEPPs Litigation Process File, 2018).

It is stated that five separate scientific reports were prepared by the lecturers from Faculty of Civil Engineering of the İstanbul Technical University, the Biology Department of Faculty of Science and Aquaculture Department of Faculty of Agriculture of the Fırat University, Iğdır University, Department of Biology of the Ataturk University, Faculty of Forestry of the Kahramanmaraş Sutcu Imam University and Department of Biology of the Hacettepe University for purpose of assessing any possible situation to happen in terms of public interest and obligation conditions, if the HEPP projects intended to be built in the Munzur Valley National Park are implemented, and then these reports were delivered to the İstanbul Technical University, and an integrated analysis report was produced, and according to this report, the definite obligation and public interest conditions were created and thus the

procedure subject to the lawsuit was legal (Munzur Valley Dams and HEPPs Litigation Process File, 2018).

Examination of the Decision on the Merits of the Case: The case was examined by the 3rd Administrative Court of Ankara, and upon the decree dated 10.10.2013 and numbered 2012/414 and Basis No.2013/1601, the case was rejected. The reason of the decree is summarized as follows:

1) In the analysis report prepared by the Istanbul Technical University, it is stated that there is superior public benefit, and thus the respondent administration acts based on the concrete information and documents on the conditions of indispensability and absolute obligation in terms of public interest.

2) It is stated that the Ministry documented that the indispensable and definite obligation conditions that would arise as a result of use and operation of the water sources in the Munzur Valley having the nature of national park were performed for public interest in accordance with the provisions of the Law of National Parks and the relevant Regulation, and thus there is no illegal situation in the procedure subject to the lawsuit (Munzur Valley Dams and HEPPs Litigation Process File, 2018).

Review of the Decision Taken on Appeal: Upon the rejection of the case by the 3rd Administrative Court of Ankara, the plaintiff filed an appeal, and the 10th Chamber of the Council of State justified the appeal and decided to annul the decision of the 3rd Administrative Court of Ankara. In this decree, it is summarized that:

1) According to the provisions of the Constitution and legal regulations, everyone has the right to live in a healthy and balanced environment, and it is the duty of the government and citizens to improve the environment, to protect the health of the environment and to prevent pollution;

2) First of all, in the feasibility reports prepared for the projects subject to the lawsuit, it is stated that the Environmental Impact Assessment process must be completed, and no license and approval will be given for the projects, unless “the Decision “the Environmental Impact Assessment (EIA) Is Positive” or the Decision “the Environmental Impact Assessment (EIA) Is Necessary is taken, and thus the decree of the 3rd Administrative Court of Ankara should be reversed (Munzur Valley Dams and HEPPs Litigation Process File, 2018).

The Decree Taken After Reversion: Upon the reversion decision of the Council of State, the retrial was conducted by the 3rd Administrative Court of Ankara, and upon the decree dated 02/11/2018, the case was accepted and cancellation of the

“Superior Public Interest” decision of the Ministry of Environment and Forestry was decided (Munzur Valley Dams and HEPPs Litigation Process File, 2018).

In the reason of the decree of the 3rd Administrative Court of Ankara, it is stated "...it is indisputable that everyone has the right to live in a healthy and balanced environment, and it is the duty of the government and citizens to improve the environment, to protect the health of the environment and to prevent pollution. Therefore, first of all, in the feasibility reports prepared for the projects subject to the lawsuit, it is stated that the Environmental Impact Assessment process that is compulsory under the environmental legislation must be completed to determine if the projects are 'environmentally compatible. Otherwise, as specified in article 10 of the Law No.2872, no license and approval will be given for the projects, unless “the Decision “the Environmental Impact Assessment (EIA) Is Positive” or the Decision “the Environmental Impact Assessment (EIA) Is Necessary is taken,” and the “Superior Public Interest” decision taken by the Ministry of Environment and Forest was cancelled (Munzur Valley Dams and HEPPs Litigation Process File, 2018).

Upon this decision, in order to say that there is a superior public interest and an indispensable obligation for the dams and HEPPs to be built in Munzur Valley National Park, the court decided that the Environmental Impact Assessment process must first be run, and no project might be constructed unless “the Decision “the Environmental Impact Assessment (EIA) Is Positive” or the Decision “the Environmental Impact Assessment (EIA) Is Necessary was taken. The rationale for the decrees taken by the 10th Chamber of the Council of State and the 3rd Administrative Court of Ankara in connection with this decision is very important. In these decrees, it is stated that an integrated Environmental Impact Assessment process should be carried out for all projects, not on a project basis, in order to allow dams and HEPPs projected in the Munzur Valley National Park. Furthermore, before the Long Term Development Plans for nature conservation areas such as National Park are developed, the Environmental Impact Assessment process must be completed and planning should be done according to the results. This will change the administrative approach to date (Sisligün 2019). In the current practice, a Long-Term Development Plan and a Development Plan for Conservation are carried out and then, if there are projects such as Dams and HEPP, the Environmental Impact Assessment process is run on a project basis. According to the decree of the 10th Chamber of the Council of State and the 3rd Administrative Court of

Ankara; firstly, a holistic Environmental Impact Assessment process should be run for all projects, and then plans and projects should be implemented.

Litigation Process for the Cancellation of the Master Plan and Implementation Plan of the Konaktepe Dam and HEPP I-II Project

Although the 10th Chamber of the Council of State determined on 06.11.2014 that the decision on the license given by the Ministry of Environment and Forest for 4 Dam Projects and 5 HEPP Projects and the Mercan Reg. HEPP Project intended to be built in the Munzur Valley National Park must be cancelled, the Tunceli Provincial Directorate of Environment announced that The Ministry approved the proposal of the Master Plan at a scale of 1/5,000 and the As-Built Plan at a 1/1,000 for the Konaktepe Dam and HEPP I-II Project in the Tunceli city, Ovacik and Center Districts on 27.01.2016 (Munzur Valley Dams and HEPPs Litigation Process File, 2018).

Lawyer Mr. Barış YILDIRIM filed a lawsuit for cancellation by stating that the approval of the Konaktepe Dam and HEPP I-II Project Master Plans was unlawful. In the letter for the cancellation of the said plans, it is summarized that:

1) - In the lawsuit filed for the cancellation of the production license granted for the Konaktepe Dam and HEPP I-II Project, upon the decree dated 11.10.2010 of the 13th Chamber of the Council of State, the generation licensee given by relevant Ministry was cancelled, stating that use and operation of the water sources in the Munzur Valley National Park may implemented only provided the Ministry documented that that the indispensable and definite obligation conditions for public interest are met;

2) The Ministry of Environment and Forest took the decision that there was the “Superior Public Interest” for 4 Dam Projects and 5 HEPP Projects and the Mercan Reg. HEPP Project intended to be built in the Munzur Valley National Park during this process and gave a license, but the 10th Chamber of the Council of State decided that such license given by the Ministry of Environment and Forest must be cancelled;

3) Despite all the aforementioned decrees of the Council of State, the Ministry of Environment and Forest approved the Master Plan and As-Built Plan of the Konaktepe Dam and HEPP I-II Project, which is the largest dam project planned to be built within the boundaries of the Munzur Valley National Park, contrary to the decree of the Council of State, and the approval of the plans is completely unlawful, and the decision of the Ministry of Environment and Urbanization to comply with the decisions of the higher judicial bodies violates the principles of the state of law; and

4) The Master Plan and the As-Built Plan including the Konaktepe Dam and the HEPP I-II Project are also contrary to the high-scale plans and the Landscape Plan at a scale of 1/100,000 for Malatya-Elazig-Bingol-Tunceli, in Chapter 3.5.14. Areas Having An Ecological Importance of this plan, it is stated “If the areas with EX, DD, CR and EN species are identified within the limits determined by the sub-scale studies according to IUCN list, no activity can be allowed in these areas. If the abovementioned categories or plants of the VU category are found, the bio-restoration study must be conducted by taking an expert opinion in these areas.” It was stated that the approval of the Dam and HEPP Development Plans subject to the lawsuit was contrary to the law despite the existence of plants in the EX Category in Munzur Valley National Park and it was requested to decide to cancel the operations of the Master Plan and As-Built Plan subject to the lawsuit (Munzur Valley Dams and HEPPs Litigation Process File, 2018).

Decree: In the lawsuit filed for the cancellation of the Konaktepe Dam and HEPP I-II Project Master Plan and Implementation Plan, it is stated that, upon the decree dated 22.11.2018 and numbered 2018/1333 and Basis No.2017/230 of the Erzincan Administrative Court, it was decided that the procedures subject to the lawsuit were not illegal, and therefore such lawsuit was rejected. In such decree, it is stated briefly that:

1) To determine whether the procedure subject to the lawsuit is or not in compliance with the zoning legislation, an expert report was received, and in this report, it was stated by the Court that the 1/5000 Scale Master Plan at a scale of 1/5,000 and the As-Built Plan at a scale of 1/1,000 of the Konaktepe Dam and HEPP I-II project are in compliance with the Malatya-Elazig-Bingol-Tunceli Landscape at a scale of 1/100,000, and the court determined that this report was based on such decree; and

2) In accordance with Article 7 of the Environmental Impact Assessment Regulation, it is stated that there is no obligation to carry out an action regarding the Environmental Impact Assessment for the approval of the zoning plans, and therefore the decree on rejection of the lawsuit was taken.

An appeal was made against this decree. The review of the appeal court is still pending (Munzur Valley Dams and HEPPs Litigation Process File, 2018).

As can be seen from the rationale of the court decision, only one of the issues mentioned in the letter was examined: The cause of the lawsuit that the 1/5000 Scale Master Plan at a scale of 1/5,000 and the As-Built Plan at a scale of 1/1,000 of the Konaktepe Dam and HEPP I-II project are not in compliance with the Malatya-Elazig-

Bingol-Tunceli Landscape at a scale of 1/100,000. As it can be understood from the section where the letter is summarized, the main reason for the case is not the part that the court evaluates (Sisligün 2019).

There are the decisions of the Council of State decisions that no facility can be built in the Munzur Valley National Park without operation of the Environmental Impact Assessment process, that all the procedures performed previously by the administration are canceled by the Council of State for these reasons and the approval of the Master Plan and Implementation Plan is unlawful. However, the Erzincan Administrative Court also ignored the decisions of the Council of State and ruled these issues without even considering them. The unlawful decisions of the administration were prevented to some extent by the judicial authorities, but in spite of all the high judicial decisions, a judicial authority was found in which the administration of the administration would be approved without any legal justification (Sisligün 2019).

Process Administered to Identify and Register the Munzur Valley National Park as an “Immovable Natural Asset,” “First Degree Archeological Site,” and “Protection Zone”

On 10.03.2008, Lawyer Mr. Barış YILDIRIM submitted a letter to the Governorate of Tunceli to send it to the Ministry of Culture and Tourism (Munzur Valley Dams and HEPPs Litigation Process File, 2018). In his letter, he required identifying and registering the Munzur Valley National Park as an “immovable natural asset,” “first degree archeological site,” and “protection zone.” The Ministry of Culture and Tourism did not respond to this request. The failure of the administration to respond to a request within 60 days was considered an implied refusal, and according to administrative law, an implicit refusal of the administration was an administrative act. If there was an administrative act, it had the authority to sue for the annulment of such administrative act. For this reason, failure to respond to the request on identification and registration of the Munzur Valley National Park as an “immovable natural asset”, “first degree archeological site” and “protection zone” by the Ministry of Culture and Tourism was considered an implied refusal, and thus Lawyer Mr. Barış YILDIRIM filled a case for cancellation of the implicit rejection proceeding. The case letter, it is stated briefly that:

1) An area of 42,000 hectares in the Munzur Valley between Tunceli and Ovacik was declared as a National Park on 1971, and the factors such as river resources,

endemic plant species, local animal species, presence of wild animals, nature characteristics, natural beauties, etc. played a role in declaring this region as a national park, and 1518 different plant species are registered in the Munzur Valley Flora, and 43 of them are species specific to the Munzur Valley. In the Fauna of Munzur Valley National Park, hooked horned goats, mountain goat named Bezuvar, Ur partridge and red spotted trout species are valley-specific species;

2) However, the Munzur Valley National Park is under serious threat, and the Konaktepe Dam and HEPP I-II surveys and drilling works are carried out by the relevant authorities in the Munzur Valley National Park. In the Munzur Valley, which is formed as a result of millennial geomorphological formations, and which has national and international beauties, scientific and aesthetic values, 63.5 percent of the part of the park area which is allocated as “absolute protection zone” will be inundated. the ecological balance will be awash, and wildlife will be destroyed, and the flow of the Munzur River will change, the most dynamic species of the species of Munzur Trout will be destroyed, and biodiversity will be destroyed, and any irreparable negative situations will not be experienced; and

3) - The Munzur Valley must be in the status of “immovable natural asset,” “first degree archeological site,” and “protection zone” in terms of its properties in accordance with the provisions of the law of cultural and natural assets, and thus cancellation of the implied rejection procedure of the administration must be rejected.

Decree: This request was examined by the Malatya Administrative Court, and in the decree dated 15.11.2011 and numbered 2011/3071 and Basis No.2008/1591, it decided to cancel the implied refusal of the administration (Munzur Valley Dams and HEPPs Litigation Process File, 2018). The rationale for the relevant decision is as follows:

“It is observed that The Munzur Valley National Park has a cultural and natural value, and various experts have carried out examinations on different dates to determine and protect these values and make some decisions based on these examinations; in this scope, the Kral Kizi Cave was registered by the Council upon the decision dated 24.10.2001 and numbered 1181 and based on the examination of an architect and an archeologist between September 10 and 14, 2001; furthermore, two archeologists examined the region on 17.07.2001 and issued a report on 23.07.2001; moreover, the Sahverdi Village, Kaletepe Road was registered as a first degree architectural site based on the investigations conducted between 28.11.2002 and 02.12.2002; although there are

any strong evidences that such region has various cultural and natural values, any relevant studies conducted so far were conducted locally and unilaterally, that is, particular part of the valley was examined by the committees constituted by the archeologists in terms of cultural assets, while a detailed study must be conducted in participation of the person specialized in natural assets as well as the persons specialized in cultural assets to discuss that these worthies must be appeared and protected in an integrated approach. It is observes that any study other than the study on Gozeler Road was not conducted by the defendant administration on the natural beauty and richness of the National Park. Accordingly, upon the plaintiff's application based on the fact that the Munzur Valley National Park has cultural and natural values, such matter is handled in a holistic approach for the determination and registration of the worthies in the participation of experts specialized in the field of cultural assets and experts on natural assets, and in cooperation with relevant institutions and organizations, after a large and detailed field study covering the whole of the Valley, it should be decided on the subject in the light of the data to be obtained.” (Munzur Valley Dams and HEPPs Litigation Process File, 2018).

Although it is clearly stated that this decree was taken in 2011 and any studies must be conducted by the experts to examine and protect the Munzur Valley in an integrated approach, the administration approved the projects that would cause the destruction of this area and used all the means available for the implementation of these projects (Sisligün 2019).

Although it is fixed by many court decrees that the implementation of these projects is unlawful, efforts have been made to implement the projects with new moves. This effort was sometimes completed by using the administrative power of the issues stipulated by the court, and sometimes it was in the process of disregarding the judicial decisions (Sisligün 2019). As it is seen in the approval process of the Master Plan and Implementation Plan of the Konaktepe Dam and HEPP I-II project by the Ministry, the administration can even ignore the decrees of the Supreme Court (Council of State) for the implementation of these projects. This shows that even the phase of the neglect of the law can be reached for the implementation of neoliberal policies.

Although decisions have been taken to cancel the HEPPs, the commodification of nature in the Munzur Valley and around the valley continues. The entire Munzur Mountains, 60 km long, have been declared mining sites (T24 28.07.2019). In addition, some of the mining exploration licenses granted in Tunceli, where there are a total of

145 mining projects, cover an area of 43 thousand hectares including Munzur Gözeleri, Munzur Water, Mercan Valley, Kırk Merdiven Waterfalls, Tülin Tepe, Tepecik and Pulur mounds. At the same time, the area declared as a mine site includes a part of Munzur Valley National Park. As a result of mining activities in the region to search for gold, copper, argent, molybdenum, lead, zinc and chromium; It is stated that the whole of the city will be affected negatively and it is aimed to reach the mines through the excavations and giant pits to be made by destroying the forested area on the 44000 hectare area between Ovacık, Hozat, Çemişgezek districts and central district borders (T24 28.07.2019).

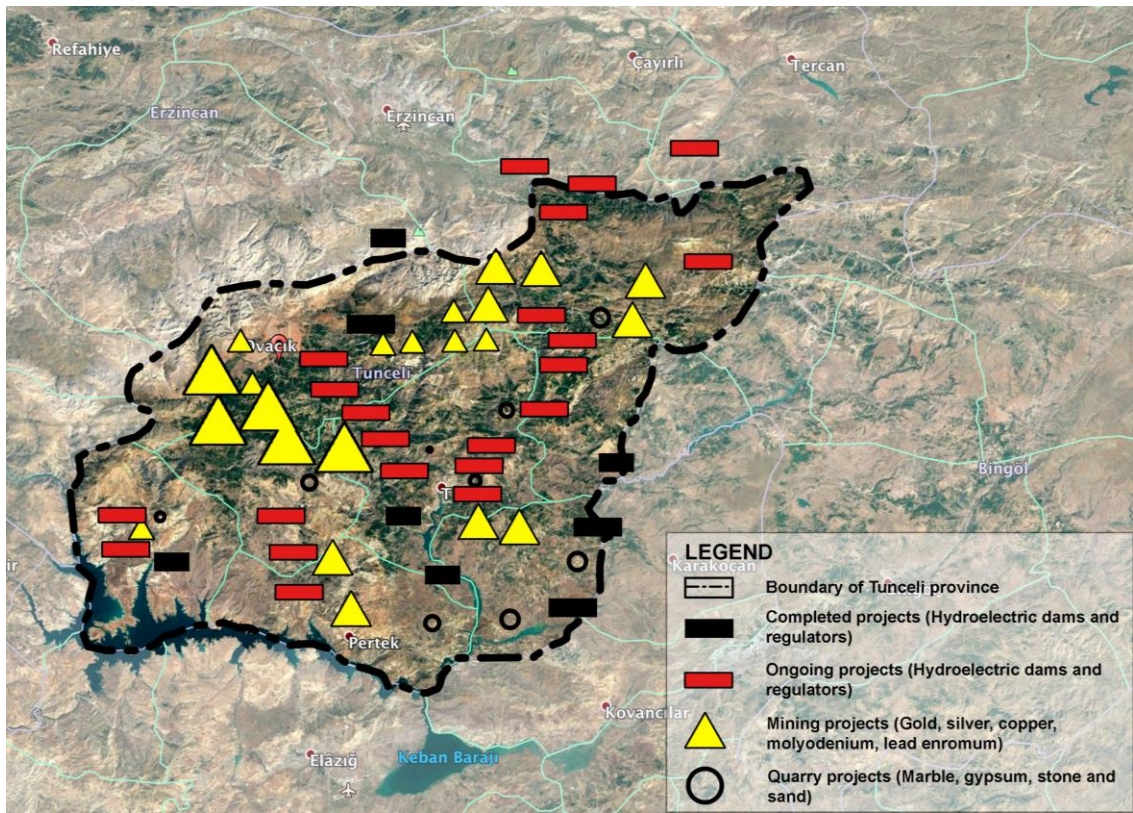


Figure 6.3. Decisions of Mining, Quarry, Dams and HEPPs projects for Tunceli Province (Source: Produced by using data from Tunceli Province Environmental Status Report, 2014-2015)

Mining licenses were issued for the 7,024 Ha area in Topuzlu Village of Ovacık District. It is planned to extract gold, copper and molybdenum in this area. Cevizlidere, Karatas and Sogutlu villages will be removed from the map. In addition, another 6,521 Ha area of Topuzlu Village was licensed for the copper mine. Halitpınar, Karataş,

Kozluca, Bilgeç villages will be removed from the map in case of these works. It is also mining license for gold, copper and molybdenum quarries has been granted to 11,625 Ha area in Karayonca Village of Ovacık District. Aşlıca, Sarısaltık, Kurukaymak, Yüceldi, Buzlutepe and Uzundal villages will be removed from the map due to these works. An area of 1,071 Ha has been licensed in Karaoglan Village of Ovacık District. It is planned to conduct studies for copper, lead and zinc mines in this area. In case of planned works, Doludibek and Aktaş villages will be removed from the map. It is stated in the mining study to be conducted in Kızık Village of Ovacık District that a license is obtained on an area of 819 Ha to extract gold and argent mines. In Geyiksuyu Village of Tunceli Central District, an area of 17,107 Ha was licensed for copper and argent. In case of mining works, Geyiksuyu, Atadoğdu, Araçlı, Uzundal, Karaoğlan, Aşlıca, Garipuşağı, Aktaş, Elgazi and Aktaş villages will be removed from the map. A license of chrome mine operation was obtained on a 1960 Ha site in Kolonkaya village of Pertek District. The area licensed for the Tozkoparan project of the Pertek district is 1982 Ha. The project borders, which will start from the hills located in Yeniköy and Akbayır villages of Pertek district, will take place in an area extending to Çevirme and Günboğazı borders by including part of Tozkoparan Village. In this field, studies are carried out for materials such as copper and argent. It is also stated that there are chrome and copper mining projects between Pülümür and Ovacık districts of Tunceli (Cumhuriyet 06.08.2019).

Mining projects in Tunceli and the declaration of the entire Munzur Mountains as a mining site pose a threat to the economic and social life of the local people as well as the damage it will cause to the nature. Munzur Gözeler, the cleanest sources of drinking water, the Munzur River, which is the sanctity of the local people, and the Munzur Mountains are threatened by mining decisions. Upon the declaration of the entire Munzur Mountains as a mining site, a petition campaign was initiated to cancel the decision. A call was made to the Ministry of Environment and Urbanization to renounce the decision due to the biodiversity and drinking water resources in the region (Duvar 16.08.2019).

Table 6.2. Licensed Areas for mining works and villages will be removed from the map
(Source : Produced by using data from cumhuriyet.com.tr official website in 5 August 2019)

Districts	Villages	Liscensed Area (Ha)	mines planned will be extracted	villages will be removed from the map
Ovacık	Topuzlu	7,024	gold, copper, molybdenum	Cevizlidere, Karataş, Söğütlü
Ovacık	Karayonca	11,625	gold, copper, molybdenum	Aşlıca, Sarısaltık, Kurukaymak, Yüceldi, Buzlutepe, Uzundal
Ovacık	Karaoğlan	1,71	copper, lead, zinc	Doludibek, Aktaş
Ovacık	Topuzlu	6,521	copper	Halitpınar, Karataş, Kozluca, Bilgeç
Ovacık	Kızık	819	gold, argent	
Pertek	Kolonkaya	1960	chrome	
Pertek	Tozkoparan	1982	copper, argent	Çevirme, Günboğazi, Yeniköy, Akbayır
Center	Geyiksuyu	17,107	copper, argent	Geyiksuyu, Atadoğdu, Taşıtlı, Uzundal, Karaoğlan, Aşlıca, Garipuşağı, Elgazi, Aktaş

The Tunceli Bar Association issued a statement in response to the mine site decision. The statement issued called for the abandonment of the mining decision and stressed the need to fight against the decision. Tunceli Bar association stated that the area including the crater lakes, mounds, plateaus and bee mansions of the Munzur Mountains has been licensed to the mining sites and that an attempt is made to open an investment area for national and international companies. The Tunceli Bar Association also noted the irreparable damages that would arise in the case of such mining projects. It stated that local people living in the mine exploration areas and surrounding villages, livestock farmers, pasturers, beekeeping families, wildlife, crater lakes, water, aquatic organisms, vegetation and ecosystem will be damaged. In addition, the Tunceli Bar Association stated that the local people would have to migrate because of these conditions and urged all Dersim people to fight immediately and stated that they demanded the cancellation of the licenses issued by the relevant official institutions (Evrensel 29.07.2019).

6.2. Environmental And Natural Dimensions

Munzur and Mercan Mountains are located between Erzincan and Tunceli and are located within the boundaries of Iran-Turanian Phytogeographical region. In the Munzur Valley Long-Term Development Plan Analytical Study-Synthesis Report prepared in 2012, it is stated that the Munzur Mountain Range is located on the Anatolian Diagonals and is therefore rich in floristic diversity and endemism. Munzur Valley National Park contains different ecosystems such as forest, step, river, pasture and rock ecosystem and almost the whole of the National Park is covered with deciduous oak forest. When Munzur Valley National Park was evaluated in terms of biological diversity, 11 important plant areas were identified. Moreover, the Munzur Mountain range is one of the 122 important plant areas in Turkey (Munzur Valley National Park Long-Term Development Revision Plan, 2012).

In the synthesis map (Figure 6.4.) showing the areas to be allocated for the dam and HEPP projects of Munzur Valley Long Term Development Revision Plan prepared in 2012; It is stated that 360401 trees in the forest area of 2962.9 hectares will be flooded after the completion of dam and HEPP projects (Munzur Valley National Park Long-Term Development Revision Plan, 2012).

In addition to these, some daily using settlements, historical and sacred areas for local people such as Ana Fatma shrine, important places in terms of fauna and flora will be flooded in Munzur Valley National Park.

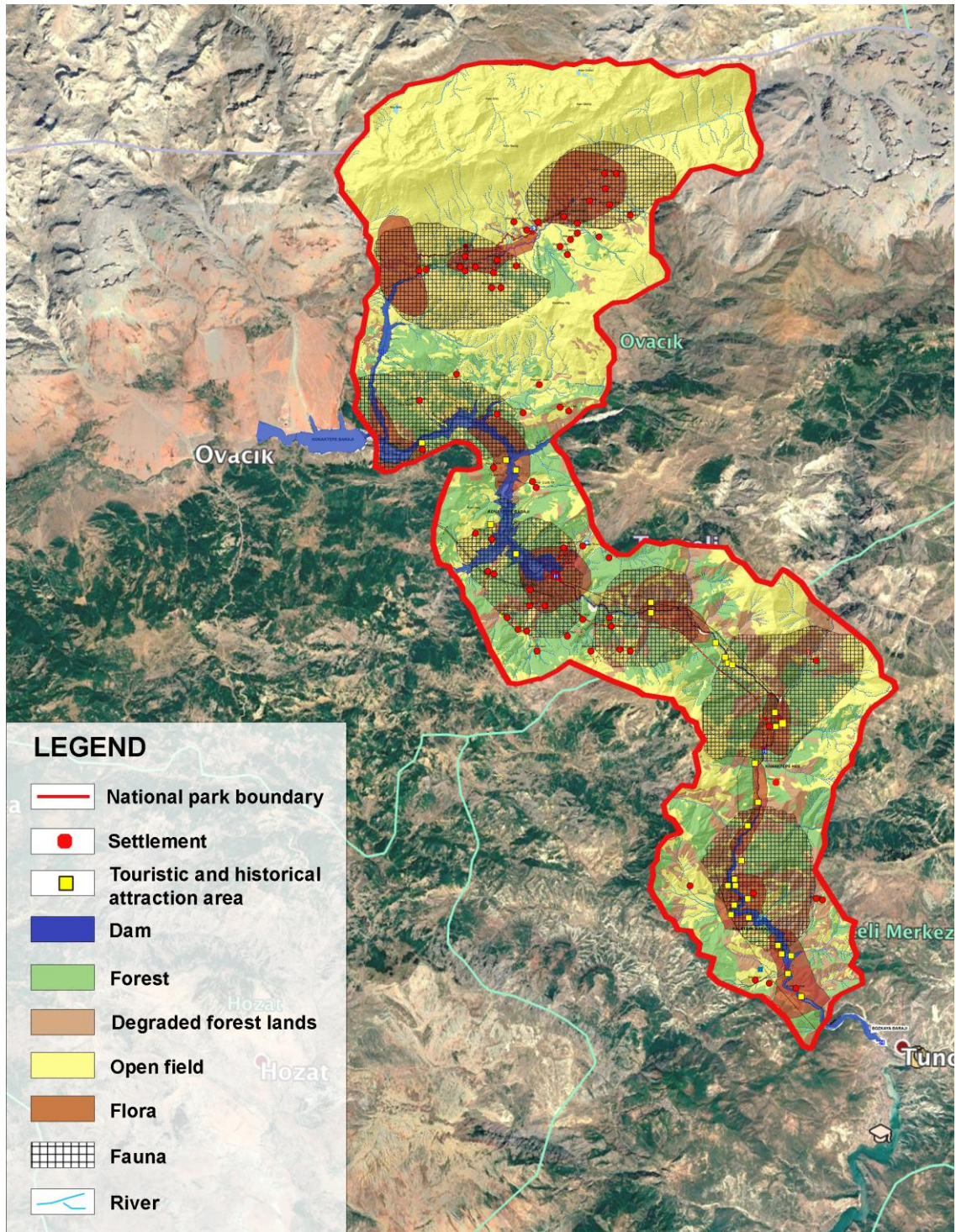


Figure 6.5. Munzur Valley Long-Term Development Revision Plan Synthesis Map
 (Source: Produced by using Munzur Valley Long-Term Development Revision Plan, 2012)

Table 6.3. Forest areas that will be flooded in facility areas of dams and HEPPs
(Source: Munzur Valley Long-Term Development Revision Plan Description Report, 2012)

forest stand types	area (Ha)	number of trees	volume (m3)
BM	818,5	26192	5115,6
Mab2	53,6	30999	2575,0
Mab3	646,0	225027	67114,5
Mbc1	12,6	3177	342,8
Mbc2	22,2	12441	2281,4
Mbc3	171,1	62565	25119,0
settlement area	21,9	0	0
grass	1217,1	0	0
total amount	2962,9	360401	102548,3

In the Munzur Valley Long-Term Development Plan Analytical Survey-Synthesis Report (2012), it is stated that the areas between the core zone and the areas open to human activities, which are allowed to continue economic activities in accordance with the rules determined for the protection of nature, are separated as “Sustainable Use Zone”. According to the report prepared, the management purpose of this zone; to ensure the sustainable use of natural resources in harmony with the economic environment. Determination criteria of “Sustainable Use Zone”; to be natural or semi-natural, to be traditional use, to have economic income potential. Tourism and recreation areas within the protected areas and areas where the settlements are located are classified as “Controlled Use Zone”. The purpose of management of this region is; to ensure that the visitors benefit from the tourism and recreation services of the protected area and to ensure the planned development in the existing residential areas within the protected area. The criteria for determining the “Controlled Use Zone” determined according to this report are; being subject to construction, tourism and recreation potential (Munzur Valley Long-Term Development Plan Analytical Survey-Synthesis Report, 2012).

Munzur Valley National Park area has been evaluated according to criteria that determined by the approval of the Ministry dated 28/02/2012 and numbered 201, according to the construction status of the Controlled Use Zone and its natural values, taking into account the traditional use of economic income potential and sustainable use

of two regions separated. However, in the Plan Explanation Report prepared in 2012, it is stated that the resource values determined in the field are not significant at national or global scale. It is stated that there is no Absolute Protection Zone and Sensitive Protection Zone in Munzur Valley National Park since it is an important area within the boundaries of the National Park compared to the other parts of the National Park and the sources do not match the specified criteria (Munzur Valley Long-Term Development Plan Analytical Survey-Synthesis Report, 2012).

In the Controlled Use Zone; In the areas where dams and HEPPs are planned, village settlement areas, hamlets and Anafatma region, Daily Use Area and Administration-Visitor and Information Center are located. However, if needed, new daily areas will be planned where appropriate. In addition, highways, village roads, military facilities and role stations are located within the Controlled Use Area. The Sustainable Use Zone includes forested areas, agricultural / pasture areas and small streams (Munzur Valley Long-Term Development Plan Analytical Survey-Synthesis Report, 2012).

Table 6.4. Zone Types and Their Areas and Percentages in Munzur Valley
(Source: Produced by using Munzur Valley Long-Term Development Revision Plan Analytical-Synthesis Report, 2012)

zone types	area (Ha)	percentage (%)
Absolute Protection Zone	0	0
Sensitive Protection Zone	0	0
Sustainable Use Zone	3020	7
Controlled Use Zone	39654	93
total area	42674	100

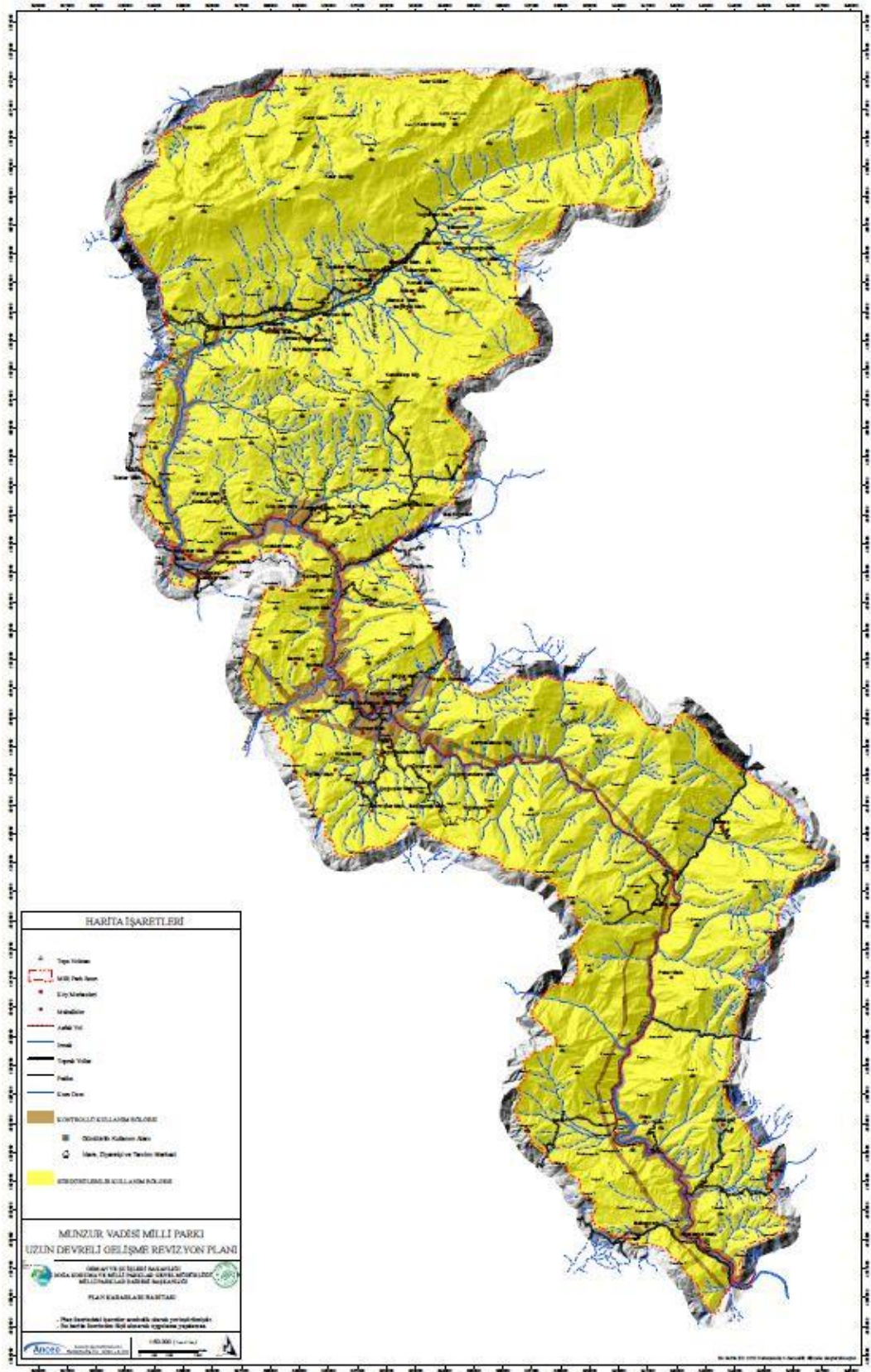


Figure 6.6. Munzur Valley Long-Term Development Plan's Decisions Map
 (Source: Munzur Valley Long-Term Development Revision Plan, 2012)

According to Munzur Valley Long-Term Development Revision Plan Analytical-Synthesis Report in 2012, it is also shown in Table 6.4., there is not absolute protection and sensitive protection zones, but sustainable use zone is 7 percent and controlled use zone is 93 percent of total area of Munzur Valley National Park (Munzur Valley Long-Term Development Revision Plan Analytical-Synthesis Report, 2012).

The dams and HEPPs, which were established in Tunceli since the second half of the 1990s, were perceived not by the local people as an investment or development project for the GAP or East-Southeast Anatolia but as a continuation of the modern state's monitoring practices (Orhan 2013, 263). Tunceli is actually separated from other cities, because it is intertwined with its faith, ethnicity and sacred geography, and these features are actually a hindrance to the realization of projects that include non-compliance with neoliberal policies in Turkey. The main obstacle of this divergence, which connects a society and geography, is to contribute to the process of commodification of nature as it is the belief that this geography is a part of sacredness and faith. It can be said that the most destructive problem in the neoliberalization of nature in Tunceli is the transformation of its content by interfering with the concept of holiness. In the neoliberalization process of nature, Tunceli's geography has been subject to dam and HEPP projects while on the other hand it has been subject to re-regulation which ignores the sources of nature belief and therefore planned projects in Munzur Valley play an important role in the resistance of generations who have grown with the rituals of nature belief (Deniz 2016, 179-180).

In a study on Munzur, there are discourses such as “a symbol of life”, “a love, a rebellion”, “a history of life describing the suffering and the injustices of the past”, “a past smelling history”, “a voice rising in the path of struggle, a rebellion silently organized in the youth” said for the Munzur River (Çobanoğlu 2010 see Deniz 2016, 180). In this context, Munzur River is not merely a river in its geography, but the most important place of worship, and its water is a divine form where all living things come to life among the older generations as objects of worship; Munzur River is the stamp, second name and symbol of the geography. The Munzur River is the most important symbol of faith and is a spatial representation of the belief in understanding the world and finding a meaning of the world. It can be said that the interventions that make the neoliberalization of nature possible start with the intervention not only against the geography but also the identity, belief and language of people, and the memory and feelings (Deniz 2016, 183-189).

As a matter of fact, because faith is positioned as a danger in the sense of realizing the projects mentioned in the Munzur Valley and therefore intervening to the faith, people living in this geography have been in an effort to preserve their faith places not only by ecological concerns, but also by their eco-political and sense of sanctity. Most of the time, another form of oppression that influenced the geography of the Munzur River is the characterization of spatial faith as “idolatry”, and imposing commodification discourse appropriated in the form of positivism and rationalization. However, the questioning of rationalization and positivism here is especially an intervention tool in the process of commodification of beliefs that sanctify the targeted nature. In the context of the neoliberal production of nature, the dams and HEPPs, which are characteristic of the region, are codified as a problem and turned into a target for intervention. Because, belief constitutes the most important element that will protect nature in a geography (Deniz 2016, 193-197).

CHAPTER 7

CONCLUSION

Neoliberalism can be defined as the transformation of the state's economic and social interventions. The production processes of capital in search of profit have necessitated the state mechanism by privatizing public spaces through market logic. In order to realize energy investments such as dam and HEPP, the state establishes and regulates the market in this area and produces economic incentives to attract capital to certain areas. The regulations in legal framework of the state for the private sector facilitate the reallocation of natural resources, such as water, for capital interests. The state emphasizes that energy investments are indispensable for the public interest and try to eliminate the social obstacles of these investments. However, the transfer of water use rights to private companies by leasing method results in the deprivation of the local people and the natural environment from the water resources. With its role in overcoming the obstacles to capital by privatizing public spaces, the state provides the appropriate legal arrangements in the neoliberalization process, allowing the capital to diffuse local. Since the Munzur Valley is located in an area where cannot be opened for capital investments before, it is a unique place where the government's encouragement policies are offered to the entrepreneurs through institutional means. Dam and HEPP projects make the local population disadvantaged in the process of privatizing the natural areas offered by the state. Therefore, the role of the state in social regulations increases in river-type HEPP projects in behalf of capital.

Marketization, de-regulation, re-regulation and privatization processes, which are the mechanisms of nature's neoliberalization process, have been experienced in the of Munzur Valley National Park case. The implementation of the HEPPs and dams planned in the Munzur Valley, which are capital investments, has progressed with the regulatory role of the state in increasing the expansion areas of capital. During the nature's neoliberalization process we observed in Munzur Valley National Park, Munzur Valley was included in the capital accumulation process and marketized. Nature became commodified in the process of capital accumulation by subjecting the Munzur Valley National Park to capital investments.

The EIA process operated during the implementation of the planned dam and HEPP investments in the Munzur Valley National Park includes only reporting on planned projects. However, since no studies were conducted in the Munzur Valley and the basin as a whole, the impact of the HEPP and dams on the environment did not include a holistic environmental impact assessment, so it was evaluated and approved within the framework of project-based research. An environmental impact assessment that has not been investigated with a holistic approach cannot show the environmental impact of planned HEPPs and dams in a holistic way. Thus, since the EIA process carried out on the basis of the project does not include the impact assessment of the overall basin, the EIA positive decision for dam and HEPP projects is facilitated. A functioning EIA process accelerated the implementation of investment projects planned in the Munzur Valley National Park. In addition, the fact that Konaktepe Dam and Konaktepe HEPP-I-II are included in the implementation plans, although they are not included in the upper-scaled regional plans, indicates that projects are tried to be applied in contradiction with the Planning Legislation. Government agencies remove barriers to capital investments by eliminating or not implementing certain rules for the implementation of projects. In the process of the nature's neoliberalization, the state, through de-regulation, makes it possible for the investments of capital to open areas that were not previously opened to capital investments. This situation shows us the regulatory role of the state and the approval institutions of the state in the case of Munzur Valley National Park, which has the status of a protected area, in removing the barriers to capital together.

The role of the state in producing, changing and regulating laws increases the investment areas of capital in the process of opening nature to capital investments. Thus, it makes it easier to remove the obstacles that capital may face. As we observed during the lawsuit process of the dams and HEPPs planned in Munzur Valley National Park; The regulatory role of the state contributes to the process of nature's neoliberalization through changes in laws and regulations.

Another mechanism that contributes to the process of neoliberalization of nature is the transfer of the right to use water to the private sector. In this process; Munzur River was opened to the use of energy companies by the transfer of the right to use water to the private sector by the state. In fact, rivers, which are natural resources, were privatized in this way. This privatization caused the local people living in and around the Munzur Valley to fail to claim any right to the Munzur River, which is the sanctity

of the local people. On the other hand, it has made possible the investments of dams and HEPPs planned to be built on Munzur River. Thus, the state has made arrangements to eliminate the obstacles to the investment of energy companies by privatizing natural areas.

The neoliberalization of nature is accelerated by the increase in the investment areas of the capital by the state, as we observed in the Munzur Valley. Eco-scalar fixes include a number of scaling processes that enable capital to be invested in natural areas. The government is working not only to increase the investment fields of private companies, but also to make these investments logical and correct. The state offers the right and logical investment fields to private companies through re-scaling. Thus, an investment opportunity specific to the situation of each region is created. Regional Development Agencies are equipped to identify investment opportunities by region and encourage private companies to invest. Tunceli is located in the TRB1 region and is thus involved in the re-scaling process. As in other development regions, regional development plans were made by the Fırat Development Agency for TRB1 region and private companies were offered investment opportunities for such investment. Among the investment opportunities for Tunceli, Munzur Valley has been subject to tourism incentives due to its geographical beauty and rich fauna-flora. Thus, private companies were encouraged to invest in the Munzur Valley and the expansion of capital into natural areas was facilitated.

The lawsuit process of the dams and HEPPs planned in Munzur Valley National Park and the resistance of the local people carried out with it, has had a big counter impact on this one way of commodification of nature. During the process of commodification of nature in Munzur Valley National Park, Munzur Mountains and Munzur River, which is the sacred value of the people; resistance against the constructions presented a unique example for nature protection resistance. Activists struggling for the protection of the Munzur Valley highlighted its natural beauty; the spiritual significance of its rivers, trees, resources and cliffs; and the pilgrimage sites for the local people. This motivation for nature conservation has brought together different groups not only in Tunceli but also across the country and triggered resistance against the pressure of neoliberal policies on nature.

With the redefinition of borders of the province during the republic period by state, Tunceli became more suitable for implementation of state control. Tunceli was in the state of emergency control from 1987 to 2002. With the annulment of the state of

emergency in 2000s, the government was in the period when policies were being carried out with the neoliberal mechanism throughout the country. In the spatial policies produced for Tunceli, we observe that the state is operating with the restructured institutions on the province as a means for the capital to emerge from the crises in the accumulation process. Development agencies, one of the leading institutional instruments of the state, are the dominant spatial or economic units that provide the regulatory role of the state in expanding capital areas. Although such institutions may appear as serving the local community; with the role of the state in its relationship with capital, we see these institutions serving the neoliberal system with purpose of including and positioning Tunceli and the country in global capitalism. In Tunceli since 1990s, in the process of nature's neoliberalization, privatizations are made with large-scale development projects including HEPPs and dams. Hence it has been made it easier for state to control this geography and facilitate privatization in the process of commodification of natural resources.

Munzur Valley National Park is a very important example which we can clearly observe the de-regulation and re-regulation processes of the dams and HEPPs planned to be built in the Munzur River during the process of nature's neoliberalization. Therefore, in this study, the lawsuit processes of dam and HEPP projects of Munzur Valley National Park was focused on. Munzur Valley is an important example displaying a case on nature's neoliberalization and production of nature debates in Turkey.

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