

## **8. Ethnic minorities and disadvantaged groups along the BTC pipeline**

### **(Turkey section)**

Evaluation of project against World Bank standards, and appraisal of decision not to apply OD 4.20

#### **8.0 Contents**

##### **8.1 Summary**

##### **8.2 Introduction**

##### **8.3 The applicability of OD 4.20 to Turkey's Kurdish minority**

8.3.1 OD 4.20 and ethnic minorities

8.3.2 The Kurds and OD 4.20

8.3.3 Isolation and marginalisation

##### **8.4 "Vulnerable groups" – a flawed approach?**

8.4.1 Need for a safeguard measure

##### **8.5 Deficiencies in Project Policy**

##### **8.6 Findings on ethnic minorities of Fact-Finding Mission**

##### **8.7 Concrete breaches of OD 4.20**

8.7.1 Ensure ethnic minorities benefit

8.7.2 Mitigate adverse impacts on ethnic minorities

8.7.3 Foster respect for ethnic minority rights

8.7.4 Ensure ethnic minority do not suffer adverse effects

8.7.5 Ensure informed participation of ethnic minorities

8.7.6 Draw up ethnic minorities' development plan

8.7.7 Participatory assessment of development plan options

8.7.8 Take account of local social organisation in drawing up development plan

8.7.9 Assess relationship of ethnic minority to mainstream society

8.7.10 Ensure participation throughout project cycle

8.7.11 Independent appraisal of extent of participation by ethnic minorities

## 8.1 Summary

The BTC pipeline passes through a number of areas with significant ethnic and religious minorities. In Turkey, these minorities include Alevi, Çerkez and Kurds. The BTC Consortium has committed itself to ensuring that the BTC project conforms to some relevant World Bank group/IFC standards, yet it has **declined to apply the World Bank's Operational Directive 4.20, Indigenous Peoples, the only directive specifically aimed at safeguarding the interests of minority groups**. In this, BTC Co has been supported by staff of the International Finance Corporation.<sup>1</sup>

Closer investigation, however, reveals that **the Kurds in particular meet every one of the criteria for applying OD 4.20, and that the rationale for not doing so is fatally flawed. BTC Co. and IFC staff's decision not to apply the policy leaves ethnic minority groups unnecessarily and unjustifiably vulnerable to socio-political difficulties connected to the BTC project.**

**A complaint challenging the IFC's decision is now being prepared by NGOs for submission to the IFC's Complaints Advisor Ombudsman.**

As a result of the decision not to apply OD 4.20, this review finds widespread failures in the project's treatment of indigenous peoples, including:

- **At least 30 partial or total violations of IFC project requirements under OD 4.20**

Specifically:

- **BTC Co. has failed to ensure ethnic minorities benefit from the project;**
- **The project fails to mitigate adverse impacts on ethnic minorities;**
- **The project has failed to foster respect for ethnic minority rights;**
- **The project has failed to ensure ethnic minorities do not suffer adverse effects;**
- **The project has failed to ensure informed participation of ethnic minorities;**
- **The project has failed to draw up an ethnic minorities' development plan;**
- **There has been no participatory assessment of development plan options;**
- **The project has failed to take account of local social organisation in drawing up development plans;**
- **The project has failed to assess the relationship of ethnic minorities to mainstream society;**

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<sup>1</sup> The IFC argues that OD 4.20 is not applicable, and that a "vulnerable groups" approach (currently being developed by the World Bank) is more appropriate. In line with this position, the Resettlement Action Plan (RAP) sets out the project's approach to ethnic minority issues in an Appendix entitled "Vulnerable Groups in the Context of BTC Project".

- **The project has failed to ensure minority group participation throughout the project cycle;**
- **There has been no independent appraisal of the extent of participation by ethnic minorities.**

## 8.2 Introduction

The BTC pipeline passes through a number of areas with significant ethnic and religious minorities. In Turkey, these minorities include Alevi, Çerkez and Kurds. Although the BTC Consortium has committed itself to ensuring that the BTC project conforms to some relevant World Bank group/IFC standards, it has declined to apply the World Bank's Operational Directive 4.20, Indigenous Peoples, the only directive specifically aimed at safeguarding the interests of minority groups.

In this, BTC Co has been supported by the International Finance Corporation, which argues that OD 4.20 is not applicable, and that a “vulnerable groups” approach (currently being developed by the World Bank) is more appropriate. In line with this position, the Resettlement Action Plan (RAP) sets out the project's approach to ethnic minority issues in an Appendix entitled “Vulnerable Groups in the Context of BTC Project”.<sup>2</sup> **A complaint challenging the IFC's decision is now being prepared by NGOs for submission to the IFC's Complaints Advisor Ombudsman.**

This chapter reviews the controversy over the applicability of OD 4.20 to the BTC project. It sets out the provisions of OD 4.20 with regard to ethnic minorities and details the IFC's grounds for arguing that OD 4.20 is inapplicable to Turkey's Kurdish minority and hence to the BTC project. It then reviews the vulnerable groups approach adopted by the project developers. To support the analysis, it presents the findings of two FFMs to the region with regard to ethnic minorities and disadvantaged groups. Finally, it sets out concretely how the project is in breach of the specific guidelines of OD 4.20 – it is our argument that the project should comply with these and other provisions of OD 4.20.

**This review finds indefensible the decision not to apply OD 4.20 to the BTC project. It finds that Turkey's Kurdish minority meets every one of the criteria that OD 4.20 uses to identify the groups it is intended to safeguard. Moreover, the “vulnerable groups” approach adopted by the project developers fails to protect the interests of ethnic and religious minorities in the region and, more serious still, could exacerbate the problems they face.**

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<sup>2</sup> RAP Turkey Final Report, Annex 4.6 Vulnerable Groups in the Context of BTC Project, November 2002.

## 8.3 The applicability of OD 4.20 to Turkey's Kurdish minority

### 8.3.1 OD 4.20 and ethnic minorities

The World Bank (and hence IFC) has a safeguard measure for the protection of indigenous ethnic minorities: Operational Directive OD 4.20 (Indigenous Peoples).<sup>3</sup> This Directive aims to “(a) ensure that indigenous people benefit from development projects, and (b) avoid or mitigate potentially adverse effects on indigenous people caused by Bank-assisted activities”.<sup>4</sup>

Although it notes that no rigid single definition of groups to which it should apply would be appropriate, the Directive states that these groups can be identified “by the presence in varying degrees of the following characteristics:

- (a) a close attachment to ancestral territories and to the natural resources in these areas;
- (b) self-identification and identification by others as members of a distinct cultural group;
- (c) an indigenous language, often different from the national language;
- (d) presence of customary social and political institutions; and
- (e) primarily subsistence-oriented production.”<sup>5</sup>

### 8.3.2 The Kurds and OD 4.20

IFC staff have argued that OD 4.20 does not apply in the case of BTC. They argue that certain of these characteristics do not apply in the case of project-affected Kurds. In particular, they argue that Kurdish communities are not:

- “i) primarily involved with subsistence orientated production;
- ii) reliant/dependent on local natural resources.”<sup>6</sup>

In listing these specific objections, the IFC seems therefore implicitly to acknowledge that the Kurds are indeed identified by themselves and others as members of a distinct cultural group; do have an indigenous language that is different from the national

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<sup>3</sup> OD 4.20 states that it applies, among others, to “indigenous ethnic groups” and refers to all of the groups it applies to as “indigenous peoples”.

<sup>4</sup> World Bank OD 4.20 (Indigenous Peoples), Clause 2, September 1991

<sup>5</sup> World Bank OD 4.20 (Indigenous Peoples), Clause 5, September 1991

<sup>6</sup> IFC, ‘IFC’s Approach to Vulnerable Groups in the ACG Phase 1 and BTC Pipeline Projects. Azerbaijan, Georgia and Turkey’, attached to letter to Nicholas Hildyard et al, 2/12/02. This letter claimed a third condition which is not satisfied, namely that Kurds are not “isolated or disconnected from larger socio-economic structures of the area.” Since this does not fall within the main, explicit definition of OD 4.20, this claim is dealt with separately below (see section 8.3.3).

language; and also possess customary social and political institutions. Likewise, the IFC also appears to accept that Kurdish groups have an attachment to ancestral territories.

This in itself is powerful evidence that OD 4.20 should be applied to the Kurds. Given that the Directive itself says that these characteristics should not all be applied rigidly, but judged by their presence in varying degrees, the clear satisfaction of three and a half out of five conditions is itself a strong argument for applying the Directive in this case.

However, it is not the case that the Kurds are neither primarily involved with subsistence-orientated production nor reliant on local natural resources. As already noted, because of state policy towards the Kurds there is a dearth of sociological research on eastern Turkey, particularly the north-east due to its isolation, difficult weather conditions and relative lack of political organisation. Nonetheless, there is plenty of evidence available to dispute these claims.

The two claims are fairly similar, in that they claim that the Kurds are no longer an agricultural society and so are no longer reliant on crop and animal production. This simply is not true: the Kurdish regions of Turkey are still almost entirely reliant on agriculture for employment. They generate approximately 15% of total cereal production in Turkey, as well as animal meat and products (although these amounts are considerably down from previous level due to the village clearances of the 1990's).<sup>7</sup>

The Turkish government's GAP Authority recently surveyed five provinces in the south-east, which although not on the pipeline route are predominantly Kurdish areas socio-economically similar to the areas on the pipeline route with substantial Kurdish populations. It acknowledges:

*“According to the findings of the field survey, 48% of all households interviewed in the area make their subsistence primarily on crop farming. This is followed by paid agricultural labour and non-agricultural seasonal employment for wage. Livestock farming comes to the fore as the secondary or tertiary source of income....The labour required in agricultural production is provided solely by household members in 73% of households. Those who hire additional labour have a share of 18%.”*<sup>8</sup>

There has been a considerable move from a land-based peasantry to a landless proletariat in the Kurdish regions over the last few decades, largely for political rather than economic reasons: disruption due to war twinned with failure to reform the large landholdings still held by major landlords and tribal leaders have forced many people to go to the cities or work as day labourers. Since there are few major industries or employers in the villages along the pipeline route, those villages that remain would by

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<sup>7</sup> David McDowell, *A Modern History of the Kurds*, (London: I. B. Tauris), 2000, p.14.

<sup>8</sup> GAP Authority, 'Status of Women in the GAP Region and their Integration to the Process of Development', 15 October 1999, p.2. See also GAP: "Economic Dialogue Turkey: Southeast Anatolia Project", September 1998, p.4: "The economy of the region is dominated by the agricultural sector, and agriculture is done typically under rain-fed conditions. Industry in the Region has not developed in notable proportions except in the province of Gaziantep, which is one of the larger industrial centres in Turkey. The Region rates lower in other socio-economic indicators when compared to national averages." GAP: "Social Policy Objectives", October 1998, p.10: "The uneven distribution of land continues to be a problem. About 40% of farmers don't have their own land. The majority of farmers have small pieces of land, not enough for a subsistence livelihood. Most of the arable land belongs to a few big landlords who exercise control over the land. This leads to poor productivity. The ratio of usage to modern agricultural inputs is very low."

default be subsistence farmers, also reliant on remittances from relatives in the big cities or in Europe.

In terms of relationship to the land, David McDowall, the acknowledged UK expert on Kurdish affairs, says in *A Modern History of the Kurds* that, “Almost every tribe or tribal section [the fundamental community unit in the Kurdish regions] also possesses a strong sense of territorial identity alongside ideas of ancestry. This is primarily to do with any settled villages and recognised pasturages a tribe uses.”<sup>9</sup> Many Kurdish communities also have pantheistic belief systems that recognise specific sites, mountains and streams as holy, and thus conduct a spiritual as well as socio-economic relationship with the land.

On top of these considerations, there are a number of other criteria in OD 4.20 which clearly apply to the Kurds, including:

- Clause 2 - which prescribes “special action...where Bank investment affects indigenous peoples, tribes, ethnic minorities or other groups whose social and economic status restricts their capacity to assert their interests and rights in land and other productive resources.” As shown above, the Kurds qualify under every one of these definitions.
- Clause 3 - which states that the Directive applies to “social groups with a social and cultural identity distinct from the dominant society that makes them vulnerable to being disadvantaged in the development process”. This clearly includes the Kurds.
- Clause 5 - which states that “indigenous people are commonly among the poorest segments of a population. They engage in economic activities that range from shifting agriculture in or near forests to wage labour or even small-scale market-oriented activities.” This perfectly describes Kurdish rural economics.<sup>10</sup>

### 8.3.3 Isolation and marginalisation

IFC staff have also argued that the Kurds are not covered by OD 4.20 because they are not “isolated or disconnected from larger socio-economic structures of the area.”<sup>11</sup> It stresses the importance of achieving the right balance between “insulating” and “acculturating” minority groups, and of not risking further marginalising them by denying them the benefits of the pipeline.<sup>12</sup>

This preoccupation with striking a balance between “insulating” and “acculturating” minority groups reflects a limited view of ethnic minorities and indigenous peoples that

<sup>9</sup> McDowall, op. cit., p.6

<sup>10</sup> World Bank OD 4.20 (Indigenous Peoples), September 1991

<sup>11</sup> IFC, ‘IFC’s Approach to Vulnerable Groups in the ACG Phase 1 and BTC Pipeline Projects. Azerbaijan, Georgia and Turkey’, attached to letter to Nicholas Hildyard et al, 2/12/02.

<sup>12</sup> Meeting of Shawn Miller and Ted Pollett of IFC with Kurdish Human Rights Project, 17/10/02

appears to be rooted in the reductive archetype of the rainforest tribe completely cut off from all communication with the outside world. This is an unjustifiably limited application of OD 4.20, which would preclude its application from a wide array of situations where it is essential. In some senses, the situation for the Kurds is worse than a simplistic polarity of being “in” or “out” of mainstream society: they have regular interaction with the Turkish majority, but are isolated and cut off from the benefits and rewards of that wider society. Some of the ways in which they are sociologically isolated include:<sup>13</sup>

- **Political discrimination:** the repeated violation of the rights of Kurdish political parties and their members and representatives. The Turkish political system is weighted so that even though over 2 million people voted for the pro-Kurdish party DEHAP, it has not a single Member of Parliament, effectively disenfranchising the Kurds.
- **Human rights violations:** instances of torture, heavily concentrated on the Kurdish population, have actually *increased* for the past several years,<sup>14</sup> despite EU scrutiny of Turkey’s human rights record. Every year, many Kurdish people disappear without explanation and are later discovered to have been killed extrajudicially.
- **Displacement:** during the course of the 1990s, at least three million Kurds were displaced from their heartlands in southeast Turkey as a result of a systematic campaign of village destructions undertaken by the Turkish military, supposedly in order to eliminate the support base of the Kurdistan Workers’ Party (PKK). The Turkish government has acknowledged that up to 4,000 settlements were destroyed, and wide swathes of rural areas remain virtually empty due to the state’s reluctance to allow displaced people to return home.<sup>15</sup>

Many Kurds have alleged that village destructions were part of a long-standing central policy of forcing Kurdish migration from the southeast to facilitate the assimilation of the Kurds into mainstream Turkish society, a policy that also includes the siting of major dam and infrastructure projects in the region.<sup>16</sup>

- **Cultural discrimination:** the Kurdish language was banned outright in Turkey until 1991. The Harmonisation Laws of August 2002, supposedly liberalising the use of Kurdish in teaching and broadcasting, have proved hollow: Kurdish broadcasting is allowed on state TV for a mere two hours per week, while permission to open Kurdish language schools must be sought from the National Security Council. Prosecutions and long jail sentences still regularly occur for

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<sup>13</sup> The human rights and isolation problems outlined here are well documented; for example, see the reports issued by Kurdish Human Rights Project. These problems exist across Turkey, including the southeast; see section 8.6, below, for findings on the pipeline route itself.

<sup>14</sup> For instance, figures compiled by the Human Rights Association of Turkey (IHD) show rather a progressive and disturbing increase in recorded torture cases, from 346 in 1996 to 762 for the months of January to September 2001 alone, while Amnesty International found in its 2002 Annual Report that, “all the factors that contribute to the persistence of systematic torture and impunity for perpetrators, and which we documented in October 2001, are unfortunately still in place.”

<sup>15</sup> See KHRP, “*This is the Only Valley Where we Live*”, op. cit.

<sup>16</sup> See KHRP, “*This is the Only Valley Where we Live*”, op. cit.

giving children Kurdish names, singing or playing tapes of Kurdish songs and using Kurdish spelling on posters.

- **Economic neglect:** Mayors of towns in eastern Turkey, particularly in the Kurdish regions, regularly report that their budgets are cut to 1 or 2% of what is required to pay salaries and make local investments, as part of a co-ordinated central policy to impoverish the regions and force further economic migration to the big cities. Many public officials have not been paid for months or even years. Per capita income in the Kurdish regions is less than a quarter of that in some of the wealthier western parts of Turkey.

Within this context, it is inevitable that the pipeline will become a factor, and likely that it will exacerbate rather than ameliorate the problems. In particular, an NGO Fact-Finding Mission to the Turkey section of the pipeline route found that people in the Kurdish regions were getting a consistently worse deal on land compensation.<sup>17</sup> Furthermore, the Turkish state has a well-documented history of using the protection of infrastructure projects to displace Kurdish villages and harass their residents.<sup>18</sup>

**This constitutes overwhelming evidence of both the need for and the applicability of OD 4.20 to the Kurds in the BTC project.**

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<sup>17</sup> International Fact-Finding Mission: Baku-Tbilisi-Ceyhan Pipeline—Turkey Section, March 2003 (report pub. June 2003), pp.66-69 and 73

<sup>18</sup> See for example various KHRP reports on the GAP Project dams

## 8.4 “Vulnerable groups” – a flawed approach?

In refusing to apply OD 4.20, the IFC has argued that the World Bank’s Indigenous policy is out of date, and that “the World Bank is looking at reworking the Indigenous Peoples policy as a vulnerable groups policy”. Yet this vulnerable groups policy is not yet written, leading to great concern that as construction on the BTC project begins, the failure of BP, BTC Co and the IFC to apply OD 4.20 effectively leaves no protection mechanism for vulnerable people affected by the pipeline.

**This is entirely unacceptable, and in violation of both the spirit and the form of the IFC’s own safeguards. In effect, the Bank’s current, official policy is being jettisoned in favour of one that does not exist.**

IFC also argues that in the context of BTC, it makes more sense to apply a vulnerable groups type of approach rather than ethnic minorities or indigenous people, as there are many vulnerable groups, not just ethnic minorities like the Kurds (for example seasonal herders and local fishermen). While it is true that there are other groups that need to be protected, this is not an argument for not applying existing available protections to the Kurds.

Moreover, in the case of involuntary resettlement, BTC Co. was entirely prepared to apply the old World Bank Operational Directive 4.30, rather than the newer Operational Policy 4.12 on Involuntary Resettlement. The RAP argues that, “The project will apply 4.30 for the life of the project, since project discussions started while OD 4.30 was the guiding document for the World Bank Group”.<sup>19</sup> Given that the IFC has begun to move away from OD 4.20 much more recently than OD 4.30, and therefore OD 4.20 was the “guiding document” for BTC on vulnerable groups for considerably longer than OD 4.30 applied to involuntary resettlement, there seems no justification for BTC and the IFC’s refusal to apply OD 4.20 to fulfil its responsibilities for the protection of vulnerable groups.

### 8.4.1 Need for a safeguard measure

BTC claims in its RAP that,

*“Kurdish-speaking Turkish households and other ethnic and religious groups are no more vulnerable than any other group in the context of the BTC project. As such, the Project has adopted the approach that all groups should be treated equally.”*<sup>20</sup>

The FFM’s findings show that BTC’s conclusion that there is no distinctive vulnerability is demonstrably false, and therefore the FFM believes that the approach of treating all groups in a “non-discriminatory manner” fails to understand the nature of discrimination and is thus itself discriminatory. It ignores the contextual background of repression of minorities, especially Kurds, by the state. In the absence of any specific measure to

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<sup>19</sup> RAP Turkey Final Report, section 1.8, page 1-6, November 2002

<sup>20</sup> RAP Turkey Final Report, annex 4.5, section 1.3, page A4.5-15, November 2002

militate against this, this situation will cause minorities and disadvantaged groups to be disproportionately impacted by BTC.

Similarly, IFC's argument that the Kurds should not be isolated from project benefits is misplaced. As this report has shown, the impacts of the project on Kurdish people are overwhelmingly (and disproportionately, compared to other project-affected people) negative, especially in that there seems from the FFM's findings to be a systematic pattern of Kurds being substantially underpaid for land and resources they lose to the project. There are also significant doubts that any major benefits will accrue from the BTC project to local people, or indeed to the Turkish state.

## 8.5 Deficiencies in Project Policy

**The Environmental Impact Assessment (EIA) does not address the particular impacts of the BTC pipeline on vulnerable groups.** BTC has often said that many of the broader ‘contextual’ issues would be dealt with in the project’s Regional Review. Yet the remit of the Regional Review summary specifically notes that, “The issues covered in this Review are complex and controversial, and in many respects outside the control of the projects. Many cannot be addressed directly by investors undertaking a commercial project. Many are predominantly, if not exclusively, the domain of sovereign governments.”<sup>21</sup>

**The only significant analysis of the impact of the project on vulnerable groups in the project documents is in an appendix to the Resettlement Action Plan (RAP), “Annex 4.6: Vulnerable Groups in the Context of BTC Project”.**

### 8.5.1 Social background not considered

The treatment of vulnerable groups in the RAP appears to be fundamentally flawed in both methodological and conceptual terms. The methodological brief of the Annex is clear.

*“The BTC Project identified vulnerable groups as well as other project-affected peoples (PAPs) through the socio-economic surveys undertaken separately for the EIA and the RAP. Furthermore, the project engaged those groups through a series of comprehensive consultation and disclosure processes developed for the Project with the support of international and local SIA experts.”<sup>22</sup>*

As documented in chapter 3 (Consultation), those consultation processes were inevitably inadequate due to the BTC consortium’s failure to acknowledge or take account of the political climate of north-east Turkey, which as FFMs to the region both saw and experienced is one in which freedom of speech and opportunities for dissent are severely repressed, particularly for minority groups such as the Kurds.

The most significant factors influencing how ethnic minorities will be impacted are ongoing repression by the state and the military, lack of freedom of speech and political and social marginalisation. The RAP however takes virtually no account of these factors, relying entirely on linguistic as well as economic indicators.

The socio-economic surveys of the project consider the impact of the pipeline on vulnerable groups only in relation to land expropriation, without taking into account the social context in which these groups live. Even within land expropriation issues, the RAP ignores basic social realities regarding the position of women, ethnic inter-relations, religious tensions etc. For example, there is no mention of the difficulties of genuine

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<sup>21</sup> BTC / AIOC / Shah Deniz / BP, Regional Review, Executive Summary, page 5, February 2003

<sup>22</sup> Annex 4.6: Vulnerable Groups in the Context of BTC Project, p.2

consultation or negotiation, given the marginalised and often silenced position of minority groups.

**As such, the project is completely at odds with World Bank guidelines on how to deal with vulnerable groups: “Vulnerability is always contextual, and must be assessed in the context of a specific situation and time”.**<sup>23</sup>

In other words, despite BTC Co.’s pledge “to understand power dynamics between various groups when mapping the local population,”<sup>24</sup> the implementation of the BTC project clearly fails to take into account the nature of the power dynamics under which minority populations labour, and the social and political adjustments such groups must make to accommodate those dynamics.

### 8.5.2 Scope too narrow to consider real impacts – false picture created

The RAP adopts a simplistic, bureaucratic procedure of carrying out a demographic survey, analysing the income, land ownership and access to infrastructure such as roads. Finding no substantial statistical differences between the groups so analysed, the RAP concludes that there will be no difference in the impact on those groups. It is difficult to overstate the naivety – or perhaps disingenuousness – of this approach.

The analysis of the impact on vulnerable groups in the RAP observes that,

*“There is no difference in the potential impacts of land acquisition between Kurdish speaking and non-Kurdish speaking Turkish households... What is important however is that both groups lose a similar percentage of their affected plot to both the 28-metre and the 8-metre corridor,”*<sup>25</sup>

and hence concludes that,

*“Language/ethnic groups are unlikely to be disadvantaged since there is no difference in the potential impacts of expropriation and construction activities between Kurdish-speaking and non-Kurdish speaking Turkish households.”*<sup>26</sup>

The fundamental methodological flaw in the RAP is that it relies on narrow, tautological premises derived almost solely from economic indicators. It is no surprise that, having chosen to ignore the social and political realities that are the real indicators of group and individual vulnerability in Turkey, in favour of cherry-picking a constricted range of economic indicators, that the RAP then concludes that there is little to worry about. BTC Co.’s much-vaunted “non-discriminatory” policy precisely fails those who are being discriminated against.

The basic premise of any attempt to work out what “specific vulnerabilities”, as the Annex calls them, certain groups might face is first and foremost to understand what

<sup>23</sup> World Bank, Glossary of Key Terms in Social Analysis, on World Bank website, accessed 8/4/03

<sup>24</sup> Annex 4.6: Vulnerable Groups in the Context of BTC Project, p.4

<sup>25</sup> RAP Turkey Final Report, annex 4.5, section 1.2.1, page A4.5-8, November 2002

<sup>26</sup> RAP Turkey Final Report, annex 4.5, section 1.2.1, page A4.5-7, November 2002

makes them vulnerable in the first place. In the case of the Kurds, their vulnerability comes from a socio-political environment, and more specifically a long-lasting Turkish state policy, which leaves them systematically discriminated against. BTC's reliance on economic methodology has left it unable to scrutinise those vulnerabilities that would have become apparent had social and political indicators also been employed.

As far as the impact of BTC on vulnerable groups such as ethnic and religious minorities is concerned, the project documents are a classic instance of “the dog that didn't bark”.<sup>27</sup>

### 8.5.3 Language as proxy for ethnicity

It was with some shock that the FFM read in the RAP that, “Since 1965, no official data has been collected on ethnicity in Turkey. It was advised that the baseline survey should use language as a proxy for ethnicity”.<sup>28</sup> This approach is quite simply wrong. In general ethnographic terms, it is fundamentally at odds with any common definition of ethnicity, which is usually based on self-identification or identification by others as an ethnic community. Such use of language as proxy ignores systematic efforts by states to eradicate or suppress languages, as well as the political realities of survival and self-preservation that require minority groups to take on certain facets of the dominant society, of which language is one of the most obvious.

Furthermore, although it is the case that almost all Kurds speak Kurdish, the empirical method of using language as a proxy is unlikely to be accurate in other cases where minority groups are smaller or more assimilated into the Turkish mainstream – such as Cerkez, Georgians and Armenians.

The RAP's stated reasons for using language as a proxy are flawed. They can only be rooted either in a complete lack of understanding of the socio-political realities of the region or a degree of disingenuousness unacceptable in such a major document. The idea that, “villagers themselves “tend not to want to be identified as inhabiting a ‘Kurdish’ village”<sup>29</sup> when addressed by foreign delegations or representatives of the state can only be a surprise to those unaware of the intensity of state repression that any form of self-identification as Kurdish has attracted in Turkey for decades. It does not, however, have any bearing on whether people think of themselves as or are Kurds. Likewise, people will be just as reluctant to inform such delegations that they speak Kurdish as that they are Kurdish. Thus the BTC policy of using language as proxy of ethnicity produces no gain.

Similarly, if, as BTC posits,<sup>30</sup> it is “insensitive” to discuss ethnicity in Turkey (and none of the members of the FFM have ever found it to be so), it is because the vulnerabilities

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<sup>27</sup> In one of Sir Arthur Conan Doyle's most astute Sherlock Holmes stories, “The Adventures of Silver Blaze”, the detective notes that the interesting feature of the case is “the dog that did not bark in the night”—indicating that it knew the perpetrator of the crime and therefore made no protest. Similarly, since the project documents acknowledge nothing of the political context which makes certain groups ‘vulnerable’, it is no surprise that the ‘vulnerable groups’ policy has produced barely a whimper of concern over the project's impacts.

<sup>28</sup> RAP Turkey Final Report, annex 4.5, section 1.2.1, page A4.5-9, November 2002

<sup>29</sup> Annex 4.6: Vulnerable Groups in the Context of BTC Project, p.5

<sup>30</sup> Annex 4.6: Vulnerable Groups in the Context of BTC Project, p.5

attached to ethnicity in Turkey are by definition, and because of state policy, socio-political rather than economic in nature.

#### 8.5.4 Wider impacts of project

In Turkey, however, the failures of this approach go well beyond ineffectiveness. The Turkish polity is unusual in the intensity and systematic nature of its persecution of its minority communities, especially the Kurds. For ideological reasons stemming largely from its history, the Turkish state's self-perception revolves around the crux of its "indivisible integrity", and even insignificant sources of Kurdish cultural expression are reviled as "separatism". It is precisely because the Turkish state refused for decades to acknowledge even the existence of the Kurds, insisting that they be referred to by euphemisms like "mountain Turks", that no data has been collected on ethnicity in Turkey.<sup>31</sup>

If a genuine attempt is to be made by the BTC planners to take account of the Kurds' and other minorities' "specific vulnerabilities", therefore, the historical context must be acknowledged and taken into consideration when drawing up provisions for their protection. Instead, BTC Co, as it has done with security and many other project provisions, appears to insulate itself from contentious issues by passing responsibility firmly onto the Turkish state—as epitomised by the disclaimer that begins the Regional Review.

If the BTC planners genuinely wish to make provision for a group marginalised and repressed by the state, they cannot judge their circumstances by the same criteria as other citizens, nor can they leave that group's welfare in the hands of the self-same state. BTC Co.'s oft-repeated "non-discriminatory approach" inherently fails all those social groups, like the Kurds, that are systematically discriminated against.

It is worth noting that BP and BTC Co have fallen behind even the Turkish state in its reluctance to acknowledge the Kurds. In its attempt to facilitate its accession to the EU, Turkey has undertaken something of a liberalisation of policy towards the Kurds in recent years. The Harmonisation Laws of August 2002, while amounting to very little in practice, permit some rights of Kurdish language teaching and broadcasting, and senior Turkish politicians now refer to the Kurds by name. BP / BTC Co, in contrast, resort frequently to the formulation "Kurdish-speaking Turkish people" throughout the vulnerable groups annex of the RAP, a euphemism that denies the existence of Kurdish ethnicity.

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<sup>31</sup> For more details, see David McDowall, *A Modern History of the Kurds*, (London: I.B. Tauris), 2000; Kurdish Human Rights Project, "This is the Only Valley Where We Live: Turkish Dams, Displacement and the Fate of the Munzur Valley", (London: April 2003), Part 1

## 8.6 Findings on ethnic minorities of Fact-Finding Mission

This section considers the projects impacts on the Kurds. Although the pipeline route avoids the majority Kurdish south-east of Turkey, it passes through areas in the north-east where Kurds make up about 40% of the population, and through a number of Kurdish villages. Kurds were the only ethnic minority members interviewed by the FFM of March 2003; it remains to be researched in detail how the project would impact on other ethnic groups.

The Mission's findings are summarised below:<sup>32</sup>

- Repression and lack of freedom of speech in the Kars and Ardahan regions are such that affected people would not be able to frankly express their views about the project, as any criticism of the project would be likely to lead to serious repercussions. This particularly applies to the minority Kurdish population, which is subjected to much of the same repression as the communities of the south-east, but lacks the social solidarity and political cohesion used in majority Kurdish regions to mitigate the impositions of the state and military.
- A political culture in which it is considered normal or even acceptable to express reservations about state-backed projects is conspicuously lacking in the north-east. The FFM notes that objections to state decisions, particularly by Kurds, are often construed by the state as a “separatist” challenge to its authority.
- Specific consultation measures fell well short of what would be required to communicate adequately with the local population. In particular, in the villages visited by the FFM, public meetings were held with no project officials present who spoke Kurdish. A significant proportion of Kurds, especially women and the elderly, do not speak Turkish. This amounts to systematic discrimination through language, particularly against women.

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<sup>32</sup> International Fact-Finding Mission: Baku-Tbilisi-Ceyhan Pipeline—Turkey Section, March 2003 (report pub. June 2003), pp.92-93

## 8.7 Concrete breaches of OD 4.20

### 8.7.1 Ensure ethnic minorities benefit

Relevant paragraph and key requirement	Specific obligations	Evaluation of compliance	Extent of compliance
OD 4.20, para 2(a) <b>Ensure ethnic minorities benefit</b>	<i>“The directive provides policy guidance to ensure that indigenous people benefit from development projects.”</i>	1. Evidence suggests indigenous people receive fewer benefits, such as lower than average compensation and a greater likelihood of economic displacement.	<b>Non compliance</b>

### 8.7.2 Mitigate adverse impacts on ethnic minorities

Relevant paragraph and key requirement	Specific obligations	Evaluation of compliance	Extent of compliance
OD 4.20, para 2(b) <b>Mitigate adverse impacts on ethnic minorities</b>	<i>“The directive provides policy guidance to avoid or mitigate potentially adverse effects on indigenous people caused by Bank assisted activities.”</i>	1. Evidence suggests indigenous people bearing more than average burden of negative impacts of project.	<b>Non compliance</b>

### 8.7.3 Foster respect for ethnic minority rights

Relevant paragraph and key requirement	Specific obligations	Evaluation of compliance	Extent of compliance
OD 4.20, para 6	<i>“The Bank’s broad objective towards</i>	1. Process has resulted in an increase in state pressure and intrusion, and the increased likelihood of displacement	<b>Non compliance</b>

<b>Foster respect for human rights of ethnic minorities</b>	<i>towards indigenous people...is to ensure that the development process fosters full respect for their dignity, human rights and cultural uniqueness.”</i>	increased likelihood of displacement and added vulnerability.	
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#### 8.7.4 Ensure ethnic minority do not suffer adverse effects

<b>Relevant paragraph and key requirement</b>	<b>Specific obligations</b>	<b>Evaluation of compliance</b>	<b>Extent of compliance</b>
OD 4.20, para 6 <b>Ensure ethnic minorities do not suffer adverse effects</b>	<i>“More specifically, the objective at the centre of this directive is to ensure that indigenous peoples do not suffer adverse effects during the development process.”</i>	1. Process has resulted in an increase in state pressure and intrusion, and the increased likelihood of displacement and added vulnerability.	<b>Non compliance</b>

#### 8.7.5 Ensure informed participation of ethnic minorities

<b>Relevant paragraph and key requirement</b>	<b>Specific obligations</b>	<b>Evaluation of compliance</b>	<b>Extent of compliance</b>
OD 4.20, para 8 <b>Ensure informed participation of ethnic minorities</b>	<i>“The Bank’s policy is that the strategy for addressing the issues pertaining to indigenous peoples must be based on the informed participation of</i>	1. Failure to distribute sufficiently informative material on the project before the consultation process began meant that participation of indigenous people could not be properly described as ‘informed’.  2. Inadequate length and comprehensiveness of consultation process meant that process failed to	<b>Partial compliance</b>

	<p><i>the indigenous people themselves. Thus, identifying local preferences through direct consultation, incorporation of indigenous knowledge into project approaches and appropriate early use of experienced specialists are core activities for any project that affects indigenous peoples and their rights to natural and economic resources.”</i></p>	<p>process meant that process failed to identify or act on local preferences.</p> <p>3. Less than 2% of population directly consulted; majority of consultation indirect, through local or national authorities.</p>	
		<ol style="list-style-type: none"> <li>1. OD 4.20 not applied to project.</li> <li>2. Failure to take account of indigenous people’s social environment, including lack of freedom of expression and military/state surveillance.</li> <li>3. No evidence that participation in consultation process was voluntary.</li> <li>4. No evidence of incorporation of indigenous knowledge into project approaches or results.</li> <li>5. No evidence of early or appropriate use of independent experienced specialists.</li> <li>6. No evidence of respect for or acknowledgement of indigenous people’s rights to natural or economic resources.</li> </ol>	<p><b>Non compliance</b></p>

### 8.7.6 Draw up ethnic minorities’ development plan

Relevant paragraph and key requirement	Specific obligations	Evaluation of compliance	Extent of compliance
OD 4.20, para 13 <b>Draw up ethnic minorities development plan</b>	<i>“For an investment project that affects indigenous peoples, the investor should prepare an indigenous peoples development plan.”</i>	1. OD 4.20 not applied to the project. 2. No evidence of the preparation of an indigenous peoples development plan.	<b>Non compliance</b>

### 8.7.7 Participatory assessment of development plan options

Relevant paragraph and key requirement	Specific obligations	Evaluation of compliance	Extent of compliance
OD 4.20, para 14a <b>Participatory assessment of development plan options</b>	<i>“The key step in project design is the preparation of a culturally appropriate development plan based on full consideration of the options preferred by the indigenous people affected by the project.”</i>	1. OD 4.20 not applied to the project. 2. No evidence of the preparation of a culturally appropriate development plan. 3. No evidence of indigenous people being presented with different options with regard to the main elements of the project. 4. No evidence of the project sponsors taking the wishes of indigenous people into full consideration.	<b>Non compliance</b>

### 8.7.8 Take account of local social organisation in drawing up development plan

Relevant paragraph and key requirement	Specific obligations	Evaluation of compliance	Extent of compliance
OD 4.20, para 14d	<i>“Local patterns of social</i>	1. OD 4.20 not applied to the project.	<b>Non compliance</b>

<b>Take account of local of local social organisation in development plan</b>	<i>social organisation, religious beliefs and resource use should be taken into account in the plan's design."</i>	<p>2. No evidence that project sponsors have undertaken consultation with ethnic minorities with enough sensitivity to have genuine or thorough knowledge of local patterns of social organisation, religious beliefs and resource use.</p> <p>3. No evidence that project sponsors have taken local patterns of social organisation, religious beliefs and resource use into account in project or plan design.</p>	<b>compliance</b>
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### 8.7.9 Assess relationship of ethnic minority to mainstream society

<b>Relevant paragraph and key requirement</b>	<b>Specific obligations</b>	<b>Evaluation of compliance</b>	<b>Extent of compliance</b>
<p>OD 4.20, para 15(b)</p> <p><b>Assess relationship of ethnic minority to mainstream society</b></p>	<i>"Baseline data should include...(iv) the relationship of indigenous peoples to other local and national groups."</i>	<p>1. OD 4.20 not applied to the project.</p> <p>2. EIA strenuously avoids mentioning largest ethnic minority group, the Kurds, and their relationship to other social groups.</p>	<b>Non compliance</b>

### 8.7.10 Ensure participation throughout project cycle

<b>Relevant paragraph and key requirement</b>	<b>Specific obligations</b>	<b>Evaluation of compliance</b>	<b>Extent of compliance</b>
<p>OD 4.20, para 15(d)</p> <p><b>Ensure participation throughout planning, implementation and evaluation</b></p>	<i>"Mechanisms should be devised and maintained for participation by indigenous people in decision making throughout project planning,</i>	<p>1. OD 4.20 not applied to project.</p> <p>2. No evidence that mechanisms for indigenous peoples' participating in decision-making processes have been established.</p> <p>3. No evidence that project sponsors have taken account of political</p>	<b>Non compliance</b>

<b>and evaluation</b>	<i>implementation and evaluation.</i> ”	limitations on indigenous peoples’ capacity to be involved in decision-making, nor that they have created an environment where this is feasible.	
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### 8.7.11 Independent appraisal of extent of participation by ethnic minorities

<b>Relevant paragraph and key requirement</b>	<b>Specific obligations</b>	<b>Evaluation of compliance</b>	<b>Extent of compliance</b>
OD 4.20, para 18  <b>Independent appraisal of extent of participation by ethnic minorities</b>	“Appraisal teams should be satisfied that indigenous people have participated meaningfully in the development of the plan.”	<p>1. OD 4.20 not applied to the project.</p> <p>2. No evidence that indigenous people have participated meaningfully in the project i.e. i.e. participation which has led to major changes in the project or left affected people feeling as though their concerns have been fully addressed.</p> <p>3. No evidence that appraisal teams have looked for this level of participation from indigenous people.</p>	<b>Non compliance</b>