

AN OVERVIEW OF THE
CORPORATE HUMAN RIGHTS
RESPONSIBILITY IN TURKEY:

Istanbul 3rd Airport
Galataport Istanbul
Hunutlu Thermal Power Plant
Kirazlı Gold Mine
Yusufeli Dam



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Preface

Center for Spatial Justice

As the Center for Spatial Justice (MAD), we work for ecological, fairer, more democratic urban and rural spaces and aim to produce and disseminate public information. In the Association's Environmental Justice Program (CAP), we document ever-increasing environmental conflicts. We are trying to demonstrate the links between environmental problems and other social problems; to give voice to the local actors who are fighting for the environment, and to develop useful concepts and methods for these struggles. Within the scope of the CAP, we contact local environmental movements, and conduct field studies with the participation of employees and experts working in these associations. The backbone of the program is the basin studies, where we apply the environmental justice approach to the basin scale. At least once a year, we carry out a basin study in one of the country's important waterways with a large research staff. In this context, we focus on environmental and social issues and share promising good practices. The stories we collect and the comprehensive analyses we prepare are up-to-date and can be accessed at DereTepe.org.

We conducted our basin studies, which we started by focusing on successive HEPP projects in Ordu's Melet river in 2018, in Çoruh in 2019, the Canal Istanbul project route in 2020, and Ergene basin in 2021. Dams, HEPPs, mining and mega infrastructure projects caused environmental destruction and social problems in these areas. While examining the basins and the impacts of the projects on the basins, one of the important actors that came to the fore was companies.

Few of the companies, who are the direct and sometimes indirect perpetrators of the grievances, develop methods to acquire the social license to operate or to eliminate the future grievances. However, most of them persist in their operations despite realizing that the social licence to operate is a necessity. None of the companies take into account the ecological costs identified by problematic EIA processes. What we encountered in the field was the primary factor that led us to ponder the responsibility and accountability of business enterprises for human rights abuses and adverse impacts on the environment.

On the other hand, all of the local actors of the struggle we encountered in the field try to find solutions to the adverse impacts of these projects through domestic legal remedies, but these ways are often turned into a dead end with court decisions in favour of companies and tender processes that are relaunched thanks to the amendments in the regulation. The second factor that led us to focus on business enterprises' responsibility for human rights abuses was the following question: "Can we use the Guiding Principles on Business and Human Rights as a tool to employ the struggle against adverse impacts in different areas when legal processes are blocked?" Although the Guiding Principles are not legally binding, they allow the pursuit of rights on a different basis.

The first example where the Guiding Principles' framework of "corporate responsibility to respect human rights" adopted at the UN in 2011 was implemented in Turkey is the Zeynel Bey Tomb, which had to be relocated within the scope of the Ilisu Dam and HEPP Project built in Hasankeyf. The Guiding Principles are an important foundation since they apply not only to states but also business enterprises, and hold them responsible for rights violations caused by projects. According to the Guiding Principles, not only the main contractor companies of the projects, but also the subcontractors and the financier banks with which these companies work have the responsibility to respect human rights. In the case of Hasankeyf, upon the application of civil society actors from Norway and Turkey to the OECD's Dutch National Contact Point, it was concluded that the Dutch company Bresser, which undertook the relocation of the Zeynel Bey Tomb, violated the right to protect cultural heritage with its operations in Hasankeyf. We

will see over time whether similar processes can be used for different projects in Turkey, and whether reminding business enterprises of their responsibilities in case of rights violations will yield any gains.

This report is our first step in the field of Business and Human Rights. We have identified five projects to examine in the framework of the Guiding Principles in terms of their adverse human rights and environmental impacts. We have focused primarily on the areas where we worked before. The Istanbul 3rd Airport, Galataport, Kirazlı Gold Mine, Yusufeli Dam and HEPP are the projects with which we are familiar thanks to our current studies and the social and environmental injustices of which we follow closely. The fifth project, Adana Hunutlu Coal-Fired Thermal Power Plant, contradicts the coal exit, which seems to be the top priority among the measures to be taken against the climate crisis.

In the research part of our study, which spanned a year, we aimed to involve civil society actors who led the struggle against these projects and to cultivate the study with them. We have tried to include the companies that are the executive, sub-executive and financiers of these five projects in the process, and hereby, to bring up their responsibility to respect human rights to the agenda. We did not receive any meaningful feedback from the companies and banks under review, but our stakeholders, who are actively engaged in the field, contributed greatly to our research. We are grateful for their hard work and time. We hope that this report, which is the output of the research, will propose a methodology in using the Guiding Principles and become a reference text for national and international communities working in this field.

Abbreviations

| | |
|----------------------|--|
| UN | United Nations |
| CEO | Chairman of the Executive Board |
| CIMER | Presidential Communication Center |
| EIA | Environmental Impact Assessment |
| ESIA | Environmental and Social Impact Assessment |
| DHMI | General Directorate of State Airports Authority |
| DSI | General Directorate of State Hydraulic Works |
| EMRA | Energy Market Regulatory Authority |
| ESG | Environmental, Social, and Corporate Governance |
| GRI | Global Reporting Initiative |
| ICBC | Industrial and Commercial Bank of China |
| ICSID | International Center for Settlement of Investment Disputes |
| IFC | International Finance Institution |
| ILO | International Labour Organization |
| IMM | Istanbul Metropolitan Municipality |
| IGA | Istanbul Airport |
| ISIG | Occupational Health and Safety |
| METU | Middle East Technical University |
| OECD | Organization for Economic Cooperation and Development |
| OIB | Privatization Board of Turkey |
| SDG | Sustainable Development Goals |
| SOMO | Centre for Research on Multinational Corporations |
| NGO | Non-Governmental Organization |
| TGNA | Grand National Assembly of Turkey |
| TEMA | The Turkish Foundation for Combating Soil Erosion |
| UCTEA | Union of Chambers of Turkish Engineers and Architects |
| TOKI | Public Housing Administration |
| TOMA | Riot Control Vehicle |
| TTSG | Turkish Trade Registry Gazette |
| TURKSTAT | Turkish Statistical Institute |
| UNEP-FI | UN Environment Programme Finance Initiative |

Meaningful stakeholder engagement/consultation

Meaningful stakeholder engagement or consultation refers to a process of interaction and dialogue between the company and the stakeholders who will be affected by the company's operations through collaborative approaches, among others, that enable the company to hear, understand and respond to the interests and concerns of stakeholders.

Access to remedy

In the Guiding Principles on Business and Human Rights, access to remedy is regulated by taking account of both state and business enterprises. In terms of the state, it means that states should provide judicial and quasi-judicial grievance mechanisms in order to effectively deal with human rights abuses caused by business enterprises' operations and not block victims' access to relevant mechanisms. In terms of business enterprises, it means that they should provide effective grievance mechanisms or participate in such mechanisms to address complaints from individuals and communities that may be adversely affected by these enterprises' operations.

State duty to protect

According to the Guiding Principles on Business and Human Rights, the duty to protect human rights rests primarily with states. States are obliged under international human rights law to protect everyone within their borders and/or jurisdiction from human rights abuses by third parties, including business enterprises. This requires states to take all necessary legislative and policy measures to ensure that business enterprises respect all internationally-recognized human rights and prevent or reduce human rights abuses in the course of their operations.

Leverage

In the context of the Guiding Principles on Business and Human Rights, leverage is an advantage that gives the power to influence others. It means the ability of companies to change the malpractices by another party that causes or contributes to adverse human rights and environmental impacts.

Human rights due diligence

Human rights due diligence is a process by which business enterprises effectively identify, prevent, and mitigate their actual and potential adverse human rights and environmental impacts, as well as explain how they address and manage them. The purpose of human rights due diligence is not to assess the risks for the business enterprise; instead, it aims to understand the risks that business enterprise's operations pose to *right holders*, including the supply chain and other business relationships. In this sense, human rights due diligence also needs to be carried out throughout the business enterprise's operation – that is, human rights due diligence is not one-off – as initial conditions may change over time and could lead to adverse human rights and environmental impacts. This process should include the following steps: assessing the actual and potential impacts of the business enterprise's operations; integrating and acting on these assessment findings; monitoring the consequences of impacts, and communicating to the public, including stakeholders, how the impacts are being addressed.

Corporate respect to human rights

Corporate respect to human rights in the context of the Guiding Principles on Business and Human Rights means that business enterprises must be aware of the actual and potential impacts of their operations on human rights and the environment, prevent and mitigate abuses, and address the adverse impacts they cause. As part of corporate respect to human rights, business enterprises must first make a policy commitment to fulfill their responsibility to respect human rights. Secondly, they must continuously engage in human rights due diligence to identify, prevent and mitigate their adverse human rights and environmental impacts and explain how those impacts are being addressed. Finally, they must have processes in place to ensure that the adverse human rights and environmental impacts they cause or contribute to are remedied.

Guiding Principles on Business and Human Rights

The Guiding Principles on Business and Human Rights (Guiding Principles), approved by the United Nations Human Rights Council in June 2011, were developed by John Ruggie and his team, appointed in 2005 as the UN Secretary-General's Special Representative for Human Rights and Transnational Corporations and Other Business Enterprises. The Guiding Principles, which consist of three sections or pillars, namely, *protect*, *respect*, and *remedy*, set out the duty for states to protect individuals against business-related human rights abuses, the responsibility for business enterprises to respect human rights, and the requirement to ensure access to effective remedies for both states and business enterprises.

Corporate social responsibility

Corporate social responsibility focuses on business enterprises' voluntary contributions to community development, charitable work, and other social and environmental efforts. This concept is often confused with corporate respect to human rights, which means that business enterprises must avoid human rights abuses, prevent or mitigate adverse impacts related human rights. In this regard, corporate social responsibility is about *how* business enterprises spend their earnings/profits, and corporate respect to human rights is *how* companies make their earnings/profits.

Mitigation

Mitigation refers to doing everything within the business enterprise's capabilities to prevent or stop any wrongdoing by a party that causes or contributes to adverse human rights and environmental risk or impact. Mitigating human rights and environmental *risks* and mitigating human rights and environmental *impacts* mean different things. Mitigating human rights and environmental risks refers to measures taken to reduce the likelihood of a particular adverse impact from occurring. Mitigating human rights and environmental impacts, on the other hand, refers to actions taken to reduce the extent of a third party's impact and that requires any residual impact to be remedied later.

Prevention

Prevention of adverse human rights and environmental impact refers to the measures taken to ensure that such an impact does not occur.

Adverse human rights and environmental impact

This occurs when the business enterprise's operation eliminates or reduces the ability of individuals to enjoy internationally recognized human rights. According to the Guiding Principles, business enterprises can be involved in an adverse impact on human rights and the environment in several ways: (a) they can cause the impact through their own operations, (b) they can contribute to the impact through their own operations, or (c) they may not have been involved in an operation that would cause or contribute to an impact, but may be involved because the impact is directly related to their operations, products or services with which they have a business relationship. For example, contamination of drinking water by business enterprises through chemical wastes may be an example of the situation described in (a) above. Or it may be the case of (b) when a third-party cause, encourages or facilitates adverse human rights and environmental impacts, for example, by increasing the number of orders at the last moment without changing the order delivery date and price, and thus forcing the supplier to abuse labour standards by pressure to fulfil the order. An example of the situation specified in (c) is when a bank provides a financial loan to a business enterprise for its commercial activities that result in the complete destruction of the ecosystem in a region. Companies need to respond to each of these different types of involvement distinctively.



Yusufeli.
Photo: Ekin Çekiç

An Overview Of The Corporate Human Rights Responsibility In Turkey

Since the foundation of the modern republic, development through rapid economic growth has been at the centre of Turkish politics, and successive governments have implemented this inherited objective at the cost of its socio-environmental consequences.² We have witnessed and continue to witness the reconstruction of urban and rural areas for investment projects, especially with the neoliberal policies and legal regulations adopted in the 1980s. Right holders, on the other hand, take a stand against actors such as business enterprises and the state, in response to their role in the reconstruction of rural and urban areas without taking into account the socio-environmental impacts and residents' participation in decision-making processes. To be precise, there has been a decades-long dispute between the residents of urban and rural areas and the state and business enterprises regarding how these areas should be planned. Local environmental movements play a key role in this struggle.

Thanks to the struggle against gold mining in the 1990s, in Izmir-Bergama and Artvin-Cerattepe, environmental justice movements started to become visible. Since then, residents have defended various rural and urban areas against mining activities, energy or urban transformation projects.

The anti-mining struggle led by the villagers of Bergama against Eurogold³, a subsidiary of Australian Normandy Poseidon and the German Metal Mining Co., is regarded as one of the most important rights movements in the 1990s.⁴ This anti-mining struggle is also the first example of an opposition to a multinational company following the adoption of neoliberal policies in Turkey.⁵ After the company cut thousands of olive and pine trees at the end of 1999, local struggles led by the villagers massively grew with the participation of many NGOs, environmental activists, human rights defenders, and international actors.⁶ Court decisions were not implemented despite the legal achieve-

The questions "For whom?" and "At what cost?" raised by the grassroots opposition against these investment projects require not only considering the state's obligations on human rights and environmental impacts, but also addressing business enterprises' responsibilities in the context of human rights and the environment.

ments of the struggle that began in 1994.⁷

Since the beginning of 1990s, the most long-running environmental justice struggles has been led by the residents of Artvin⁸ against the gold-mining activities, which first the Canadian company Cominco, and then another Canadian company Inmet Mining intended to operate.⁹ The local movement in Artvin has brought many actors together, thanks to the Green Artvin Association founded in 1995. The Association has maintained the struggle against the mining projects for almost 30 years both through protests and legal means. With to its years-long experience, Green Artvin Association also supports other environmental struggles that have their origin in different regions of Turkey. For almost three decades, the Association has filed and pursued numerous lawsuits to call off mining projects. In 2015, it filed a lawsuit, which is considered to be the biggest environmental case of Turkey, for the annulment of the EIA together with eight organizations, and 751 citizens including 61 lawyers.¹⁰ However, despite the numerous legal achievements of the Cerattepe anti-mining struggle, court decisions were not implemented, as in the Bergama struggle. Since 2017, copper mining activities have taken place in Cerattepe.

These investment projects based on the rapid economic growth and development model are carried out without the participation of citizens

in decision-making processes: they are not consulted prior to the projects and their objections are disregarded. These projects cause human rights and environmental violations, such as irreversible ecological and environmental destructions, social injustices, poor working conditions, restrictions on public opposition. The questions "For whom?" and "At what cost?" raised by the grassroots opposition against these investment projects require not only considering the state's obligations on human rights and environmental impacts, but also addressing business enterprises' responsibilities in the context of human rights and the environment.

The debate on business enterprises' roles and responsibilities in relation to human rights dates back to 1970s, when Western companies engaged in foreign direct investment that caused adverse impacts. During this period, both the United Nations (UN) and the Organization for Economic Development and Cooperation (OECD) started to work on norms of conduct for multinational corporations. The work developed by the OECD was completed in 1976, while the UN took a longer course. Adopted in 1976, *OECD Guidance for Multinational Corporations* is one of the main reference texts on business and human rights today.

As multinational corporations started to operate their businesses outside of national borders specially since the beginning of the 1990s, news and NGOs' reports revealing the poor working

conditions in the supply chain, particularly in the Far East, marked a turning point. Until this period, business enterprises' roles and responsibilities had been categorized vis-à-vis¹¹ corporate social responsibility instead of human rights. In 2000, however, the term human rights became a part of multinational corporations-related texts both the UN and the OECD drafted. First, in June 2000, *the OECD Guidelines for Multinational Enterprises* was updated and human rights was referenced in Chapter II titled "General Policies." Afterwards, *Global Compact* has been announced within the framework of the UN. The first two principles of the Global Compact concerned human rights while the other seven¹² were related to working conditions and the environment.¹³ A significant step towards engaging the business community with the human rights framework, the Global Compact was designed as a learning forum which business enterprises could be a part of through a unilateral statement.

Guiding Principles on Business and Human Rights (Guiding Principles)¹⁴ adopted by the UN in 2011 defined business enterprises as responsible for avoiding infringement on the human rights of others and preventing and mitigating the adverse impacts of their activities on human rights. Appointed in 2005 as the UN Secretary-General's Special Representative on Human Rights and Transnational Corporations and Other Business Enterprises, John Ruggie and his team created the Guiding Principles following an intense consultative work, which provide an internationally recognized framework for business enterprises' responsibility to respect human rights in their operations.¹⁵

We have employed the Guiding Principles' perspective in our study, which focuses on the business and human

rights nexus¹⁶ and documents the five different mining, energy, and mega-infrastructure projects that are known for adverse human rights and environmental impacts in Turkey.

The Guiding Principles are based on the principle that states have an obligation under international human rights law to protect everyone within their territory and/or jurisdiction against human rights violations by third parties, including business enterprises. *Regardless of* business enterprises' size, industry, sector, where they operate, ownership and structure, and of states' obligation or willingness to fulfil it, these principles recognize that business enterprises have a responsibility of respecting human rights.

"Responsibility to respect human rights" means that business enterprises should be aware of the actual and potential impacts of their activities on human rights and the environment, prevent and mitigate these impacts, and address the adverse impacts they cause. To that end, business enterprises are expected to identify their business-related adverse impacts on human rights and the environment, as well as to follow appropriate policies and procedures to address these adverse impacts.

In this study, which focuses on the business enterprises' responsibility to respect human rights, we elaborated on these two basic expectations set out in the Guiding Principles, with reference to the five aforementioned projects.

In order to create a consensus, we evaluated the projects that comply with the research methodology by consulting the relevant civil society actors and local stakeholders in a meeting. Following the meeting held on 3 June 2021, we included the Istanbul 3rd Airport, Hunutlu Coal-Fired Ther-

mal Power Plant, Salıpazarı Cruise Port (Galataport Istanbul), Kirazlı Gold Mine, Yusufeli Dam and HEPP projects within the scope of the research.

As the research team, we identified the impacts of five projects on human rights and the environment through desk research. By sharing these findings with the relevant civil society actors, we incorporated their assessment and feedback on the research. In the context of business enterprises' human rights policies and procedures, we examined the human rights approach of a total of 22 companies and banks, including five investor companies undertaking these projects, 14 business partners and parent companies of investors, and three financier banks.¹⁷ Before launching the project, we informed the relevant business enterprises and banks via e-mail about the research, its methodology and the indicators adopted in the research,¹⁸ also communicating that they could provide feedback. None of the business enterprises and banks provided feedback.

The emergence of projects without the "social license to operate"

Environmental opposition and struggle in Turkey against the investment decisions made through top-down methods that disregard citizens and civil society's involvement in decision-making processes or prior consultation includes the demand for the preservation for rural and urban areas, as well as stakeholders' participation in the decision-making processes.¹⁹

Since the 90s, the objections and demands made by stakeholders have rarely been considered, and in such cases, the investment decision has been either suspended or annulled. Despite the objections of citizens and civil society, investment decisions are mostly pursued with an aggressive

determination, ignoring their devastating socio-environmental effects. Thus, investment projects that exclude public participation, including the ones examined in the research, lack and persistently ignore "social license to operate."

"*Social license to operate*" is a part of the discursive process that resulted in the adoption of the Guiding Principles. As conceptualized in the UN process providing the background to the Guiding Principles, *social license to operate* can be acquired and sustained by listening to and resolving the concerns of the public affected by business activities and respecting human rights.

Citizens and NGOs filed lawsuits to annul the tender for the project and/or the EIA decision for all the projects covered in the study. These lawsuits filed against government agencies include the relevant stakeholders' objections and concerns about human rights and environmental impacts. These lawsuits filed to protect the public interest are defined as "public interest litigation,"²⁰ since they are fundamental in showing that local residents do not consent to the investment projects.

Investor companies and their financier banks, on the other hand, do not give any indication that they have evaluated possible adverse impacts on human rights or the environment, which will become the case if the projects are implemented. On the contrary, there are cases where the business enterprises do not implement the stay of execution orders granted in the courts or they pursue their operations as if the local courts' decisions rejecting the case have become final, while in reality the appeal processes continue in the higher courts. When the construction of the project may be divided

Business enterprises and banks sharing their policies and approaches on their corporate web pages stipulate that they comply with the legislation of the countries where they operate. However, none of them express their commitment to comply with the internationally recognized human rights standards in case of any conflict with the national legislation.

into sections, then the business enterprises often continue their activities that are not subject to ongoing lawsuits. In lawsuits to annul EIA decisions, business enterprises might get a new EIA report prepared while the lawsuit is still pending, and hence, they find the loophole to eliminate the merits of the cases.

Given the context of Turkey, the lack of social license to operate – in the sense of the Guiding Principles – needs to be dealt with rather in relation to the state's obligations. However, the findings of our research show that the state's obligations in relation to business enterprises' inaction or involvement should also be considered along with the responsibilities of business enterprises to respect human rights.²¹

Taking advantage of the amended legislation to facilitate the construction of projects

Our study has concluded that implementation of the investment projects is mostly facilitated through legislative amendments. These amendments do not involve a meaningful consultation process with civil society,²² nor are they based on a planning and policy that prioritizes adverse impacts on human rights and the environment.

There are two trends in the legislative amendments in question: The first is to amend the legislation before the investment decisions are made pub-

lic in a way that could help them be undertaken. In most cases, the hidden agenda is not articulated. This agenda can sometimes be embodied in the phase of "the acceleration of new investments" as seen in the justification of the proposed amendment to the Coastal Law in 2010, which was the case in relation to Galataport Istanbul project.

The other trend is to amend to the articles of the legislations on which the citizens and NGOs base their arguments in the lawsuits filed against investment projects or the articles that the courts give grounds for annulment. These amendments remove the legal obstacles to the new tenders of the annulled projects. Thus, the legislation is brought in line with the projects.

Business enterprises that undertake projects facilitated by the legislative amendments cause environmental degradation and thus adverse impacts on natural life, climate, health, and livelihoods and also have negative human rights and environmental impacts such as destroying the historical/cultural texture through their operations.

On the other hand, the swift implementation of projects through legislative amendments shows how easily human rights and environmental violations can take place. According to our research, the business enterprises and the financier banks do not define

this as a risk. All these business enterprises and banks sharing their policies and approaches on their corporate web pages stipulate that they comply with the legislation of the countries where they operate. However, none of them express their commitment to comply with the internationally recognized human rights standards in case of any conflict with the national legislation.²³

Failing in meaningful consultation processes and access to information

Business enterprises implementing the investment projects that are announced through top-down methods that exclude citizens and the civil society from participating to decision-making processes or without prior consultation with them, thus lacking social license to operate, neither do they carry out meaningful consultation processes with the stakeholders.

Business enterprises share limited information regarding the consultation processes and stakeholder engagement on their corporate web pages. This limited information is a sign of misperception about public participation, i.e., public participation meetings in the EIA processes and the communication with the local authority (*muhtar*) is understood as public consultation, which also shows that stakeholders are mapped in a strict way that excludes civil society. Their corporate web pages do not include how the right holders' objections and concerns are evaluated and addressed during the consultation and participation processes.

In addition, transparency appears an important issue in all the projects within the scope of the research. For example, one of the business enterprises we investigated does not have

a corporate web page, preventing us from accessing any information about the project. Parent companies of this business enterprise in question do not include anything other than the technical information regarding the project in their corporate web pages. Three out of the 22 business enterprises and banks within the scope of the research, do not have any corporate web page; a Chinese bank's website does not have a language option other than Chinese; and one company's website could not be accessed during the data collection process. Projects with a corporate web page, on the other hand, share information limited to the economic "profits" of the projects.

Failure to address adverse human rights and environmental impacts

Citizens and NGOs filed lawsuits to annul the tender for the project and/or the EIA decision for all of the projects addressed in the study.²⁴ These cases argue that if the projects are implemented, adverse human rights and environmental impacts will be unavoidable.

When we dig into the corporate web pages of the business enterprises and financier banks, we see that they do not share any information or documents on these cases. Although this can be explained by the fact that the lawsuits were filed not against them but the relevant institutions/units of the government, it is these business enterprises and banks that will constitute any adverse impacts on human rights and the environment through their activities and services.

The Guiding Principles define business enterprises' responsibility to respect human rights as a "foundational principle". Guiding Principle 11 states this foundational principle as business enterprises' responsibility to avoid in-

fringing on human rights and address human rights impacts that they are involved in.

Therefore, the business enterprises and banks within the scope of our research need to demonstrate that they respect human rights. To this end, they need to show that they take adverse impacts on human rights and the environment to which NGOs and citizens refer to seriously, and communicate how they address, mitigate or prevent them through policies and processes. However, within the scope of our research, we did not come across any such information on their corporate web pages.

Business enterprises and banks do not consider the annulment cases and the grounds put forward in these cases within their scope of responsibility. Although we assume that business enterprises and banks do not act for this reason, it cannot be said that they act in accordance with their responsibility to respect the adverse human rights impacts in their scope of responsibility either. None of the business enterprises and banks within the scope of our research have *human rights due diligence process* to assess the impacts of their activities on human rights and the environment, as outlined in the Guiding Principle 17.²⁵

Ignoring public opposition against the projects

We have found that business enterprises and banks fail to communicate with the relevant stakeholders and maintain a meaningful consultation process in case of public opposition. For example, members of Clean Air for Adana have not received any answer to numerous letters or meeting requests sent to the business enterprise undertaking of Hunutlu Coal-Fired Thermal Power Plant project and the financier banks thereof.

When administrative authorities do not allow, disperse by force, or prevent peaceful protests against the projects, and issue administrative fines to the protesters, business enterprises remain silent, and do not take any steps to facilitate peaceful protests and press statements, or do not make use of their *leverage*. On the contrary, they target rights defenders or side with administrative authorities.

For example, the company did not take any steps to ensure the right to peaceful protest and freedom of expression when the rights defenders against the Kirazlı Gold Mine project were prevented from holding a vigil and imposed administrative fines. On the contrary, they engaged in communication campaigns targeting and discrediting rights defenders and NGOs. The CEO of the parent company and local company officials made statements targeting rights defenders and NGOs in their interviews.

In the Istanbul 3rd Airport project, the gendarmerie intervened in the workers' protest in the construction site. The gendarmerie broke into the workers' dormitories in the construction site of the company. Images of the detained workers being taken to the police station on the IGA Airport Operations' (the investor company) shuttles were shared on social media.

Lack of policies and procedures that are conducive to addressing adverse impacts on human rights and the environment

According to the Guiding Principles, business enterprises cannot meet their responsibility to respect human rights without appropriate policies and processes in place.²⁶ To meet such responsibility, business enterprises must first institute a policy com-

Within the scope of our study, only two companies (Alamos Gold and Kolin Construction) have a human rights policy.

mitment. Then, business enterprises must engage in ongoing human rights due diligence to identify, prevent, mitigate, and account for their human rights impacts. Finally, they must have means in place to enable remediation for adverse human rights impacts they cause or contribute to.

Human rights policy

Within the scope of our study, only two companies (Alamos Gold and Kolin Construction) have a human rights policy. However, these two companies do not commit to respecting human rights stated in the message by the chairperson of the board of directors.

Alamos Gold is the only company that refers to the Guiding Principles in the statements and policies on its corporate web page.²⁷ Four of the business enterprises and banks that we have examined are signatories to the UN Global Compact.²⁸ Although the first two principles of the Global Compact are related to human rights, signatory companies do not have a human rights policy. According to their messages on the web page, the Chairpersons of the Board of Directors state their commitment to all 10 principles of the Global Compact. However, it does not include any statement of respect for human rights.

When there is no human rights policy on corporate web pages, human rights-related issues can be found in the vision-mission section, environmental and sustainability approaches/policies, and sustainability reports. Even then, they address human rights strictly in working life, specifically

on equality/non-discrimination and empowering women. However, the Guiding Principles indicate that the responsibility to respect should encompass all internationally recognized human rights, as business enterprises can have a *de facto* impact on all of them.²⁹

We have observed that business enterprises often refer to corporate social responsibility and sustainability efforts as examples to concrete actions in human rights. Exemplifying corporate social responsibility in this way is a sign of confusion about the responsibility to respect human rights. While corporate social responsibility is about business enterprises' positive contribution to society and the environment, the responsibility to respect human rights means that business enterprises must avoid causing and contributing to infringement on human rights of others and seek to prevent or mitigate the adverse impacts on human rights. Therefore, the fact that business enterprises have engaged in corporate social responsibility does not mean that they respect human rights.

Nevertheless, companies' sustainability approaches and policies focus only on climate and environmental impacts. Therefore, it does not cover the full spectrum of internationally recognized human rights.

Human rights due diligence

Both companies with a human rights policy do not define *human rights due diligence* to assess their operations' impact on human rights and the envi-

ronment to meet their responsibility to respect human rights. Of these companies, Kolin Construction ensures that all the adverse impacts they have caused will be identified and all kinds of measures will be taken to mitigate these impacts. IGA Airport Investments and Limak Construction state that they will mitigate the economic, social, and environmental impacts of their operations. However, no details were provided on their corporate web pages regarding how they will address these impacts.

Of the companies examined by our research, Alamos Gold and IGA Airport Investments state that they have had an environmental and social impact assessment (ESIA) done for the projects in question. The ESIA reports mentioned above are not accessible on Alamos Gold's web page, while IGA Airport Investments shares them in sections on its corporate web page.

The *due diligence* for human rights, set out in the Guiding Principles as part of business enterprises' responsibility to respect human rights,³⁰ requires a human rights due diligence process in place, which includes assessing of actual and potential human rights and environmental impacts, integrating and acting upon the findings, tracking responses and communicating how these impacts are being addressed.³¹ Environmental and human rights due diligence is not a one-off undertaking; business enterprises must be consistent throughout their operations. In this context, the EIA or ESIA does not meet the *human rights due diligence*,³² which is required before the implementation of the projects.

Process to mitigate the adverse impacts on human rights

Only three companies share that they have a grievance mechanism at the

operational level. However, they do not provide any information on their web pages regarding how they will address the complaints. Hence, it is not possible to evaluate the effectiveness of grievance mechanisms based on parameters such as whether stakeholders are included in the design phase, whether they are based on dialogue and mediation, or whether they are independent and include mitigation of adverse impacts.

IGA Airport Investments has shared an e-mail address on the corporate web page through which they receive applications for the grievance mechanism. However, this e-mail address is also used for customer relations.

The "Stakeholder Engagement and Suggestion/Complaint Policy" shared on the Limak Construction's corporate web page states that "All stakeholders are given the opportunity to make written and/or verbal suggestions/complaints if they believe our operations have a positive or negative impact on the society, environment or quality of life." However, there is no information regarding how to use this process.

The 2020 ESG Report states that Alamos Gold has a grievance mechanism. The report does not provide any information or guidance on how this process works, the structure of the grievance mechanism or the application. The contact information on the last page of the report does not include any contact information for the grievance mechanism.

THE 3RD AIRPORT PROJECT

Chronology

- June 15, 2009** Istanbul Environmental Plan with a 1/100 thousand scale was accepted.
- October 30, 2010** Prime Minister of the time, Recep Tayyip Erdogan, said "God willing, don't be surprised if you see a third airport in Istanbul soon,".
- May 11, 2011** Prime Minister of the time Erdogan announced that two new cities on the Asian and European sides and an airport with a capacity of 60 million passengers would be built.
- February 13, 2012** The Minister of Transport, Maritime Affairs and Communications, Binali Yıldırım, who appeared as a guest on Anadolu Agency Editors' Desk, said, "We have determined the location for the 3rd Airport, but we cannot announce it for now."
- August 13, 2012** The Council of Ministers has announced the whereabouts of the airport.
- January 24, 2013** DHMI published a tender announcement. It was decided that the tender would be held on May 3, 2013.
- April 13, 2013** The EIA report commissioned by AK-TEL Engineering was completed. EIA Investigation-Evaluation Commission meeting was held. Following the meeting, the project was suspended in order to confer with the public.
- May 3, 2013** The project was put out to tender while it was still on hold. The tender proceeded via the closed bid method. Limak-Cengiz-Mapa-Kolin-Galyon joint venture won the tender.
- May 21, 2013** The Ministry of Transport, Maritime Affairs and Communications issued the "EIA positive" decision.
- September 9, 2013** An application was made to the Istanbul Regional Administrative Court to stay the execution of the "EIA positive" decision.
- September 20, 2013** The Istanbul 4th Administrative Court, which heard the case, requested information, documents and defence from the defendant administrations.
- November 19, 2013** The State and the IGA Airport Operations signed an implementation contract, the content of which has not been disclosed to the public.
- December 12, 2013** Expropriation letters were sent to the villagers in the region where the project would be executed. The villagers stated that the prices were much lower than expected.
- January 17, 2014** The urgent expropriation decision for the 3rd Airport area was published in the Official Gazette.
- January 21, 2014** The decision of the Istanbul 4th Administrative Court considered the investigations on the 3rd Airport as insufficient and suspended the EIA positive decision until the expert discovery was made.
- January 26, 2014** People from the five villages that were included in the scope of urgent expropriation protested by blocking roads.
- February 24, 2014** The Ministry of Environment and Urbanization appealed to the Istanbul Regional Administrative Court to object to the stay of execution. In the meantime, the company started working on a new EIA report.
- March 11, 2014** Upon the decision of the Istanbul 4th Administrative Court, the decision to stay the execution by the Administrative Court was annulled on the grounds that "the project will be delayed for a long time and there is no clear violation of the law." Thereupon, the bureaucratic need for a new EIA report disappeared.
- April 4, 2014** In order to legalize the 3rd Airport Project, the Wetlands Regulation was amended.
- April 7, 2014** The Prime Minister of the time laid the foundation of the 3rd Airport.
- April 19, 2014** With the regulation published in the Official Gazette, an important commitment was made regarding the projects based on the build-operate-transfer model such as the 3rd Airport. Accordingly, if the contract signed between the contracting company and the state was terminated prematurely by the company, the state would overtake 85 percent of the main loan as the Treasury; if the company was not at fault in the termination of the contract, the state would undertake the entire loan.
- June 16, 2014** The Board of Directors of the Istanbul Branch of the Chamber of City Planners of UCTEA issued an open letter to the then Minister of Environment and Urbanization, İdris Güllüce, stating that the 3rd Airport Project, which did not comply with any zoning plan, constituted a major zoning crime.
- September 16, 2014** Three professional chambers affiliated to UCTEA filed a lawsuit on the grounds that the project is "against the universal urban planning principles and public interest".
- January 11, 2015** The Ankara 6th Administrative Court ruled in favour of the administration in the lawsuit filed by UCTEA regarding the 3rd Airport.
- May 15, 2015** The Istanbul 4th Administrative Court requested that an expert committee be formed and an examination be carried out in the area of the 3rd Airport.
- June 15, 2015** Upon the decision of the Istanbul 4th Administrative Court, an expert examination was carried out in the project area.
- March 22, 2016** In the expert report, six experts expressed a positive opinion and one expressed a negative view.
- March 30, 2016** The Istanbul 4th Administrative Court rejected the lawsuit filed for the annulment of the "EIA positive" decision.
- April 9, 2016** The government decided to support airport investments through premium and taxes.
- June 23, 2016** In order to produce materials for the 3rd Airport Project, a mining permit was issued for a 100-hectare forest area in Tekirdağ Saray.
- August 3, 2016** The 14th Chamber of the Council of State rejected the objection made by the plaintiffs to the decision by the Istanbul 4th Administrative Court.
- September 14, 2018** Workers organized a protest owing to occupational homicide, heavy working conditions, not being able to receive their wages, inadequacy of on-site services, and poor food and accommodation conditions.
- September 15, 2018** The gendarmerie and the police raided the workers' wards.
- October 29, 2018** The 3rd Airport was opened.

The tender for the 3rd Airport Project,³³ introduced as the "biggest tender in the history of the Republic", was awarded to the IGA consortium formed by Cengiz, Mapa, Limak, Kolin and Kalyon companies in 2014³⁴ prior to the EIA decision. The project was built on an area of 7650 hectares, approximately the size of ten thousand football fields, between Akpınar and Yeniköy neighbourhoods at the Arnavutköy-Göktürk-Çatalca junction with the build-operate-transfer model. The opening of the 3rd Airport, with a construction cost of 10 billion dollars,³⁵ was held on October 29, 2018. For the 3rd Airport, the state gave the company a demand guarantee of 6.3 billion euros in total.³⁶ It was decided that DHMI would pay the company if the revenue generated from the airport with the demand guarantee was below the amount determined in the tender, and IGA would pay the difference to DHMI when the amount exceeded the determined amount.³⁷ In December 2019, Kolin Construction withdrew from the consortium by transferring its shares in the company. Currently, the other four companies in the consortium carry out the operation of the 3rd Airport.

The 3rd Airport, 3rd Bridge and Canal Istanbul projects were introduced together as a package program. The airport is connected to the 3rd Bridge by the Northern Marmara Highway. The location of the Canal Istanbul Project was determined in accordance with the link roads here. It is predicted that these three projects, which cannot be considered independently of each other, will open the north of Istanbul to





settlement in the long term, turn it into a commercial centre of attraction and create a new city with a population of two to three million in the region, adversely affecting the ecosystem here.³⁸

Located in the north of Istanbul, this region is at a very important point in terms of Istanbul's ecology, water resources, and wildlife. Ecosystems that are intertwined with or adjacent to forests are home to many endangered species.³⁹ From the beginning, experts have emphasized that opening the north of Istanbul to settlement through mega projects will have important ecological consequences, and will cause habitat fragmentation by making it difficult for the creatures living in the region to access water and feed.⁴⁰ In the EIA report of the 3rd Airport Project, it was stated that some trees and endemic plants in the region would be moved for construction.⁴¹ Before the construction of the airport started, it was predicted that 2.5 million trees, 70 wetlands and eight streams feeding the Terkos basin would be destroyed.⁴² With the amendment made in the Wetlands Regulation, the 3rd Airport Project was brought in compliance with the law.⁴³

It has come to the fore that the 3rd Airport Project will have adverse effects on public health and livelihoods. The dust emitted from the excavation formed during the construction of the project was mixed into the air;⁴⁴ these polluted particles adhered to the crops of those who make a living in the region and adversely affected the yield of the crops. Experts also state that in the long term, these polluted particles and toxic substances such as arsenic mixed into the groundwater will trigger the increase of cancer in the region.⁴⁵

During the construction of the project, precarious working conditions led to occupational homicide, and the records related to these were not shared with

the unions and the public in a transparent manner. To make matters worse, necessary precautions were not taken at the construction site following the homicide. Shortly before the opening of the airport, the workers protesting against the working conditions were forcibly dispersed by the gendarmerie, and many workers who participated in the protest were detained, while 36 of the detained workers, including union representatives, were arrested.

Adverse Human Rights and Environmental Impacts

Participation and access to information

Although the residents of the area where the 3rd Airport was built were the primary group to be adversely affected by the project, they were not involved in the decision-making processes. The first step for the project was taken on August 13, 2012, when the Council of Ministers determined the place where the project would be built.

Following the EIA Investigation-Evaluation commission meeting held in April 2013, the project was suspended in order to receive the opinions and suggestions of the public in accordance with the EIA Regulation. Although it is a legal requirement to reflect the public's opinion in the EIA report when the suspension period is complete, the project was put out to tender while the suspension period was ongoing. In addition to non-compliance with the legal requirements, this act also indicates that the participation of the public in the project is ignored.

After the tender, DHMI and IGA Airport Operations signed an implementation contract regarding the 3rd Airport Project, which was built with the build-operate-transfer model and

introduced as a "gift to the nation".^{46,47} However, the content of this agreement has not been made public.

The number of trees to be cut down in the area for the construction of the project was also not clearly specified neither by the official authorities nor by the company. The parliamentary question submitted to the Ministry of Environment and Urbanization regarding this was answered as follows: "The number of trees that have been cut or will be cut for the project is not known yet, and the exact number will be determined after the project is over, and it is planned to plant five times more trees for each tree to be cut."⁴⁸

Lawsuits filed against the project

The tender process of the 3rd Airport Project was initiated illegally⁴⁹ and the construction continued without complying with court decisions, the Environmental Law, and the EIA Regulation, which is the implementation regulation of the law.

According to the EIA Regulation, the investment cannot be initiated and tendered unless the "EIA positive" or the "EIA is not required" decision is taken. However, in January 2013, DHMI published a tender notice while the suspension period of the EIA report was not yet concluded. Afterwards, the tender was announced to take place on May 3, 2013, which Cengiz-Mapa-Limak-Kolin-Kalyon Joint Venture won. The EIA report of the project was completed in April 2013.

In 2013, the Chamber of Environmental Engineers filed lawsuits in the administrative court to suspend the execution of the tender and the "EIA positive" decision.⁵⁰ These lawsuits circulated between Ankara and Istanbul Administrative Courts, both of which stated their incompetency. While the judicial process of the lawsuits filed

by the Chamber of Environmental Engineers was prolonged due to the inability to find the competent court, on January 21, 2014, the Istanbul 4th Administrative Court found the relevant EIA report insufficient and decided to cede the project until an expert discovery was made. This lawsuit was filed against the Ministry of Environment and Urbanization by a group of citizens demanding the judgement be nullified.⁵¹ Upon this suspension decision, DHMI stated that the project would continue as planned and that the court decision was not recognized by the authorities.⁵²

Upon the decision of the Istanbul 4th Administrative Court, the Ministry of Environment and Urbanization objected to the stay of execution decision. Following this appeal, the Regional Administrative Court annulled the stay of execution decision of the Istanbul 4th Administrative Court on March 11, 2014, on the grounds that "the project will be delayed for too long and there is no clear illegality."⁵³

After the decision to stay the execution of the EIA positive decision, in March 2014, the Ministry of Environment and Urbanization prepared a new EIA report "to keep it in reserve" based on the circular no. 2009/7.⁵⁴ The Chamber of Environmental Engineers stated that the new EIA report was also prepared illegally.⁵⁵

The new expert and discovery report requested by the Istanbul 4th Administrative Court with the stay of execution decision in 2014 was only completed in March 2016.⁵⁶ In the expert report, six experts expressed a positive view and one a negative view.⁵⁷ In their statement on the expert report, the citizens who filed the lawsuit underlined that the expert report was obtained years after the lawsuit had been filed and the fact that the construction of the proj-

ect continued once again abused the trust in the law.⁵⁸

Urgent expropriation: adverse impacts on livelihoods and social relations

People whose livelihoods were husbandry, agriculture and fishery were the residents of the area where the 3rd Airport is located. The urgent expropriation for the project has significantly affected the livelihoods and social lives of these residents.

Urgent expropriation is a practice included in the Expropriation Law adopted in 1983.⁵⁹ It seems that this practice, which can be implemented in urgent and exceptional cases, has been used in almost all economic investments in recent years. Urgent expropriation accelerates the investment with the opportunities it provides to the administration, and is effective in quickly eliminating objections. In the case of urgent expropriation, the administration seizes the immovable with the urgent expropriation decision and can immediately perform any action (such as road building, construction).

After the location where the 3rd Airport would be built was determined, the decision of the Council of Ministers on the urgent expropriation dated January 2, 2014 was published in the Official Gazette on 17 January.⁶⁰ Thanks to this decision, some immovables in the Arnavutköy district, İmrahor, Tayakadın and Yeniköy villages, Eyüp district, Ağaçlı, Akpınar and İhsaniye villages covering the area where the construction of the 3rd Airport would begin, were expropriated by TOKİ urgently. The residents of the region protested this decision because the land they lived on and their houses were taken from them and the compensation was below the current market value of the land.⁶¹ These people, most of whom live on animal husbandry and agriculture,

stated that the urgent expropriation led to the destruction of pastures and there were no areas left to graze the animals.⁶² At the same time, due to the pollution caused by the construction in the marine ecosystem, those who make their living by fishing suffered from the debris spilled into the sea.⁶³

Climatic and environmental impacts

During the construction of the 3rd Airport, the villages in the project area were turned into construction sites.⁶⁴ The people living in the vicinity complained about the excavator trucks circulating in the villages located in the area of construction, the increase in the excavation wastes left by the construction, deforestation and the pollution in the sea.⁶⁵

It is stated that nearly 2 million trees have been cut down in the region for the construction of the 3rd Airport and the region has been significantly deforested.⁶⁶ The felled trees adversely affect the flora and fauna in the region. Since the project area is also located on the migration routes of birds, deforestation leads to the loss of bird habitat.⁶⁷ The 3rd Airport land, which contains a total of 2.5 million trees and 660 hectares of lake area, is located on two major bird migration routes.⁶⁸ Experts emphasize that the project will damage the wetlands the most, and also remind of Turkey's commitment to protect wetlands and bird migration routes within the scope of the RAMSAR Convention (Convention on Wetlands of International Importance, Especially as Waterfowl Habitat). Meanwhile, since the 3rd Airport became operational, planes have crashed into flocks of birds, causing damage to the bird species on their migration routes and habitats and putting the flight safety of passengers at risk. Experts and rights defenders have emphasized from the very be-

According to the records between 2014 and 2018, the Ministry of Labour and Social Security stated that 27 workers; CIMER, 52 workers; the Ministry of Transport, 30 workers, and ISIG Assembly, 37 workers lost their lives due to occupational homicides during the construction.

ginning that the location allocated for the 3rd Airport is an area open to the north winds coming from the Black Sea, and that it is mischosen in terms of meteorological evaluations.⁶⁹

The excavation in the construction area of the project irreversibly affects the life and the ecosystem in the villages. The 3rd Airport promotional booklet contains the following statements regarding the excavation: "2200 trucks worked at full speed", "We worked almost 20 hours a day, almost every day".⁷⁰ Earthmoving trucks, dozers, and construction equipment worked around the villages to build link roads to the airport, and the emergent dust increased air pollution.⁷¹ The additional filling project for the supply port, built in order to meet the fuel needs of the planes, continued to create pollution and drag the environment and the sea into disaster.⁷² Residents of the surrounding villages state that the authorities do not fulfil their responsibilities to solve the problem of garbage thrown into the environment.⁷³

Entrances and exits to the places where the villagers could swim before the construction of the 3rd Airport were prohibited due to the construction.⁷⁴ The villagers say that they are unable to get near the whereabouts of the construction site and that they are victimized by the closure of the link roads between the villages because the security guards stroll through the villages and the signs indicate that the "Entry is strictly prohibited".⁷⁵

In addition to these, it is predicted that the climatic changes and environmental destruction in the region will deepen in the long run with the new land use.⁷⁶

Working conditions and occupational homicides

The number of registered workers in the construction of the 3rd Airport reached 36,000.⁷⁷ It is stated that 247 different subcontractors worked in the construction of the project.⁷⁸

The housing and nutrition conditions offered to the workers who came to Istanbul from other cities to work in construction were quite unhealthy. Subcontractors often did not pay workers' salaries on time.⁷⁹ Poor working conditions caused protests from workers. Occupational homicides took place during the construction, which continued under poor and unsafe conditions at the construction site, because of time pressure. The number of occupational homicides increased as the workers worked long hours without rest and under difficult conditions. According to the records between 2014 and 2018, the Ministry of Labour and Social Security⁸⁰ stated that 27 workers; CIMER,⁸¹ 52 workers; the Ministry of Transport, 30 workers,⁸² and ISIG Assembly, 37 workers⁸³ lost their lives due to occupational homicides during the construction.

After the opening on October 29, 2018, three workers working within the subcontractor company DSG Construction were forced out of the construction site



as they demanded payment of their accumulated salaries.⁸⁴ At the same time, workers had to wait long hours for food, as cafeterias were closed due to the opening day of the airport and food tents were opened instead. The workers stated that they were hungry that day due to irregularities in food distribution and organizational problems.⁸⁵

Protests and rights defenders

Workers often protested occupational homicides, and poor and unsafe working conditions. Even before the transportation system to go to the airport was completed,⁸⁶ the workers were forced to work long hours and night shifts under the pressure of the airport opening scheduled for October 29, 2018.⁸⁷ Workers who did not work

overtime were threatened with dismissal.⁸⁸ The most extensive protests took place shortly before the airport opening, as working conditions worsened.

On September 14, 2018, the workers organized a protest in response to the occupational homicides, the severity of the working conditions, the delay or non-payment of their salaries, the inadequacy of the services and the poor conditions they faced since the company failed in meeting their demands in this regard.⁸⁹ A large number of gendarmes and TOMAs came to the construction site to intervene in the protest, and they used tear gas to disperse the workers.⁹⁰ The next morning, gendarmerie forces raided the workers' wards, citing that the protests were illegal.⁹¹ 543 workers were detained during the raid. Images



of the detained workers being taken to the police station on the shuttles of the investor company IGA Airport Operations were shared on social media.⁹² The workers were forced to sleep on the concrete during detention, were starved, kept in handcuffs for a long time.⁹³ Thirty six of the detained workers, including union representatives, were arrested.⁹⁴ In the indictment, punishment was demanded within the scope of the crimes of "Prevention of Public Duty," "Violation of the Freedom of Work and Employment," "Damaging Public Property," "Participating in Meetings and Marches with Weapons and Tools Specified in Article 23."⁹⁵ In the indictment, footage of security cameras and videos, WhatsApp correspondence, incident reports kept by the gendarmerie were shown as evidence of the crime.⁹⁶

The mainstream media intended to discredit the workers protesting against poor working conditions.⁹⁷ A well-known columnist stated that it was not normal for the workers to protest the working conditions and it would have been more accurate for them to say that they had endured the working conditions for four years, they could hold out for five more weeks, and dismissed the reasons for the protest as "thin excuses".⁹⁸

Company Commitments on Human Rights

The joint venture consisting of Cengiz Construction-MAPA Construction-Limak Construction-Kolin Construction and Kalyon Construction won the tender held in 2013 for the construction

and operation of a new airport in Istanbul. The companies forming the joint venture established a company titled IGA Airport Operations Inc., headquartered in Istanbul, to build and operate for 25 years the largest project in the history of the Republic, known as the 3rd Airport.⁹⁹

After the opening of the 3rd Airport with the name of "Istanbul Airport" on October 29, 2018, the partnership structure of the company changed in 2019. Kolin Construction withdrew from the company by transferring its shares.¹⁰⁰ Since Kolin Construction was a partner in the construction period, we also examined its corporate web page as part of the research.

IGA Airport Operations Inc.

Information on IGA Airport Operations Inc. (IGA Airport Operations), which was established for the construction and operation of the 3rd Airport, can be accessed on the corporate web page of the company.¹⁰¹

Prior to the data collection process, we could not receive answers to the questionnaires shared with IGA Airport Operations on September 10, 2021, as was the case for other relevant companies and banks.¹⁰²

Human rights policy

We could not identify a human rights policy among the policies on IGA Airport Operations' corporate web page. In the sustainability report of the company, it is stated that the report was prepared based on the core option of GRI's¹⁰³ corporate sustainability standards.¹⁰⁴ In the 2019 sustainability report,¹⁰⁵ we saw a reference to the section titled "Employees" for human rights in the reference table showing which part of the report the GRI standards were discussed in.¹⁰⁶

The messages of the company's board

of directors,¹⁰⁷ Chief Executive Officer and General Manager¹⁰⁸ do not mention corporate respect to human rights.

Human rights due diligence

Since we could not access any human rights policy on the company's corporate web page, we were unable to evaluate how the adverse effects were addressed by the company. In its Environment and Sustainability Policy,¹⁰⁹ which can be accessed on its corporate web page, the company undertakes to empower the socio-economic conditions of the local people neighbouring the airport and to effectively reduce the adverse effects that may occur during its operations.

It is stated in the e-book titled *Dream Made Real*, shared on the corporate web page of the company, that environmental and social impacts were evaluated in detail in 2015, covering both the construction and operation phases.¹¹⁰ The "very detailed" assessment in question appears to be an ESIA. In order to demonstrate the importance attached to ESIA, it is said that "When the consortium won the tender in May 2013, the initial decision of the Board of Directors was to conduct an ESIA to the highest international standards."¹¹¹ The ESIA dated May 2015 can be accessed from the corporate web page in sections.¹¹²

In the sustainability tab of the company's corporate web page, the following is shared under the title of Environmental Management Unit: "The Environmental Impact Assessment Report (EIA), which is drafted within the scope of Turkish Legislation in order to determine the Environmental and Social Impact Dimensions regarding the works planned to be carried out during the construction and operation period of the Istanbul New Airport Project, and by extension, an Environmental and Social Impact Assessment Report (ESIA)

has been prepared in accordance with IFC (International Finance Corporation) Standards in order to fill in the gaps and to evaluate the report within the framework of international legislation and standards."¹¹³ This information includes the acknowledgment that the EIA processes in Turkish legislation are not in line with international standards. The ESIA referred to in order to ensure this compliance does not meet the human rights due diligence defined in the Guiding Principles. First of all, unlike the ongoing nature of human rights due diligence, the ESIA, like the EIA, is done once at the start of the project. Therefore, it covers actual and potential impacts as of the date of its inception but does not cover the situations encountered during the execution of the project.

According to the e-book titled *Dream Made Real*, IGA Environment and Sustainability Department was established to manage the impacts caused by the construction and operation of the 3rd Airport on the environment, society, ecology and sustainability. It is also stated that this department develops strategies and policies based on the international standard¹¹⁴ and the impacts are managed together with all stakeholders.¹¹⁵ The documents on the corporate web page contain explanatory information on some of these strategies and policies. However, this information proves that the company's efforts for the sustainability policy are not based on the impact of the company's operations on human rights and the environment, but on the risks related to the project.¹¹⁶ However, we have not been able to access data on how impacts are managed together with stakeholders through the information and documents on the corporate web page. As an example of the process carried out with stakeholders, only corporate social responsibility projects are shared.

In the table titled "Our Stakeholder Map" in the 2019 sustainability report, only public institutions and some airline companies appear as stakeholders.¹¹⁷ In addition, the information on the corporate web page, the e-book titled *Dream Made Real*, and the 2019 sustainability report mention "local people in adjacent neighbourhoods" as stakeholders. Apart from this, experts, non-governmental organizations, trade unions, or rights defenders are not included in the "stakeholder" definition provided by the company.

In the sustainability tab of the company's corporate web page, the title of the "Ecology & Social Management" unit contains the following information: "To build meaningful and reliable relationships and projects with the relevant stakeholders and local people living in the nine neighbourhoods adjacent to the airport construction site on the basis of transparent and timely information supply and open dialogue, IGA has created the Social Investment Program on January 1, 2016."¹¹⁸ The purpose of this unit is defined as "to support the socio-economic development of the local people by determining the social impact in the neighbourhoods adjacent to the construction site and to ensure that the current and potential construction effects are managed in the best way," and in this context, it is shared that opinion leaders were interviewed, local jargon was used, and offices and private telephone lines were established in the neighbourhoods to facilitate communication. In the e-book titled *Dream Made Real*, the purpose of the Social Investment Program is explained as follows: "It was to be of help for the residents of the region, that is, the neighbours of the airport, and act as a bridge once in a while."¹¹⁹

Remediation for the adverse human rights impacts

The explanations and documents on



The 3rd Airport construction.
Photo: Murat Germen

the corporate website of the company frequently make a declaration and commitment to minimize the environmental and social impacts in its environmental and sustainability policies, and to effectively reduce the adverse impacts that may take place during its operations by determining the environmental impacts. We could not access information on the process adopted by the company to remedy the adverse impacts on its corporate web page in accordance with this statement and commitment of the company.

One of the "concrete outputs" listed under the "Ecology & Social Management" unit in the sustainability tab of the company's corporate web page is explained as follows: "The grievance mechanism has been formed. Three public liaison offices were established in the neighbourhoods, and nine

WhatsApp groups were created with the participation of both local people and the neighbourhood headperson. 10,320 people benefited."¹²⁰ In the 2019 Sustainability Report it is stated that the grievance mechanism was formed for the residents of Ağaçlı, Akpınar, Durusu, Işıklar, İhsaniye, İmrahor, Tayakadın, Odayeri, and Yeniköy around the 3rd Airport; the mechanism was developed by taking into account IFC's Social and Environmental Sustainability Rules and Performance Standards, and that it is evaluated by the social relations officer and directed to the relevant directorates to take the necessary actions.¹²¹ The report shares the grievance mechanism data for 2019. Accordingly, a total of 100 complaints and requests were received in 2019, 42 of which were closed and 58 were met. Information on the subject of complaints, or how "clo-

sure" and "response" are defined is not available on either the company's web page or sustainability report.

Since we could not access the procedure for the handling of complaints on the corporate web page of the company, we could not evaluate the effectiveness of the grievance mechanism on the basis of parameters such as whether stakeholders were included in the design phase, whether it was based on dialogue and mediation, and whether it included remediation of the adverse impacts.

Compliance with laws and standards

It is stated that the sustainability approach of the company takes into account international standards such as the relevant standards of IFC in the Environmental and Sustainability Standards of the 3rd Airport, the Equator Principles, the basic agreements of the ILO on the prevention of child labour, discrimination and forced labour in the workplace.¹²² However, there is no clear statement that internationally-recognized human rights standards will be respected if there are obligations in the national legislation that conflict with these international standards.

Cengiz Construction and Industry Trade Inc.

Cengiz Construction and Industry Trade Inc.¹²³ (Cengiz Construction), one of the partners of IGA Airport Operations, is one of the affiliates of Cengiz Holding Inc.¹²⁴ Established in 1987, Cengiz Construction undertakes the majority of Turkey's major infrastructure projects such as dams, highways, railways, subways, and airports.¹²⁵

Prior to the data collection process, we could not receive answers to the questionnaires shared with IGA Airport Management on September 10, 2021, as was the case for other relevant companies and banks.¹²⁶

Human rights policy

We have not been able to access the human rights policy on the corporate web page of Cengiz Construction. Three different company policy documents are available on the company's corporate web page.¹²⁷ Apart from these, there are no reports or documents such as sustainability and annual reports.

Corporate respect to human rights is not mentioned among the company's visions and missions.¹²⁸ We could not detect any reference to the responsibility to respect human rights in the message of the chairman of the board of directors on the corporate web page of the company.¹²⁹

Human rights due diligence

In the Occupational Health, Safety and Environmental Policy¹³⁰ on the corporate web page of the company, the company commits to "always predetermining the dangers that may come to the environment and human health and taking the necessary precautions" and "minimizing the adverse impacts of our operations on people and the environment". However, we have not found any information about how the determination and minimization of adverse impacts are carried out in the policies on the company's web page.

Considering the stated commitments of the company, we could not find any information, analysis or explanation on the corporate web page regarding how the company acts in terms of the adverse impacts identified in the section of this study titled "Adverse human rights and environmental impacts", which deals with the adverse impacts of the Airport Project on human rights and the environment.

Compliance with laws and standards

In the "Vision/Mission" section on the corporate web page of the company, there is the following statement: "We are obliged to be an example and pio-

neer in all areas in which we operate, to carry out the work we do in the best way, in accordance with international standards and the legislation specified in Turkey."¹³¹

It is not clear whether the international standards referred to in this company's statement are international human rights standards. Similarly, the company does not have a clear statement that international standards will be respected if there are obligations that conflict with these international standards in national legislation.

Mapa Construction and Trade Inc.

Mapa Construction and Trade Inc. (Mapa Construction), another partner of IGA Airport Operations, is one of the affiliates of Mapa Group, which has been operating in the fields of construction, accommodation, renewable energy, airports and air transportation since 1976.¹³²

Prior to the data collection process, we did not receive any answers to the questionnaires shared with Mapa Construction on September 10, 2021, as is the case for other related companies and banks.¹³³

We have accessed the information about Mapa Construction from the corporate web page of Mapa Group.¹³⁴ There were no data on company policies or reports on Mapa Group's corporate web page, except for general information about Mapa Group's investments. Therefore, we were unable to assess the company's human rights commitments.

During our study, we found that Mapa Construction is a signatory to the Global Compact since April 26, 2021.¹³⁵ Since it signed the Global Compact in 2021, the company needs to publish its report on these principles in the coming years.

Limak Construction Industry and Trade Inc.

Limak Construction Industry and Trade Inc. (Limak Construction), one of the partners of IGA Airport Operations, is the company that laid the foundations of the Limak Group of Companies, which operates in the fields of construction, tourism, cement, infrastructure and energy investments, energy contracting, aviation and food.¹³⁶

Prior to the data collection process, we could not receive answers to the questionnaires shared with Limak Construction on September 10, 2021, as was the case for other relevant companies and banks.¹³⁷

Human rights policy

We have accessed the information about Limak Construction from the corporate web page of the Limak Group of Companies.¹³⁸ Many company policies on different issues are shared on the company's corporate web page¹³⁹; however, human rights policy is not among them. There is no reference, either, to the responsibility to respect human rights in the message of the board of directors on the company's corporate web page.¹⁴⁰

During our study, we found that the Limak Group of Companies, an affiliate of Limak Construction, signed the Global Compact in 2014.¹⁴¹ We have seen that in the message of the chairman of the board of directors on the corporate web page of the Limak Group of Companies and in the business ethics policy,¹⁴² the company has declared the 10 principles of the Global Compact as its main responsibility.

The Code of Business Ethics Policy, which is on the company's corporate web page, is a text that also contains other policies of the company.¹⁴³ We have seen that in the company's policy texts and sustainability report, human

rights are addressed in relation to equality/non-discrimination and women's empowerment. During our study, we could not identify the company's declarations and commitments regarding human rights, except for the principles of "equality of opportunity, diversity and tolerance,"¹⁴⁴ and the working environment,"¹⁴⁵ which are among the company's values.

The company considers equal opportunity among its values, defines it as "to stand against all kinds of discrimination by excluding views and policies contrary to equality such as discrimination based on religion, language, gender, age, ethnicity, physical disabilities from our recruitment processes and decisions regarding our employees", and associates this with "diversity and tolerance"¹⁴⁶.

The principles related to the working environment are mainly shaped around the empowerment of women in business life. The first four of the principles in this title are equal opportunity, women's empowerment, prevention of discrimination, diversity and inclusion, as well as prevention of violence, domestic violence and violation of sexual autonomy.¹⁴⁷

On the company's corporate web page, the sustainability report¹⁴⁸ is also presented as an annual progress report under the Global Compact. In the table at the end, which shows where the references to the Global Compact are in the report, 11 different pages are indicated for two principles related to human rights.¹⁴⁹ When we looked at these pages, we found that company values, working life and social responsibility projects were mentioned.

The values and principles in the policies and reports on the company's corporate website are only intended for company employees. In the Code of Business Ethics Policy, it is stated

that "While all of our collaborations are based on the protection of Limak values and principles, we also prioritize the dissemination of *the United Nations Global Compact-UNGC* and *United Nations Sustainable Development Goals (UN SDGs)*."¹⁵⁰ However, we have not been able to identify any clear principle or expectation that business partners, suppliers and other third parties directly related to the company's operations, products or services other than employees should also adopt these values and principles.

"Transferring ethical principles and rules to the entire value chain, including suppliers" and "Providing a sustainability perspective for all our suppliers" are considered among the common goals set for the Limak Group of Companies in its sustainability report.¹⁵¹

Human rights due diligence

We were unable to identify how the company addressed adverse impacts through the policies and reports shared on the company's web page.

The Code of Business Ethics Policy on the Company's corporate web page states that "By measuring and evaluating the economic, environmental and social impacts of all our operations, we take action to reduce adverse impacts and regularly publish our sustainability reports in accordance with international standards."¹⁵² On the other hand, the company does not share the results of the measurement and evaluation of the economic, environmental and social impacts caused by its operations on the corporate website.

Another policy shared on the company's website is the Stakeholder Engagement and Suggestion/Complaint Policy.¹⁵³ This policy text, apparently prepared for "all stakeholders" who are (potentially) impacted by Limak's operations, does not clearly include the

principles and processes for detecting adverse impacts such as the human rights due diligence. For example, the policy text states that "All stakeholders are given the opportunity to submit written and/or verbal suggestions/complaints if our operations are believed to have a positive or adverse impact on the society, environment or quality of life." However, it is not specified how this application can be made.

There is the following statement in the Sustainability Policy¹⁵⁴ and sustainability report on the company's web page: "Taking into account the wishes and expectations of stakeholders, our company pays attention to supporting stakeholder participation in decision-making processes."¹⁵⁵ In addition, it is stated that the sustainability report defines the key stakeholders of the company under the "stakeholder relations" heading, and the current communication platforms and communication frequency for the company's key stakeholders are shared as a table.¹⁵⁶ When we look at the table called Stakeholder Communication Platforms, we see that the dialogue with local people, sectoral organizations/non-governmental organizations and international non-governmental organizations are defined on the basis of providing information/clarification. The fact that no information is shared about the feedback channels and there is no defined process also leads to the conclusion that the dialogue mentioned here is one-sided. On the other hand, the company is aware that it does not use feedback channels, although it should. Among the common targets set for the Limak Group of Companies, this awareness is stated as "creating feedback management systems for external stakeholders and monitoring and reporting them regularly."¹⁵⁷

The company's sustainability report lists the companies included in the report and the projects undertaken by these

companies.¹⁵⁸ Among the projects included in the report, there is no mention of the 3rd Airport.

In addition to the sustainability report, there is a Sustainability Inventory Report on the company's corporate web page.¹⁵⁹ This report, titled "From Speech to Action," evaluates the company from the perspective of the SDGs for the period 2015-2019.¹⁶⁰ The companies included in this report and the projects undertaken by these companies do not include the 3rd Airport project either.¹⁶¹

Compliance with laws and standards

"Compliance with the Law", which is considered among the values and responsibilities of the company, is defined as complying with all the national and international rules of law in the countries where it operates and carrying out its operations in accordance with all these laws, rules and regulations.¹⁶²

In case of a conflict between laws in different jurisdictions, it is stated in the Business Ethics Policy that employees are expected to apply to the company's legal department.¹⁶³ However, there is no clear statement that internationally recognized human rights standards will be respected if there are obligations in the national legislation that conflict with these international standards.

Kolin Construction Tourism Industry and Trade Inc.

Kolin Construction Tourism Industry and Trade Inc. (Kolin Construction), established in 1977 and one of the partners of IGA Airport Operations, is the leading company of Koloğlu Holding Inc., which operates in the fields of transportation and infrastructure, agriculture and energy, and buildings, residences and industrial facilities.¹⁶⁴

Prior to the data collection process, we could not receive answers to the ques-

tionnaires shared with Kolin Construction on September 10, 2021, as was the case for other relevant companies and banks.¹⁶⁵

Human rights policy

We have accessed the information about Kolin Construction from the corporate web page of the Kolin Group of Companies.¹⁶⁶ One of the policies shared on the corporate web page¹⁶⁷ is on human rights.¹⁶⁸

The company's human rights policy states that human rights are company's priority. The company defines the issues included in its human rights policy as a *target*, not a principle. For example, it is stated that "Kolin Construction aims to take necessary actions to protect human rights, provide a decent work environment, and provide a healthy and safe working environment to employees in the working environment with this policy."

It is stated in the company's human rights policy that Kolin Construction aims to "continue its operations in accordance with the ILO and the United Nations Convention on Human Rights, to which Turkey is a party."¹⁶⁹

One of the principles included in the Sustainability Policy¹⁷⁰ on the corporate web page of the company is to announce the Human Rights Policy and its approach to its stakeholders, and to convey this approach to its employees and supply chain. The human rights policy also states that Kolin Construction expects sub-contractors, suppliers and service providers to act in accordance with human rights and that necessary warnings will be given in case of any violation. Apart from the human rights policy, there is also Supply Chain Policy also on the corporate website.¹⁷¹ The supply chain policy lists the company's expectations from the suppliers, subcontractors, and service providers it works with.

Although the company has a human rights policy, there is no mention of its responsibility to respect human rights in the statements made by the company management.¹⁷²

Human rights due diligence

Kolin Construction's human rights policy does not define a human rights due diligence process. On the other hand, under the heading "Our Environmental Approach and Policy" on the corporate web page, it is declared that Kolin Construction will determine the impacts of its operations on the environment and will take all kinds of measures to minimize the adverse impacts.¹⁷³

However, since the company's corporate web page does not include reports such as sustainability reports, we could not evaluate in our study how the company addresses the potential and current adverse impacts of its operations on human rights and the environment. Although there are sections about completed and ongoing projects on the corporate web page, we have found that these are limited to the technical aspects of the projects.¹⁷⁴

In this regard, the statement on the 3rd Airport project on the corporate web page does not contain any information about the adverse impacts we reported in the section titled "Adverse human rights and environmental impacts".¹⁷⁵

We have seen that the company defines it as a goal to pay attention to stakeholder participation and to establish long-term relationships with stakeholders, taking their expectations into account in both human rights and sustainability policy. However, the rights defenders interviewed within the scope of this study stated that the company did not engage in a dialogue with them about the adverse impacts caused by the project.

Remediation for the adverse human rights impacts

Although the company declares that it will detect the impact of its work on the environment and will take all kinds of measures to minimize the adverse impacts, we have not been able to access information on how the company has established a process to ensure that these impacts are remedied.

It is stated that the Sustainability Committee is responsible for updating these policies in sustainability, human rights and supply chain policies. We could not evaluate the composition of the committee, its working principles, and the scope of its powers through the information and document shared on the corporate web page. For example, we could not determine whether the company has the authority to receive and evaluate human rights complaints and notifications from internal and third parties.

Compliance with laws and standards

In the statement with the subtitle "Our Environmental Approach and Policy", the company explains its goal for the compliance with the law in sustainability, human rights and supply chain policies. On the other hand, it is stated in the human rights policy that it aims to "continue its operations in accordance with the ILO and the United Nations Convention on Human Rights, to which Turkey is a party". There is no clear statement that international standards will be respected if the laws have obligations that conflict with these cited international standards.

Kalyon Construction Industry and Trade Inc.

Kalyon Construction Industry and Trade Inc. (Kalyon Construction), one of the partners of IGA Airport Operations, was founded in Gaziantep in 1974. It is the leading company of Kalyon Holding, which operates in the fields of con-

struction, investment-management, real estate, energy and industry.¹⁷⁶

Prior to the data collection process, we could not receive answers to the questionnaires shared with Kalyon Construction on September 10, 2021, as was the case for other relevant companies and banks.¹⁷⁷

Human rights policy

Information on Kalyon Construction can be found on the corporate web page of Kalyon Holding.¹⁷⁸ The company's corporate web page does not contain a human rights policy. Two different company policy documents are available on the company's corporate web page.¹⁷⁹ Apart from these, reports/documents such as sustainability reports and annual reports are not available on the company's corporate website.

The responsibility to respect human rights is not clearly stated among the values of the company.¹⁸⁰ In the title of "Being Honest, Fair, Respectful", the company makes the following statement: "We respect social, cultural and political values." We also failed to identify a reference to the responsibility to respect human rights in the message of the chairman of the board of directors on the corporate web page of the company.¹⁸¹

Due to the limited information on the company's corporate web page, we could not evaluate how it addresses the adverse impacts it causes on human rights and the environment, and whether there is a procedure to remedy these impacts. At the same time, due to the limited information on the web page, we could not make an assessment for the part of our study related to compliance with laws and standards.

**GALATAPORT
ISTANBUL
(SALIPAZARI
CRUISE PORT
PROJECT)**



Chronology

- 1892 – 1957** The construction of the Istanbul Port started with the Galata dock. In 1910 and 1928, warehouses in Salıpaazarı were added. In 1957, the Salıpaazarı dock was built and the port took its present form.
- July 7, 1993** The area where Galataport Istanbul is located was declared as Beyoğlu Urban Protected Area by the Immovable Cultural and Natural Heritage Conservation Board No. 1.
- December 15, 1994** The area where Galataport Istanbul is located was declared a tourism area by the decision of the Council of Ministers.
- March 18, 2002** The official name of the Salıpaazarı Cruise Port Project, which covers the 1.2 km coastline between Karaköy and Tophane, was announced to the public for the first time.
- April 5, 2004** The Regulation on the Implementation of the Coastal Law was amended. The amendment paved the way for the realization of Galataport Istanbul.
- September 17, 2005** The first tender was held for the Galataport Istanbul. Royal Caribbean Initiative won this tender, which was initiated within the framework of the build-operate-transfer model.
- July 3, 2005** With an omnibus bill passed in the Turkish Grand National Assembly, the PA was authorized to make changes to the cruise port.
- January 6, 2006** The 6th Department of the Council of State suspended the execution of the Ministry of Culture and Tourism process, which had approved the amendment in the zoning plan for the construction of a cruise marina in the Salıpaazarı region.
- September 16, 2013** A new zoning plan was prepared by the PA and the second tender process started. Doğu Holding won the second tender, which was held within the framework of the transfer of operating rights in 2013, and later formed a partnership with Bilgili Holding.
- September 11, 2015** EIA positive report was given for Galataport Istanbul.
- February 7, 2016** The warehouses in Salıpaazarı started to be demolished. Warehouses, including Istanbul Modern, used to be considered an industrial heritage.
- February 16, 2017** Karaköy Passenger Hall, Turkey's first modern sea passenger farewell and welcome hall, was demolished. Karaköy Passenger Hall had been registered as a cultural property to be protected.
- March 1, 2017** The Package Post Office, which was built as a customs house between 1907 and 1911 and registered as a cultural property, was demolished.
- April 26, 2017** The Chamber of Architects Istanbul Metropolitan Branch filed a criminal complaint against the authorities due to the destruction of cultural properties during the construction and the cracks made in Kemankeş Street.
- January 18, 2020** The Ministry of Culture and Tourism announced that the "Beyoğlu Culture Route" would be built on a route extending from Galata to Taksim. It was announced that the beginning of Beyoğlu Culture Route would also be Galataport Istanbul.
- March 20, 2020** 40 workers struck on the grounds that no measures were taken at the construction site regarding the COVID-19 pandemic. About a month after the strike, a worker died due to COVID-19.
- January 25, 2021** Chamber of Architects Istanbul Metropolitan Branch filed a lawsuit for financial compensation for the project due to the damage on the surrounding buildings.
- October 29, 2021** The Galataport Istanbul, a large part of which has been completed, was opened.

Galataport Istanbul¹⁸² is a mega infrastructure project that extends from the Karaköy dock to Mimar Sinan University Fındıklı Campus and has been carried out by Doğu Group in partnership with Bilgili Holding since 2013. Galataport Istanbul is being promoted as a tourism complex that includes the cruise terminal, hotel and restaurant areas and that will bring 1.5 million tourists to Istanbul. The project aims to revive the Istanbul Port with a focus on tourism, beginning from the Galata dock, encompassing the warehouse areas in Salıpazarı and the Salıpazarı dock. Since 2002, when the project was announced, the project has been objected to due to the opinion that the urban cultural heritage will not be protected during the project's implementation and that commercial concerns are pursued instead of public interest.

Since it was first announced, two important legislative amendments have been made that will make the project possible. Culturally valuable structures such as the Karaköy Passenger Hall and the Package Post Office were demolished during the construction, and the property relations around the project began to change. Due to the poor and unsafe working conditions, the workers in charge of the construction of the project were exposed to many human rights abuses.

Adverse Human Rights and Environmental Impacts

Utilizing the amended legislation to enable the project to be carried out

The area where the Galataport Istanbul Project is located was first declared an urban protected area by the Beyoğlu Immovable Cultural and Natural Heritage Preservation Board No. 1 in 1993, and then a tourism area in 1994 by

the decision of the Council of Ministers and included in the scope of privatization with the law amendment in 2005. This raised many questions about the project.¹⁸³ Due to these intertwined problems, the Istanbul Branch of the Chamber of City Planners affiliated to UCTEA, the Istanbul Metropolitan Branch of the Chamber of Architects, the Istanbul Branch of the Chamber of Environmental Engineers, as well as the IMM, filed multiple administrative lawsuits.¹⁸⁴ These lawsuits resulted in the annulment of the zoning plan, project, and regulation.

In addition to these judicial processes, the project was made possible with two important legislative amendments. With the amendment made in the Regulation on the Implementation of the Coastal Law in 2004, the definition of "cruise port" was introduced into the legislation and the configuration of these ports on the coasts, coastlines and filling areas was enabled.¹⁸⁵ With the omnibus bill enacted in 2005 (Law No. 5398 on Regulation of Privatization and Amendment of Some Laws and Legislative Decrees), the PA was authorized to make zoning changes in the cruise port.¹⁸⁶ These two changes described and shaped the project.

Like others, the realization of the Galataport Istanbul Project was made possible by legislative amendments that would enable "the rapid realization of new investments"¹⁸⁷.

Companies that undertake projects made possible by legislative amendments that prioritize economic/commercial interests over public interest, as in the Galataport Istanbul Project, cause adverse human rights impacts that directly affect social/daily life, such as the deterioration of the historical/cultural fabric, the loss of this quality of public spaces, and gentrification.

The deterioration of the historical/cultural texture and the loss of this quality of the public space

The area covered by the Galataport Istanbul Project does not only have the value of a port. This area is an important part of the Beyoğlu urban protected area within the Beyoğlu district integrated with the Historic Peninsula.¹⁸⁸ Its surroundings have a historical texture that include Tophane-i Amire (1563-1566), which was built until the second half of the 19th century, Kılıç Ali Pasha Complex (Mosque 1581, Madrasa 1588, Turkish Bath and Tomb 1588), Tophane Fountain (1732), Tophane Barracks (1790-92), Nusretiye Mosque (1852), Tophane Pavilion (1852) and Clock Tower (1850).¹⁸⁹ The warehouses in Salıpazarı, designed by Sedat Hakkı Eldem, are industrial heritage.¹⁹⁰

Karaköy Passenger Hall, which was built to be Turkey's first modern sea passenger farewell and welcome hall while the Galata dock was being built in the 1940s and registered as a cultural property¹⁹¹ was demolished in February 2017. In charge of the development

and operation of the project, Salıpazarı Port Management and Investment Inc. announced upon the reaction by the Chamber of Architects that the hall was demolished due to life safety and that it would be rebuilt in accordance with its original structure.¹⁹²

In March 2017, another cultural asset within the project area, the Package Post Office,¹⁹³ was destroyed. The Package Post Office, located next to the Karaköy Passenger Hall, was a registered cultural property built in 1911. After the demolition, the Chamber of Architects Istanbul Metropolitan Branch stated in a press release: "The outer walls of its three facades have been completely demolished, although there are reports of it being strengthened and preserved without a demolition decision."¹⁹⁴

The Chamber of Architects Istanbul Metropolitan Branch filed a criminal complaint against the authorities due to the destruction of these two cultural assets during the construction of the project and the cracks made in



Paket Post Office.
Photo: SALT Research and
Postcard Archive

the Karaköy Kemankeş Street where the project is located.¹⁹⁵ After the complaint, the Istanbul Conservation Board No. 2 decided to file a criminal complaint against those responsible for violating the Law on the Protection of Cultural and Natural Heritage, on the grounds that the destruction of cultural assets during the project was against the previous decision of the board.¹⁹⁶ When IMM detected the damage to historical buildings during the inspection, it sealed the construction and ceded it.¹⁹⁷ The fate of these initiated transactions is unknown. The construction continued after a while after IMM sealed and ceded the construction.

In addition to the demolition of the cultural assets in the project area, the concrete injected during the ground-work damaged the structures in the area and caused cracks on the roads in Karaköy Kemankeş Street. As between other buildings on Kemankeş Street, gaps formed in the joints between the Chamber of Architects Istanbul Metropolitan Branch and the building next to it.¹⁹⁸ Cracks also appeared on the road in front of the Chamber of Architects Istanbul Metropolitan Branch building.

One of the main objections to the project is on the grounds that the use of the coastline will be restricted. Although the project is presented as an urban cultural heritage preservation project, it is actually a shopping complex and port terminal where an important urban public space is commercialized.¹⁹⁹

Academic Murat Güvenç reminds that shopping centres are considered as semi-public spaces.²⁰⁰ City Planner Akif Burak Atlar, on the other hand, points out that Galataport Istanbul is presented as a "mixed use" in the project, and that in this way, it is entirely up to the investor to define a wide range of use for the function and to determine its pur-

pose.²⁰¹ Therefore, the 1.2 km coastline (public space) is left to a commercial space, not directly to the use of the public. Professional organizations, experts and activists emphasize the judicial principle of the allocation of the coasts for the public benefit and the equal and free use of the coasts by everyone, while objecting to the interruption of access to the coast due to the shopping complex and the limitation of the consumption capacity of the sections that will reach the coast.²⁰²

Changing property relations and the impact of the project on livelihoods

The ownership of the areas on the cultural route, where Galataport Istanbul was initially determined to be built, was transferred to the General Directorate of Foundations. The ownership of the area where Galataport Istanbul, the beginning of Beyoğlu Culture Route, is located, passed from IMM to the General Directorate of Foundations.²⁰³

With the start of the construction of the project, the places in and around Karaköy began to undergo transformation. It is observed that this transformation has adverse impacts on the livelihoods of the small-scale tradesmen who have been working here for many years. With the start of the project, the rental prices of the buildings in and around Karaköy started to increase, and an eviction lawsuit was filed against the tenants who run these cafes.²⁰⁴ After Galataport Istanbul was opened, it is stated that only large enterprises can afford the increased rental costs in Karaköy.²⁰⁵

Participation and access to information

Public discussions about the close ties of the Ofer family, who won the initial tender for the project, with members of the government showed that there were uncertainties about the initial

bidding process of the project and the information and participation process was unclear.²⁰⁶

In the period after the partnership of Doğu Holding and Bilgili Holding won the second tender for the project, no clear information related to the project was provided and public participation was not enabled. Although it was said that the historical buildings located within the project area would not be destroyed during the construction of the project, the historic Karaköy Passenger Hall and Package Post Office were demolished in 2017.

Working conditions and COVID-19

Many workers who migrated to Istanbul from different parts of the country worked as subcontractors at the construction site.²⁰⁷ Workers have frequently protested in front of the construction site due to the following: the subcontractor companies did not pay their salaries, the workers were dismissed by applying pressure not to pay severance pay, they were fired because they were unionized,²⁰⁸ they were forced to work in poor and unsafe conditions, work safety was not provided, and despite of the frequency of workplace accidents/homicides, no measures were not taken at the construction site to prevent such accidents.²⁰⁹ Representatives of the Power of Labour Association state that the company does not take responsibility in their meetings with Doğu Group officials and directs the workers to subcontractors for their demands.²¹⁰

In April 2020, 40 workers went on strike on the grounds that no measures were taken at the construction site regarding the COVID-19 pandemic.²¹¹ In April 2020, a worker named Hasan Oğuz, who worked at the construction site, died due to COVID-19. Although the symptoms of Hasan Oğuz's illness indicate that he had coronavirus, it appears that the cause of death was

written as infectious disease in the death certificate.²¹² After this death, the construction of Galataport Istanbul was ceased, and the management of Galataport Istanbul made a statement about this. Accordingly, it was stated that all necessary precautions were taken against the COVID-19 pandemic during the construction of Galataport Istanbul, hygiene and disinfection rules were meticulously applied in the working field, and all employees were obliged to use masks, gloves and disinfectants.²¹³

Company Commitments on Human Rights

Doğu Holding Inc., which won the tender for the Salıpazarı Cruise Port Project (Galataport Istanbul) held by the PA on May 16, 2013, partnered with BLG Real Estate Investments and Trade Inc.²¹⁴

Salıpazarı Port Management and Investment Inc. was established on February 13, 2014 for the development and operation of Galataport Istanbul.²¹⁵ With the change of title on February 14, 2018, the title of the company was changed to Galataport Istanbul Port Management and Investments Inc.²¹⁶

Galataport Istanbul Port Management and Investments Inc.

Corporate information of Galataport Istanbul Port Management and Investments Inc. (Galataport Istanbul Port Management) can be accessed on the Galataport Istanbul's web page.²¹⁷ However, there are no company policies or reports here, except for general information about the company. Therefore, we have not been able to evaluate the company's commitments regarding human rights in this study.

Prior to the data collection process, we could not receive answers to the



Galataport İstanbul harbour covers.
Photo: Emirkan Cörüt

questionnaires shared with Galataport Istanbul Port Management on September 10, 2021, as was the case for other relevant companies and banks.²¹⁸

Doğuş Holding Inc.

Doğuş Holding Inc. (Doğuş Group), which won the tender for the Salıpazarı Cruise Port Project, held by the PA, is also the controlling partner of Galataport Istanbul Port Management, established for the development and operation of Galataport Istanbul.

Doğuş Group, founded in 1951, operates in six main sectors: automotive, construction, media, food and beverage, tourism-retail, real estate and energy.²¹⁹

Prior to the data collection process, we could not receive answers to the questionnaires shared with Doğuş Holding Inc. on September 10, 2021, as was the case for other relevant companies and banks.²²⁰

Human rights policy

We have not been able to access a human rights policy on the corporate web page of Doğuş Group. The responsibility to respect human rights is not stated under the headings "Our Values" and "Why Doğuş Group" on the corporate web page either.²²¹ The message of Doğuş Group Chairman and CEO does not mention the company's responsibility to respect human rights.²²²

The company policies/documents on the web page focus on human rights, equality/prohibition of discrimination and women's empowerment.²²³

Among these policies/documents, where human rights-related information can be accessed, the 2020 Global Compact Progress Report is under the Corporate Social Responsibility tab, while all other accessible policies/documents are under the Human Resources (Career) tab. Both the tab accessible

on the corporate web page and the content of the texts indicate that issues related to human rights are mainly addressed on the basis of employee relations. For example, the first article of the "Declaration of Equality at Work" is: "We respect human rights. We treat all our employees with the core principle of equality."²²⁴

In the "Business Conduct and Code of Ethics", the sub-title of "Principles of Equal Treatment" under the 3rd section titled Human Resources it is said: "... We prevent discrimination in all stages and conditions of employment, from recruitment to promotion, from performance management to remuneration, and focus only on compliance with corporate values, performance and potential in evaluations."²²⁵ On the other hand, in the next sub-title "Protection of Human Dignity," we see the following statement: "We offer all our employees working conditions that protect human dignity. It is our top priority to provide safe and healthy working environments for our employees, to treat all our employees with the principle of equal opportunity, and to create environments where they can express themselves freely. We implement occupational health and safety measures in all of our group companies' offices, restaurants, hotels, stores, service providers - in short, in all our working spaces."²²⁶

Another statement showing that human rights are addressed on the basis of equality/non-discrimination and women's empowerment is included in the 2020 Global Compact Progress Report. In the report, it is stated that the business partners in the value chain and the suppliers from whom services and goods are purchased are expected to be sensitive towards these issues.²²⁷ One of these issues related to human rights is summarized as follows: "We respect human rights at every stage

of our business and under no circumstances should we discriminate against gender, age, religion, language, race, ethnicity, etc. We treat all our stakeholders and employees equally, without discrimination."

Apart from the focus on equality/non-discrimination and women's empowerment, the 2020 Global Compact Progress Report includes statements on child labour and forced labour.²²⁸

Guiding Principles are based on internationally recognized human rights for corporate responsibility to respect human rights.²²⁹ Considering the sectors in which Doğuş Group operates and its operational map,²³⁰ it is expected to focus on a wider range of human rights. The equality/non-discrimination and women's empowerment-oriented approach, which we see adopted in the policies/documents accessed from the corporate web page, is rather limited compared to the Guiding Principles.

Policies/documents reflecting this approach, which is quite limited compared to the Guiding Principles, remain at the level of expectation when it comes to business partners and suppliers. In the "Business Conduct and Code of Ethics", it is stated that all business partners are expected to comply with the code of business ethics and supporting application principles.²³¹ In the 2020 Global Compact Progress Report, human rights, child labor and forced labour are listed among the issues that business partners in the value chain and suppliers of services and goods are expected to show common sensitivity.²³² In the "Declaration on Equality at Work", business partners and suppliers are not expected to comply with these principles. Instead, it is stated that Doğuş Group will be a pioneer in disseminating these among its business partners and suppliers.²³³

According to the Guiding Principles, business enterprises should respect the internationally recognized human rights standards in case of any conflict with the national legislation.

In "Business Conduct and Code of Ethics," we see the following statement: "We determine our suppliers and business partners by paying attention to their compliance with laws and regulations, whether they look out for employee rights, sustainability principles on social, environmental, and economic spheres, and we work in accordance with these principles, without any hidden purpose." In addition, it is said: "We attach importance to the fact that the suppliers with whom we will cooperate adopt principles that align with our values and understand our ethical expectations."²³⁴ At the same time, it is stated in the 2020 Global Compact Progress Report that elements such as human rights, employee rights, employee health and safety, and environmental impacts are among the criteria in the selection of suppliers.²³⁵

We could not access from the company's web page any information on whether these principles and rules form part of the contracts signed with suppliers and other third parties.

According to Doğuş Group's statement, as of 2020, there are 259 approved suppliers in Doğuş Holding's supply chain, and it is stated that audits are carried out by Doğuş Group in order to raise the standards of these suppliers.²³⁶ However, the details of these audits are not shared on the web page. Therefore, it is not known whether these audits cover human rights issues or how the non-compliances identified in the audits are handled.

Human rights due diligence

As we were unable to access a human rights policy on the company's corporate web page, we could not assess how adverse impacts were addressed.

In the 2020 Global Compact Progress Report, we saw that notification boxes were declared to be created in 2019, enabling notification when a dangerous situation takes place.²³⁷ However, we could not evaluate this process in the context of the human rights due diligence outlined in the Guiding Principles, as no information is provided on the web page about the processes for handling notifications.

However, the aforementioned report states that no negative notifications were encountered in 2020. The fact that the death of a subcontractor worker due to COVID-19 in the Galataport Istanbul Project was not considered as a negative notification and was not reported in the 2020 Global Compact Progress Report,²³⁸ shows that the notification process is an application only available to Doğuş Group companies and does not cover business partnerships.

In the 2020 Global Compact Progress Report, key stakeholders are defined under the sub-title of stakeholder engagement, and it is stated that dialogue was established with key stakeholders through different communication tools.²³⁹ Those adversely impacted by their operations, civil society and rights defenders are not among the key stakeholders.

Remediation for the adverse human rights impacts

We do not know if there is a process to ensure that adverse impacts are remedied because we do not have access to the company's human rights policy on the corporate web page.

In the table of contents of the "Business Conduct and Code of Ethics," there is the title of Ethics Committee.²⁴⁰ Issues related to human rights are handled with a focus on equality/prohibition of discrimination on the basis of employee relations and women's empowerment. That's why, we thought that the Ethics Committee could also be responsible for issues related to human rights. However, although it is mentioned in the Table of Contents section, there is no subsection regarding the Ethics Committee in the "Business Conduct and Code of Ethics". Therefore, we also could not make an assessment.

Doğuş Group signed the UN Global Compact in 2007 and presented its first progress report in 2009.²⁴¹ In the 2020 Global Compact Progress Report, which is the most recent progress report accessed from the corporate web page, no reference is made to the Ethics Committee or any other grievance mechanism.

Compliance with laws and standards

According to the Guiding Principles, business enterprises should respect the internationally recognized human rights standards in case of any conflict with the national legislation. However, we did not find any such statement in the policy/documents accessed from the corporate web page.

In the "Business Conduct and Code of Ethics," Doğuş Group ensures compliance with the law as a priority in terms of its own operations, and states that it is a criterion in the selection of suppliers and business partners that they

carry out their operations in accordance with laws and regulations.²⁴² It is stated in the 2020 Global Compact Progress Report that Doğuş Group fulfils the legal responsibilities of all countries in which it operates in terms of its own operations.²⁴³

BLG Real Estate Investments and Trade Inc.

According to the trade registry records, BLG Real Estate Investments and Trade Inc. (BLG Real Estate), with which Doğuş Group has partnered for the development and operation of Galataport Istanbul, is one of the affiliates of Bilgili Holding Inc.²⁴⁴ BLG Gayrimenkul was established in 2013 as a three-partner company.²⁴⁵ With the share transfer in 2014, three partners of BLG Real Estate transferred their shares to Galataport GMBH, a company established in Vienna, Austria.²⁴⁶

Within the scope of our study, we did not find the separate corporate web pages of BLG Real Estate and Galataport GMBH. Therefore, we have not been able to evaluate the company's commitments regarding human rights in this study.

Prior to the data collection process, we could not receive answers to the questionnaires shared with BLG Real Estate on September 10, 2021, as was the case for other relevant companies and banks.²⁴⁷

When we looked at the corporate web page of Bilgili Holding Inc, of which BLG Real Estate is an affiliate, we found that the company policies and documents were not shared, but only a tab titled social responsibility.²⁴⁸ However, the information shared here consisted of social responsibility projects and did not contain sufficient data for us to evaluate the company's commitments to human rights.

**HUNUTLU
THERMAL
POWER PLANT
PROJECT**

Chronology

- June 13, 2014** The EIA report of the project was prepared.
- July 14, 2014** An EIA positive decision was made for the project.
- July 9, 2015** A license was obtained from EMRA for the project.
- June 20, 2016** A lawsuit was filed to cede the Hunutlu Thermal Power Plant project. Ankara 2nd Administrative Court rejected the case - this decision was appealed. The case is still under appeal.
- September 27, 2017** A letter was sent to Shanghai Electric Power, the controlling partner of the company in charge of the project, and the adverse impacts caused by the project were communicated to the company.
- March 11, 2020** Eleven non-governmental organizations sent a letter to the financiers of the project, the China Development Bank, ICBC and Bank of China, to explain the adverse impacts caused by the projects and asked for an appointment to meet with the authorities.
- June 5, 2020** In cooperation with local, national, and international institutions working in the field of climate and environmental protection, the #CleanAirforAdana (AdanayaTemizHava) Campaign was launched in order to mold the public opinion against the Hunutlu Thermal Power Plant.
- June 1, 2020** Non-governmental organizations sent follow-up letters to banks they had sent letters to in March 2020 and to Shanghai Electric Power in 2017.
- July 27, 2020** Reminder letters for the follow-up letters sent in June 2020 were sent as a fax.
- August 28, 2020** It turned out that the changes made in the chimney design of the Hunutlu Thermal Power Plant while under construction were not included in the EIA report.
- September 23, 2020** Emails were sent to Bank of China, China Development Bank and ICBC on behalf of Eastern Mediterranean Environmental Associations (DACE). The final status of the Hunutlu Thermal Power Plant construction was communicated to the banks.
- September 29, 2020** In April-September, which is the nesting season for sea turtles, the filling built on the sea and land should have been completely removed and the beach restored, but the satellite images revealed that this was not done.
- October 9, 2020** Because the chimney of the thermal power plant was replaced by violating the EIA report, a lawsuit was filed against the Ministry of Environment and Urbanization by the Adana Medical Chamber, the Chamber of Agricultural Engineers, professional chambers in the Eastern Mediterranean and various associations.
- November 25, 2020** Non-governmental organizations sent ICBC an e-mail requesting them to withdraw from the Hunutlu Thermal Power Plant project.
- January 20, 2021** Environment and Consumer Protection Association sent a complaint petition to the Bern Convention stating that Hunutlu Thermal Power Plant violated the contract.
- February 10, 2021** The Bern Convention Secretariat responded to the complaint and it was stated that the complaint would be considered at the committee meeting in April.
- April 14-15, 2021** The Convention Secretariat stated that the Standing Committee of the Bern Convention is seriously concerned that this important nesting site is endangered by a fossil-fuelled energy project. Further, briefed the Convention Secretariats of RAMSAR and Barcelona.
- May 14, 2021** DACE also participated in the e-mail campaign sent by 21 organizations from five countries, where Bank of China finances coal, to the chairman of the board of directors of the Bank of China. The bank was asked to end coal financing in the countries involved in the campaign.
- May 17, 2021** Civil society actors from Pakistan, Indonesia, Vietnam, Bangladesh, Turkey, Kenya and Zimbabwe sent an e-mail to ICBC representatives in their countries and demanded that they terminate their coal investments.
- June 2021** The RAMSAR Secretariat stated that it had not been notified of this project and said it would follow up the matter.
- July 12, 2021** The number of signatures in the petition to cede the construction of the Hunutlu Thermal Power Plant reached 80,000. Civil society representatives delivered these signatures to the ICBC Headquarters officials and demanded that they withdraw from financing the thermal power plant.
- August 19, 2021** A follow-up email was sent to Bank of China in reference to the email sent in May 2021.
- September 2021** After the Chinese President's statement on Chinese investments overseas, Bank of China was sent an email again, reminding that Hunutlu Thermal Power Plant was not compatible with the said statement.
- October 7, 2021** The Bern Convention Secretariat reported that they decided to evaluate the complaint at a higher level.
- November 29, 2021** It was requested in the annulment case of the EIA before the Adana Administrative Court that the complaint to the Bern Convention be a prejudicial question and the execution be suspended.



Kerem Yücel, CAN Europe, 2015

While China and India, the major league in terms of thermal power plant project stocks, have experienced a rapid decline, Turkey ranks fifth in the world and first in Europe in terms of the size of new coal investments planned as of 2020.²⁴⁹ Hunutlu Thermal Power Plant, one of China's biggest investments in Turkey²⁵⁰ within the scope of China's Belt and Road Project²⁵¹, is a project that has been under construction on the Sugözü coast of Adana's Yumurtalık District and has been frequently discussed in recent years.

Local, national and international non-governmental organizations object to the thermal power plant project. With the "Clean Air for Adana" campaign, non-governmental organizations and rights defenders draw attention to the adverse impacts caused by the Hunutlu Thermal Power Plant on public health and the environment.²⁵² Non-governmental organizations have launched a petition to cede the construction of the thermal power plant project.²⁵³

Sugözü Village, Herekli Neighbourhood

and Demirtaş Village, which are 1.5 km, 2.6 km and 2.8 km away respectively, will be directly affected by the thermal power plant project. It is predicted that two thousand people will die prematurely due to health problems caused by air pollution during the operation of the thermal power plant. If pollution could be reduced below the recommended limit value of the World Health Organization, 2,072 deaths in Adana in 2019, i.e. one out of every five deaths, could have been prevented.

Together with other power plants operating in Adana and Hatay, the Hunutlu Thermal Power Plant will cause environmental damage and critically affect public health.²⁵⁴ While the thermal power plants in and around the Iskenderun Bay have already been polluting the air, cancer cases will increase, the water released from the power plant to the sea will adversely impact the marine ecosystem, and green sea turtles (*Chelonia mydas*) and tadpole sea turtles (*Caretta caretta*), which are under the protection of international conventions, will be

endangered when the Hunutlu Thermal Power Plant becomes operational.

In addition to its adverse impacts on public health and the environment, it is stated that the thermal power plant will not be economically sustainable. According to the report titled "The Feasibility of Coal in the Age of Renewable Energy: The Example of Hunutlu Thermal Power Plant" prepared by the World Wildlife Fund (WWF) Turkey and the Sustainable Economy and Finance Research Association (SEFIA), the Hunutlu Thermal Power Plant cannot repay the investment for 25–30 years after it starts operating.²⁵⁵

The lawsuit filed in 2016 for the revocation of the license of the thermal power plant project is under appeal and the construction of the thermal power plant is still ongoing, since the case has not reached a verdict regarding the stay of execution. Before and during the construction, the residents of the region have not been able to access accurate information about the air pollution and public health problems that will be caused by the thermal power plant project, the company has remodelled the zoning plan contrary to the EIA report, and despite the scientific studies by non-governmental organizations on the adverse impacts of the project on public health, environment and climate, the construction of the project continues.

Adverse Human Rights and Environmental Impacts

Participation and access to information

At the Hunutlu Thermal Power Plant, which is being constructed in Adana, the residents were not able to partake in the decision-making regarding the planning of the thermal power plant

and licensing the power plant and cannot access accurate information.

In Iskenderun Bay, known for its coal-fired power plants and heavy industry, air pollution is critically high. In central Adana, it is stated that pollutants in the air (10 microns and smaller particulate matter - PM10) are two times the limit value set in Turkey and five times the World Health Organization's 2021 recommendation values. When the Hunutlu Thermal Power Plant starts operating, air pollution will increase even more and this will cause environmental and public health problems. However, the EIA report prepared for the thermal power plant project does not contain information about the public health problems, environmental impacts and pollution that the project will cause.²⁵⁶

Residents of Adana complain that no studies have been conducted on the adverse impacts of the thermal power plant and are worried about these impacts, especially the health problems. The limited information sharing on the adverse impacts caused by the thermal power plant was also brought up to the agenda of the Parliament in June 2020. A motion was submitted to the parliament to investigate the harmful impacts of Hunutlu Thermal Power Plant on living beings in the region, nature, public health, agriculture and the ecosystem.²⁵⁷

The company made changes in the chimney design during the construction of the thermal power plant, contrary to the EIA report, and with this change, the chimney of the thermal power plant was included in the cooling tower.²⁵⁸ After this change, Hunutlu Thermal Power Plant was introduced as the "first chimney-free thermal power plant" by the company.²⁵⁹ The company claims that with this change, the pollutant emissions to be released into the air from the thermal power plant will decrease.²⁶⁰ On

the other hand, Centre for Research on Energy and Clean Air's (CREA) research shows that the emission of harmful gases to be emitted into the air will not decrease whether the thermal power plant chimney is included in the cooling tower or not, but on the contrary, the pollution may cause an increase in the adverse health impacts.²⁶¹

Lawsuits filed against the thermal power plant and the change of plan

There are two lawsuits filed against Hunutlu Thermal Power Plant, EIA process of which was initiated in 2014. The first of these cases is the license revocation lawsuit filed in 2016.²⁶² Ankara 2nd Administrative Court rejected the case and this decision was appealed. The case is currently under appeal.²⁶³

Another lawsuit regarding the Hunutlu Thermal Power Plant was filed by Adana Medical Chamber, Chamber of Agricultural Engineers, professional chambers in the Eastern Mediterranean and environmental associations against the Ministry of Environment and Urbanization in 2020, after the company remodelled the chimney of the thermal power plant in violation of the EIA report.²⁶⁴

During the construction of Hunutlu Thermal Power Plant, the zoning plans of the power plant were remodelled. Sadun Bölükbaşı from the DAÇE Platform made the following statement about this alteration: "It seems that the water intake and discharge structures of the power plant have been cancelled in the new plan. It is unclear where the power plant will supply water to carry out cooling under these conditions. It is alarming that a facility such as a thermal power plant, whose effects are felt not only in the region where it is located, but also in the air, water and soil in a much wider region, proceeds in an unplanned and irregular manner."²⁶⁵

Adverse impacts on public health

When the Hunutlu Thermal Power Plant is completed, a second thermal power plant will be built just 1.8 km east of the Sugözü Imported Coal-Fired Thermal Power Plant, which is located on the Sugözü Coast and continues to operate. Thus, Adana's air quality will be seriously impacted, in addition to the pollution caused by the Tufanbeyli Coal-Fired Thermal Power Plant located in the north of Adana and other pollutants. The EIA report also confirms this. The values specified in the EIA report



for the thermal power plant project regarding air pollution are five times the recommended values of the World Health Organization and two times the limit values determined in Turkey.²⁶⁶

Sulfur oxide emissions from the thermal power plants in the Iskenderun Bay mix with the soil and water in the form of acid rain after they mix with the air. While these emissions harm agricultural productivity and biodiversity in the region, it directly impacts people by increasing cancer cases and respiratory system diseases. While the Sugözü Thermal Power Plant, which is currently actively operating, adversely impacts the public health, it is stated that health problems will deepen, despite the air pollution treatment and reduction technologies planned for the project, with the launch of the Hunutlu Thermal Power Plant and other thermal power plant projects.²⁶⁷ According to the expert report prepared for the lawsuit filed in order to revoke the license of the Hunutlu Thermal Power Plant, five cancer cases and four cancer types were determined in the region in 2009, while 60 cancer cases and 16 cancer types developed in 2014.²⁶⁸

Experts also underline that there is no estimation study in the EIA report to define the public health problems that will occur due to the pollutants to be released into the air by the Hunutlu Thermal Power Plant. Health and Environment Union (HEAL) Turkey consultant Funda Gacal, made the following statement regarding the increasing respiratory system diseases due to the thermal power plants that already exist in the region: "According to TURKSTAT data, we see a 50 percent increase in deaths from respiratory system diseases in Adana from 2009 to 2017, which is quite worrying."²⁶⁹

Adverse impacts on natural life
Sugözü Beach, where the construction

of the Hunutlu Thermal Power Plant is underway, is one of the most important nesting areas for green sea turtles (*Chelonia mydas*) and tadpole sea turtles (*Caretta caretta*), which are protected by three international conventions.²⁷⁰ The EIA report contains the following information about sea turtles: "Of these species, *Caretta caretta* and *Chelonia mydas* are abundant in the region. Although they are under protection, these creatures have the ability to move at very high speeds and have the potential to leave the area during construction and operation."²⁷¹ However, the fact that there is no scientific evidence for this statement in the EIA report also confirms the doubts about the scientific nature of the EIA report.

The Environmental and Consumer Protection Association (ÇETKO) sent a complaint petition to the Bern Convention Committee in January 2021 that the Hunutlu Thermal Power Plant violated the Convention. At the committee meeting held on April 14-15, 2021, the Standing Committee to the Bern Convention expressed their serious concern that this important nesting site be endangered by a fossil-fuelled energy project. Further, briefed the Convention Secretariats of RAMSAR and Barcelona. In June 2021, the RAMSAR Secretariat stated that they were not informed of this project, which is very close to the RAMSAR Area 1619 Yumurtalık Lagoon, an important haunt for migratory birds and a nesting site for sea turtles. Recalling the special decision of the parties in 2018 regarding better protection of sea turtle sites and the declaration of the coastline as a RAMSAR Area, if appropriate, they said that they would follow up the issue.²⁷²

On October 7, 2021, there was a response from the Bern Convention Secretariat. The Convention Secretariat stated that "the Standing Committee of the Bern Convention is seriously con-

In terms of the size of new coal investments planned as of 2020, Turkey ranks fifth in the world and first in Europe. In fact, the continuation of the construction of the Hunutlu Thermal Power Plant clearly contradicts the goals set out in the Paris Agreement.

cerned that this important nesting site is endangered by a fossil-fuelled energy project. For this reason, it has decided to evaluate this complaint petition at the highest level.²⁷³

Prior to the complaint procedure initiated by ÇETKO in accordance with the Bern Convention in September 2020, the filling built on the sea and land should have been completely removed and the beach been restored in April-September, the sea turtle nesting season, but satellite images revealed that it was not the case.²⁷⁴ Sea turtles come back to nest on the beach where they were born. Therefore, in order for them to continue breeding, it is necessary to protect the beach where they were born.

In addition, the warming of sea and maritime traffic adversely impact their migration and feeding behaviour. It is estimated that when the thermal power plant is put into operation, the total amount of hot water released from the power plant to the sea for cooling and process will be 1.5 million tons per year and the temperature of the released water will be seven degrees higher than the average temperature of sea water.²⁷⁵ The increase in the hot water released into the sea will prevent the migration of sea turtles and cause them not to leave that region and thus to be adversely impacted by the environmental damages caused by the power plant.

On the other hand, according to the Circular on the Protection of Sea Turtles published by the General Direc-

torate of Nature Conservation and National Parks, it is against the law to build a power plant in this area, which is defined as one of the nesting areas for sea turtles that need protection.²⁷⁶

Adverse impacts on the climate

With the Paris Agreement, the main purpose of which is to reduce carbon emissions in the world, a large majority of countries have begun to base their future plans on decarbonization. Turkey ratified the agreement in parliament on October 6, 2021, five years after the signing of the Paris Agreement. However, the commitment to phase out coal in Turkey is not clearly articulated by the decision makers.²⁷⁷ In terms of the size of new coal investments planned as of 2020, Turkey ranks fifth in the world and first in Europe.²⁷⁸ In fact, the continuation of the construction of the Hunutlu Thermal Power Plant clearly contradicts the goals set out in the Paris Agreement.²⁷⁹

On the other hand, the Chinese government has announced that it will not make new coal-fired power plant investments abroad in order to achieve its climate change targets.²⁸⁰ Despite this statement, the continuation of the construction of the Hunutlu Thermal Power Plant, which has been invested by Chinese companies and banks, is a sign of contradiction. It remains unclear whether China will give up on the Hunutlu Thermal Power Plant. At the same time, it is stated that when the Hunutlu Thermal Power Plant becomes operational, Turkey's dependence on coal will be further fuelled, its ability to

combat climate change will decrease, and the habitats of sea turtles, which are endangered on a global scale, will be lost.²⁸¹

Adverse impacts on livelihoods

The surroundings of Iskenderun Bay, where the construction of Hunutlu Thermal Power Plant is underway, are of great importance in terms of agricultural production, and the main source of livelihood of those living in the region is agricultural production.²⁸²

Particles mixed with the air from the thermal power plant and industrial activities in the region adhere to the wheat, cotton and citrus crops, severely damaging the crops.²⁸³ Similarly, due to industrial activities in Iskenderun Bay, soil pollution and the amount of heavy metals in the soil exceed the standards set by the World Health Organization.²⁸⁴ It is foreseen that the adverse impacts on livelihoods will deepen when the Hunutlu Thermal Power Plant becomes operational. When the power

plant comes into operation, together with the Sugözü Thermal Power Plant and other industrial activities in the region, the cumulative pollution in the air and soil will increase and agricultural production in the region will be impacted more.²⁸⁵

Public litigation against the thermal power plant

In order to halt the construction of the Hunutlu Thermal Power Plant, to defend the right to live in a healthy environment, and to mold the public opinion against the construction of the power plant, the Clean Air for Adana Campaign²⁸⁶ is being carried out in cooperation with national and international civil society. Within the scope of this campaign, non-governmental organizations and rights defenders are trying to show the damage caused by the power plant with scientific studies, organize press releases and call on the ministries and the Chinese government and the banks that finance the project to halt the project.



Kerem Yücel, CAN Europe, 2015

Before the *Belt and Road Forum 2019* event in April 2019, where China's international investments would be discussed, TEMA Foundation, WWF-Turkey, DAÇE, European Climate Action Network (CAN Europe), Health and Environment Union (HEAL) shared with the public the adverse impacts of the Hunutlu Thermal Power Plant.²⁸⁷ They stated that the Chinese partners did not apply the stricter chimney limits applied in their own country to Hunutlu and that they were concerned that Turkey would become a country suitable for such investments with its legislation allowing high emissions.²⁸⁸

A call was also made to the Ministry of Environment and Urbanization and the Ministry of Energy and Natural Resources to halt the construction of the Hunutlu Thermal Power Plant.

In June 2020, a press release was issued upon the call of professional chambers in Adana.²⁸⁹ In the press release, attention was drawn to the environmental damage caused by the Sugözü Thermal Power Plant, which has been operating in Adana since 2003.²⁹⁰ Based on the air pollution measurements in Adana, it was emphasized that the commissioning of another thermal power plant here would cause great environmental destruction and serious public health problems.²⁹¹

Non-governmental organizations that came together with the Clean Air for Adana Campaign launched a petition to halt the Hunutlu Thermal Power Plant and collected over 100 thousand signatures with this campaign.²⁹² After ICBC, which financed the thermal power plant campaign in Kenya, withdrew from the project due to environmental risks, the non-governmental organizations organizing the Clean Air for Adana Campaign called on ICBC to withdraw from the project in Turkey as well.²⁹³

Non-governmental organizations emphasize the adverse impacts of the Hunutlu Thermal Power Plant in letters and e-mails they send to companies and banks and reiterate the demand for their withdrawal from the project.

Non-governmental organizations first sent a letter to Shanghai Electric Power, the controlling partner, in September 2017, and then to three Chinese banks that financed the project in March 2020, explaining the adverse impacts of the project, local initiatives against the project, and asked for an appointment to meet with the authorities. After they failed to get a response to these letters, they sent follow-up letters on June 1, 2020. In this letter, in which the interview requests were repeated, the high-quality rating of the Chinese Government and China Development Bank's projects planned within the post-COVID-19 Belt and Road Initiative was mentioned. At the same time, it was emphasized that 265 organizations around the world have joined the Chinese Government's call for post-COVID-19 investments to be "high-quality" and "risks controllable".

On July 27, 2020, a reminder letter was sent as a fax for the letters sent in June 2020. It was stated that previous letters sent to ICBC, Bank of China and China Development Bank had reached their offices, but there was still no response to the interview request. About two months after this fax was sent, in September 2020, an e-mail was sent to the Bank of China, China Development Bank and ICBC on behalf of DAÇE. The final status of the Hunutlu Thermal Power Plant construction was communicated to the banks. Previous letters sent to them were referenced and the potential impacts on biodiversity, air pollution, etc., in case of any progress on the project, were noted. Banks were asked not to support the project's continuation.

Non-governmental organizations first sent a letter to Shanghai Electric Power, the controlling partner, in September 2017, and then to three Chinese banks that financed the project in March 2020, explaining the adverse impacts of the project, local initiatives against the project, and asked for an appointment to meet with the authorities.

Two months after this email, in November 2020, non-governmental organizations sent an email to the ICBC. In the e-mail, it was stated that the bank had decided to withdraw from the project in Lamu, Kenya and they were also requested to withdraw from the Hunutlu Thermal Power Plant project.

Twenty-one organizations out of the five countries where the Bank of China finances coal emailed the chairman of the bank's board of directors, asking him to end coal financing in those countries. On May 14, 2021, DAÇE also participated in this campaign and sent an e-mail. Following this campaign against the Bank of China, on May 17, 2021, civil society actors from Pakistan, Indonesia, Vietnam, Bangladesh, Turkey, Kenya and Zimbabwe sent e-mails to ICBC representatives in their countries and demanded that they terminate their coal investments. DAÇE also participated in the campaign by sending this e-mail to the ICBC Turkey's representative office.

The Bank of China was sent a follow-up email in May 2021, since there was no response for the previous email on behalf of twenty-one civil society actors sent in May 2021. It was also reported that if the latter email was not responded to, a website would be created describing the Bank of China's coal investments and losses.²⁹⁴

After the Chinese President's statement on Chinese investments overseas, Bank of China was sent an email again,

reminding that Hunutlu was not compatible with the said statement. As part of a joint campaign of twenty-one civil society actors, a letter was sent from Turkey on behalf of the DAÇE.

Company Commitments on Human Rights

The Hunutlu Thermal Power Plant, which will be put into operation as a coal-fired thermal power plant, is being built by EMBA Electricity Generation Inc. in the Sugözü village of the Yumurtalık district of Adana.

The partners of EMBA Electricity Generation Inc. are Shanghai Electric Power Co.Ltd., Avic-Intl Project Engineering Company and local investors. The Hunutlu Thermal Power Plant is financed by China Development Bank, Bank of China and ICBC under the Belt and Road Initiative.

The Belt and Road Initiative, announced by Chinese President Xi Jinping in 2013, is an investment initiative based mainly on transport and energy investments on the Asia-Europe line. Its aim is to create a network of mutual commitment through investments that China will make with countries along the way, connecting Southeast Asia, South Asia and Africa with ports, Central Asia, the Middle East and Europe with railways. In this initiative, which covers about 70 countries, Turkey is located on the so-called Middle Corridor line of the Belt and Road route.

EMBA Electricity Production Co. Inc.

Founded in 2011 by Turkish investors and headquartered in Istanbul, EMBA Electricity Production Co. Inc.'s²⁹⁵ (EMBA Electricity) partnership structure changed in 2013. With this change, Shanghai Electric Power Co. Ltd. and Avic-Intl Project Engineering Company joined the company as shareholders.²⁹⁶ In 2016, three of the Turkish investor partners left the partnership by transferring their shares to Shanghai Electric Power Co. Ltd.²⁹⁷ After this share transfer, Shanghai Electric Power Co. Ltd. became the controlling shareholder.

Prior to the data collection process, we did not receive any answers to the questionnaires shared with EMBA Electricity on September 10, 2021, as is the case for other related companies and banks.²⁹⁸

Apart from general information about the company and investments in Turkey, we could not find any information on company policies or reports on EMBA Electricity's corporate web page.²⁹⁹ Therefore, we were unable to assess this part of our study that focused on the company's human rights commitments.

Shanghai Electric Power Co. Ltd.

During our study, we found that the corporate web page of Shanghai Electric Power Co., which became the controlling partner in EMBA Electricity as a result of the share transfer in 2016, is not up-to-date.³⁰⁰ The most recent annual report and corporate social responsibility report available on the corporate web page were for 2015.³⁰¹ We noticed that the link provided on the company's web page was in order for us to access the 2015 annual report, was actually for the 2015 Corporate Social Responsibility Report.³⁰²

Prior to the data collection process, we did not receive any answers to the

questionnaires shared with Shanghai Electric Power Co. Ltd. on September 10, 2021, as is the case for other related companies and banks.³⁰³

Human rights policy

The research methodology of our study is based on up-to-date documents in evaluating company commitments to human rights. Therefore, since the 2015 Corporate Social Responsibility Report, which we accessed from the corporate web page of the company, is not an up-to-date document, we could not evaluate this report within the scope of the research methodology. However, we studied the 2015 Corporate Social Responsibility Report in order to get a hint of the company's approach. In the report based on the GRI corporate sustainability standards,³⁰⁴ we found that the expression "human rights" was only used in the reference table indicating which part of the report the GRI standards were addressed.³⁰⁵

When we looked at the reference table, we found that the company shared data on only one of the twelve different evaluation criteria of GRI regarding human rights. The data are an indicator that the company provided human rights training for its employees.³⁰⁶

Due to the limited information on the company's corporate web page, we could not evaluate how it addresses the adverse impacts it causes on human rights and the environment, and whether there is a procedure to remedy these impacts. At the same time, due to the limited information on the web page, we could not make an assessment for the part of our study related to compliance with laws and standards.

Avic-Intl Project Engineering Company

Avic-Intl Project Engineering Company, which joined EMBA Electricity as a shareholder in 2013, does not have an



English language option on its corporate web page.³⁰⁷ Therefore, we were unable to obtain information on company policies or reports, and to evaluate this part of our study that focused on the company's human rights commitments.

Prior to the data collection process, we did not receive any answers to the questionnaires shared with Avic-Intl Project Engineering Company on September 10, 2021, as is the case for other related companies and banks.³⁰⁸

Since the corporate web page of the parent company Avic International has an English language option, we looked at the corporate web page of Avic International in order to access information about Avic-Intl Project Engineering Company.³⁰⁹ However, we have not been able to identify company policies or reports on the corporate web page of the parent company. Therefore, we were unable to assess this part of our study that focused on the company's human rights commitments.

China Development Bank

China Development bank is one of the three banks that finances the Hunutlu Thermal Power Plant is China Development Bank.³¹⁰ We have not been able to find any information about the bank's human rights policies on the corporate web page of China Development Bank. The Bank's corporate web page contains its mission, vision and core values.³¹¹ These values emphasize an approach focused on development and sustainability. However, human rights are not considered to be among the core values.

Prior to the data collection process, we did not receive any answers to the questionnaires shared with China Development Bank on September 10, 2021, as is the case for other related companies and banks.³¹²

Human rights policy

During our study, we found that China Development Bank is a party to the Global Compact and UNEP FI.³¹³

However, we did not come across China Development Bank during our search in the members section of UNEP FI's web page.³¹⁴

We could not access the progress reports under the Global Compact on the corporate website of China Development Bank. Going through the web page of the Global Compact network, we found that China Development Bank signed the Global Compact in 2006, and published the relevant progress reports.³¹⁵ The document published here as the final progress report is the 2020 Sustainability Report; however, it is not a report prepared for the Global Compact.³¹⁶ We could not access this report, which is on the Global Compact network page, through the corporate web page of China Development Bank.

We have found that the company commitments and policies regarding human rights are not addressed in the 2020 Sustainability Report. The report is based on GRI corporate sustainability standards. In the reference table indicating which section of the report the GRI standards are discussed by the company,³¹⁷ it is stated that the human rights assessment report is included in the section titled "Employee Care". In this section, the only information we came across was that meetings were held on employee rights.³¹⁸

Human rights due diligence

On the bank's corporate web page, "green growth" is considered among the core values, and it is stated that the concept of "green credit" is included in all of the bank's commercial activities.³¹⁹ However, we could not find any information on the corporate web page regarding the green credit-related criteria, such as whether the due diligence was carried out or not.

Due to the limited information on the bank's corporate web page, we could

not evaluate how the bank addresses the adverse impacts it causes on human rights and the environment, and whether there is a procedure to remedy these impacts. At the same time, due to the limited information on the web page, we could not make an assessment for the part of our study related to compliance with laws and standards.

Bank of China Limited

Another bank that finances the Hunutlu Thermal Power Plant is Bank of China Limited (Bank of China).³²⁰ We have not been able to identify the bank's human rights policies on the Bank of China's corporate web page. The most up-to-date corporate social responsibility report that we accessed on the corporate web page was for 2019.³²¹

Prior to the data collection process, we did not receive any answers to the questionnaires shared with Bank of China on September 10, 2021, as is the case for other related companies and banks.³²²

Human rights policy

We did not find any information on human rights policy in the 2019 Corporate Social Responsibility Report. The report is based on GRI corporate sustainability standards. In the reference table indicating which section of the report the GRI standards are discussed by the company,³²³ we found that the standards regarding human rights assessment did not correspond to the report.

We found that Bank of China became a party to the UNEP FI in August 2021 and signed *the Principles for Responsible Banking*.³²⁴ It is stated on the web page of UNEP FI that it actively implements the green development strategy and develops the green finance management framework and related policies and working procedures. However, we did not find any information and

policies or documents related to green finance management on the bank's corporate web page.

Since the Bank of China signed the Principles for Responsible Banking implemented by the UNEP FI in 2021, a report within the scope of these principles³²⁵ needs to be published in the coming years.

Due to the limited information on the bank's corporate web page, we could not evaluate how the bank addresses the adverse impacts it causes on human rights and the environment, and whether there is a procedure to remedy these impacts. At the same time, due to the limited information on the web page, we could not make an assessment for the part of our study related to compliance with laws and standards.

Industrial and Commercial Bank of China Limited

ICBC is the third bank that has financed the Hunutlu Thermal Power Plant.³²⁶ We have not been able to identify the bank's human rights policies on the ICBC's corporate web page.³²⁷

Prior to the data collection process, we did not receive any answers to the questionnaires shared with ICBC on September 10, 2021, as is the case for other related companies and banks.³²⁸

Human rights policy

ICBC is not a signatory to the Global Compact. Although it is not a signatory to the agreement, we found on the corporate web page that the Global Compact is also counted among the principles/initiatives taken into account in the preparation of the 2021 Interim ESG Special Report.³²⁹ Nevertheless, the Global Compact is not referred in the report and there is no assessment of human rights.

Human rights due diligence

We have determined that the *due diligence* regarding both climate and ESG issues is defined in the Sustainable Risk Management section of the 2021 Interim ESG Special Report.³³⁰ However, there is no statement in the report about reporting the due diligence and sharing it with the public. Therefore, we do not know how the due diligence is applied in the context of the financed projects. We could not find the policies and documents referred to in the Sustainable Risk Management section on the bank's corporate web page.

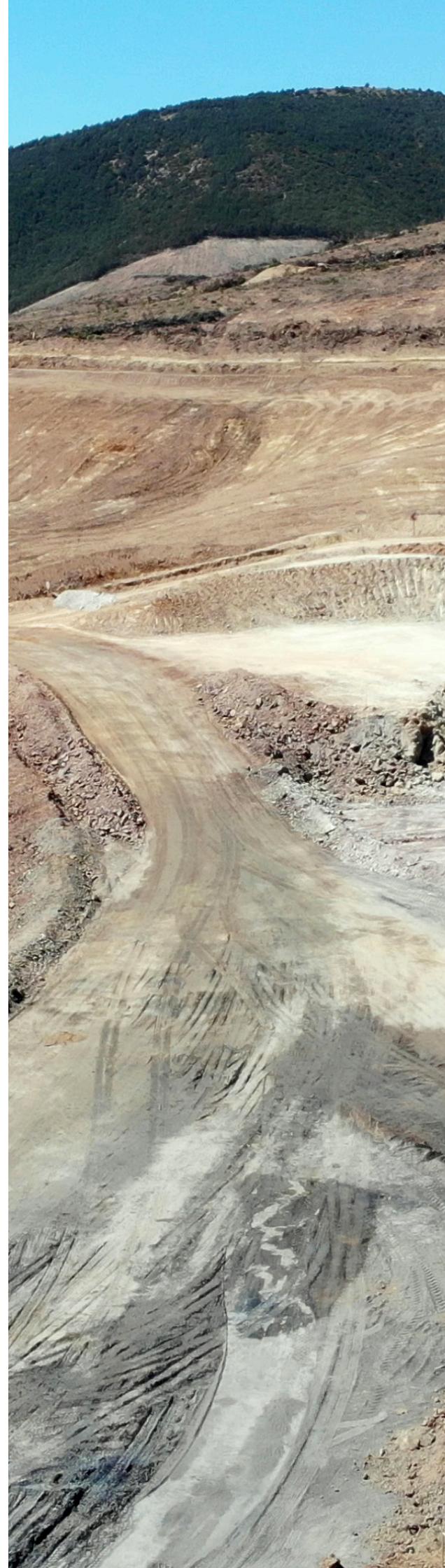
ICBC announces its adoption of green finance both in the Special Report and on its corporate web page.³³¹ In addition, ICBC became a member of UNEP FI in 2014 and is a signatory to the Principles of Responsible Banking.³³² ICBC's Green Finance Special Report for 2020 can be accessed on UNEP FI's website.³³³ The vast majority of the policies and documents specified in the Green Finance Special Report were not accessible from the bank's corporate web page. The analyses specific to the financed projects, if any, are not included on the corporate web page. Therefore, we have not been able to identify and evaluate how the implementation of declarations, policies and commitments related to green finance is carried out.

Due to the limited information on the bank's corporate web page, we could not evaluate how the bank addresses the adverse impacts it causes on human rights and the environment, and whether there is a procedure to remedy these impacts. At the same time, due to the limited information on the web page, we could not make an assessment for the part of our study related to compliance with laws and standards.

**KIRAZLI
GOLD MINE
PROJECT**

Chronology

- May 26, 2004** The Mining Code was amended. The scope of mining operations was expanded; mining, which was previously subjected to permission in forestland, coastal and protected areas has been facilitated. Mining has been operationalized ignoring the protection status of these places.
- December 9, 2009** Alamos took over the mining license for the Kirazlı Gold Mine Project from Frontier Development Group Inc. and Teck Resources Limited.
- July 3, 2012** An EIA positive report was received for the Kirazlı Gold and Silver Mine Project.
- August 2, 2013** A positive EIA report was received for the Kirazlı Gold and Silver Mine Capacity Increase and Enrichment Project.
- October 11, 2013** Çanakkale Municipality filed a lawsuit against the EIA positive decision. The Çanakkale Administrative Court dismissed the case. Thereupon an appeal was filed at the Council of State.
- February 4, 2015** The Mining Code was once again amended. The definition of economic ore was removed, each mine was attached an economic value, and their operation was facilitated.
- July 25, 2018** Çanakkale Governorship granted Doğu Biga Mining a non-sanitary enterprise permit. Çanakkale Forestry Directorate allowed trees to be cut.
- March 1, 2019** Doğu Biga Mining received an operating permit from the Ministry of Energy and Natural Resources to start the construction.
- June 19, 2019** The Council of State rejected the appeal.
- June 28, 2019** Drone footage of deforestation at the mine site has been released.
- July 26, 2019** A vigil (Vigil for Water and Conscience) was launched against the Kirazlı Gold Mine Project, with the participation of the people of Çanakkale and Çanakkale Municipality, as well as non-governmental organizations, environmental activists and rights defenders from all over Turkey.
- August 5, 2019** On the 11th day of the Vigil for Water and Conscience (Great Water and Conscience Meeting), tens of thousands of people from different cities marched to the mine site in Kirazlı village.
- August 8, 2019** Upon examining the drone footage, the TEMA Foundation determined that at least 195,000 trees were cut down.
- August 19, 2019** The Vigil for Water and Conscience was terminated. However, rights defenders continued to hold vigils in the region.
- October 13, 2019** The company's expired license was not renewed by the Ministry of Environment and Urbanization.
- November 7, 2019** The rights defenders, who continued to hold vigil, were fined for "staying overnight in the state forests, in places other than the accommodations determined by the forest administration".
- May 8, 2020** Five rights defenders who continued to hold vigil were a total of 57,240 liras on the grounds of COVID-19 measures.
- May 23, 2020** This once, rights defenders who continued to hold vigil were fined a total of 3,186 liras for pandemic measures.
- June 10, 2020** Rights defenders who continued to hold vigil were fined 38,160 liras for "walking in the woods". Together with this penalty, the total amount of fines issued reached 109,000 liras.
- September 22, 2020** Security forces terminated the vigil on the grounds of COVID-19 pandemic restrictions.
- April 20, 2021** Alamos Gold announced that it initiated the international investment arbitration procedure against Turkey based on the Netherlands-Turkey Bilateral Investment Agreement.





Kirazlı Gold Mine.
Photo: Volkan İşil

Kirazlı Gold Mine Project (Kirazlı Project) is one of the enriched gold mine projects in the Kazdağları region,³³⁴ mining licenses of which were taken over in 2009. It is where the Canadian mining company Alamos Gold plans to operate together with its subsidiary Doğu Biga Mining.³³⁵

The mining area is 25 kms away from Çanakkale city centre. In the 2013 EIA report, it is stated that 97% of this area is forestland.³³⁶ In addition, the mining area is located in the same water basin as Atikhisar Dam, which is the only water source of Çanakkale that provides drinking water. It is stated that approximately 20,000 tons of cyanide will be used at the mining site for the decomposition of the gold during the operation phase. This means that along with cyanide, many heavy metals such as arsenic will also be used. Therefore, it is foreseen that the gold mining will lead to serious risks, especially to the environment, agriculture and health.³³⁷

Adverse Human Rights and Environmental Impacts

Environmental impacts and associated risks

Experts note that the gold mining in the Kirazlı Project will cause environmental degradation and, accordingly, serious risks in many areas, especially in agriculture and health.

According to the report published by the TEMA Foundation, 79% of the Kazdağları region where the Kirazlı Project is located is licensed for mining.³³⁸ There are two other mining projects here besides Alamos Gold's Kirazlı Project. Koza Altın's gold-silver mine project is planned to be implemented in Serçiler and Terziler villages near the Kirazlı Project.³³⁹

Therefore, it is necessary to consider environmental degradation and risks not only limited to Kirazlı Project, but also cumulatively together with other mining activities.

The Kazdağları region, where Kirazlı Project will be built, is one of the important natural and cultural areas. With its biological and cultural richness, Ida Mountains, which contain mountain and forest ecosystems, is the most important feature of the region. There are many nature protection zones and seven sub-basins with different statuses in this region, and at the same time, 43% (730,588 hectares) of the region is agricultural lands.³⁴⁰

The Kirazlı Project is located in the same water basin as the Atikhisar Dam, which is the only source of drinking water in Çanakkale. When the project is operational, 20,000 thousand tons of cyanide will be used to decompose the gold. This means that along with cyanide, many heavy metals such as arsenic will also be used. Experts believe that the heavy metals found in the wastes stored in the cyanide waste pool and in the uneconomical rocks stored in the rust heaps will reach the Atikhisar Dam with surface movement and underground waters.³⁴¹

Atikhisar Dam is also used for irrigation of agricultural lands and agriculture is the main livelihood of the people living in this region. Therefore, it is foreseen that the pollution of water resources due to the Kirazlı Project will also have an impact on agricultural production and the livelihood of local people.³⁴²

These serious risks have been the basis of local objections and administrative lawsuits filed against the cancellation of EIA reports since the first stage of the Kirazlı Project.³⁴³

Utilizing the amended legislation and incentives to facilitate mining operations

The Mining Law and related legislation is one of the most frequently amended legislations in Turkey. The legislation has been amended more than 20 times since 2001.³⁴⁴ These amendments in order to facilitate mining are not based on a planning and policy that prioritizes human rights and environmental impacts. For example, Şebnem Düzgün, a faculty member at METU Mining Faculty for many years, draws attention to the fact that there are no regulations that will guarantee the recovery of the mining field at its previous value or at a higher value after the mining operations.³⁴⁵

This legislation, which facilitates mining regardless of its impacts on human rights and the environment, needs to be carefully evaluated not only for Doğu Biga Mining, but also for all companies engaged in mining in Turkey within the scope of their responsibility to respect human rights.

Doğu Biga Mining also benefited from the omnibus bill provision dated September 2016,³⁴⁶ which made it possible for the Council of Ministers to support the projects proposed by the Ministry of Economy in the areas of taxes, incentives, land and building allocation, inspection and approval processes, and bearing the production costs. The press reported that the company received an incentive of 865 million TL in line with the statutory provision.³⁴⁷

Deforestation

The shaving of trees and the stripping of the upper part of the soil in the mine site of the Kirazlı Project led to significant deforestation in the region.

While the judicial process was underway³⁴⁸ for the lawsuit filed against the positive EIA decisions for the Kirazlı Project, the company started to cut down trees (wood trimming and stripping the top of the soil).³⁴⁹ The examination of the drone images taken by the Çanakkale Municipality revealed that more (approximately four times) trees were cut than stated in the EIA report.³⁵⁰ The area where the trees were cut down was located in a water basin home to larch trees, naturally grown maquis shrubland and oaks. Examining the images, TEMA Foundation announced that the number of trees cut for the mine site and road connections was determined as 195,000.³⁵¹ This means deforestation and shows that the company has acted against the EIA report, which stated that 45,650 trees could be cut down.

After these images were revealed, the Ministry of Energy and Natural Resources announced that 13,000 trees, not 195,000 were cut for mining, a commemorative forest was created at two different points in the region, and 14,000 saplings were planted.³⁵² Later, the company also shared on its social media accounts that before the Kirazlı project, they created two commemorative forests with 14,000 saplings in the Çanakkale region.³⁵³

While the judicial process was underway for the lawsuit filed against the positive EIA decisions for the Kirazlı Project, the company started to cut down trees. The area where the trees were cut down was located in a water basin home to larch trees, naturally grown maquis shrubland and oaks.



Atikhisar Dam.
Photo: Volkan Işıl

Academician Oğuz Kurdoğlu emphasizes that afforestation will not replace natural forests under any circumstances: "Natural forests are far superior to afforestation in terms of biological diversity, maintaining soil/water balance, the amount of nutrients in the soil, and the protection of water basins. (...) It is a sign of great ignorance saying that "we are planting a few more saplings in exchange for the felled trees" about the felled forest areas. A forest ecosystem is a whole formed by numerous living beings coming together in solidarity and competition over hundreds of years, and consists of thousands of interacting subsystems, the number and severity of which cannot be known. When you destroy the forest area, you remove tens of plant and animal species in a system, while when you plant, you bring one or two plant species at most to the area."³⁵⁴

Meaningful consultation process and access to information

Local residents, rights defenders and

NGOs state that Doğu Biga Mining has not had any meaningful consultation with them since 2009, when it received its mining license. At the same time, they do not have any information that the company conducted a human rights impact analysis at the beginning of the project or during the period of its operations.³⁵⁵

Stakeholders have not been able to access the information on the company's operations in the Kirazlı Project. For example, although it was clearly stated in the EIA report that cyanide would be used in mineral/ore enrichment,³⁵⁶ the Ministry of Energy and Natural Resources made statements that cyanide would not be used.³⁵⁷ Regarding the use of cyanide, the company adopted a communication strategy that highlighted statements such as "Cyanide or its derivatives have never been used during the gold exploration and extraction in mining operations."³⁵⁸ However, other statements of the company confirmed that cyanide will be used in the decomposi-

tion phase: "After the mining, the decomposition of the metals (gold-silver) contained in the mine is carried out in specially prepared, sheltered, sealed areas and under the supervision of the responsible administrations, adhering to international criteria."³⁵⁹

For the Altınzeybek-2 Pond, which is under construction in the pasture area of Kumarlar Village, the company launched a counter-media campaign instead of conducting a meaningful consultation. The pond built by the company within the framework of a protocol with DSI, called Altınzeybek-2, was not included in the EIA report either.³⁶⁰ It has been documented in the documentary filmed by the rights defenders that this pond was not intended to provide drinking/irrigation water to the villages as the company claims, but that the Kirazlı project provides the utility water. Rights defenders reached the mine site by following the pipes laid in the construction of the pond.³⁶¹

Stakeholders including locals, rights defenders and NGOs, encountered uncertainties in information acquisition about the fate of the Kirazlı Project and could not access accurate information. The news in the press about the non-renewal of the expired license was persistently rejected by the company.³⁶² Despite the news in the press, the company continued to exist in the mining area, and some citizens used their right to information and asked the relevant authorities about the fate of the project. As a response, the relevant authorities stated that the company's permits were revoked, the construction equipment was removed, and the Forestry Regional Directorate started budget planning for rehabilitation. That kind of responses revealed that the company did not share information transparently.³⁶³ In the days following the official au-

thorities' response to the application for information, company manager Ahmet Şentürk stated in a published interview that the license renewal was out of question.³⁶⁴ In April 2021, about a month after Ahmet Şentürk's interview, the parent company Alamos Gold announced that the expired licenses were not renewed and that they started the international investment arbitration process based on this.³⁶⁵ In this press release, the company admitted that expired licenses, which it denied for 18 months, were not renewed.

Another issue of which the local people and the public are still not aware is the \$ 1.5 billion payment claim made by the company. In May 2021, based on the Alamos Gold's report titled "First Quarter of 2021", it was reported in the press that parent company Alamos Gold spent \$1.5 billion on holding costs and government, public and community relations.³⁶⁶ However, the company did not respond to requests about the purposes for which this payment to government was made, and never made a statement on this matter.

Although it has been revealed by drone and satellite images that the company has cut down more trees than stated in the EIA report, state officials or the company have not yet made a statement as to whether a sanction has been imposed on the company in this regard. Therefore, the public could not access accurate information about this issue either. As of the date of this report, both the locals and the public are not informed about the rehabilitation to be carried out in the mining area after the company halted its operations.

Discrediting and obstructing rights defenders

Although the public opposition to the Kirazlı Project spread to large masses

in the middle of 2019, the struggle of NGOs and rights defenders in Çanakkale goes back much earlier than this date. In the first EIA meeting held for the Kirazlı Project in 2012, the locals faced pressure from the gendarmerie, and in the second EIA meeting, they were stopped physically by private security guards.³⁶⁷

After it was discovered that the company had cut down more trees than stated in the EIA report, the mining operations in the Kazdağları region came to the fore again and attracted public attention.³⁶⁸ During and after these developments, the company shared posts targeting rights defenders and NGOs, mainly on its social media accounts, with tags such as "false facts", "the truth of the matter", "golden truths". In these posts, which are seemingly aimed at informing the public, the statements of rights defenders and NGOs are interpreted outside their context. At the same time, these posts attempt to discredit

rights defenders and NGOs and aim to influence the public's perception through misleading discourse.³⁶⁹

Discourses targeting rights defenders and NGOs are also supported by the parent company's senior management. John McCluskey, CEO of parent company Alamos Gold, said in a statement to *Reuters* in Ankara that the protests were based on politically motivated misinformation, adding, "This may be pretty cruel to say, but I believe this whole attack is actually a very deep political agenda wrapped in an environmentalist guise."³⁷⁰

Rights defenders and environmentalists, who continued the Vigil for Water and Conscience, which started in July 2019, under the name Everywhere is Kazdağları (Her Yer Kazdağları), faced pressure from the administrative authorities, gendarmerie and police during the vigil they continued until September 2020. Çanakkale Provincial Directorate of Forestry and Çanakkale



The company remained silent in the face of the above-mentioned obstructions and interventions against rights defenders, did not use its leverage to enable peaceful protests and press statements.

Governor's Office imposed an administrative fine of 150 TL per person per day on the grounds of "overnight stay in the forest" on the rights defenders and the citizens who came to support them.³⁷¹ Although those who participated in the vigil followed the pandemic measures during the period when the COVID-19 pandemic measures started to be implemented, administrative fines were imposed by the Regional Directorate of Forestry on the grounds of the decision of the Provincial Public Health Board. The administrative fines exceeded 500,000 TL in total. Although the rights defenders appealed their fines imposed in November 2021, they were levied attachment orders before the appeal was concluded. After that, they called for public solidarity.³⁷² After the gradual easing of COVID-19 measures, the gendarmerie continued to keep minutes on the grounds that the woodlands had not been opened for those who went to visit the vigil area.

The gendarmerie prevented people coming from different regions to support the rights defenders who continued to hold vigil from entering the area.³⁷³ Rights defenders wanted to make a press release in front of the Kirazlı Project construction site to celebrate the first year of the vigil on Balabanlı hill on July 25, 2020. No press statement could be made due to the seven-day ban on meetings and demonstrations³⁷⁴ taken by the Çanakkale Governor's Office the day before the rights defenders' call. The rights defenders who went to Çanakkale for the first year of the vigil encountered

the intervention of the police and the gendarmerie, and 20 people were detained.³⁷⁵ On the 425th day, (22 September 2020), the gendarmerie raided and evacuated the vigil,³⁷⁶ and four rights defenders were detained.³⁷⁷

The company remained silent in the face of the above-mentioned obstructions and interventions against rights defenders, did not use its leverage to enable peaceful protests and press statements.

Company Commitments on Human Rights

Doğu Biga Mining Industry and Trade Inc. (Doğu Biga Madencilik) is a company established in Turkey and headquartered in Ankara. At the time of preparation of this study, the sole shareholder of Doğu Biga Madencilik is Alamos Gold Holdings B.V., which was established in the Netherlands, according to the trade registry records.³⁷⁸

Looking at the trade registry records published online, Doğu Truva Mining Industry Trade Inc. changed both the title and shareholders in January 2010.³⁷⁹ Thus, the new title of the company was changed to Doğu Biga Mining Industry Trade Inc., and Alamos Gold Inc. (Alamos Gold) became one of the company's shareholders. As a result of various share transfers, takeovers and mergers that took place after this date, shareholders other than Alamos Gold left Doğu Biga Mining. In mid-2017, Alamos Gold became the

sole partner of Doğu Biga Mining.³⁸⁰ Later, Alamos Gold transfers its shares to Alamos Gold Holdings Coöperatief U.A.,³⁸¹ and in a very short time the company shares are transferred to Alamos Gold Holdings B.V.

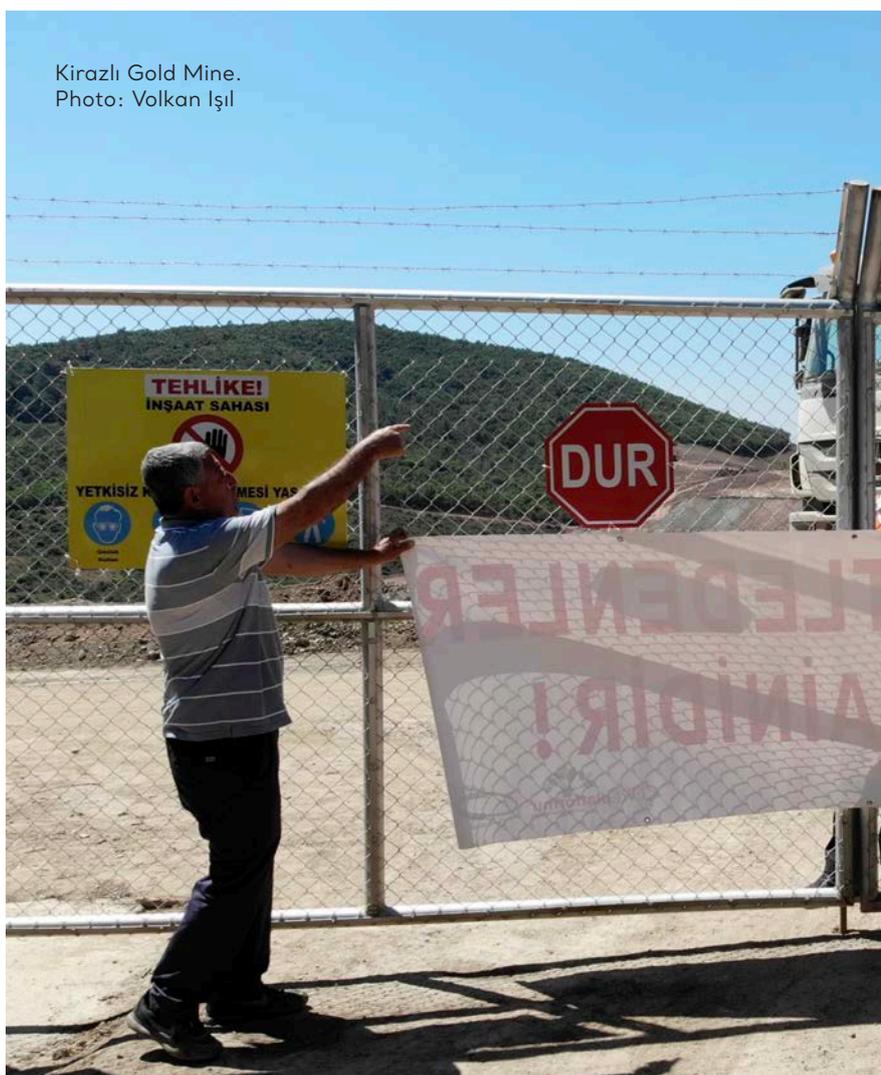
In a press release released by Alamos Gold on April 20, 2021, it is noted that the Alamos Gold Holdings B.V's entire capital is owned by the Canadian mining company Alamos Gold.³⁸²

Doğu Biga Mining Industry Trade Inc.

During the preparation phase of this study (April 2021), the corporate web page of Doğu Biga Mining³⁸³ was active. However, when we started the data collection, we found that Doğu Biga Mining's corporate web page was not active, and we encountered the statement "this page is not working."³⁸⁴ Therefore, it was not possible within the scope of our study to examine the most recent (up-to-date) information and documents published by Doğu Biga Mining, which are supposed to be accessible by everyone.

As a result of the online research during the data collection, we accessed the corporate web page of Doğu Biga Mining through the *database of the Internet Archive*,³⁸⁵ which is an independent organization. The accessible copy of Doğu Biga Mining's corporate web page in the database of the *Internet Archive* is dated 02 March 2021.³⁸⁶ For this reason, we have taken the record dated March 02, 2021 in the database of the *Internet Archive* as a basis for the following relevant findings and assessments.

Prior to the data collection process, we could not receive answers to the questionnaires shared with Doğu Biga Mining on September 10, 2021, as was the case for other relevant companies and banks.³⁸⁷



Kirazlı Gold Mine.
Photo: Volkan Işıl

Human rights policy

Within the scope of our study, based on the posts of Doğu Biga Mining on its corporate web page and social media accounts, we did not find any human rights policies by Doğu Biga Mining with the public. The corporate website record in the database of the *Internet Archive* includes the following statement under the heading "Sustainability": "We adopt the principles of sustainable development in every aspect of our business. For us, sustainability encompasses excellence in health and safety, environmental management, community participation, safety and human rights."³⁸⁸ Later in the statement, a reference is made to the annual ESG reports of



the parent company Alamos Gold.

Human rights due diligence

We could not access information that an applicable human rights due diligence process exists regarding the Kirazlı Project.

According to the Guiding Principles, business enterprises should consult with all potentially-impacted right holders before taking any action to identify and prevent adverse impacts from their operations.³⁸⁹ Doğu Biga Mining's corporate web page in the database of the *Internet Archive* includes the following statements: "Our company-wide commitment to social responsibility and environmental man-

agement enables us to maintain our social license across a wide range of stakeholders." and "We will continue to improve our sustainability performance, facilitate meaningful engagement with our host communities, and support development initiatives that deliver long-term benefits beyond the life of our mines."³⁹⁰ However, these statements on the company's corporate web page do not clearly state who the stakeholders are, which groups they cover, or how meaningful participation is achieved.

Although the heading "Social Responsibility" on the corporate web page states "We engage in constant dialogue with each of our host communities to better understand their priorities and expectations and to establish long-term partnerships," it is understood from the following statements³⁹¹ that the company has adopted an economic contribution-oriented approach towards its stakeholders.

Remediation for the adverse human rights impacts

Within the scope of our study, we could not access information on how Doğu Biga Mining addresses adverse human rights impacts and/or whether there is an internal grievance mechanism to address these impacts. Similarly, we were unable to identify any information on employees whom stakeholders could contact for adverse human rights impacts.

Within the scope of our study, we have identified many possible and existing adverse impacts caused by the Kirazlı Project.³⁹² Regarding these adverse impacts, Doğu Biga Mining does not adopt a communication approach aimed at informing the public. It carries out this communication through press releases and social media posts. However, the communication conducted in response to these adverse

human rights impacts pointed out by stakeholders was one-way and does not involve stakeholder engagement and dialogue.

We could not access any statement and document explaining how dialogue was established with the stakeholders and what kind of consultation process was carried out from the database record of the corporate web page in the *Internet Archive*.

Compliance with laws and standards

After the Çanakkale Municipality determined that more trees were cut than stated in the EIA report, the Kirazlı Project set the agenda in the Turkey. However, Doğu Biga Mining or the official authorities have not made any public statement to date as to whether there is a sanction imposed on Doğu Biga Mining due to tree cutting in violation of the EIA report.

Doğu Biga Mining cannot continue its operations at the moment, as its license which expired in October 2019, has not been renewed by the relevant authorities. Officials have not yet made a statement to the public as to why the company license has not been renewed. Therefore, it is not known whether the non-renewal of the license is related to its compliance with any legal obligations. In its public statements made during this period, Doğu Biga Mining places a special emphasis on continuing its operations in accordance with the Constitution, laws and related legislation.³⁹³

In Turkey, the Mining Law and the related legislation are frequently amended in favour of investor companies. While making these changes, no participatory process facilitated and there is no compliance with international human rights standards. In addition, the *baseline assessment*, which deals with the compatibility of

Turkish legislation, has not yet been conducted in Turkey since the adoption of the Guiding Principles.

According to the Guiding Principles, business enterprises should respect the internationally-recognized human rights standards in case of any conflict with the national legislation. During our study, we did not come across any commitment/policy of Doğu Biga Madencilik, which operates in an area known to have conflicting obligations, to respect internationally recognized human rights standards.

Alamos Gold Holdings B.V.

According to Dutch company registers available online, Alamos Gold Holdings B.V. is headquartered in Amsterdam.³⁹⁴ We could not find the corporate web page of Alamos Gold Holdings B.V. within the scope of our study. Therefore, we have not been able to evaluate the company's commitments regarding human rights in this study.

Alamos Gold Inc.

Canadian Alamos Gold,³⁹⁵ which became one of the shareholders of Doğu Biga Mining in 2010, became the sole partner of the company in mid-2017, as summarized in the introduction to this section. Although Alamos Gold transferred all of its shares to Alamos Gold Holdings Coöperatief U.A. in June 2018, Alamos Gold is still the sole shareholder of Alamos Gold Holdings Coöperatief U.A.

Prior to the data collection process, we could not receive answers to the questionnaires shared with Alamos Gold on September 10, 2021, as was the case for other relevant companies and banks.³⁹⁶

Human rights policy

The company's human rights policy is published on the corporate web page of Alamos Gold.³⁹⁷ The human rights



policy refers to the *International Bill of Human Rights*³⁹⁸ and the *International Labour Organization's Declaration on Fundamental Principles and Rights at Work*.

It is stated that the human rights policy is prepared taking into account the following: *Guiding Principles, Voluntary Principles on Security and Human Rights, Responsible Gold Mining Principles of the World Gold Council, and Conflict-Free Gold Standard*. However, human rights due diligence, emphasized in the Guiding Principles in terms of corporate responsibility to respect human rights, is not mentioned in human rights policy.

It is stated in the human rights policy that suppliers and business partners are expected to share Alamos Gold's commitment to human rights and to implement policies and processes that support and maintain the respect for human rights. It is also stated that keeping up with the Alamos Gold's commitment to human rights by

contractors, suppliers and business partners is requested as a working condition.

The company's human rights policy has not been endorsed by the highest level of Alamos Gold. The commitment to respect human rights is not mentioned in the "message from our CEO"³⁹⁹ on the corporate website.

There is no statement in the human rights policy that it is communicated to all staff, trading partners and/or other interested parties such as investors, potentially affected stakeholders. However, the 2020 ESG Report states that the policy has been communicated to employees.⁴⁰⁰

Since not all of Alamos Gold's company policies are available on its corporate web page, we could not make a comparison as to whether the human rights policy is consistent with other company policies and business processes. However, the 2019 ESG Report, which is one of the documents

on the corporate web page, included a photograph of the *Stakeholder Advisory Committee*, stated to have been created for the Kirazlı Project.⁴⁰¹ The entire committee consists of men over middle age. This contradicts the commitment to "women's empowerment" in human rights policy.

There is no explanation in the human rights policy that there is a human rights clause in contracts with business partners, but in the Supply Chain Policy⁴⁰² it is written that this policy is part of the contracts.

Human rights due diligence

The table titled "Operations Related to Local Community Engagement, Impact Assessments and Development Programs"⁴⁰³ in the 2020 ESG Report indicates Alamos Gold does not have a human rights due diligence process for any of its projects. In this table, it is stated that Alamos Gold has a social impact assessment process and it has been communicated to the public. However, social impact assessments do not meet the human rights due diligence defined in the Guiding Principles. In addition, there is no social impact assessment report made for the Kirazlı Project on Alamos Gold's corporate web page. The corporate web page contains only the EIA report⁴⁰⁴ and the Economic Contribution Evaluation.⁴⁰⁵

In the same ESG Report, there is another table titled "Significant Current and Possible Adverse Impacts on Local Communities".⁴⁰⁶ Although the inclusion of such a table suggests that there may be a framework for assessing the operations' impacts on human rights, the content of the table is not in line with the Guiding Principles in terms of determining the adverse impacts of such a framework, if any, on human rights. In this table, all of Alamos Gold's projects worldwide are

evaluated according to eight adverse impacts. In addition, three projects in Turkey⁴⁰⁷ are evaluated together as if they were a single project. Evaluation of all projects around the world according to the same adverse impacts and evaluation of projects in Turkey by combining them show that the specific impacts that each project carries/may carry are ignored. This goes against the main logic of the human rights due diligence in the Guiding Principles.

According to the table in question, there are no current and/or possible adverse impacts of projects in Turkey. On the other hand, a very different picture emerges in the section titled "Adverse human rights and environmental impacts," which deals with the adverse impacts of the Kirazlı Project on human rights and the environment.

As for these adverse human rights and environmental impacts, contrary to what is stated in the Alamos Gold's human rights policy, the company does not engage in dialogue with stakeholders. The human rights policy includes expressions such as "to ensure consultation with all relevant stakeholders" and "ongoing dialogue with internal and external stakeholders," however, this is not the case in the Kirazlı Project.

The 2020 ESG Report includes the following statement regarding the Kirazlı Project: "A major social media campaign based on false information has sparked national attention and protests against the Kirazlı project in Turkey. But the local people of Kirazlı continue to support the project and our efforts to build a world-class gold mine."⁴⁰⁸ This statement itself shows that Alamos Gold only identifies "local people" as stakeholders. However, it is stated in Table 15 above that the company has stakeholder engage-

ment plans based on stakeholder mapping for projects evaluated together in Turkey.

The fact that the protest calls were made by the Çanakkale Municipality and the civil society actors in Çanakkale show that the "local people" were also considered in a limited fashion by the company. This limited approach excludes a wide range of stakeholders and contradicts with the statements on consultation and dialogue in human rights policy.

On the other hand, the statements in the 2020 ESG Report regarding dialogue shows that the dialogue with stakeholders is maintained with the Stakeholder Advisory Committee, which consists only of neighbourhood headmen, and this is in the form of meetings held once a month.⁴⁰⁹ Given that this committee consists entirely of middle-aged men and is limited to the neighbourhood headmen, it can be said that those who are the most affected by the adverse impacts of company's operations, such as women, and a wider stakeholder group, such as rights defenders, are excluded from the "dialogue". The fact that the municipality, city council and local associations interviewed within the scope of this study stated that there was no dialogue also confirms this result.

Remediation for the adverse human rights impacts

According to the 2020 ESG Report, Alamos Gold has a grievance mechanism.⁴¹⁰ This information is only found in the ESG Report; such a mechanism is not mentioned in company policies. There is no information or guidance on how this process works in the ESG Report. The contact information on the last page of the report does not include any contact person for the grievance mechanism.⁴¹¹ It can

be assumed that the "sustainability contact person", one of the contact persons here, deals with complaints. However, although the name of this contact person is mentioned, the e-mail address provided is a general e-mail address. On the other hand, in the Supply Chain Policy, a grievance mechanism has been created for the supply chain and a separate contact person has been designated for each country in the policy text. This structure, designed for the supply chain, is not designed for stakeholder complaints. Meanwhile, Alamos Gold is a signatory to the World Gold Council's Responsible Gold Mining Principles, as stated above. These principles also envisage the establishment of a grievance mechanism.⁴¹²

YUSUFELI DAM AND HEPP PROJECT



Yusufeli Dam construction (2019).
Photo: Ekin Çekiç

Chronology

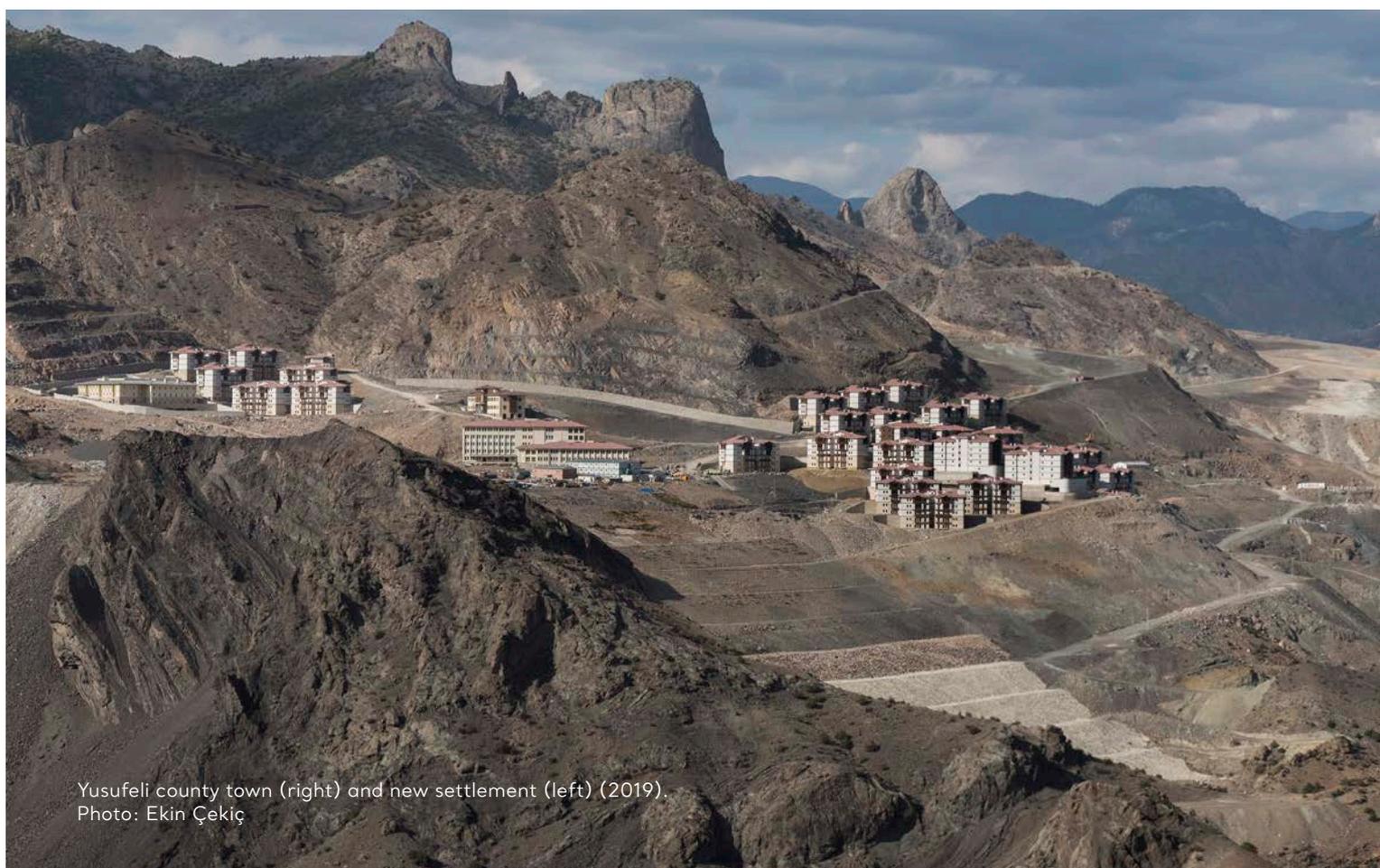
- 1962** The Yusufeli Dam and HEPP Project was planned.
- 1982** The master plan of the planned project was prepared within the scope of the "Çoruh Basin Development Plan". Among the nine dams designed within the scope of Çoruh Basin Development Plan, Muratlı Dam started operation in 2005, Borçka Dam in 2007, Deriner Dam in 2013, and Artvin Dam in 2015.
- 1986** The feasibility report was published for the project.
- 1997** Yusufeli residents and local civil society actors established the Yusufeli District Beautification, Sustainability and Preservation of Cultural Heritage Association.
- September 26, 2001** Yusufeli District Preservation and Beautification Association, Yusufeli Municipality, and Yusufeli Kılıçkaya Municipality applied to the Ministry of Energy and Natural Resources for the cancellation of the project.
- February 19, 2002** The ministry rejected the application of the association and the municipality.
- August 2006** The government announced that it gave up on building the dam through international financing, and would use state financing instead.
- April 24, 2008** The Law on Changing the Center of Artvin Province Yusufeli District was enacted.
- July 31, 2012** The lawsuit filed for the cancellation of the project after the tender was dismissed by the court on the grounds that the lawsuit was filed four years after the resettlement decision, citing the Law on the Change of the Centre of the Artvin Province Yusufeli District, which was enacted in 2008.
- August 13, 2012** LCK Yusufeli Ordinary Partnership, formed by Limak-Cengiz-Kolin, won the tender for the project.
- October 22, 2012** The Yusufeli Dam and HEPP Project contract was signed by Veysel Eroğlu, Minister of Forestry and Water Affairs at the time, and Nihat Özdemir, Chairman of the Board of Limak Holding.
- February 26, 2013** The ground-breaking ceremony was held for the project.

The dam and HEPP project planned in Yusufeli is located 40 km southwest of Artvin province and 10 km downstream of Yusufeli district. The project, which will be 275 meters high and have a water storage capacity of 2.2 billion cubic meters, is introduced as the third largest dam in the world and the largest in Turkey.⁴¹³ When the project is completed, it is indicated that an area of 3,219 hectares will be flooded.⁴¹⁴ This flooded area covers the entire district centre of Yusufeli and its three villages, and some of additional sixteen villages.⁴¹⁵ By the end of the dam construction, it is estimated that tens of thousands of people will be displaced, including the district centre and villages, and all agricultural land will be destroyed.⁴¹⁶

After the foundation of Deriner Dam was laid and it was announced that a dam would be built in Yusufeli, the residents and local civil society actors established the Yusufeli District Beautification, Sustainability and Preservation of Cultural Heritage Association.⁴¹⁷

The association filed lawsuits against the Ministry of Energy and the State Hydraulic Works, organized large-scale rallies, and conducted anti-dam campaigns with international non-governmental organizations to draw attention to the environmental and social impacts of the dam. Although it was decided to cancel the project in the lawsuit they filed in the Council of State, this decision was overturned by the higher court. However, as a result of their struggle, the consortium formed by Swedish and French companies and Doğuş Construction withdrew from the project. In 2006, the government announced that it gave up on building the dam with international financing, and would do it with state financing.⁴¹⁸

After the new tender in 2012, a lawsuit was filed again by the people living in the region and Yusufeli District Beautification, Sustainability and Preservation of Cultural Heritage Association for the cancellation of the project. The court dismissed the case because it was filed



Yusufeli county town (right) and new settlement (left) (2019).
Photo: Ekin Çekiç

four years after the resettlement decision, citing the 2008 Law on Changing the Centre of Artvin Province Yusufeli District.⁴¹⁹

At the ground-breaking ceremony that took place in 2013, Prime Minister of the time, Recep Tayyip Erdoğan, told Nihat Özdemir, Chairman of the Board of Directors of Limak İnşaat, on the live broadcast, "Seven years would not become you. The Prime Minister has a request," and asked, "How are we going to speed up the process and finish the project quickly?" When Özdemir said that they could complete the project in two years and nine months, Erdoğan responded: "Then the seasonal conditions will not be good. On May 29, 2018, seasonal conditions will be beautiful in Artvin as the spring arrives. Let's end the opening with all the landscaping."⁴²⁰

The construction phase of the dam was completed in the period when we prepared the report, but the water retention phase had not been start-

ed yet.⁴²¹ Since the centre of Yusufeli district will be completely submerged after the project becomes operational, those living in Yusufeli will also be resettled, however, it is anticipated that this process will cause many adverse human rights impacts in cultural, economic, social and environmental spheres. During the construction of the dam, workers continued to work in poor and unsafe conditions, and many occupational homicides took place. At the same time, no measures were taken to prevent the spread of the pandemic in the construction area during the COVID-19 period.

Adverse Human Rights and Environmental Impacts

Poor planning and management of resettlement and construction

Yusufeli is a district that has been relocated six times for different reasons in the past and will be moved to another



region for the seventh time when the dam project becomes operational. It is stated that due to Yusufeli Dam and HEPP Project, the district centre will be completely or partially submerged; 8,640 hectares of land, including villages, will be expropriated and 3,078 displaced persons will be resettled by the state as right holders.⁴²² DSI is responsible for the expropriation, while the housing construction is carried out by TOKI. Yusufeli residents note that public institutions do not conduct the planning and execution of these processes in a transparent and participatory manner.⁴²³ The poor planning and management of the dam construction and resettlement,⁴²⁴ which consist of different works but are a chained whole, also cause adverse impacts on the livelihoods, health and safety of the people of Yusufeli during the dam construction.

The fact that the historical and cultural heritage will be submerged

Yusufeli is a district that has been home to various civilizations throughout history. There are many important historical and cultural monuments and structures in the district. In their study on Yusufeli, Ersin Türk and Aygün Erdoğan explain that Georgian princes ruled in Yusufeli, especially between the 9th and 11th century, and they had many churches and monasteries built in this period.⁴²⁵ In addition to monasteries and churches, there are also nearly 30 watchtowers and castles of various sizes built in the same centuries.⁴²⁶ Once the Yusufeli Dam and HEPP Project becomes operational and the city is flooded, the historical and cultural heritage of the city will disappear.⁴²⁷

Changing livelihoods

With the completion of the dam construction in Yusufeli, it is expected that the main livelihoods of the people, such as greenhouse cultivation, paddy farming, vegetables and fruit growing will suffer. It is stated that during the con-

struction, the dust from the construction of the dam and viaduct significantly damaged the agricultural production, vegetable and fruit production.

According to the Yusufeli District Agricultural Feasibility Report published in 2000, it is predicted that after the Yusufeli Dam and HEPP Project becomes operational, there will be no land left for agriculture and animal husbandry.⁴²⁸ Yusufeli District Directorate of Agriculture reveals in its official research that 86% of olive production, 75% of rice agriculture, 95% of greenhouses and 69% of fruit trees in the region will be under water.⁴²⁹

Climatic and environmental impacts

Çoruh basin is one of the basins most affected by dam and HEPP constructions. Yusufeli Dam and HEPP Project are among the sequential dams planned on the Çoruh river. In fact, it is the most important of these sequential dams, as it is the one that will hold the most water in its basin. The Çoruh Valley is located inside the Caucasus Hotspot, which is the richest region in the world in terms of biological diversity.⁴³⁰ The temperate zone forests of the valley, where there are many endemic species, were declared as one of the 200 priority areas for preservation by the Wildlife Conservation Foundation.⁴³¹ It is predicted that the ecological richness in the region will disappear as a result of the Yusufeli Dam and HEPP Project, which is already damaged the dams that have already been put into operation. Therefore, settlements and agricultural areas will be flooded, while the local climate will also change.

Adverse impacts caused by the dam construction on the environment and health

Due to the poor planning and management of the resettlement and construction, the construction of the dam



Yusufeli county town (2020).
Photo: Ekin Çekiç

started before the resettlement sites, in other words, the settlements that would be affected by the dam were not moved, were completed and while the construction of the dam continued, the construction of the viaduct for the new settlement started. As a result of the intertwining of all these processes, Yusufeli residents continue their daily lives together with the construction of dams and viaducts. Recep Akyürek, chairperson of the Yusufeli District Beautification, Sustainability and Preservation of Cultural Heritage Association, summarizes this situation as follows: "Two-sided roadwork along this valley, excavation of the new district above, excavation of the dam below, excavation of roads and dams on the İspir side. They drown us with dust and smoke."⁴³² Yusufeli people emphasize that it was not possible to live without a mask in Yusufeli in the pre-COVID-19 period, either.⁴³³

The fact that the people of Yusufeli

continue their daily lives together with the construction of dams and viaducts has various adverse impacts and risks: "Construction machines are driving their way from the heart of the city. Parents take even older children by hand and take them to school. They are concerned that "God forbid, my child will fall under a machine, a construction machine. It's not just a traffic problem, we have a serious environmental problem, a health problem, an air problem. You have the car washed, in half an hour, in an hour, the car is covered with dust. You clean your house, and you see the dust again in half an hour, in an hour. People can't sit on balconies. We breath the poison. Yes, in the short term, we may not be able to perceive it. But in the long run, they have taken away the last 10 years of people's, Yusufeli people's, lives from us. We have detected this in plants. In fruits and vegetables, where we used to get 100% yield, that rate has dropped to 20-30%. The reason is air pollution."⁴³⁴



Yusufeli county town (2020).
Photo: Ekin Çekiç

When pandemic cases increased among workers, workers were prohibited from leaving the construction site. Following the increase in cases, the workers suggested closing the construction site and sending everyone home, however, these suggestions were not taken into account.

It is also mentioned that during the construction of the viaduct, the cranes entered people's balconies.⁴³⁵ In addition, it is stated that in the region where the concrete plant and stone quarries established to provide materials for the construction of the project are located, plastic materials, plastic bottles, workers' clothes create a layer on the pond and cause pollution.⁴³⁶

Meaningful consultation process and access to information

Since the beginning of the Yusufeli Dam and HEPP Project, there has been no meaningful consultation with NGOs and the local community; the developments about the project and the new settlement were not clearly communicated to the public.⁴³⁷ The statements of the Yusufeli people reveal that the company does not engage in the consultation processes, and that indirect communication is established through the mayor when necessary.⁴³⁸

Working conditions and COVID-19

The poor and unsafe working conditions in the construction of the Yusufeli Dam and HEPP Project lead to occupational homicides. When the restrictions and problems imposed by the COVID-19 pandemic are considered alongside these working conditions, the workers are faced with more adverse impacts.

According to data compiled from the press coverage, a worker fell down from an overhead line basket with a height of 30 meters and died during the anchorage work at the dam construction in 2017.⁴³⁹ Meanwhile, three

workers were injured when they hit the overhead line basket.⁴⁴⁰ In 2019, the crusher master lost his life as a result of the machine snatching his clothes while he was cleaning in the crusher.⁴⁴¹ As a result of the landslide and flood during the construction of the dam in July 2020, one of the construction site workers died.⁴⁴² The workers at the construction site stated that the landslide and flood occurred as a result of the company's neglect to open the clogged culverts at the construction site, leading to occupational homicide.⁴⁴³ In October of the same year, a worker working in the construction of the dam body fell down from the pier and died when the formwork lifted by the overhead line hit the pier.⁴⁴⁴ During the construction of the viaduct between the villages and the new city centre in June 2021, a worker died when he fell from the foot of the viaduct.⁴⁴⁵ Similarly, in August 2021, another worker died after falling from the viaduct during the construction.⁴⁴⁶

After the onset of the COVID-19 pandemic, no measures were taken for the health of workers during the construction of the dam. Dam construction continued in unsanitary conditions. In August 2020, a number of new measures were taken following the increase in pandemic cases among workers working on the construction of the Yusufeli Dam.⁴⁴⁷ These measures did not improve the workers' working and living conditions during the pandemic, on the contrary, decisions were made that limited the lives of workers. For example, when pandemic cases in-

Yusufeli Dam worksite (2019).
Photo: Ekin Çekiç



creased among workers, workers were prohibited from leaving the construction site.⁴⁴⁸ Following the increase in cases, the workers suggested closing the construction site and sending everyone home, however, these suggestions were not taken into account. The workers who were forbidden to leave the construction site struck against these working conditions during the pandemic.⁴⁴⁹

Company Commitments on Human Rights

Promoted as the third largest dam in the world and the largest in Turkey, Yusufeli Dam is being constructed by LCK Yusufeli Ordinary Partnership, formed by Limak Construction, Cengiz Construction, and Kolin Construction.

LCK Yusufeli Ordinary Partnership

During the data collection process of our study, we could not find the corporate web page of LCK Yusufeli Ordinary Partnership, which constructed the Yusufeli Dam. We found only general technical information about Yusufeli Dam on the corporate web pages of the companies that make up the LCK

Yusufeli Ordinary Partnership.⁴⁵⁰ As a result, we could not evaluate LCK Yusufeli Ordinary Partnership' commitments on human rights in this study.

Prior to the data collection, we shared the questionnaires with all relevant companies and banks on September 10, 2021. However, since LCK Yusufeli Ordinary Partnership does not have a corporate web page, we have not been able to find the contact information. Therefore, we could not share the questionnaires with the company. Instead, we sent them to Limak Construction, Cengiz Construction and Kolin Construction, which form the LCK Yusufeli Ordinary Partnership.

Limak Construction Industry and Trade Inc.

Limak Construction Industry and Trade Inc. (Limak Construction), which formed the LCK Yusufeli Ordinary Partnership, is the company that laid the foundations of the Limak Group of Companies, which operates in the fields of construction, tourism, cement, infrastructure and energy investments, energy contracting, aviation, and food.⁴⁵¹

Prior to the data collection process, we



could not receive answers to the questionnaires shared with Limak Construction on September 10, 2021, as was the case for other relevant companies and banks.⁴⁵²

Human rights policy

We accessed information about Limak Construction from the corporate web page of the Limak Group of Companies.⁴⁵³ Many company policies on different issues are shared on the company's corporate web page,⁴⁵⁴ however, there is no human rights policy among them. There is no reference, either, to the responsibility to respect human rights in the message of the board of directors on the company's corporate web page.⁴⁵⁵

During our study, we found that the Limak Group of Companies, an affiliate of Limak Construction, signed the Global Compact in 2014.⁴⁵⁶ We found the message of the chairman of the board of directors on the corporate web page of the Limak Group of Companies, and in the Code of Business Ethics Policy,⁴⁵⁷ we saw that the company has determined the 10 principles of the Global Compact as its main responsibility.

The Code of Business Ethics Policy, which is on the company's corporate web page, is a text that also contains other policies of the company.⁴⁵⁸ We have seen that in the company's policy texts and sustainability report, human rights are addressed in relation to equality/non-discrimination and women's empowerment. During our study, we could not identify the company's declarations and commitments regarding human rights, except for the principles of "equality of opportunity," "diversity and tolerance,"⁴⁵⁹ and "the working environment,"⁴⁶⁰ which are among the company's values.

The company considers equality of opportunity among its values, defines it as "to stand against all kinds of discrimination by excluding views and policies contrary to equality such as those based on religion, language, gender, age, ethnicity, physical disabilities from our recruitment processes and decisions regarding our employees," and associating this with "diversity and tolerance".⁴⁶¹

The principles related to the working environment are mainly shaped around the empowerment of women in business life. The first four principles in this title are equal opportunities, women's empowerment, prevention of discrimination, and diversity and inclusion, as well as prevention of violence, domestic violence and violation of sexual autonomy.⁴⁶²

On the company's corporate web page, the sustainability report⁴⁶³ is also presented as an annual progress report under the Global Compact. In the table at the end of the report, which shows where the references to the Global Compact are, 11 different pages are indicated for two principles related to human rights.⁴⁶⁴ When we looked at these pages, we found that company values, working life, and social responsibility projects were mentioned.

The values and principles in the policies and reports on the company's corporate website are only intended for company employees. In the Code of Business Ethics Policy, it is stated that "While all of our collaborations are based on the protection of Limak's values and principles, we also prioritize the dissemination of the United Nations Global Compact (UNGC) and United Nations Sustainable Development Goals (UN SDGs)."⁴⁶⁵ However, we have not been able to identify any clear principle or expectation that business partners, suppliers and other third parties directly related to the company's operations, products or services other than employees should also adopt these values and principles.

"Transferring ethical principles and rules to the entire value chain, including suppliers" and "Providing a sustainability perspective for all our suppliers" are considered among the common goals set for the Limak Group of Companies in its sustainability report."⁴⁶⁶

Human rights due diligence

We were unable to identify how the company addressed adverse impacts through the policies and reports shared on the company's web page.

The Code of Business Ethics Policy on the Company's corporate web page states that "By measuring and evaluating the economic, environmental and social impacts of all our operations, we take improvement actions to reduce adverse impacts and regularly publish our sustainability reports in accordance with international standards."⁴⁶⁷ On the other hand, the company does not share the results of the measurement and evaluation of the economic, environmental and social impacts caused by its operations on the corporate website.

Another policy shared on the company's website is the Stakeholder En-

agement and Suggestion/Complaint Policy.⁴⁶⁸ This policy text, apparently prepared for "all stakeholders who are (potentially) impacted by Limak's operations", does not clearly include the principles and processes for detecting adverse impacts such as the human rights due diligence. For example, the policy text states that "All stakeholders are given the opportunity to submit written and/or verbal suggestions/complaints if our operations are believed to have a positive or adverse impact on the society, environment or quality of life." However, how these applications can be made is not specified.

There is the following expression in the Sustainability Policy⁴⁶⁹ and sustainability report on the company's web page: "Taking into account the wishes and expectations of stakeholders, our company pays attention to supporting stakeholder participation in decision-making processes."⁴⁷⁰ In addition, it is stated that the sustainability report defines the key stakeholders of the company under the "stakeholder relations" heading, and the current communication platforms and communication frequen-

Photo: Ekin Çekiç



cy for the company's key stakeholders are shared as a table.⁴⁷¹ When we look at the table called Stakeholder Communication Platforms, we see that dialogue with local people, sectoral organizations/non-governmental organizations and international non-governmental organizations are defined on the basis of information/clarification. The fact that no information is provided about the feedback channels and there is no defined process also leads to the conclusion that the dialogue mentioned here is one-sided. On the other hand, the company is aware that it does not use feedback channels, although it should. Among the common targets set for the Limak Group of Companies, this awareness is stated as "creating feedback management systems for external stakeholders and monitoring and reporting them regularly."⁴⁷²

The company's sustainability report lists the companies included in the report and the projects undertaken by these companies.⁴⁷³ The content of the report includes assessments of different projects of the company, and the Yusufeli Dam and the HEPP Project are also among the projects covered by the report. However, while many projects are evaluated separately, the Yusufeli Dam and the HEPP Project are not considered individually, but together with other projects undertaken by Limak Construction.⁴⁷⁴ For this reason, there is no assessment specific to the Yusufeli Dam and HEPP Project either.

In addition to the sustainability report, there is a *Sustainability Inventory Report* on the company's corporate web page.⁴⁷⁵ This report, titled "From Speech to Action," evaluates the company from the perspective of the SDGs for the period 2015-2019. The companies included in this report and the projects undertaken by these companies do not include the Yusufeli Dam and HEPP Project.⁴⁷⁶

Compliance with laws and standards

"Compliance with the Law", which is considered among the values and responsibilities of the company, is defined as complying with all the national and international rules of law in the countries where it operates and carrying out its operations in accordance with all these laws, rules and regulations.⁴⁷⁷

In case of a conflict between laws in different jurisdictions, it is stated in the Business Ethics Policy that employees are expected to apply to the company's legal department.⁴⁷⁸ However, there is no clear statement that internationally recognized human rights standards will be respected if there are obligations in the national legislation that conflict with these international standards.

Cengiz Construction and Industry Trade Inc.

Cengiz Construction and Industry Trade Inc.⁴⁷⁹ (Cengiz Construction),⁴⁸⁰ one of the partners of LCK Yusufeli Ordinary Partnership, is one of the affiliates of Cengiz Holding Inc. Established in 1987, Cengiz Construction undertakes the majority of Turkey's major infrastructure projects such as dams, highways, railways, subways, and airports.⁴⁸¹

Prior to the data collection process, we could not receive answers to the questionnaires shared with Cengiz Construction on September 10, 2021, as was the case for other relevant companies and banks.⁴⁸²

Human rights policy

We have not been able to access the human rights policy on the corporate web page of Cengiz Construction. Three different company policy documents are available on the company's corporate web page.⁴⁸³ Apart from these, there are no reports or documents such as sustainability and annual report.⁴⁸⁴

Corporate respect to human rights is

not mentioned among the company's visions and missions.⁴⁸⁵ We also failed to identify a reference to the responsibility to respect human rights in the message of the chairman of the board of directors on the corporate web page of the company.⁴⁸⁶

Human rights due diligence

In the Occupational Health, Safety and Environmental Policy⁴⁸⁷ section on the corporate web page of the company, the company commits to "always predetermining the dangers that may come to the environment and human health and taking the necessary precautions" and "minimizing the adverse impacts of our operations on people and the environment." However, we have not found any information about how the determination and minimization of adverse impacts are carried out in the policies on the company's web page.

Compliance with laws and standards

The "Vision/Mission" section on the corporate web page includes the following statement: "We are obliged to be an example and pioneer in all areas in which we operate, to carry out the work we do in the best way, in accordance with international standards and the legislation specified in Turkey."⁴⁸⁸

It is not clear whether the international standards contained in this company's statement are international human rights standards. Similarly, the company does not have a clear statement that international standards will be respected if there are obligations that conflict with these international standards in national legislation.

Kolin Construction Tourism Industry and Trade Inc.

Kolin Construction Tourism Industry and Trade Inc. (Kolin Construction), established in 1977 and one of the partners of LCK Yusufeli Ordinary Partnership, is

the leading company of Koloğlu Holding Inc., which operates in the fields of transportation and infrastructure, agriculture and energy, and buildings, residences, and industrial facilities.⁴⁸⁹

Prior to the data collection process, we could not receive answers to the questionnaires shared with Kolin Construction on September 10, 2021, as was the case for other relevant companies and banks.⁴⁹⁰

Human rights policy

Information about Kolin Construction can be found on the corporate web page of the Kolin Group.⁴⁹¹ One of the policies shared on the corporate web page⁴⁹² is on human rights.⁴⁹³

The company's human rights policy states that human rights are company's priority. The company defines the issues included in its human rights policy as a *target*, not a principle. For example, it is stated that "Kolin Construction aims to take necessary actions to protect human rights, provide a decent work environment, and provide a healthy and safe working environment to employees in the working environment with this policy."

It is stated in the company's human rights policy that Kolin Construction aims to "continue its operations in accordance with the ILO and the United Nations Convention on Human Rights, to which Turkey is a party."⁴⁹⁴

One of the principles included in the Sustainability Policy⁴⁹⁵ on the corporate web page of the company is to announce the Human Rights Policy and its approach to its stakeholders, and to convey this approach to its employees and supply chain. The human rights policy also states that Kolin Construction expects sub-contractors, suppliers and service providers to act in accordance with human rights and that nec-

essary warnings will be made in case of any violation. Apart from the human rights policy, there is also Supply Chain Policy also on the corporate website.⁴⁹⁶ The supply chain policy lists the company's expectations from the suppliers, subcontractors, and service providers it works with.

Although the company has a human rights policy, there is no mention of its responsibility to respect human rights in the statements made by the company management.⁴⁹⁷

Human rights due diligence

Kolin Construction's human rights policy does not define human rights due diligence. On the other hand, under the heading "Our Environmental Approach and Policy" on the corporate web page, it is declared that Kolin Construction will determine the impacts of its operations on the environment and will take all kinds of measures to minimize the adverse impacts.⁴⁹⁸

However, since the company's corporate web page does not include reports such as sustainability report, we could not evaluate in our study how the company addresses the potential and current adverse impacts of its operations on human rights and the environment. Although there is information about completed and ongoing projects on the corporate web page, we have found that these explanations are limited to the technical aspects of the projects.⁴⁹⁹

In this context, the statement on the corporate web page regarding the Yusufeli Dam and HEPP Project does not contain any information about the adverse impacts we reported in the section titled "Adverse human rights and environmental impacts" where we discuss the adverse impacts on human rights and the environment.⁵⁰⁰

We have seen that the company de-

fines it as a goal to pay attention to stakeholder participation and to establish long-term relationships with stakeholders, taking their expectations into account in its human rights and sustainability policy. However, the rights defenders interviewed within the scope of this study stated that the company did not have engage in a dialogue with them about the adverse impacts caused by the project.

Remediation for the adverse human rights impacts

Although the company declares that it will detect the impact of its work on the environment and will take all kinds of measures to minimize the adverse impacts, we have not been able to access information on how the company has established a process to ensure that these impacts are remedied.

It is stated that the Sustainability Committee is responsible for updating these policies in sustainability, human rights and the supply chain. From the information and document shared on the corporate web page, we could not determine who the committee is composed of or whether it has the authority to receive and evaluate complaints and notifications of internal and third parties about human rights.

Compliance with laws and standards

In the statement with the subtitle "Our Environmental Approach and Policy", the company explains its goal for the compliance with the law in sustainability, human rights, and supply chain policies. On the other hand, it is stated in the human rights policy that it aims to "continue its operations in accordance with the ILO and the United Nations Convention on Human Rights, to which Turkey is a party." There is no clear statement that international standards will be respected if the laws have obligations that conflict with these cited international standards.

Recommendations

In this research, we have examined five different mining, energy, and mega-infrastructure projects to document the rights abuses they caused by employing the Guiding Principles' perspective, the main reference text in the business-human rights nexus. Our aim was to consider such projects not only with a focus on development, but also on environment and human rights, and show business enterprises' general approach regarding the business-human rights nexus based on these projects. Although the research findings focus on the five projects we identified together with civil society actors, we believe that the results are a broad indicator of the tendencies of companies operating in Turkey.

To the Government

National Action Plan – Tasked with promoting the effective and comprehensive implementation of the Guiding Principles in UN member states, the UN Working Group on Business and Human Rights⁵⁰¹ notes in its 2016 guidance⁵⁰² that national action plans can be an important tool for promoting the implementation of the Guiding Principles and advises states to prepare a national action plan. As of the publication date of our research findings, 30 countries have developed a national action plan in the field of business and human rights, and 15 countries are carrying out their preparatory work.⁵⁰³

Developing a national action plan provides an opportunity for states to

review at the national level the extent of alignment and implementation of international and regional guidances, including the Guiding Principles, which contain standards in the business-human rights nexus, to address gaps and identify steps to be taken.

The business-human rights nexus is not included as a title in the human rights action plans announced by Turkey. The government should address its actions and plans concerning human rights in a business-to-business context and should promptly announce its intention to prepare a national action plan.

Legal and regulatory measures – States, in accordance with their obligation to protect human rights must protect everyone within their borders and/or jurisdiction from human rights violations by third parties, including companies. According to the Guiding Principles, states must use a number of approaches in order to fulfil their duty to protect. "A set of approaches" is detailed in the commentary to the Guiding Principle 3 as states "should consider a smart mix of measures – national and international, mandatory and voluntary – to foster business respect for human rights."

The state's duty to protect necessarily includes the adoption of legal and regulatory measures at the national level. Especially in the last five years, it is seen that an increasing number of states have adopted national laws that correspond to the national-mandatory aspect of the *smart mix of measures*

and address the corporate responsibility to respect human rights. In this context, Turkey should first ensure that the legislation complies with its duty to respect human rights as set out in the Guiding Principles. In addition, it should clearly state the expectation that companies will respect human rights throughout their operations and take legal and regulatory measures in this regard. These legal and regulatory measures, should encourage companies to fulfil their human rights obligations and include guiding mechanisms. The legal and regulatory measures to be taken should primarily and especially cover public business entities, public-private partnerships, export loans and public tenders.

National Contact Point – Turkey is a party to the OECD Guidelines for Multinational Companies and has established a complaint mechanism called the National Contact Point accordingly.⁵⁰⁴ The National Contact Point handles and concludes applications for violations of the implementation of the OECD Guidelines for Multinational Enterprises.

The OECD Guidelines for Multinational Companies are in line with the Guiding Principles within the scope of corporate responsibility to respect human rights. The National Contact Point is regarded as an non-judicial grievance mechanism in the sense of Guiding Principles.

The structure, organization and rules of the evaluation procedure of the Turkish National Contact Point are not communicated to the public in a transparent manner. The fact that it is a part of the Ministry of Industry and Technology raises doubts and concerns about its impartiality. Turkey should take steps in line with the regulations on states regarding the access to remedies in the Guiding Principles, and within this framework, it should restructure the

National Contact Point, especially in accordance with Guiding Principle 31.

To the Business Enterprises

Transparency, meaningful consultation and communication – The Guiding Principles are based on the *know-and-show* approach for business enterprises in the context of their responsibility to respect human rights. *Know* refers to the identification of human rights abuses that business enterprises cause. *Show*, on the other hand, is about their manner of communication on how they address these adverse impacts.

Transparency, meaningful consultation and communication have an important place in the implementation of the *know-and-show* approach. Therefore, business enterprises should communicate to the public the projects or investments they plan and develop transparent corporate policies.

Business enterprises should engage in meaningful consultation throughout their operations with all relevant stakeholders who may be impacted by their activities, including individuals, communities and NGOs, experts, rights defenders.

When concerns about human rights and environmental impacts are raised by or on behalf of impacted stakeholders, business enterprises should publicly disclose that they take it seriously and indicate how they are addressing adverse impacts.

Commitment to respect human rights – There must be a policy commitment within the scope of corporate responsibility to respect human rights. It is extremely important that this policy commitment be approved by the company's senior management, nurtured

with internal and external expertise. It should include human rights expectations of its personnel, business partners and other relevant stakeholders, be publicly available, and compatible with other policies and processes of the company.

Assessment of adverse human rights and environmental impacts – “Corporate respect to human rights” means that business enterprises should be aware of the actual and potential impacts of their activities on human rights and the environment, prevent and mitigate impacts on human rights, and address the adverse impacts they cause. For this, business enterprises are expected to identify the adverse human rights and environmental impacts of their operations, and to adopt a process known as human rights due diligence, apart from the commitment to respect human rights.

Business enterprises should immediately take the necessary steps to improve and conduct human rights due diligence to determine, evaluate, and take action on the human rights and environmental impact of their operations.

Business enterprises should draw on the human rights expertise of NGOs while assessing the impact of their operations as part of the human rights due diligence. In addition, they should conduct human rights and environmental impact assessments transparently with the participation of all stakeholders and publish and publicize their findings regularly so that they are accessible to everyone.

Remediation for the adverse human rights impacts – It is primarily the state’s obligation to provide access to remedies for victims of corporate human rights violations. However, if the business enterprise identifies the adverse impact of its activity on human

rights and the environment, it must actively participate in providing access to remedies, in accordance with its responsibility to respect human rights.

Therefore, business enterprises should establish internal grievance mechanisms to remedy adverse impacts. They should ensure that this mechanism is fair, independent, and impartial and should announce it to the right holders who are/ may be affected by their operations. In cases where the adverse impacts of the operations on human rights and the environment cannot be prevented, business enterprises should develop collaborations with the right holders and NGOs to reduce these impacts.

To the Civil Society and International Human Rights Organizations

We invite civil society to use research findings to encourage and compel business enterprises to fulfil their responsibility to respect human rights and pressure the government to take the necessary legislative and regulatory action. NGOs should monitor the human rights and environmental impacts that the business enterprises’ operations have, and report their findings, with reference to the standards provided by the Guiding Principles. According to the OECD Guidelines for Multinational Companies, NGOs can apply to the National Contact Point in case of violations. NGOs should actively use the National Contact Point.

We invite the UN Working Group on Business and Human Rights to evaluate the research findings and make a country visit to Turkey.

We invite the OECD Secretariat to encourage Turkey to participate in the voluntary *peer review* for National Contact Points.

Research Methodology

The Guiding Principles are recognized as a global standard that defines the roles of states and companies on how to prevent and address business-related human rights abuses. The Guiding Principles are grounded in three pillars: acknowledging states' duty to protect, business enterprises' responsibility to respect human rights, and the right to access to remedies. Among these, the second pillar is centred upon the role of business enterprises as specialized organs that are accountable for respecting human rights. *Know-and-show* is the key approach defined for the business enterprises to respect human rights. "Know" refers to the identification of human rights abuses that business enterprises cause. "Show," on the other hand, is about their manner of communication on how they address these adverse impacts.

We have structured this research in two parts, based on the know-and-show approach employed by the Guiding Principles.

Adverse human rights and environmental effects

In the first part of the research, we mapped the actual or potential adverse impacts on human rights and the environment that the selected five investment projects caused within the framework of the following parameters: Law, participation and access to information, access to remedies, livelihoods, property, resettlement, environment-health, culture, rights defenders, working conditions, and COVID-19.

We compiled these adverse impacts on human rights and the environment through desk research based on open sources. Later, we shared these findings with the relevant civil society actors for their feedback. Since we based the second part of our research on companies' publicly published information on their web pages, only through non-governmental actors' feedbacks could we overcome the limitations of these references and reflect the actors' perspectives on the company's operations in the research.

Company commitments on human rights

In the second part of the research, we evaluated the human rights policies of the companies and financier banks undertaking the five investment projects through

the Guiding Principles perspective. During the evaluation, we applied the indicators in the first part of the guide developed by the Centre for Research on Multinational Corporations (SOMO)⁵⁰⁵ titled *How to Use the UN Guiding Principles in Company Research and Advocacy*.

We compiled the data on companies' human rights policies through desk research conducted between September 20 and October 11, 2021. During data collection, we utilized the up-to-date information and documents that companies publicly published on their web pages. In addition, when we identified a platform (such as the Global Compact) of which the relevant company is a signatory/member regarding human rights reporting, we also included the information published there as part of our evaluation. In order to assess the degree of compliance with Guiding Principle 16(d),⁵⁰⁶ we only consulted the publicly available information and documents. Therefore, the results of the evaluation made in this context in the second part of the research are only representative for companies' human rights performance; they are not an exact/final measurement of their behaviour. This assessment is not intended to compare, score or rank companies.

The evaluation was made with reference to documents such as policy documents, annual and sustainability reports accessible on companies' web pages, and/or on the platforms of which they are signatories/members. Each company's data regarding the indicators applied within the scope of the research was recorded and the relevant resource was documented.

Before launching the second part of the research on September 10, 2021, survey questions based on the research scope and evaluation parameters were shared with companies via e-mail. In this e-mail, companies were informed that they could provide feedback by answering the survey questions until September 20, 2021. Company feedback is not defined as a mandatory element in the research methodology. The research was conducted by the research team separately and independently of feedback from companies. Feedback from the companies was included in order to improve the quality of the data and to evaluate the degree of compliance with the Guiding Principle 21.⁵⁰⁷

Selection of investment projects within the scope of the research

We took the following criteria into account while selecting the investment projects:

1. Causing adverse impacts on the environment, and urban and rural living spaces.
2. Representing at least one of the following conditions:
 - Making investment decisions through top-down methods to the detriment of human rights, without the participation of citizens or meaningful consultation with them,
 - Erosion of complaints and rights advocacy,
 - Resettlement of those living there and disregard of their livelihoods,
 - Poor and unsafe working conditions and occupational homicides.

Working areas of the Centre for Spatial Justice and whether it has previously worked on or planned to pursue the sector or project in question were decisive in the selection of the projects.

Referanslar

1. While creating the dictionary, we made use of the interpretative guide of the UN High Commissioner for Human Rights Guiding Principles on Business and Human Rights and SOMO's guide for civil society for the use of the Guiding Principles on Business and Human Rights. For details, see: Office of the United Nations High Commissioner for Human Rights (2012). *The corporate responsibility to respect human rights: An interpretive guide*. www.ohchr.org/Documents/Issues/Business/RtRInterpretativeGuide.pdf ; SOMO (2012). *How to use the UN guiding principles on business and human rights in company research and advocacy: A guide for civil society organizations*, www.somo.nl/wp-content/uploads/2012/11/English-version.pdf
2. See also: Bengi Akbulut and Fikret Adaman (2013). "Modernleşmenin dayanılmaz cazibesi: Büyüme fetişizmi", *Perspectives*, 5, 14-17, tr.boell.org/sites/default/files/perspectives_5_toplu_tr.pdf
3. In 1994, French and Canadian partners joined Eurogold. In 1999, Australian Normandy became the sole shareholder, and the company's title also changed to Normandy. The giant gold company American Newmont bought the former's shares in 2001. In 2005, Koza-lpek Holding, a subsidiary of Koza Gold Enterprises Inc., bought the company.
4. For Bergama's resistance against gold-mining see also: Elif İnce, *bianet* (2014, December 13). "90'ların hak mücadeleleri yazı dizisi-Bergama altın madeni direnişi: Toprağın bekçileri", bianet.org/bianet/siyaset/160766-bergama-altin-madeni-direnisi-topragin-bekcileri ; "90'ların hak mücadeleleri yazı dizisi-Bergama: Hukuk dinlemeyen maden", bianet.org/bianet/siyaset/160771-bergama-hukuk-dinlemeyen-maden ; "90'ların hak mücadeleleri yazı dizisi-Bergama direnişi çevre hukukunu nasıl değiştirdi?", bianet.org/bianet/ekoloji/160776-bergama-direnisi-cevre-hukukunu-nasil-degistirdi (Accessed January 11, 2022).
5. See also: Hayriye Özen and Şükrü Özen (2009). "Peasants against MNCs and the state: The role of the Bergama movement in the institutional construction of the gold-mining field in Turkey", *Organization*, 16 (4), 547-573.
6. Aykut Çoban (2004). "Community-based ecological resistance: The Bergama movement in Turkey", *Environmental Politics*, 13 (2), 438-460.
7. See also: Ali Arif Cangı (July 2014). "Altına hücum'da sezon finali", *Perspectives*, 9 (1), 36-39. tr.boell.org/sites/default/files/pers_s9_tr_lr.pdf
8. For the Cerattepe local environmental struggle, see also: Center for Spatial Justice, *Mekânda adalet için yurttaş davaları: Cerattepe*, mekandaadalet.org/program/yurttas-davaları-cerattepe
9. As a result of the legal struggle waged by the Cerattepe residents, the State Council revoked the mining license in 2008. After the amendment to the Mining Law in 2010, the region was reopened to mining activities. Özaltın Construction won the tender held in 2012. After a while, Özaltın Construction handed over the field to Eti Bakır Co., a subsidiary of Cengiz Holding.
10. Ibid.
11. The concept of corporate social responsibility is based on the idea that business enterprises have responsibilities to society in general beyond increasing their profitability. This responsibility is defined as an ethical one, since business enterprises are encouraged to adopt and share good practices and corporate philanthropy. In this regard, corporate social responsibility does not include the requirement for business enterprises to operate with respect for human rights and their responsibility to do so.
12. In 2004, the 10th principle related to anti-corruption was incorporated in the Global Compact, which was initially comprised of nine principles. For the Global Compact and the Turkey Network, see www.unglobalcompact.org, www.globalcompactturkiye.org
13. Principle 1: Businesses should support and respect the protection of internationally proclaimed human rights; and Principle 2: make sure that they are not complicit in human rights abuses.
14. United Nations Human Rights, Office of the High Commissioner (2011). *Guiding principles on business and human rights: Implementing the United Nations 'Protect, respect and remedy' framework*. www.ohchr.org/Documents/Publications/GuidingPrinciplesbusinessHR_EN.pdf
15. The OECD Guidelines for Multinational Enterprises was also updated in 2011 to make the human rights section coherent with the Guiding Principles. See mneguidelines.oecd.org/MNEguidelines. The official Turkish translation of the text can also be accessed from the link.
16. The Guiding Principles do not address "human rights" per se, and hence, they do not exclude the right to the environment. Especially in recent years, the term "human rights" in the Guiding Principles has been expressed as "human rights and the environment," in relation to the climate crisis and the adverse environmental impacts caused by business enterprises' operations. In this study, where the Guiding Principle is directly referenced, the term "human rights" is preferred. However, in such cases, human rights should be understood not in a narrow way, but in a broad sense, including environmental rights.
17. LCK Yusufeli Ordinary Partnership, which undertook the Yusufeli Dam and HEPP project, BLG Gayrimenkul, one of the partners of Galataport Istanbul, and Alamos Gold Holdings B.V., the shareholder of Doğu Biga Mining, undertaker of the Kirazlı Gold Mine project, do not have corporate web pages. The corporate web page of Doğu Biga Mining was available at the beginning of the research process, however, could not be accessed in our data collection process. The corporate web page of Avic-Intl Project Engineering Company, one of the partners of the Hunutlu Coal-Fired Thermal Power Plant project, does not have a language option other than Chinese. No information or documents regarding company policies are shared on the corporate web pages of EMBA Electric, Galataport Istanbul Port Management and Mapa Construction.
18. The e-mail sent to the corporate communication manager specified as the contact person in the current sustainability report of Limak Construction, which is among the undertakers of the Istanbul 3rd Airport project and the Yusufeli Dam and HEPP Project, bounced back saying "the address could not be found." During the phone call with Kalyon Construction, also an undertaker of the Istanbul 3rd Airport project, we received an automatic reply to the e-mail sent to the specified contact, stating that "the message was blocked."
19. Begüm Özkaynak, Cem İskender Aydın, Pınar Ertör-Akyazı, İrmak Ertör (2015). "The Gezi Park resistance from an environmental justice and social metabolism perspective", *Capitalism Nature Socialism*, 26 (1), 99-114.
20. See: Center for Spatial Justice (2019). *Mekânda adalet için yurttaş davaları: Cerattepe*, p. 6-7.
21. See also below the section titled "Failure to address adverse human rights and environmental impacts".
22. There is no legal framework in Turkey that regulates the conduct of public consultations with civil society. Consultations with civil society is *ad hoc*, carried out without any explicit selection criteria.
23. According to the Guiding Principles, business enterprises should respect the internationally recognized human rights standards in case of any conflict with the obligations under national legislations. See: Guiding Principles, Principle 23.
24. See also the section above titled "The emergence of projects without the "social license to operate".
25. See the section below titled "Lack of policies and procedures conducive to addressing the adverse impacts on human rights and the environment".
26. See: Guiding Principles, Principle 15.
27. These business enterprises and banks are China Development Bank, Doğu Holding, Limak Construction and Mapa Construction.
28. Bank of China Limited and ICBC are signatories to the UN Principles for Responsible Banking, and Alamos Gold to the World Gold Council to Responsible Gold Mining Principles.
29. See Guiding Principles, Principle 12.

30. See: Guiding Principles, Principle 17.

31. Betül Karagedik (2021). Turkish translation of the second revised draft of the legally binding instrument in international human rights law, which regulates transnational companies' and other commercial enterprises' operations, and a comment on the draft, 41(2), PPLI.

32. Within the scope of Article 7 of the EIA Regulation, to compile an EIA report for the projects is obligatory, while the ESIA report is not required. Banks and credit institutions that provide the financing for the projects make the ESIA report obligatory.

33. Istanbul Airport. *Hayaldi gerçek oldu*, p. 20, www.igairport.com/hayaldi-gercek-oldu-e-kitap

34. For detailed information see www.igairport.com/tr/iga-hakkinda/hakkimizda

35. Tansu Pişkin (2017, November 28). "3. Havalimanının sekiz yıllık hikayesi" *bianet*, m.bianet.org/bianet/kent/191874-3-havalimaninin-sekiz-yillik-hikayesi (Accessed January 28, 2022).

36. Çiğdem Toker (2018, March 13). "3.havalimanında şirket gelirleri", *Cumhuriyet*, www.cumhuriyet.com.tr/yazarlar/cigdem-toker/3-havalimaninda-sirket-gelirleri-941635 (Accessed November 22, 2021).

37. Ibid.

38. Northern Forests Defense (March 2015) *Yaşam, doğa, çevre, insan ve hukuk karşısında 3.Havalimanı*, kuzeyormanlari.org/wp-content/uploads/2015/04/Yasam_Doga_Cevre_Insan_ve_Hukuk_Karsisinda_3_Havalimani_Projesi.pdf

39. Doğanay Tolunay. (2014). "İstanbul'da yapılması planlanan projelerin orman ekosistemi ve endemik türler üzerindeki etkileri", in *İstanbul'un Geleceğini Etkileyen Üç Proje: TEMA Vakfı Uzman Görüşleri* (p. 27), (TEMA 2014). serdargunes.files.wordpress.com/2018/09/istanbulun_gelecegini_etkileyecek_uc_proje-3-kc3b6prc3bc_3-havalimani_kanal-istanbul-tema-vakfi-2014_pdf.pdf

40. See footnote 39, p.25.

41. See footnote 39.

42. Bülent Şık (2018, November 27). "3.Havalimanı ile kanser hastalığı arasındaki bağlantılar", *bianet*, bianet.org/bianet/biyaset/202963-3-havalimani-ile-kanser-hastaligi-arasindaki-baglantilari (Accessed January 28, 2022).

43. *bianet* (2014, 4 Nisan). "3.Havalimanı için yönetmelik yine değişti", m.bianet.org/bianet/kent/154715-3-havalimani-icin-yonetmelik-yine-degisti (Accessed January 28, 2022). With this amendment made in the regulation, which was first published in 2002 and changed twice until 2014, wetlands were divided into "wetlands of national importance" and "wetlands of local importance". According to this division, there are no legal restrictions on the construction of the 3rd Airport, which is in the category of "wetlands of local importance", since "wetlands of local importance" are not considered within the scope of protection.

44. See footnote 39, p.28.

45. See footnote 42.

46. See: Rekabet Kurulu kararı (2014, October 16). www.rekabet.gov.tr/Karar?kararId=52854a13-5162-4670-adb4-5206fc17db04

47. Çiğdem Toker (2018, October 31). "İstanbul Havalimanı'nın bedeli", *Sözcü*, www.sozcu.com.tr/2018/yazarlar/cigdem-toker/istanbul-havalimaninin-bedeli-2711038/ (Accessed January 28, 2022).

48. *Yeşil Gazete* (2013, January 17). "Bakan Yıldırım 3.Havalimanı için tarih verdi", yesilgazete.org/bakan-yildirim-3-havalimani-icin-tarih-verdi/ (Accessed January 28, 2022).

49. UCTEA Chamber of Environmental Engineers (2013, April 30). "Hukuksuz olan 3. Havalimanı ihalesinin iptal edilmesi için dava açıyoruz!", www.cmo.org.tr/genel/bizden_detay.php?kod=87841&tipi=68&sube=0 (Accessed January 28, 2022).

50. UCTEA Chamber of Environmental Engineers (2014, February 11). "İstanbul Boğazını dolduracak kadar, 2 milyar 500 milyon metreküp dolu yapılacak!", www.cmo.org.tr/genel/bizden_detay.php?kod=89544&tipi=67&su (Accessed January 28, 2022).

51. *bianet* (2014, 11 Şubat). "3.Havalimanı için yargı dur, DHMİ devam dedi", bianet.org/bianet/toplum/153400-3-havalimani-icin-yargi-dur-dhmi-devam-dedi (Accessed January 28, 2022). This lawsuit was filed due to the fact that the 3 Airport Project would destroy agricultural areas, adversely affect natural life, accelerate climatic changes, cause noise and electromagnetic pollution, destroy forest areas, damage drinking water basins, and because it is illegal to bid for the EIA report before the 10-day suspension period.

52. *bianet* (2014, February 11). "3.Havalimanı için yargı dur, DHMİ

devam dedi". In addition, the Greens and the Left Future Party (Yeşiller ve Sol Gelecek Partisi) filed a criminal complaint against the Office of the Chief Public Prosecutor about the officials who did not implement the stay of execution decision. See: *Yeşil Gazete*. (2021, November 9). "Yeşiller ve Sol Gelecek'ten 3.Havalimanı ile ilgili suç duyurusu", yesilgazete.org/yesiller-ve-sol-gelecekten-ucuncu-havalimaniyla-ilgili-suc-duyurusu/ (Accessed January 28, 2022).

53. UCTEA Chamber of Environmental Engineers (2014, March 18). "Adaletin mülkü 3. Havalimanı'na karşı", www.cmo.org.tr/genel/bizden_detay.php?kod=89777&tipi=71&sube=0 (Accessed January 28, 2022).

54. *bianet* (2014, March 10). "3.Havalimanına yeni ÇED raporu", bianet.org/bianet/toplum/154048-3-havalimanina-yeni-ced-raporu (Accessed January 28, 2022).

55. Ibid.

56. *bianet* (2016, 22 Mart). "3.Havalimanında bilirkişi raporu çıktı", bianet.org/bianet/toplum/173236-3-havalimaninda-bilirkişi-raporu-cikti (Accessed January 28, 2022).

57. For detailed information see: Center for Spatial Justice, *Public Interest Litigation for Spatial Justice: The 3rd Airport* [forthcoming]

58. *bianet* (2016, March 22). "3.Havalimanında bilirkişi raporu çıktı".

59. Article 27 of the Expropriation Law regulates that urgent expropriation can only be applied in the following three cases: (1) When there is a need for homeland defense in the implementation of the National Defense Obligation Law No. 3634, (2) in cases where the President's decision is urgently taken (before the transition to the Presidential Government System, the decision-making authority was vested in the Council of Ministers) and (3) in extraordinary circumstances stipulated by special laws. Mining Law, Electricity Market Law, Law on Transformation of Disaster-prone Areas can be given as examples of the third case. These and many other laws authorize the relevant administration for urgent expropriation.

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100. See: Turkish Trade Registry Gazette, December 9, 2019, Issue: 9968, Page: 463; December 30, 2019, Issue: 9983, page: 365. With the share transfer, 20% of Kolin Construction's shares were acquired by Kalyon and Cengiz Construction. The current shareholding status of the company is as follows: Kalyon Construction 35%, Cengiz Construction 25%, MAPA Construction 20%, Limak Construction 20%.
101. See www.igairport.aero/tr
102. Questionnaires were sent by e-mail to the address specified as the contact e-mail on environment and sustainability issues on the corporate web page of the company.
103. The Global Reporting Initiative is an international organization that sets common standards for businesses and other organizations for their sustainability reporting. Headquartered in the Netherlands, the Global Reporting Initiative has a network of seven regional centers around the world and is among the world's most widely used standards for sustainability reporting. For more detailed information see www.globalreporting.org/
104. Istanbul Airport (2019). *İGA 2019 Sürdürülebilirlik Raporu*, p. 18.
105. During the data collection, the company's 2020 sustainability report was not included on its corporate web page. For this part of the study, where the company's commitments to human rights are evaluated, we reviewed the company's 2019 sustainability report.
106. Istanbul Airport (2019). *İGA 2019 Sürdürülebilirlik Raporu*, p. 77.
107. Istanbul Airport. *Hayaldi Gerçek Oldu*, p. 2.
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109. Environmental and Sustainability Policy, www.igairport.aero/tr/iga-hakkında/politika#iframe-3
110. Istanbul Airport. *Hayaldi Gerçek Oldu*, p. 29.
111. Istanbul Airport. *Hayaldi Gerçek Oldu*, p. 28.
112. See www.igairport.aero/sites/sustainability/tr/yesil-kutuphane
113. See www.igairport.aero/sites/sustainability/tr/birimler/cevreyonnetimi/genel-bilgi
114. Through the e-book titled *Dream Made Real*, we understand that these are Environmental Management and Monitoring Plan, Social Action Plan, Biodiversity Action Plan, Climate Change Action Plan, Biodiversity Action Plan, Rapid Impact Program, Rural Development Program.
115. Istanbul Airport. *Hayaldi Gerçek Oldu*, p. 28. On page 26 of the e-book, the company's "Environment and Sustainability Directorate" is mentioned; however, from the content of the e-book, we have concluded that both units are the same.
116. For example, in the statement regarding the Climate Change Action Plan, it is stated that "Climate change" is actually an important threat to "business continuity" rather than an environmental problem. See: Istanbul Airport. *Hayaldi Gerçek Oldu*, p. 34. According to the Biodiversity Action Plan, very detailed studies of plant and animal species have been carried out and plant and animal species have been transferred to other places. However, there is no explanation as to whether a study has been carried out on the effect created/to be created by the damaged tissue as a result of the company's operations. See: ibid, p. 36.
117. Istanbul Airport (2019). *İGA 2019 Sürdürülebilirlik Raporu*, p. 15-16.
118. See www.igairport.aero/sites/sustainability/tr/birimler/sosyal-ekoloji-yonnetimi/genel-bilgi
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122. Istanbul Airport (2019). *İGA 2019 Sürdürülebilirlik Raporu*, p. 73.
123. See www.cengiz-inaat.com.tr/
124. See www.cengizholding.com.tr/
125. See www.cengizholding.com.tr/sectorler/insaat/

126. Questionnaires were sent via e-mail to the corporate communications secretary, who was said to be the contact person in the telephone conversation with the company.
127. These are quality policy, occupational health, safety and environmental policy and road traffic safety policy
128. See www.cengiz-insaat.com.tr/vizyon-misyon/#
129. See www.cengiz-insaat.com.tr/baskanin-mesaji/
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133. Questionnaires were sent via e-mail to two separate contact persons and to the company's general e-mail addresses.
134. See mapa.group/tr/
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136. See www.limak.com.tr/kurumsal/hakkinda
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142. Limak Group of Companies. *İş Etiği Kuralları Politikası*, p. 3-4, www.limak.com.tr/files/İşEtiğiKurallarıPolitikası.pdf
143. Some of the titles in this policy text are also published on the company's corporate web page as separate company policies.
144. Limak Group of Companies. *İş Etiği Kuralları Politikası*, p. 5; *Sürdürülebilirlik Raporu 2018-2019*, p. 13, www.limak.com.tr/files/limak-2018-2019-surdurulebilirlik-raporu.pdf
145. Limak Group of Companies. *İş Etiği Kuralları Politikası*, p. 8-9; Limak Group of Companies (2018-2019). *Sürdürülebilirlik Raporu 2018-2019*, p. 12
146. We have found that 'diversity and tolerance' is considered as a value for Limak Construction, unlike other companies examined within the scope of this study. The company defines this value as "Creating a corporate culture in which diversity and inclusiveness are sustainable by providing equal and fair access to resources and opportunities at work, and where employees treat each other with respect and tolerance."
147. Limak Group of Companies. *İş Etiği Kuralları Politikası*, p. 8-9.
148. The Sustainability Report 2018-2019, which was shared on the company's web page, was taken as the basis of the research of this study based on the corporate web pages of the companies.
149. Limak Group of Companies (2018-2019). *Sürdürülebilirlik Raporu 2018-2019*, p. 188
150. Limak Group of Companies. *İş Etiği Kuralları Politikası*, p. 12.
151. Limak Group of Companies (2018-2019). *Sürdürülebilirlik Raporu 2018-2019*, Objectives 3 and 5, p. 25-26.
152. Limak Group of Companies. *İş Etiği Kuralları Politikası*, p. 12. See also: Limak Group of Companies. *Sürdürülebilirlik Politikası*, www.limak.com.tr/files/SürdürülebilirlikPolitikası.pdf; Limak Group of Companies (2018-2019). *Sürdürülebilirlik Raporu 2018-2019*, p. 22.
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158. Limak Group of Companies (2018-2019). *Sürdürülebilirlik Raporu 2018-2019*, p. 2.
159. Limak Group of Companies (2015-2019). *Söylem Eyleme 2015-2019*, www.limak.com.tr/files/limak-2015-2019-soylemdeneyleme-raporu.pdf
160. The Sustainable Development Goals (SDGs) are the UN's call for universal action to eradicate poverty, protect the planet and ensure that all people live in peace and prosperity. The 17 Goals that make up the SDG build on the achievements of the Millennium Development Goals and include new areas such as climate change, economic inequality, innovation, sustainable consumption, peace and justice. For detailed information, see www.tr.undp.org/content/turkey/tr/home/sustainable-development-goals.html (Accessed January 27, 2022).
161. Limak Group of Companies (2015-2019). *Söylem Eyleme 2015-2019*, p. 6-7.
162. Limak Group of Companies. *İş Etiği Kuralları Politikası*, p. 5.
163. Limak Group of Companies. *İş Etiği Kuralları Politikası*, p. 6.
164. See www.kolin.com.tr/tr/kurumsal/hakkimizda/tarihce
165. The questionnaires were sent by e-mail to the public relations and the general e-mail address of the company, which were conveyed as contacts in a telephone conversation with the company.
166. See www.kolin.com.tr/tr
167. The company's corporate web page includes sustainability policy, human rights policy and supply chain policy in the sustainability tab and human resources policy in the human resources tab. In addition, the company's approach is shared under the "Our Policies" heading under the About us tab. The subheadings 'Our Quality Approach and Policy', 'Our Environmental Approach and Policy' and 'Our Occupational Health and Safety Policy' are included here. See www.kolin.com.tr/tr/kurumsal/hakkimizda/politikalarimiz
168. See www.kolin.com.tr/tr/kurumsal/surdurulebilirlik/insan-haklari-politikasi
169. There is no UN text titled "The United Nations Convention on Human Rights", as stated in the human rights policy. With this statement, it is unclear whether the company refers to the "International Human Rights Act" (*International Bill of Human Rights*), which covers the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights or to the "Twin Covenants," which is International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.
170. See www.kolin.com.tr/tr/kurumsal/surdurulebilirlik/surdurulebilirlik-politikasi
171. See www.kolin.com.tr/tr/kurumsal/surdurulebilirlik/tedarik-zinciri-politikasi
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173. See www.kolin.com.tr/tr/kurumsal/hakkimizda/politikalarimiz
174. See www.kolin.com.tr/tr/projeler
175. See www.kolin.com.tr/tr/projeler/tamamlanan-projeler/ulastirma-ve-altyapi-projeleri/istanbul-havalimani
176. See kalyonholding.com/insaat/insaat
177. The questionnaires were sent by e-mail to the responsible person and the general e-mail address of the company, which were conveyed as contacts in a telephone conversation with the company. An automatic reply was received to the e-mail message sent to the responsible person, stating that the message was blocked.
178. See kalyonholding.com/Anasayfa
179. The company's corporate web page has a technology and information policy and an integrated management systems policy on the "Our policies" tab. See kalyonholding.com/teknoloji-ve-bilisim-politikamiz and kalyonholding.com/entegre-yonetim-sistemlerimiz
180. See kalyonholding.com/degerlerimiz
181. See kalyonholding.com/baskanin-mesaji
182. For detailed information about the project, see www.galataport.com
183. Pelin Pınar Özden and Duygu Açar. (2008). *Eğrisi Doğrusuyla Galataport 15 Nöbetçi 2006*, UCTEA Chamber of City Planners Istanbul Branch, Istanbul 2008, p. 5-11.
184. For detailed information about the process of the project, see Alper Balcıoğlu (2014, November 21). "10 Maddede Galataport'un Hikayesi", *bianet*, m.bianet.org/bianet/siyaset/160111-10-maddede-galataport-un-hikayesi (Accessed: 28 January 2022); Tansu Pişkin

- (2017, 29 November). "Galataport Projesi'nin 15 yıllık hikayesi", *bianet*, bianet.org/bianet/kent/191930-galataport-projesinin-15-yillik-hikayesi (Accessed: 28 Ocak 2022); Damla Uğantaş (2019, August 26). "Tartışılan Galataport'ta sona doğru: Buraya nasıl gelindi? Projenin özellikleri neler?", *t24*, t24.com.tr/haber/galataport,836567 (Accessed: 28 January 2022); Ayşe Banu Tuna (2021). "20 yıldır bu projeyi tartışıyoruz: Galataport", *İstDergi*, p. 6., www.istdergi.com/dosya/20-yildir-bu-projeyi-tartisiyoruz-galataport
185. Pelin Pınar Özden and Duygu Açar (2008). *Eğrisi Doğrusuyla Galataport 15 November 2006*, p. 7-8.
186. Mustafa Sönmez (2005, September 21). "Galataport Tezgahı...", *bianet*, bianet.org/biamag/toplum/67583-galataport-tezgahi (Accessed January 28, 2022).
187. The cited statement appears in the rationale in the introduction of the proposed amendment to the Coastal Code in 2010. See www.spo.org.tr/genel/bizden_detay.php?kod=2276&tipi=4
188. Pelin Pınar Özden and Duygu Açar (2008). *Eğrisi Doğrusuyla Galataport 15 November 2006*, p. 6-10.
189. Haydar Karabey (2017). "Sergiye Dair, Kıyıya Dair", *Mimarlık Dergisi*, 396. www.mimarlikdergisi.com/index.cfm?sayfa=mimarlik&DergiSoyi=410&ReclD=4220
190. Yaşar Adanalı (2021). "Galataport: İstanbul'un En Büyük Keşkelerinden Bir Tanesi", *İstanbul Kent Araştırmaları ve Düşünce Dergisi*, 1, p. 88-90.
191. Karaköy Passenger Hall was the architect Rebiî Gorbon's work in the 1940s. After Rebiî Gorbon won first place in the İstanbul Port Passenger Lounge competition in 1935, this project was decided to be built there. See: Ebru Omay Polat (2017). "Karaköy Passenger Hall Destroyed to Preserve", *Mimarlık Dergisi*, p. 394. www.mimarlikdergisi.com/index.cfm?sayfa=mimarlik&DergiSoyi=408&ReclD=4139; see also tr.wikipedia.org/wiki/Galata_Yolcu_Salonu
192. *Yeşil Gazete* (2017, February 20). "Mimarlar Odası: Karaköy Yolcu Salonu'nu yıkarak zarar verenler hakkında yasal işlem başlatılsın", *yesilgazete.org/mimarlar-odasi-karakoy-yolcu-salonunu-yikarak-zarar-verenler-hakkinda-islem-baslatilsin/* (Accessed January 28, 2022).
193. The Package Post Office was built as a Customs building between 1907 and 1911 during the Galata Dock construction that started in 1892. Then it refunctoned to accept packages and clear customs.
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196. *Mimarist* (2017, April 1). "Koruma Kurulundan Paket Postanesinin yıkımına ilişkin suç duyurusu", www.mimarist.org/koruma-kurulundan-paket-postanesi-yikimina-iliskin-suc-duyurusu/ (Accessed January 28, 2022).
197. *Sözcü* (2017, April 26). "Galataport mühürlendi", www.sozcu.com.tr/2017/ekonomi/galataport-muhurlendi-1816058/?utm_source=dahafazla_haber&utm_medium=free&utm_campaign=dahafazlahaber (Accessed January 28, 2022).
198. For example, the owner of Fazıl Han, located on Kemankeş Street, states that every shovel hit in the construction has shaken the inn to its foundation since the project started. The owner of the inn is worried that the quakes at the base of the inn will damage the building and complains that no action has been taken in this regard. See Nilay Vardar (2017, March 4). "Galataport inşaatının binasını çatlatmasından şikâyetçi", *bianet*, bianet.org/bianet/toplum/184153-galataport-insaatinin-binasini-catlatmasindan-sikayetci (Accessed January 28, 2022). These damages around Karaköy have also disturbed the tradesmen who have been working there for many years. A tradesman who has been selling consumables in Karaköy for 56 years talks about his shop shaking when the stakes of Galataport İstanbul were driven. Similarly, another person who has been a tradesman in Karaköy for 60 years says that the tiles in his shop fell off after the Galataport İstanbul construction started. See *Diken* (2021, January 25). "Galataport'a yeni dava: Civardeki binalar hasar gördü", www.diken.com.tr/galataporta-yeni-dava-civardaki-binalar-hasar-gordu/ (Accessed January 28, 2022).
199. Yaşar Adnan Adanalı (2021). *Galataport: İstanbul'un En Büyük Keşkelerinden Bir Tanesi*, p. 88-90.
200. Ayşe Banu Tuna (2021). "20 yıldır bu projeyi tartışıyoruz: Galataport", *İstDergi*, p. 6.
201. Filiz Gazi (2021, November 6). "Acıklı bir telaşla çizilen kültür rotası", *Birgün*, www.birgun.net/haber/acikli-bir-telasla-cizilen-kultur-rotasi-364815 (Accessed January 28, 2022).
202. Yaşar Adanalı.(2021). *Galataport: İstanbul'un En Büyük Keşkelerinden Bir Tanesi*, p. 88-90; Ayşe Banu Tuna. (2021). "20 yıldır bu projeyi tartışıyoruz: Galataport. *İstDergi*, p.6; Filiz Gazi (2021, November 6). "Acıklı bir telaşla çizilen kültür rotası".
203. Esin Köymen (2021, March 30). "Beyoğlu Kültür Yolu Projesi ve Gezi Parkı'nın Vakıflara Devri", *Mimarist* www.mimarist.org/beyoglu-kultur-yolu-projesi-ve-gezi-parkinin-vakiflara-devri/ (Accessed January 28, 2022).
204. The first to be evacuated were the hookah cafes located between the Kaptan-ı Derya Kılıç Ali Paşa Mosque and the historical fountain in Tophane. Due to the increasing rent, Karaköy Restaurant had to close its shutters after having served for 20 years.
205. *Evrensel* (2019, August 29). "Galataport'un özeti: İstanbul'un merkezinde kıyının özelleştirilmesi", www.evrensel.net/haber/385767/galataportun-ozeti-istanbulun-merkezinde-kiyinin-ozelleştirilmesi (Accessed January 28, 2022).
206. Upon these discussions, a parliamentary question was submitted to the Grand National Assembly of Turkey in order to make it clear who the companies participating in the Galataport İstanbul tender are. See: *Evrensel* (2005, September 22). "Galataport İstanbul ihalesi skandala dönüşüyor", www.evrensel.net/haber/165436/galataport-ihalesi-skandala-donusuyor (Accessed January 28, 2022).
207. *Gazete Duvar* (2020, January 29). "İşçilerden Galataport eylemi", www.gazeteduvar.com.tr/gundem/2020/01/29/iscilerden-galataport-eylemi-maaslarimiz-verilmiyor (Accessed January 28, 2022).
208. Workers at the construction site are organized under the Dev-Yapı Labor Union. Apart from the union, the Power of Labor Association represents the workers and proves to be in solidarity with the workers against the abuses they are exposed to.
209. *Gazete Duvar* (2020, January 29). "İşçilerden Galataport eylemi"; *Yeni Yaşam* (2021, July 13). "Galataport işçileri haklarını direnişle kazandı", *yeniyasamgazetesi2.com/galataport-iscileri-haklarini-direnisle-kazandi/* (Accessed: January 28, 2022); *Sendika.org* (2021, July 13). "Galataport işçilerinin talepleri reddedildi: Hukuksuzluk son bulana kadar direnişimize devam edeceğiz", *sendika.org/2021/07/galataport-iscilerinin-talepleri-reddedildi-hukuksuzluk-son-bulana-kadar-direnisimize-devam-edecegiz-625003/* (Accessed January 28, 2022).
210. *Gazete Duvar* (2020, January 29). "İşçilerden Galataport eylemi".
211. *Gazete Duvar* (2020, March 20). "Galataport'ta 40 işçi iş bıraktı", www.gazeteduvar.com.tr/gundem/2020/03/20/galataportta-40-isci-is-birakti(Accessed January 28, 2022).
212. *Birgün* (2020, April 14). "Galataport'ta işçi Hasan Oğuz'un ölümü sonrası inşaat faaliyetleri durduruldu", www.birgun.net/haber/galataport-ta-isci-hasan-oguz-un-olumu-sonrasi-insaat-faaliyetleri-durduruldu-296482 (Accessed January 28, 2022).
213. *Birgün* (2020, April 14). "Galataport'ta işçi Hasan Oğuz'un ölümü sonrası inşaat faaliyetleri durduruldu".
214. There is information on the web page of Galataport İstanbul that Doğuş Group has partnered with BLG Capital. See www.galataport.com.tr/hakimizda/kurumsal . In this study, the official registered registry gazette record is taken as the basis. It is stated on the corporate web page of Bilgili Holding Inc. that BLG Capital is an independently managed, privately owned real estate investment and management company. See www.bilgiholding.com.tr/kurumsal/blg-capital.html . Galataport İstanbul is among the investments on the corporate web page of BLG Capital. See www.blgcapital.com/investments/galataport.html
215. *Turkish Trade Registry Gazette* (2014, February 13), Issue: 8507, Pages: 473-475. According to the company's articles of association, the shareholding structure of the company is as follows: Doğuş Holding Inc. 81%, BLG Real Estate Investments and Trade Inc. 19%.
216. *Turkish Trade Registry Gazette* (2018, February 14), Issue: 9516, Pages: 382-383.
217. See www.galataport.com/
218. Questionnaires were sent via e-mail to the communications executive, who was referred as the contact person in the telephone conversation with the company.
219. See www.dogusgrubu.com.tr/ana-sayfa

220. The survey questions were sent by e-mail to the corporate communications manager, who is indicated as a contact person in the 2020 Global Compact Progress Report.
221. See www.dogusgrubu.com.tr/tr/insan-kaynaklari/degerlerimiz and www.dogusgrubu.com.tr/tr/insan-kaynaklari/dogus-lu-olmak
222. Doğuş Grubu (2020). *2020 Global Compact İlerleme Raporu*, p. 1-2, www.dogusgrubu.com.tr/DogusGrubu_Files/2021106133224691_DH%20UNGC%20COP%202020.pdf (Accessed January 28, 2022).
224. "Working Principles and Code of Ethics", "Domestic violence, workplace principles policy," "Declaration of Equality at Work", "Bright Future with Doğuş" and 2020 Global Compact Progress Report, accessed from the corporate web page, have been taken as the basis for the evaluation.
225. Doğuş Grubu (2020). *İş'te Eşitlik Bildirgesi*, www.dogusgrubu.com.tr/tr/insan-kaynaklari/is-te-esitlik-bildirgesi (Accessed January 28, 2022).
226. Doğuş Grubu. *Çalışma İlkeleri ve Etik Kurallar*, p. 11, www.dogusgrubu.com.tr/DogusGrubu_Files/202110611816658_Dogus%20Grubu%20Calisma%20Ilkeleri_websitesi_versiyonu.pdf (Accessed January 28, 2022).
227. Ibid.
228. Doğuş Grubu (2020). *2020 Global Compact İlerleme Raporu*, p. 22.
229. Doğuş Grubu (2020). *2020 Global Compact İlerleme Raporu*, p. 12, 22.
230. See Guiding Principles, Principle 12.
231. Doğuş Grubu (2020). *2020 Global Compact İlerleme Raporu*, p. 5, 6,
232. *Çalışma İlkeleri ve Etik Kurallar*, Preface, p. 7; *Tedarikçi ve müşteri ilişkileri*, p. 15.
233. Doğuş Grubu (2020). *2020 Global Compact İlerleme Raporu*, p. 22.
234. Doğuş Grubu (2020). *İş'te Eşitlik Bildirgesi*, Article 10: "We ensure that the declaration is disseminated among all of our domains (our business partners, suppliers)."
235. Doğuş Grubu. *Çalışma İlkeleri ve Etik Kurallar*, p. 14, 15.
236. Doğuş Grubu (2020). *2020 Global Compact İlerleme Raporu*, p. 21.
237. Ibid.
238. Doğuş Grubu (2020). *2020 Global Compact İlerleme Raporu*, p. 19.
239. Doğuş Grubu (2020). *2020 Global Compact İlerleme Raporu*, "COVID-19 Dönemi Çalışmaları", p. 16.
240. Doğuş Grubu (2020). *2020 Global Compact İlerleme Raporu*, p. 10.
241. Doğuş Grubu (2020). *Çalışma İlkeleri ve Etik Kurallar*, p. 4.
242. Doğuş Grubu (2020). *2020 Global Compact İlerleme Raporu*, P. 10.
243. Doğuş Grubu (2020). *2020 Global Compact İlerleme Raporu*, p. 6, 14, 15.
244. Doğuş Grubu (2020). *2020 Global Compact İlerleme Raporu*, p. 1, 2, 22.
245. See. Bilgili Grup Şirketleri. www.bilgiliholding.com.tr/bilgili-grup-sirketleri.htm *Turkish Trade Registry Gazette* (2013, December 11), Issue: 8462, Pages: 1290-1294.
246. *Turkish Trade Registry Gazette* (2014, February 6), Issue: 8516, Page: 454.
247. Questionnaires were sent via e-mail to the communications executive, who was referred to as the contact person in the telephone conversation with the company. The forwarded communication executive is also responsible for the Galataport Istanbul Port Management and Investments Inc.
248. See www.bilgiliholding.com.tr/kurumsal/sosyal-sorumluluk.html
249. See Adana'ya Temiz Hava Kampanyası, adanayatemizhava.org
250. For detailed information about the Belt and Road Project, see adanayatemizhava.org/kusak-ve-yol-projesi/.
251. After the share transfers in EMBA Electricity, which is the undertaker of the project, Chinese investors have become dominant. In addition, the banks that provide financing for the project are China Development Bank, Bank of China, ICBC.
252. See Clean Air for Adana Campaign, footnote 249.
253. For the petition, see petition www.change.org/p/deniz-kaplumba%C4%9Falar%C4%B1-yuvalama-kumsal%C4%B1nda-termik-santral-in%C5%9Faat%C4%B1na-yer-yok-kaplumba%C4%9Fak%C3%B6m%C3%BCrsevmez-emineerdogan-murat-kurum-csbgovtr-tcenerji-fatih-donmez?utm_source=share_petition&utm_medium=custom_url&recruited_by_id=ea9919e0-a3e2-11ea-88fd-df49a397c1ee
254. Adana'daki termik santral inşaatı kural tanımıyor (2020, 28 Ağustos), adanayatemizhava.org/adanadaki-termik-santral-insaati-kural-tanimiyor/. (Accessed January 28, 2022). For the estimation study conducted by non-governmental organizations, see adanayatemizhava.org/files/2020/08/CREA_Hunutlu-health-impacts-briefing-v2.pdf
255. For the report, see WWF- Türkiye Doğal Hayatı Koruma Vakfı (2021). *Yenilenebilir Enerji Çağında Kömürün Fizibilitesi: Hunutlu Termik Santrali Örneği*, www.wwf.org.tr/?10440/Yenilenebilir-Enerji-Caginda-Komurun-Fizibilitesi-Hunutlu-Termik--Santrali-Ornegi. The main findings of the report are as follows: "Based on the investment cost of the Hunutlu Thermal Power Plant of 1.7 billion dollars, the project will be able to repay itself only after 26 years of commissioning. With the construction period, this period reaches up to 30 years. If the investment cost is considered to be 2.1 billion dollars, the power plant cannot repay the investment during its 30-year economic life."; *bianet* (2021, January 15). "Hunutlu termik santrali 30 yıl boyunca kâr getiremeyecek", bianet.org/bianet/ekoloji/237639-hunutlu-termik-santrali-30-yil-boyunca-kar-getiremeyecek (Accessed January 28, 2022).
256. *Yeşil Gazete* (2020, August 28). "Adana'daki termik santral inşaatı kural tanımıyor", yesilgazete.org/adanadaki-termik-santral-insaati-kural-tanimiyor/ (Accessed January 28, 2022).
257. *Evrensel* (2020, June 12). "Tülay Hatimoğulları, Doğu Akdeniz'deki termik santrallerin araştırılmasını istedi", www.evrensel.net/haber/407005/tulay-hatimogullari-dogu-akdenizdeki-termik-santrallerin-arastirilmasini-istedi (Accessed January 28, 2022).
258. See Adana'daki termik santral inşaatı kural tanımıyor, (2020, August 28), footnote 254.
259. Ibid.
260. Ibid.
261. Ibid.
262. *Yeşil Gazete* (2021, April 21). "EPDK aylar sonra duyurdu: IC İçtaş'ın Yumurtalık Termik Santrali ön lisans başvurusu iptal edildi", yesilgazete.org/epdk-aylar-sonra-duyurdu-ic-ictasin-yumurtalik-termik-santrali-onlisans-basvurusu-iptal-edildi/ (Accessed January 28, 2022).
263. Ibid.
264. *Evrensel* (2020, October 9). "ÇED raporuna aykırı termik santral inşaatına dava açıldı", www.evrensel.net/haber/416125/ced-raporuna-aykiri-termik-santral-insaatina-dava-acildi
265. See Adana'daki termik santral inşaatı kural tanımıyor (2020, August 28), footnote 254.
266. *Evrensel* (2020, June 5). "CHP'li Burhanettin Bulut: Kömürlü termik santral Adanalıları zehirleyecek", www.evrensel.net/haber/406442/chpli-burhanettin-bulut-komurlu-termik-santral-adanalilari-zehirleyecek (Accessed January 28, 2022).
267. *Evrensel* (2018, January 29). "Santral kurulan bölgede kanser vakaları 5 yılda 12 kat arttı", www.evrensel.net/haber/344352/santral-kurulan-bolgede-kanser-vakalari-5-yilda-12-kat-artti (Accessed January 28, 2022).
268. Ibid.
269. *Yeşil Gazete* (2019, April 25). "Koruma altındaki kumsala Çin'den kömürlü termik santral", yesilgazete.org/koruma-altindaki-kumsala-cinden-komurlu-termik-santral/ (Accessed January 28, 2022).
270. The Berne Convention, the UN Convention on Biological Diversity, the Barcelona Convention.
271. See "Coal-fired thermal power plant near the protected beach", footnote 269.
272. The information in this paragraph was compiled from interviews with non-governmental organizations in the relevant project during our research.
273. Ibid.
274. Kaplumbağa yuvalama sezonu boyunca inşaata ait deniz dolgusu kaldırılmamış (2020, 29 September). www.change.org/p/deniz-kaplumbağaları-yuvalama-kumsalında-termik-santral-inşaatına-yer-yok-kaplumbağakömürsevmez-emineerdogan-murat-kurum-csbgovtr-tcenerji-fatih-donmez/u/27805548 (Accessed January 28, 2022).

275. See "Coal-fired thermal power plant near the protected beach", footnote 269.
276. *Yeşil Gazete* (2020, June 16). "Dünyanın en yaşlı denizcilerine kömür tehdidi", yesilgazete.org/dunyanin-en-yasli-denizcilerine-komur-tehdidi/ (Accessed January 28, 2022).
277. Greenpeace (2021, October 7). Turkey has ratified the Paris Agreement on Climate Change. "Peki şimdi ne olacak?", www.greenpeace.org/turkey/blog/turkiye-paris-iklim-anlasmasini-onayladi-peki-simdi-ne-olacak/ (Accessed January 28, 2022).
278. See footnote 249.
279. *İklim Haber* (2021, September 28). "Çin'in yurtdışında yeni kömür yatırımı yapmama kararı Hunutlu'yu da kapsmalı", www.iklimhaber.org/cinin-yurtdisinda-yeni-komur-yatirimi-yapmama-karari-hunutluyu-da-kapsamali/ (Accessed January 28, 2022).
280. For detailed information see Açık Radyo. (2021, September 28) "Haftanın en şaşırtıcı ve güzel haberi", acikradyo.com.tr/yesil-havadis/haftanin-en-sasirtici-ve-guzel-haberi-turkiye-paris-iklim-anlasmasini-onayliyor (Accessed January 28, 2022).
281. *Ibid.*
282. See footnote 249.
283. *Medyascope* (2020, June 3). "Adana'ya Temiz Hava: İskenderun Körfezi'nde yaşamın sürmesini isteyenler, EMBA Hunutlu Termik Santrali'ne karşı çıkıyor", medyascope.tv/2020/06/03/adanaya-temiz-hava-iskenderun-korfezinde-yasamin-surmesini-isteyenler-emba-hunutlu-termik-santraline-karsi-cikiyor/ (Accessed January 28, 2022).
284. See footnote 249.
285. *Ibid.*
286. *Ibid.*
287. See "Coal-fired thermal power plant near the protected beach", footnote 269.
288. *Ibid.*
289. *Birgün* (2020, June 10). "Adana'da "EMBA Termik Santrali Durdurulsun" çağırısı", www.evrensel.net/haber/406810/adanada-emba-termik-santrali-durdurulsun-cagrisi (Accessed January 28, 2022).
290. See footnote 289.
291. *Ibid.*
292. For detailed information see: Change.org. "Adana'da bir kömürlü termik santral daha istemiyoruz! #KaplumbağakömürSevmez", www.change.org/p/deniz-kaplumbağaları-yuvalama-kumsalında-termik-santral-inşaatına-yer-yok-kaplumbağakömürsevmez-emineerdogan-murat-kurum-csbgovtr-tcenerji-fatih-donmez. Adanayatemizhava (2020, December 1).
293. "Kenya'daki kömür projesinden çekilen ICBC'ye Adana'dan mesaj: Hunutlu'dan da çekil" adanayatemizhava.org/kenyada-komur-projesinden-cekilen-icbcye-adanadan-mesaj-hunutludan-da-cekil/ (Accessed January 28, 2022).
294. For the web page, see: Bank of Coal Homepage, bankofcoal.com
295. *Turkish Trade Registry Gazette* (2011, December 27), Issue: 7970, Pages: 553-555.
296. *Turkish Trade Registry Gazette* (2013, December 27), Issue: 8474, Page: 568.
297. *Turkish Trade Registry Gazette* (2016, December 16), Issue: 9221, Page: 415.
298. Questionnaires were sent via e-mail to two separate responsible persons, who were communicated as contact persons in the telephone conversation with the company.
299. See embapower.com/tr/#home
300. See www.shanghaipower.com/power/
301. See www.shanghaipower.com/power/ir/Introduction/201612/t20161229_28678.html
302. See www.shanghaipower.com/power/ir/Introduction/201612/W020161229594244451204.pdf
303. Questionnaires were sent via e-mail to the e-mail address indicated in the 2015 Corporate Social Responsibility Report.
304. *Social Responsibility Report 2015*, p. 66-69, www.shanghaipower.com/power/ir/Introduction/201612/W020161229594250708490.pdf
305. *Social Responsibility Report 2015*, p. 69.
306. *Social Responsibility Report 2015*, p. Reference No. 69, GR4-HR2.
307. See www.avic-intlproject.cn/
308. The questionnaires were sent via e-mail to the e-mail address indicated for contact on the corporate web page through the parent company Avic International. The e-mail was returned with the message saying that the quota of the e-mail account was full.
309. See www.avic-intl.cn/english/index_en.html
310. See www.cdb.com.cn/English/
311. See www.cdb.com.cn/English/qywh/khsm/
312. The questionnaires were sent by e-mail to the address indicated on the corporate web page of China Development Bank.
313. CDB Culture Manual, p.15, see www.cdb.com.cn/English/qywh/khwsc/download/
314. See. www.unepfi.org/members/
315. See www.unglobalcompact.org/what-is-gc/participants/2054-China-Development-Bank
316. See www.unglobalcompact.org/participation/report/cop/create-and-submit/advanced/457403 . In this link, there is an assessment within the framework of the 10 principles of the Global Compact. However, when we compared the issues mentioned in this evaluation with the content of the 2020 Sustainability Report, we found that they were not compatible with each other. For example, it is stated in the evaluation that the CEO's message declares support for Global Compact. However, there is no such statement in the CEO's message in the 2020 Sustainability Report. Therefore, we have come to the conclusion that this assessment is based on earlier reports.
317. *2020 Sustainability Report*, p. 67, ungc-production.s3.us-west-2.amazonaws.com/attachments/cop_2021/502665/original/2020%20CDB%20Sustainability%20Report.pdf?1631790955
318. *2020 Sustainability Report*, p. 52.
319. See www.cdb.com.cn/English/qywh/khjzg/
320. See www.boc.cn/en/ Bank of China has been operating in Turkey since 2017. See. www.bankofchina.com.tr/haberler/201712/t20171207_001.html . Within the scope of this study, we examined the corporate web page of Bank of China's parent bank in China. However, because it was easier to communicate, we chose the contact information of the Turkish branch for the survey.
321. *Corporate Social Responsibility Report of Bank of China Limited for 2019*, pic.bankofchina.com/bocappd/report/202003/P020200327591091297029.pdf
322. The questionnaires were sent by e-mail to the e-mail address indicated on the corporate web page of Bank of China Turkey.
323. *Corporate Social Responsibility Report of Bank of China Limited for 2019*, p. 96.
324. See www.unepfi.org/member/bank-of-china-limited/
325. See www.unepfi.org/banking/bankingprinciples/resources-for-implementation/reporting/
326. See www.icbc-ltd.com/ICBCLtd/en/ . ICBC purchased 75.5% of Tekstilbank's shares in 2015, and after this transaction, Tekstilbank's name was changed to ICBC Turkey. See www.icbc.com.tr/tr/hakkimizda/detay/Hakkimizda/153/128/0 . Within the scope of this study, the corporate web page of ICBC Global was examined. However, because it was easier to communicate, we chose the contact information of the Turkish branch for the survey.
327. See www.icbc-ltd.com/ICBCLtd/Corporate%20Governance/Regulatory%20Documents/Internal%20Regulations/
328. The questionnaires were sent by e-mail to the relevant contact person mentioned in the correspondence with the e-mail address found on the corporate web page of ICBC Turkey.
329. See www.icbc-ltd.com/ICBCLtd/SocialResponsibility/Corporate%20Social%20Responsibility/2021/; *2021 Interim ESG Special Report of Industrial and Commercial Bank of China Limited*, p. 57, v.icbc.com.cn/userfiles/Resources/ICBCLTD/download/2021/2021ESGEN2021091.pdf
330. *2021 Interim ESG Special Report of Industrial and Commercial Bank of China Limited*, p. 6-9.
331. *2021 Interim ESG Special Report of Industrial and Commercial Bank of China Limited*, p. 10-18; see also www.icbc-ltd.com/ICBCLtd/Investor%20Relations/GreenFinance/
332. See www.unepfi.org/member/industrial-and-commercial-bank-of-china-limited/
333. *2020 Special Report on Green Finance*, v.icbc.com.cn/userfiles/Resources/ICBCLTD/download/2021/2020lv202110.pdf

334. The Kazdağları region refers to an area that covers the Biga Peninsula and the North Aegean.
335. In 2009, Alamos Gold received three mining licenses from the Ministry of Energy and Natural Resources for gold mine projects planned in the Kazdağları region. These mining projects are Kirazlı, Çamyurt and Ağı Mountain.
336. Interview with attorney Ali Furkan Oğuz: See Akgün İlhan (2019, August 9). "Su ve vicdan: Kirazlı'da ekolojik ve sosyal yıkıma karşı mücadele", *Yeşil Gazete* yesilgazete.org/su-ve-vicdan-kirazlida-ekolojik-ve-sosyal-yikima-karsi-mucadele/ (Accessed January 28, 2022).
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449. Ibid.
450. For Limak Construction, see: Limak Construction, Yurtiçinde devam eden projeler, www.limak.com.tr/sectorler/insaat/projeler/yurt-icinde-devam-eden-projeler; for Cengiz Construction, Baraj ve enerji santrali, www.cengiz-insaat.com.tr/baraj-ve-enerji-santrali/#1521454084116-ab80eb1c-00d8; for Kolin Construction, see: Kolin Construction. Yusufeli Barajı ve HES inşaatı, www.kolin.com.tr/tr/projeler/tamamlanan-projeler/tarim-ve-enerji-projeleri/yusufeli-baraj-ve-hes-insaat
451. See www.limak.com.tr/kurumsal/hakkinda
452. The questionnaires were sent by e-mail to the general e-mail address and the corporate communication manager specified as the contact person in the Sustainability Report 2018-2019. The e-mail sent to the corporate communication manager was returned with the message saying that the e-mail address could not be found.
453. See: Limak Construction, www.limak.com.tr/anasayfa
454. See: Limak Construction, Kurumsal politikalar, www.limak.com.tr/kurumsal/politikalar
455. See: Limak Construction, Yönetim kurulu mesajı, www.limak.com.tr/kurumsal/yonetim-kurulu-mesaji
456. See: *United Nations Global Compact*, Limak Group, www.unglobalcompact.org/what-is-gc/participants/49101-Limak-Group#company-information
457. See: Limak Group of Companies, *İş Etiği Kuralları Politikası*, p. 3-4, www.limak.com.tr/files/İşEtiğiKurallarıPolitikası.pdf
458. Some of the titles contained in this policy text are also published on the company's corporate web page as separate company policies.
459. See: Limak Group of Companies, *İş Etiği Kuralları Politikası*, p. 5; Limak Group of Companies (2018-2019), *Sürdürülebilirlik Raporu 2018-2019*, p. 13, www.limak.com.tr/files/limak-2018-2019-surdurulebilirlik-raporu.pdf
460. See: Limak Group of Companies, *İş Etiği Kuralları Politikası*, p. 8-9; Limak Group of Companies (2018-2019), *Sürdürülebilirlik Raporu 2018-2019*, p. 12.
461. We have found that 'diversity and tolerance' is considered as a value for Limak Construction, unlike other companies examined within the scope of this study. The company defines this value as "Creating a corporate culture in which diversity and inclusiveness are sustainable by providing equal and fair access to resources and opportunities at work, and where employees treat each other with respect and tolerance."
462. See: Limak Group of Companies, *İş Etiği Kuralları Politikası*, p. 8-9

463. *The Sustainability Report 2018-2019*, which was shared on the company's web page, was taken as the basis of the research of this study based on the corporate web pages of the companies.
464. See: Limak Group of Companies (2018-2019), *Sürdürülebilirlik Raporu 2018-2019*, p. 188.
465. See: Limak Group of Companies, *İş Etiği Kuralları Politikası*, p. 12.
466. See: Limak Group of Companies (2018-2019), *Sürdürülebilirlik Raporu 2018-2019*, Objectives 3 and 5, p. 25-26.
467. See: Limak Group of Companies, *İş Etiği Kuralları Politikası*, p. 12; see also: Limak Group of Companies, *Sürdürülebilirlik Politikası*, www.limak.com.tr/files/S%C3%BCrd%C3%BCr%C3%BClebilirlikPolitikas%C4%B1.pdf; Limak Group of Companies (2018-2019), *Sürdürülebilirlik Raporu 2018-2019*, p. 22.
468. See: Limak Group of Companies. Paydaş katılımı ve öneri/şikâyet politikası, www.limak.com.tr/files/PaydaşKatılımıveÖneriŞikâyetPolitikası.pdf
469. See: Limak Group of Companies. *Sürdürülebilirlik Politikası*, www.limak.com.tr/files/SürdürülebilirlikPolitikası.pdf
470. See: Limak Group of Companies (2018-2019), *Sürdürülebilirlik Raporu 2018-2019*, p. 22.
471. See: Limak Group of Companies (2018-2019), *Sürdürülebilirlik Raporu 2018-2019*, p. 8-9.
472. See: Limak Group of Companies (2018-2019), *Sürdürülebilirlik Raporu 2018-2019*, Objective 4, p. 25.
473. See: Limak Group of Companies (2018-2019), *Sürdürülebilirlik Raporu 2018-2019*, p. 2.
474. See: Limak Group of Companies (2018-2019), *Sustainability Report 2018-2019*, p. 38.
475. Limak Group of Companies (2015-2019), *Söylemden Eyleme 2015-2019*, www.limak.com.tr/files/limak-2015-2019-soylemdeneyleme-raporu.pdf
476. See: Limak Group of Companies (2015-2019), *Söylemden Eyleme 2015-2019*, p. 6-7.
477. See: Limak Group of Companies, *İş Etiği Kuralları Politikası*, p. 5.
478. See: Limak Group of Companies, *İş Etiği Kuralları Politikası*, p. 6.
479. See: Cengiz Construction, Anasayfa, www.cengiz-inaaat.com.tr/
480. See: Cengiz Holding, Anasayfa, www.cengizholding.com.tr/
481. See: Cengiz Construction, İnşaat, www.cengizholding.com.tr/sektorler/inaaat/
482. Questionnaires were sent via e-mail to the corporate communications secretary, who was referred as the contact person in the telephone conversation with the company.
483. These are quality policy, occupational health, safety and environmental policy and road traffic safety policy.
484. See: Bilgili Holding, Sosyal sorumluluk, www.bilgiliholding.com.tr/kurumsal/sosyal-sorumluluk.html
485. See: Cengiz Construction, Vizyon/misyon, www.cengiz-inaaat.com.tr/vizyon-misyon/#
486. See: www.cengiz-inaaat.com.tr/baskanin-mesaji/
487. See: Cengiz Construction, İş sağlığı güvenliği ve çevre politikası, www.cengiz-inaaat.com.tr/is-sagligi-guvenligi-ve-cevre-politikasi/
488. See: Cengiz Construction, Vizyon-misyon, www.cengiz-inaaat.com.tr/vizyon-misyon/
489. See: Kolin Tarihçe, www.kolin.com.tr/tr/kurumsal/hakkimizda/tarihce
490. The questionnaires were sent by e-mail to the public relations and the general e-mail address of the company, which were conveyed as contacts in a telephone conversation with the company.
491. See: Kolin Anasayfa, www.kolin.com.tr/tr
492. The company's corporate web page includes sustainability policy, human rights policy and supply chain policy in the sustainability tab and human resources policy in the human resources tab. In addition, the company's approach is shared under the "Our Policies" heading under the About us tab. The subheadings 'Our Quality Approach and Policy', 'Our Environmental Approach and Policy' and 'Our Occupational Health and Safety Policy' are included here. See: www.kolin.com.tr/tr/kurumsal/hakkimizda/politikalarimiz
493. See: Kolin İnsan hakları politikası, www.kolin.com.tr/tr/kurumsal/surdurulebilirlik/insan-haklari-politikasi
494. There is no UN text titled "The United Nations Convention on Human Rights", as stated in the human rights policy. With this statement, it is unclear whether the company refers to the "International Human Rights Act" (*International Bill of Human Rights*), which covers the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights or to the "Twin Covenants," which are International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.
495. See: Kolin Sürdürülebilirlik politikası, www.kolin.com.tr/tr/kurumsal/surdurulebilirlik/surdurulebilirlik-politikasi
496. See: Kolin Tedarik zinciri politikası, www.kolin.com.tr/tr/kurumsal/surdurulebilirlik/tedarik-zinciri-politikasi
497. See: Kolin Yönetim kurulu, www.kolin.com.tr/tr/kurumsal/hakkimizda/yonetim-kurulu; also see: *Tanıtım Kataloğu*, p.11, www.kolin.com.tr/documents/kolin-catalog-tr.pdf
498. See: Kolin Politikalarımız, www.kolin.com.tr/tr/kurumsal/hakkimizda/politikalarimiz
499. See: Kolin Projeler, www.kolin.com.tr/tr/projeler
500. See www.kolin.com.tr/tr/projeler/tamamlanan-projeler/tarim-ve-enerji-projeleri/yusufeli-baraji-ve-hes-inaati
501. For detailed information, see: The Office of the UN High Commissioner for Human Rights Working Group on Business and Human Rights, www.ohchr.org/EN/Issues/Business/Pages/WGHRandtransnationalcorporationsandotherbusiness.aspx
502. See: The Office of the UN High Commissioner for Human Rights Working Group on Business and Human Rights (2016), *Guidance on national action plans on business and human rights*, www.ohchr.org/Documents/Issues/Business/UNWG_NAPGuidance.pdf
503. For more detailed information about national action plans, see: *National Action Plans on Business and Human Rights*, globalnaps.org/
504. For detailed information see: T.R. Ministry of Industry and Technology, OECD National Contact Point (UTN/NCP), www.sanayi.gov.tr/anlasmalar/utn-ncp
505. SOMO is a critical, independent, non-profit information center about multinational corporations. Since its establishment in 1973, the center has researched multinational companies and the effects of their operations on humans and the environment. For detailed information, see www.somo.nl/. For *How to Use the UN Guiding Principles in Company Research and Advocacy* (2013) used in the research methodology, see www.somo.nl/how-to-use-the-un-guiding-principles-on-business-and-human-rights-in-company-research-and-advocacy-2/
506. According to the Guiding Principle 16, business enterprises should demonstrate their commitment to their responsibility to respect human rights through a policy. In clause (d) of Principle 16, this policy is stated as being "publicly available and communicated internally and externally to all personnel, business partners and other relevant parties." In the commentary to the Guiding Principle 16, it is stated that the policy should be actively communicated to the companies with which the company has a contractual relationship, those directly linked to its operations, investors and, in the case of operations involving significant human rights risks, to potentially affected stakeholders.
507. According to the Guiding Principle 21, companies should be prepared to share and communicate how they address human rights impacts, particularly when concerns are raised by or on behalf of the affected stakeholders.



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