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DROITS ÉCONOMIQUES, SOCIAUX ET CULTURELS

Conséquences néfastes des mouvements et déversements illicites de produits et déchets toxiques et nocifs pour la jouissance des droits de l'homme

Note du secrétariat

Le secrétariat a l'honneur de se référer à sa note E/CN.4/2004/46/Add.3 et de transmettre aux membres de la Commission des droits de l'homme le rapport de l'ancienne Rapporteuse spéciale sur les conséquences néfastes des mouvements et déversements illicites de produits et déchets toxiques et nocifs pour la jouissance des droits de l'homme sur la mission qu'elle a effectuée en Turquie du 10 au 20 mars 2004[*].

[*] Le résumé de ce rapport est diffusé dans toutes les langues officielles. Le rapport de mission proprement dit qui figure en annexe est diffusé dans la langue originale uniquement et n'a donc pas été revu par les services d'édition.

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Résumé

Sur l'invitation du Gouvernement turc, la Rapporteuse spéciale a effectué une mission en Turquie du 10 au 20 mars 2004. Cette mission avait notamment pour objet d'étudier la législation et la pratique dans les domaines intéressant le mandat de la Rapporteuse spéciale, et de faire le point sur certaines affaires. La Rapporteuse spéciale a tenu des réunions à Ankara, Izmir et Istanbul et elle a effectué des visites sur site au chantier de démolition navale d'Aliaga et à l'usine pétrochimique de Petkim. Elle a procédé à des consultations avec un grand nombre d'interlocuteurs gouvernementaux et non gouvernementaux.

Si la Rapporteuse spéciale est impressionnée par l'ampleur de la réforme législative entreprise par le Gouvernement turc, notamment dans les domaines visés par son mandat, la validité des conclusions et résultats de sa mission est limitée par le fait que les textes réglementaires ou législatifs pertinents sont en cours d'examen, d'élaboration ou d'application.

La Rapporteuse spéciale note avec préoccupation les différentes tentatives qui sont faites de transférer illicitement des déchets et des produits dangereux vers la Turquie. Elle condamne ces actes et demande instamment aux pays d'origine d'accepter le retour de ces déchets et de ces produits dangereux.

La Rapporteuse spéciale adresse un certain nombre de recommandations au Gouvernement turc à propos du secteur de la démolition navale; elle lui demande notamment de prendre des mesures pour renforcer le syndicalisme chez les travailleurs de ce secteur, de faire réaliser des études pour déterminer les risques et maladies auxquels ces travailleurs sont exposés et les moyens de les prévenir, et de maintenir l'interdiction applicable à l'entrée et à la démolition des navires contaminés par des produits toxiques, en particulier l'amiante, aussi longtemps que le pays ne sera pas en mesure d'assurer une protection optimale des travailleurs et une gestion rationnelle de l'environnement.

Les autres recommandations de la Rapporteuse spéciale sont notamment les suivantes:

- La Turquie devrait envisager de ratifier la Convention de Stockholm sur les polluants organiques persistants, la Convention de Rotterdam sur la procédure de consentement préalable en connaissance de cause applicable à certains produits chimiques et pesticides dangereux qui font l'objet du commerce international, et le Protocole relatif à la prévention de la pollution de la mer Méditerranée par les mouvements transfrontières de déchets dangereux et leur élimination, le Protocole relatif à la protection de la mer Méditerranée contre la pollution résultant de la prospection et de l'exploitation du plateau continental, des fonds marins et de leur sous-sol, et la Convention pour la protection de la mer Méditerranée contre la pollution (Convention de Barcelone);

- La Turquie devrait ratifier la Convention d'Aarhus et s'attacher en priorité à créer l'infrastructure nécessaire à son application;

- Une agence nationale de l'environnement devrait être créée et il conviendrait de réfléchir aux structures administratives et institutionnelles locales par lesquelles la participation du public pourrait être renforcée. Des politiques propres à garantir

un contrôle plus efficace des déchets qui entrent en Turquie devraient être mises en place;

- Un inventaire des substances toxiques et un inventaire général des substances chimiques utilisées en Turquie devraient être établis;

- Une étude sur l'existence de stocks de DDT en Turquie et d'autres stocks de polluants organiques persistants devrait être effectuée et ses résultats rendus publics;

- La participation et l'accès à l'information des organisations non gouvernementales en matière d'environnement doivent être garantis, sous réserve uniquement des types d'exemptions figurant dans les instruments internationaux relatifs aux droits de l'homme et la Convention d'Aarhus;

- Les droits syndicaux devraient être modifiés de façon à les rendre pleinement conformes aux normes internationales du travail.

La Rapporteuse spéciale demande à être tenue informée de tout élément nouveau concernant les affaires liées à l'utilisation présumée de la Turquie pour les déversements illicites de produits toxiques et nocifs, décrites à la section II.B du rapport; les circonstances du naufrage du navire *Ulla* en septembre 2004; l'issue de l'action en justice engagée par Greenpeace contre la licence d'exploitation accordée pour le site d'Izmit; et la décision de la Cour européenne des droits de l'homme dans l'affaire concernant la communauté de Bergama.

Annex

REPORT OF THE SPECIAL RAPPORTEUR ON THE ILLICIT MOVEMENT AND DUMPING OF TOXIC AND DANGEROUS PRODUCTS AND WASTES ON THE ENJOYMENT OF HUMAN RIGHTS, FATMA ZOHRA OUHACHI-VESELY, ON HER MISSION TO TURKEY (10 TO 19 MARCH 2004)

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Introduction

1. In accordance with the mandate given to her by the Commission on Human Rights in resolution 1995/81 and subsequent resolutions, the Special Rapporteur undertook a mission to Turkey from 10 to 20 March 2004. The mission came about as a result of an invitation extended by the Government, and follows previous missions to several countries in Africa in 1997, in Central and South America in 1998 and in Europe in 1999, the United States of America in 2001, Canada in 2002, and the United Kingdom of Great Britain and Northern Ireland in 2003.

2. The purpose of the mission was, inter alia, to study the laws and practice and to learn about governmental policy and the impact on human rights of multilateral agreements on the transboundary movement of toxic waste and hazardous materials; to consider trends in such transboundary movements; to learn about the legislative reforms undertaken by the Government of Turkey with a view to aligning itself with European Union regulation in the areas of concern to the Special Rapporteur's mandate; to study the human rights impact and role of non-State actors in the phenomena covered by her mandate; to follow up on individual cases involving Turkey which have previously been reported by the Special Rapporteur; to sensitize the authorities to the importance of her mandate from a human rights perspective; and to consult with non-governmental organizations (NGOs) about the role and concerns of civil society in relation to her mandate.

3. The Special Rapporteur is grateful to the Government of Turkey and its agencies for the cooperation and assistance extended to her before and during her mission. While in Turkey, she was able to move freely and receive information from a great variety of sources.

4. The Special Rapporteur thanks the large number of (NGOs), particularly Greenpeace Turkey, academics and private sector representatives who made themselves available for consultations and who supplied her with information. She also extends her thanks to the United Nations Resident Representative in Turkey and his staff for their excellent assistance in both the planning and execution of the mission.

5. The Special Rapporteur met with: the Minister for Environment and Forestry, Mr. Osman Pepe, and with officials from the Ministry; the Labour Inspection Board and the General Directorate for Vocational Health of the Ministry of Labour and Social Security; the Primary Health Care General Directorate of the Ministry of Health; the Maritime Under-Secretariat of the Prime Ministry; the Department for Energy, Water and Environment of the Ministry of Foreign Affairs; and the Chairperson of the Parliamentary Environment Commission. She consulted with relevant United Nations agencies and programmes resident in Turkey, including the Food and Agriculture Organization (FAO), the United Nations Industrial Development Organization (UNIDO), and the United Nations Development Programme (UNDP). She furthermore consulted with representatives of the European Commission and World Bank offices in Turkey as well as with NGOs, academics and industry associations.

6. The Special Rapporteur held meetings in Ankara, Izmir and Istanbul and went on a site visit to the Aliaga ship dismantling facility and to the Petkim petrochemical plant.

I. LEGAL AND CONSTITUTIONAL CONTEXT

A. Constitutional framework

7. Turkey is a constitutional republic with a multiparty parliamentary system and a president with limited powers elected by the single-chamber parliament, the Turkish Grand National Assembly.

8. Executive power is exercised by the President of the Republic, the Council of Ministers, the National Security Council and some administrative units. The President, who also acts as Head of State, is elected for seven years by a two-thirds parliamentary majority and he/she appoints the Prime Minister and members of the higher courts. The Council of Ministers is composed of the Prime Minister and the ministers. The National Security Council, composed of the President, the Prime Minister, the Ministers of Defence, Interior and Foreign Affairs and the Commanders General of the Defence Forces, makes decisions on national security policy.

9. Legislative power is vested in the Turkish Grand National Assembly to which elections are held every five years. The Assembly enacts, amends and repeals laws, supervises the Council of Ministers, adopts the budget and ratifies international agreements.

10. Judicial power is exercised by courts and supreme judiciary organs. The Constitution prescribes absolute independence and impartiality of courts and judges. Legislative, executive and administrative organs are obliged by the Constitution to comply with court decisions.

11. The Constitutional Court is empowered to examine the constitutionality - both procedurally and substantively - of laws, decrees having the force of law and the rules of procedures of the Turkish Grand National Assembly (arts. 138-160). Private individuals are not entitled to make an application to the Constitutional Court in cases of alleged unconstitutionality of law or decrees.

B. Multilateral and regional agreements

12. International agreements become part of domestic legislation when the Turkish Parliament passes a law of ratification. The Constitution stipulates that international provisions incorporated into domestic law have priority over domestic laws (article 90 of the Turkish Constitution). The provisions of international agreements ratified by Turkey may be directly invoked before Turkish courts.

13. Turkey has ratified all major United Nations and Council of Europe human rights related international conventions and protocols.

14. Turkey has ratified the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and the Ban Amendment to the Basel Convention, and the Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean but not the Izmir Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and Their Disposal. The Protocol goes further than the Basel Convention in banning the trade of radioactive waste between developed and developing countries.

15. Turkey has signed, but not ratified, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, and the Stockholm Convention on Persistent Organic Pollutants (POPs). Although Turkey is a member of the United Nations Economic Commission for Europe, it has not signed the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters.

C. The impact of European Union accession talks on Turkish regulation in the areas covered by the Special Rapporteur's mandate

16. Throughout her mission, the Special Rapporteur was briefed by both governmental and non-governmental interlocutors about the considerable efforts being made by the Government of Turkey to achieve compliance with European Union regulations. All interlocutors agreed that it is of fundamental importance that Turkey be given a date by the European Union for the commencement of formal negotiations on Turkey's accession to the European Union.

17. Since 1999, the European Union has considered Turkey a candidate State destined to join the EU.[1] As part of the accession process, the first EU-Turkey Accession Partnership was adopted by the Council of the European Union on 8 March 2001.[2] A revised one was adopted on 19 May 2003.[3] The aim of the Accession Partnership is the full adoption and implementation of the *acquis communataire*, including EU environment policy,[4] which comprises some 200 legal instruments covering a wide range of areas, including the management of waste and chemical products.[5]

18. The Accession Partnership identifies environmental priorities for Turkey, notably the adoption of a programme for the transposition of the *acquis*; the initiation of the transposition and implementation of *acquis* related to framework legislation, international environmental conventions, legislation on integrated pollution prevention control and waste management; the development of a plan for financing investment; and the implementation and enforcement of the environmental impact assessment directive.

19. Following her consultations, the Special Rapporteur finds that the prospect of commencing negotiations for European Union accession has been key to the speed with which legislative reform has taken place during the past years, not only in the areas of concern to her mandate, but in many other areas of law affecting fundamental human rights. Because of the importance of this decision for the continued legislative reform process and the efforts to improve the level of implementation of legislative changes, the Special Rapporteur notes with satisfaction that at its meeting in December 2004, the European Council decided on a date to commence accession negotiations with Turkey.[6]

D. Main institutions and bodies

20. In May 2003, the Ministry of the Environment and the Ministry of Forestry were merged to become the Ministry of Environment and Forestry. This Ministry is the main actor in the transposition and implementation of the EU *acquis* in the field of the environment. The Special Rapporteur was informed that the law stipulating the merger of the two ministries provided for a

threefold increase in staffing levels over the previous Ministry of the Environment. However, according to the European Commission, it still needs to be seen how this additional staff will be allocated.[7]

21. The duties of the Ministry include drafting laws, preparing rules and internal regulations, creating institutions, creating environmental policies and strategies, coordinating environmental activities at international and national level, and carrying out extension and training.

22. The Waste Management Department consists of the Solid Waste Branch; the Packaging and Packaging Waste Branch; the Waste Inventory and Planning Branch; the Dangerous Waste Branch; and the Medical and Special Waste Branch. An Environmental Inspectorate Department has also been established.

23. The Special Rapporteur was informed that the European Union has provided funding for the creation of a national environment agency, but that no such agency has yet been created.

24. According to various interlocutors the Special Rapporteur consulted, the merger of the two ministries has resulted in environmental issues being given less priority and visibility than previously with an Environment Ministry dedicated exclusively to dealing with environmental issues. The restructuring has resulted in the closure of all local branches of the Ministry of the Environment, which allegedly has had a negative impact on the right to public participation in environmental decisions.

25. The Labour Inspection Board, under the auspices of the Ministry of Labour and Social Security, is inter alia responsible for conducting inspections of the labour standards and health and safety conditions in the Aliaga ship dismantling facility. If a problem is identified by the inspectors, the facility is given three months to correct the situation if it is to avoid penalties awarded according to the provisions of the Law on Work.

26. The Prime Ministry Under-Secretariat for Maritime Affairs is responsible for policies to mitigate pollution of the seas.

27. The Ministry of Health is mandated to prescribe health precautions relating to the environment, in cooperation with local governments and other related bodies. The General Directorate of Basic Health Services is responsible for inspecting establishments causing health and environmental problems in order to prevent any threats to public health.

II. LAW, POLICY AND PRACTICE

A. General

28. According to the Turkish Government, the overall waste management policy in Turkey puts primary emphasis on wastes reduction at source, secondly on re-use, recovery, and recycling of wastes, and thirdly on final disposal, which is in accordance with the principles of the EU Waste Framework Directive (75/442/EEC) and its amendments. However, according to information submitted by the Government in 2003 for the purposes of compiling information for a regional plan for the reduction of hazardous wastes,[8] there is as yet no specific plan or targets in the legal or management framework to reduce the generation of hazardous wastes, nor have actions been taken in specific industrial sectors of the country.

29. Hazardous waste management is regulated by the Hazardous Waste Control Regulation from 1995, the provisions of which implement relevant EU legislation.[9] According to the Government, some amendments to the Turkish regulations are still required before complete implementation of the directives have been achieved. This corresponds to allegations made by non-governmental interlocutors concerning insufficient implementation and enforcement of the Hazardous Waste Control Regulation.

30. Collection, intermediate storage, transportation and disposal of hazardous wastes are the responsibility of the hazardous waste producer.

31. Real and legal persons dealing with recovery of the hazardous wastes have to get a licence from the Ministry. Twenty-nine facilities are currently licensed to carry out recovery operations. In order to facilitate recovery efforts of hazardous waste in the manufacturing industry, a "waste market" has been in operation since 1999.

32. The rules of the Basel Convention apply to all shipments of hazardous waste. Implementation of Council Regulation (EEC)259/93 on the supervision and control of shipments of waste, which gives effect to the Basel Convention within the European Community, has been given priority by the Turkish Government, although some adaptation is still required.

33. Import of all types of wastes for disposal is banned, except wastes such as metal scraps that are listed in a communiqué issued annually by the Under-Secretary of the Treasury. However, allegations were made by non-governmental interlocutors that there is no effective control over what kind of waste enters Turkey, particularly from ships passing through the Bosporus Strait. While the Ministry of Health has the authority to monitor any public health risks from incoming ships, it was alleged that no systematic control takes place. There were also allegations about a lack of practical implementation of Turkey's hazardous waste regulations. It was also said that in the absence of an inventory of toxic substances used in Turkey, the Ministry of Environment and Forestry could not adopt efficient regulations on the use of such substances.

B. Turkey targeted for illegal traffic in hazardous wastes

34. Turkey is a transit country for many types of hazardous wastes and toxic and dangerous products, which exposes it to particular risks of being targeted for illegal traffic in such materials. The Special Rapporteur was briefed about three cases of particular concern to the Government of Turkey, all of which raise serious human rights issues.

35. The first case originated in 1988, when some 70 to 90 tons of toxic waste contained in 367 steel barrels that were washed up along the Black Sea coast in Turkey.[10] Thirteen samples of the waste analysed by the Turkish Central Criminal Police Laboratory identified a number of highly environmentally harmful toxic pollutants, including derivatives of DDT. A 2001 analysis by Greenpeace's Research Laboratories found traces of mercury in samples from the waste.[11]

36. An investigation by the Turkish Ministries of Environment and Foreign Affairs concluded that the barrels originated from Italy. The Government of Turkey has since tried, through diplomatic channels, to resolve the matter of Italy's responsibility to repatriate the barrels. According to the Government, progress was made following Turkey's discussion of the issue at the sxith meeting of the Conference of Parties to the Basel Convention in December 2002. The

Government of Italy has since refused to negotiate the return of the barrels to Italy, and has instead proposed the establishment of a "hazardous industrial waste recycling and disposal site" on the Turkish Black Sea coast. The proposal is currently being evaluated by the relevant Turkish authorities, but the Government is insistent that the barrels be repatriated for disposal in Italy.

37. The barrels are currently stored in the villages of Soguksu and Alacam in what the Government calls interim storage facilities, while awaiting a final solution to the question of who has the responsibility to dispose of them. According to environmental groups, both storage facilities are inappropriate and over time, both places have become even more unsafe as the barrels have started to leak, thereby contaminating the surrounding environment and the adjacent communities.

38. The Special Rapporteur, while being conscious of the potential dangers involved in moving the barrels, recommends their return to their country of origin. She condemns in the strongest possible terms any attempt of illegally exporting and/or dumping of toxic waste and emphasizes the grave risks and threat that such actions pose to the enjoyment of human rights of affected communities. One of the most effective deterrents against such actions is to ensure that repatriation of the waste to the country of origin takes place. If, however, repatriation of the barrels are estimated to pose too grave a threat to the environment and to the human rights of the affected communities, the Polluter Pays Principle should be upheld to the fullest extent, meaning that the polluter must pay not only for the environmentally safe disposal of the waste, but also for the clean-up of the interim storage facilities and any contaminated areas around them and for the compensation of the victims, if any.

39. The second case involves the *MV Ulla*, a ship that arrived in Turkey from Spain in 2000 with a cargo of fly-ash. Fly-ash is categorized as hazardous waste under the Basel Convention. The toxic cargo, initially destined for Algeria, had been rejected by the Algerian authorities and sent back to Turkey as the country of registry of the ship. The Turkish Ministry of Environment stopped and sealed the ship at the harbour and the Government intervened in order to secure the return of the ship and its cargo to Spain. The Turkish Ministry of Environment sent a letter to the Basel Secretariat and the Spanish authorities in May 2000, informing them that the cargo was of Spanish origin and demanded that it be shipped back. In October 2001, the Government of Spain formally accepted responsibility for the waste, and fined the exporting company 50,000 euros for illegal waste transport. It also ordered the company to prepare an action plan for the return and disposal of the waste.

40. At the time of the Special Rapporteur's mission to Turkey in March 2004, the ship was still anchored at Iskenderun, awaiting the final outcome of a court case concerning the ownership of the hazardous cargo. In September 2004, she was informed that the ship had sunk off Turkey's south-east Mediterranean coast, with the hazardous cargo on board.

41. The Special Rapporteur congratulates the Government of Turkey for its prompt action in May 2000 and welcomes the formal recognition by the Government of Spain of responsibility for repatriating the waste, although she notes that it took over 18 months for such recognition to take place. The Special Rapporteur is seriously alarmed by the sinking of the *MV Ulla* and urges the two Governments concerned to take immediate action to dispose of the hazardous waste in the sunken ship in a manner causing no further threat to the environment and to the human rights

of communities living in the coastal areas. The Special Rapporteur requests to be kept informed by the Government of Turkey of the circumstances of the sinking of the *MV Ulla* and of the actions taken to safely dispose of the toxic cargo.

42. The third case concerns the ship *Sea Beirut* reported by the Special Rapporteur at the last session of the Commission (E/CN.4/2004/46/Add.1, para. 15, case No. 2004/73 (France/Turkey)). In April 2002, the *Sea Beirut* was abandoned near the French port of Dunkirk. In alleged violation of the EU process requiring notifications to national and to importing country's environmental authorities (Council Regulation 259/93/EEC), which prohibits the export of ships for scrap not properly emptied of any hazardous cargo, the Dunkirk port authorities did not notify the competent environmental authorities in Turkey, despite their knowledge that the ship contained asbestos. The ship was sold, through an intermediary, to a ship dismantling company in Turkey and towed away to the ship dismantling facility in Aliaga. The Government refused the ship entry into the country, after evidence from both the Turkish Ministry of Environment and Greenpeace that the ship contained asbestos.

43. According to the Government of Turkey, it has repeatedly requested that France take back the ship under the provisions of the Basel Convention. In February 2004, the Government of France replied to the Government of Turkey that since the *Sea Beirut* had been sold to a Turkish company on the basis of a dismantling contract, Turkey's demand for the ship's return to France was unfounded.

44. In the absence of an amicable solution between France and Turkey, the Government is considering a proposal from the company who is now the owner of the *Sea Beirut* that the vessel be dismantled at the Aliaga facilities, following the acquisition of equipment to safely handle scrap ships containing asbestos. The Ministry of Environment and Forestry has emphasized that if the proposal is accepted and the removal of the pipes containing asbestos is allowed, it should be done upon provision of strict safety and security measures and under the surveillance of an independent expert from academia, as well as representatives of the local Environment Directorate.

45. The Special Rapporteur, who visited the Aliaga facilities during her mission and was briefed about the new equipment installed to safely dispose of asbestos, is not convinced that the existing facilities are fully able to safely deal with asbestos in the ship dismantling process. Furthermore, the problem remains the final disposal of the asbestos removed from the ship.

46. Noting that the Government of France has not replied to her request for comments on the *Sea Beirut* case, the Special Rapporteur is of the view that based on the information available France is obliged under the provisions of the Basel Convention to repatriate the ship, or at a minimum to take responsibility for the safe disposal of the asbestos insulated pipes from the ship. While having no issue with the legitimate trade between OECD countries in ships for dismantling, the Special Rapporteur insists that States take full responsibility for any illicit or illegal traffic in waste containing hazardous materials, including ships. She urges the Government of France to take full responsibility for a speedy and environmentally safe resolution to this matter.

C. Disposal of hazardous wastes

47. At present, one hazardous waste incineration plant located in Izmit is licensed by the Ministry of Environment and Forestry to operate in Turkey, with a capacity to incinerate 35,000 tons per year. Similarly, one landfill site for hazardous waste, with a total capacity of 790 m^3, is currently licensed to operate.

48. Both Government and private sector representatives consulted by the Special Rapporteur stressed that the present treatment capacity in Turkey is insufficient to handle the amount of hazardous waste produced by the rapidly growing Turkish industrial sector. Despite this capacity gap, the existing incinerator is nevertheless underutilized, a paradox which is due partly to logistical problems and partly to the lack of efficient enforcement of existing regulations for hazardous waste disposal.

49. In order to address the problem of capacity, the Government of Turkey is planning to develop big regional centres for the disposal of hazardous wastes and to increase the number of designated landfills and incineration facilities. This appears to reflect a shift in policy to address the problem of hazardous waste disposal from the policy advocated in 1998 by the then Minister of the Environment, Mr. Fevzi Aytekin. While the Special Rapporteur was not shown a copy of the letter from the Minister to all governors in Turkey, she was told that the Minister had declared incineration an unsafe and expensive technology, suggesting instead clean production processes.

50. Some environmental groups in Turkey are highly critical of the Government's plans to base its hazardous waste disposal policy on increased incineration and landfill capacity, claiming that this is taking the place of policies aimed at pursuing cleaner production, recycling and waste reduction. Incineration is the primary source of emission of persistent organic pollutants (POPs); while incineration may reduce the actual volume of waste, it does not dispose of the toxic substances contained in the waste. Incinerators are the largest source of dioxins and emit a wide range of pollutants in their stack gases, ashes and other residues. It was submitted to the Special Rapporteur that incineration allowed industries to ignore their responsibility to safely dispose of hazardous wastes.

51. The Izmit hazardous and clinical waste incinerator has been the target of numerous actions by environmental groups who demand a shift of Government policy to cleaner production policies and alternative waste disposal technologies. The incinerator was shut down in 1999 following a Greenpeace action, but was granted a temporary licence to operate later the same year, allegedly to deal with the waste crisis following the major earthquake in Marmara.

52. The Special Rapporteur was informed that in 2001, the municipality of Izmit was asked by the Ministry of the Environment to ensure that there would be no habitation within a three kilometre radius of the incinerator. As a result, the population living within this area (an estimated 16,000 people) was ordered to relocate, without any prior consultation. According to Greenpeace, the relocation order illustrates that the authorities recognize the dangers of incineration, but also that there is a lack of real involvement and participation of citizens in environmental decisions. Greenpeace has launched a legal challenge to the licence granted to operate the Izmit facility. The case is still pending. The Special Rapporteur requests to be kept informed by the Government of Turkey of the outcome of this case.

D. Ship dismantling in Aliaga

53. In her previous reports, the Special Rapporteur has brought the Commission's attention to the risks to the enjoyment of human rights from the conditions in ship-breaking industry in many parts of the world where dismantling does not take place in an environmentally sound manner. The human rights at risk include in particular the right to life, the right to the highest attainable standard of health and the right to safe and healthy working conditions.

54. The Open-Ended Working Group of the Basel Convention noted that "a ship may become waste, in accordance with article 2 of the Basel Convention",[12] making import and export of obsolete ships for dismantling subject to the rules of the Convention.

55. Import to Turkey of obsolete ships containing toxic materials for dismantling is subject to the provisions of the Hazardous Waste Control Regulation, which prohibits the entry into Turkey of all wastes - including ships sent for dismantling - that contain asbestos (dust and fibres), used batteries, polychlorinated bipenyls and terphenyls (PCB/PCT). In November 2003, the Government notified the Secretariat of the Basel Convention of the prohibition of import into Turkey of wastes containing asbestos.[13] Before arriving at the country's only ship dismantling facility in Aliaga, a ship has to be inspected for toxic substances. If such substances are found, the country of origin is asked to clean the ship before it can be accepted into Turkey.

56. A decision by the second Administrative Court of Izmir of April 2004 in the *Sea Beirut* case confirmed that the import of scrap ships containing asbestos and other hazardous materials to Turkey is illegal. Only with the explicit permission of the Ministry of Environment and Forestry can an exception be made to this prohibition.

57. The ship dismantling industry operates under the scrutiny of the Government. The industry has recently adopted a plan of action for the Aliaga dismantling facility, which aims at implementing the technical guidelines for the environmentally sound management for ship dismantling adopted by the parties to the Basel Convention. The plan of action requires that a work plan and calendar be adopted concerning the treatment of wastes that are likely to be discharged at the Aliaga facility with a view to their final elimination. The Ship Dismantlers Association has furthermore established a waste management section, which is providing for the training of workers about the use of infrastructure and equipment necessary for the safe dismantling of ships containing asbestos. The aim is to train all employees of the Aliaga facility in handling asbestos.

58. The Special Rapporteur was informed that the ship dismantling industry is lobbying to do away with the prohibition of receiving ships containing asbestos. The industry has recently invested in asbestos removal equipment. Despite the decision of the Izmir Court and the notification made to the Secretariat of the Basel Convention, it seems that the Government of Turkey has not made a definitive choice regarding the issue of asbestos contained in ships and has not discouraged the dismantling sector from investing in the capacity to remove asbestos from contaminated ships.

59. According to information provided by the ship dismantling industry, Turkey is the fourth largest ship dismantling country in the world, and companies in this sector are among the 100 largest companies in Turkey. Approximately 300 persons are directly employed in it, but an estimated 8,000 people depend on this sector for their livelihood.

60. The Special Rapporteur was briefed by governmental and non-governmental interlocutors as well as by representatives of the ship dismantling industry about the regulation and the social and environmental impact of Turkey's only ship dismantling site in Aliaga. A number of petrochemical industrial facilities are also located in the Aliaga area, notably the State-owned petrochemical plant Petkim.

61. Since March 2004, a new regulation permits the Under-Secretary of the Navy to oversee the granting of licences and authorizations for dismantling ships while organizing the monitoring of working conditions, the fitting out of the work sites, pollution, and stipulating conditions for the halting of activities.

62. All monitoring and regulatory activities concerning the ship dismantling industry are coordinated by the Ministry of Environment and Forestry. The site in Aliaga is said to be regularly inspected by the Labour Inspection Board, which has the authority to impose fines if requested improvements in safety standards have not been implemented or problems identified during inspections have not been remedied. If an immediate danger has been identified, the inspectors may demand the suspension of work at the site (in practice, this has not yet happened in the ship dismantling industry, but the power to suspend operations has been deployed in the mining sector).

63. It was acknowledged by a senior Government official that while the working conditions in the ship dismantling sector was under control, they were difficult and had enormous social and ecological costs. There are programmes in place to sensitize workers to the risks inherent to dismantling ships. Courses on occupational safety are also organized by the ship dismantling companies.

64. The health of workers in Aliaga has been monitored regularly since 1973. According to a representative of the Labour Inspection Board, 1,770 workers have been continuously examined and followed by the same doctor, including when they return to their village. The follow-up is easy because most of the workers come from the same area.

65. The Special Rapporteur was informed of a study showing that since 1984, there have been 29 deaths, 26 serious accidents and 1,541 cases of serious medical problems that are worth discussing. The scientific evaluation of risks, working conditions, accidents and impact on parents and children, based on 20 years of observation, shows that none of the examined parameters demonstrate greater risks than for other sectors. Furthermore, improvements made the last years resulted in fewer accidents and deaths. It was not clear to the Special Rapporteur if the medical files of this monitoring are shared with the workers themselves.

66. The Special Rapporteur received testimony from representatives of the communities living around and working at the industrial sites in the Aliaga area. She heard allegations of sludge containing dioxin, liquid wastes being discharged directly into the sea, and ammonia gas causing severe respiratory diseases. The Special Rapporteur was also briefed about the findings

of a 2002 Greenpeace study into the environmental and working conditions at the Aliaga ship dismantling facility. The study concluded that workers' health and the environment are put at risk from toxic substances released during the dismantling of ships. On-site samples taken by Greenpeace show that the local environment is heavily polluted with toxic substances such as asbestos, mineral oil, heavy metals, polycyclic aromatic hydrocarbons (PAHs), PCBs, dioxins and pesticides, originating from dismantled ships. Worker safety is described as "suffering from serious inadequacies in almost all respects".[14] Representatives of the ship dismantling industry rejected the findings of this study.

67. According to union representatives of other sectors, the workforce in the dismantling industry is largely non-unionized, which was said to have negative consequences for workers' safety. It was acknowledged by Government officials that workers in the ship dismantling sector are difficult to organize because most of them are unskilled and come from the same rural areas - and even the same villages - as their employers, with whom they have clan attachments.

68. While expressing support for the existence of a ship dismantling industry in Turkey, union representatives indicated that the rules make it difficult to organize, in particular because union workers were not hired or were fired, but also because the employers, even where wrecking companies employed 50 or 60 people, subcontract hiring, which allowed them to keep within the limit required by law of 30 workers for opening collective negotiations (see also below, on freedom of association).

69. The contradictory information given to the Special Rapporteur shows that if there is quasi-unanimity on the desirability of pursuing and indeed encouraging, the development of the ship dismantling sector, her interlocutors were divided on the future dimensions that these activities should take.

70. The Special Rapporteur is aware of the economic advantages that accrue from the shipbreaking industry, but underlines its social, human and environmental costs, as well as the enormous risks to the lives, health and rights of the workers and others who may be exposed. She recalls the necessity for strict and regular control of these activities, which must be carried out in conditions that safeguard fundamental human rights and in accordance with directives issued by international bodies.

E. The European Commission's assessment of Turkey's progress towards accession

71. In the chapter concerning the environment in the European Commission's 2003 Regular Report on Turkey's Progress towards Accession, limited progress was reported in the field of horizontal legislation and no progress has been made in the integration of environmental protection into other policies or in the fields of industrial pollution and risk management. The Commission reported that although legislation on waste management is almost aligned with the *acquis*, further efforts are needed with regard to transposition and implementation. Sufficient financial resources also need to be allocated to this sector.

72. The European Commission reported that the regulation on hazardous chemical products and substances was revised in April 2001 and March 2002, partly transposing the *acquis* in this area. A general inventory of chemical substances has yet to be established.

73. The European Commission found that it is too early to judge the impact of all these measures on the actual enforcement of legislation. Importantly, further efforts were needed to train specialized staff and purchase of equipment. It concluded that Turkey needs to continue integrating environmental protection requirements into all other policies so as to promote sustainable development. There is also a need to secure considerable investments.

III. ISSUES BROUGHT TO THE ATTENTION OF THE SPECIAL RAPPORTEUR

A. Persistent organic pollutants (POPs)

74. Nine chemicals listed in the Stockholm Convention that were in the past legally produced as pesticides are no longer permitted in Turkey. According to a survey conducted by the Medicine and Pharmaceuticals Department of the Ministry of Health, these pollutants are not encountered as trace elements in any product that is produced in Turkey with the necessary permits.

75. The Special Rapporteur was informed by various sources that there are 10,930 kg of DDT, banned in 1985, stored in Kirikale and that other sites of stockpiles of POPs are yet to be identified. While initially not accepting the claim that stockpiles of banned POPs exist in Turkey, the Government subsequently indicated that it is aware of a stock of about 10,000 kg of DDT in the warehouse of the Ministry of Agriculture near Ankara. This warehouse is under continuous surveillance and will remain so until the safe disposal of the stock.

B. Human rights concerns arising from the granting of permits to operate a goldmine in the district of Bergama

76. The Special Rapporteur was briefed by a group of NGOs about alleged human rights implications following the granting of permits to operate a goldmine in the district of Bergama in 1992. In 1994, the Ministry of the Environment approved the use of sodium cyanide in mining operations on the basis of an environmental impact study, which prompted Bergama inhabitants to seek to have the decision annulled on grounds of the dangers inherent to the cyanidation process used by the mining company. In 1997, the Supreme Administrative Court held that the safety measures implemented by the mining company were not sufficient to eliminate the risks involved in such an activity and later that year the decision, to allow the mining operations was annulled. Following measures taken by the company to ensure better safety in the mining operations, and following a recommendation of the Prime Minister's office in 2000, the company was granted successive permits or extensions of permits between 2000 and 2001 by different ministries, before finally starting its mining operations in 2001. In 2002, the Cabinet decided that the operating company could continue its activities, but the Supreme Administrative Court ordered a stay of execution of that decision in 2004, pending a judgement on an application to set it aside. Pursuant to that judgement, the Izmir provincial governor's office ordered the mine to cease gold extraction in August 2004. Later the same month, the company submitted a final impact study upon which the Ministry of the Environment and Forestry expressed a favourable opinion.

77. In 1998, an application was lodged with the European Commission on Human Rights by representatives of the Bergama community. The applicants alleged that both the granting by the

national authorities of a permit to operate a goldmine using the cyanidation process and the related decision-making process had infringed their rights under articles 2 (right to life) and 8 (right to family life) of the European Convention on Human Rights. They further alleged that the administrative authorities' refusal to comply with the decisions of the administrative courts had infringed their right to effective judicial protection. They relied on articles 6.1 (right to a fair trial) and 13 (right to an effective remedy) of the Convention. In its judgement of 10 November 2004 (*Taskin and Others v. Turkey*, application No. 46117/99), the European Court of Human Rights held that Turkey had violated article 8 and article 6.1 of the Convention. The Court did not consider it necessary to examine separately the complaints under article 2 and article 13.

78. The Special Rapporteur takes note of the judgement of the European Court of Human Rights in this matter, which largely confirms the allegations presented to her during her mission to Turkey. She recommends that the Government of Turkey take appropriate measures to amend administrative and legislative practices accordingly.

79. The Special Rapporteur also notes that she heard vastly different testimony from Bergama inhabitants and private sector representatives, respectively, on the potential threats to human rights arising from the use of cyanide in the mining operations. She reminds both the Government and the mining company of the importance of fully respecting the right to information and participation of communities in environmental decisions.

C. Human rights and environmental impact of the Baku-Tbilisi-Ceyhan pipeline project

80. In 2003, the Special Rapporteur received a report concerning the potentially negative impact of the Baku-Tbilisi-Ceyhan (BTC) pipeline project on Turkey's ability to adhere to its obligations under international human rights and environmental law. Due for completion in 2004 and costing US$3 billion, the pipeline is the largest foreign direct investment in the region, and both governmental and non-governmental interlocutors emphasized the strategic importance of the project. The allegations contained in the report, together with responses submitted by the Governments of Turkey and the United Kingdom, were included in the Special Rapporteur's report in 2004.[15]

81. After the allegations concerning the BTC project were made public, a joint statement was issued by the BTC consortium and the host Governments, confirming their commitment to International Labour Organization conventions and explicitly committed the signatories to abide by the Universal Declaration of Human Rights. The BTC consortium drew up a deed poll called the Human Rights Undertaking, which includes a formal agreement not to seek compensation from the Governments for any breach of the Host Government Agreements brought about by the Governments acting on obligations under international human rights, environmental, or other treaties.[16]

82. During her mission to Turkey, the Special Rapporteur had the opportunity to follow-up on this issue. The Government of Turkey stressed the strategic importance of the BTC pipeline, enabling up to 1 million barrels of crude oil per day to bypass the environmentally sensitive Black Sea and the busy Bosporus, and reiterated its previously stated view that all phases of the construction of the BTC pipeline are being implemented according to the highest standards of

environmental protection and human rights. It again rejected the allegation that the terms of the Host Government Agreements may make it more difficult for the Government of Turkey to honour its human rights obligations under international law.

83. The Special Rapporteur met with representatives of the BTC Pipeline Company, who briefed her about the company's extensive programmes to address the social and environmental impacts of the pipeline, as well as about the human rights safeguards of the security arrangements for the pipeline, particularly the adherence to the Voluntary Principles on Security and Human Rights for the extractive industry. The Special Rapporteur was briefed about the 10 layers of external and internal monitoring and oversight mechanisms attached to the project.

84. While noting that there do not appear to be many Turkish-based NGOs voicing strong opposition to the BTC pipeline project, the Special Rapporteur nevertheless heard criticism of the project from some of the NGOs she consulted during the mission. While groups like Greenpeace oppose the project as a matter of principle, based on its opposition to anything furthering or facilitating the use of fossil fuels, other groups were highly critical of what they allege to be procedural and substantive errors in the environmental impact assessment (EIA) conducted prior to the construction phase - insufficient time for NGOs to provide input to the EIA process; allegations of insufficient cultural impact assessment of the project; and non-transparency in the consultation process. A detailed review of the EIA made by the World Wildlife Foundation Turkey in December 2003 for the Turkish section of the pipeline contains a number of critical findings, including that it failed to comply with International Finance Corporation, European Bank for Reconstruction and Development and European Commission requirements of full disclosure, and that international environmental best practices have not been taken into account in the selection of construction techniques to be used to cross watercourses. The Special Rapporteur furthermore heard allegations of the pipeline project's failure to respect the right of ethnic minorities like the Kurds in Turkey. Given the history of human rights violations in the areas of Turkey with strong Kurdish presence, particular concern was expressed about the Turkish gendarmerie being assigned the role of protecting the pipeline.

85. The Special Rapporteur was impressed by the presentations made by the Government and the BTC Pipeline Company and their approach to community participation and to transparency when addressing social and environmental concerns arising from the project. However, she takes note of the variety of concerns expressed by some NGOs. She also notes allegations made in media reports since the completion of her mission, raising questions about the safety of the pipeline project.[17]

D. The right to freedom of information

86. In 2004, Law No. 4928, a new "right to know law", entered into force. Said to be modelled on the United States Freedom of Information Act, it grants everyone (citizens and foreigners alike) the right to receive information within 15 days from all levels of Government and also aims at improving the capacity of Government authorities and agencies to provide citizens with reliable information on time. The law does not extend to information concerning the military nor does it apply to privately held information.

87. The Special Rapporteur heard allegations that there is no effective enforcement procedure contained in the law and that the law lacks provisions regarding a system to collect information.

88. Turkey has not yet ratified the Aarhus Convention and the Special Rapporteur received no understanding that Turkey had any immediate intention of doing so.

E. The right to freedom of association

1. Trade union rights

89. In her reports to the Commission, the Special Rapporteur has frequently emphasized the important role trade unions can play in ensuring adequate health and safety standards in sectors dealing with toxic waste or dangerous products.

90. Slightly more than 13 per cent of the labour force in Turkey was unionized in 2003. Under the Constitution, workers have the right to associate freely and form representative unions. The Constitution stipulates that no one shall be compelled to become, remain a member of, or withdraw from a labour union and that unions should be independent of the Government and political parties.[18]

91. However, significant limitations to the freedom of association persist in Turkey, including in relation to the establishment of associations on the basis of ethnicity, religion, region or minority group. Recent legal reforms have not solved the main problems encountered by associations, which still face problems with respect to closure of offices and suspension of activities. With respect to trade unions, no progress has been made with regard to the acceptance of article 5 (right to organize) and article 6 (right to bargain collectively, including the right to strike) of the European Social Charter. Turkey has not signed the revised European Social Charter of 1996.[19] Also, unions are required to obtain official permission to hold meetings or rallies and must allow government representatives to attend their conventions and record the proceedings.[20]

92. Whereas all industrial workers have the right to organize and bargain collectively, the law requires that in order to become a bargaining agent, a union must represent 51 per cent of the employees at a given work site and 10 per cent of all the workers in that particular industry. This barrier favours established unions, particularly the largest confederation, representing approximately 80 per cent of organized labour. As a result of the law, workers in many sectors are not covered by a collective agreement. The ILO has called on the Government to abolish the 10 per cent rule, stating that it violates Convention No. 98 concerning the application of the principles of the right to organize and to bargain collectively, but the Government has taken no action to amend it. The constitutional right to strike is also restricted.[21]

93. The Special Rapporteur has received information from the International Federation of Chemical, Energy, Mine and General Workers' Unions (ICEM) highlighting the problems faced by two of its affiliates in Turkey when a company allegedly fired union activists and refused to negotiate with the unions, saying that they do not represent 10 per cent of the workforce in the particular sector.[22]

2. Non-governmental organizations

94. The Special Rapporteur was informed by a variety of sources that laws governing freedom of association have become more permissive as part of Turkey's efforts to meet the criteria set by the EU to begin access talks. It was estimated that approximately 350 to 400 NGOs, some of them very small, are concerned with environmental issues. However, such organizations allegedly have very limited input on policy formulation in their respective areas of concern.

95. Some concern was expressed about the possibility that the powers vested in the newly established Office for Ecological Terrorism could be used to target legitimate NGO actions.

IV. CONCLUSIONS AND RECOMMENDATIONS

96. **The mission to Turkey allowed the Special Rapporteur to learn more about the policy, legislation and practice of that country on the issues falling within the scope of her mandate. The mission also provided her with a valuable opportunity to learn about the impressive list of reforms made in the last few years. However, she notes that she heard widespread allegations that implementation of the legislative reforms is insufficient.**

97. **The Special Rapporteur finds that the prospect of commencing negotiations for EU accession has been a key to the reform process. She notes with satisfaction that the Council at its meeting in December 2004 has decided on a date on negotiations for Turkey's entry into the European Union, which is an encouragement to the continuation of the reforms.**

98. **An estimated 250 laws and regulations were in preparation at the time of the Special Rapporteur's visit and the Prime Minister committed himself to implementing them as soon as they were adopted, in the course of 2004. The Special Rapporteur hopes that a task of this amplitude will be carried out with the participation of all concerned parties, including NGOs and other members of civil society. She expresses the hope that the participatory mechanisms will be preserved and strengthened and that more attention will be given to the implementation modalities of the draft laws being prepared and the laws and regulations that have already been adopted.**

99. **While the Special Rapporteur is impressed with the scope of the legislative reforms undertaken by the Government of Turkey including in the areas covered by her mandate, the validity of the conclusions and findings from her mission to Turkey are limited by the fact that the relevant regulations or legislation are currently under review, in the process of being drafted or in the process of implementation.**

100. **The Special Rapporteur notes with concern the different attempts of illegal transfers of waste and dangerous products toward Turkey. She condemns such actions, and strongly urges the countries of origin to accept the return of the waste and dangerous products. She recommends that the Secretariat of the Basel Convention continue to assist Turkey in its efforts to find solutions to the cases highlighted in this report.**

101. **Regarding the specific issue of ship dismantling, the Special Rapporteur is aware of the economic advantages that accrue from such activities, while underlining their social, human and environmental costs, as well as the enormous risks that they pose for the lives,**

health and rights of the workers and others who may be exposed. She makes the following recommendations:

- **Efforts to improve working conditions and control of the activities must be continued and strengthened;**

- **Special measures should be taken to strengthen unionization among the workers in the ship dismantling industry;**

- **Studies should be made to determine the risks and illnesses to which workers in the sector are exposed and ways of preventing them. The workers must be ensured access to the results of these studies as well as to the computer files and statistics on occupational accidents, which must be kept up to date;**

- **The Government should maintain the prohibition on the entry and demolition of ships contaminated by toxic products, in particular asbestos, as long as the country has not developed the capacity to ensure optimal protection of workers and rational ecological management during the dismantling and the final disposal of the dangerous and toxic wastes that are recovered;**

- **Countries of origin should take measures to decontaminate ships before exporting them for dismantling;**

- **Countries of origin should accept the return of illegally exported contaminated ships as well as any recovered toxic product that could not be eliminated by the dismantling country;**

- **On the multilateral level, States should work to elaborate binding norms and directives to set responsibilities and define the rules and mechanisms for the management and control of ship dismantling activities.**

102. **Other recommendations based on her findings from the mission to Turkey but not listed in order of importance are the following:**

- **Turkey should ratify the Stockholm Convention, the Rotterdam Convention, and the Offshore Protocol and the Hazardous Wastes Protocol to the Barcelona Convention;**

- **Turkey should ratify the Aarhus Convention and give priority to developing the infrastructure necessary to make implementation of the provisions of the Aarhus Convention possible;**

- **Turkey should adopt the approach proposed in the Regional Plan for the Reduction of the Generation of Hazardous Waste from Industrial Installations by 20 per cent by the year 2010, as recommended in the report of the 13th Ordinary Meeting of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution and its Protocols that took place from 11 to 14 November 2003;**

- **A national environment agency should be created and attention be paid to the local administration and institution through which public participation could be strengthened. More emphasis should be given to the implementation of the stated objective of waste reduction as a primary policy goal and for the implementation and enforcement of the Hazardous Waste Control Regulation;**

- **Policies should be implemented that ensure more effective control of wastes entering Turkey;**

- **An inventory of toxic substances and a general inventory of chemical substances used in Turkey should be established;**

- **A survey on the existence of DDT and other stockpiles of POPs in Turkey should be conducted and the results made public;**

- **NGO participation and access to information in environmental matters must be guaranteed, subject only to the kinds of exemptions listed in international human rights instruments and the Aarhus Convention;**

- **Trade union laws should be amended to fully comply with international labour standards.**

103. **The Special Rapporteur requests that she be kept informed about any developments in the cases concerning alleged targeting of Turkey for illicit dumping of toxic and dangerous products outlined above in section II above. She particularly requests to be informed about the circumstances surrounding the sinking of the *MV Ulla* in September, and the outcome of the legal challenge launched by Greenpeace to the licence granted to operate the Izmit facility.**

Notes

[1] European Commission (2003) *Continuing Enlargement - Strategy Paper and Report of the European Commission on the progress towards accession by Bulgaria, Romania and Turkey*, accessed at: http://europa.eu.int/comm/enlargement/report_2003/ on 17 June 2004.

[2] The Accession Partnership functions as a roadmap of the priorities for Turkey in making progress towards meeting all the criteria for accession to the EU. It is aimed at mobilizing all forms of assistance to Turkey within a single framework of priority areas identified by the European Commission in the Regular Reports on Turkey's Progress towards Accession, the most recent of which dates from 2003 (Representation of the European Commission to Turkey (2004) *EU-Turkey Historical Review*, accessed at: http://www.deltur.cec.eu.int/english/historical.html on 17 June 2004).

[3] Official Journal of the European Union 12 June 2003, *Council Decision of 19 May 2003 on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Turkey (2003/398/EC)*, accessed at: http://www.deltur.cec.eu.int/english/e-g-countries-01.html on 17 June 2004.

[4] Official Journal of the European Union 12 June 2003, *Council Decision of 19 May 2003 on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Turkey (2003/398/EC) - Annex - Turkey: 2003 Accession Partnership*, accessed at: http://www.deltur.cec.eu.int/english/e-g-countries-01.html on 17 June 2004.

[5] European Union (2004) *Summaries of the Union's Legislation - Environment: Cooperation with Third Countries - Turkey*, accessed at: http://europa.eu.int/scadplus/leg/en/s15011.htm on 17 June 2004.

[6] On 6 October, the European Commission issued a report recommending that the European Union opens accession talks with Turkey. The recommendation was made subject to continued improvements in Turkey's human rights record. See web site of the Delegation of the European Commission to Turkey, www.deltur.cec.eu.int (visited 7 October 2004).

[7] Commission of the European Communities, 2003 Regular Report on Turkey's Progress towards Accession, Chapter. 22.

[8] Draft Regional Plan: Reduction of the Generation of Hazardous Waste from Industrial Installations, UNEP (DEC)/MED.WG.228/11, 23 July 2003.

[9] The Hazardous Waste Directive (91/689/EEC), Waste Incineration Directive (2000/76(EC)); Landfill Directive (99/31/EC); and PCB/PCT Directive (96/59/EC).

[10] The Special Rapporteur was informed by environmental groups that an estimated 3,000 barrels had been dumped in the Black Sea and continue to be washed ashore.

[11] Greenpeace, 15 Years Toxic Scandal - Illegal Italian toxic waste in the Black Sea Region, 2003.

[12] UNEP/CHW/OEWG/2/12.

[13] A notification was transmitted by the Basel Secretariat to all States parties that ships in which asbestos was used during construction will no longer be dismantled in Turkey.

[14] Greenpeace Mediterranean (2002) *Ships for Scrap V - Steel and Toxic Wastes for Asia - Greenpeace Report on Environmental, Health and Safety Conditions in Aliağa Shipbreaking Yards, Izmir, Turkey*.

[15] E/CN.4/2004/46/Add.1 paragraph 77, Case 2004/77 - United Kingdom/Turkey, and E/CN.4/2004/46/Add.3 (reply from the United Kingdom Government).

[16] Amnesty International UK has expressed qualified support for the deed poll, while also listing a number of issues of concern to Amnesty International not within its remit. See www.amnesty.org.uk/business/btc.

[17] For example, news story of 26 June 2004 from www.independent.co.uk by Philip Thornton, entitled: "Exposed: BP, its pipeline, and an environmental time bomb".

[18] United States Department of State (2004) *Country Reports on Human Rights Practices - Turkey 2003*, accessed at: http://www.state.gov/g/drl/rls/hrrpt/2002/18396.htm on 17 June 2004.

[19] Representation of the European Commission to Turkey (2004) *2003 Regular Report on Turkey's Progress towards Accession*, accessed at: http://www.deltur.cec.eu.int/english/e-g-regular.html on 17 June 2004.

[20] United States Department of State (2004) *Country Reports on Human Rights Practices - Turkey 2003*, accessed at: http://www.state.gov/g/drl/rls/hrrpt/2002/18396.htm on 17 June 2004.

[21] Ibid.

[22] ICEM Global Info, 1 - 2004.
