

5. Cultural Heritage and the BTC project

(Turkey section)

Evaluation of project Environmental Impact Assessment against World Bank standards and best practice

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5.1 Summary

The two main relevant safeguard policies relating to cultural heritage, the World Bank's Policy on Cultural Property (OPN 11.03) and the World Bank's Draft Policy on Physical Cultural Resources (Draft OP 4.11), emphasise the necessity for careful and detailed preparation for major projects, in order to prevent disastrous and irreversible cultural damage.

Crucially, the relevant directives show that preservation of cultural heritage is not just to do with keeping intact the physical remnants of past civilisations, but of maintaining the crucial living dynamic link between local people and the heritage that surrounds them.

This review finds:

- **At least 29 full or partial violations of IFC guidelines (OPN 11.03 and Draft OP 4.11) on cultural heritage;**
- **The project contradicts a range of other standards and laws, including the Valetta Convention, which Turkey has ratified and the Charter of the International Council on Monuments and Sites (ICOMOS).**

Specifically:

- **The EIA fails to acknowledge dynamic link between local people and cultural heritage;**
- **The project has failed to obtain comprehensive inventory of cultural heritage resources before construction;**
- **The EIA fails to predict or adequately prevent likely impacts of construction on cultural resources;**
- **The project has failed to consult local people with regard to cultural heritage and route planning;**
- **The project has failed to engage local people as stakeholders in preservation of cultural resources;**
- **Mitigation measures are inadequate;**
- **The project over-relies on salvage archaeology;**
- **Survey methods have been cursory and superficial;**
- **Commercial imperative takes precedence over cultural preservation;**
- **There is evidence of ongoing destruction of cultural resources.**

5.2 Introduction

The two main relevant safeguard policies relating to cultural heritage, the World Bank's Policy on Cultural Property (OPN 11.03) and the World Bank's Draft Policy on Physical Cultural Resources (Draft OP 4.11), emphasise the necessity for careful and detailed preparation for major projects, in order to prevent disastrous and irreversible cultural damage. As Draft OP 4.11 notes, "Physical cultural resources are seriously threatened throughout the world, partly as a result of modernisation and development. The loss of these resources is irreversible."¹

The nature of these resources is extremely diverse. According to OPN 11.03, "The United Nations term 'cultural heritage' includes sites having archaeological (prehistoric), paleontological, historical, religious and unique natural values. Cultural property, therefore, encompasses both remains left by previous human inhabitants (for example, middens, shrines and battlegrounds) and unique natural environmental features such as canyons and waterfalls."²

Crucially, therefore, the relevant directives show that preservation of cultural heritage is not just to do with keeping intact the physical remnants of past civilisations, but of maintaining the crucial living dynamic link between local people and the heritage that surrounds them. It is essential to understand cultural heritage not as the entombment of lost cultural moments in some kind of artificial glass case, but rather as the preservation of living relationships and frameworks through which contemporary communities understand their lives and histories.

In that sense, it is important to realise not only that cultural heritage consists of fragile relationships easily damaged through disruption or dislocation, but also that such damage has consequences that last, permanently affecting local communities' sense of self and means of identity. Cultural heritage cannot therefore simply be excavated and displayed elsewhere; it requires comprehensive and well-researched protection according to "the principle of 'preservation *in situ* wherever possible', which is upheld in all relevant legislation," as the EIA's Cultural Heritage Management Plan freely admits.³

The EIA is quite explicit about the major potential for damage to cultural heritage that the project presents, whether mitigation measures are employed or not:

*"Direct physical impacts on the archaeological resource may arise wherever ground disturbance takes place. This has the potential to either partially or totally remove sites or remains. Topsoil stripping to create running tracks and the subsequent passage of vehicles within the working width may cause significant damage to fragile archaeological deposits... The removal of topsoil in...areas such as construction compounds, access tracks and quarries may have similar effects. These impacts will cause permanent (irreversible) changes to the archaeological resource."*⁴

¹ World Bank Draft Operational Policy OP 4.11, Physical Cultural Resources, para.2. Although OP 4.11 remains a draft policy, the project sponsors have clearly chosen to operate under it, since they specifically invoke clause 15 OP 4.11 in the EIA's Cultural Heritage Management Plan as a rationale for refusing to publish the supposed gazetteer of "known archaeological sites" along the route. It is therefore only to be expected that the project would adhere equally closely to the other requirements of OP 4.11. The EIA also confirms that Draft OP 4.11 was used in its preparation.

² World Bank Safeguard Policy OPN 11.03, Policy on Cultural Property, para. 1

³ BTC Project EIA, Turkey, Final EIA, Appendix C7—Cultural Heritage Management Plan, October 2002, C7-18

⁴ BTC Project EIA, Turkey, Final EIA, BTC Project—Construction Impacts and Mitigation, October 2002, 6-30

In other words, there is no doubt that the construction of the Baku-Tbilisi-Ceyhan pipeline will destroy some elements of cultural heritage along the route. Thus to pass best practice guidelines under these circumstances, the project sponsors must make stringent efforts to ensure that such damage is absolutely minimised.

The project also contradicts a range of other standards and laws, many of which it claims in the CHMP to be adhering to. These include the Valetta Convention, which Turkey has ratified and which requires the state to preserve cultural heritage even when it is not protected by specific legal provision; the Charter of the International Council on Monuments and Sites (ICOMOS), which stipulates that, “active participation by the general public must form part of policies for the protection of the archaeological heritage...Participation must be based upon access to the knowledge necessary for decision-making”⁵.

Listed below are specific tabulated violations of the main relevant guidelines, with descriptions and further information where necessary.

⁵ ICOMOS (1990), Charter for the Protection and Management of the Archaeological Heritage

5.3 Commercial timetable took precedence over need for adequate study

The primary motivation behind the BTC pipeline and its whole approach to cultural heritage is explained by the Protocol to the Cultural Heritage Management Plan, which notes,

*“This Protocol is prepared on account of the importance of Baku-Tbilisi-Ceyhan Crude Oil Pipeline (BTC Pipeline) Project, **aiming not to cause any delay in project activities and to secure and rescue the archaeological entities that may be encountered throughout the pipeline route, appropriately and as soon as possible.**”⁶*

Clearly, on its own admission the EIA was focused on getting the project finished as soon as possible. Thus, rather than find out the extent of cultural resources along the route before the project began, the emphasis has been on avoiding (to some extent) the few known sites and excavating elements of whatever is found during project construction.

This approach effectively relies entirely for mitigation and ‘preservation’ on salvage archaeology. Salvage archaeology has been heavily criticised in recent years, particularly in Turkey, as being destructive, insensitive to the needs of local communities and driven primarily by commercial rather than cultural imperatives. In the plans for the contentious Ilisu Dam, for example, archaeologists were given just seven years to save cultural resources so extensive that the head of the team involved estimated they would need at least 50 years. The commercial imperative behind that plan caused a local archaeologist to tell a fact-finding team, “We don’t call this salvage archaeology but treasure hunting.”⁷

If anything, the situation is worse along the BTC route, where unlike at Ilisu there is almost no data on what is to be impacted. Already, there are reports from Kurdish contacts that during the course of construction, near the city of Damal in north-east Turkey, BOTAS has stumbled across relics and cultural items, possibly gold, dating from the Urartus civilisation, which the EIA notes ruled Eastern Anatolia from 1000-500 BC.⁸ Due the political situation in the region (see chapter 3, Consultation), the contacts were unable to gain further information from either BOTAS or the local political party; they did, however, report that BOTAS had pledged “not to move the pipeline a centimetre from the original plan.”⁹

⁶ BTC Project EIA, Turkey, Final EIA, October 2002, Appendix C7—Cultural Heritage Management Plan, Annex A, C7-21, emphasis added

⁷ Ilisu Dam Campaign, Review of the Environmental Impact Assessment Report for the Ilisu Dam and HEPP, Cultural Heritage section, September 2001, p.8

⁸ BTC Project EIA, Turkey, Final EIA, October 2002, BTC Pipeline—Baseline Conditions, 5-140

⁹ Ferhat Kaya, contact with Kurdish Human Rights Project, July 21 2003 and August 18 2003

5.4 World Bank Draft Operational Policy OP 4.11, Physical Cultural Resources

Although OP 4.11 remains a draft policy, the project sponsors have clearly chosen to operate under it, since they specifically invoke clause 15 OP 4.11 in the EIA's Cultural Heritage Management Plan as a rationale for refusing to publish the supposed gazetteer of "known archaeological sites" along the route.¹⁰ One might be entitled to expect that the project would adhere equally closely to the other requirements of OP 4.11. The EIA also confirms that Draft OP 4.11 was used in its preparation.¹¹

5.4.1 Early consideration of cultural resources

Relevant paragraph and key requirement	Specific obligations	Evaluation of compliance	Extent of compliance
OP 4.11 Para 5 Early consideration of cultural resources	<i>"Given that cultural resources may not be known or visible, it is important that a project's potential impacts on cultural resources are considered at the earliest possible stages of project processing."</i>	<ol style="list-style-type: none"> 1. No evidence that the project sponsors have gathered sufficient information about potential cultural heritage resources, known or unknown, along the pipeline route. 2. No evidence that a comprehensive analysis of potential project impacts was undertaken before main decisions taken on route. 3. Analysis of impacts of project on cultural heritage was not begun at the earliest possible stage; too late to contribute to route definition. 	Non compliance

5.4.1.1 No evidence that the project sponsors have gathered sufficient information about potential cultural heritage resources, known or unknown, along the pipeline route

The limited extent of the Ministry of Culture's knowledge of the region is shown by the admission in the Social Impact tables of the EIA that of the 147 sites they refer to, 144 sites are still not registered by the MoC and are still awaiting classification. So scanty is the MoC's knowledge of the region that it was forced to come to the region in the wake of BTC Co.'s (very) preliminary research to add its findings to its inventory.¹² Yet the EIA still admits that,

¹⁰ BTC Project EIA, Turkey, Final EIA, October 2002, Appendix C7—Cultural Heritage Management Plan, C7-4

¹¹ BTC Project EIA, Turkey, Final EIA, September 2002, Approach and Methodology, 3-57

¹² BTC Project EIA, Turkey, Final EIA, October 2002, BTC Pipeline—Baseline Conditions, 5-139

“The assessment of impacts to cultural heritage has been based, to date, upon identified, aboveground features and known sites of archaeological interest.”¹³

One of the very few sources of archaeological information on the regions through the pipeline passes is the TAY Project, an independent non-governmental project conducted by Turkish archaeologists intended, in its own words, “to build a chronological inventory of findings about the cultural heritage of Turkey.”¹⁴ The TAY Project is quite clear about existing levels of knowledge of cultural heritage in eastern Turkey:

*“A cultural and settlement inventory covering Anatolia and Thrace throughout the history of human occupation does not exist. There are no systematic document archives that will permit comprehensive studies of cultural evolution in the region.”*¹⁵

In other words, the only way to find out about the cultural heritage of the region is to investigate and excavate personally. TAY Project has begun this process, chronicling several regions of Turkey including the southeast and central Anatolia, through which the pipeline passes. There is, however, no evidence that BTC Co. has ever used the work of the TAY Project. Moreover, only now is the project undertaking its investigations in Eastern Anatolia, perhaps the region most relevant to the pipeline.

In other words, BTC Co.’s methodology of establishing the route by means of desktop research of “known cultural resources”¹⁶ is based on a fundamental misconception. There were and are no comprehensive databases of known cultural resources for the pipeline route. Although it makes vague reference to “previous studies” and “official records”, the EIA cites virtually no existing database of information on the cultural resources of the pipeline route. As “available information”, it refers only to the “MoC’s [Ministry of Culture’s] archaeological inventory [and] UNESCO World Heritage Convention.”¹⁷

5.4.1.2 No evidence that a comprehensive analysis of potential project impacts was undertaken before main decisions taken on route

In that context, it is clearly impossible for BTC Co. to have carried out a comprehensive analysis of potential cultural impacts when the consortium did not possess basic prior knowledge of existing cultural resources. Indeed, the EIA confirms that much of the route and the sites for pumping stations along it were decided upon before any real research into the potential cultural resources on those sites had been carried out. For example:

“No known archaeological sites have been identified in the vicinity of the PT2, PT3 or IPT1 sites; however, as these sites have only recently been selected as the preferred location for

¹³ BTC Project EIA, Turkey, Final EIA, October 2002, BTC Pipeline Construction Impacts and Mitigation, 6-30

¹⁴ The TAY Project describes itself as “an entirely independent effort with no institutional affiliation, powered by the personal commitment of its team.” For more see www.tayproject.org/enghome.html

¹⁵ www.tayproject.org/enghome.html

¹⁶ BTC Project EIA, Turkey, Final EIA, Appendix C7—Cultural Heritage Management Plan, October 2002, C7-3

¹⁷ BTC Project EIA, Turkey, Final EIA, September 2002, Approach and Methodology, 3-58

these pump stations, baseline archaeological field investigations undertaken in relation to the BTC Project have not specifically covered these sites.”¹⁸

It is therefore no surprise that the whole process of cultural heritage ‘preservation’ has come to focus on what the EIA calls, “the implications for the archaeological resource...[of] the uncertainty associated with the discovery of, as yet, unrecorded deposits.”¹⁹ In practice, this refers to salvage archaeology, or what BTC Co. calls “rescue excavation”²⁰ (sic), a mode of ‘preservation’ widely criticised in recent years.

5.4.1.3 Analysis of impacts of project on cultural heritage was not begun at the earliest possible stage; too late to contribute to route definition

(See section 5.3, above).

5.4.2 Preliminary investigation

Relevant paragraph and key requirement	Specific obligations	Evaluation of compliance	Extent of compliance
<p>OP 4.11 Para 7</p> <p>Preliminary investigation</p>	<p><i>“As part of the initial scoping phase of the EA, the borrower, in consultation with the Bank and project-affected groups, identifies the likely major impacts, if any, of the project on cultural resources. This phase should normally include a preliminary on-site inspection of physical cultural resources.”</i></p>	<p>1. Project affected people were prevented from making any contribution to mitigating cultural heritage impacts of project during initial phase.</p>	<p>Non compliance</p>
		<p>2. Preliminary on-site inspection little more than a cursory glance over the surface of potential sites.</p>	<p>Partial compliance</p>

¹⁸ BTC Project EIA, Turkey, Final EIA, September 2002, BTC Pipeline—Routine Operational Impacts and Mitigation, 7-50

¹⁹ BTC Project EIA, Turkey, Final EIA, October 2002, Appendix C7—Cultural Heritage Management Plan, C7-2

²⁰ BTC Project EIA, Turkey, Final EIA, October 2002, Appendix C7—Cultural Heritage Management Plan, C7-7

5.4.2.1 Project affected people were prevented from making any contribution to mitigating cultural heritage impacts of project during initial phase

The limited prior available information on cultural heritage imposes a duty on BTC Co. to make a detailed and extensive effort to uncover elements of cultural heritage *unknown* to outsiders. It is widely acknowledged that the best practice method for finding out about unknown local resources is to consult with local communities, as prescribed by draft OP 4.11.²¹ Here, however, BTC Co. has completely failed to make use of the greatest single body of knowledge on local cultural heritage available to them.

Although the EIA claims that, “cultural assets along the pipeline route were initially identified during the Basic Engineering phase by a review of...[among others] initial responses to consultation,” this is contradicted by details given elsewhere in the EIA. For one, elsewhere in this report (see chapter 3, Consultation) it is shown that BTC Co. consulted fewer than 2% of locally affected people face-to-face. Even that was often under conditions of state intrusion and repression that often effectively precluded the ability to dissent.

Simply in terms of timing, however, the EIA also makes it clear that while the main fieldwork and research on cultural heritage was undertaken from August to November 2000, local-level consultation did not occur until September and October 2001—more than a year later. In other words, it was impossible for local people, the only real source of knowledge about local cultural resources, to play any significant role in the preservation of cultural heritage along the BTC pipeline route.

5.4.2.2 Preliminary on-site inspection little more than a cursory glance over the surface of potential sites

Table 5.22 of the EIA lists 147 cultural heritage sites along the pipeline route, of which it notes that 24 are recognised as “First Degree” or important sites, 3 as “Third Degree” or minor sites, 1 as “First-Third Degree” and a full 119, or **81%**, of the sites have not yet been registered – ie of unknown cultural significance.

Disturbingly, according to the tables of Volume II Supplement I, not a single one of the 24 First Degree sites has been officially registered with the Ministry of Culture. Of all the 147 sites the EIA refers to, only the three Third Degree Sites have been registered by the state, giving some indication of the paucity of real knowledge about the region.

Even worse, of those 24 First Degree sites the EIA mentions, it describes or give information about only 7. **A full 17 of the 24 major First Degree sites the EIA lists in Table 5.22 are simply names.** No information is given about them; in many cases they cannot be found on the accompanying maps.

²¹ World Bank Draft Operational Policy OP 4.11, Physical Cultural Resources, para.14

Of the 147 sites in Table 5.22, the EIA describes or provides information about a mere 62.²² By contrast, 78 of the 147 sites are referred to only as having been “proposed for registration by the regional preservations council”.²³ Again, they are merely names, usually missing from the maps, with no information given about them. There is no information that BTC Co. knows anything about them or has taken any efforts to mitigate the impacts of the project on them. A further 7 of the 147 sites are not mentioned at all in the Volume II Supplement I tables, even by name.

In other words, **BTC Co. has failed to take into account a full 58% of the cultural heritage sites it acknowledges exist along the pipeline route, sites that the EIA freely admits have not been evaluated for their cultural significance.** No assessments have been made, no mitigation measures have been prepared. It is therefore impossible to predict what kind of damage will be done to irreplaceable cultural heritage in the region, for the simple reason that BTC Co. has ignored more than half of the sites it admits exist, to say nothing of those as yet uncovered.

Even where information is provided about a specific site, it is invariably cursory and superficial. The tables refer repeatedly to “ceramic shards”, “traces”, “stones” and “architectural remains” being found “on the surface”, or to “surface remains of various buildings”. **In not a single site, according to the notes in Volume II Supplement I of the EIA, did BTC Co. undertake any excavation work before determining the route.** No indication is ever given that the project sponsors undertook any excavations to establish the existence of cultural resources not visible to the naked eye.

This applies not only to the preliminary phase, but also to the so-called “detailed cultural heritage investigations”, which lists “all possible sources of information” as “visible ruins, potsherds, objects, landscape anomalies.”²⁴ These are not only all on the surface, but are fairly obvious signs of potential cultural phenomena. Excavation, the EIA makes clear, is not to be used for proper and necessary initial research into non-visible cultural resources to prevent their being damaged, but only during construction, for “full-scale excavation of threatened sites...where re-routing is not an option.”²⁵

Official documentation reveals the impact of time pressure on the cultural heritage study.

*"The studies to be conducted on the area that BTC Pipeline shall extend should be commenced as soon as possible since such studies shall be running against a schedule and the excavation season has begun."*²⁶

The project sponsors also admit that even this cursory investigative work was hampered by bad weather.

²² One good reason for not *fully* identifying the sites, including their *exact location*, might have been to avoid revealing the presence of potentially valuable artefacts to ‘treasure hunters’. (See section 5.4.7.1, below). However, BTC does not give any reason here for not giving information; furthermore, it would have been quite possible to list the sites without giving exact locations – for example by listing the numbers and types by province or district. Thus the paucity of information presented in the EIA is not justified.

²³ E.g. BTC Project EIA, Turkey, Final EIA, October 2002, BTC Pipeline Construction Impacts and Mitigation—Volume II Supplement I, 6-123

²⁴ BTC Project EIA, Turkey, Final EIA, October 2002, BTC Pipeline—Baseline Conditions, 5-139

²⁵ BTC Project EIA, Turkey, Final EIA, October 2002, BTC Pipeline Construction Impacts and Mitigation, 6-31

²⁶ Letter from Ministry of Culture, 12 June 2002, in BTC EIA, Final EIA, October 2002, Appendix 8 – Consultation Results, A8-3

"As it is understood that sole a work [sic] along the route was realized because of the unsuitability of the weather conditions, detailed research studies of the route and at the areas in the vicinity of the route will be carried out at the periods when the weather conditions are suitable in order to determine the Archaeological and Cultural Heritage of the crude oil pipeline route and to minimize the adverse impacts of the pipeline route on this heritage, and obtained data will be brought to our committee to be assessed."²⁷

Yet despite this admission that the necessary work had not been finished, no delay in implementing the project was permitted to ensure that it was done right. In fact, the opposite is true; the project was actually sped up all the more. According to senior officials involved in the design and implementation of the EIA, the normal 60 days for the Ministry of the Environment to review the EIA was squeezed down to just 30 days.²⁸

5.4.3 Identification of impacts

Relevant paragraph and key requirement	Specific obligations	Evaluation of compliance	Extent of compliance
OP 4.11 Para 10 Identification of impacts	<i>"The borrower identifies physical cultural resources likely to be affected by the project, and assesses the project's potential impacts on these resources as an integral component of the EA process, in accordance with the Bank's EA requirements."</i>	1. Analysis of potential impacts is peripheral to EA process, not an integral component. 2. Project shows little awareness of state of resources in region.	Non compliance
		3. Identification of resources likely to be affected is incomplete and poorly researched.	Partial compliance

5.4.3.1 Analysis of potential impacts is peripheral to EA process, not an integral component

(See sections 5.4.1.2, 5.4.1.3 and 5.4.2.2, above).

The lack of space dedicated to cultural heritage in the EIA (barely twenty pages out of the entire Turkish EIA deal with the topic; and the Cultural Heritage Management Plan (CHMP) is largely

²⁷ Letter from Prof. Dr. Tamer Gok et al, Ministry of Culture, General Directorate of Preservation of Cultural and Natural Assets of Adana, 28 January 2002, in BTC EIA, Final EIA, October 2002, Appendix 8 - Consultation Results, A8-23. Grammar as in original.

²⁸ Dr. Coskun Yurteri of ENVY Environmental Engineers, interview with Baku-Ceyhan Campaign, Ankara, 18 March 2003. See also Baku-Ceyhan Campaign, International Fact-Finding Mission, Baku-Tbilisi-Ceyhan Pipeline, Turkey Section, June 2003, p.51

just a reiteration of standards which are then not applied), the consistent failure of the project sponsors to undertake proper research to fill in the enormous gaps in existing knowledge before construction began, and the weakness of mitigation measures (see section 5.4.4.3, below) indicate that preservation of cultural heritage has not been a priority for the project sponsors. The CHMP confirms this in noting that its purpose is “aiming not to cause any delay in project activities.”²⁹

5.4.3.2 Project shows little awareness of state of resources in region

BTC Co.’s lack of research in the region means that they are unaware not only of what is out there, but also of the damage that existing resources are suffering. One of the main intentions of the afore-mentioned TAY Project is “to document the current condition and level of degradation/destruction of the sites,” which it records. It has chronicled extremely widespread damage to cultural heritage sites all over Turkey, concluding,

“ It is important to note that the unfortunate situation of the archaeological sites, which constitute an important part of the cultural heritage, shows how pervasive the destruction of what remains from these early stages of human culture is.”³⁰

TAY Project ascribes much of the damage to agricultural activities, rapid urbanisation, including the development of roads and infrastructure, and illicit digging. Importantly, the Project is extremely critical of local and national government and their commitment to the preservation of cultural resources. It notes,

“Most official government institutions and local administrations naturally aim to promote economic development. Because of this, protecting cultural heritage is traditionally relegated only to sites with potential touristic activities. The importance of preserving the cultural heritage, even in places with little or no touristic value, should clearly be articulated at all levels of government and non-governmental organisations.”

As a result of “misinformation”, TAY Project suggests, “public and governmental organisations...cause destruction through their careless activities.” The Project also notes that even after registering cultural heritage sites, government bodies seem unwilling or unable to protect sites, resulting in an epidemic of illicit digging and ongoing damage. Perhaps this is because, as it points out, “There is no co-ordination between the governmental units of culture, local administrations, rural affairs administrations and the agricultural community about protection of cultural heritage.”

The implications of this are significant: if national and local governments do not have the resources or the will to safeguard cultural heritage, then one might argue that there is a special duty on any would-be developer to take responsibility for protecting such heritage. On that view, the consortium’s efforts to date all the more inadequate.

²⁹ BTC Project EIA, Turkey, Final EIA, October 2002, Appendix C7—Cultural Heritage Management Plan, Annex A, C7-21

³⁰ Tay Project, www.tayproject.org/raporeng.html

5.4.3.3 Identification of resources likely to be affected is incomplete and poorly researched

(See sections 5.4.1.1 and 5.4.2.2 above).

5.4.4 Mitigation

Relevant paragraph and key requirement	Specific obligations	Evaluation of compliance	Extent of compliance
<p>OP 4.11 Para 11</p> <p>Mitigation</p>	<p><i>“Where the project is likely to have adverse impacts on physical cultural resources, the borrower consults with project-affected groups to identify appropriate measures for mitigating these impacts as part of the EA process.”</i></p>	<p>1. No evidence that project affected people have been properly consulted as to the impacts of the project on local cultural heritage.</p> <p>2. No evidence that advice has been taken from project affected people on mitigation of impacts.</p> <p>3. Many of the mitigation measures introduced are neither appropriate nor likely to be effective.</p>	<p>Non compliance</p>
		<p>4. Imperatives of construction and weakness of archaeological teams make it unlikely that cultural heritage preservation will be a priority for sponsors.</p>	<p>Partial compliance</p>

5.4.4.1 No evidence that project affected people have been properly consulted as to the impacts of the project on local cultural heritage

Nothing suggests that local people were asked anything about the impact of the project on cultural heritage. BTC Co.’s failure to effectively consult affected people is important not only for the eliciting of relevant information on cultural resources, but to ensure their preservation. The TAY Project is emphatic that cultural heritage can only be effectively preserved by working to “increase awareness and promote grassroots protection and preservation efforts among the local population.” The Project cites the example of the Gullucek mound in Corum province,

“More than half a century later, we could not find any sign of damage beyond natural erosion at the site. This remarkable pristine site was protected thanks to locals who were involved in the initial excavations. They in turn had passed the understanding that the site is part of their

*culture down to future generations... This can only be achieved through aware participation of the local population.*³¹

By contrast, BTC Co.'s failures at stakeholder creation, running from superficial and inadequate consultation through low levels of compensation to the failure to incorporate local knowledge into project design, mean that local people have no such incentives, particularly if the BTC pipeline destroys existing heritage resources.

5.4.4.2 No evidence that advice has been taken from project affected people on mitigation of impacts

Nothing in the EIA suggests that such advice as project-affected people were able to proffer about the impacts of the project on cultural heritage was adopted or taken seriously. For example, the Social Impact tables note that affected villagers in several places suggested that as a result of the contractor Alarko's high-handedness and incompetence on the previous Natural Gas Pipeline, they would not be happy to see them involved in the project.³² This request was ignored.

5.4.4.3 Many of the mitigation measures introduced are neither appropriate nor likely to be effective

There is a complex web of conflicting of interests in many of the mitigation measures proposed for the project. They are the responsibility of BOTAS, the pipeline turnkey contractor, which is according to the contracts for the project is liable for massive fines if the project is not completed on time. It was also widely reported earlier this year that BP wrote a formal letter of complaint to the Turkish Prime Minister outlining BOTAS's alleged failings (primarily that it was working too slowly) and threatening to withdraw the contract and award it elsewhere.³³

Thus the overwhelming commercial and political imperative for BOTAS is to finish the project with as little distraction or deviation from the plans as possible. That imperative makes it much more likely that such mitigation measures as it has responsibility for will be overridden.

For instance, the "archaeological monitoring teams" promised by the EIA turn out to be just one person³⁴; it is hard to envisage that individual having the authority to call the entire project to a halt and risk huge fines for BOTAS. There is no training in cultural heritage for the other workers and managers, merely "archaeological briefings...for all construction personnel working in or close to archeologically sensitive areas."³⁵

³¹ Tay Project, www.tayproject.org/raporeng.html, emphasis added

³² e.g. BTC Project EIA, Turkey, Final EIA, October 2002, BTC Pipeline Construction Impacts and Mitigation, Volume II Supplement I, p.6-361, p.364. "There is a preference for Alarko not to be involved as reportedly they did not adopt an impartial attitude in the compensation of damage."

³³ See e.g. Deniz Zeyrek, "Ultimatum to Prime Minister", *Radikal*, 13 April 2003, English translation available on request.

³⁴ BTC Project EIA, Turkey, Final EIA, October 2002, BTC Pipeline Construction Impacts and Mitigation, 6-31

³⁵ BTC Project EIA, Turkey, Final EIA, October 2002, BTC Pipeline Construction Impacts and Mitigation, 6-31

Moreover, although the EIA claims the monitoring archaeologist will have the power to stop the project, in practice for both ‘minor’ and ‘moderate’ finds that means a “limited disruption to construction activity” of 24 to 72 hours for the archaeologist to work out what the find is, during which “mainline activities should continue.”³⁶

Even for finds of ‘major significance’, there is no guarantee that work will be stopped. The only imperative is time; the CHMP will only re-route the project if “excavation and recording [cannot] be completed within a finite period of time.” All it promises is that “construction activities may need to find an alternative right of way in the vicinity of the site.”³⁷

Even this is not guaranteed, however; if the finds are too complex or valuable to be “recorded within the normal programme” and extend under the vehicle trackway, they will allegedly be ‘protected’ “by provision of ‘bog mats’ or stone tracks”³⁸ for the heavy trucks to drive over. That flagrantly contradicts the EIA’s earlier admission that, “Topsoil stripping to create running tracks and the subsequent passage of vehicles within the working width may cause significant damage to fragile archaeological deposits.”³⁹ As had already been shown by BOTAS’s alleged reaction to the finds in Damal, the desire to save time and money and avoid incurring fines appears to dominate the construction companies’ agenda.

BOTAS’s desire to finish the job quickly is also indicated by the nature of the ‘protective’ measures it has already taken. The EIA claims to have implemented many re-routes of the pipeline to avoid sensitive sites. Yet while in some instances the pipeline has been moved at least a little distance away from the cultural resource, in many cases the relevant maps show that it still passes either right next to the site (e.g. Hilmiye graveyard, Map 41; Cukurpinar Area, Map 46) or in some cases even appears to cut across its periphery (e.g. Oren Dosu, Map 54; Salderesi Area, Map 44). This still leaves these sites highly vulnerable to the impacts of excavation, such as vibration or percussion caused by explosives or excavation and installation equipment.

The inadequacy of this approach is most obvious in places where the EIA admits that the pipeline will cross sites of significant cultural heritage. In many of these, the EIA claims that the sites will be “delineated”, or that “a safe route” through them will inevitably be found. The likelihood that damage will be caused in the process is high, especially when the EIA appears to justify further intrusion into one area by noting that it has already been damaged.⁴⁰

5.4.4.4 Imperatives of construction and weakness of archaeological teams make it unlikely that cultural heritage preservation will be a priority for sponsors

(See section 5.3, above).

³⁶ BTC Project EIA, Turkey, Final EIA, October 2002, Appendix C7—Cultural Heritage Management Plan, Annex A, C7-16

³⁷ BTC Project EIA, Turkey, Final EIA, October 2002, Appendix C7—Cultural Heritage Management Plan, Annex A, C7-16

³⁸ BTC Project EIA, Turkey, Final EIA, October 2002, BTC Pipeline Construction Impacts and Mitigation, 6-31

³⁹ BTC Project EIA, Turkey, Final EIA, October 2002, BTC Pipeline Construction Impacts and Mitigation, 6-30

⁴⁰ BTC Project EIA, Turkey, Final EIA, October 2002, BTC Pipeline Construction Impacts and Mitigation, Volume II Supplement I, Tamasor Area, 6-256

5.4.5 Management plan

Relevant paragraph and key requirement	Specific obligations	Evaluation of compliance	Extent of compliance
<p>OP 4.11 Para 13</p> <p>Management plan</p>	<p><i>“The borrower develops a management plan which includes measures for mitigating any adverse impacts, provision for the management of chance finds, any necessary measures for strengthening institutional capacity and a monitoring system to track progress of these activities.”</i></p>	<ol style="list-style-type: none"> 1. Mitigation of adverse impacts inadequate. 2. Management of chance finds inadequate. 3. Institutional capacity not adequately strengthened. 4. Monitoring system inadequate. 	<p>Partial compliance</p>

5.4.5.1 Mitigation of adverse impacts inadequate

(See section 5.4.4, above).

5.4.5.2 Management of chance finds inadequate

(See sections 5.3 and 5.4.4.3, above).

5.4.5.3 Institutional capacity not adequately strengthened

(See section 5.4.1.1, above).

There is no evidence that the policies or practices of BTC Co. have rectified the failures of local and national governments to take the necessary measures to ensure the preservation of cultural heritage either now or after project construction, nor that affected people have been made to feel like they have an investment in cultural heritage preservation.

5.4.5.4 Monitoring system inadequate

(See section 5.4.4.3, above).

5.4.6 Consultation with key groups

Relevant paragraph and key requirement	Specific obligations	Evaluation of compliance	Extent of compliance
OP 4.11 Para 14 Consultation with key groups	<i>“As part of the EA process, the borrower consults with competent authorities, project-affected groups and, where appropriate, relevant experts, in documenting the presence and significance of physical cultural resources, assessing potential impacts and exploring mitigation options.”</i>	1. Project sponsors only consulted with project-affected groups after route had been determined, and even then only partially. 2. Failure of project sponsors to properly consult credible NGOs and sources of relevant information.	Partial compliance

5.4.6.1 Project sponsors only consulted with project-affected groups after route had been determined, and even then only partially

(See sections 5.4.1.2 and 5.4.2.1, above).

5.4.6.2 Failure of project sponsors to properly consult credible NGOs and sources of relevant information

There is no evidence that BTC Co. consulted TAY Project or other independent sources of accurate information on regional cultural resources. Additionally, NGOs listed as ‘consulted’ in the EIA have expressed dissatisfaction and anger at the methods and nature of the consultation process.⁴¹

5.4.7 Disclosure

Relevant paragraph and key requirement	Specific obligations	Evaluation of compliance	Extent of compliance
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⁴¹ See *International Fact-Finding Mission, Baku-Tbilisi-Ceyhan Pipeline, Turkey Section*, June 2003, pp.47-9, 59

<p>OP 4.11 Para 16</p> <p>Disclosure</p>	<p><i>“The findings of the cultural resources component of the EA are disclosed as part of, and in the same manner as, the EA report, except where the borrower, in consultation with the Bank, determines that such disclosure would jeopardise the safety or integrity of the cultural resources involved.”</i></p>	<p>1. Failure to disclose findings on vast majority of cultural resources.</p>	<p>Non compliance</p>
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5.4.7.1 Failure to disclose findings on vast majority of cultural resources

(See also section 5.4.2.2, above)

The credibility of the EIA’s claims to have undertaken comprehensive research on cultural heritage is severely undermined by the decision to omit the bulk of its findings, in the form of the purported “gazetteer of known archaeological heritage sites” meant to make up Annex L of the CHMP. Without this list, there is very little evidence that BTC Co. has done even basic research. The rationale given for the gazetteer’s omission from the EIA is that “it is not necessarily good practice to disclose the locations of archaeological sites, especially those that are not already in the public domain.”⁴² The EIA then invokes Draft OP 4.11 to justify its decision.

Although it is not explained, this might be intended to prevent a phenomenon the TAY Project describes as widespread, “treasure hunting” or “illicit digging”, which is legal under Article 50 of the Law on Preservation of Cultural and Natural Resources and leads to the rapid degradation of sites. That is also presumably why the EIA stipulates that, “No unauthorised use of metal detectors will be tolerated.”⁴³

However, if there are indeed concerns about treasure hunting, it is rather disturbing that the EIA does not explicitly identify these impacts on cultural heritage, nor propose any measures to mitigate them. The problem is only referred to – and even then rather obliquely – to justify the non-disclosure of information. While it is appropriate to take precautionary measures to prevent such treasure-hunting, it is nonetheless profoundly disingenuous for BTC Co. to make use of treasure hunting to justify not revealing useful information, yet to take no measures to actively combat it or to encourage a change in the law or in attitudes to cultural phenomena. It is also not encouraging as far as the prospects for preservation of cultural heritage after pipeline construction are concerned.

⁴² BTC Project EIA, Turkey, Final EIA, October 2002, Appendix C7—Cultural Heritage Management Plan, C7-4

⁴³ BTC Project EIA, Turkey, Final EIA, October 2002, Marine Terminal—Onshore Impacts and Mitigation, 12-34

5.4.8 Capacity building

Relevant paragraph and key requirement	Specific obligations	Evaluation of compliance	Extent of compliance
OP 4.11 Para 16 Capacity building	<i>“When the borrower’s capacity is inadequate to manage physical cultural resources that are affected by a Bank-financed project, the project normally includes components to strengthen that capacity.”</i>	1. No evidence that the project has adequately strengthened Turkey’s capacity to manage cultural resources.	Non compliance

5.4.8.1 No evidence that the project has adequately strengthened Turkey’s capacity to manage cultural resources

(See section 5.4.5.3, above).

5.5 World Bank Policy on Cultural Property (OPN 11.03)

5.5.1 Significant damage

Relevant paragraph and key requirement	Specific obligations	Evaluation of compliance	Extent of compliance
OPN 11.03 Para 2(a) Significant damage	<i>“The Bank normally declines to finance projects that will significantly damage non-replicable cultural property, and will assist only those projects that are sited or designed so as to prevent such damage.”</i>	1. Without a comprehensive prior knowledge of existing cultural resources along the pipeline route, it is impossible to ensure both the nature of the cultural property that is affected and that the project is sited to prevent such damage.	Non compliance
		2. Project not adequately designed to best prevent damage to cultural heritage.	Partial compliance

5.5.1.1 Without a comprehensive prior knowledge of existing cultural resources along the pipeline route, it is impossible to ensure both the nature of the cultural property that is affected and that the project is sited to prevent such damage

(See sections 5.4.1 and 5.4.2, above)

5.5.1.2 Project not adequately designed to best prevent damage to cultural heritage

(See sections 5.4.3 and 5.4.4, above)

5.5.2 Protection and enhancement of cultural property

Relevant paragraph and key requirement	Specific obligations	Evaluation of compliance	Extent of compliance
OPN 11.03 Para 2(b)	<i>“The Bank will assist in the protection and enhancement of cultural</i>	1. No evidence that project has trained or strengthened Turkey’s capacity to preserve its cultural resources	Non compliance

<p>Protection and enhancement of cultural property</p>	<p><i>enhancement of cultural properties encountered in Bank-financed projects, rather than leaving that protection to chance. In some cases, the project is best relocated in order that sites and structures can be preserved, studied and restored intact in situ...Often, scientific study, selective salvage and museum preservation before destruction is all that is necessary. Most such projects should include the training and strengthening of institutions entrusted with safeguarding a nation's cultural patrimony."</i></p>	<p>its cultural resources.</p>	
		<p>2. "Protection" of cultural resources largely comprised of rapid extraction and 'rescue', not preservation in situ.</p> <p>3. Relocation of project very limited, inadequate and only undertaken after main route decided.</p> <p>4. Not enough time allocated for "scientific" study of finds due to commercial pressures behind project.</p>	<p>Partial compliance</p>

5.5.2.1 No evidence that project has trained or strengthened Turkey's capacity to preserve its cultural resources

(See section 5.4.5.3, above)

5.5.2.2 "Protection" of cultural resources largely comprised of rapid extraction and 'rescue', not preservation in situ

(See sections 5.4.3 and 5.4.4.3, above)

5.5.2.3 Relocation of project very limited, inadequate and only undertaken after main route decided

(See sections 5.4.1.2 and 5.4.4.3, above)

5.5.2.4 Not enough time allocated for “scientific” study of finds due to commercial pressures behind project

(See sections 5.4.3 and 5.4.4.3, above)

5.5.3 Consultation of NGOs

Relevant paragraph and key requirement	Specific obligations	Evaluation of compliance	Extent of compliance
<p>OPN 11.03, para 3</p> <p>Consult appropriate NGOs</p>	<p><i>“Before proceeding with a project...Bank staff must determine what is known about the cultural property aspects of the proposed project site. [A]ppropriate agencies, NGOs or university departments should be consulted.”</i></p>	<p>1. Local, national and international NGOs with relevant archaeological experience were not consulted over likely cultural heritage impacts.</p> <p>2. Local people and communities with the greatest level of in-depth knowledge were not fully consulted on likely cultural heritage impacts.</p>	<p>Partial compliance</p>
		<p>3. No evidence that the project sponsors have taken local knowledge of cultural heritage impacts into account.</p>	<p>Non compliance</p>