

# A CRITICAL VIEW ON THE SOCIAL IMPACT PROCESS (SIA): CURRENT PROBLEMS AND RECOMMENDATIONS FOR INCREASING THE QUALITY OF SIA <sup>1</sup>

Assoc. Prof. Dr. Koray Değirmenci, Erciyes University,  
Department of Sociology,  
Kayseri, Turkey

Assis. Prof. Dr. Oltan Evcimen, Erciyes University,  
Department of Sociology,  
Kayseri, Turkey

## Abstract

*Over the past few decades in the world, professionals have seen rapid growth in the significance and awareness of Social Impact Assessment (SIA) as part of Environmental Impact Assessment (EIA) in development and investment projects. However, the persistent obstacles that impede SIA processes have contributed to several institutional and social problems, including notable tension between the government, people in the affected areas, and other concerned groups. This paper assesses the quality of the Social Impact Assessment (SIA) process in Turkey through an exploration of the legal status and practical dimensions of SIA. We examined a randomly selected sample of SIAs, implemented in 67 development and investment projects between 1993 and 2011, using non-mandatory indicators of quality assessment. We found that, although this period has seen substantial improvements in the legal status of SIA and some improvement in certain dimensions of SIA in practice, much remains to be done in respect to international principles, guidelines and best practices. In practice, SIA is often considered an informational and consultation activity to be fulfilled during the public participation meeting. Moreover, in most cases mechanisms of impact identification/prediction and mitigation/monitoring exist only in theory. On the basis of these findings and assessment of relevant legislation, we offer some recommendations to improve the SIA process in Turkey in hopes that an understanding of the problems plaguing SIA in practice renders these recommendations appropriate to other contexts as well.*

*This study also aims to illuminate a considerable gap between theory and practice of the SIA process. While this may seem initially specific to Turkish cases, our findings can easily extend to SIA processes in other contexts as well. That is, to evaluate SIA effectiveness merely by looking at the legislation and official documents from SIA practitioners may well be misleading for scholars in the field. This problem seems especially acute in the areas of public participation, impact identification and description of environment, which are difficult to define and evaluate. Thus, in a world where the SIA process has long been more of a global issue than a local one, the literature on SIA would benefit greatly from more data, information and experience in the field across various contexts in order to increase the effectiveness of SIA at a global level in line with international norms, rules and standards.*

Keywords: Social Impact Assessment (SIA), Environmental Impact Assessment (EIA), public participation, development projects, investment projects, Turkey.

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<sup>1</sup> For full and comprehensive version of this discussion with detailed methodology, discussion, tables, and figures see Değirmenci and Evcimen (2013).

## Introduction

As in many other countries in the world (e.g. Cassa del Mezzogiorno in Italy, Narmada Valley Project in India, and Aswan Dam Project in Egypt), Turkey has also initiated large scale development projects after the period of the Second World War. The most prominent one of these projects was Southeastern Anatolia Project (GAP). The common feature of these development projects was that all were implemented in a top-down approach reflecting an ideology of developmentalism from above and they were indispensable means of the “regime of state initiated social engineering,” to use Scott’s term (Scott, 1998, p.4). According to Scott, this state initiated social engineering takes its most tragic forms in the combination of the four elements: Administrative ordering of the nature and state by the transformative state, high-modernist ideology, coercive power of authoritarian state to embody high-modernist ideals, and prostrate civil society (Scott, 1998, 4-5). Therefore, instead of taking into account the local communities and people and being based on the principles of sustainable development pursuing long-term goals, these development projects were implemented in a perspective of national developmentalism that has focused on the short-term benefits towards economic development, such as increasing the agricultural yield and electricity production. As a very provocative statement, Escobar (Escobar, 1995, p.4) maintains that the “discourse and strategy of development” generated its opposite: “massive underdevelopment and impoverishment, untold exploitation and oppression.” The understanding and critical analysis of the basic tenets of national developmentalism ideology exceeds the scope of this paper. However, it is apt to assert that national developmentalism has largely ignored the impacts of development projects on the biophysical and human environment and focused primarily on the benefits gained from these projects for the sake of economic development. Moreover, as will be shown in this article, although the practices of developmentalism and its ideology has fundamentally transformed in the last two decades, the recent development and investment projects still carry the remnants of the ideology and discourse of national developmentalism in Turkey.

Therefore, it is not surprising that the executors of the sub-projects of GAP and other development and investment projects carried out till the early 2000s have had little to no concerns about the intended and unintended positive or negative social, environmental or cultural impacts of these projects, nor any strategic plans towards the mitigation of the negative impacts or any anticipation mechanisms for them. For example, although the large scale sub-projects implemented within the scope of GAP (e.g. Keban Dam and Hydroelectric Project, Atatürk Dam and Hydroelectric Power Plant Project, Urfa-Harran Irrigation Project, etc) have had dramatic social, economic and cultural outcomes, such as resettlement resulted in mass population movements, changes in the land use due to the initiation of irrigated farming in large agricultural lands and topographical alterations resulted from reservoirs, changes in the employment structure because of the transformation of the production models and product patterns, changes in ethnic composition due to the internal and external migration, etc, no EIA or SIA processes were implemented in these projects. Thus, although these projects were supposed to solve fundamental problems in the concerned regions, such as poverty, unemployment, insufficient food supply, scarcity of electricity, etc, these projects have had tragic intended and unintended negative impacts on the biophysical and human environment. There is a corpus of literature on these impacts of these projects which make it clear that none of these projects were based on the principles of sustainable development (Mutlu, 1996; Mortan, 1998; Keyder, 2004; Pınarcıoğlu, 2004; Çarkoğlu and Eder, 2005; Özok Gündoğan, 2005; Pamuk, 2007).

However, with the demise of national developmentalism after the 1980s, the developmental perspective has fundamentally transformed (Woo-Cummings, 1999; Rist, 2008). There has been a rising awareness that development and investment projects should be organized on the principles of sustainable development that rely on the notion of participatory governance and effective management of long-term intended and unintended positive and negative impacts in the context of project planning. Most importantly in this context, EIA and SIA processes have begun to be considered as the most effective means of implementation of development and investment projects on the principles of sustainable, transparent, participatory, and equitable governance. Within its over 40 years of history in the modern world, SIA has gradually begun to be considered as a distinct process instead of merely being a component of EIA and there has been a growing awareness and corpus of critical literature on the general principles, definitions, and guidelines about it (Manring et al., 1990; Rickson et al., 1990; Gagnon et al., 1993; Burdge and Vanclay, 1995, 1996; Lane et al., 1997; Western and Lynch, 2000; Vanclay, 2002a, 2003a, 2003b, 2006; Becker and Vanclay, 2003; Burdge, 2003; Taylor et al., 2004). Basically, SIA is a process that deals with “harmful impacts of development, goals of development and processes of development” (Vanclay, 2004, p. 269). SIA process aims to maximize the benefits and minimize the costs of projects while providing effective means to predict intended and unintended positive and negative impacts and developing mitigation mechanisms for the negative impacts. Vanclay (2003c, p. 6) defines SIA succinctly as “the processes of analysing, monitoring and managing the intended and unintended social consequences, both positive and negative, of planned interventions (policies, programs, plans, projects) and any

social change processes invoked by those interventions” so as to bring about a “more sustainable and equitable biophysical and human environment.” Another fundamental component of SIA is the public participation process. There is a substantial body of literature on the importance of the notion of public participation process as an integral part of the EIA/SIA processes (Webler et al., 1995; Burdige and Robertson, 1990; Shepherd and Bowler, 1997; Hartley and Wood, 2005). The notion of public participation cannot be defined in a narrower sense that merely refers to information and consultation activities involving ‘people concerned’ in the proposed area but a process that integrates SIA process with broader policy concerns national and global by means of democratic participation of all the stakeholders.

Although there has been a rising awareness of SIA in Turkey, there have been major problems and issues in its design, management, organization and practice. This article aims to present a critical analysis of SIA processes in developmental and investment projects in Turkey with recommendations to improve the efficiency of SIA process. Although the paper offers an analysis in the Turkish context, the analysis of the problems and recommendations would have significance for the other contexts. However, before analyzing the quality of SIA in Turkey by looking at randomly selected sample projects carried out in the period of 1993-2011, it is necessary to look at the legal status of SIA in Turkey in a historical perspective.

#### A Brief History of the Development of the Legal Status of SIA in Turkey

Especially in the last decade, in line with the global trends, development and investment projects have begun to be financed by the national private sector and international financial institutions in Turkey. International financial institutions stipulate that the projects must be implemented in accordance with the principles of participatory governance on the basis of sustainability, transparency, participation and equitability. Moreover, an efficient and operative EIA and SIA processes are regarded as the main means to achieve these principles of participatory governance. In order to obtain finance for the development and investment projects, the executors of the projects have attempted to articulate SIA and public participation processes in accordance with the international principles, guidelines and best practices into EIA process which are otherwise not stipulated by the national legislation. However, there are three major problems emerged within the implementation and embodiment of these SIA and public participation processes. Firstly, there are serious obstacles facing the realization of the measures and regulations determined by SIA and public participation processes as parts of mitigation mechanisms primarily since they are conflicted with the provisions of the national legislation in some major areas, such as expropriation, resettlement and improvement of institutional capacity, etc. Since the executors of the project in some cases fail to materialize these measures and regulations, international financial institutions generally tend to withdraw the finance they raised for the projects. Secondly, although SIA and public participation processes should be implemented in synchronization with the feasibility and evaluation studies, in many cases SIA processes have been initiated after the construction phase of the project had been initiated. The last but not the least, while the international principles, guidelines and best practices on public participation entail efficient, indirect and democratic participation, in many cases in Turkey, public participation processes are considered almost as process of convincing the public concerned about the project and public relations activity. This unsurprisingly makes it impossible to determine the intended and unintended impacts and develop an efficient mitigation mechanism for these impacts, which are altogether the basic functions of SIA and EIA processes.

SIA is implemented as part of EIA process in Turkey. Thus, the historical development of SIA should be examined with respect to the aspects related with SIA in EIA process. The first legal regulation stipulating that institutions and organizations must prepare an environmental impact assessment report if their planned activities have the potential to produce environmental problems was Environment Law numbered 2872 that came into force in 1983 (Official Gazette, 11.08.1983, No. 18132). Although the law does not regulate the principles of EIA and states that “the type of projects for which the Environmental Impact Assessment report is required, the issues to be handled in the report, and which authorities will approve the report are determined by the directives”, the first EIA Directive came into force in 1993, to say in other words, 10 years after the Environment Law.

The first problem with respect to SIA has emerged from the definition of environment in the Environment Law of 1983. The term environment used in the law refers only to physical environment and the definition excludes notions related with the social environment. However, as Barnard and Spencer (2002, 185-186) maintains:

Environment refers not just to biophysical context, but to human interaction with, and interpretation of, that context ... biophysical factors may not only be shaped by humans in a material sense, but are culturally perceived; the environment, therefore, is not just a set of things to which people adapt, but

also a set of ongoing relations of mutual adaptation between culture and material context.

The limited and problematic definition of environment in the law was revised with a change in the law in 13 May 2006 (Official Gazette, 13.05.2006, No. 26167) so as to cover social and cultural environment. However, biological, physical, social, economic and cultural terrains are considered as separate compartments and there is no reference to the relations between them.

There have been 5 EIA Directives that came into force since 1993 in Turkey with the following Official Gazettes:

1. Official Gazette, 07.02.1993, No. 21489
2. Official Gazette, 23.06.1997, No. 23028
3. Official Gazette, 06.06.2002, No. 24777
4. Official Gazette, 16.12.2003, No. 25318
5. Official Gazette, 17.07.2008 No. 26939

Although the EIA Directive of 1993 cites the notion of social environment in the article on 'impact,' it does not mention social impacts in the section of the issues to be addressed in EIA report, nor is there any regulation on how these impacts will be identified, evaluated, and mitigated. The activity of public participation is defined in a very limited sense: it is only a public participation meeting with the primary function of information and consultation after which the opinion of the public gathered will be delivered to the concerned ministry. More interestingly, this meeting is supposed to be held after EIA report is submitted to the Ministry of Environment and Forestry, in other words after the completion of EIA process. Thus, this fact proves that the public participation is considered as merely a disclosure activity in this directive in which SIA is regarded not even an integral component of EIA. Therefore, it is hardly possible to mention a SIA process in the literal sense in this directive.

The EIA Directive of 1997 that succeeded this directive does not bring much improvement with respect to SIA process over the previous one. However, it cites the 'area of impact' for the first time which is defined as "area which is affected positively or negatively with respect to environmental matters before, during and after the operation of the planned activity." It can be considered as an improvement that the term 'significant impact' which was found in the previous directive was removed in the directive of 1997. The EIA Directive of 1993 defines 'significant impact' as any negative impact of the planned activity on environment, the value of which exceeds the limit value set by the concerned legislation and scientific principles as acceptable. Indeed, the notion of significant impact defines limit value merely in quantitative terms and in a one-dimensional way. Thus, the notion hardly implies the social impacts. The directive of 1997 does not include any change on the time schedule of the public participation meeting: the meeting is held after EIA report is submitted to the Ministry of Environment and Forestry. Although the directive brings some standards for the place and date of announcement of the public participation meeting, this regulation mainly aims to shorten EIA process and to address the complaints of the investors about the length of EIA process. Moreover, there is no regulation on the content and procedure of the public participation meeting.

The EIA Directive that came into force in 2002 had significant improvements with respect to SIA. Unlike the previous directives, public participation meeting is held before the determination of the scope meeting in which the scope and the special format of EIA report is designated. Thus, the issues discussed in public participation meeting are brought to the agenda of the determination of the scope meeting and they are used in determining the scope and the special format of EIA report. This regulation renders SIA process as indispensable and integral component of EIA. In contrast to the previous directives where SIA was confined to a perfunctory public participation meeting without clear definition with respect to its principles and methods, the directive of 2002 paves the way for the public participation process to be one the factors that directly determine EIA process. Moreover, while the previous directive has limited the process to screening and evaluation studies, the directive of 2002 adds the determination of the scope as a significant stage of EIA process. This makes possible to determine specific scopes and formats for different projects and thereby rendering it suitable for the implementation of SIA, at least in theory. The EIA Directive that came into force in 2003 does not include significant improvement over the directive of 2002 in terms of SIA process. However, one point deserves attention here: the phrase "the owner of the project may conduct studies, such as questionnaire, seminar, etc., in order to inform public before the Environmental Assessment Process" is added to the article on public participation. However, it is not a mandatory activity but optional. This regulation can still be regarded as a first attempt to determine the tools of SIA process.

The EIA Directive that took effect in 2008 was prepared in response to the increasing of the efficiency of EIA process and the realization of the necessary educational activities which were in the section of the short and middle term goals in the National Program that was prepared within the scope of the studies of the adaptation

process to the European Union. Specifically, the directive aims to reinforce the public participation process in line with the adaptation to the European Union legislation and the European Union EIA Directive. A significant change was made in the definitions section. Three new terms directly related with SIA, 'public,' 'public concerned' and 'public participation meeting,' were added to this section. The term 'public' refers to the citizens of Turkish Republic, foreign residents in Turkey and corporate body and bodies or the unions, organizations or groups of these corporate bodies specified in the national legislation. Thus, the definition of public was widened so as to cover the foreign residents and corporate bodies. The term 'public concerned' refers to the public who is affected or will be potentially affected from a planned project. These two definitions can be regarded as attempts to adapt to the EU EIA Directive with respect to SIA. The 'public participation meeting' is defined as "a meeting held before the determination of the scope and special format meeting which aims to inform public about the project and to take their opinions and recommendations." The inclusion of these definitions in the directive can be interpreted as indicator of special importance given to the public participation process. In the Article 9 of the directive that regulates the public participation meeting, the term 'public concerned' was used for the first time although the previous directives have used the term 'local people.' This can be interpreted as an attempt to make the participation process more comprehensive.

It can be asserted that the public participation process as a main of component of SIA have evolved from being conceived as almost a symbolic and perfunctory practice to one which is intended to be implemented in an effective way being regarded as an integral component of EIA through those five stages of the EIA Directives. An organic link between the public participation meeting and the process of determining the scope and special format of EIA has gradually been established in theory.

This study makes a comparative analysis of 67 sample EIAs implemented in the period of 1993-2011 in Turkey. EIA reports of 67 projects were collected, reviewed and analyzed according to these quality indicators. The samples were selected by using stratified random sampling method. The sample consists of projects from both rural and urban environments with different socio-economic development levels. The number of the samples from each region is proportional to the rate of distribution of EIA reports to the regions. The selection of the samples were made in accordance with the projects types specified in Annex II of the EU EIA Directive (European Union, 2012, p. 11-14) in order to ensure that each project type is represented in the samples.

#### Discussion and Conclusion

This article assessed the quality of SIA process in Turkey by looking at both legal status and practical dimensions of SIA. With respect to the national legislation, SIA is defined as an integral component of EIA and implemented as part of it. However, SIA system in Turkey has many theoretical and practical shortcomings as is shown in this study. SIA process is regarded as a compulsory work which is generally equated with information and consultation activity that is believed to be fulfilled by the public participation meeting. Moreover, the most fundamental components of SIA process, impact identification and prediction and mitigation and monitoring mechanisms exist almost only in theory in most of the cases. Although the quality of SIA in Turkey has some improvements across the periods of the EIA directives in some areas, this is far from being satisfactory with respect to the international principles, guidelines and best practices. This fact become clear when we compare the quality of the EIA reports prepared for the projects financed by international financial institutions and the reports of other projects prepared in accordance with national legislation. The improvements of SIA in practice mainly depends on further development of the relevant legislation in line with the needs of a better SIA practice, inclusion of trained and qualified SIA practitioners to the process, and developing a better system of accreditation with respect to SIA.

On the basis of the findings in the present analysis and assessment of the relevant legislation, the following recommendations are made. Although the findings seem to be specific to Turkish context, the authors believe that understanding the problems within SIA in practice and following recommendations would have significance for the other contexts as well:

1. Public participation meetings should be regulated as an ongoing process in legislation to produce cumulative data. These meetings should be at least two in number that are to be scheduled at specified stages of SIA process. The limited scope of the public participation that is confined with the practice of public participation meetings should be widened with the standardized and diversified procedures and methods of participation that could be adapted to the contexts of different types of projects and proposed areas.
2. As similar to the EIA process where there are specified project types categorized according to the different types of anticipated environmental impacts, SIA process should also be designed to have specified project types which are to be categorized on the basis of the set of a broadly defined social impact. Different procedures and methods of identification of social impacts and mitigation and monitoring mechanisms should be determined and they should be

rendered as mandatory. Moreover, screening and scoping processes should be developed by taking into account the social impacts.

4. One of the main problems with SIA processes in Turkey is that they are generally undertaken by non-specialists and there is no legal regulation about that. There are only 29 persons trained in variety of social sciences among over 3000 staff working in the accredited EIA companies by 2013 (Ministry of Environment and Urban Planning, 2013).

To solve this particular problem, the authors recommend the initiation of an accreditation system that explicitly specifies the qualifications of an institution that determine whether it is capable of implementing SIA process.

5. The improvements in legislation do not make any sense if there is no attempt to develop institutional capacity. The institutions that approve SIA processes implemented as part of EIA should have qualified specialists that are capable of assessing and evaluating SIA processes. However, neither in the committee that determines the scope of EIA nor in the concerned ministry that approve EIAs, are there qualified staff enough to examine SIA processes. Moreover, educational programs and seminars about SIA process should be carried out in these institutions in order to raise awareness about the process.

6. Access to the baseline data is a major problem for EIA and SIA processes in Turkey since the baseline data is far from being reliable, accurate and specialized. Thus the authors recommend that a common database should be formed with the contribution of all relevant institutions and project proponents should access to this data upon request.

7. Among 2829 EIA reports submitted to the concerned ministry in the 1993-2012 period in Turkey, only 32 EIA reports were not approved (Ministry of Environment and Urban Planning, 2012). These figures demonstrate that there is much to be done in EIA/SIA processes in Turkey with respect to the assessment criteria of the EIA reports of the concerned ministry. The minimum approval requirements for EIA/SIA reports should be clearly specified and the assessment criteria should be strictly followed in the process of approval.

About the authors:

Koray Değirmenci is associate professor of sociology at Erciyes University. He has published on photography, music, developmentalism, and urban sociology in several journals and edited books including *Turkish Studies*, *Impact Assessment and Project Appraisal*, *International Review of the Aesthetics and Sociology of Music*, and the *Aesthetic Dimension of Visual Culture*. His first book, *Creating Global Music in Turkey*, is published by Lexington Books in 2013.

Oltan Evcimen is assistant professor of sociology at Erciyes University. He has published on developmentalism and social impact process in various journals. He has participated in many international and national developmental projects as SIA expert.

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