



**ECONOMY VS. ECOLOGY: MEGAPROJECTS,  
ENVIRONMENTAL POLITICS, AND THE ISTANBUL-  
IZMIR HIGHWAY IN TÜRKİYE**

**EKONOMİ Mİ EKOLOJİ Mİ? TÜRKİYE'DE  
MEGAPROJELER, ÇEVRE POLİTİKALARI VE  
İSTANBUL-İZMİR OTOYOLU\***

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**ABSTRACT**

Megaprojects, as in other parts of the world, have an intense and irreversible negative impact on cities, rural areas, and natural spaces in Türkiye. Yet, the importance of the right to live in a healthy environment and the preservation of natural resources is growing every day and is emerging as a societal demand. This study aims to examine how theoretical concepts are reflected in practical applications by investigating the implementation of the right to environment in interrelated fields such as the state, civil society, and environmental protection. This study, using the Istanbul-Izmir highway project as a case study, discusses the regulatory role of the State as the guarantor of the right to environment, the implementation of Environmental Impact Assessment (EIA) reports in the execution of megaprojects, and the resistance of civil society towards the enforcement of the right to

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environment. By addressing Türkiye's neoliberal dilemma—"More trees or more economic gains?"—through the lens of the Istanbul-Izmir highway project, this article seeks to broaden the discussion on the boundaries, implementation, and practical application of the right to environment.

**Keywords:** Right to Environment, Environmental Impact Assessment (EIA) in Türkiye, Istanbul-Izmir Highway, Megaprojects.

### ÖZ

Megaprojeler tüm Dünya'da olduğu gibi Türkiye'de de kentleri, kırsal alanları ve doğal alanları yoğun ve geri dönüşü olamayacak şekilde olumsuz etkilemektedir. Oysa sağlıklı bir çevrede yaşama hakkı ve doğal kaynakların korunmasının önemi her geçen gün artmakta ve bir toplumsal talep olarak karşımıza çıkmaktadır. Bu çalışma çevre hakkının, devlet, sivil toplum ve çevre koruma gibi birbiriyle ilişkili alanlarda uygulanmasını inceleyerek teorik kavramların pratik uygulamalara nasıl yansıdığını incelemeyi amaçlar. İstanbul-izmir otoyol projesini vaka çalışması olarak kullanan bu çalışma, çevre hakkının garantörü olarak Devletin düzenleyici rolünü, megaprojelerin uygulanmasında Çevresel Etki Değerlendirme (ÇED) Raporlarının uygulanışını ve çevre hakkın uygulamasına yönelik sivil toplumun direncini tartışır. Türkiye'nin neoliberal ikilemi olan "Daha fazla ağaç mı, daha fazla ekonomik kazanç mı?" sorusuna İstanbul-izmir Otoyolu Projesi'ni masaya yatırarak yanıt aramaya çalışan bu makale, çevre hakkının sınırlarına, uygulanış ve pratiğe geçiriliş biçimine ilişkin tartışmayı genişletmeyi amaçlamaktadır.

**Anahtar Kelimeler:** Çevre Hakkı, Türkiye'de Çevresel Etki Değerlendirmesi (ÇED), İstanbul-İzmir Otoyolu, Mega Projeler.

### INTRODUCTION

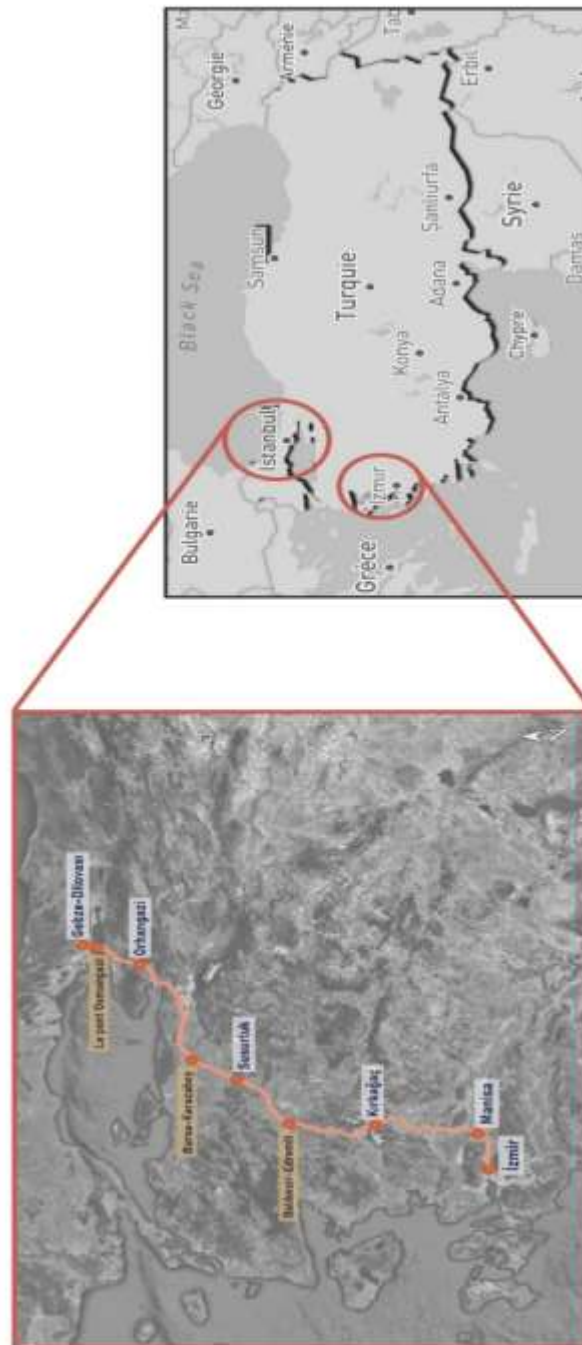
Between the 1980s and early 2000s, Türkiye's urban policy landscape was reshaped by global economic shifts and neoliberal reforms, transitioning from state-led development to privatization and market-driven strategies (Keyder, 1987; Öncü and Weyland, 1997). Economic liberalization introduced zoning reforms,

public-private partnerships (PPP), and decentralized governance to attract private capital and foster growth (Güzey, 2009; Eraydın and Taşan-Kok, 2013). This shift paved the way for large-scale megaprojects in the 2010s, primarily through the Build-Operate-Transfer (BOT) model, Türkiye's preferred method for infrastructure development. The rise of megaprojects under the Justice and Development Party's (AKP) 61<sup>st</sup> Government program in 2011 signaled an intensified commitment to large-scale infrastructural expansion. Marketed as symbols of national progress, these projects became central to Türkiye's urban modernization strategy (Kazancı, 2023). However, their rapid execution raises concerns about governance, economic feasibility, and environmental sustainability. Globally, megaprojects often face criticism for cost overruns, environmental risks, and social disruption (Georgieva, 2012; Flint, 2019; Aydemir, 2019), aligning with Flyvbjerg et al.'s. (2003: 12) observations, which identify demand, cost, financial, and political risks as inherent to megaprojects.

In Türkiye, megaprojects are primarily implemented through PPP schemes, with the BOT model being the most common approach. While this model is designed to give the private sector the right to build facilities and structures on public land and to share the risks between the public and private sectors, in practice the State usually bears a significant part of these risks, including demand and financial risks. For instance, contractual guarantees such as minimum revenue clauses, foreign exchange protections and financial uncertainties, are borne by the State. Consequently, rather than the private sector shouldering these risks, the Turkish government frequently mitigates private investor vulnerabilities, thereby altering the intended risk allocation structure of PPPs (Emek, 2015: 124–126). In addition, the State assumes political risks, which encompass potential legal or regulatory challenges that could affect project implementation (Yescombe, 2014: 197–199). Türkiye's extensive use of BOT in megaprojects, particularly high-profile ones like the Istanbul-Izmir highway and the Yavuz Sultan Selim bridge, exemplifies how risk is allocated within the PPP framework. Unlike other nations, Türkiye's government offers financial guarantees, covering revenue shortfalls if actual usage does not meet projections (Gürakar, 2016; Akyıldız, 2023). While this accelerates development, it also raises concerns about long-term economic sustainability (Emek, 2015). Critics argue that shifting these risks to the State may result in enduring financial challenges, especially when revenues from tolls and user fees fail to meet expectations (Burkberg et al., 2015: 6-10). Thus, although PPP models are theoretically intended to minimize public liability, Türkiye's implementation often leads to significant financial burdens being transferred back to the State. This dynamic is not unique to Türkiye. Similar patterns have been observed globally, where financial responsibilities gradually shift from the private to the public sector during project execution, diverging from initial contractual intentions (Van den Hurk et al., 2024: 164). Megaprojects, therefore, not only

create economically fragile ecosystems but also raise questions about political responsibility. The Istanbul-Izmir highway –a 377-kilometer project with a total cost of 10.5 billion TL– exemplifies these dynamics and stands as a critical case study in understanding the implications of risk allocation in Türkiye's PPP infrastructure framework (Figure 1).

**Figure.1: The Route of the Istanbul-Izmir Highway** (Map illustrated by the author)



*Map lines delineate study areas and do not necessarily depict accepted national boundaries.*

The İstanbul–İzmir highway project was tendered in 2009, officially opened on August 4, 2019, and had a total cost of 10.5 billion TL (approximately 263 million Euros)<sup>1</sup>. Dubbed "the largest project in the history of the Republic," the highway has sparked debate over its economic impact, particularly its burden on the national treasury (Finans Mynet, 2019). This controversy highlights the distinct characteristics of PPP projects in Türkiye, particularly in terms of financial risk allocation and state involvement. Unlike standard PPPs, the Turkish government assumes private-sector financial risks through revenue and exchange rate guarantees. Unlike other global PPPs, in Türkiye the State guarantees a minimum vehicle traffic volume and the exchange rate. In addition, it compensates for the income shortfalls of the contractor companies, thereby assuming significant financial risks that are traditionally attributed to the private sector (Flyvbjerg et al., 2003).

Megaprojects, while often justified by their economic benefits, also pose significant environmental and social risks, which can exacerbate existing ecological vulnerabilities and disrupt local communities (Flyvbjerg et al., 2003: 12). Large-scale infrastructure projects, including highways, lead to deforestation, habitat fragmentation, and increased carbon emissions, all of which contribute to long-term environmental degradation (Gellert and Lynch, 2003: 18). In the case of the İstanbul-Izmir highway, the trade-off between economic growth and ecological sustainability raises critical concerns about the mechanisms in place to assess, mitigate, and manage these risks. Yet, these risks are not merely technical or economic concerns; they also have legal and social dimensions, particularly in the context of environmental rights and governance. The Environmental Impact Assessment (EIA) process plays a crucial role in evaluating the potential consequences of megaprojects and ensuring that environmental risks are properly addressed before construction begins (Glasson et al., 2012: 57). Despite its intended function as a safeguard, the effectiveness of EIAs often depends on state oversight, transparency, and the extent to which public participation is encouraged or restricted (Cashmore et al., 2004: 408). In this context, civil society actors, including environmental organizations, local communities, and advocacy groups, play a critical role in monitoring compliance with environmental regulations and defending constitutional environmental rights (Özdemir, 2018: 45). The example of the İstanbul-Izmir highway highlights these tensions and raises the following questions about the extent to which environmental governance mechanisms in Türkiye balance economic development with ecological sustainability and public accountability.

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<sup>1</sup> According to the exchange rate data of the Central Bank of the Republic of Türkiye, 1 Euro is equal to 38.08 Turkish Lira. See Central Bank of the Republic of Türkiye (26.08.2024).

Despite its intended function as an environmental safeguard, the EIA process is often compromised by state intervention and economic interests. This raises concerns about how effectively environmental costs are addressed and who ultimately bears them. While the state assumes financial and political risks on behalf of citizens, a crucial question arises: who bears the environmental costs of such projects? How are these risks addressed, and to what extent are they externalized? The EIA process, a fundamental mechanism for safeguarding environmental rights in megaprojects, aims to identify potential ecological threats and establish a framework for mitigation. However, the role of the state in overseeing and enforcing EIAs is crucial in determining whether constitutional environmental rights are effectively upheld. In Türkiye, megaprojects reshape the balance between economic development and environmental protection, often raising concerns about the effectiveness of regulatory oversight and the role of civil society in shaping decision-making processes (Özdemir, 2018: 45).

This study examines the constitutional and legal boundaries of environmental rights in Türkiye and the role of the state in redefining these boundaries to support large-scale infrastructure projects, adopting a qualitative research approach. Within the scope of the research, the study focuses on megaprojects that have become more visible in Türkiye since the 2000s, particularly the Istanbul-Izmir highway project, which was implemented as part of the development agenda and selected as a case study. This project, characterized by unique features of the Turkish model such as vehicle passage guarantees and foreign exchange rate guarantees provided to contractor companies, also serves as a significant example where civil society's struggle for environmental rights has materialized. The study critically analyzes the Istanbul-Izmir highway project to explore how the state redefines environmental rights in line with its economic development goals. As part of the research, document analysis was conducted using various sources, including court rulings, policy documents, and EIA reports.

## **1. MEGAPROJECTS AND RIGHT TO A HEALTHY ENVIRONMENT: A THEORETICAL AND LEGAL FRAMEWORK**

Neoliberalism, emerging as a dominant economic paradigm in the late 20th century, promotes market-driven policies, privatization, and deregulation, significantly reshaping the state's role in economic and social governance (Harvey, 2005: 2). By shifting regulatory control from public oversight to private interests, neoliberalism has often weakened environmental protections, prioritizing economic growth over ecological sustainability. Gaining momentum in the 1970s as a response to the perceived failures of Keynesianism, neoliberal reforms reoriented urban policy frameworks to favor global capital flows and investment-led development over local needs (Duménil and Lévy, 2004: 11). Although frequently interpreted as a withdrawal of the state from economic affairs,



Wacquant (2023: 147-148) emphasizes that neoliberalism involves a reconfiguration rather than a retreat of state power, where the state acts increasingly as a facilitator and rule-maker for market dynamics. In Türkiye, neoliberal restructuring accelerated during the 1980s under the leadership of Turgut Özal, facilitating the expansion of the private sector and attracting foreign direct investment (Pronina et al., 2020: 1). These transformations deepened under the AKP in the 2000s, which institutionalized neoliberal governance through comprehensive legal and administrative reforms (Tansel, 2019: 9). A hallmark of this neoliberal urban and economic agenda has been the strategic deployment of megaprojects, large-scale, capital-intensive developments presented as engines of national economic growth, modernization, and geopolitical prestige.

Globally, megaprojects have proliferated under the influence of neoliberal policies, often justified by the promise of economic stimulus and infrastructural modernization. Flyvbjerg (2014: 2) describes an "explosion" of such projects worldwide, defining them as initiatives typically costing over 1 billion USD and requiring many years to complete. In Türkiye, megaprojects have been positioned as critical tools of economic development and statecraft, frequently marketed as symbols of national progress and global competitiveness. Decision-makers are drawn to these ventures not only for their anticipated financial returns but also for the political capital they generate. These projects, often involving international partnerships and complex stakeholder configurations, aim to leverage private-sector investment through PPP models while ostensibly limiting public liability. However, as Flyvbjerg (2014: 2) elaborates, these projects are "large-scale, complex ventures that are transformational and affect millions of people". While their economic and political benefits are often highlighted, their less visible impacts, particularly on ecosystems, communities, and urban landscapes, are substantial. Gellert and Lynch (2003: 1-2) describe megaprojects as "projects that rapidly, deliberately, and conspicuously transform natural landscapes and environments", with severe ecological repercussions. Şengül (2019: 3) underscores that these projects "lead to habitat destruction, dispossess rural communities, and force them to abandon their means of livelihood" due to extensive environmental damage and pollution.

While megaprojects are often framed as engines of economic growth and modernization, their large-scale transformations come with profound environmental and social consequences. The extensive land use, resource extraction, and infrastructural expansion required for these projects frequently strain ecosystems and disrupt local communities. Political ecology scholars argue that such projects reflect power asymmetries, where state and corporate interests prioritize capital accumulation over ecological and social well-being (Robbins, 2012: 89). Similarly, human geography perspectives highlight how megaprojects

reshape spatial relationships, dispossess marginalized groups, and reinforce uneven development (Harvey, 2003: 115). As these impacts have become more pronounced, concerns over environmental sustainability and the rights of affected populations have gained prominence. The increasing tension between economic development and ecological preservation has fueled global debates on environmental protection and the fundamental right to a healthy environment. In response to these challenges, international frameworks and legal principles have emerged, seeking to establish environmental rights as a cornerstone of sustainable development and social justice.

Recent research highlights the shifting of financial risk in PPPs, demonstrating how governments often assume greater financial burdens than initially planned. Van den Hurk et al. (2024: 149) argue that while PPPs are designed to distribute financial risks between public and private sectors, the reality often deviates from contractual expectations, with the public sector absorbing a disproportionate share of costs. This pattern has been observed in brownfield regeneration projects, where financial risks transition from private investors to public institutions, undermining the fiscal sustainability of these projects (Van den Hurk et al.: 161). Similarly, studies on infrastructure megaprojects suggest that such shifts in risk allocation are common, reinforcing concerns about the long-term economic viability of large-scale projects (Flyvbjerg et al., 2003: 15). Opara and Rouse (2019: 34) further elaborate on these risks, arguing that cost overruns and delays are systemic to PPP projects, often exacerbating fiscal pressures on governments that struggle to manage contractual complexities. Additionally, Siemiatycki (2013: 39) emphasizes that political incentives to approve megaprojects frequently lead to overly optimistic financial projections, resulting in states shouldering unforeseen economic burdens. Studies by Engel et al. (2014: 213) also highlight that while PPPs are promoted as mechanisms for cost efficiency, their actual implementation often shifts risks back to the state when private sector expectations fail to materialize. This misalignment of projected versus actual costs continues to challenge the economic sustainability of megaprojects worldwide. These financial imbalances are particularly concerning when coupled with environmental costs, as states not only bear economic burdens but also manage public opposition and ecological consequences, further complicating governance structures (Harvey, 2003: 120). As states absorb greater financial liabilities to support these projects, they often prioritize economic returns over environmental safeguards, resulting in weakened oversight and regulatory enforcement. This dynamic is reminiscent of Goldman's (2001) notion of *environmental governmentality*, in which bureaucratic rationality is used to conceal social costs, and Büscher and Fletcher's (2015) concept of *neoliberal conservation*, which facilitates capital accumulation rather than ecological protection. This economic-environmental trade-off exacerbates the vulnerability of ecosystems and



communities affected by large-scale developments. Consequently, the environmental externalities produced by megaprojects have intensified demands for stronger legal recognition of environmental rights, catalyzing global efforts to institutionalize the right to a healthy and sustainable environment as a fundamental human right.

The concepts of environmental protection and the right to a healthy environment emerged globally as large-scale industrial and urban expansion began to affect communities worldwide. As environmental challenges became international due to industrialization and urbanization, national efforts proved insufficient, leading to cooperative responses. The right to a healthy environment is recognized as an essential component of human rights, rooted in the principles of human dignity, health, and well-being (Boyle, 2012: 613). This right emphasizes the entitlement of individuals and communities to live in an environment that supports not only their physical health but also the socio-cultural aspects of a quality life (Shelton, 2010: 161). The 1972 Stockholm Declaration established a significant international precedent by asserting that "man has the fundamental right to freedom, equality, and adequate conditions of life in an environment of a quality that permits a life of dignity and well-being," further stating the responsibility of all individuals and nations to protect and enhance the environment for current and future generations (United Nations, 1972: 2). Expanding on these principles, the 1992 Rio Declaration also emphasized sustainable development, affirming that the right to environment is intertwined with socio-economic rights and environmental justice (United Nations, 1992: 3). Over the decades, the right to environment has become central in many national constitutions, treaties, and regional agreements, defining a holistic obligation for states and individuals alike to protect, sustain, and enhance the natural world.

As global environmental issues intensified through rapid industrialization and urban expansion, national responses alone proved inadequate, leading to a broader, cooperative international effort to address these complex challenges. In Türkiye, this international discourse influenced domestic policy, prompting legal reforms aimed at integrating environmental considerations into national development strategies. The incorporation of environmental regulations into Türkiye's legal framework reflects the growing recognition of environmental rights as fundamental to sustainable governance. As international recognition of environmental rights grew, efforts to translate these principles into legal and institutional frameworks gained momentum. The establishment of binding agreements, constitutional provisions, and national policies became critical in operationalizing environmental rights and ensuring their enforcement. These legal developments aimed to bridge the gap between international environmental commitments and domestic governance structures, making the right to a healthy environment a concrete, enforceable norm rather than an abstract ideal.

This global shift toward embedding environmental protection within legal and institutional frameworks did not remain abstract or isolated; it gradually influenced national policymaking across diverse political and economic contexts. As the principles of environmental justice and sustainability gained traction in international forums, many states began to adopt them into their domestic legal orders. Türkiye, as both a signatory to international environmental agreements and a rapidly developing economy, was particularly responsive to these evolving global norms. The diffusion of international legal standards catalyzed constitutional reforms and legislative developments that redefined environmental protection not merely as a policy goal but as a codified right. This transition from international advocacy to national implementation laid the foundation for Türkiye's robust—though at times contested—legal architecture concerning environmental rights.

Building on these global efforts, national legal systems have increasingly integrated environmental rights into their legislative and constitutional frameworks. In Türkiye, this process has been particularly significant, with the 1982 Constitution explicitly recognizing the right to a healthy environment and assigning responsibilities to both the state and its citizens. This right has been enshrined in international treaties, national constitutions, and environmental legislation. In Türkiye, the right to a healthy environment was enshrined in the article 56 of 1982 Constitution as: "Everyone has the right to live in a healthy and balanced environment. It is the duty of the State and citizens to improve the environment, protect environmental health, and prevent environmental pollution" (Constitution of the Republic of Türkiye, 1982: 11). Kaboğlu (2014) classifies these as "third-generation rights" or collective rights that require societal participation and solidarity. Unlike first-generation civil rights and second-generation social rights, which are primarily the State's responsibility, third-generation rights, such as right to environment, involve shared responsibilities between the State and citizens. While the Constitution provides a broad framework, specific laws in Türkiye further delineate right to environment, including the Environmental Law (1983), the National Parks Law (1983), the Law on the Protection of Cultural and Natural Assets (1983), the Zoning Law (1985), and the Coastal Law (1990), among others. The Environmental Law articulates that "everyone, especially administrative bodies, professional chambers, associations, and civil society organizations, is responsible for protecting the environment and preventing pollution" (Environmental Law, 1983: 1). Article 10 of the Environmental Law requires EIAs for large-scale projects with potentially significant environmental impacts, mandating that these projects identify, mitigate, or minimize risks to acceptable levels (Environmental Law, 1983: 8).

The right to a healthy environment is increasingly recognized as a fundamental human right, reflecting a shift in legal and political frameworks toward integrating environmental concerns with human rights protection. This right requires both state action and civic engagement (Kaboğlu, 2014: 52). Scholars emphasize that environmental rights are not only about ensuring clean air, water, and land but also about securing broader ecological justice and intergenerational equity (Boyd, 2012: 19). The recognition of these rights in international law, such as the Stockholm Declaration (1972) and the Aarhus Convention (1998), has influenced national legal frameworks, leading to stronger environmental governance (Shelton, 2010: 110). However, despite constitutional and legislative protections, their implementation is often inconsistent, especially in countries where economic growth is prioritized over environmental sustainability. In Türkiye, despite the constitutional guarantee in Article 56, the enforcement of environmental rights is frequently challenged by conflicts between state-led development projects and environmental protection efforts (Demirtaş-Milz, 2019: 1065). However, despite these challenges, civil society organisations and environmental activists play an important role in advocating for the realisation of these rights, especially by using legal mechanisms against environmentally damaging projects (Atasoy, 2019: 94).

One of the key mechanisms for upholding the right to a healthy environment is the EIA process, which serves as a legal tool to evaluate and mitigate environmental risks before large-scale projects are approved. In Türkiye, the EIA system is mandated under Article 10 of the Environmental Law, yet its implementation remains a contentious issue, often caught between environmental concerns and economic priorities. The following section examines the role of EIA reports in Türkiye, analyzing their effectiveness in ensuring environmental protection and the extent to which they enable public participation in environmental decision-making.

## **2. A CONTESTED MECHANISM BETWEEN DEVELOPMENT AND ENVIRONMENTAL PROTECTION: EIAs IN TÜRKİYE**

The EIA process is a systematic procedure aimed at identifying, evaluating, and mitigating the potential environmental impacts of a proposed project before its implementation. Its primary goal is to protect environmental sustainability and to inform and involve the public on the possible effects of projects, thus allowing for public participation. In Türkiye, however, while EIA is legally required, it has often become a focal point of conflict between environmental protection goals and economic development ambitions (Ertürk, 2017). Policymakers tend to shape the EIA process, especially for large-scale projects, with local community concerns frequently overlooked. Demirtaş-Milz (2019: 1062) emphasizes that the EIA process in Türkiye generally neglects public participation, noting significant

shortcomings in informing local communities about project details and a broader lack of transparency. Ertürk (2017: 155) observes that EIA requirements are frequently bypassed or minimized in Türkiye, particularly for high-profit sectors such as mining and energy, suggesting that economic interests are often prioritized over environmental considerations. According to Öztürk and Karakoç (2018: 187), although EIA is vital for achieving sustainable development goals, the process frequently falls short of environmental protection aims due to political and economic pressures. In this context, Demirtaş-Milz (2019: 1062) highlights that large infrastructure projects tend to disregard environmental impacts, with these projects being approved swiftly in favor of economic interests despite public objections. These critiques collectively indicate that in Türkiye, the EIA process often functions more as a politically and economically influenced mechanism than as an effective tool for environmental protection.

While EIA reports are central to environmental protection, recent regulatory changes suggest a growing trend in Türkiye of bypassing or minimizing the EIA's influence, as recent amendments indicate. Despite their foundational role in safeguarding the environment, EIA requirements are increasingly seen as obstacles to development, raising concerns about whether the State's regulatory role supports capital interests over right to environment.

According to Kozaman et al. (2014), the potential ecological impacts of megaprojects on the environment and biodiversity can be analyzed through EIA reports. However, in the case of megaproject implementation, these assessments are often relaxed or bypassed altogether. Flyvbjerg (2014: 9-10) notes that such disregard for environmental protocols is common in megaprojects worldwide, arguing that these projects follow their own "laws" and "languages," where issues like deadlines and budget overruns are frequently overlooked to ensure completion. In Türkiye, Flyvbjerg's observation finds resonance in how the EIA process is managed for megaprojects. Two significant shortcomings frequently emerge in EIA practices for such projects in Türkiye.

The first issue relates to the lack of transparency in EIA report disclosures to the public. Negative environmental impacts recorded in EIA reports are often inadequately communicated. In highly debated projects such as the Istanbul-Izmir Highway, the Third Airport, and the Third Bosphorus Bridge, EIA reports have frequently documented incomplete or inaccurate data regarding environmental concerns. Climate scientist Tolunay (2015a: 52) highlights that the EIA reports for projects like the Third Airport contained erroneous or incomplete data on emissions, wetlands, and forest areas. For example, although the final EIA report for the Third Airport indicated the presence of 58 different animal species, the tables within the report showed inconsistencies in species counts (Tolunay, 2015a: 44–47). The deliberate omission of crucial environmental data, such as endemic

plant species, poses significant risks to local ecosystems. Despite identifying 18 endemic plant species within the project area, including 45% of Istanbul's endemic flora, the EIA report nonetheless approved the project (Tolunay, 2015b: 231). The report's approval ultimately led to the airport's completion in 2018, underscoring the ecological risks that were deprioritized. This issue reflects a broader global pattern in which EIAs are used more as procedural tools than as mechanisms for meaningful environmental protection. In India, for example, EIAs are frequently fast-tracked or conducted with limited public input, reducing their effectiveness in mitigating harm (Parikh, 2020: 253). Similar critiques have emerged in other contexts where environmental governance is shaped by neoliberal logic, allowing EIA processes to be co-opted by the very development interests they are meant to regulate (Snow, 2021: 1465).

A second controversial issue in EIA practices involves the strategic sidelining of EIA processes through regulatory changes. Türkiye's Environmental Law mandates the preparation of EIA reports during the planning phase of megaprojects. Although zoning and tendering processes for these projects were initially required to await a "No EIA Required" decision from the Ministry of Environment and Urbanization, a 2021 amendment to the EIA regulation removed this condition. Specifically, the amendment exempted projects that had entered the investment program before 2015 from undergoing the EIA process, circumventing Environmental Law requirements for projects like nuclear and thermal power plants, and controversial infrastructure such as the third Bosphorus bridge. This regulatory shift indicates a state-led initiative to facilitate large-scale investments by minimizing environmental compliance barriers. From 1993 to 2022, there were 16 amendments to the EIA regulation, with only 61 out of 73,247 projects receiving a "Negative EIA" decision, while 65,934 projects were issued "No EIA Required" status (Dindar, 2022). This trend suggests a prioritization of development goals over environmental concerns in Turkish policy.

This regulatory trend of the State on EIA reports highlights the broader neoliberal development strategy in Türkiye, where legal and administrative frameworks are increasingly adapted to accommodate large-scale infrastructure projects. The Istanbul-Izmir Highway, used as a case study, is one example where this trend is reflected.

### **3. ENVIRONMENTAL RIGHTS, EIA POLITICS, AND CIVIL SOCIETY STRUGGLES IN MEGAPROJECTS: THE CASE OF THE ISTANBUL- IZMIR HIGHWAY**

Although the Istanbul-Izmir Highway was opened in 2019, discussions regarding its construction and EIA process began in 2010, during the project's planning stage. The fact that the highway, which stretches for 377 kilometers from

Istanbul to Izmir, passes through important agricultural provinces such as Bursa, Manisa, and Balıkesir has sparked criticism. Concerns have been raised about the highway's impact on agricultural lands, particularly in Bursa, a province surrounded by fertile farmland where agriculture and the textile industry are the primary sources of livelihood.

The President of the Bursa-Orhangazi Chamber of Agriculture, Altın, expressed serious concerns about the damage the highway would cause to agricultural land, stating: "At least 4,000 hectares of farmland surrounding the highway will be directly affected by exhaust fumes and waste." (Patronlar Dünyası, 2010). Another province significantly impacted by the project was Manisa, particularly its agricultural areas. The President of the Manisa Chamber of Agriculture, Derman, emphasized that the highway not only threatened agricultural lands but also endangered Manisa's olive trees. He stated that 700,000 olive trees were cut down for the highway's construction and added: "Our proposals for alternative routes through the mountains to minimize damage to farmland were ignored. This region, which has Türkiye's most fertile agricultural lands and the rarest form of the sacred olive tree, is under occupation." (CNN Türk, 2018).

Despite objections from professional organizations, the project was granted a "No EIA Required" decision. In response, the Izmir Bar Association filed a lawsuit against the EIA decision in 2011, arguing that the highway route included vital agricultural lands, forests, cultural sites, and wetlands rich in biodiversity. However, construction continued even as the legal process unfolded. Ultimately, despite the lawsuits filed by the Izmir Bar Association and environmental groups, construction proceeded, and the highway was officially opened in 2019. As seen in the Istanbul-Izmir highway case, by systematically weakening environmental oversight mechanisms, the state facilitates capital-intensive investments while limiting avenues for legal resistance. This shift exemplifies how regulatory flexibility prioritizes economic growth over environmental sustainability, particularly in the implementation of megaprojects.

In summary, the lack of transparency in communicating negative EIA findings and the legislative amendments enabling "No EIA Required" decisions raise critical concerns about the state's commitment to the right to environment. Sönmez (2016) asserts that EIA reports are perceived as obstacles in executing large-scale projects, contributing to an environment where the state's constitutional duty to "improve and protect the environment" (Constitution of the Republic of Türkiye, 1982: 11) is compromised. This raises an important question: If the state neglects this duty, to what extent can civil society and individuals exercise their rights, as granted by both the Constitution and Environmental Law?

In contexts where the integrity of EIA is compromised and the state fails to fulfill its constitutional obligations, civil society emerges as a crucial actor in defending the right to a healthy environment. When formal institutional mechanisms fall short, either through legislative loopholes, procedural shortcomings, or political pressures, citizens, environmental organizations, and legal advocates often step in to challenge environmentally harmful projects. These efforts highlight not only the potential of civic engagement to contest state and corporate decisions but also the limitations and barriers faced by those seeking to uphold environmental rights through legal means.

Civil society's legal mobilization in megaprojects highlights the critical role that individuals and organizations play in enforcing environmental rights and challenging decisions that may lead to irreversible ecological harm (Çoban, 2020; 2024). Activism and legal action against potentially harmful projects serve as a corrective mechanism against state or corporate policies that may otherwise prioritize economic development over environmental protection. Civil society actors, including non-governmental organizations (NGOs), environmental activists, and legal practitioners, play a crucial role in holding governments and corporations accountable by utilizing legal frameworks, mobilizing public opinion, and advocating for stronger environmental governance (Ebbesson, 2011: 103; Kotzé, 2019: 225).

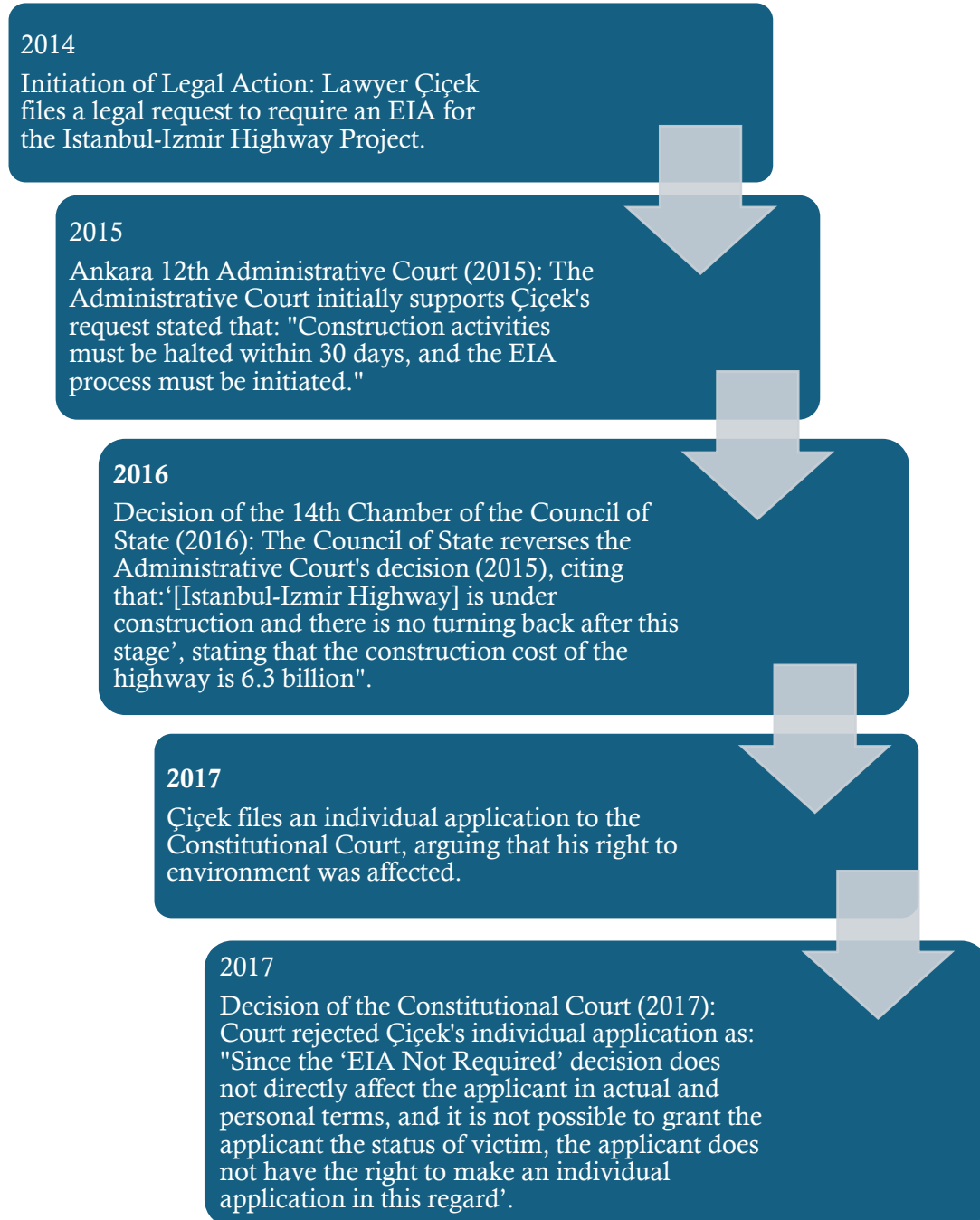
One notable example of civil society's legal struggle for environmental rights is the case of Lawyer Çiçek, a resident of Bursa who initiated legal action in 2014 to compel the Istanbul-Izmir Highway project to undergo a EIA process. EIAs are a crucial legal tool to ensure that development projects align with sustainability principles and allow for public participation (Gellers and Jeffords, 2018: 412). However, Çiçek's efforts faced numerous setbacks, beginning with an unfavorable ruling by the Administrative Court in 2015, followed by a rejection from the Chamber of the Council of State in 2016 (Table 1). In its dismissal, the Council of State cited the project's advanced construction phase and high costs, stating that it was "not possible to reverse it at this stage" (Council of State decision, 2016: 7).

Following this, Çiçek filed an individual application with the Constitutional Court in 2017, but it was rejected on the grounds that he was not personally affected by the "No EIA Required" decision. The court ruled that the decision did not directly or personally impact Çiçek, thereby negating his legal standing. This ruling underscore the difficulty of establishing standing, or *locus standi*, in environmental litigation, where courts often require a specific, personal stake in the case. This criterion has significantly limited civil society's ability to mount effective legal challenges on environmental grounds, as many environmental harms affect communities collectively rather than individuals. The case highlights a broader challenge in environmental litigation, where economic and



infrastructural priorities frequently override legal and environmental considerations, making judicial intervention less effective once projects reach an advanced stage (Daly, 2020: 89).

**Table.1: Timeline of Çiçek's Individual Legal Struggle**



**Source:** Created by the author based on court decisions (Ankara 12th Administrative Court, 2015; Decision of the 14th Chamber of the Council of State, 2016; Decision of the Constitutional Court, 2017).

Similarly, the Izmir Bar Association, representing a collective legal interest, faced jurisdictional challenges when it filed a lawsuit to halt highway construction without an EIA report. Despite Article 4 of Türkiye's Environmental Law stipulating that professional chambers and civil society organizations share responsibility in protecting the environment, the court initially ruled that the bar lacked standing as it was not directly affected by the project. However, in an appeal, the Council of State (2018) acknowledged the authority of professional organizations like bar associations in environmental matters. By the time the appeal was processed, however, the highway was operational, with a 2018 ruling stating, "The economic and social benefits of these investments outweigh the environmental damages, which can be mitigated" (Council of state decision, 2018: 4).

This series of rulings reveals the complexities and limitations of civil society's ability to influence environmental policies for megaprojects in Türkiye. Restricting civil society's legal standing contradicts Article 4 of the Environmental Law, undermining public participation in environmental decision-making. The Council of State's (2018) ruling reinforced this trend by prioritizing economic benefits over ecological concerns, reflecting a state-led approach that favors development over sustainability. As exemplified by cases like that of Lawyer Çiçek, the road to achieving substantial environmental protections remains complex and often contentious. However, although civil society groups and individuals continue to play a crucial role in defending environmental rights through various forms of activism, including public demonstrations, legal petitions, and environmental lawsuits, the increasing centralization of environmental decision-making and the restriction of civil society participation further exacerbate the challenges in protecting this right. Lawsuits filed by environmental organizations, professional chambers, and local communities often face procedural barriers, delaying or preventing judicial intervention. The weakening of environmental law enforcement, when combined with a growth-focused development strategy, reflects broader trends in environmental governance where economic priorities consistently outweigh environmental and social concerns.

Thus, the question we posed earlier, "If the state neglects this duty, to what extent can civil society and individuals exercise their rights granted by both the Constitution and Environmental Law?", finds its answer in the struggle of civil society in the case of the Istanbul-Izmir highway. The Istanbul-Izmir Highway case reveals that in the absence of robust legal safeguards and meaningful civil participation, EIA processes in Türkiye risk serving as instruments of legitimization rather than genuine environmental protection—an issue not unique to Türkiye, as seen in comparable global trends (Whyte, 2007; Parikh, 2020).

#### 4. BALANCING ECOLOGY AND ECONOMY: THE ENVIRONMENTAL COST OF MEGAPROJECTS

Gellert and Lynch (2003: 1-2) define megaprojects as “projects that rapidly, deliberately, consciously, and visibly transform natural landscapes and environments”. The concept of intentional environmental transformation raises critical questions about the impact of such projects on natural resources and agricultural lands. In particular, the Istanbul-Izmir Highway project has sparked a debate on whether these lands were strategically chosen, as argued by Altın, the President of the Bursa-Orhangazi Chamber of Agriculture. In 2010, Altın objected to the expropriation of 61.5 hectares of forest land and 91 hectares of agricultural land in Bursa, commenting, “The project seems to specifically pass through fertile agricultural lands.” (Patronlar Dünyası, 2010). This perspective suggests a pattern of prioritizing economic returns over environmental preservation (Gellert and Lynch, 2003: 2–3). Supporting Altın’s viewpoint, Eva Real Estate (2018) reported significant land value increases in Manisa following the highway’s passage through agricultural zones, where approximately 700,000 olive trees were cut. The report states, “Investment companies are purchasing large plots of land in the Manisa plain. [...] land values in mountainous areas have doubled, even tripled.”

The prioritization of capital investment, even at the cost of ecological degradation, is further reflected in the stance of local governments. In Karacabey, an area known for its rich agricultural resources, the Mayor emphasized that while agricultural lands are sacrificed, the highway will “contribute greatly to the transfer of agricultural products” (Karacabey Municipality, 2019). This justification embodies the technocratic rationality that Snow (2021: 1465) critiques, where environmental governance is reconfigured from within to serve market-oriented development goals. Such arguments frame ecological damage as acceptable collateral in the pursuit of economic efficiency, normalizing the marginalization of ecological and social considerations. The claim that economic development through infrastructure projects indirectly supports agriculture despite damaging natural resources presents a paradox. This conflict reflects what Adaman (2015: 6) describes as “a consumption-driven expansion, inflated through debt-driven construction and energy investments, with social and ecological costs largely disregarded”. Under this model, undeveloped lands are often perceived as empty, low-cost resources ripe for economic exploitation (Akbulut and Adaman, 2020: 136). Parikh (2020: 255) similarly critiques how the EIA process, instead of functioning as an environmental safeguard, often enables extractive projects by privileging investor interests and preempting dissent. Local and central government support for these projects, through zoning laws and administrative regulations, underscores a development model where economic growth overshadows ecological concerns. Büscher and Fletcher (2015: 278) argue that this

model is emblematic of "neoliberal conservation," where regulatory tools like EIAs are co-opted or circumvented to facilitate capital accumulation rather than ecological protection. Similar patterns are emerging around the world, where large-scale projects are facilitated through regulatory adjustments that weaken environmental oversight, as in the case of the Istanbul–Izmir highway project (Snow, 2021; Adaman et al., 2021).

This resonates with Spiegel's (2017: 96) analysis of EIA policies in resource extraction projects, where institutional mechanisms are shaped by unequal power relations and are often used to legitimize environmentally damaging initiatives under the guise of compliance. In such cases, the EIA process often reinforces, rather than constrains, harmful development. For example, the Belo Monte Dam project in Brazil illustrates how EIA procedures can overlook the rights of local communities and environmental concerns. The project has flooded the living areas of Indigenous peoples and threatened their livelihoods, yet the EIA reports failed to adequately assess such social and environmental impacts (Belo Monte Dam, 2024). Similar regulatory tactics have been observed globally, such as in the Dakota Access Pipeline in the U.S. and the Polavaram Dam in India, where legal frameworks were used not to prevent, but to legitimize environmentally damaging projects. Whyte (2017: 157) notes that the Dakota Access Pipeline received approval despite widespread opposition from Indigenous communities and environmental activists, with regulatory authorities bypassing critical assessments and downplaying risks to water sources and Indigenous rights. In India, Parikh (2020) demonstrates how major infrastructure projects such as the Polavaram Dam were approved despite significant concerns regarding biodiversity loss and the displacement of Indigenous populations, highlighting how EIA processes are frequently repurposed to justify development at the expense of social and environmental justice (p. 255). These examples reflect what Goldman (2001: 506) terms "environmental governmentality," wherein state and corporate actors co-opt technical regulatory processes like EIAs to advance extractive logics while masking their social costs through bureaucratic rationality. This depoliticization of development converts ecological degradation into administrative routine, thereby undermining democratic contestation over land and environmental governance. As Bryant and Bailey (1997: 40) argue, in many contexts, state-environment interactions often serve elite interests, particularly when environmental regulation is structurally weak or aligned with development imperatives.

In summary, the state's dual role here –as both facilitator of megaprojects and regulator of environmental rights– creates a conflict of interest. Although megaprojects are justified on economic grounds, their environmental and social consequences remain marginalized. Addressing this requires stronger public participation mechanisms, improved transparency in EIA processes, and legal

reforms ensuring genuine environmental protection. The example of the Istanbul-Izmir Highway in Türkiye reflects a broader neoliberal governance model in Türkiye, where economic growth takes precedence over ecological sustainability. However, the highway project emerges not only as a national case but also as part of a transnational pattern, in which megaprojects legitimized through watered-down EIAs reshape landscapes while silencing affected communities. Ultimately, the question of whether to prioritize "more trees or more financial gains" appears to be answered within this system, where the EIA reports' influence is minimized, and civil society's role in advocacy is marginalized. The result is a model of economic development that inherently favors growth at the expense of environmental integrity.

## 5. CONCLUSION

The right to a healthy environment, anchored in principles of preservation, pollution prevention, and intergenerational responsibility, rests on the dual accountability of the state and civil society. In Türkiye, this right is constitutionally guaranteed and supported by environmental legislation. However, the rapid proliferation of megaprojects has disrupted this equilibrium, placing the state in a contradictory role: both the guardian of environmental rights and the enabler of large-scale, capital-intensive infrastructure development. While such projects are often justified by promises of economic growth, they raise serious concerns about governance, transparency, and long-term ecological sustainability.

EIAs are designed to serve as preventative tools, ensuring that the environmental risks of development projects are thoroughly evaluated and mitigated. Yet, as demonstrated in this study, Türkiye's EIA system has been increasingly eroded through legislative loopholes and administrative discretion, rendering it a symbolic exercise rather than a substantive safeguard. The Istanbul-Izmir Highway illustrates how this institutional weakening facilitates environmental degradation as its construction has cut through fertile agricultural land and biodiverse ecosystems, with irreversible consequences. Civil society's efforts to contest such outcomes through legal and civic channels are indispensable but heavily constrained by procedural barriers, restrictive standing rules, and delayed judicial responses. The Istanbul-Izmir Highway case reveals a governance framework in which public participation is minimized and state-corporate alliances dominate decision-making. This mirrors similar patterns in global cases like the Dakota Access Pipeline (U.S.) and the Belo Monte Dam (Brazil), where EIA procedures have been co-opted to legitimize environmentally destructive projects rather than prevent them.

Rather than offering positive models, these international cases should serve as cautionary examples of how regulatory systems can be undermined to favor

development over ecological justice. Türkiye's current trajectory in megaproject implementation reflects this problematic trend. Addressing it requires meaningful reforms: restoring the integrity of EIA procedures, enhancing the legal and institutional capacity of civil society actors, and embedding environmental protection within national development planning as a non-negotiable principle. The Istanbul-Izmir Highway, therefore, should not serve as a model but rather as a cautionary tale—illustrating the environmental and social costs of prioritizing unchecked economic ambition over ecological responsibility. This moment presents an urgent opportunity to recalibrate policy frameworks in line with sustainability, equity, and democratic participation.

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