

Assessment of the historical evolution of the environment in North Cyprus with regard to democratisation

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Abstract

This study aims to research the law in terms of the democratisation of the environment, amendments in the law, parliamentary activities for the democratisation of the environment, and contributions, as well as the attitudes of civil society organisations and the contribution of a randomly selected court decision on the democratisation process from 1983 to date. This study also aims to assess whether the changes realised in North Cyprus between 1983 and 2014 make any contribution to the democratisation of the environment. The document analysis method was used as the data collection method. As a result of the study, laws were found to have changed in the democratic sense, and the increase in the number of environmental civil society organisations working has made a contribution to the concept of the democratisation of the environment.

Keywords: North Cyprus, environment, environment culture, democracy

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1. Introduction

The concept of democracy is the combination of “demos”, which means “people” and “kratos”, which means “rule” in Ancient Greek. This term can be explained as a self-governing public, the dominance of public will in government order or supervision of government by the public (Heywood, 2007). In other words, it means that political supervision is directly undertaken by the public or representatives elected by the public at regular intervals, and a regime where all citizens are equal regardless of their social and financial income (Touraine, 2002). Democracy is the regime that places the source of political power in the public, and people using government powers shall be subject to the public’s choices and supervision (Ozer, 1996).

The main will of government power in a democracy is in the hands of individuals and the public living in the government’s territory. This idea is not a system that the ruled determine their social sovereignty, and it has a series of generally accepted basic principles. These principles are the protection of individual rights and freedoms, equal opportunity for all citizens, a majority power respecting the minority’s rights, regular choices made by the candidates, recognition of universal human rights, freedom of establishing political parties with opposite views, independence of the judiciary, and freedom of thought and press (Cam, 1995). In summary, democracy is not a system that solves everything and every problem, but a mechanism allowing social differences and diversity into political life. It is a method of facilitating the discussion and resolution of problems (Turkish Democracy Foundation, 1992).

The democracy concept has been used by the public in Turkish Cypriot democratic history to rule the country and aims to reach the highest level of democratisation. According to the general perception, it is a pluralist, representative or liberal democracy in the most general sense. Therefore, the basic terms of liberal democracy must be established in order to understand the democratisation process of the environment in North Cyprus.

The term liberal democracy is comprised of two words, which are liberal and democracy. The word “democracy” explains the owner of political power, while “liberal” indicates the limitation of political power and authority (Holden, 2007). Thus, inclusion is essential in a liberal democratic model and all different elements are considered as a part of society. Additionally, liberal democracy is a model combining “public freedom” and “public power”, and thus it is called the “government of free people” by some authors (Erdogan, 1998). Consequently, the structures of a liberal democracy should also be mentioned briefly.

Constitutional Governance is the body of rules covering duty, power and function between the constitution and other governmental institutions. The constitution composes the rules of government for governance, and defines exactly the nature of governance and governmental power while imposing the boundaries for the government. There are two significant aspects of constitutionalism. One is the restriction of administrative powers and politicians through the activation of external and legal requirements. The most important example of this is constitutions that are considered to be written constitutions. Such constitutions regulate the requirements of administrative institutions and the division of powers under a single document. The second aspect is the distribution of political power between certain institutions and the activation of internal restrictions as a balance or braking system. This can only be realised with the application of the discipline of separation of powers raised by Montesquieu, one of the famous symbols of liberal thinking. According to this discipline, the administration should have three separate independent institutions for executive, judicial and legislative powers. Thus, this would prevent the authoritarian domination of any person or different groups in the exercise of power (Heywood, 2007).

Political Pluralism states that all views, beliefs and ideas can be explicitly shared in a liberal democracy. People and groups may have political dialogues among themselves and government, which give them the opportunity to raise their voices. Criticising the government, suggesting opposite views and obtaining power through elections are the rules in the pluralist system (Gozubuyuk, 1997). Liberal democracy emphasises an individual-oriented autonomy instead of a pluralist or socialist autonomy. In this framework, the main aim of liberal democracy is to protect the individual’s rights against the restrictions and intervention of majority and oppressive social groups. Liberal democracy also aims to protect such individual rights and freedoms, not only against state intervention, but also against the interventions of other individuals being the majority in the society with powers. Consequently, the individual has the opportunity to live the lifestyle chosen for himself/herself at his/her will (Lakoff, 1996).

Election is the basis of governing power in democratic orders. In a liberal democratic model, elections act as a political tool that should be performed in a free, fair and honest way at specific intervals for the determination of political power. In pluralist democracies, the general elections determine the political party in force, the political party to form the government, the opposition party as the supervising party for a certain time, an electoral period and a legislative year. Every citizen has a single equal right to vote. Briefly, the elections in liberal democracies indicate that the public has the political power and politicians are accountable to the public for their actions. Many democracy theoreticians state that the objectives of the democratic process cannot be fulfilled without the interest of citizens in the democratic structure. The participation and interest of the public in the elections strengthens the feeling of democratic validity. Therefore, elections restrict any possible social violence and introduce regular competition. Finally, the possibility of dismissal by the public ensures that the elected politicians are worthy of trust and loyal to the standards of public duty, as well as guarantees the change in government policies and personnel required by the changing conditions (Powell & Bingham, 1990).

In terms of representation, the liberal democracy underlines representation, which is also another aspect of liberal democracy. The biggest reason for the creation of the representation concept under the liberal democracy structure is that once the territory of the groups living together has become wider and social relationships have become complicated the society is not able to make any direct decision regarding the state administration. Therefore, people are not called to make any direct decision that goes beyond their knowledge and perception, but are content with only selecting the decision makers. The representatives make decisions for the public on behalf of the public (Kapani, 2000). From this perspective, in modern societies, liberal democracies work principally on the basis of national sovereignty. Yet, the attainment and use of official political power is realised with the consent of citizens. Since the public uses the decision-making power through the representatives, liberal democracies are also called representative democracy (Sahin, 2008).

Political parties: The most important factor separating democratic structures from non-democratic structures is the existence of organised opposition. A real meaning behind the freedom of choice is based on the opportunity for free choice by the voters among various choices. In modern democratic states, political parties establish such choices (Ozbudun, 2004).

Horizontal-vertical Accountability and the Rule of Law: In liberal democracies, horizontal accountability requires mechanisms that are responsible to the citizens and allow their actions to be objectively questioned by the public, and administrators operating without intervening in the decisions. For the protection of the rule of law, public authorities have an important responsibility to ensure measures are taken against illegal and inappropriate actions of other public authorities. When all such actions are examined thoroughly and considered as a whole, a significant amount of institutionalisation might be considered to exist in the liberal democracies. A vertical accountability mechanism regulates the rights and responsibilities between citizens and government, civil society and market actors that have an impact on people's lives (Taner, 2012).

Civil Society Organisations: civil society organisations are characterised as voluntary fields that are between the state and households. They are separated from the state, have independence in their relations with the state and are voluntarily established by the members of society for the protection and dissemination of their rights and values (Beckman, 1998). This field is an area of interaction between state, economy and family. People establish a voluntary relationship and gather together for the realisation of some aims (Tosun, 2008). Civil society is an area where public awareness can develop, democratic participation is allowed and is open for dialogue. There is a need to be active with the same feelings and establish dialogue. At that point, there is a transition from civil society to civil society organisations (Yıldızlı, 2012). Additionally, in liberal democracies, citizens develop a specific social awareness about social issues and make an impact on political power through civil society organisations, such as worker and media organisations, by means of freedom of assembly and association, and freedom of thought and expression.

Civil society organisations may generally be considered as being based on foundations such as common demand, view, and public interest (Duman, 2003). Such organisations are comprised of activities, foundation structures, civil initiatives, platforms, and associations established in any field except the legal, commercial, and administrative activities of the state (Akcadag, 2000). Therefore, civil society is an environment that has activities that are independent from the state, based on voluntarism, and allowed by the right to freely organise and gather under common values and aims (Caha, 2008).

Environmental issues have existed since the first centuries as a concept created by people. Since the first centuries, humans shaping the ecosystems in the world for their own interest have created significant damage to nature, especially after the industrial revolution. The issues that primarily arose in industrially concentrated countries have now become obvious in all world countries (Atasoy, 2015). The domination of nature and the use of resources as if they will not become extinct has increased since the 1600s. During the 1800s, various issues have become popular throughout the world following the industrialisation and technological development period (Gormez, 1991).

The environmental issues in Cyprus started to arise after the 1970s. There are no certain written references about this issue. In a study on the environmental issues of wetlands, Kasot, Kuyucu and Cicek (2014) indicated that there are significant environmental issues threatening the wetlands. The problems arising due to lack of a comprehensive environmental policy reveal the necessity to have a sustainable environmental policy. Kaplan (1999) argues that the solution to environmental issues may be possible with an environmental policy, and environmentalists can be a part of active politics and generate vital policies for the solution of such issues.

Environmental policy is defined as the measures taken or planned to be taken by the government for the protection and development of the environment. In the most general sense, environmental policies may have different objectives for every country and may have common objectives for different countries. The identification of the perspective of the community comprised by individuals has a significant impact on the formation of environmental policies (Keles & Hamamcı, 2005). There are five principles to minimise bias and arbitrariness during the development of environmental policies and ensure objective and scientific environmental policies:

- 1) *The impacts of environmental policies on ecological systems and distribution of population should be foreseen.*
- 2) *Some of the negative impacts may be completely eliminated, however, it may not be possible to avoid some impacts. Such impacts should be distinguished and short and long terms costs for such should be calculated.*
- 3) *The short and long term efficiencies of each investment project should be identified and the impact of long term accumulated impacts on the next generations should be estimated.*
- 4) *The potential of proposed investment projects for creating irremediable outcomes should be considered.*
- 5) *The impact of investment projects on the interests of different social groups should be avoided.*

2. Method

The study method was organised in accordance with qualitative research. Pursuant to the nature of qualitative research, no population was indicated and the purposeful sampling method was used. The samples of this study are the constitution, environmental laws, aims of the Environment Committee, civil society organisations working in the environment field, a randomly selected court decision and scientific meetings held about the environment. Since only the documents mentioned were used as a data source in the study, the document analysis technique was used. In this method, the documents were used as a direct data collection resource instead of in addition to other data collection methods. For the analysis of data collected through such a method, a sample was selected from the data subject to analyse, categories were developed, an analysis unit was identified and the results generated were interpreted (as cited in Yıldırım and Simsek, 2013). The categories subject to the analysis were organised by the authors with the help of related literature. For the validity of categories, a literature review was conducted and experts were consulted.

3. Findings

There were five categories in the study: law, civil society organisations, duty principles of the Turkish Republic of Northern Cyprus Assembly Environment Committee, a randomly selected court decision and scientific meetings held about the environment. These categories and their assessments are given below.

3.1. Constitution

Article 40 of the 1983 Turkish Republic of Northern Cyprus Constitution includes a section on the environment, as follows:

- (1) Everyone has the right to live in a healthy and balanced environment.
- (2) Natural or legal persons shall not drain or discharge any liquids, gas and solid matters that pose a risk to human health or endanger marine life for any purpose.
- (3) The development of the environment, protection of environmental health and prevention of environmental pollution shall be the duty of government, natural and legal persons.
- (4) The government shall take the necessary measures for the establishment of national parks.

3.2 Former and New Environment Law

The environment law enacted in 1997 and repealed in 2012 contained nine chapters. The chapters and their contents are given below.

The content of the Environment Law published in the 43rd issue of 1997 Official Gazette:

1. Chapter :Outline
General Provisions
 - 1.1 Short Title
 - 1.2 Definitions
 - 1.3 Aim
2. Chapter: Protection of Environment and Principles
 - 2.1 Sustainable Development Principle
 - 2.2 Protection and Use Plan
 - 2.3 Aim of Protection and Use Plan
 - 2.4 Protection of Aquatic Environments
 - 2.5 Protection of Soil Areas and Prevention of Soil Pollution
 - 2.6 Protection of Wetlands
 - 2.7 Protection of Wild Life
 - 2.8 Special Environment Protection Areas
 - 2.9 Protection of Settlements for Environmental Aesthetics
3. Chapter: Environmental Impact Assessment
 - 3.1 Environmental Impact Assessment Report
 - 3.2 Rules Concerning the Projects Not Subject to Environmental Impact Assessment
4. Chapter: Prevention of Environmental Pollution
 - 4.1 Prevention of Air Pollution
 - 4.2 Liability to Establish a Treatment Plant for Air Pollution
 - 4.3 Prevention of Noise Pollution
 - 4.4 Prevention of Water Pollution
 - 4.5 Pollution Prohibitions on Seas
 - 4.6 Harmful Chemical Materials
5. Chapter: Waste Water Treatment Plants and Regional Treatment Plants
 - 5.1 Waste Water Treatment Plants
 - 5.2 Regional Treatment Plants
6. Chapter: Solid Wastes and Rules for Garbage
 - 6.1 Rules for Solid Wastes
 - 6.2 Rules for Garbage
7. Chapter: Formation and Duties of Environmental Advisory Board
 - 7.1 Formation
 - 7.2 Duties of Environmental Advisory Board
 - 7.3 Termination of Membership
 - 7.4 Operation of Environmental Advisory Board
8. Chapter: Inspection Power and Assignment of Voluntary Environmentalists
 - 8.1 Inspection Power
 - 8.2 Assignment of Voluntary Environmentalists

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| <ul style="list-style-type: none"> 8.3 Rules for Participation of Public in Inspection 8.4 Right to Litigation 9. Chapter: Offences and Penalties <ul style="list-style-type: none"> 9.1 Penalties for Environment Polluters 9.2 Elimination of Environment Pollution Activities | <ul style="list-style-type: none"> 9.3 Penalty for Beach, Territorial Waters and Ports 9.4 Penalty Rules 9.5 Repetition of Actions 9.6 Penalties Foreseen Under Other Laws 9.7 Seizure of Offensive Weapons and Tools |
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The applicable environment law adopted in 2012 has 17 chapters. The chapters and their contents are as follows:

The titles of Environment Law No. 18/2012:

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|---|--|
| <ul style="list-style-type: none"> 1. Chapter: General Provisions <ul style="list-style-type: none"> 1.1 Definitions 1.2 Aim and Scope 2. Chapter: Principles and Responsibilities on the Protection of Environment and Waste Management <ul style="list-style-type: none"> 2.1 Part: Protection of Environment <ul style="list-style-type: none"> 2.1.1 Environment Protection Principles 2.1.2 General Responsibilities 2.2 Part: Waste Management <ul style="list-style-type: none"> 2.2.1 General Principles of Waste Management 2.2.2 Liabilities and Responsibilities on Waste Management 2.2.3 Competent Authorities for Waste Management 2.2.4 Power to Adopt Regulation on Waste Management 2.2.5 Development of Waste Management Plan and Information Network 2.2.6 Licence Obligation for Disposal and Recycling 2.2.7 Licence Obligation for Transport 2.2.8 Special Rules on Hazardous Wastes 3. Chapter: Water Resources Management <ul style="list-style-type: none"> 3.1 General Principles of Water Resources Management 3.2 Integrated Water Basin Management Planning 3.3 Competent Authorities for Water Resources Management 3.4 Power to Adopt Regulation on Water Resources Management 4. Chapter: Urban Waste Water Management | <ul style="list-style-type: none"> 4.1 General Principles of Water and Urban Waste Water 4.2 Liabilities and Responsibilities on Urban Waste Water Management 4.3 Competent Authorities for Urban Waste Water Management 4.4 Power to Adopt Regulation on Waste Water Management 4.5 Re-use Standards of Waste Water 5. Chapter: Sea Pollution Control <ul style="list-style-type: none"> 5.1 General Principles of Sea Pollution 5.2 Liabilities and Responsibilities on Sea Pollution Control 5.3 Competent Authorities on Sea Pollution Control 5.4 Power to Adopt Regulation on Sea Pollution Control 6. Chapter: Air Quality Management <ul style="list-style-type: none"> 6.1 General Principles of Air Quality Management 6.2 Liabilities and Responsibilities for the Prevention of Air Pollution 6.3 Competent Authorities for Air Quality Management 6.4 Power to Adopt Regulation on Air Quality Management 6.5 Motor Vehicles Emissions Control 6.6 Prevention of Air Pollution Caused by Heating 7. Chapter: Industrial Pollution Control <ul style="list-style-type: none"> 7.1 General Principles of Industrial Pollution Control 7.2 Liabilities and Responsibilities for the Industrial Pollution Control 7.3 Competent Authorities for Industrial Pollution Control 7.4 Power to Adopt Regulation on Industrial Pollution Control 7.5 Requirements on the Applicable Good Techniques 7.6 Authorization of Industrial Activities |
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8. Chapter: Fight against Climate Change
 - 8.1 General Principles of Climate Change
 - 8.2 Competent Authorities for Climate Change
9. Chapter: Biodiversity Conservation
 - 9.1 General Principles of the Biodiversity Conservation
 - 9.2 Biodiversity Network
 - 9.3 Management and Protection of Biodiversity Areas
 - 9.4 Liabilities and Responsibilities for the Protection of Wild Species
 - 9.5 Competent Authorities for Biodiversity Conservation
 - 10.5 Liabilities and Responsibilities of Strategic Environmental Assessment
 - 10.6 Power to Adopt Regulation on the Strategic Environmental Assessment
11. Chapter: Environmental Noise Management
 - 11.1 General Principles of Environmental Noise Management
 - 11.2 Liabilities and Responsibilities of Environmental Noise Management
 - 11.3 Strategic Noise Maps and Noise Action Plans
 - 11.4 Competent Authorities for Environmental Noise Management
 - 11.5 Power to Adopt Regulation for Environmental Noise Management
12. Chapter: Environmental Aesthetics
 - 12.1 General Principles of Environmental Aesthetics
 - 12.2 Liabilities and Responsibilities of Environmental Aesthetics
 - 12.3 Competent Authorities for Environmental Aesthetics
 - 12.4 Power to Adopt Regulation for Environmental Aesthetics
13. Chapter: Environmental Information
 - 13.1 Environmental Information and General Principles
 - 13.2 Liabilities and Responsibilities of the Environmental Information
 - 13.3 Competent Authorities for Environmental Information
 - 13.4 Power to Adopt Regulation for Environmental Information
 - 9.6 Determination of Special Environmental Protection Areas
 - 9.7 Power to Adopt Regulation for the Conservation of Biodiversity and its Species
 - 9.8 Additional Responsibilities for the Protection of Wild Species
10. Chapter: Environmental Assessment
 - 10.1 General Principles of Environmental Impact Assessment
 - 10.2 Liabilities and Responsibilities of Environmental Impact Assessment
 - 10.3 Competent Authorities for Environmental Impact Assessment
 - 10.4 Power to Adopt Regulation on the Environmental Impact Assessment
 - 13.5 Rejection to Access Environmental Information
14. Chapter: Environmental Education, Inspection and Enforcement
 - 14.1 Liabilities and Responsibilities of Environmental Education
 - 14.2 General Principles of Environmental Inspection and Enforcement
 - 14.3 Liabilities and Responsibilities of Operators for Inspection
 - 14.4 Routine Environmental Inspections
 - 14.5 Non-routine Environmental Inspections
 - 14.6 Inspection Authorities
 - 14.7 Establishment of Service Unit and Its Duties
 - 14.8 Power to Adopt Regulation on Environmental Inspection

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| 14.9 Funds, Management, Revenues and Inspection | 16.2 Waste Collection Periods for Municipalities and Existing Businesses |
| 15. Chapter: Offences and Penalties | 16.3 Adaptation of Existing Septic Tanks |
| 15.1 Power, Method and Recurrence Table in Penalties | 16.4 Time Allocation for Municipalities |
| 15.2 Penalty Rules | 16.5 Period for the Adoption of Regulations |
| 15.3 Elimination of Polluting Activities and Other Additional Sanctions | 17. Chapter: Final Provisions |
| 15.4 Additional Sanction Power of Court | 17.1 Repeal |
| 15.5 Other Penalties | 17.2 Enforcement |
| 16. Chapter: Provisional Rules | 17.3 Entry into Force |
| 16.1 Validity of Licence, Authorization and Approvals | |

3.3 Duties of North Cyprus Assembly of the Republic Environment Committee

Under the North Cyprus Assembly of the Republic, the Environment Committee was established in 1991 in the scope of assembly committee activities. The duties of the committee were identified in ten principles:

- 1) Undertake research, prepare programmes and projects for the protection, development, and improvement of the environment and prevention of environmental pollution.
- 2) Identification of required measures for the elimination of environmental problems in accordance with the nature and features of problem causing factors, and methods for fighting environmental issues.
- 3) Conduct environmental impact assessment to eliminate the negative impacts on the environment, identify environmental values.
- 4) Contribute to the dissemination and formation of environmental awareness in the public.
- 5) Undertake research on the negative impacts of natural resource users on the environment, identify, conduct impact assessment for the elimination of imbalance in the use of natural resources such as air, soil and water; determine the sanctions required to be implemented with responsibility.
- 6) Ensure the protection of natural areas.
- 7) Follow the developments in the local and foreign scientific and technical innovations, practices for environmental protection and international developments in environment legislation, and identify the shortcomings in the legislation; consult and cooperate and/or ensure consultation and cooperation with international organisations and other parliaments.
- 8) Undertake research on environmental issues, organise panels, exhibitions, conferences and symposiums, and cooperate with the relevant ministry, department, institution, organisation and associations for the performance of such events.
- 9) Submit a report for the information of the General Assembly and relevant ministries together with the monitoring, assessment and research results and findings, as well as evaluation, recommendation and warnings.
- 10) Review draft laws and proposals regarding the protection, development and improvement of the environment and prevention of environmental problems, provide comments to the relevant committees and make recommendations.

3.4 Environmental Civil Society Organisations

The civil society organisations that have become significant with democracies around the world have been considered from the perspective of working on the environmental issues within their

activities. According to the Cyprus Environment Index Project funded by the UNDP in 2005, there are 28 environmental civil society organisations, and according to the project conducted by the Management Centre for the identification of CSOs and preparation of a guide, there are 55 Turkish Cypriot environmental civil society organisations.

The Turkish Cypriot Civil Society Organisations according to the UNDP funded project in 2005 are as follows: (Kanol & Mavros, 2007)

Turkish Cypriot Civil Society Organisations:

- 1) Mediterranean Wind Association
- 2) CEKOVA (Environmental Protection Foundation)
- 3) EREC-Environmental Research and Education Centre
- 4) Chamber of Environment Engineers
- 5) Environment and Energy Association
- 6) Association of Mountaineering
- 7) Friends of Nature, Cyprus
- 8) HASDER Folk Arts Foundation
- 9) K.T.M.M.O.B (Union of the Chambers of Cyprus Turkish Engineers and Architects) Chamber of Forest Engineers
- 10) K.T.M.M.O.B. Chamber of Town Planners
- 11) Cancer Research Foundation
- 12) Friends of Karpaz Association
- 13) KAYAD (Association of Women to Support Living)
- 14) Cyprus Turkish Biologists Association, Research and Conservation of Nature Association
- 15) Foundation for Combating Soil Erosion for Afforestation and Protecting Natural Things (KEMA)
- 16) Cyprus Turkish Animal Protection Association
- 17) Union of the Chambers of Cyprus Turkish Engineers and Architects (KTMMOB) Union of Mining, Metallurgy and Geology Engineers
- 18) KKKKD/SPOT Society for the Protection of Turtles
- 19) Cultural and Scientific Research Association
- 20) North Cyprus Society for the Protection of Birds (KUSKOR)
- 21) Kyrenia Animal Rescue (KAR)
- 22) Lefke Environment and Promotion Association
- 23) Society of the Authentic Cyprus Turkish Products (OK-DER)
- 24) Association of Fight against Noise Pollution
- 25) Tasova (Quarries Foundation)
- 26) Society for International Development - SID
- 27) Green Action Group
- 28) Chamber of Agricultural Engineers

Turkish Cypriot Civil Society Organisations according to the Civil Society Organisations Directory project funded by the UNDP in 2007:

Turkish Cypriot Civil Society Organisations:

- 1) Mediterranean Wind Association 1999
- 2) European-Mediterranean Art Association 2001
- 3) Akova (Gypsos) Women's Association 2001
- 4) Buyukkonuk (Komi Kebir) Eco-tourism Village Committee 2005
- 5) Environmental Protection Foundation 2002
- 6) Environment and Energy Association 1996

- 7) Democracy Foundation 2005
- 8) Association of Mountaineering 1975
- 9) Democracy Foundation 2005
- 10) Dogancı (Elia) Village Development and Improvement Association 1992
- 11) Eastern Mediterranean University Union of Academic Staff 1984
- 12) Friends of Nature, Cyprus 2006
- 13) Gazikoy (Aphania) Environmental and Culture Association 2004
- 14) Youth Centre 1986
- 15) Hasder Folk Arts Foundation 1977
- 16) Turkish Cypriot Hunting Federation 1971
- 17) Turkish Cypriot Immigrants Association 1997
- 18) Turkish Cypriot Businessmen's Association 1989
- 19) Turkish Cypriot Consumers Association 1990
- 20) KTMMOB Chamber of Environmental Engineers 2004
- 21) KTMMOB, Chamber of Meteorological Engineers 1977
- 22) KTMMOB, Chamber of Forest Engineers 1970
- 23) KTMMOB, Chamber of Town Planners 1976
- 24) Public Workers Union 1975
- 25) Cancer Research Foundation 1992
- 26) Friends of Karpaz Association 2005
- 27) KAYAD, Association of Women to Support Living 1997
- 28) Kemal Saracoglu Foundation for Children with Leukaemia and Fight Against Cancer 2002
- 29) Foundation for Combating Soil Erosion for Afforestation and Protecting Natural Things 2005
- 30) Cyprus Arts Association 1982
- 31) Cyprus NGO Network 2006
- 32) Cyprus Turkish Ship owners Association 1994
- 33) Cyprus Turkish Biologists Research and Conservation of Nature Association 1999
- 34) Chamber of Turkish Cypriot Shopkeepers and Artisans 1994
- 35) Cyprus Turkish Photograph Association 1992
- 36) Cyprus Turkish Public Transport Union 1979
- 37) Union of the Chambers of Engineers and Architects 1960
- 38) Cyprus Turkish Hoteliers Association 1991
- 39) Cyprus Turkish Tourist Guides Association 1977
- 40) Cyprus Turkish Chamber of Industry 1977
- 41) Turkish Cypriot Chamber of Commerce 1958
- 42) Cyprus Turkish Charitable Women's Association, Girne 1998
- 43) Cypriot Youth Platform 2001
- 44) Turkish Cypriot Young Businessmen's Association 1989
- 45) Lefke Hunting Club 1984
- 46) Lefke Environment and Promotion Association 1995
- 47) Famagusta Culture Association 1999
- 48) Society of the Authentic Cyprus Turkish Products 2002
- 49) Serdarlı Health Association 2004
- 50) Tepebası (Dhiorios) Culture, Art and Nature Preservation Association 2005
- 51) Yeni Bogazici Culture, Art and Environment Association 1996
- 52) Earth, Ocean, Atmosphere and Environmental Sciences Institute 2005
- 53) Green Action Group 1988
- 54) Yıldırım Women's Association 2005
- 55) Olive Tree Protection and Research Association 2005

3.5 Randomly Selected Court Decision Regarding the Environment

A randomly selected TRNC Supreme Administrative Court decision dated 14 April 2015 on the annulment of a sewage plant constructed next to the Bellapais Monastery (since the court decision is long, only the summary part is quoted).

Supreme Administrative Court

On the 152nd Article of Constitution.

Panel of Judges: Narin F. Sefik, Mehmet Turker, Tanju Oncul.

Between

Plaintiffs:

1. Sabri Abit Muhsinoglu, Bellapais Gardens Hotel – Restaurant, Sehit Fuat Niyazi Sokak No: 3 Beylerbeyi, Kyrenia

2. Yas Tours Ltd. Bellapais, Kyrenia

- and -

Defendants:

1. Deputy Prime Ministry's Office, Ministry of Economy, Tourism, Culture and Sports, Nicosia

2. Kyrenia Municipality, Mayor, Vice Mayor, Councillors and Kyrenia Town Citizens, Kyrenia

3. Ministry of Environment and Natural Resources, Nicosia

4. TRNC Ministry of Interior, Nicosia

5. Chief Prosecutors Office representing TRNC, Nicosia.

On behalf of Plaintiffs: Att. Boysan Boyra

On behalf of Defendants No.1, 3, 4 and 5: Senior Prosecutor İlter Koyuncuoglu

On behalf of Defendant No.2: Att. Sila Miroglu

On behalf of relevant person: Att. Selcuk Gurkan and Att. Akan Gurkan.

DECISION

Narin F. Sefik: The plaintiffs claim that, within the framework of the project "Resolution to Waste Water Problem of Kybele Restaurant and Bellapais Monastery", all decisions given related with the project launched by the Defendant No.1 and/or building permit issued by the Defendant No.2 as a result of such decisions and/or approval are null and void and/or have no effect; the decisions and/or actions of the Defendant No.3, who did not intervene in the non-requirement of a EIA report for the related project, and did not inform the public through the issuance of a report, are null and void, and have no effect, and/or there is a negligence that should not be performed in the way of decision and/or action and/or negligence; the decision and/or actions of Defendant No.4 and/or Kyrenia District Office under Defendant No.4, who had not informed the people to be affected by this project at the permit and/or licence phase, and/or informed the public and/or related people and/or had their opinion and/or allowed the continuation of procedures are null and void, and have no effect, and/or there is a negligence that should not be performed in the way of decision and/or action and/or negligence.

The plaintiffs had based on their case on Planning Law No. 55/1989, Antiquities Law No. 60/1994, Environment Law No.18/2012 and Good Governance Law No. 27/2013.

Conclusion; The defendants were in compliance with the Antiquities, Environment and Planning Laws, however, they did not act in accordance with the Good Governance Law, they are considered as at fault by giving a permit/approval for a package treatment plant on the parcel of Bellapais Monastery owned by the Antiquities Department for the purposes of relevant person as the performance of administrative action, and considered as violating the Good Governance Law. This violation disables the stand-alone decision.

As a result, the plaintiffs are successful in their case, and the decision is taken that since there was no public participation meeting open for all public residing in the surrounding area at the phase of issuing the permit by the Antiquities Department dated 22.8.2014 by the Defendant No.2 on the sewage plant project on the Bellapais Monastery area as an issue on the environment and planning under the Good Governance Law No. 27/2013 Article 11 (2), this permit is null and/or void and shall have no effect.

The lawsuit expenses shall be decided in the favour of plaintiffs.

Narin F. Sefik Mehmet Turker Tanju Oncul

Judge

Judge

Judge

14 April 2015

3.6 Scientific Meetings on Environmental Issues

Following consideration of the existing literature, a number of symposiums and congresses have been organised about the environment in North Cyprus. These are as follows:

1. Proceedings of the International Conference on Environmental Problems of the Mediterranean Region, NEU, Nicosia
2. International Conference on Water Problems in the Mediterranean Countries, NEU, 1997, Nicosia
3. Quarries and Environment, 2007 Nicosia
4. KTMMOB, 2nd Water Congress, NEU 1995, Nicosia
5. Proceedings of the International Conference on European Environmental Policy and the Case of Cyprus Mines, Environmental Society of Lefke, 2001, Lefke
6. Proceedings of the International Conference on Water Problems in the Mediterranean Countries, NEU Nicosia, 1997
7. KTMMOB, Water, Environment and Agriculture Congress, Nicosia, 2014
8. EMU Ecology 2014 Symposium, Famagusta 2014

4. Discussion and Conclusion

Human culture has a major impact on environmental change. Culture can be explained as a behaviour performed by the people to change the environment in accordance with their needs through agriculture, crops, and the use of equipment. Pursuant to evolution, humankind was not provided with high level weapons unlike other creatures in nature. A person cannot run faster than a cheetah, is not stronger than a lion or cannot fully adapt to nature like animals. Therefore, humans become weaker against nature. Humans have changed nature in order to exist and invented tools to continue their existence. Tool building has changed, been enriched and increased throughout the history of humanity depending on the needs. In the early eras, a spear was sufficient to live in nature; however, it could not fulfil the increasing needs of humans and led to the establishment of big industries. In accordance with all these demands, humans have manipulated nature negatively. Today, this behaviour has gone beyond existence and has developed to using the natural resources in an uncontrolled way for unlimited needs and a luxury life. Yet, people have withdrawn from the protection of nature and become creatures destroying nature.

With the impact of global warming and other environmental disasters in society after the 1950s, scientists have become more sensitive to this matter, and civil or official institutions have shown more interest. Governments have also become more sensitive to environmental issues. Governments have adopted laws for the protection of the environment and established institutions and organisations for the implementation of such laws. The governments have also judged the people violating the relevant laws before the judiciary. The Turkish Republic of Northern Cyprus has followed this line of development at the minimum level, adopted laws, established the institutions for their implementation and allowed the court proceedings for the violations.

The determination of environmental issues within the constitution of North Cyprus is a restrictive factor in the behaviours of political power, government, businesses and public, which shows that administrative powers, politicians and civil society are all restricted by the legal requirements. This eliminates the possibility for any individual or different groups to have an authoritarian pressure regarding the environment.

Considering the Environment Laws of 1997 and 2012 in terms of their content, it is apparent that the Environment Law of 2012 has been extended in terms of content. While there are 9 chapters in the law dated 1997, there are 17 in the law dated 2012. The increase in the number of chapters has allowed more clarification on various issues. The environment law adopted in 2012 underlined giving more importance to

nature and contributed to the democratisation of the environment. In particular, the consultation with civil society organisations at every stage of drafting is also an indicator showing that there is a democratic approach to the environmental issues. The content of the chapters shows that the legislation concerning waste management has been extended and the process has become more democratic with the addition of a legal framework. From the perspective of laws, when the laws were adopted in 1997 and 2012, there was positive progress in terms of democratisation. Additionally, the right of voluntary environmentalism included in the former law has been removed in the law adopted in 2012. This can be considered as a negative reflection in terms of democratisation.

As one of the parliamentary committees, the Environment Committee established in 1991 may be considered as a positive step of parliament, as a law production hub, towards the democratisation of the environment. The Environment Committee, which recently has become active, contributes to the formation of democratic environmental structuring.

In terms of environmental civil society organisations in North Cyprus, there were 28 organisations in North Cyprus according to the Cyprus Environment Index project funded by the UNDP in 2005. This has a separate index for each environmental organisation, which indicates that environmental awareness has become significant after the 2000s. Moreover, according to the bi-communal Cyprus Civil Society Organisations Directory published by the Management Centre and financed by the UNDP, there were 55 environmental civil society organisations until 2007. It is apparent from the establishment years of the associations that there has been an increase in the number of environmental organisations after the adoption of the first version of environment law in 1997. The increase in the number of organisations points out that the civil society has improved its knowledge level concerning environmental issues, ensured the improvement of attitudes, increased the awareness level and that reactions towards the environmental issues are given by the public itself. A book produced in 2007 by the Management Centre, after the adoption of the 1997 Environment Law, shows that 25 new environmental civil society organisations have become legal entities. In particular, the publication of Environment Law in the Official Gazette has encouraged the civil society to pursue such activities. Therefore, this shows that the civil society has more interest in the environmental matters, the participation of civil society organisations has increased and there is a contribution to the democratisation of environmental culture.

When the TRNC Supreme Administrative Court decision is analysed, this demonstrates that the elected or appointed people, local or central official institutions are not superior to the laws, and the permits issued or decisions made may be annulled by taking the law into consideration. Moreover, the decision shows that environmental democracy functions in the sphere of judicial power and official institutions make a decision on the basis of laws, putting the interests and benefits aside. Awareness has also been raised that in case of any change in the environment, the patterns and buildings of the historical environment should be taken into consideration.

Another aspect of the case in terms of environmental democracy is that the case was filed by an individual. This shows that an individual has the right to go to the court for any environmental matter, and if there is any justification, there is a possibility of winning the case. This shows that the citizens of TRNC may question the decisions of administrators.

From the perspective of scientific meetings organised regarding environmental issues, there has been an increase in the number of such events since the 1990s, and the environment is assessed from different aspects. The submission of Cyprus-specific papers and contributions from different perspectives are the factors ensuring the formation of a democratic environment structure.

5. Recommendations

- Regulations under the laws related with the environment, primarily constitutional, should be prepared to ensure the context of the environment and better protection of the environment.
- A significant environment policy should be adopted peculiar to North Cyprus and more contribution should be put into the democratisation process.

- In order to have more participation in the environmental civil society organisations, the government and CSOs that would contribute on the democratisation of the environment should conduct the required arrangements.
- Political parties should include some items on environment in their party manifestos to contribute to the formation of environment policy.
- Voluntary environmentalism should be reactivated in order to promote the active contribution of the public on environmental matters.
- The Environment Committee under the parliament should consult with the civil society organisations more often, as that would ensure generation of much more democratic decisions.

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