

Mandates of the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the human rights of internally displaced persons; and the Special Rapporteur on minority issues

REFERENCE:
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Excellency,

We have the honour to address you in our capacities as Special Rapporteur in the field of cultural rights; Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Special Rapporteur on the human rights of internally displaced persons; and Special Rapporteur on minority issues, pursuant to Human Rights Council resolutions 37/12, 37/8, 34/9, 32/11 and 34/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received **concerning the alleged potential resettlement of thousands of persons, the destruction of ancient cultural heritage in the city of Hasankeyf and neighboring villages, and harmful environmental effects as a result of the Ilisu dam project under construction on the Tigris River, in southeast Turkey.**

According to the information received:

The ancient city of Hasankeyf and 199 neighbouring villages in the Tigris valley are at risk of complete or partial submersion resulting from a dam under construction in the Tigris River, in southeast Turkey. The Ilisu hydroelectric dam is one of Europe's largest dam project under construction, as well as one of the world's most controversial ones due to the number of people, the cultural heritage and the ecosystems that will be affected.

The dam is a key part of Turkey's Southeastern Anatolia Project designed to improve its poorest and least developed region. It will create the third largest reservoir in Turkey and is expected to provide two percent of the country's energy needs; however, it will submerge 313 square kilometres of land. The General Directorate of Hydraulic Works Agency (DSI), the central government agency in charge of dam projects, manages the Ilisu project.

The dam is located 65 kilometres upstream from the border with Iraq and Syria and its impact will affect five Turkish provinces: Diyarbakir, Mardin, Batman, Siirt and Sirnak. These provinces have a total population of 3 million, of which 90

percent are members of the Kurdish minority, and 10 percent are made up of the Arab minority and Turks.

The first studies and preparations for the Ilisu dam project started in 1954 and, in 1982, the final design of the dam was approved. Two attempts to secure financing for the project failed in the 90s and early 2000s due to lack of interest of investors and the absence of a proper environmental due diligence assessment.

In 2005 Austrian, German and Swiss export credit agencies (ECAs) provided export guarantees worth €450 million. In 2007, Austrian, German and Swiss ECAs established three expert committees to monitor implementation of environmental, social and cultural heritage conditions. However, in 2009, the Austrian, German and Swiss governments withdrew their export risk guarantees after the project failed to meet the agreed conditions on time.

Following their withdrawal, the Government of Turkey announced that the project would be funded by public and private national bank loans. Thus, since 2010, the project has been self-financed by the State. Turkish commercial banks, namely Ak Bank, Garanti Bank and Halk Bank also provided funding for that purpose.

The dam construction started in 2011. However, in 2013 a national court decision stopped its construction in the absence of a proper environmental impact assessment. During that same year, the Government amended the law so that construction could continue without such assessment.

Work on the dam resumed in 2014, but was stalled between 2014 and 2015 due to wage strikes and threats from the Kurdistan Workers' Party (PKK). In 2016, the dam was 80 per cent complete and 180 families had been displaced and resettled.

Reports indicate that there has not been public consultation concerning the project or effective participation of affected residents, local and municipal authorities, or civil society organizations in the decision-making about the various stages of the Ilisu dam project's planning and implementation. Although in reaction to the ECAs' demand for participation of the population some consultations were held, they were not conducted in an environment that allowed for freedom of expression. For example, in different occasions authorities threatened to terminate the meetings if people continued to voice their opposition against the project. The growing militarization of the region further promoted an atmosphere that was not conducive to freedom of expression.

Throughout this period, civil society and experts have called repeatedly on the authorities to consider ways of minimising the impact of the dam construction on the cultural heritage, the environment and the displacement of residents in the affected areas.

Impact on cultural heritage and cultural and minority rights

Situated in Upper Mesopotamia, where the first human settlements developed, the city of Hasankeyf has survived for more than 12,000 years and was part of the Roman, Byzantine and Ottoman empires. Hasankeyf was on the Silk Road for centuries and was one of the largest cities of the region in medieval times. The city retains traces of 20 different eastern and western societies, several hundred monuments and up to 5,500 human-made caves. Excavations in the area have uncovered a settlement dating back to 9500 BC. According to experts, the dam project could affect up to 400 local archaeological sites, of which only 20 have been excavated so far.

With its millennia of history, Hasankeyf and the surrounding area also powerfully represent the cultural identity of local residents.

Turkey's Supreme Board of Monuments declared Hasankeyf a "first degree protected archaeological site" in 1978, listing 22 monuments or sites of importance. The city has been under the protection of the Culture Ministry's General Directorate of Antiquities and Museums since 1981. According to independent expert research, Hasankeyf and the surrounding Tigris Valley fulfil nine out of ten of the requirements for a site to be included in the UNESCO World Heritage List (sites must meet at least one out of ten selection criteria to be included on the list).

The Ilisu dam project has faced widespread opposition from archaeologists and organisations worldwide concerned with the fate of the ancient heritage in the town. In response, the Turkish authorities indicated that historic buildings and landmarks, such as the 12th century Old Tigris Bridge or the 600-year-old Zeynel Bey tomb, would be preserved in a touristic centre or moved.

In 2015, the authorities started the process to relocate the mausoleum of Zeynel Bey, an Islamic Ak Koyunlu tribesman who fought for supremacy in Anatolia before the rise of the Ottoman empire. In December 2016, 20 national and international NGOs expressed their strong opposition, as they believed that moving the tomb from the river plain onto sloping higher ground was inappropriate and unnecessarily risky. The Zeynel Bey tomb was, nevertheless, removed from its place of origin and relocated to the Hasankeyf Cultural Park in May 2017.

Reports indicate that the process of relocation of the Zeynel Tomb was hidden from the public and took place without the effective participation of relevant stakeholders, as well as in violation of existing tendering and contracting regulations. Following the relocation of the mausoleum, local residents indicated that they noticed an increase in the number of cracks in the tomb's surface, but there has not been an independent examination.

The authorities indicated that they plan to relocate nine other monuments to Hasankeyf Cultural Park, a new archaeological park that authorities expect to become a major tourist attraction.

It appears that the mostly Kurdish-speaking residents affected will be forced from their smaller communities to more urban areas, with no indication if members of the minority will be maintained together and able to continue speaking Kurdish among themselves and to enjoy among themselves their Kurdish culture.

Impact on the right to adequate housing

In 2005, DSI developed a resettlement action plan. The plan grouped affected villages into seven expropriation and resettlement phases to be conducted annually, over a seven-year period. The resettlement plan identified rural resettlement sites for the villages in phase one, which are closer to the construction site (Ilisu, Karabayir, Kartalkaya, Koctepe, Temelli and Dugunurdu), however most were not suitable for agriculture, which constitutes a vital subsistence and income generating activity in the area. Only Hasankeyf was allotted a large piece of land for the resettlement of affected families and administrative buildings, where “New Hasankeyf” was later built. New settlements were eventually also built in Ilisu and Koctepe. Although DSI had originally agreed to consult residents about the resettlement site for the village of Ilisu, it decided on the place of the new resettlement area without any participation of the affected population. The new settlement site had insistently been objected to by the villagers as it was not fit for agricultural purposes.

DSI estimated in 2006 that 61,620 persons would be resettled as a result of the dam construction. Civil society organizations, academics and experts believe that the dam construction could displace between 50,000 and 78,000 people residing in Hasankeyf and 199 neighbouring villages. Additionally, 20,000 to 30,000 nomadic people would suffer directly, as they will no longer be able to migrate on their traditional route.

Displaced people would lose their livelihoods, the access to and enjoyment of their cultural heritage and their village and family structures and the ways of life related to them. Some could face impoverishment if forced to take up loans to purchase new houses and settle elsewhere.

According to Turkish legislation, people with title deeds to expropriated land and houses are entitled to compensation, as are those who have informal ownership called “ziyet” after cultivating the same land for over 20 years. This excludes the majority of the affected population, as the legislation does not require the provision of compensation to tenants, sharecroppers and untitled users. Tenure in the region is generally based on joint ownership shared by extended families. Deeds are held under one name and informal partitioning arrangements are transferred from one generation to another. Not all land is registered in the

national cadastre and many customary users do not have formal title deeds. It is estimated that 50 percent of rural residents do not hold registration deeds and cannot prove ownership. Women, in particular, do not inherit or possess land rights, even if they do most of the rural labour.

The compensation offered for expropriated assets included three options: i) Self resettlement, which entails the provision of monetary compensation for assets lost and in which recipients settle independently of the State and receive no further support; ii) Government assisted resettlement, which entails the provision of new housing and land in an urban rural area designated for that purpose in lieu of monetary compensation. The package includes various forms of assistance and loans to restore the pre-resettlement income; and iii) Government credit-assisted resettlement which allows people to keep their expropriation compensation and also have access to a mortgage loan. The resettlement plan only provided compensation to persons with properties registered in their name.

Reports indicate that it was unclear what information local people received to consider their preliminary choices and that there was a misconception locally that cash compensation would be high and therefore more beneficial than the available options.

The phase one of expropriations started in 2008. Reports indicate that the resettlement process has not fully complied with international standards. In particular, land expropriation has reportedly taken place without consulting or providing sufficient information to affected residents and before identifying resettlement sites. Families without property deeds have not benefited from compensation or resettlement packages, despite “zilyet” and other provisions in place for their protection. Compensation for land and housing has been insufficient and not always paid directly to the beneficiaries. In addition, grievance procedures or other sorts of redress mechanisms were lacking.

Concerning monetary compensation, reportedly DSI initially offered affected families a sum that did not allow the beneficiaries to secure similar housing. After public protests and court appeals against the compensation levels, local courts raised the average compensation depending on the size and location of the expropriated home. By 2016, 90 percent of the eligible property owners in most villages had accepted the cash compensation.

In New Ilisu, villagers reportedly received some 20,000 to 35,000 Turkish Lira as compensation for their old houses, while they were charged 70,000 Lira for the new houses. In New Hasankeyf, a new settlement was built 2 km away from Hasankeyf, and the prices for the new apartments were two to three times higher than the expropriation amounts that beneficiaries received for their homes.

In 2017, DSI and government officials reportedly announced that the resettlement of Hasankeyf residents would take place in 2018 and the flooding would start in early 2019.

Impact on the environment

The Ilisu Project will entail a large intervention into the geography of Upper Mesopotamia and could deeply affect the Tigris stretches, which are crucial for the ecosystem of the region. The dam is expected to flood over 300 km of riverine habitat, compromising the habitat of thousands of species, including the endangered Euphrates Soft-shelled Turtle and other bird and amphibian endangered species. Reportedly, the water quality of the reservoir could also be seriously affected risking massive fish extermination and threats to people's health, an issue which must be assessed before proceeding.

In January of 2013, the administrative court of Ankara decided to halt the Ilisu Project until the missing Environmental Impact Assessment was conducted. However, the Government reportedly changed the laws allowing the construction to continue three months later.

We express serious concern that the completion of the Ilisu Dam, if followed through, will result in the resettlement of up to 78,000 people residing in Hasankeyf and 199 neighbouring villages, without adequate resettlement or compensation options. We are further concerned that the flooding of the area will lead to the obliteration of cultural heritage of great importance to local residents, mainly belonging to minorities, as well as to other Turkish citizens, the deletion of ancient traces of human history that make up the heritage of all humanity, and the destruction of the valuable ecosystem of the region. As the destruction of housing and cultural heritage cannot be undone, we express serious concern about the deleterious impact that the project will have on the rights of residents to an adequate standard of living, as well as on their right to participate in cultural life and to enjoy and access cultural heritage. Finally, we express concern at the alleged insufficient public consultation on the plans for the resettlement of affected persons, as well as on the relocation of some historical monuments, which seem to indicate a pattern of disregard for the rights of people belonging to minorities to exercise their cultural practices and ways of life, to access and maintain their cultural heritage and to be consulted for all decisions that have an impact on the exercise of their human rights.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and any comments you may have on the above-mentioned allegations.
2. Please provide information about all types of impact assessment that have been conducted prior to the implementation of the project and since its beginning, including any assessment of potential impacts on human rights, including discrimination, environmental degradation, access to food and housing, access to social services (accessibility and affordability of essential health care, education, energy or water and sanitation services for all for example), and about the results of these assessments. Please also provide details regarding the extent to which information about the proposed project was provided to potentially affected communities, the opportunities provided for public participation in decision-making about the dam, and ways in which public feedback was reflected in decision-making.
3. Please explain the reasons for the planned completion of the Ilisu dam and the consequent flooding of adjacent areas that threatens sites of historical, architectural and cultural significance and cultural heritage, and will result in the resettlement of thousands of persons. Please indicate if any alternative to the project has been considered to minimise the adverse human rights, social and environmental impact of the project. If such alternatives existed, please indicate the reasons why these alternatives were not selected.
4. Please also share details regarding the extent to which information about the proposed project was provided to potentially affected communities, the opportunities provided for public participation in decision-making about the dam, and ways in which public feedback was reflected in decision-making.
5. Please indicate if the authorities responsible for the project have received complaints from heritage, housing or environmental experts and from civil society representatives contesting the feasibility of the Ilisu dam and how these inputs were taken into consideration in the planning and decision making processes.
6. Please provide information about the existing plans for the preservation of the cultural heritage that would be affected by the flooding. Please indicate which government entity is responsible for deciding on and implementing any plans for the preservation and eventual transfer of such heritage. Please indicate whether any decisions concerning the plans to preserve or transfer such heritage were made in consultation with the public and whether the public was adequately informed about the plans.

7. Please indicate which government entity has been responsible for the creation of the Hasankeyf Cultural Park, and what role local authorities have had in the creation of the park and in the transfer of cultural heritage to it.
8. Please indicate which government entity has been responsible for the relocation of the 600-year-old Zeynel Bey mausoleum. Please provide information concerning the reports received about the damage done to the mausoleum during its relocation. Please indicate if the competent authorities carried out any assessment of the damage. If not, please explain why.
9. Please indicate what resettlement programs have been considered or implemented, whether these have been developed in conjunction with those affected, and how they will protect affected people. Please provide information about the location, characteristics and adequacy of all existing or planned resettlement sites, and in particular how affected members of the Kurdish and other minorities will be able to use their own language and enjoy their own culture among themselves.
10. Please indicate whether adequate compensation for the loss of home and property has been put in place for all residents and provide information concerning all measures taken to ensure that there will be no homelessness of residents as a consequence of the demolitions.
11. Please indicate whether and how affected and concerned people have been consulted about the plans entailing the resettlements and any assistance that has been offered to ensure adequate alternative places for them to live.
12. Please indicate how social demands and protests concerning such resettlements have been taken into consideration in the decision-making and planning process.
13. Please indicate what procedures you have in place to ensure adequate notice is provided prior to any forced removals and the availability of legal aid to assist residents and business owners should they wish to challenge the decisions.
14. Please indicate what administrative or judicial mechanisms are in place, both at national and municipal levels, to ensure access to remedies and accountability of various actors so that individuals and groups can claim their right to adequate housing and to access their cultural heritage.
15. Please provide details on the reported amendments to the environmental protection laws, which were allegedly adopted in reaction to court decisions suspending the Ilisu dam project, and please explain if those

legal changes were adopted through broad public consultation and how they are in line with Turkey's obligations under international human rights law.

16. To what extent have the UN Guiding Principles on Business and Human Rights (A/HRC/17/31, Annex) been considered by the Government in relation to this case? Please indicate if the Government of Turkey has provided any guidance to business enterprises, including financial business enterprises, on their expected human rights due diligence process.
17. Please indicate whether risk evaluations of the project were conducted by the fund providers.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We are considering publicly expressing our concerns in the near future as, in our view, the information upon which the press release may be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

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David R. Boyd
Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment

Leilani Farha
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Cecilia Jimenez-Damary
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Annex
Reference to international human rights law

In connection with the above alleged facts and concerns and without prejudging the accuracy of these allegations, we would like to recall Article 15 paragraph 1 (a) of the International Covenant on Economic, Social, and Cultural Rights, ratified by your country on 23 September 2003, recognizing the right of everyone to take part in cultural life, as well as article 12 providing for the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. In this connection, we would like to draw the attention of your Excellency's Government to General Comment 21 of the Committee on Economic, Social and Cultural Rights, which recalls that the right to take part in cultural life is interdependent with other rights enshrined in the Covenant, including the right to an adequate standard of living (E/C.12/GC/21 para. 2). It also indicated that States should adopt appropriate measures or programmes to support minorities or other groups in their efforts to preserve their culture (para. 52.f), and should obtain their free and informed prior consent when the preservation of their cultural resources are at risk (para. 55). The Committee further noted the obligation of States to respect and protect cultural heritage in all its forms. Cultural heritage must be preserved, developed, enriched and transmitted to future generations as a record of human experience and aspirations, in order to encourage creativity in all its diversity and to inspire a genuine dialogue between cultures (paragraph 50. a).

We draw your Excellency's Government's attention to the reports of successive Special Rapporteurs in the field of cultural rights relating to the right of access to and enjoyment of cultural heritage (A/HRC/17/38) and to the intentional destruction of cultural heritage (A/71/317). As cultural heritage represents values linked with the cultural identity of individuals and groups, the right to access and enjoy cultural heritage also includes "contributing to the identification, interpretation and development of cultural heritage, as well as to the design and implementation of preservation/safeguard policies and programmes". Hence, consultation with all concerned is essential before deciding on the destruction of sites of cultural or religious significance (A/HRC/17/38, para. 58 and 79; A/71/317, paras. 13 and 58). The mandate holders in the field of cultural rights have recommended that States recognize and value the diversity of cultural heritages present in their territories and under their jurisdiction. The current Special Rapporteur in the field of cultural rights has emphasized that given the largely irreversible nature of the destruction of cultural heritage, which is a *prima facie* violation of cultural rights, effective efforts must be made to prevent and stop it. (A/71/317, para. 5).

The former Special Rapporteur stressed the duty of States not to destroy, damage or alter cultural heritage, at least not without the free, prior and informed consent of concerned populations, as well as their duty "to take measures to preserve/ safeguard cultural heritage from destruction or damage by third parties" (A/HRC/17/38, paras. 78 and 80 a) and b)). Furthermore, the 2003 UNESCO Declaration concerning the Intentional Destruction of Cultural Heritage stresses the responsibility of States to take all appropriate measures to protect cultural heritage in conformity with the principles and objectives of, *inter alia*, the 1972 Convention for the Protection of the World Cultural and

Natural Heritage, ratified by your Excellency's Government on 1 September 1977, the 1968 Recommendation concerning the Preservation of Cultural Property Endangered by Public or Private Works, the 1972 Recommendation concerning the Protection, at National Level, of the Cultural and Natural Heritage and the 1976 Recommendation concerning the Safeguarding and Contemporary Role of Historic Areas (Section IV), as well as not to intentionally destroy their own heritage, "whether or not it is inscribed on a list maintained by UNESCO or another international organization" (Section VI).

We also draw your attention to Resolution 33/20 of the Human Rights Council which underscores that the destruction of cultural heritage may have a "detrimental and irreversible impact on the right of everyone to take part in cultural life, including the ability to access and enjoy cultural heritage". The violation of this right may threaten stability, social cohesion and cultural identity, constitute an aggravating factor in conflict and become a major obstacle to dialogue, peace and reconciliation (preamble). The resolution calls upon all States to respect, promote and protect this right and to develop partnerships between competent national authorities and civil society to enhance its protection. (paragraph 6).

We would also like to recall that Goal 11.4 of the 2030 Agenda for Sustainable Development commits States to strengthen efforts to protect and safeguard the world's cultural and natural heritage.

Furthermore, we would like to draw your attention to the right to an adequate standard of living and housing, as defined in article 11 of the (ICESCR). The Committee on Economic, Social and Cultural Rights commenting on the right to adequate housing in its General Comment No. 4, stressed that the right to housing should not be interpreted in a narrow or restrictive sense such as merely having a roof over one's head; rather, it should be seen as the right to live somewhere in security, peace and dignity. The right to housing includes guaranteeing: (a) legal security of tenure; (b) availability of services, materials, facilities and infrastructure; (c) affordability; (d) habitability; (e) accessibility; (f) location; and (g) cultural adequacy. Indeed, housing is not adequate if it does not respect and take into account the expression of cultural identity.

We would also like to refer to Committee on Economic, Social and Cultural Rights' General Comment No. 7 on forced evictions, which stipulates that procedural protections are essential in relation to forced evictions, including, among others, genuine consultation, adequate and reasonable notice, alternative accommodation made available in a reasonable time, and provision of legal remedies and legal aid (paragraphs 15 and 16). We would also like to draw your attention to Goal 11 of the 2030 Agenda for Sustainable Development commits States to "upgrade slums" by 2030. This is attached to the broader commitment to ensure access for all to "adequate, safe and affordable housing" by 2030. The Special Rapporteur on the right to adequate housing, in her latest report to General Assembly, has provided concrete guidance on how to draw on human rights-based approaches that have proven successful, building on the capacities of residents of informal settlements to direct and manage upgrading processes (A/73/310/rev.1).

Furthermore, we would like to recall the provisions of the Guiding Principles on Internal Displacement, which, under Guiding Principle 7 (1), establish that “Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether”. Guiding Principle 7 (2) also stipulates that “The authorities undertaking such displacement shall ensure, to the greatest practicable extent, that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated”; and Guiding Principle 7 (3) states that “ (b) Adequate measures shall be taken to guarantee to those to be displaced full information on the reasons and procedures for their displacement and, where applicable, on compensation and relocation; (c) The free and informed consent of those to be displaced shall be sought; (d) The authorities concerned shall endeavour to involve those affected, particularly women, in the planning and management of their relocation; (f) The right to an effective remedy, including the review of such decisions by appropriate judicial authorities, shall be respected. The Guiding Principles further state under Guiding Principle 9 that “States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.”

We also wish to refer to the Framework Principles on human rights and the environment of the Special Rapporteur on human rights and the environment (A/HRC/37/59, annex), which summarize the main human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment. Namely, Framework Principle 1 provides that States should ensure a safe, clean, healthy and sustainable environment in order to respect, protect and fulfil human rights. In the same vein, Principle 2 reiterates that States should respect, protect and fulfil human rights in order to ensure a safe, clean, healthy and sustainable environment. Principle 8 reaffirms that, to avoid undertaking or authorizing actions with environmental impacts that interfere with the full enjoyment of human rights, States should require the prior assessment of the possible environmental impacts of proposed projects and policies, including their potential effects on the enjoyment of human rights. The assessment requires meaningful participation of the public done in a manner that does not discriminate anyone. Principle 15 require States to ensure that they comply with their obligations to indigenous peoples and members of traditional communities, including by (a) protecting their rights to the lands, territories and resources that they have traditionally owned, occupied or used; and by (b) consulting and obtaining their free, prior and informed consent before relocating them or taking any other measures that may affect their lands, territories or resources.

We also like to stress that, as recommended by the Special Rapporteur in the field of cultural rights, States are encouraged to develop cultural heritage mapping processes within their territory and should utilize cultural impact assessments in the planning and implementation of development projects, in full cooperation with concerned populations (A/HRC/17/38, para 80 e).

Furthermore, we draw your attention to the Your Excellency's Government's commitments under article 27 of the International Covenant on Civil and Political Rights (ICCPR), ratified by your country on 23 September 2003, which provides for the right of persons belonging to ethnic, religious or linguistic minorities to enjoy, in community with the other members of their group, their own culture, to profess and practice their own religion, or to use their own language.

Moreover, we would like to bring to the attention of your Excellency's Government the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic minorities. In its article 1.1, the Declaration requires that States protect the existence and the national or ethnic, cultural or religious identity of minorities within their respective territories and encourage conditions for the promotion of that identity. Article 2.1, stipulates that persons belonging to minorities have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely, without any interference or any form of discrimination, and in article 2.2, persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life. Moreover, States are required to ensure that persons belonging to minorities may exercise their human rights without discrimination and in full equality before the law (article 4.1) and create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs (article 4.2).