

Committee Secretary Senate Finance and Public Administration Committee

Dear Sir/Madam/Ms,

Please find in both attached and in text form, my submission to the committee conducting the inquiry into matters relating to the Gallipoli Peninsula.

Though I understand that the submission has been provided after the due date for such material, I request that the committee accept it and agree to take it into consideration as part of their deliberations.

Yours sincerely,

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Submission to the committee conducting the inquiry into matters, relating to the Gallipoli Peninsula

Introduction

I am an Australian writer and historian living in the Turkish town of Eceabat on the Gallipoli Peninsula, some 10 kilometres from ANZAC Cove. The following submission is the result of my observations of the work being conducted on the battlefields, experience of living in the region, interviews I have conducted as a journalist and a study of statements made by persons involved in the developments in and around ANZAC Cove.

I was also the person who first went pubic in the media in Australia and Turkey with the reports that human remains had been disturbed by the excavation work being carried out in the ANZAC Cove region, reports that I backed up with photographic and physical evidence.

I should explain that I have lived on the Peninsula for more than three years and have been visiting the region since 1988. I feel that this has given me a sound knowledge of the area and that having studied the campaign for more than two decades, having had my work published and being sought by writers and documentary film makers to contribute to their work establishes in some way my credentials as knowing the history of the Gallipoli Campaign.

Should the committee wish me to elaborate on any of my statements or to put questions to me, I would be most happy to be either interviewed over the phone or to attend the public sessions of the committee, at my own expense if required.

Yours sincerely,

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Summary

The following submission looks at a number of aspects concerning the developments being carried out on the Gallipoli battlefields.

The submission questions the Australian government's assertion that it did not have a role in the construction of the new road above and around ANZAC Cove on the Gallipoli Peninsula, taking into account numerous contradictory statements by government officials. It also discusses the role played by some Australian officials during the road building process.

The submission also queries what rights were given to the Commonwealth governments by the 1923 Treaty of Lausanne, which granted in perpetuity the land around and above ANZAC Cove and why the Australian government no longer cares to exercise these rights.

The submission also voices concerns about future development in the battlefield area, especially along the front line sector known as Second Ridge.

It also comments on the impact on the environment and historical fabric of the region done by the construction work.

Finally, it includes a timeline of events and further information on the developments on the Peninsula and a brief conclusion and set of recommendations

Role of the Australian government in developments on the Gallipoli Peninsula

In some of the Prime Minister's more recent statements, made in late April when he released some of the documents sent to the Turkish government by the then Veterans Affairs Minister Danna Vale in August 200 on what it was exactly the Australian government had asked to be done, Mr Howard said a request had been made to upgrade the road from Chunuk Bair to Kemalyeri.

Chunuk Bair is the site of the New Zealand monument and Kemalyeri is a Turkish monument located on the third of the ridge lines inland from ANZAC Cove. I and many others here in Turkey were wondering why the Australian government, in August 2004, asked for a road that had been completed and was in use in late 2003 to be upgraded. The Chunuk Bair to Kemalyeri road is newly laid, some seven metres wide and is, and indeed was at the time of the request from Ms Vale's office, in excellent condition.

I find it strange that Mr Howard would say, after he and others referred to a number of other areas of road as being the site of the work requested, that it was the Chunuk Bair to Kemalyeri road that the Turks had been asked to upgrade.

This was just the latest stretch of road the Prime Minister had identified as that sought by his government to be upgraded. Previously he had said that it was the road above ANZAC Cove itself that they had asked to be upgraded. Then on March 17 in the parliament he said the request was for roads near ANZAC Cove, and then between the Australian Memorial at Lone Pine and the New Zealand memorial at Chunuk Bair.

It should also be noted, in an on the record interview with myself in mid-April, Professor Mustafa Yalinkilic, the head of Turkey's National Parks Directorate, stated clearly that the road above ANZAC Cove and along the coastal strip in that sector had not been a priority project for his organisation. However, the upgrade of the road had been undertaken at the direct request of Australian authorities. This statement confirmed comments made in previous interviews with Professor Yalinkilic in which he said that work was being done at the behest of the Australian government.

It should also be noted that Professor Yalinkilic said in a taped interview that Australian officials, among others, had been shown the plans for the proposed roadwork prior to construction commencing and had again raised no objections.

On May 6, Prime Minister Howard, speaking on Southern Cross radio, described the roadwork around ANZAC Cove as more "extensive", than he would have liked. This statement echoes comments he made around ANZAC Day.

He also said in the interview that, "We didn't ask for it to be done to the extent that it was".

These comments raise two points. The first is that the work around ANZAC Cove was monitored by Australian officials, with Air Vice Marshal (Rtd) Garry Beck, the Head of the Office of Australian War Graves, visiting the Peninsula three times in the months leading up to April 25, the Australian Ambassador to Ankara inspecting the works in mid March and other officials from the embassy also visiting the site.

According to Turkish officials, including Professor Mustafa Yalinkilic, the head of Turkey's National Parks Directorate, responsible for overseeing the developments in the Gallipoli Peninsula Historical National Park, at no time were any concerns raised by any Australian official at the scale of the work.

Why was it that the Prime Minister only considered the work as more extensive after he saw them for himself? Didn't he receive any reports on the scale of the excavations previously?

Secondly, his comment regarding not having asked for work to be done on the scale that it was is a clear contradiction of other statements saying that the Australian government had not asked for any work to be done around ANZAC Cove.

The Treaty of Lausanne

Another issue that I have raised with both Australian officials and the Commonwealth War Graves Commission is what are the rights conferred on the Commonwealth countries by the Lausanne Treaty of 1923. So far, I have not had an exact answer. Statements made by Australian officials, including the Prime Minister and Treasurer Peter Costello is that Australia has no rights over the area.

However, the Treaty of Lausanne, the final peace treaty between the newly established Republic of Turkey and the victorious Allied powers from the First World War, contains a number of articles that have direct reference to the developments on the Gallipoli Peninsula being considered by the committee.

Article 128 of the treaty states that: The Turkish Government undertakes to grant to the Governments of the British Empire, France and Italy respectively and in perpetuity the land within the Turkish territory in which are situated the graves, cemeteries, ossuaries or memorials of their soldiers and sailors who fell in action or died of wounds, accident or disease, as well as those of prisoners of war and interned civilians who died in captivity.

The Turkish Government will also grant to those Governments the land which the Commissions provided for in Article 130 shall consider necessary for the establishment of cemeteries for the regrouping of graves, for ossuaries or memorials.

The Turkish Government undertakes further to give free access to these graves, cemeteries, ossuaries and memorials, and if need be to authorise the construction of the necessary roads and pathways.

The Greek Government undertakes to fulfil the same obligations in so far as concerns its territory.

The above provisions shall not affect Turkish or Greek sovereignty over the land thus granted."

However, while setting out role of the Turkish state in building roads through the battlefield area, Article 129 goes further, delineating the ANZAC battlefield area as having special status and as being granted to the then British Empire.

Article 129 reads: "The land to be granted by the Turkish Government will include in particular, as regards the British Empire, the area in the region known as Anzac (Ari Burnu), which is shown on Map No. 3. [See Introduction.] The occupation of the abovementioned area shall be subject to the following conditions:

(1) This area shall not be applied to any purpose other than that laid down in the present Treaty; consequently it shall not be utilised for any military or commercial object nor for any other object foreign to the purpose mentioned above;

- (2) The Turkish Government shall, at all times, have the right to cause this area, including the cemeteries, to be inspected;
- (3) The number of civil custodians appointed to look after the cemeteries shall not exceed one custodian to each cemetery. There shall not be any special custodians for the parts of the area lying outside the cemeteries;
- (4) No dwelling houses may be erected in the area, either inside or outside the cemeteries, except such as are strictly necessary for the custodians;
- (5) On the sea shore of the area no quay, jetty or wharfs may be built to facilitate the landing or embarkation of persons or goods;
- (6) Such formalities as may be required may only be fulfilled on the coast inside the Straits and access to the area by the coast on the Aegean Sea shall only be permitted after these formalities have been fulfilled. The Turkish Government agrees that these formalities, which shall be as simple as possible, shall not be, without prejudice to the other stipulations of this Article, more onerous than those imposed on other foreigners entering Turkey, and that they should be fulfilled under conditions tending to avoid all unnecessary delay;
- (7) Persons who desire to visit the area must not be armed, and the Turkish Government have the right to see to the enforcement of this strict prohibition;
- (8) The Turkish Government must be informed at least a week in advance of the arrival of any party of visitors exceeding 150 persons."

The ANZAC area, as set out in Article 129 of the treaty, is clearly marked out on the battlefield region by a series of datum points and signs. In a Commonwealth War Graves Commission publication of the 1920s it described the area as being "conceded" to the Allies.

According to Mr Peter Francis, the media director for the Commonwealth War Graves Commission, in a letter responding to a series of questions put to the Commission on March 7, "the Commission's responsibilities begin and end at the cemetery boundary".

However, I feel that this is at odds with Article 129, which grants the whole ANZAC area to the then British Empire.

Furthermore, Article 135 of the treaty says that the Turkish government undertakes to "maintain in perpetuity the roads leading to the said land".

What I have sought to have explained to me, so far unsuccessfully, is whether this means that the Commonwealth War Graves Commission or the Commonwealth governments have some rights over the lands set out in the treaty. I have also asked whether the

Turkish state is empowered to construct roads and car parks as they deem fit within the area granted or just to maintain those existing roads?

Second Ridge

The Prime Minister's statement, made in the parliament on March 17, that it was in fact the road between the Australian Memorial at Lone Pine and the New Zealand memorial at Chunuk Bair that the Australian government had requested to be upgraded, coupled with a statement by Turkish Prime Minister Recep Tayyip Erdogan on March 18 that this road was the next scheduled to be upgraded, is a cause of great concern to those who value the heritage of this region.

Much of the route of the existing road between Lone Pine and Chunuk Bair, which runs atop what was known as Second Ridge, traces what was No Mans' Land from 1915. On either side of this road, which is in need of repair and has narrowed over the years due to crumbling of its verge, lie the trenches and tunnels from the campaign. This sector was the scene of the main fighting in the seven month long conflict in the ANZAC or Ariburnu sector.

Any roadwork on the scale of that carried out along the coastal strip and at ANZAC Cove will cause massive damage to the heritage value of the front line region. At points along this road, the Allied and Turkish trenches were only six metres apart. Large scale road works, instead of careful upgrading and repair of the existing road will have an immediate impact on these trenches, which help to give visitors of all nations a better understanding of the campaign and the experiences of those who fought and died here.

Of equal importance is the fact that any road work along Second Ridge will disturb large numbers of human remains, indeed far more than were unearthed by the road works at ANZAC Cove.

On May 24, 1915, five days after a massive and abortive Turkish attack against the ANZAC beachhead, there was a seven-hour truce to bury the dead that lay in No Mans' Land. In that time, as many as 4,000 men, mostly Turkish but also Australians, New Zealanders and British troops who had fallen in the first month of the fighting, were buried. Most were interred in No Mans' Land, atop which now runs the existing road. If the proposed upgrade of this road takes place, the remains of hundreds, possibly thousands, of men who lie in shallow graves will be disturbed.

At the end of 2004, the Turkish National Park Authority built a car park over the top of one of the most important positions on Second Ridge. The car park, on Bombasirti (Bomb Ridge) covered over the Turkish front line trenches facing the ANZAC position known as Quinn's Post. It was at this point that the trenches were only six metres apart. No where else during the First World War were enemy positions so close. During the construction of the car park, fragments of human remains were uncovered, along with relics from the campaign. All were removed by Turkish authorities, who denied that any such desecration had taken place, despite physical and photographic evidence.

Should the Second Ridge road go ahead on a large scale, this damage and desecration will be wholesale and the heritage of this site destroyed in the name of tourism.

Another matter of concern is the announcement made on May 6 by the Turkish National Park Authority detailing long term plans to dig out existing trenches and recreate them, supposedly in the state they were in during the campaign. Not only would this damage the natural heritage of the site, it would also risk disinterring yet more human remains. Such a plan would also be contrary to the National Park Authority's own regulations, which forbid both damaging the environment or from damaging or altering existing historic sites.

Improvement of access

Again in his interview on Southern Cross radio on May 6 the Prime Minister said that access to the ANZAC Dawn Service site had been improved by the upgrade of the road.

"It was far easier to move this time than it was on the previous occasion. I was there five years ago," he said.

However, tourism operators here in Turkey and on the Gallipoli Peninsula in particular agree that traffic did not flow any faster this year than in previous years. Nor was there any reduction in the distance people had to walk after their buses were parked this year, one of the reasons cited by the government for the road upgrade.

Though the road has been widened traffic on ANZAC Day still flows one way in single file, abiding by traffic management systems put in place by Turkish authorities for the day.

Might I suggest the reason the Prime Minister found travelling around the region easier was that the road he and other dignitaries used to get to the Dawn Service site was closed to all other traffic some 12 hours before the official parties arrived. This, rather than any road works, facilitated the Prime Minister's journey.

The increasing numbers of visitors to the battlefields, especially Turkish domestic visitors, has been repeatedly sited as the main reason that the road along the coastal strip in the ANZAC sector needed to be upgraded.

On Sunday, May 22, I visited the ANZAC Cove area, staying for a period of four hours. In that time, there was an average of eight tour busses and ten private vehicles pass along the road above the cove. This was on a weekend when more than 1000 Turkish tour buses were on the roads of the Peninsula according to figures released by the Gallipoli Peninsula Historic National Park authorities.

It is a fact that most Turkish tour groups do not visit the coastal strip in the ANZAC sector, there is only one Turkish monument in this region, which is out of site of the road

and not visited. There is little to draw the majority of Turkish visitors. Thus the argument that the road had to be upgraded due to the weight of visitor numbers is not sound.

According to figures provided by Turkish companies in the Canakkale area operating guided tours to the Gallipoli battlefields, there has been no marked increase in the number of Australian and New Zealand visitors to the region in the past three years, with numbers still down from the period before the beginning of the war in Iraq in 2003.

There is no question that the road along the coast in the ANZAC sector was in need of repair. No major work had been done of the road in the past 17 years, the date I first visited the Peninsula. This has been confirmed by locals in the region. There had been damage done to the road by erosion, it was badly potholed and, at a point in the centre of ANZAC Cove, a culvert was collapsing due to lack of maintenance by Turkish authorities, maintenance that was required under the Treaty of Lausanne.

However, the poor condition of the road, on which there has never been a recorded accident, did not warrant the massive excavations carried out, nor the destruction of sites of great heritage importance.

Environmental impact

Contrary to Turkish claims, echoed by the Prime Minister, the work has not been carried in a manner that is sensitive to the environment or the heritage values of the area. Waste concrete has been poured directly onto the beach at ANZAC Cove, spoil from excavations has been dumped onto the beach and hills above the cove excavated back to a depth of up to 20 metres in places, creating cliff faces of up to 30 metres high. All these facts were known to Australian officials.

There is no question that the road above ANZAC Cove and indeed many of the roads on the Peninsula were in need of repair. However, the scale of work carried out, coupled with the massive environmental damage caused and the destruction of sites of great historical importance have gravely harmed the area.

It should be noted that, in the rush to have the newly constructed road completed in time for ANZAC Day, the work was not done in a suitable manner and at least three points, the newly laid roadbed is breaking up.

In one area some 150 metres to the south of the Dawn Service site on North Beach, construction workers cleared an area of the battlefield some 50 metres by 100 metres, bulldozing the site and using the soil for land fill when building car parks. This area was, according to construction workers, only to be used as a temporary dump for excavated soil and was not in the plans for the development of the National Park. This area, which was littered with relics form the campaign and where I had previously found human remains, has been destroyed so as to serve as a waste site.

To me, this does not meet the requirements of sensitive environmental management.

Historical impact

Quite apart from the issue of human remains being disturbed, the road works above and around ANZAC Cove did a great deal of damage to the historical fabric of the area.

At the southern end of ANZAC Cove, excavations dug into the hill that was the site of the headquarters of the Australian and New Zealand Army Corps, at the northern arm of the cove the hill known as Little Ariburnu was excavated to a depth of 10 metres. It was on this hill that the first Turkish trench was stormed at the point of the bayonet by Australian troops who had landed only moments before in the dawn of April 25, 1915. Thus the point where the first Turkish soldier fell and the first trench captured by the Australian forces was damaged.

The excavations for the roadwork uncovered many artefacts from the campaign, many of which were removed by Turkish workers and some offered for sale to visitors, including myself.

Other trenches and important sites in the area were damaged or obliterated entirely, thus severing a link with the past. The battlefields of the Gallipoli Peninsula have rightly been described as the best preserved from the First World War. It was previously possible to stand above ANZAC Cove and look up into the hills and see the same panorama as the first Australian troops who landed on April 25 1915 would have viewed. Sadly, this is no longer the case.

ANZAC sector road works time line

Work on widening the road along the coast of the Ariburnu sector, including above ANZAC Cove, began in late February 2005. However, this was halted soon afterwards after stories appeared in the Turkish and Australian media reporting the work and which claimed the excavations were excessive and threatened historic sites.

On February 27, Air Vice Marshal (Rtd) Garry Beck, the head of the Australian Office of War Graves, visits the ANZAC Cove area. He later refused to comment on the excavation work when contacted by myself, only saying that he was preparing a report for the Australian Minister of Veteran Affairs, Ms Deanne Kelly. This report has not been made public.

On February 28, an umbrella group of Turkish non-governmental organisations issued a statement calling for the work to be halted and a full assessment of the project to be carried out. It also called for wider consultation between all involved parties, both at the government and civil levels.

On March 1, during a visit to the excavation site above and around ANZAC Cove together with my wife Serpil Karacan Sellars, a Turkish journalist and television producer, found fragments of human remains uncovered by excavation work at the

northern end of ANZAC Cove. Large amounts of earth were also seen to have been dumped directly into the cove, covering the beach.

When contacted regarding these matters, Professor Mustafa Yalinkilic, the head of Turkey's National Parks Directorate that has authority over the Gallipoli Peninsula National Park that encompasses the battlefields, said he had no knowledge of the dumping of earth into the cove. However, he acknowledged that the scale of the excavation work by private contractors had been "excessive". He also said that a detailed archaeological study had been carried out and that no human remains had been found in the area.

However, according to Mr Sahin Aldogan, a military historian and voluntary consultant to the National Park who was one of the three persons to conduct this survey, said the survey of the area had only been superficial, had lasted no more than 15 minutes and had been carried out after excavations had commenced.

"The studies that are conducted here are not according to international standards for battlefield archaeology," Mr Aldogan said in an interview with me in early march.

"Our main concern is that the battlefields are as little effected by the ongoing work as possible. This has not happened."

While saying that no remains had been found during the brief survey, he said the report prepared by the specialist team that had studied the site recommended that excavation work be halted and an alternative found to improving the coastal road. He also said that the study had not taken into account any human remains that might have been beneath the soil.

By March 4, excavation work had recommenced in the ANZAC Cove area.

On March 10, more than two weeks after the first reports over the excavation work had appeared in the Australian press, Australian Foreign Minister Alexander Downer admitted that it had been the Australian government that had requested the upgrading of the road. The request had been made by the then Minster for Veterans' Affairs, Ms Dana Vale, in a letter to the Turkish authorities in August 2004. However, the government refused to release the contents of the letter.

On March 10, Australian Prime Minister John Howard said that his government was satisfied with Turkish assurances that no human remains had been uncovered and that he was also satisfied that the Turkish authorities were showing all necessary sensitivity to the area. Mr Howard also said that Turkey had promised to halt work should any human remains be unearthed. This did not occur.

However, also on March 10, further human remains were found amongst spoil dumped from excavations at ANZAC Cove just to the north of Ariburnu point, site of the first landing of Australian troops on April 25, 1915. The spoil was being used to form the base

for a new car park. Among those who viewed the human remains, were three journalists, a Turkish-Australian couple who operate a tour company in the town of Eceabat, a Turkish tour guide and at least six of the workers from the construction company carrying out the excavations.

On March 11, more human remains were located just above the area where excavations were being carried out in the hills above ANZAC Cove. These remains were found by four persons, including two Australian journalists, a tour guide and a Turkish taxi driver.

Though Turkish authorities had given assurances, repeated in the Australian media, that excavation and construction work would be halted if any human remains were uncovered, and despite Turkish National Park authorities being informed at this time that human remains had been disturbed, the work continued.

It continues to be the position of Turkish authorities that no human remains have been uncovered, despite the evidence presented to them on a number of occasions.

Stories, accompanied by photographs, appeared in three Australian newspapers (the Daily Telegraph, the Age and the Sydney Morning Herald) on March 12 stating that further human remains had been uncovered by the excavation work around ANZAC Cove.

On March 13, Australian authorities queried the authenticity of these photos. Also on March 13 my wife and I had a two and a half-hour meeting with Australia's ambassador to Turkey, Ms Jean Dunn. During this meeting I showed her further photos of human remains, pointed out on a map were they were found and discussed the concerns of himself and others at the scale of the excavation work and at future projects. At no time did the ambassador ask to be taken to the site of the excavations to view with myself or others to view the location of where the remains were found. The ambassador was told that some of the human remains found had later been removed by Turkish workers on the site, a fact confirmed by one of the workers.

On March 14, Australian Prime Minister John Howard, Foreign Minister Alexander Downer and Turkish officials, including State Minister Mehmet Aydin, all stated that no human remains had been uncovered during the excavations. All suggested that the photographs were not authentic. No Australian or Turkish officials attempted to contact either myself or any of the other persons who had seen the unearthed human remains to discuss their statements.

Mr Aydin, speaking during a visit to Australia, later said that while human remains may have been uncovered at the site of the excavations, they could not have been from the Gallipoli Campaign but from another war. It should be noted that the area was not fought over in other conflicts.

On or about March 14, the major excavation work above ANZAC Cove completed.

On March 16, in response to a question in the Australian parliament tabled by Mr Anthony Albanese, the Labor Party's spokesman on the Environment and Heritage, Prime Minister Howard said he had no knowledge of an archaeological study of the Gallipoli battlefields, conducted in 2003 by Australian Archaeologist Dr David Cameron, which had found human remains in the area and showed that any road works would disturb the site.

Addressing the parliament, Mr Howard then contradicted earlier statements made by Foreign Minister Downer by saying the Australian government had not requested the road works around ANZAC Cove but had sought upgrading of the road around the Australian monument at Lone Pine and the New Zealand monument at Chunuk Bair.

On March 17, Mustafa Yalinkilic, the director of Turkey's National Parks Authority, said in an interview with myself that there had been no complaints about the work being conducted in and around the ANZAC Cove area from any Australian officials who had viewed the site, including Ambassador Dunn and Air Vice Marshal (Rtd) Garry Beck, the head of the Australian Office of War Graves. He also confirmed that the Australian government had requested the road to be upgraded.

On March 18, during a ceremony to open a new information centre on the Peninsula, Turkish Prime Minister Recep Erdogan announced that the next major project to be carried out would be the upgrading of the road running along Second Ridge, which for much of its route follows the line of what was no mans' land between the opposing lines of trenches from the campaign.

By April 22, the main laying of asphalt for the new coastal road was completed. However, according to Turkish contractors, two further layers of asphalt, as well as some additional excavations will be carried out shortly.

On or around April 23, Mr Howard said that his government had not requested the road work around ANZAC Cove, instead saying that the request from the then Minister of Veterans Affairs, Danna Vale, had been for an upgrade of the road running from Chunuk Bair to the Turkish monument at Kemelyeri on Third Ridge. He also said that the unearthing of human remains during the excavations as "inevitable", contradicting earlier statements.

Mr Howard, in his press conference on April 26, given in Istanbul after meeting with Prime Minister Erdogan of Turkey, again said that it was inevitable that human remains would be disturbed by road works of the scale of those undertaken at ANZAC Cove or other battlefield areas.

During the press conference Prime Minister Howard also acknowledged that, under the "strict definition - because it alters the original landscape" what had been done around ANZAC Cove amounted to "desecration".

Conclusion and recommendations

The roadwork carried out in the ANZAC battlefield sector has caused irreparable harm to the historical fabric of the region. Future developments on the scale carried out at and around ANZAC Cove will only serve to further undermine the heritage value of the battlefield and destroy the opportunity for future generations to gain an appreciation of what our forefathers experienced. Any development needs to be undertaken only after careful studies considering the impact on the historical nature of the terrain and the environment, with a minimalist approach being taken.

On Friday June, the government announced that it would appoint an Australian official, to be based in Turkey, to liaise with Turkish officials on future developments on the battlefield. While supporting this decision, it needs to be made clear whether this person will have any rights of blocking or opposing plans put forward by Turkish officials, what this official's remit will be and indeed whether the Turkish government has as yet agreed to this proposal. Full terms of reference are needed and a clear understanding of what the role of all parties will be. This has not been the case in the past.

Thank you for taking this submission into consideration.

Yours sincerely

William Sellars