

TÜRKİYE BÜYÜK MİLLET MECLİSİ BAŞKANLIĞINA

Ülkemizde madencilik sorunu ve bor madenlerinin öneminin araştırılarak, alınması gereken önlemlerin belirlenmesi amacıyla Anayasa'nın 98. ve TBMM içtüzüğü'nün 104 ve 105. maddesi uyarınca Meclis araştırması açılmasını saygılarımla arz ve talep ederim.

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GEREKÇE

Yürürlükteki 2840 sayılı Kanun, "Devlet eliyle işletilecek madenleri" tanımlamaktadır. Kanunun 2. maddesinde, "Bor tuzları, uranyum ve toryum madenlerinin aranması ve işletilmesi Devlet eliyle yapılır." ibaresi yer almaktadır.

Bu madenler için 6309 sayılı Maden Kanunu gereğince gerçek ve özel hukuk tüzel kişilerine verilmiş olan ruhsatlar iptal edilmiştir." denilmektedir.

1978 yılına kadar yerli ve yabancı özel şirketler eliyle işletilen bor madenleri, bu tarihte 2172 sayılı Kanun ile Etibank'a devredilmiştir. 1983 yılında ise, 2840 sayılı Kanun ile bor tuzlarının aranması ve işletilmesinin devlet eliyle yapılacağı hükme bağlanmıştır.

Bor madenleri, 1985 yılında çıkarılan 3213 sayılı Maden Kanunu kapsamına alınmış, ancak 2840 sayılı Kanun hükümleri saklı tutulmuştur.

Enerji ve Tabii Kaynaklar Bakanlığı'nca hazırlanan ve Bakanlar Kurulu tarafından imzalanan " Bor Tuzları, Trona ve Asfaltit madenleri ile Nükleer Enerji Hammaddelerinin İşletilmesini, Linyit ve Demir Sahalarının Bazılarının İadesini Düzenleyen Kanunda Değişiklik Yapılmasına Dair Kanun Tasarısı" 20 Mart 2012 tarihinde Türkiye Büyük Millet Meclisi Başkanlığı'na gönderilmiştir.

Mevcut Kanunun 2. maddesine eklenen fıkrada "Bu madenlerin üretilmesi ve zenginleştirilmesi, teknik, ticari ve ekonomik sebeplerle ürünün mülkiyeti ruhsat sahibinde kalmak üzere 4734 sayılı Kamu İhale Kanunu hükümleri çerçevesinde ihale edilmek suretiyle üçüncü şahıslara gördürülebilirler.

Ancak üçüncü şahıslara gördürülecek işlerin ihale süresinin üç yıldan fazla olması durumunda konuya ilişkin talepler Yüksek Planlama Kurulu tarafından karara bağlanır." denilmektedir.

Bu değişiklik, özelleştirme anlamına gelmektedir. Ülkemizde halen 30 dolayında madenin üretimi yapılmakta

olup, madencilik sektöründe yıllardır yapılan özelleştirmeler sonucu devletin elinde ruhsat olarak sadece bor, toryum, uranyum ve kömür madenleri kalmıştır.

Pek çok kömür sahası kiralama yöntemiyle özel sektör tarafından işletilmektedir.

Etibank gibi dünya madencilik devleri arasında yer almış bir kamu kuruluşu; krom, bakır, gümüş, alüminyum vb. işletmeleri elinden alınarak sadece bor işletmeciliği ile sınırlandırılmış bir yapıya büründürülmüştür.

Bu madenlerden toryum ve uranyum sahalarında bugün itibariyle üretim yapılmamakla birlikte, bu sahalara ilişkin plan proje ve çalışmalar devam etmektedir.

Madencilik sektöründe bugüne kadar yapılan özelleştirmeler sonucunda; kamu işletmelerine ve kamu tarafından sağlanan hizmetlere el konulmuş, üretimler düşmüş, istihdamda ciddi daralmalar yaşanmıştır.

Sektörün Gayri Safi Milli Hasıladaki payı azalmıştır. Kısa sürede maksimum kar elde etme gayreti içindeki sermaye sahiplerinin elinde, bilimsel üretim metotları dışına çıkılarak yapılan üretimler sonucu iş kazaları ciddi oranda artmış, birçok maden mühendisi ve yüzlerce maden işçisi yaşamını yitirmiş, binlerce ton yeraltı kaynağı üretilmeden terk edilmiştir.

Bu olumsuz deneyimlere rağmen, devletin elinde kalan kömür ve bor madenlerini özelleştirilme çalışmaları yapılan yanlışlardan ders alınmadığını açık bir şekilde ortaya koymaktadır.

Bor, stratejik bir madendir. Bor minerallerinin, son derece özel kimyasal yapıları vardır. Hammadde, rafine ürün ve nihai ürün şeklinde, büyük çoğunluğunda alternatifsiz olmak üzere, 250'yi aşkın kullanım alanı bulunmaktadır.

Bor mineralleri, ilave edildikleri malzemelerin katma değerlerini olağanüstü yükselterek, sanayinin adeta tuzu konumundadır.

Bu nedenle, ÷lkemizde madencilik sorunları ve bor madenlerinin öneminin araştırılarak, gerekli önlemlerin alınması için Anayasa'nın 98. ve TBMM içtüzüğünün 104 ve 105. maddesi uyarınca bir Meclis Araştırma Komisyonu kurulması uygun olacaktır.