

27.8.2015

To

Fiona Marshall

Environmental Affairs Officer - Secretary to the Compliance Committee

Convention on Access to Information, Public Participation in Decision-making  
and Access to Justice in Environmental Matters (Aarhus Convention)

United Nations Economic Commission for Europe

Environment Division

Case ACCC/C/2013/81 (Sweden)

Summary

In view of the letter from Secretary to the Aarhus Convention Compliance Committee dated 13.8.2015 I emit this answer.

Regarding the Committees decision; -The Committee decided to consider Mr. Bernd Stümer the sole communicant in the case, since the original communication was submitted only in his name, while the organisation FLIS, which Mr Stümer subsequently stated that he represented, might act as an observer in the case if it wished to do so. - I write the following:

Hereby I oppose this decision because it is incorrect.

Nowhere in the Convention it is stated that the rights under the Convention goes to associations and not to the individual members.

Therefore, it is irrelevant and incorrect to make a difference if a communicant is a member of an association or not or if an association signed the notification or not.

Already the beginning of the Convention makes it clear and unambiguous that it gives every citizen the right regardless of whether he is a member of an association or not.

Demonstrably are the members of FLIS all concerned parties in the case Helgarö/Strängnäs as shown by the documents of the Administrative Board and the courts where their names as affected parties are listed.

With certificate from FLIS I have shown that the members support my notification. Members are obviously not just observers like people anywhere.

They have definitively not acted as observers only as shown by the fact that several of them have submitted their own appeal of the building permit decision. They have definitely not acted as mere observers but actively participated in the work of my notification.

I hereby request that the Committee corrects their decision and accept the fact that I conducted my notification with the active support of the members of FLIS who are not only observers.

Hereby I oppose that the ACCC in a notification regarding that a Member State demonstrable is violating applicable laws, both national and international, is applying the same degrading advocacy with which the notified State always focuses on people in order to avoid position on the merits.

By forcing the population on false grounds to pay for the expansion of wind power machinery whose electricity is not needed at all in the country's large capacity surpluses of CO2-free electricity, the state Sweden performs this fraud.

ACCC ought to investigate the grounds on which the notified State politicians decided this expansion of wind turbines. During this investigation it would appear that the only basis that the Swedish Parliament has indicated is that the country would thereby reduce emissions of the alleged dangerous gas CO2.

That investigation would very easily show that the politicians' ground is completely inaccurate when the country is not producing electricity from coal plants. Obviously no one can reduce something that does not exist.

When this matter of course not in reality can be the basis for the decision of the Swedish Parliament ACCC ought to investigate other causes, such as how many politicians at all levels satisfies their own economic interests with the decision on the expansion of wind power machines.

My notification does not concern my person.

It applies not only to the illegal building permits in Strängnäs in Sweden.

My notification concerns the fact that the Swedish state, in order to allow the machines wind turbines to be set up in nature, circumvent all the laws, both national and international, which was established to protect human health and well-being in nature.

My notification concerns over three thousand illegal established wind turbines in the state Sweden.

Illegality of Strängnäs is just one example.

Not only Stümer but all the complainants in the case Helgarö / Strängnäs have suffered these crimes and not just all the complainants in this case but all the tens of thousands of Swedish citizens affected by the over three thousand established dangerous machines wind turbines have suffered.

The rights Aarhus Convention has given citizens, the right to information, right to participation in decision making and access to justice, have all been infringed in the case Helgarö / Strängnäs and in the entire country by building permits for the wind turbine machinery.

I maintain hereby that the Commission is investigating the Swedish government's proper handling of the issue of planning permission for wind turbines.

I maintain that the Swedish handling is contrary to all the laws on which a democratic constitutional state must rest by the fact that the Swedish government has given orders to all courts that the section of the law, which aims to protect citizens' lives and health, should not be included in a judicial review of the questions about building permits for wind turbine machinery.

That political power in this way commands the judicial power can never be acceptable in a democracy.

I maintain that the Swedish law management, where the provincial government should investigate and resolve the matter as first instance, is contrary to the provisions that citizens have a right to redress in a independent and impartial body established by law, as it is stated in the Convention.

The County Administrative Board is by no means independent or Impartial because it according to the Swedish administrative law is obliged to carry out government orders.

The Swedish county administrative boards are also not preliminary review procedure before an administrative authority because their mission under orders from the government is to give its judgment which, if not appealed, is the final judgment in the cases relating to wind turbines.

I attach here the ACCC's attention to the strange fact that the Swedish state, in order to make it easier to force through the building of machines wind turbines, even breached the Swedish constitutional provisions on local self-government that gives municipalities alone the right to determine issues for planning permission for machines windturbines .

Through this constitutional violations, the state has deprived citizens of their constitutional right to information and participation in matters related equipment wind turbines, which damages their nature, health and well-being and which is blatant violation of the provisions of the Aarhus Convention.

At the meeting in Geneva 03/26/2015 where my complaint was treated, time was missing because of questions about my person's status in the case and peripheral issues of distance and various documents, time for the important issues of the Swedish government's proper handling of questions about building permits for wind turbines.

The meeting decided at that meeting that these issues would be submitted in writing and addressed later.

Of course, I submitted written questions on this.

I had given a lot in order to hear at the meeting the government's explanation of the order to the courts.

I assume that the ACCC will answer these questions including the Government's response on the order to the courts in its final report and that ACCC will focus on the Swedish government's crimes against the Aarhus Convention's provisions and not on an individual's doings.

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