



PRESS RELEASE

THE NLVOW ENGAGES A UN TRIBUNAL IN GENEVA

“THE DUTCH GOVERNEMENT SYSTEMATICALLY EXCLUDES ITS CITIZENS”

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For more than two years, the “Nederlandse Vereniging Omwonenden Windturbines” (NLVOW; Netherlands Association of People Living in the Vicinity of Windfarms) has been trying to convince the government, and minister Kamp (the Dutch minister of Economic Affairs) in particular, that people living near (proposed) wind farms should be properly informed, should be allowed to participate in planning and decision-making and, if all else fails, should have a fair chance before a court of law.

Until now, those efforts have resulted in little more than some friendly words and a few pats on the back.

This explains why the NLVOW is changing tack: although we remain committed to dialogue, we have now also lodged a complaint against the Kingdom of the Netherlands with a UN Tribunal in Geneva. In this complaint, the NLVOW argues that the Netherlands has systematically violated the Aarhus Convention of 1998. If a dialogue does not produce any results, we have to rely on legal action.

Why would legal action help? Because the Aarhus Convention requires the Netherlands to do precisely those things that the Dutch government so far has systematically refused to do. The Convention requires the State Parties (including the Netherlands and the EU) in relation to environmental issues: (1) to provide accurate and timely information to the public; (2) to engage the public in decision-making at a time when all options are still open; (3) to take into account the views presented by the public; and (4) to ensure that citizens have access to a court of law that considers all aspects and interests involved.

In the Netherlands, none of this happens as far as wind power and wind farms are concerned! In fact, what actually happens is often the exact opposite.

All this is easy to say, but hard to prove. During the last year, the NLVOW and many other people have therefore worked hard to substantiate all allegations. This resulted in a Communication to the UN Tribunal that is a well-founded legal document and that provides solid evidence in support of each and every accusation against the Dutch government. Accordingly, the NLVOW submits convincing evidence that:

- Information provided by the Dutch government and other public authorities is often biased, sometimes inaccurate and on occasion simply misleading.

- All real decisions are made behind closed doors in negotiations between the government, the wind industry and other proponents of wind power.
- For citizens, there is little point in going to court as the courts, including the Administrative Law Division of the Council of State, overwhelmingly hold in favour of public authorities.
- The public is completely side-lined with respect to the two most important effects of wind turbines on people - noise and shadow flicker - as these are regulated by generally binding rules.

The Communication sent to Geneva was drafted by Jan Veltman LL.M., attorney-at law in Amersfoort, with input and support from the chairman of the NLVOW, Albert Koers, professor emeritus of the University of Utrecht (and once holding its chair in international law). It has been translated into English by Roelien Lunenburg, a certified translator. Many other people contributed, either in kind or financially. The NLVOW wishes to thank all who were involved!

Winning the case will have not only legal consequences, but will also have important political repercussions. For a country like the Netherlands that prides itself as being a law-abiding nation and that seeks to turn the Hague into the legal capital of the world, it would be quite embarrassing if an UN Tribunal establishes that it does not comply with international agreements.

Pending a decision by the UN Tribunal in Geneva - more specifically, the Aarhus Compliance Committee of the UN Economic Commission for Europe - the NLVOW intends to convert the Aarhus Communication into a complaint to the EU Court of Justice. A violation of the Aarhus Convention is also a violation of the EU Directives implementing the Convention in EU law. Moreover, every lawyer involved in a case on (plans for) a wind farm is free to use the NLVOW Aarhus Communication in support of his or her case.

The NLVOW complaint concerns more than wind power, wind farms and even energy policy in general. In actual fact, it concerns the way in which the Dutch government all too often treats its citizens: as unwilling people who need to be disciplined in order to do what the government has decided for them. These days, such an approach is no longer viable. As 'action = reaction', the government's modus operandi is an important cause for increasing resistance to many of the government's objectives. Witness what is happening in relation to wind power and wind farms. A missed opportunity, especially if in society there is real support for change, for example in relation to sustainability.

Back to wind power and wind farms, a sure way to turn friends into enemies is providing inaccurate and misleading information, systematically side-lining the public in decision-making and having a Council of State that does next to nothing for citizens. The message to the Dutch government, and minister Kamp in particular, is to stop setting unrealistic goals and taking this firm-hand attitude, but, rather, to involve people in a transparent and honest manner and to make them co-responsible for what the government wishes to achieve.

To contribute to that change is the ultimate aim of this action of the NLVOW.

The full text of the Communication (both in English and in Dutch) can be downloaded from: www.nlvow.nl

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