

**Mr Chairman, Ladies and Gentlemen, members of the Committee,**

On December 15, 2015, I introduced our Communication to the Committee. I then said that we submitted our Communication not because our aim was to win a set of legal arguments, but because people - "real people" that was the term I used - are the victims of the shortcomings of the legal regime and practices in the Netherlands on access to information, participation in decision-making and access to justice.

Let me give you for each pillar one example - just one - of how real people are losing out.

But first two points of substance.

- One: in the issue of admissibility. It is true that we could have challenged decisions on wind farms on a range of grounds - from impact on landscape, bats and birds to noise and shadow flicker. But all those grounds are not what this is all about: this is about a single issue: compliance with the Convention. On that issue there were no national legal remedies anymore as the Council of State had ruled consistently that all was well and that there was full compliance with the Convention. On this issue any appeal on the Council of State would be pointless. By placing so much emphasis on admissibility the government is once again refusing to listen to citizens.
- Two: on public participation. The government has agreed today that for the most basic document even today - the National Action Plan of 2010 - there has been no public participation. We have agreed that there have been forms of public participation for later plans and programmes, but we submit that this was mostly end of pipe - all relevant decisions had in fact already been made - while other forms of public participation were ad hoc and not systemic. In our view these forms of public do not meet the standards of the Convention.

Having said this, let me now turn to the impacts on real people.

Access to information: when draft decisions to approve the building of a wind farm are published, the information open for public scrutiny easily and usually involves several thousands of pages. Say, 2.500 pages for a small wind farm and 4.000 to 5.000 pages for a big one. This is not providing the public with information - this is overwhelming the public with information. Confronted with such an avalanche people feel helpless, humiliated and give up. Or get angry.

On public participation: after a series of national, regional and local plans and programmes - all adopted without public participation - and after intensive consultation with private parties - also without public participation - the public gets a chance - a single chance - to submit its views on this plan for a wind farm that will deeply affect the environment in which they live. Again, people feel helpless, humiliated and give up. Or get angry.

On access to justice: the Netherlands comes up with one case that led to the annulment of a decision on a wind farm, never mind that later on the very same farm was approved anyway. We have more than a hundred cases in which an appeal to the Council of State had no result at all for the applicant. There are lawyers who refuse to take wind farm cases as these never lead to any benefit for their client. The result: people feel helpless, humiliated and give up. Or get angry.

And all this is systematic and not just some unfortunate incidents. The result? Ever more distrust vis-à-vis the government - bad for the transition to sustainable energy - bad for democracy.

As a citizen of a wonderful country, I truly fail to understand why in the new environmental laws and regulations that are presently being drafted in the Netherlands the government has so far

consistently refused to set minimum quality standards for public participation. Afraid that citizens will go to court if public participation continues to fall short of the requirements of the Convention?

The people of my country - the “real” people - deserve the chance to really participate in decision-making on what the Convention is all about: to protect the “right of every person of present and future generations to live in an environment adequate to his or her health and well-being.”

Lastly, I would like to thank the members of the Committee for the time and energy they have invested and will invest in our Communication. We also are grateful for the opportunity to interact with the members of the Committee - the curator especially - at this meeting. We have been able to say what we hoped we could say. Thank you, mr Chairman - thank you all!

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