

Respond to the request from the Business & Human Rights Resource Centre

Aneo Production Holding AS (Aneo) owns 51 percent of Aneo Roan Vind Holding AS, who has a shared ownership with Stadtwerke München GmbH in Roan Vind DA, the owner of Roan windfarm. This share of ownership was purchased from Statkraft in spring 2021.

To follow up concerns regarding human rights is an important priority for Aneo, as well as for Roan Vind DA.

From 2006 until today, Roan Vind and its predecessor have continuously assessed how their activity at Fosen could affect the reindeer husbandry in the area, both during the licensing process, during construction, during operation, and after the Supreme Court's judgment, see timeline on Aneo's homepage (English version follows after the Norwegian version): <https://www.aneo.com/om-oss/nyheter/fakta-om-fosen-saken/>

The companies acted in faith that the licenses awarded in 2013 did not violate the Sami groups' indigenous rights. As concerns the windfarm Roan in the northern reindeer district, there was an extensive dialogue with the reindeer herding community prior to the development of the windfarm, and their feedback was taken into account in the design of the wind farm and in the license. The construction of the wind farm was carried out in accordance with a separate agreement with the reindeer herding community, which included agreement on financial compensation and measures during the construction phase. In the agreement, the reindeer herding community confirmed that the validity of the license would not be disputed. The only remaining issue was to determine compensation to the reindeer herding community for the period after the facility was put into operation. The wind power plant Roan was built in trust of this agreement, and thus in good faith.

However, the Norwegian Supreme Court found, in October 2021, that the licences awarded for the Roan and Storheia wind farms as part of the Fosen development were in violation of international human rights. The Supreme Court established that the wind power development would have a significant adverse effect on the reindeer herders' possibility to practice their culture on Fosen, which was deemed by the court to be the relevant threshold under Article 27 of the ICCPR (International Covenant on Civil and Political Rights). Against that background, the Supreme Court found that the herders' rights would ultimately be violated if satisfactory mitigating measures are not implemented.

The Supreme Court has established that the license decision is in violation of Article 27 ICCPR, as it allows an activity that "in the long run" will threaten the Sami reindeer herding community's livelihood on Fosen, without ensuring that satisfactory mitigating measures are implemented to prevent this. If the necessary changes to the licenses are made and satisfactory mitigating measures are implemented before the development has such consequences, the breach of the convention will be effectively

repaired. It is also important to note that the Supreme Court did not conclude that the production must be stopped immediately or that the wind farms must be demolished.

The state of Norway has the primary responsibility to remedy the human rights violation, which is in process. However, in line with the company commitments and the legal requirements of the Norwegian Transparency Act, Aneo AS as well as Roan Vind DA acknowledges its independent responsibility, is of course committed to respecting human rights, and is taking the Supreme Court decision very seriously. We acknowledge that the current situation has been and continues to be demanding for the affected people, both on a professional and personal level, and we have a continuing dialogue with the affected group. As part of ongoing processes initiated by the Norwegian ministry in charge, Roan Vind together with Fosen Vind has suggested an impact assessment programme with the purpose of gaining a better understanding of the extent of the impacts so that this can inform which measures shall be implemented. Roan Vind has also offered to assist the reindeer herding community with temporary mitigating measures during the assessment phase. Additionally, we have also covered legal expenses and travel costs.

Apart from a close dialogue with the affected people and offering temporary measures, Roan Vind cooperates in good faith with the mediation process established by the national mediator, in its personal capacity, together with the affected people and the state, as a non-judicial mechanism.

For the processes outlined above to be successful and legitimate, the state of Norway and the companies are working to align the processes with the knowledge, insights, feedback, and expectations the affected people put forward. Finally, we take learning from this process with us further and will implement internal measures to strengthen the respect for indigenous people's rights in future projects.