

Business & Human Rights Resource Centre
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SWM's statement on Roan wind farm

The stake of Stadtwerke München (SWM) in the Roan wind farm is 29% through a joint holding with our Norwegian partner Aneo.

The windfarm is built on basis of a concession from the Norwegian Oil and Energy Department. Extensive impact assessments were carried out regarding Roan Wind Park's effect on reindeer husbandry in connection with the licensing process in 2008–2013. As part of this assessment, the consequences for reindeer husbandry in light of SP Article 27 were assessed by the Ministry of Oil and Energy (OED), with the conclusion that SP Article 27 had not been breached.

SWM entered the Roan project in 2021 after it has been built. We have assumed that the effects on reindeer husbandry in the area have been thoroughly and well assessed in connection with the licensing process and have not made observations that indicate that the assessments from this period should not stand.

This position has also been supported by a signed contract between the local reindeer herders (Northern Group) and the Wind Park in 2016 in which the Wind Park agreed on rules for the construction phase and the local reindeer herders (Northern Group) agreed not to start any court cases against the Wind Parks concession.

However, the Supreme Court's judgment of October 2021 assumes that new factual knowledge has emerged about the effects of the development of the Roan wind farm, which means that the impact assessment from the licensing and appeals process in 2008–2013 no longer appears to be complete.

The Supreme Court's judgment must be understood in a way that the development in the Fosen area entails a risk of a negative consequence for the indigenous interests in the area in the longer term. As a result of this, OED's licensing decisions are considered invalid. The Supreme Court's judgment does not imply that the wind farm has already caused actual negative consequences for the reindeer herders' basic human rights, including SP article 27. The judgment concludes, however, that such negative consequences will occur in the longer term, if mitigation measures are not implemented.

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As a result of the Supreme Court finding the license decisions invalid, the OED has announced a revision process in order to make new decisions that do not infringe the rights of reindeer husbandry under SP article 27.

Roan Vind is actively involved in OED's conversion process, in order to map the potential negative consequences of the wind farm development, establish a good dialogue with the reindeer husbandry operators, and assess suitable measures to stop, prevent or limit negative consequences in accordance with the Transparency Act section 4 first paragraph letter c.

Extensive stakeholder dialogue has also been carried out between Roan Vind and the reindeer herders.

OED has asked Roan Vind (and Fosen Vind) to propose a study program for updating the knowledge base on the actual situation at Fosen and the effect of possible mitigation measures. The reindeer husbandry operators concerned were asked to cooperate on the design of the study programme but declined this. Roan Vind submitted its proposal for an investigation program to the ministry on 31 January 2022. OED has discussed the program with the reindeer herders concerned and based on this Roan Vind has proposed further refinements of the program in a letter on 16 June 2022. On 12 September 2022, OED sent a proposal for an investigation program to the reindeer grazing district concerned, as a starting point for consultations.

Extensive investigations are needed to provide a complete and up-to-date factual basis for the case. A new assessment of the Roan wind farm's effects on reindeer husbandry can only be carried out once the updated factual basis has been established.

In parallel, the OED has initiated a Mediation process – lead by the Norwegian Riksmegleren. ROAN supports this mediation. As the mediation process is ongoing, we ask for your understanding that cannot inform about details and positions.

SWM takes the ruling of the Supreme Court very seriously and supports the measures being initiated by the OED to find a solution. It is the OEDs responsibility to adjust the concession in a way that is not violating human rights. It is SWMs position that it is desirable to find a solution that combines traditional reindeer herding with the production of renewable energy.

Best regards,

Michael Silva
deputy press spokesman