

Maladministration in Ireland – Failure to Ratify Aarhus Convention



- **Biography:** Pat Swords is a Fellow of the Institution of Chemical Engineers and a Chartered Environmentalist. Since graduation from University College Dublin in 1986, Pat has worked in developing the high technology manufacturing industry in Ireland.
- His work experience has also included projects in over a dozen other countries throughout Europe and North America. Since 1999 he has worked extensively on EU Technical Aid Projects in Central and Eastern Europe helping to implement EU Industrial Pollution Control and Control of Major Accident Hazards legislation.

Environmental Acquis ≈ 300 EU Directives in Environmental Sphere

- As the World Bank says about their implementation in the Balkans:
 - “Adoption of the Acquis introduces an approach to environmental governance that creates stronger ownership and an opportunity for citizens to influence government decisions, more transparency and local responsibility for natural resources; improved project programming and planning capacity; and a more predictable legal framework for foreign and private sector investors”.



Situation in Ireland – Continues to Deteriorate



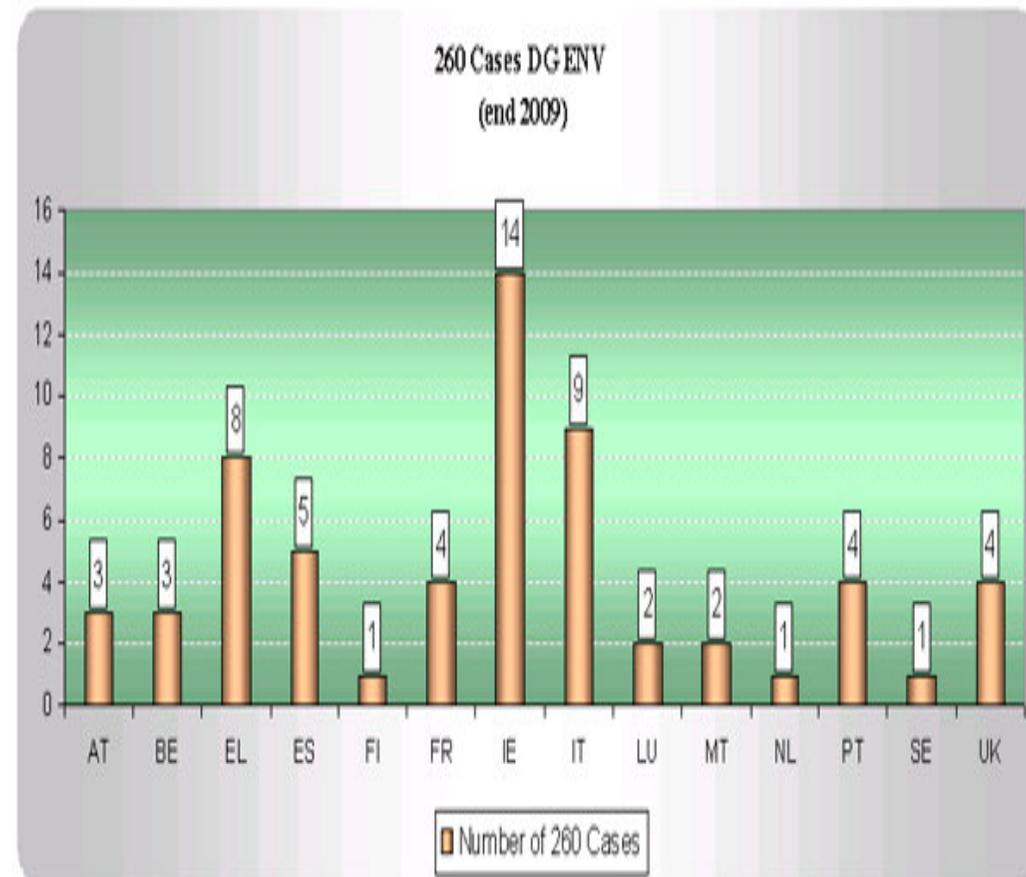
- StatoilHydro – August 2009:
 - “When we look at political risk with practical consequence to project progress then Ireland unfortunately stands out as an example”.
- Covanta (Poolbeg Incinerator) preparing for legal action.
- Irish Academy of Engineering – July 2009 Submission:
 - “Large infrastructural projects in Ireland cannot be planned and completed in a predictable economic timeframe. The risk return calculations for such projects are currently little better than a lottery”.



Over 30 environmental law infringement cases against Irish State being investigated by EU Commission



- To date only 9 Member States fined by the European Court of Justice (ECJ) in the history of the EEC/EU.
- Ireland has 14 cases (25% of total) in second and final phase in ECJ.
- Other countries are resolving theirs, we're not.

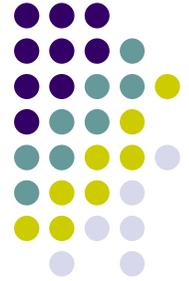


Jim Glennon – Ex TD / Senator in April 2010



- *“Most voters are, somewhat naively, of the view that government policy is developed through a process of careful analysis, comprehensive consultation, and the selection and prioritisation of initiatives based on impact and thorough cost-benefit analysis.*
- *In reality, most government policy-making is based on an ad-hoc reaction to events / media-pressure, and driven by the responsible Minister’s particular requirement to be seen to announce something which seems at least semi-sensible.*
- *Regrettably, policy-making which is focused solely on addressing tactical issues inevitably leads to strategic mistakes. Many of the problems now being faced by the Government are the result of ad-hoc fixes of problems during the boom – got a problem, create an agency, buy-off the unions, get it off the front page”.*

UN Economic Commission for Europe (UNECE) – 1998 Aarhus Convention

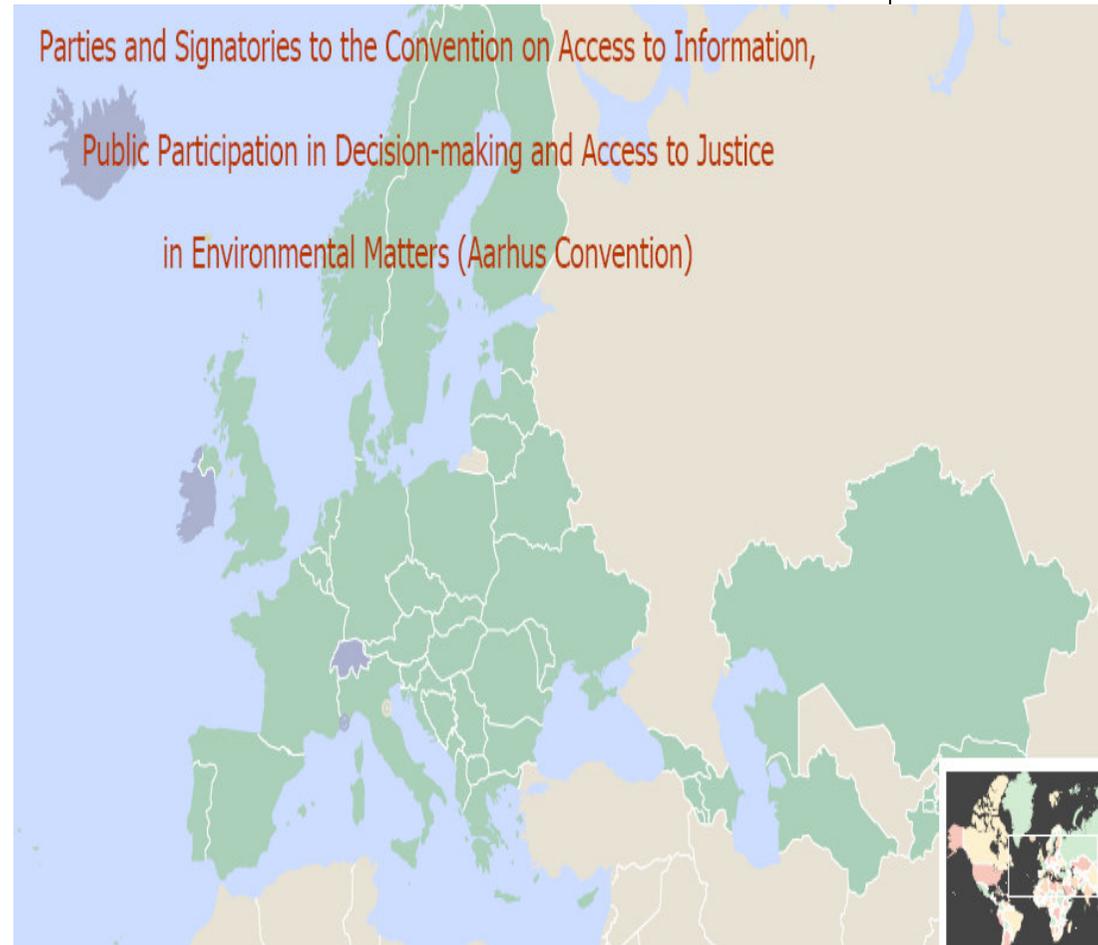


- Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.
- Derived from 1992 UN Rio Declaration.
- EU Directive (2003/35/EC) on Public Participation requires access to a legal procedure which is:
 - Fair, equitable, timely and not prohibitively expensive.

Ireland has signed but not ratified Convention – Can't as doesn't provide Access to Justice



- European Environmental Bureau:
 - “Quite definitely not. Access to Justice is for the rich or for the very poor, takes as much as years to resolve cases, there is no expertise amongst the judiciary and there is a lack of enforcement in particular cases”.



Romania – Legacy of Ceausecu’s heavy industries



- Old industrial sites, pollution, lack of profitability to run them correctly, etc. For example Copsa Mica in Romania was one of the most polluted places in Europe.



Ireland – Same style, dictatorial Government polices completed without Public Participation



- “The Government target is 40% renewables by 2020, although Minister Ryan has consistently said this will not be the limit of our ambitions”.

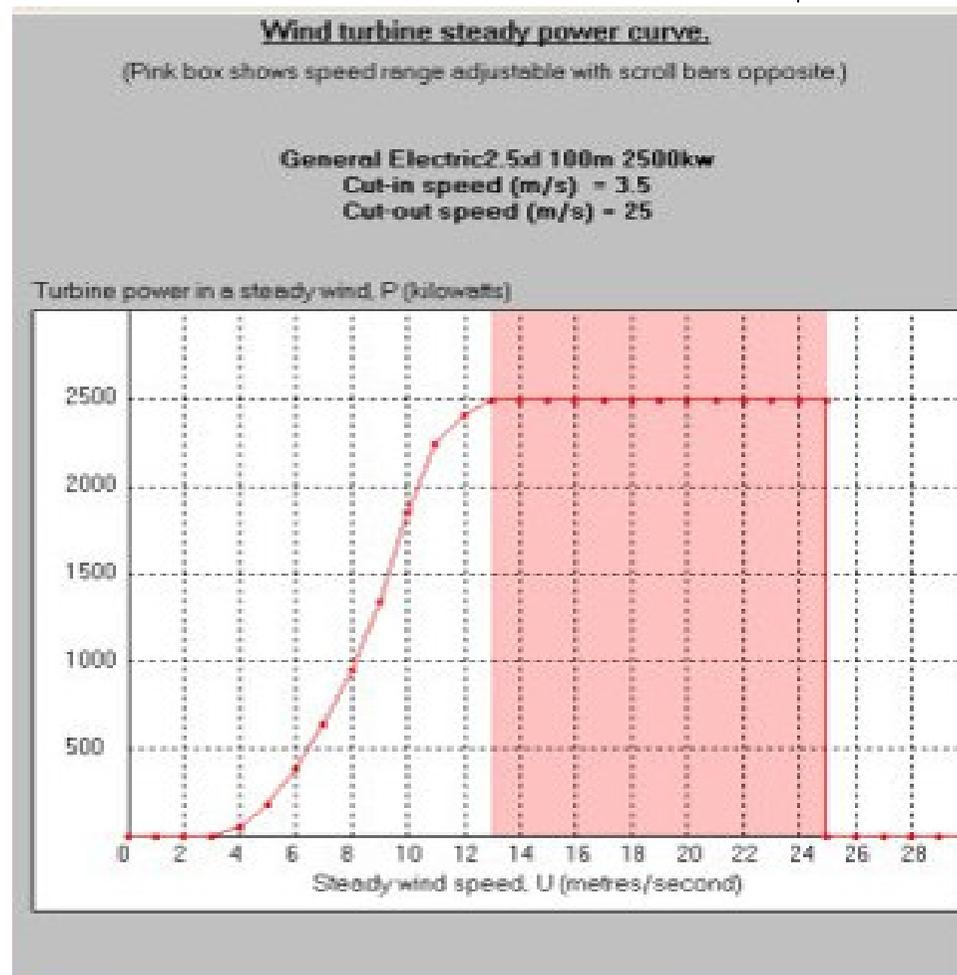


The Irish Landscape on Completion of the Government Wind Energy Programme – three thousand of these wind turbines plus doubling the electricity grid by an extra 5,000 km.



However, the Laws of Nature apply

- Ireland average wind speed \approx 11 knots (4.5 m/s).
- Energy \approx Velocity³ (if the wind speed is halved the power decreases by a factor of eight).

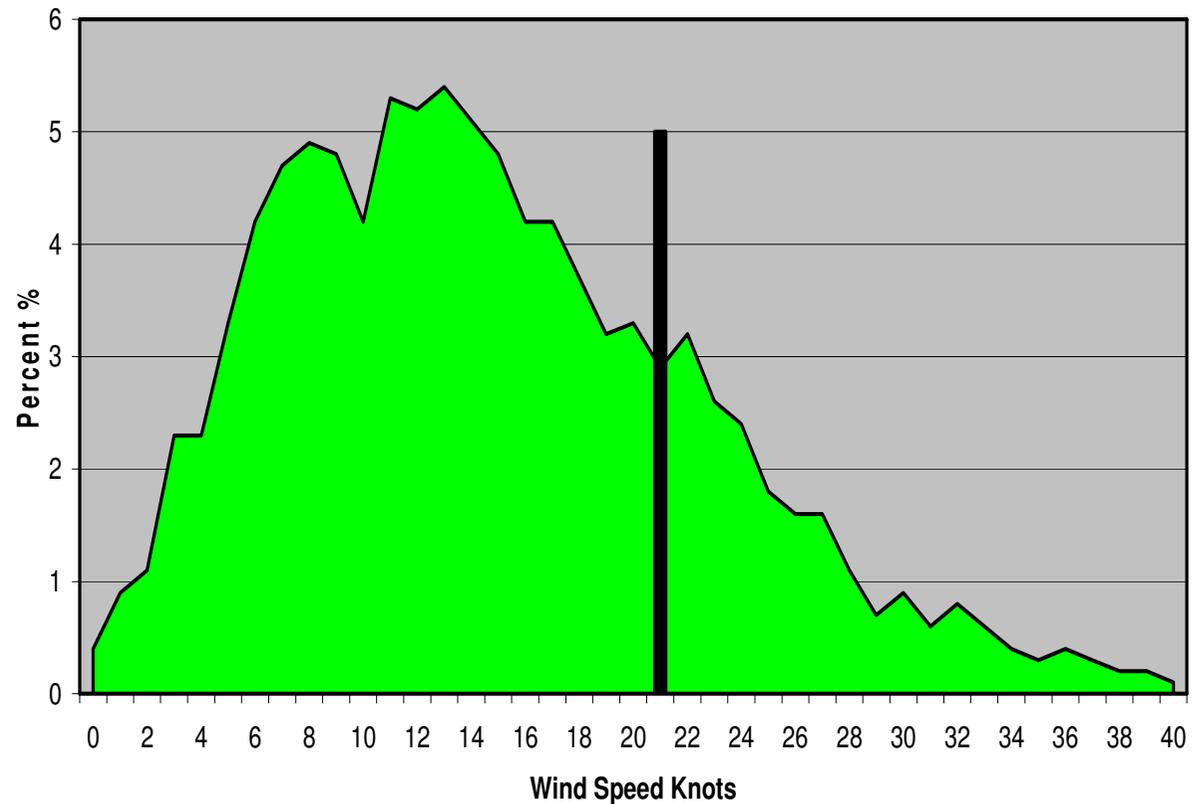


It's like building Hydo plants which only operate when there is a deluge



- Ireland's average wind graph – significant power is only going to be generated to the right of the line.
- July 2009 to July 2010 turbines delivered 23% of rated capacity.

Graph 1: Average Hourly Wind Speed Measured over a Year



The result? Entirely predictable but ignored in Policy Development



- Efficiency of Irish generation increased by 33% since 1999 due to new plants. Gas and coal prices peaked in mid 2008 and have decreased by more than 20%.
- Eirgrid's report of 2004 stated that 1,500 MW of wind energy on the Irish grid would increase generation costs by 15% - currently (May 2010) 1,390 MW on Grid.
- Wind turbines cause massive inefficiencies in other generating plants, which have to compensate for them. In fact the carbon content in Irish electricity is now rising again and the overall system efficiency decreasing.

It's more than just the 5% electricity levy discussed in the Media



- Wind energy is to be increased to 6,000 MW, we have no say or choice in this.
- The capital cost is over €30 billion, our electricity costs will rise by over 60%. Yet the environmental benefits, at the EU damage cost of €9 per tonne of carbon, are only €36 million per year.
- Even worse the wind turbines will have a lifespan of only 10 years – two of seven on Arklow Bank (2004) are bust.
- Every job in wind energy is subsidised by about €130,00 per year and destroys two in manufacturing.
- The same benefits could have been achieved with Waste to Energy projects at 1/30th the cost, which were however obstructed.

Complaint to EU Ombudsman – one of about 300 from 2009, decision due in Autumn



- EU Ombudsman can only investigate EU institutions.
- DG Energy approved REFIT I tariffs for Wind Energy.
- Irish Administration by-passed Public Participation - no Strategic Environmental Assessment (Directive 2001/42/EC) completed for renewable energy programme.

JANEZ POTOČNIK
Member of the European Commission

Brussels, 20 AVR. 2010
D(2010) 226

Mr Nikiforos Diamandouros
European Ombudsman
1, avenue du Président Robert Schuman
CS 30403
67001 Strasbourg Cedex
FRANCE

Subject: Complaint by Mr. Patrick Swords,
Ref. 2587/2009/JF – request for information

Dear Mr Diamandouros, *Dear Mr. Diamandouros,*

Thank you for your letter of 13 January 2010 to President Barroso about this case.

I am pleased to transmit to you the enclosed comments of the Commission on the above-mentioned complaint.

Naturally, the Commission remains at your disposal for any further information you may require.

Yours sincerely,

Part of final Submission to EU Ombudsman in May 2010



- EU Charter of Fundamental Rights (Lisbon Treaty).
- Right to a Good Administration.
- That the Union must make good any damages caused by its institutions or servants in performance with its duties, in accordance with the general principles common to the laws of the Member States.
- <http://www.scribd.com/doc/31378441/Bringing-the-Irish-Administration-to-Heel>

BRINGING THE IRISH ADMINISTRATION TO HEEL

By: Pat Swords BE CEng FICHEM CEnv MIEMA



- You work two or potentially three days a week for the Irish Administration.
- You would think they would respect you, acknowledge your Rights and spend that hard earned money wisely.
- Dream on!
- If you want to know more, maybe even find out what you are legally entitled to, even some compensation - then read on.

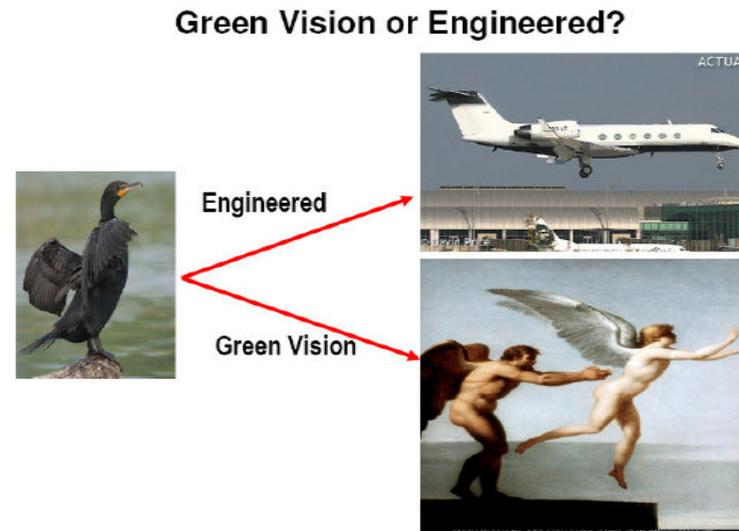
Submission to Joint Oireachtas Committee on Climate Change and Energy Security – June 2009



- Refusal to provide Access to Submissions.
- Content of Technical Submissions, Irish Academy of Engineering, etc, simply ignored.
- http://www.oireachtas.ie/viewdoc.asp?fn=/documents/Committees30thDail/J-Climate_Change/Submissions/document1.htm

IRELAND'S CHOICE: EU ENVIRONMENTAL POLICY OR GREEN ECONOMY?

By: Pat Swords BE CEng FIChemE CEnv MIEMA



Do you know?

- How much the Green Economy will cost?
- What the environmental benefits and impacts are?
- What the alternatives are?

If not then read on!

Complaint against Irish State being investigated by EU Commission



- CHAP(2010)00645 relating to Directive 2003/4/EC on Access to Information on the Environment (Pillar 1 of Aarhus Convention).
- Public Participation (Pillar II) and Access to Justice (Pillar III) not on Statute Book.

Liam-Joseph.Cashman@ec.europa.eu <Liam-Joseph.Cashman@ec.europa.eu>
To: pat.swords.chemeng@gmail.com

Thu, Mar 18, 2010 at 3:07 PM



EUROPEAN COMMISSION

DIRECTORATE-GENERAL

ENVIRONMENT

Directorate A - Legal Affairs and Civil Protection

ENV.A.2 - Compliance promotion, governance and legal issues

Brussels, 18th March 2010

Mr. Pat Swords

pat.swords.chemeng@gmail.com

Dear Mr. Swords,

With reference to your e-mail of 17.02.2010, I am pleased to inform you that the complaint you sent to the Commission has been registered under reference number CHAP(2010)00645 (please quote

UNECE highly concerned about Maladministration in Ireland and failure to ratify Aarhus Convention



- Several Irish groups have contacted UNECE in last few months.
- EU taken to UNECE Compliance Committee with regard to approval of REFIT I tariffs.
- Cannot take complaint against Irish State as no ratification of Convention.

To
<pat.swords.chemeng@gmail.com>
cc

Subject
Re: Complaint on Aarhus related to Ireland / EU

Dear Mr Swords,

Thank you very much for your email enquiry. You are welcome to contact at the telephone number below to discuss your enquiry, or alternatively, please send your telephone number and I can call you back.

Kind regards,

Fiona Marshall

Fiona Marshall
Environmental Affairs Officer
United Nations Economic Commission for Europe
Room 330, Palais des Nations
CH- 1211 Geneva 10, Switzerland
Phone: +41 22 917 4226
Fax: +41 22 917 0634
E-mail: fiona.marshall@unece.org
website: www.unece.org/env/pp

Complaint lodged with Garda Bureau of Fraud Investigation in November 2009



- Staggering sums of money; Ireland's electricity bill ≈ €5 billion / year.
- 15% for 15 years equals ??
- Prevention of Corruption (Amendment Act) 2001.
- Minister Gormley's failure to sign Poolbeg Foreshore License and implementation of Waste Policy without adherence to Public Participation (Pillar II).

An Garda Síochána

Búró An Gharda Um
Imscrúdú Calaisé,
Seirbhís Tacaíochta Náisiúnta,
Ceardg Fheiceál,
Srúid Fheiceál,
Báile Átha Cliath 2.



Garda Bureau of Fraud Investigation,
National Support Services,
Harcourt Square,
Harcourt Street,
Dublin 2.

Tel/Teléfono: 6 663709/04/06
Fax/Faxes: 6663798

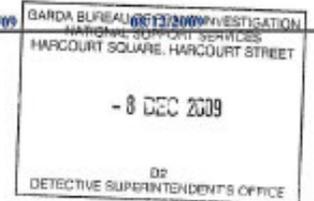
Láithreán Gréasáin/ Web site: www.Garda.ie
Ríomphoist/ E-Mail: gbf_du@garda.ie

Lungh an Uimhir thagairtha seo a leanas, le do thoil:

Please quote the following reference no:

FB11.242/09

Mr. Pat Swords
10 Hillcourt Road
Glenageary
Co. Dublin



Dear Mr. Swords,

I wish to acknowledge receipt of your correspondence.

This matter has been recorded at this Bureau and a member will revert to you in due course.
Please quote file reference FB11.242/09 in any future correspondence.

Yours sincerely,

Eugene Corcoran
Detective Superintendent

Only Component of Aarhus which is Irish Law – Access to Information



- Long drawn out process of requesting information, getting refused and then if necessary going to appeal (€150).
- Prove that documentation that should by law be there doesn't exist.
- Commissioner for Environmental Information (Ombudsman – Emily O'Reilly).
- <http://www.ocei.gov.ie/en/DecisionsoftheCommissioner/>

Decisions of the Commissioner

Mr Pat Swords & Department of Communications, Energy and Natural Resources ("the Department")

Percy Podger and Associates on behalf of Hands Across the Corrib Ltd. ("the Appellant") & An Bord Pleanála ("the Board")

Mr. John Colgan & Kildare County Council (the Council).

Mr. Pat Swords, 10 Hillcourt Road Glenageary, Co Dublin and An Bord Pleanála (the Board)

Mr. Pat Swords, 10 Hillcourt Road Glenageary, Co Dublin & University College Dublin (UCD)

Mr. Pat Swords, 10 Hillcourt Road Glenageary, Co Dublin & Eirgrid PLC, The Oval, 160 Shelbourne Road, Dublin 4.

Case CEI/09/0007 - Mr Pat Swords, 10 Hillcourt Road Glenageary, Co Dublin & IDA Ireland (IDA), Wilton Park House, Wilton Place, Dublin 2

10.05.2010 Mr. Pat Swords & RTE, Decision No. CEI/09/0015

The Commissioner found that RTE was justified in its decision to refuse the request on the basis that it did not hold environmental information within the scope of the request. She varied the decision to reflect her findings. She found that RTE comes within the definition of "public authority" in the Regulations and the Directive. She found that items 2 and 3 of the request did not come within the definition of environmental information. She further found that section 7(5) of the Regulations allows RTE to refuse a request in relation to items 1 and 4 of the request on the basis that the information is not held by it. RTE has since clarified that it has accepted since the coming into force of the Regulations that it is a public authority for the purposes of the Regulations and the Directive.

However, I am only one in 4 million!



- As the last living patient of Sigmund Freud reported in the *Süddeutsche Zeitung* on 27th March 2009, Sigmund said to her:
- *“Do not forget – to be an adult, one must dare to ask, why and how so and also express one’s own opinion or opposition. If you do not do that, you will always remain a child and it will always be the others that decide over you!”*