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## **Complaint**

### **Human Rights and Environmental Protection Laws addressing the issue of the most radioactive sea in the world – The Baltic Sea.**

#### **Whereas**

As early as 1972 the Stockholm Conference on the Human Environment addressed the interrelationship between Human Rights (as already enshrined in the Articles of the UN Declarations) and environmental protection.

#### **Whereas**

At the 1968 Teheran conference, Principle 1 of the final UN declaration stated (Final Declaration 1972):

*“Man has the fundamental right to Freedom, Equality and Adequate conditions of Life in an environment of a quality that permits a life of dignity and well-being and he bears a solemn responsibility to protect and improve the environment for present and future generations”* (International Covenant on Economic, Social and Cultural Rights Dec 16 1966 993 UNTS 2, 6 ILM 360 1967 )

#### **Whereas**

22 years later UN Resolution 45/94:

*“Recognises that all individuals are entitled to live in an environment adequate for the health and well-being and calls upon member states and intergovernmental and non-governmental organizations to enhance their efforts towards a better and healthier environment.”*

#### **Since therefore**

To those whose well-being suffers due to environmental degradation Human Rights law currently provides the only set of international legal procedures that can be invoked to seek redress for harm that is the consequence of an act or an omission attributable to a

State. The inclusion of INACTION is significant since most environmental harm is due to inactivity of the State.

**And thus**

whilst no international human rights procedure allows direct legal action against private enterprises or individuals who cause environmental harm, a State allowing such harm may be held accountable.

As Judge Weeramantry of the International Court of Justice put it:

*“The protection of the environment is a vital part of contemporary human rights doctrine. Damage to the environment undermines all of the human rights spoken of in the Universal Declaration.”*

**And whereas**

Degradation of the environment impacts the right to health and the right to family when genetic or genomic damage is involved since human fertility is affected.

**The Procedural consequences are**

1. Rights to environmental information
2. Public participation in decision-making
3. Remedies in the event of environmental harm

**And furthermore**

**The Stockholm Principle 1 and Rio Declaration both state**

*“Individuals shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings including redress and remedy shall be provided.”*

**This means**

proceedings in the national court before a judge. If the court process is not given, the matter is to be taken to the international court.

**Whereas also**

the 1998 Aarhus Convention (UNECE) states

*“Every person has the right to live in an environment adequate for his or her health and well-being and the duty, both individually and in association with others to protect and improve the environment for the benefit of present and future generations”*

## Article 1

*“Citizens must have access to justice in environmental matters”*

### **Whereas the WHO European Charter states**

*“Every individual is entitled to information and consultation on the State of the Environment”*

### **It follows that Public Participation in environmental decision-making is a right and**

It follows from the above that there must be such participation based on the RIGHT of those who may be affected, including foreign citizens and residents to have a say in their environmental future

1. The right to be heard
2. The right to affect decisions
3. The right to remedy and redress

Principle 10 of the Rio Declaration gives effective access to judicial and administrative proceedings including redress and remedy.

**Now therefore we refer to the matter of:**

### **Widespread radioactive pollution of the Baltic Sea and Baltic Sea coasts and projects involving further such contamination:**

**As follows:**

**1. Much information on the radioactivity of the Baltic Sea region is missing. Whilst some information on the current levels of environmental contamination is available in scientific literature, the public is left uninformed. Missing is even the interpretation in terms of effects of environmental contamination on public health (see below). The issue is not properly discussed, nor is it open to such discussion by those citizens affected by environmental degradation. Huge efforts are made to limit pollution from cigarette smoke even though the evidence of ill health from passive smoking is weaker than the evidence of ill health due to radioactive contamination following Chernobyl effects in Sweden (Martin Tondel et al., 2004)**

**2. Such discussion and consultation is essential to inform on the potential harm of this contamination.**

**3. Many informational aspects of the contamination levels are not available or have not been obtained through measurements, e.g. (i) sea to land transfer of radionuclide**

particles and inhalation in coastal environments (ii) concentration of uranium particulates in coastal environments.

4. Private industry continuing contamination of the Baltic (e.g. Studsvik, Fortum, E.ON, Vattenfall, etc) has not been properly made subject to any of the procedures on public participation in decision-making.

5. Methodology for assessing the effects of such environmental contamination is suspect and has not been opened for discussion e.g. the International Commission on Radiological Protection (ICRP) vs. the European Committee on Radiation Risk (ECRR) (1). The Swedish national competent authority SSM (Strålsäkerhetsmyndigheten) is criminally highly irresponsible in that it has not incorporated developments in radiation risk assessment and many recent post-Chernobyl studies which show clearly that its current methodology is unsafe for radiological protection of the public.

6. Regarding the question of disputed methodology for radiation risk assessment it is a matter of serious conflict of interest that the Medical Officer of Health for Sweden, the head of Socialstyrelsen, is Lars-Erik Holm who was previously head of SSM (previously SSI) and also President of ICRP whose risk model is used to inform risk from such radiation exposure. This is similar to the recent conflict of interest scandal of professor Anders Ahlbom at the Karolinska Institute and mobile phone radiation safety [cf. <http://www.monanilsson.se/document/AhlbomConflictsIARCMay23.pdf>].

7. Small area cancer and other disease incidence data which would inform on these issues is seen as information on the environment and should be subject to the above human rights declarations yet is kept confidential by Socialstyrelsen and Statistiska Centralbyrån in Sweden.

We therefore require access to judicial proceedings for redress and remedy for the above. Failure to obtain proper consideration for redress in Sweden will result in us taking the case to the International Court of Justice.

## Plea

We the undersigned in respect of the above arguments require access to judicial proceedings reviewing the legitimacy of the behavior of the State and its appointed instruments in the matters of the environmental radioactive contamination of the Baltic Sea and its effect on the Human Rights and the Environment.

*Attached link is a brief summary of PDFs of some of the HELCOM.fi scientific reports on the radioactivity of the Baltic Sea region:*

<http://www.bsrrw.org/wp-content/uploads/2010/06/BS-radioactive-.pdf>

Note (1) The current radiation risk model is that of the International Commission on Radiological Protection (ICRP), until recently based in Sweden. This model has been shown to be unsafe for internal radionuclide exposures and has been overtaken by that of

the European Committee on Radiation Risk (ECRR) whose 2010 report discusses this issue ([www.euradcom.org](http://www.euradcom.org)). We will provide full evidence to the court.

Signed

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