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March 12, 2018

Ms. Fiona Marshall
Secretary to the Aarhus Convention Compliance Committee
United Nations Economic Commission for Europe
Environment Division
Palais des Nations
CH-1211 Geneva 10, Switzerland
E-mail: aarhus.compliance@unece.org

Re: PRE/ACCC/C/2017/153 Spain Communication to the Aarhus Convention Compliance Committee concerning compliance by Spain with the provisions of the Convention in the context of mining developments in Galicia

Dear Ms. Marshall:

At the Aarhus Convention Compliance Committee meeting on March 12, 2018, I read the following statement on behalf of Petón do Lobo in support of PRE/ACCC/C/2017/153 Spain. The Committee requested submission of this statement in writing.

Petón do Lobo is a cultural and environmental nonprofit organization in Galicia, Spain. We submitted this Communication on July 24, 2017 and replied to questions from the Secretariat on February 12, 2018. Our submissions demonstrate systemic failure by the Galician Regional Directorate General of Energy and Mines to provide public access to crucial environmental information and public participation in proceedings for permitting and operating a number of mines.

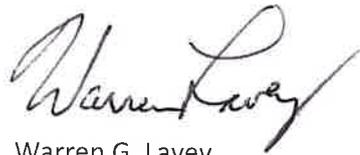
The Communication and Reply showed that the Directorate General of Energy and Mines granted concessions for the San Finx and Santa Comba mining projects without environmental impact assessments and without consideration for acid mine drainage treatment and releases from abandoned tailing dams. This agency is not enforcing on the mines legal requirements to protect public health and the safety of waters. Importantly, the Galician Regional Directorate General of Energy and Mines has insulated itself against public scrutiny and legal challenges by denying requests for public access to environmental information and public participation.

Petón do Lobo and other organizations and individuals have pursued remedies through Spanish agencies and courts, but these proceedings have been ineffective, unreasonably prolonged, and prohibitively costly. About ten to thirteen months ago, we submitted petitions for access to routine public documents to the Directorate General of Energy and Mines, but these requests are still pending without satisfactory disclosures. Five months ago, the Commission of Transparency of Galicia issued two Administrative Resolutions finding that the Department of Mines unlawfully denied access to public

information and urging that the requested information be provided within fifteen days. The Department of Mines ignored these Administrative Resolutions, neither providing the information nor filing court appeals. Recently, the Public Prosecutor filed a claim for corruption against the Directorate General of Energy and Mines; this action is likely to take several years and is not directed at public access to mining information, but rather to the underlying environmental impacts and lack of enforcement. Additionally, our Reply listed many examples showing that the Directorate General of Mines and Energy failed to comply with its obligations and the Resolutions of the Commission of Transparency.

Because of these ongoing violations of Aarhus Convention Articles 4 and 6 and the failure of domestic remedies, we urge the ACCC to admit this Communication and take actions to enforce the public's rights to access crucial environmental information from the Galician Regional Directorate General of Energy and Mines and to participate in proceedings regarding mines in Galicia.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Warren Lavey". The signature is fluid and cursive, with a large initial "W" and a long, sweeping tail.

Warren G. Lavey
Adjunct professor
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