



Sociedade Galega de Historia Natural

Dende 1973 estudiando, divulgando e defendendo o medio natural galego

Presidencia

Apartado de Correos nº 330 ; 15780 SANTIAGO DE COMPOSTELA

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Aarhus Convention Compliance Committee
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SUBJECT: Appearance of the SGHN before the United Nations Economic Commission for Europe regarding case ACCC/C/2017/153 Spain (Aarhus Convention)

Dr. Serafín J. González Prieto, hereby representing the *Sociedade Galega de Historia Natural (SGHN)* in his capacity of President of the association, appears and states:

1. The *Sociedade Galega de Historia Natural* or Galician Natural History Society (SGHN) is an independent not-for-profit scientific association dedicated to the study, promotion, conservation and defence of the natural environment. It was created in 1973 as Galician Ornithological Group and transformed into the SGHN four years later. It is the oldest environmental defence association in Galicia and one of first of its kind in Spain.
2. SGHN is part of the Galician Council for the Environment and the Galician Biodiversity Observatory, the two main consultative bodies for the environment in the administration of the Autonomous Community of Galicia, since they were respectively established in 1995 and 2007. For over 12 years, SGHN has been included as a body to be mandatorily consulted and that is to issue reports for all projects, plans and programmes with environmental implications in Galicia.
3. Although Spain ratified the Aarhus Convention in 2004 and there is European (Directive 313/1990), Spanish (Lay 38/1995 and Law 27/2006) and Galician (Law 1/1995) in place that should guarantee access to environmental information, SGHN is encountering systematic blockages and procrastination when demanding responses from the different autonomous ministries of the Galician Government (*Xunta de Galicia*), if not absolute silence and lack of response of any kind. On these grounds, SGHN has often had to refer such cases and frequently obtained support from available remedies that include the Galician Ombudsman (*Valedor do Pobo*) and Spanish Ombudsman (*Defensor del Pueblo*).
4. As purely illustrative examples, we wish to refer two recent examples of clear obstruction by the autonomous ministries with responsibilities over the environment and mines, in both cases referred to information regarding two separate mining developments not mentioned in detail by the communicants to the ACCC file of reference:
 - a. **Corcoesto gold mining project (Cabana de Bergantiños, A Coruña).** With a delay of 21 months after the legal limit to issue a response, and after the Galician Ombudsman ([Valedor 1](#)) admitted a claim made by SGHN on 17-04-2013 ([PDF](#)) and demanded a response from the Administration in two occasions ([Valedor 2](#), [Valedor 3](#)), finally on 09-02-2015 the Directorate General for the Conservation of Nature provided SGHN with the requested information: “*copy of all the reports issued by the Directorate General for the Conservation of Nature (Santiago de Compostela) and the Service for the Conservation of Nature (A Coruña) at the request of the Secretary General for Environmental Quality and Evaluation regarding the Corcoesto gold mining project*”. In the final 21-05-2015 report by the Galician Ombudsman acknowledged that the Administration had breached laws on environmental



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information by failing to comply to response time limitations, further stating that: “This occurs frequently, as we have already highlighted in the different reports that we send to the Parliament of Galicia where we demand that administrations correct this bad praxis and provide information within one month and in adequate formats, preferably electronic”. It must be noted that, as in the case referred to by the communicants on an individual seeking administrative information on the Corcoesto mining concessions at the same time as SGHN on which a sentence was only issued by the Galicia’s High Court on 2018, at the time the information was in fact provided to SGHN it had lost its utilitarian significance, thus further hindering rights to public participation.

- b. **“Pereda nº 295” open cast limestone mine (Rubiá, Ourense).** In this instance, after many years of abandonment, an open cast limestone development restarted its operations in year 2014 although the area had subsequently been declared as a Special Protection Area for Birds and a Special Conservation Area, and integrated within the Serra de Enciña da Lastra Natural Park. Both the department of mines and energy and the department for the environment fully ignored every single request for environmental information made by SGHN regarding the mining operation in question, until the Galician Ombudsman forced them to respond after several requirements ([PDF](#)) based on the legal framework regarding access to environmental information by citizens. As in the previous case, the final report from the Galician Ombudsman dated 10-01-2017 concluded that the affected departments of the administration (environment and mines) had failed to comply with the legal time limitations to respond and provide access to such requests.
5. The above cases and the facts stated by the Galician Ombudsman as well as other instances that have been continuously denounced by a diversity of associations and collectives of different nature clearly illustrate the systematic character of the non-compliance of the Galician administration regarding national and international frameworks that protect the rights to access environmental information and guarantee public participation in projects affecting the environment.

All of the above is duly stated for the record to all appropriate effects and action,

In Santiago de Compostela, on February 7, 2019.

Dr. Serafín González Prieto

President SGHN