



Center for Human Rights and Environment

General Paz, 186 – 10A, Córdoba, 5000 Argentina, Cedha@cedha.org.ar 54 (351) 425-6278 www.cedha.org.ar

Jorge Daniel Taillant
Executive Director

Advisory Board

James Anaya
Indian Law Resource
Center - Arizona University

Christopher L. Avery
Founder and Director
Business and Human Rights
Resource Centre
Amnesty International

Carlos Ayala
Ex Presidente
Comisión Interamericana
de Derechos Humanos

Alexandre Kiss
Professor
Centre National de la
Recherche Scientifique

Gay McDougall
Executive Director
International Human Rights
Law Group

Anthony A. Oposa
Professor, College of Law
University of Philippines

Miguel Pellerano
Director Regional para
América del Sur
Unión Mundial Para la
Naturaleza

Peter Rosenblum
Director Human Rights
Program
Harvard University

Dinah L. Shelton
Professor
Notre Dame University

Michael Shifter
Vice President for Policy
Inter-American Dialogue

Fatma-Zohra Vesely
Special Rapporteur
on Toxic Wastes and
Human Rights
UN Commission on
Human Rights

Jose Miguel Vivanco
Executive Director
Americas Division
Human Rights Watch

Rick Wilson
Director Human Rights
Law Clinic
American University

Durwood Zaelke
Founder and President
Center for International
Environmental Law

By Fax and Email

Friday, 17 March 2006
Cordoba, Argentina.

Mr. Jan-Erik Enestam
Ministry of Environment
Finland

And

Ms. Eija LUMME (Aarhus Contact person)
Senior Adviser
Ministry of the Environment
PO Box 35
FIN-00023 Government, Finland
Tel: +358-9-160 39479
Fax: + 358-9-160 39603
E-mail: Eija.Lumme@ymparisto.fi
URL: <http://www.ymparisto.fi>

Request for Environmental Information concerning Greenfield Pulp Mill Investment in Uruguay

The Center for Human Rights and Environment (CEDHA) requests environmental information pertaining to Finnvera plc and its support of Greenfield Pulp Mills in Uruguay. The Finnish government is obliged to provide environmental information in accordance with Finland's Act on the Openness of Government Activities 1999, European Directive 2003/4/EC and the Aarhus Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters. CEDHA requests information which the Ministry of Environment has in its possession or is able to obtain from Finnvera plc.

The environmental information requested pertains to the following:

- contract between Finnvera and the Uruguayan Government;
- contracts between any Finnish Corporations involved in the Finnvera's investment in this industry and the Government of Uruguay or any other pertinent local companies, agencies, or other institutions;
- contracts between Finnvera and its business partners regarding this investment;
- any information or specifics pertinent to the payment or exemptions from tax of these investments in Uruguay or in Finland;
- any information or specifics concerning demands or conditions imposed by the Finnish State or by any of the private companies on Uruguayan legislation reforms as preconditions for investments;
- information that the Finnish government has regarding environmental, economic and social risks and impacts of the project;
- information that the Finnish government has regarding macroeconomic risks of the project;
- information that the Finnish government has regarding preestablished guarantees of labour and material costs;
- information that the Finnish government has regarding market accessibility and exclusivity of operations;

- documentation showing that Finnvera has reviewed compliance of this project with environmental assessment of the project under the Export Guarantee Act (422/2001);
- documentation showing that Finnvera has reviewed compliance of this project with international rules and regulations as mentioned in the Export Guarantee Act (422/2001);
- documentation showing that Finnvera has properly conducted environmental, social and economic risk assessment of the project;
- documentation showing that Finnvera has assessed the project for compliance of EU Directive 2003/35/CE Article 2 and 1999/391/CE Annex, regarding public participation in plans and programs;
- documentation showing that Finnvera has reviewed compliance of this project with its obligations under the OECD Common Approaches on Environment and Officially Supported Export Credits;
- documentation showing that Finnvera has reviewed project cost-benefit or other economic analyses and assumptions, particularly regarding citing and no-project alternatives;
- documentation showing that Finnvera has reviewed existing company contracts with the Government of Uruguay to determine that these are in compliance with environmental assessment procedures and that they uphold Finnish law and EU regulations;
- documentation showing that Finnvera has reviewed compliance of this project with established international bilateral law between Argentina and Uruguay, particularly as pertains to the Uruguay River Treaty established to project the international waterway to be contaminated by the mills;
- documentation showing that Finnvera has reviewed, and is in agreement with, project sponsors on the use of the technology chosen, particularly as concerns the use Elementar-Chlorine Free (ECF) technology; and
- documentation showing that Finnvera has reviewed compliance of this project with environmental stipulations of export credit guarantee terms and conditions.

CEDHA´s right to request environmental Information

CEDHA, as a non-government organizations promoting environmental protection, has the right to ask for environmental information under the Aarhus Convention which defines *public concerned* as the public having an interest in, the environmental decision-making; for the purposes of this definition, non-governmental organizations promoting environmental protection and meeting any requirements under national law shall be deemed to have an interest. The project takes place in Uruguay but its impacts will be also in Argentina.

Obligations in relation to the Aarhus Convention

Finland has signed the Convention in June 25 1998 and accepted it on September 1st 2004. Along with the obligation to comply with all the provision of Aarhus Convention, it will be important to stress the fact that Finland has to ensure that its public authorities possess and update environmental information related to their activities (art. 5. 1-a), and when Finland through its Export Credit Agency is guaranteeing this project, then it has the obligation to hold the environmental information related to the case.

Obligations in relation to European Directives

As per European Directive on Public Access to Environmental Information 2003/4/EC the Finnish Government is to comply with accessibility provisions concerning environmental information. CEDHA, having the status of a legal person requesting environmental information has the right to access this information under the EC. The information requested comes under the definition

and outside of the exceptions of Environmental Information as defined by the directive.

Obligations Relative to Finnish Law

The Act on the Openness of Government Activities 1999 extends to enterprises owned by the state or that carry out government mandates such as Finnvera's implementation of regional policy. The main principle under Finnish law is that everybody has access to documents in the public domain and secrecy is the exception. This right is protected by the Finnish Constitution. Access may thus not be restricted without a lawful reason or more than necessary for the interest being protected. The information sought does not come under the categories of secret information provided by the act.

Form of information requested

Information requested pertains to the Greenfield pulp mill in Uruguay including all forms of information considered by the appropriate legislation. The Finnish government is obliged to provide information, including any form of communication or correspondence about the pulp mill, and parties may include the Government of Uruguay, Finnvera and its business partners. Information can be all or part of the document in question. The information requested concerns information in written, visual, aural, electronic or any other material form. Information is to be supplied to the applicant preferably in digital format and corresponding to time requirements established by the applicable legal instruments.

The Ministry of Environment is asked to kindly notify CEDHA of its receipt of this request.

Sincerely,

Jorge Daniel Taillant

Executive Director/Director Ejecutivo
Centro de Derechos Humanos y Ambiente (CEDHA)
General Paz 186, 10A
Cordoba 5000, Argentina
tel. 54 351 425 6278
jdtailant@cedha.org.ar
cedha@cedha.org.ar
www.cedha.org.ar