



CAFTA-DR Secretariat for Environmental Matters Public Participation in the implementation of Environmental Legislation

Fighting noise pollution in Antigua Guatemala

Case Summary

In 1992, Lorena Rodríguez and Patricia Swope, owners of Casa Florencia Hotel in Antigua Guatemala, began denouncing and filing complaints about noise pollution generated by the excessive music and other types of activities carried out at night and into the early morning by members of El Esfuerzo Cultural and Sports Club. For the owners of the hotel, this environmental problem affected their and their neighbors' right to a healthy and ecologically balanced environment in Antigua Guatemala. They claimed the noise pollution had already caused notable effects on the health of the residents of the area.

According to the Submitters, during this time neither the national or municipal authorities made an effort to ensure the parties responsible for this problem complied with relevant legislation nor did they provide Ms. Rodríguez access to public environmental information or participate in the creation of a solution to this environmental problem.

Faced with a problem pertaining to compliance with environmental legislation and with the goal of preventing, monitoring and reducing noise pollution, the Submitter presented a Submission with the SEM in September of 2010 with the additional objectives of having her voice and complaint heard and addressed by Guatemalan environmental authorities.

Challenges Faced

The Submitters stated that they and other residents of the San Sebastián neighborhood had suffered 18 years of noise pollution generated by the El Esfuerzo Cultural and Sports Club, in direct violation of Article 18 of the Environmental Improvement and Protection Law. An additional problem was that the central government had not yet issued technical regulations to operationalize the stipulations of Article 18.

The noise pollution was caused by events held at the club, which rented out its facilities. The noise pollution was affecting a city of historical importance, as Antigua Guatemala was declared a World Heritage Site by UNESCO in 1979.

The Submitters stated that the area residents suffered consequences caused by the noise pollution: headaches; depression; stress; insomnia; irritability; inability to concentrate; and poor work performance. They also complained of other social and environmental effects including communication problems, isolation, reduction in real estate prices, high health care costs, reduction in tourist income as well as material damages caused by low frequency sound waves and vibrations.

Public Environmental Participation

“It is important that the tourist industry plays an active role in and is committed to promoting compliance with environmental legislation.”

Lorena Rodríguez.

Casa Florencia Hotel
7a Avenida Norte #100 La
Antigua, Guatemala.
(502) 7832-0261
(502) 7832-7291
www.cflorencia.com



Action taken

After the Submission was presented, the Secretariat for Environmental Matters focused on generating a cooperative environment between the Ministry of Environment and the Submitters, coordinating meetings and visits and to evaluate the problem and paths to a solution. This facilitated a series of actions taken:

Strategic Actions

1. Mediate between the Submitter and the Ministry of Environment in order to create a positive environment and establish communication channels.
2. The Ministry assigned the case to a high-level official (General Secretary of the Ministry), which demonstrated respect for the Submitter and a real interest in resolving the environmental problem.
3. Promoted access to information, dialogue and participation in order to understand the problem and seek cooperative solutions.
4. Begin dialogue on establishing general regulations for noise pollution in Guatemala.

1. The Ministry of Environment assigned its General Secretary to personally follow-up on the case.
2. The General Secretary visited the Submitters at their residence to learn about the problem first hand.
3. The Submitters began to share information with the Ministry and search for a solution.
4. Due to a lack of technical regulations, two processes were begun to establish regulations on noise pollution: a) the first one within the Municipal Government of Antigua; and b) a second one in the Ministry of Environment.
5. The Ministry of Environment conducted an inspection of the Club and confirmed the claims made by the Submitters.
6. As a result of their findings, a process was begun to sanction those responsible for the noise pollution.
7. The sanctions could eventually lead to the closure of the establishment.
8. Finally, and as a result of these actions, the Submitters requested the suspension of their Submission.

Results achieved

Achievements for this case include:

1. The Submitters were heard and personally assisted by the Minister of Environment and by the Ministry's General Secretary.
2. A process was begun to improve public access to environmental information and to increase public participation on environmental matters.
3. The noise pollution problem was officially confirmed and documented.
4. The Municipal Government of Antigua issued regulations pertaining to noise pollution.
5. The Ministry of Environment fined the El Esfuerzo Cultural and Sports Club for the lack of environmental permits.

Finally, the Submitters, after seeing the actions taken by the government to seek a solution to the noise pollution, requested that the Secretariat for Environmental Matters suspend the case as long as the government continued to work to resolve the problem.

Contact Us

Secretariat for Environmental Matters
4a Av. 10-25, Zona 14
Guatemala, Guatemala
Postal Code: 01014
+502 2368-2151
info@saa-sem.org
www.saa-sem.org



Visit our website for more information
www.saa-sem.org

The Secretariat for Environmental Matters (SEM) is an international organization that was created within the framework of the Free Trade Agreement between the Dominican Republic, Central America and the United States of America (CAFTA-DR). The mission of the SEM is to administrate the CAFTA-DR Environmental Submissions Mechanism in accordance with CAFTA-DR articles 17.7 and 17.8.