

4 April 2017

COUNCIL RESOLUTION 17-01

Instruction to the Secretariat of the Commission for Environmental Cooperation regarding Submission SEM-15-001 (*La Primavera Forest*) in connection with the assertions that Mexico is failing to effectively enforce provisions of the General Ecological Balance and Environmental Protection Act (*Ley General del Equilibrio Ecológico y la Protección al Ambiente*—LGEEPA); the General Wildlife Act (*Ley General de Vida Silvestre*—LGVS); the General Act on the Development of Sustainable Forestry (*Ley General de Desarrollo Forestal Sustentable*—LGDFS); and the Jalisco Ecological Balance and Environmental Protection Act (*Ley Estatal del Equilibrio Ecológico y la Protección al Ambiente de Jalisco*—LEEEPA-Jalisco) in connection with the protection of the Wildlife Conservation Area known as “La Primavera Forest” in Jalisco, Mexico.

THE COUNCIL:

SUPPORTIVE of the process provided for in Articles 14 and 15 of the North American Agreement on Environmental Cooperation (NAAEC) regarding submissions on enforcement matters and the preparation of factual records;

AFFIRMING that the process provided for in Articles 14 and 15 of the NAAEC was established by the Parties of the NAAEC to provide an opportunity for residents of Canada, Mexico, and the United States to present their concerns regarding effective enforcement of environmental law and to bring facts to light regarding those concerns;

RECOGNIZING that the Submissions on Enforcement Matters (SEM) process is designed to promote information-sharing between members of the public and the governments on matters concerning the effective enforcement of environmental law;

ACKNOWLEDGING that factual records are an important way to increase public participation, transparency, and openness on issues related to the enforcement of environmental law in the United States, Canada, and Mexico;

HAVING CONSIDERED the Revised Submission, filed on 2 November 2015 by the group known as “Salvemos Unidos el Bosque de la Primavera,” represented by Juana Pérez Rodríguez and a submitter who asked that his personal information be kept confidential under Article 11(8) of the NAAEC (the “Submitters”), as well as the response provided by the Government of Mexico on 21 April 2016 (the “Response”);

HAVING REVIEWED the 4 November 2016 Notification of the Secretariat recommending the development of a factual record with respect to the effective enforcement of certain provisions of Mexican Law cited in the Revised Submission;

AWARE that the Response provides information on the enforcement actions taken by Mexico with respect to the assertions made in the Revised Submission;

TAKING INTO ACCOUNT Guideline 10.4 of the *Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the North American Agreement on Environmental Cooperation* in relation to the preparation of a factual record, which states that, “[t]he Council will provide its reason(s) for the instructions in writing and they will be posted on the [SEM] public registry;”

HEREBY UNANIMOUSLY DECIDES:

TO INSTRUCT the Secretariat not to prepare a factual record with respect to this submission;
and

TO DIRECT the Secretariat to post the Council’s reasons for its vote on the SEM public registry.

On behalf of the Council:

Louise Métivier
Government of Canada

Enrique Lendo Fuentes
Government of the United Mexican States

Jane Nishida
Government of the United States of America