

Asociación Ecologista Santo Tomás - SEM-07-005 (Drilling Waste in Cunduacán)

Questions:

	Yes	No	I don't know
Did the Citizen Submission procedure seem to be useful?	x		
Were you satisfied with the CEC's handling of your petition?		x	
Did the CEC's resolution of your petition seem technically and legally appropriate?	x		
Did the CEC's resolution seem just?	x		
Did the CEC's response time seem appropriate?		x	
How much time did the procedure take (in months)?	21 months		
How much money did you or your organization invest in preparing and following up your petition (in C\$, Mx pesos, US\$)?	\$2, 000.00 M/N		
Did the Citizen Submission procedure seem to be useful?			

1. When and how did you learn about the citizen submission process?

Early in the year 2000, through the national networks working on free trade and environmental law.

2. How difficult was it to gather information on how to use the SEM process? What institutions, organizations, resources, or establishments did you consult, if any, to learn about the SEM process and how to use it?

It was easy, as we kept a record of the actions carried out regarding the case in question.

3. Did you know about the "Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the [NAAEC]" (the "Guidelines") published in the CEC booklet "Bringing the Facts to Light"? If so, did you consult them? How helpful was it? Was there any information not included in the Guidelines that might have helped you in preparing your submission?

Yes, we knew about the Guidelines and they proved quite useful to us in presenting the submission.

4. Did you contact the CEC Secretariat prior to preparing a submission, and if so, for what reason (i.e. information gathering, questions about procedure, etc)? Was the response of the Secretariat, if any, helpful? Why or why not?

It was not necessary to contact the Secretariat.

5. Why did you choose the SEM process for addressing the matters you raised in your submission?

In our view, no remaining authority in our country would be capable of resolving the case.

6. What outcome did you expect from the SEM process at the time of your submission? Sanctions? Recommendations? Conclusions?

Our goal was to have the CEC make a recommendation to the Mexican government on how the case in question had been dealt with.

7. Did the processing of your submission in any way affect or impact the situation you were addressing, and if so, how? Was this impact consistent with your hopes and expectations?

Yes, there were repercussions for the case. We were informed of the existence of pending cases before the courts in our country of which we were not aware. We had not been previously informed by the national authorities in charge of resolving the case.

8. Has the outcome of the SEM process with respect to your submission helped you to understand the relevant environmental law(s) and the government's decisions with respect to enforcing those laws? If so, in what way?

Yes, quite a lot. Nevertheless, it left us a bad taste in the mouth since despite having demonstrated the non-enforcement of Mexican environmental legislation, the SEM process was interrupted, without any follow-up on the case, when the Mexican government reported the existence of ongoing proceedings, which were not necessarily concerned with environmental issues.

9. Did you pursue any domestic legal options regarding the matters raised in your submission? If not, why not? If so, why did you also file a submission?

All of the competent Mexican authorities were contacted. When no results were forthcoming from these efforts the decision was made to present the submission.

10. If the government Party filed a response to your submission, was the response helpful in understanding the Party's positions and decisions with regard to the matters you raised, and if not, why? Did the response provide information that you were seeking?

As we mentioned, the Mexican government's response did not respond to our submission as such, instead it sought to have the CEC dismiss it citing the existence of ongoing proceedings. The proof is that the status of the case presented remains unchanged with one difference: no state or federal Mexican authority has taken charge of the case.

11. Did you have any contact with the government Party regarding the matters raised in your submission during or after conclusion of the SEM process, and if so, was this contact helpful? If not, would such contact have been helpful?

There was no communication on the part of the Mexican government in relation to the submission and a look at the government's reaction shows that rather than seek to resolve the problem, an attempt was made to discredit our submission by seeking to have the CEC dismiss it out of hand. However, this didn't happen.

Consequently, I consider that it would have served little purpose if the Mexican party had contacted us, given that from the very outset of the case every Mexican authority had been contacted without this resulting in any effective response to the case. In effect, the Mexican government was aware of what was happening, but was not acting in favor of effective enforcement of the law, despite the existence of rulings ordering urgent measures.

12. How long did it take for your submission to be processed? Include the time from the point that you submitted the petition to the factual record or other final decision. Do you believe that this is a reasonable amount of time for processing of submissions? If not, what recommendations would you make for improving the timeliness of the process?

The Secretariat took 21 months to issue a resolution on the submission, although it must be said that during this period of time a major event occurred which may have delayed the response.

13. What action have you undertaken with regard to the matters raised in your submission after the conclusion of the SEM process? Do you expect or wish that the CEC continued to be involved following the conclusion of the process, and if so, how?

We would have liked a follow-up to the case, as our submission, which had demonstrated the non-enforcement of the legislation, was not, strictly speaking, dismissed. Instead, given the existence of ongoing proceedings, the Secretariat decided to not continue with the submission. Instead, it totally closed the case and made no subsequent inquiries with the Mexican government regarding what ultimately happened with the case.

14. ¿Qué How costly was it for you to use the citizen submission process? Were the costs in line with the benefits you received from the process?

In our view, it was not a costly process, as the team that presented the submission had the technical and legal expertise to do so.

15. What kind of assistance, if any, did you receive in preparing your submission? If you did not receive assistance, what kind of assistance do you wish you had received, if any?

We consider the guidelines to be a very effective tool for presenting submissions.

16. Approximately how much time went into the preparation of your submission?

About two months.

17. Overall, was the citizen submission process a useful forum to raise the matters you highlighted in your submission? Why or why not?

We believe so, since in some fashion it did have an impact by eliciting a response from the Mexican government regarding the case, which, it seems to us, is a step forward for our environmental work.

18. Bearing in mind your experience with the article 14 and 15 process, do you think this mechanism needs to be revised and amended?

Perhaps a section should be included on follow-up to cases submitted.

19. Do you have any other comment or recommendations regarding the citizen submission process?

Follow-up is needed concerning cases which for some reason are not accepted.