

## Pro San Luis Ecológico, A.C. - SEM-07-001 (Minera San Xavier)

Questions:

	Yes	No	I don't know
Did the Citizen Submission procedure seem to be useful?		<b>x</b>	
Were you satisfied with the CEC's handling of your petition?		<b>x</b>	
Did the CEC's resolution of your petition seem technically and legally appropriate?		<b>x</b>	
Did the CEC's resolution seem just?		<b>x</b>	
Did the CEC's response time seem appropriate?	<b>x</b>		
How much time did the procedure take (in months)?		<b>Around 6</b>	
How much money did you or your organization invest in preparing and following up your petition (in C\$, Mx pesos, US\$)?		<b>Approximately 30,000 Mexican pesos.</b>	

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

### Via Internet

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?

**I followed the instructions and then at the first presentation I was given corrections by the CEC.**

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?

**I looked them up before preparing my submission and they looked right.**

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?

**I didn't have any prior contact. There was no contact until after the submission was submitted.**

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

**I thought it would be more useful.**

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

**I knew beforehand that the CEC is not an intervenor, but I thought there would be greater formality and authority in its recommendations.**

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?

**The effect was not the one I expected. It had aggressively affected the company now called New Gold Minera San Xavier S.A de C.V.**

**The reaction was in the sense that a very selective press conference was held, where two people were introduced, said to be Latin America's top specialists on NAFTA Chapter 11 claims, who threatened to sue the Mexican government before an international panel for something like 6 billion dollars if the Minera San Xavier's authorization to operate its mining project were denied in any way.**

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, I confirmed the government's weakness, corruption and protectionist policies towards multinational corporations in sensitive issues such as the preservation and protection of biodiversity that we are a fundamental part of as human beings, which this kind of company puts in real danger of extinction.**

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?

**Yes. Before the submission was made organized society had already won its case before the Superior Chamber of the Federal Court for Tax and Administrative Justice, in which the authority issued a final ruling voiding the San Xavier mining project as a whole, as it violated various Mexican laws.**

**With the complicity and corruption of the three levels of government, the company has been operating without authorizations and ignoring court orders. That was practically the basis for the submission, but unfortunately it was not properly handled by the CEC.**

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?

**Yes. The response was as expected; it failed to address the fundamental issue and claimed that the case was in the courts, while the ruling has been issued. The CEC accepted the Mexican authorities' baseless claims without considering the documentary evidence we supplied.**

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 friendly contact with the government. Repression and persecution was unleashed against the people opposing the mining project. We had 6 people convicted of alleged crimes for their opposition to the project, and a good number threats, beatings and attempted murders by paramilitary staff working for the Minera San Xavier company. One colleague sought exile, which was later granted in Canada.**

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?

**I can't specifically recall the time right now, but I think it was normal and reasonable.**

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?

**The environmentalists opposing these kinds of activities are organizing at the national level to face not only the company in question, but around 800 companies that have invaded our country and threatened to destroy it. The term destruction is not an exaggeration; just visit some of the projects of this kind in different places to understand what's in store for our country.**

14. 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?

**There wasn't any kind of correspondence, but San Luis Potosi society covered the cost involved in making the submission, with modest contributions.**

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?

**There was great availability of the CEC to refine the submission document.**

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

**Around 10 days.**

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

**I sincerely believe that the mechanism, where the CEC is not an intervenor, lacks any legal authority. Moreover, even if it had such authority, my country faces a crisis in the application of the rule of law—it is in the hands of organized crime, including high-ranking government officials and military. In the last four years there have been more than 50,000 unsolved murders. Corruption is a way of life for different official areas. We cannot think of a solution based in law. The Canadian mining companies are known here as creators of organized industrial crime.**

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

**I believe it is necessary to modify it in order that it may effectively give way to the defense of the environment within the scope of the articles, penalizing governments, such as our own when it fails to observe the treaties, within the CEC's jurisdiction.**

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

**Since this is an environmental issue, I would recommend that the personnel responsible for these tasks receive training in the corresponding country's environmental laws, and especially something we are required to overlook—honesty.**