

Toronto, August 2nd, 1996

COUNCIL RESOLUTION: #96-08

**Instruction to the Secretariat of the Commission for Environmental Cooperation on the Preparation of a Factual Record Regarding the “Construction and Operation of a Public Harbor Terminal for Tourist Cruises on the Island of Cozumel, State of Quintana Roo, 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;

CONSIDERING the submission filed on the above-mentioned matter by *Centro Mexicano de Derecho Ambiental A.C.*, *Comite para la Protección de los Recursos Naturales A.C.*, and *Grupo de los Cien Internacional A.C.*;

HAVING REVIEWED the advice from the Secretariat of June 7, 1996, to proceed with the development of a factual record;

TAKING INTO ACCOUNT that on June 5, 1996, the Government of Mexico, as part of a long process which began in 1980, declared the area of the Cozumel Reef a National Marine Park; as well as Mexico’s declared intention to implement a Management Plan for that Park, and to complete an ecological Management Study of the Island, with the full support of the local community;

HEREBY UNANIMOUSLY RESOLVES:

TO INSTRUCT the Secretariat to develop a factual record in accordance with Article 15 of the NAAEC and the Guidelines for Submissions on Enforcement matters under Articles 14 and 15 of the North American Agreement on Environmental Cooperation (“Guidelines”) with respect to the submission referred to in the title of this resolution;

TO DIRECT the Secretariat to make public, in the Public File and accessible through the Public Registry, its advice to the Council provided on June 7, 1996;

TO DIRECT the Secretariat, in developing the factual record, to consider whether the Party concerned “is failing to effectively enforce its environmental law” since the NAAEC’s entry into force on January 1, 1994. In considering such an alleged failure to effectively enforce, relevant facts that existed prior to January 1, 1994, may be included in the factual record;

THAT in accordance with Paragraph 16.1(d) of the Guidelines, the factual record and the information considered by the Secretariat in the preparation of a Factual Record under Article 15 of the NAAEC shall be made available to the public by the Secretariat pursuant to a Council decision.

APPROVED BY THE COUNCIL:

(S) Carol M. Browner

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Government of the United States of America

(S) Julia Carabias

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