

Mexico, March 7, 2002

COUNCIL RESOLUTION 02-02

Instruction to the Secretariat of the Commission for Environmental Cooperation regarding the assertion that Mexico is failing to effectively enforce certain environmental laws regarding the pollution of the Magdalena River through the discharge of wastewater from the municipalities of Imuris, Magdalena de Kino and Santa Ana in the Mexican state of Sonora.

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 Comité Pro Limpieza del Río Magdalena, and the response provided by the Government of the United Mexican States on July 29, 1998; and

HAVING REVIEWED the notification by the Secretariat of February 5, 2002, that the development of a factual record is warranted in relation to certain assertions included in the submission (SEM-97-002);

HEREBY UNANIMOUSLY DECIDES:

TO INSTRUCT the Secretariat to prepare 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* for the assertions set forth in Submission SEM-97-002 that Mexico is failing to effectively enforce Articles 88 paragraph IV, 89 paragraph VI, 92, 93, 117, 121, 122, 123, 124 and 133 of the LGEEPA (*Ley General del Equilibrio Ecológico y la Protección al Ambiente*) with respect to the pollution of the Magdalena River through the discharge of wastewater from the municipalities of Imuris, Magdalena de Kino and Santa Ana in the Mexican state of Sonora;

TO DIRECT the Secretariat to provide the Parties with its overall work plan for gathering the relevant facts and to provide the Parties with the opportunity to comment on that plan; and

TO DIRECT the Secretariat to consider, in developing the factual record, whether the Party concerned is “failing to effectively enforce its environmental law” since the entry into force of the NAAEC 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.

APPROVED BY THE COUNCIL:

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For the Government of the United States of America

Olga Ojeda Cárdenas
For the Government of the United Mexican States

Norine Smith
For the Government of Canada