

22 April 2003

COUNCIL RESOLUTION: 03-04

Instruction to the Secretariat of the Commission for Environmental Cooperation Regarding the assertion that Mexico is failing to effectively enforce its environmental law in the Sierra Tarahumara in the State of Chihuahua (SEM-00-006).

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 9 June 2000, by *Comisión de Solidaridad y Defensa de los Derechos Humanos A.C.*, representing various Indigenous communities in the Sierra Tarahumara in this submission process;

NOTING that the Secretariat modified the submission contrary to the NAAEC and the *Guidelines for Submission on Enforcement Matters under Articles 14 and 15 of the NAAEC* (Guidelines) and that it determined on 6 November 2001 that the submission warranted a response from the Party;

FURTHER NOTING that the government of Mexico, on 15 February 2002, submitted its response to the Secretariat in accordance with Article 14(3) of the NAAEC;

HAVING BEEN INFORMED by Mexico that the administrative proceedings related to the citizen complaints referenced under headings H and M of the submission are no longer pending; and

HAVING REVIEWED the notification by the Secretariat of 29 August 2002, indicating that the development of a factual record is warranted;

HEREBY UNANIMOUSLY DECIDES TO:

INSTRUCT the Secretariat to prepare a factual record with respect to the submission;

REMIND the Secretariat that any assistance it provides to submitters must be in accordance with the NAAEC and the Guidelines;

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

DIRECT the Secretariat to inform the Submitter of this resolution.

APPROVED BY THE COUNCIL:

Judith E. Ayres
Government of the United States of America

Olga Ojeda Cárdenas
Government of the United Mexican States

Norine Smith
Government of Canada