

19 May 2015

COUNCIL RESOLUTION 15-02

**Instruction to the Secretariat of the Commission for Environmental Cooperation regarding submission SEM-13-001 (*Tourism Development in the Gulf of California*) in connection with the assertions that Mexico is failing to effectively enforce provisions of the Convention on Wetlands of International Importance Especially as Waterfowl Habitat (“Ramsar Convention”); the Convention Concerning the Protection of the World Cultural and Natural Heritage (“World Heritage Convention”); the General Ecological Balance and Environmental Protection Act (*Ley General del Equilibrio Ecológico y la Protección al Ambiente*—LGEEPA); the Regulations to the LGEEPA Respecting Environmental Impact Assessment (*Reglamento de la LGEEPA en Materia de Evaluación del Impacto Ambiental*—REIA); the General Wildlife Act (*Ley General de Vida Silvestre*—LGVS); Official Mexican Standard NOM-022-SEMARNAT-2003 *Specifications for the preservation, sustainable use and restoration of coastal wetlands in mangrove zones* (“NOM-022”); and Official Mexican Standard NOM-059-SEMARNAT-2010 *Environmental protection – Native species of wildlife in Mexico – Risk categories and specifications for inclusions, exclusions or modifications – List of species at risk* (“NOM-059”)**

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;

AFFIRMING that the process provided for in Articles 14 and 15 of the NAAEC was established by the Parties of the NAAEC to provide an opportunity for residents of Canada, Mexico, and the United States to present their concerns regarding effective enforcement of environmental law and to bring facts to light regarding those concerns;

RECOGNIZING that the Submissions on Enforcement Matters (SEM) process is designed to promote information-sharing between members of the public and the governments on matters concerning the effective enforcement of environmental law;

CONSIDERING the revised submission, filed on 16 August 2013 by the *Asociación Interamericana para la Defensa del Ambiente* (AIDA), represented by Sandra Moguel, and Earthjustice, represented by Sarah Burt, in representation of various organizations (the “Submitters”), and the response provided by the Government of Mexico on 24 February 2014 (the “Response”);

HAVING REVIEWED the 5 September 2014 Notification by the Secretariat recommending the development of a factual record with respect to certain assertions made by the Submitters;

AWARE that the Response provides information on the enforcement actions taken by Mexico with respect to the assertions made in the Submission;

TAKING INTO ACCOUNT Guideline 10.4 of the *Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the North American Agreement on Environmental Cooperation*, which states that “Council will provide its reason(s) for the [factual record] instructions in writing and they will be posted on the [SEM] public registry”; and

NOTING that Party positions presented in the reasons of the Council members for their votes should not be understood as views held by the entire Council.

HEREBY BY A TWO-THIRDS VOTE DECIDES:

TO INSTRUCT the Secretariat not to prepare a factual record with respect to this submission; and

UNANIMOUSLY DECIDES:

TO DIRECT the Secretariat to post the Council members’ reasons for their votes on the SEM public registry.

On behalf of the Council:

---

Louise Métivier  
Government of Canada  
*In support of the Instruction Not to Prepare a Factual Record*

---

Enrique Lendo Fuentes  
Government of the United Mexican States  
*In support of the Instruction Not to Prepare a Factual Record*

---

Jane Nishida  
Government of the United States of America  
*In opposition to the Instruction Not to Prepare a Factual Record*