

ANNEX 6

ENVIRONMENTAL PROTECTION IN MEXICO

This annex presents an overview of Mexico's legislative, regulatory and enforcement frameworks for the environment. It is based on documents available from the Canadian, Mexican and U.S. governments. The overview includes an enumeration of the initiatives that Mexico has taken since 1988 to address environmental issues.

A. INSTITUTIONAL FRAMEWORK

The Mexican environmental regime is founded on articles 25, 27 and 73 of Mexico's Constitution. Article 25 establishes federal jurisdiction in matters of environmental protection; Article 27 refers to the preservation and restoration of ecological balance with respect to all "natural resources;" and Article 73 empowers the Mexican Congress to promulgate laws defining the respective roles of the federal, state and local levels of government in environmental protection.

In 1982, the Mexican Secretariat of Urban Development and Ecology (SEDUE) was established. Organized into three subsecretariats (Housing, Urban Development and Environment) SEDUE was responsible for implementing the General Law of Ecological Equilibrium and Environmental Protection.

On May 26, 1992 the Secretariat of Social Development (SEDESOL) officially replaced SEDUE. Its broad mandate covers environmental policy formulation and enforcement, urban planning and the National Solidarity Program. Mexico believes that the inclusion of these three programs under the same secretariat will allow it to comprehensively address environmental protection and its relation to poverty and to urban planning. Political decisions regarding the environment remain the prerogative of the Secretariat. SEDESOL environmental policy and compliance functions are divided between two autonomous agencies: the National Institute of Ecology (INECO) and the Office of the Attorney General for the Protection of the Environment.

The National Institute of Ecology is responsible for environmental planning, including the research, formulation and evaluation of environmental protection policies, the establishment of standards and regulations and the conservation of natural resources. The Attorney General for the Protection of the Environment is charged with the enforcement of the environmental regulations formulated by INECO and with investigating and prosecuting those accused of contravening environmental laws. The Attorney General is also responsible for receiving and investigating complaints from the public with respect to environmental non-compliance and activities harmful to the environment.

Although the May 26 changes modified the organizational infrastructure of environmental policy development and implementation in Mexico, the previous legislative and regulatory frameworks remain in place. In the words of the Secretary of SEDESOL, "Not one task, nor any duty formerly assigned to the Ecology Undersecretariat has been eliminated.