



Suprema Corte  
de Justicia de la Nación



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This summary contains the cover page, the synthesis and the extract of a decision of Mexico's Supreme Court of Justice. Changes were made to its original text to facilitate the reading of the extract. This document has informative purposes, and therefore it is not binding.

**CUTTING OF THE MANGROVE OF THE “LAGUNA DEL CARPINTERO” FOR  
CONSTRUCTION OF ECOLOGICAL PARK  
(TALA DEL MANGLAR DE LA “LAGUNA DEL CARPINTERO” POR CONSTRUCCIÓN DE  
PARQUE ECOLÓGICO)**

**CASE:** *Amparo en Revisión* 307/2016

**REPORTING JUDGE:** Norma Lucía Piña Hernández

**DECISION ISSUED BY:** First Chamber of Mexico's Supreme Court of Justice

**DATE OF DECISION:** November 14, 2018

**KEY WORDS:** human right to a healthy environment, legitimate interest in environmental matters, prevention principle, precautionary principle, *in dubio pro natura* principle, citizen participation principle, non-regression principle, environmental services, mangroves, ecosystem destruction, ecological park, Laguna del Carpintero.

**CITATION OF THE DECISION:** Supreme Court of Justice of the Nation, *Amparo en Revisión* 307/2016 First Chamber, Norma Lucía Piña Hernández, J., decision of November 14, 2018, Mexico.

The full text of the decision may be consulted at the following link:

<https://www.scjn.gob.mx/derechos-humanos/sites/default/files/sentencias-emplematicas/sentencia/2020-01/AR%20307-2016.pdf>

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## SUMMARY OF THE *AMPARO EN REVISIÓN* 307/2016

**BACKGROUND:** LCCP and DPCP, the petitioners, filed an *amparo* alleging that during the construction works of the “Parque Temático-Ecológico Laguna del Carpintero” (Ecological Park) there was an illegal cutting of mangroves and the ecosystem of the area intended for preservation and cultural recreation was destroyed, which caused irreparable damage to the ecosystem of wetlands, mangroves and land and aquatic species in detriment to the inhabitants of the city of Tampico, Tamaulipas. They also stated that the project had been carried out without an environmental impact assessment issued by the Ministry of the Environment and Natural Resources [Secretaría del Medio Ambiente y Recursos Naturales (SEMARNAT)]. The district judge of Tamaulipas who ruled on the matter dismissed it considering that LCCP and DPCP did not have a legitimate interest to file the *amparo*. The petitioners filed an appeal, which was heard by the First Chamber of Mexico’s Supreme Court of Justice (this Court), through the exercise of its power to assert jurisdiction over a matter.

**ISSUE PRESENTED TO THE COURT:** Whether petitioners had a legitimate interest to challenge, through an *amparo*, the planning, preparation, bidding on and execution of the works for the construction of the Ecological Park, arguing that the destruction of wetlands and mangroves for the construction violated their human right to a healthy environment. And, if they do, determine if in this case the alleged harm to the environment existed.

**HOLDING:** This Court affirmed in part and reversed in part the appealed decision. The dismissal declared with respect to LCCP was affirmed and the *amparo* was granted to DPCP, essentially for the following reasons. It was recognized that the environment is collective in nature and, therefore, its defense and ownership is diffuse. However, this Court held that the legitimate interest to file an *amparo* in environmental matters depends, among other things, on the special relationship of the person or community with the ecosystem that is considered violated and, specifically, with its environmental services. It was also considered that those who inhabit or utilize the “surrounding environment” or the areas of influence of a particular ecosystem are environmental beneficiaries. In this particular case, it was shown that the Ecological Park was

developed in a wetlands zone; that this ecosystem provided multiple environmental services that had regional influence, and therefore any inhabitant of the city of Tampico was located in a special relationship that distinguished his legitimate interest from the generalized interest of the rest of society. On that basis, the legitimate interest of DPCP to file the *amparo* was recognized, who in contrast to LCCP proved he lived in the city of Tampico. After this Court reversed the dismissal declared for DPCP, who was then deemed entitled to file the *amparo*, this Court studied the merits of the case, ruling that the municipality of Tampico, Tamaulipas did not have the environmental impact authorization that SEMARNAT had to issue before any development of the Ecological Park could take place in the wetlands zone. Therefore, the development of the Ecological Park without an assessment of the risks or damages to the environment, put the ecosystem in question at risk, directly violating the precautionary and *in dubio pro natura* principles. Finally, it was concluded that the lack of the required environmental impact authorization implied, in itself and immediately, the failure to protect the environment and, consequently, the violation of article 4 of the Constitution. As a result, DPCP was granted the *amparo* requiring the responsible authorities to refrain from further development of the Ecological Park that aggravates the risk to the ecosystem and to take all the measures necessary among the responsible authorities, the builder and certain contributing authorities for the recovery and conservation of the ecosystem and the environmental services of the area where the Ecological Park was being developed.

**VOTE:** The First Chamber ruled on this matter by five unanimous votes of judges Arturo Zaldívar Lelo de Larrea, José Ramón Cossío Díaz, Jorge Mario Pardo Rebolledo, Alfredo Gutiérrez Ortiz Mena and Norma Lucía Piña Hernández.

## EXTRACT OF THE *AMPARO EN REVISIÓN* 307/2016

p.1 Mexico City. The First Chamber of Mexico’s Supreme Court of Justice (this Court), in session of November 14, 2018, issues the following decision.

### BACKGROUND

p.10 The municipality of Tampico, Tamaulipas, in the ordinary City Council meeting of April 18, 2013, unanimously approved the construction of the project called “Parque Temático-Ecológico Laguna del Carpintero” (Ecological Park), consisting of the preparation of the site and construction of the “Centenary Thematic Ecological Park”, which contemplated the development of an area of approximately 16 hectares bordering on the wetland “Laguna del Carpintero”.

p.11 For that purpose and with the environmental impact authorization granted by the Ministry of Urban Development and Environment of the State of Tamaulipas [Secretaría de Desarrollo Urbano y Medio Ambiente del Estado de Tamaulipas (SEDUMAT)], the municipal authorities unduly cut mangroves and destroyed the ecosystem of the area used in the preparation activities for the construction of the Ecological Park, as a result of which LCCP and DPCP (the petitioners) filed an *amparo*.

p.4-5 On November 13, 2014, a federal district court in Tamaulipas issued a decision dismissing the proceeding based on a cause of invalidity invoked by one of the responsible authorities, which was the lack of legitimate interest of the petitioners to file the *amparo*.

p.5-6 LCCP and DPCP filed an appeal with respect to which this Court decided to assert jurisdiction over the matter.

### STUDY OF THE MERITS

p.38 To analyze whether the dismissal by the district judge was correct, this Court must analyze first the content of the human right to a healthy environment in order to determine its essential core of protection, its purpose and its impact on a person’s legal sphere.

#### **I. Theoretical and legal framework of the human right to a healthy environment**

p.39 There are multiple constitutions and international instruments that have incorporated the right to live in a healthy environment as an authentic human right that implies the power of every person, as part of a group, to demand effective protection of the environment in which he or she lives.

p.40 The sphere of protection of this human right seeks to regulate human activities in order to protect nature, which implies that its essential core of protection goes beyond the most immediate goals of human beings; this right not only addresses the right of human beings to live in a healthy and decent environment, but also protects nature for its own worth. The human right to a healthy environment is based on the idea of solidarity which entails an analysis of legitimate interest and not of subjective rights and freedoms; in fact, in this context, the idea of obligation prevails over that of right, since we speak of collective responsibilities more than individual prerogatives.

**a. Human right to a healthy environment as an autonomous right**

p.41 The Inter-American Court of Human Rights (IACHR) has indicated that the connection between environmental protection, sustainable development and human rights has led to many human rights protection systems recognizing the right to a healthy environment as a right in itself.

p.42 This international court also held that protecting nature and the environment is not only important for its utility to human beings and the protection of their rights such as health, life or personal wellbeing, but also for its value to other living organisms on the planet that also merit protection in themselves.

p.43 From the doctrine consulted, this Court concludes that the human right to a healthy environment has a double dimension: one objective or ecological that protects the environment as a fundamental legal asset in itself, which addresses the defense and restoration of nature and its resources regardless of its repercussions on human beings; and another subjective or anthropocentric, under which the protection of this right constitutes a guarantee for the materialization and validity of the other recognized rights of the individual. Therefore, the violation of either of those two dimensions constitutes a violation of the human right to a healthy environment.

**b. Collective nature of the human right to a healthy environment**

p.44 The IACHR has explained that the human right to a healthy environment has been understood as a right with both individual and collective aspects. In its collective dimension, the right to a healthy environment is a universal interest that is owed to present and future generations. In its individual dimension, its violation can have direct and indirect repercussions on people due to its connection with other rights, such as the right to health and personal wellbeing, among others.

p.45 Specifically, the right to a healthy environment requires the construction of a new and particular focus that addresses both the purposes pursued and their collective nature, since otherwise we are inevitably failing to protect individuals in this sphere.

### **c. The human right to a healthy environment in Mexico**

p45-46 Article 4 of the Federal Constitution establishes the right to a healthy environment as an authentic human right; it recognizes a specific and particular sphere of protection of the individual, characterized by the safeguarding of the environment that surrounds him or her, which requires the broadest protection according to article 1 of the Constitution.

p.46 For this Court, the thing protected by the human right to a healthy environment in terms of the constitutional text is precisely the “natural environment”, understood as the surroundings of an individual, characterized by the group of ecosystems and natural resources that permit the full development of his or her individuality. In terms of article 4, in relation to article 1 of the Constitution, the Mexican state is obligated to guarantee both dimensions of the right to a healthy environment or, similarly, to ensure an autonomous protection of the environment that is not subject to the violation of other rights.

### **d. Guiding principles on the environment**

p.47-48 Environmental law is based on very different principles that, because of its recent development, are fundamental for guiding judicial activity. However, given the matter in dispute, the principles of precaution, *in dubio pro natura*, citizen participation and non-regression will be conceptualized in greater depth.

#### **1. Precautionary principle**

p.49 The precautionary principle has different scopes; it operates as an interpretive guideline given the limitations of science in establishing with absolute certainty the risks nature confronts. In relation to public administration, it implies the duty to warn, regulate, control,

oversee or restrict certain activities that are risky for the environment. In this regard, this principle can act as motivation for those decisions that would otherwise be contrary to the principle of legality or legal security; finally, for the legal agent, precaution requires her to incorporate the uncertain nature of scientific knowledge into her decisions.

p.50 A central concept of the precautionary principle is environmental risk. An environmental assessment is nothing more than an assessment of risk to the environment based on which a project is admitted or rejected.

In terms of the precautionary principle, an environmental risk assessment is a necessary condition for the implementation of any project with environmental impact and, consequently, its absence in itself constitutes a violation of this principle.

p.51-52 Environmental or ecological damage, for its part, is not immediately perceptible for the human being, since there may be a prolonged period of time between the act that causes it and its manifestation. In addition, the particularities of the causality of the harm to the environment are difficult to integrate into the regular framework of legal causation, and therefore requires a broad interpretation in light of the precautionary principle.

p.52 According to the above, this Court observes that the assessment of environmental risks and damages that environmental law presumes is, as a general rule, conditioned on scientific and/or technical uncertainty. The information on environmental risks or damages may be uncertain for various reasons and this requires a rethinking of the evidentiary assessment rules.

In this regard and in light of the precautionary principle, the possibility is recognized of reversing the burden of proof of the potentially responsible agent; in other words, by virtue of this principle, the judge has this tool to gather all the evidence necessary to identify the risk or the environmental damage.

## **2. *In dubio pro natura* (environment) principle**

p.53-54 This principle is inextricably linked to the principles of prevention and precaution since, when there is doubt on the scientific certainty or precision of the environmental risks, it should be resolved in favor of the environment. In other words, if in a procedure there is conflict between the environment and other interests, and the damages or the risks

cannot be elucidated due to a lack of information, all the necessary measures to protect the environment should be taken.

p.54 This Court understands the *in dubio pro natura* principle not only linked to the precautionary principle, that is applicable in the face of scientific uncertainty, but also as a general interpretational mandate of environmental justice, in the sense that in any environmental conflict the interpretation that favors the preservation of the environment must always prevail.

### **3. Citizen participation principle**

p.56 This Court restates its reasoning that the right to a healthy environment implies the duty of all citizens to collaborate in the protection of the environment. In that regard, under article 4 of the Constitution, citizens are not only holders of the right to have access to a healthy environment, which the State must guarantee, they also have the obligation to protect it and improve it.

p.56-57 In correlation, all authorities have the duty, in the scope of their jurisdiction, to promote citizen participation or ensure a context conducive to environmental protection, since the State must assume the institutional initiative of regulating this area, applying the public policies and complying with and enforcing the environmental laws.

### **4. Non-regression principle**

p.57 The non-regression principle implies that the public powers cannot decrease or affect the level of environmental protection reached, unless it is absolutely necessary and properly justified.

p.58-59 This Court suggests that the non-regression principle is closely related to the natural protected areas, since their level of protection reached is protected with the special declaration of protection. In this regard, the concept of the level of protection reached is fundamental for the application of this principle.

p.59 Level of protection reached is understood as the factual and legal line that determines the framework of protection of a sector or natural resource for a particular point in time.

### **e. Environmental services**

p.59-60 The concept of environmental services is basic for guaranteeing the proper safeguarding of the human right to a healthy environment, since those services define the benefits that



nature gives to humans. However, for purposes of this decision, this Court will only define the concept of environmental service from a perspective of conservation.

p.60 An ecosystem, understood generally as a system of living and non-living elements that form a functional unit, provides different types of environmental services to humans. In this regard, environmental services are understood as those benefits humans obtain from the different ecosystems.

p.62-63 Environmental services are defined and measured through scientific and technical tests that are neither exact nor univocal; this implies that it is not possible to define the impact of an environmental service in general terms, or through the same unit of measurement.

p.63 This Court observes that environmental services must be analyzed according to the precautionary principle. This means that the absence of scientific evidence that specifically reflects the “benefits of nature” cannot be a reason for considering that a particular ecosystem does not provide an environmental service, or that the benefit of the ecosystem does not affect a particular person or community.

p.63-64 Some environmental services can be measured directly; others will depend on probable relations that require the passage of long periods of time to manifest themselves. Nevertheless, this Court emphasizes that what the precautionary principle mandates is to seek, in each case, the tools or methods necessary to understand the functioning of an ecosystem, as well as the environmental services it provides, always with the intention of guaranteeing its preservation in light of the *in dubio pro natura* principle.

## **II. National and international regulation of wetlands**

p.64 In the international sphere, one of the principal instruments for guaranteeing protection of wetlands in the Wetlands Convention, signed in Ramsar, Iran, in 1971, to which Mexico is a party. That convention establishes the recognition of wetlands as regulators of hydrological systems and as habitat for characteristic fauna and flora, and therefore they are a resource of great economic, cultural, scientific and recreational value, whose loss is considered irreversible.

p.65-66 Based on scientific studies and the manual issued by the Secretariat of the Ramsar Convention, this Court expressly recognizes that the environmental services wetlands provide can only be maintained if their ecological processes are allowed to continue

functioning without alterations; however, these ecosystems continue to be among the most threatened in the world, above all as a result of the ongoing draining, conversion, contamination and overexploitation of their resources.

p.66 The national recognition and protection of the wetlands is similar to the international sphere. Article 60 Ter of the Wildlife Law [Ley General de Vida Silvestre] prohibits removal, filling, transplanting, cutting or any construction or activity that affects the complete hydrological flow of the mangrove; the ecosystem and its zone of influence; its natural productivity, etc., excluding from such prohibition works or activities for protecting, restoring, researching or preserving the mangrove areas.

p.72 This Court emphasizes that the protection of the wetlands is a national and international priority that has led our country to strictly regulate this ecosystem. Under that regulation, any analysis done in relation to wetlands, and in particular the mangroves, must be guided by an approach of maximum precaution and prevention

### **III. Legitimate interest in environmental matters**

p.73 As explained above, the environment is collective in nature and, therefore, a public good whose enjoyment or harm affects not just one person, but the whole community in general, and therefore its defense and ownership is diffuse and must be recognized individually and collectively.

p.74 Thus, for purposes of advancing the delineation of the concept of legitimate interest for the defense of the environment as a human right, the recognition of a legitimate interest does not imply the generalization of a popular action in order to protect a generic interest of the society, but rather it is to guarantee access to justice in light of injuries to legally relevant and protected interests. That is why anyone alleging a legitimate interest is in an identifiable legal situation, arising from a specific relationship with the object of protection, whether of a particular nature or derived from a sectorial or group regulation that allows him to assert an impact on his legal sphere precisely from the expression of a claim differentiated from the rest of the other members of society.

p.75 In this regard, this Court considers that the legitimate interest to file an environmental *amparo* depends on the special situation of the person or community with the ecosystem that is considered violated, particularly with its environmental services.

Therefore, if a particular ecosystem is put at risk or is affected, the person or community that benefits from or makes use of the environmental services that such ecosystem provides, has a legitimate interest to file an *amparo* in order to demand its protection.

p.76 Thus this Court concludes that to determine if the person filing an *amparo* in defense of the environment has a legitimate interest, the judge must only determine if the that person benefits from or makes use of the environmental services provided by the ecosystem that is allegedly being harmed.

According to this concept, environmental beneficiaries are those who inhabit or utilize the “surrounding environment” or the areas of influence of a particular ecosystem. The areas of influence refer to the geographic zones or spaces impacted by the environmental services provided by the ecosystems and that benefit the human beings and the environment itself.

p.78 The identification or the recognition of this geographic space makes it possible to understand that any person that utilizes or inhabits the area of influence or the “surrounding environment” of an ecosystem is a beneficiary of its environmental services and, therefore, has a legitimate interest in filing the *amparo* in its defense.

p.79 Therefore, this Court concludes that the legitimate interest is met in an environmental *amparo* when it is proven that there is a link between the person who alleges to hold the environmental right and the environmental services that the ecosystem presumably harmed provides; which link can be demonstrated – as one of the elements of identification, but not the only one – when the petitioner proves to inhabit or use the “surrounding environment” of the ecosystem, this understood as its area of influence in relation to the environmental services it provides.

Consequently, to prove the legitimate interest in environmental matters it is not necessary to demonstrate the environmental damage since, in any case and, based on the precautionary principle, the damage or the risk of damage to the environment will constitute the substantive matter of the *amparo*.

#### **IV. Legitimate interest in this case**

p.80 LCCP and DPCP allege primarily that the removal, filling in and fragmentation of the mangrove for the execution of the construction works of the Ecological Park involved the

alteration of the environmental services that the mangrove located in the Laguna del Carpintero provides, which affected them directly, since they live near it.

p.80-81 In order to be able to determine whether or not in this case the petitioners have a legitimate interest to file a suit, the following must be determined: (i) if in the area in which the Ecological Park is developed, there is a wetlands ecosystem with diverse species of mangrove; (ii) if there is, determine the environmental services that such ecosystem provides in order to, in function of that; (iii) identify what is its area of influence and, finally, (iv) review if the petitioners inhabit or utilize such area.

p.85 This Court observes that there is sufficient evidence to prove that the area in which the Ecological Park is developed is a wetlands zone in which there are or were different types of mangrove.

p.85-86 From the testimony rendered by the expert of the petitioners and the official expert, it is seen that this wetland provides multiple environmental services. In the official expert testimony it is specified that these environmental services represent benefits and wellbeing for society at the local, regional and global level.

p.86 In addition to the above, the wetlands report various economic benefits and possibilities for recreation and tourism.

p.87 This Court concludes, first of all, that this ecosystem has various areas of influence that have to do precisely with the multiplicity of environmental services it provides.

Furthermore, this Court considers that the legitimate interest in environmental matters cannot respond to the general interest of all society, but rather it is necessary to establish an identifiable legal situation that permits the petitioner to assert an impact on his legal sphere precisely from the expression of a claim differentiated from the rest of the members of society.

p.87-88 In this case, this Court finds that the ecosystem in question has a regional area of influence that includes at least all of the inhabitants of the city of Tampico, Tamaulipas, since the wetland located in the Laguna del Carpintero provides various environmental services that benefit them directly. Consequently, any inhabitant of the city of Tampico is located in a special situation that distinguishes its legitimate interest from the generalized interest of the rest of society.

p.88-89 From this court record it is seen that DPCP proved he lives in the city of Tampico, Tamaulipas, and therefore it must be concluded that he has a legitimate interest to appear in this *amparo* to challenge the acts he attributes to the responsible authorities. However, LCCP did not prove that he lives in the city of Tampico and therefore he does not have a legitimate interest in this case, since there is no other element of proof that, independently of inhabiting or utilizing the zone of influence of this ecosystem, leads to the conclusion he demonstrated that he makes use of or benefits from any of the environmental services of the ecosystem in question.

p.89 Therefore, this Court reaches the conclusion that it must reverse the decision only with respect to DPCP, in order to recognize his legitimate interest to file the *amparo*; while it must confirm the dismissal declared by the district judge in prejudice of LCCP, in that his legitimate interest was not proven.

#### **V. Application of the standards to the specific case**

p.102 Once the legitimate interest of the petitioner is found, the judge, in the study on the merits, faces the challenge of making a decision under the conditions of technical and scientific uncertainty that characterize environmental risk and/or damage.

p.103 This Court observes that in these types of disputes there is an imbalance between the responsible authority and the neighbor, citizen, inhabitant, resident, affected party, beneficiary, user, consumer, and therefore in order to ensure that environmental protection is not illusory, and based on the principle of citizen participation, it is necessary to adopt measures that correct this asymmetry.

There are two tools in the process that the judge has to correct the asymmetry the citizen faces in environmental protection: a) the reversal of the burden of proof according to the precautionary principle; and b) the active role of the judge in collecting the necessary evidence.

p.106 This Court considers that DCPC's arguments are justified because the evidence shows that: (i) there are wetlands in the area where the Ecological Park is developed, and (ii) the project in question is developed in violation of the environmental regulations.

p.108 Mexican law establishes a special protection of wetlands, particularly of the species of white, red and black mangrove, which requires, among other measures, that SEMARNAT

issue in advance an environmental impact authorization for carrying out any construction or activity in those ecosystems and their areas of influence.

In addition to this, according to the non-regression principle, in relation to wetlands, the Mexican State, in terms of the national and international regulations, has traced a line of protection intended to preserve this ecosystem, such that any decision that implies diminishing the level of protection already reached must be duly justified.

p.108-109 This court record shows that the municipality of Tampico, Tamaulipas did not have an environmental impact authorization issued in advance by SEMARNAT to develop the Ecological Park in the wetlands zone in question, notwithstanding that this Ministry knew that authorization was needed.

p.109 This is not overcome by the argument of the authority that it had a General Environmental Impact Authorization issued by the SEDUMAT, since under the cited regulations such authority is not the one competent to issue such authorization.

The development of the Ecological Park in a zone with wetlands without a prior assessment of the risks or damages to the environment, in particular to the mangrove species located there, put at risk the ecosystem in question directly violating the precautionary and *in dubio pro natura* principles.

p.110 Furthermore, the development of a project in a wetlands zone without the corresponding authorization violates the principle of non-regression, since it fails to observe a level of protection already reached for this ecosystem, and therefore the absence of the environmental impact authorization violates the principle of non-regression in environmental matters.

Thus this Court determines that the absence of the SEMARNAT authorization for developing a project in a special protection zone is sufficient to conclude that the wetland located in the area is at risk and, therefore, in light of the precautionary, *in dubio pro natura* and non-regression principles in environmental matters, that is sufficient to grant the constitutional protection.

### DECISION

p.112 This Court concludes that in this case the responsible authorities violated the principle of legality established in articles 14 and 16 of the Constitution, because they developed the

Ecological Park construction works in violation of mandatory environmental regulations, and they also violated article 4 of the Constitution in detriment to DPCP by putting at risk the ecosystem in question and therefore the *amparo* and protection of the law should be granted to DPCP.

p.114 In this regard, this Court considers that the constitutional protection should be granted so that the responsible authorities: a) refrain from executing the challenged act of the development of the Ecological Park and b) recover the ecosystem and its environmental services in the area that is being developed.

p.115 In addition, the municipal authorities are ordered to immediately revoke any permit and/or authorization granted to private sector parties for the construction and execution of the Ecological Park.

p.115-116 In relation to the restoration of the ecosystem existing in the area, this Court does not have sufficient information to determine the current state of the zone, the impacts on the ecosystem and its services and, in particular, the measures necessary to restore it.

p.116 Therefore, this Court requests the National Commission for Knowledge and Use of Biodiversity [Comisión Nacional para el Conocimiento y el Uso de la Biodiversidad (CONABIO)] as contributing authority in fulfilling this final decision, to issue within no more than 30 days a Recovery and Conservation Plan for the mangrove area located in Laguna del Carpintero (CONABIO Plan) where the Ecological Park is being developed.

p.116-117 In addition, the National Forestry Commission [Comisión Nacional Forestal (CONAFOR)] is requested as contributing authority to assist in the implementation of the CONABIO Plan.

p.117 Based on the CONABIO Plan, the SEMARNAT shall determine within no more than 30 days: (i) a work program for the implementation of the CONABIO Plan with specific action guidelines and (ii) a timeline for reaching the goals in the short, medium and long term based on the CONABIO Plan.

For their part, the SEMARNAT, the responsible municipal authorities and the builder developing the project shall agree on a financing mechanism for the CONABIO Plan.

p.118 Finally, the Federal Environmental Protection Agency [Procuraduría Federal de Protección al Ambiente] shall ensure compliance with the CONABIO Plan and take the actions necessary to enforce the environmental law.

To ensure compliance with this final court decision, every two months the responsible municipal authorities and the SEMARNAT shall send this Court and the district judge responsible for compliance, a detailed report on the compliance with the CONABIO Plan. The district judge will request CONABIO and CONAFOR to issue their opinion on those compliance reports within a term of 8 days.

p.119 Regarding the principle of citizen participation, these compliance reports and specialized opinions shall be published by the related authorities and, specifically, shall be made available to DPCP so he may comment on the actions taken to restore the ecosystem and to comply with this judgment.