

# Mexico

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## Forest Management

Since 1986, when Mexico devolved ownership of forest resources to communities and ejidos, it has become a world leader in community managed forests for the commercial production of timber. Currently, communities can choose if and how much of their forests they want to designate for timber production and who may access their forests. In conjunction with this new power, the ejidos and indigenous land holders have also organized themselves into what are commonly called community forestry enterprises (CFEs), which has allowed them to merge their timber harvest and forest product production into broader markets. Although some skepticism toward private industries and companies still exists, a growing number of Mexican CFEs have developed relationships with timber companies and some have even contracted community-based processing requirements into these land use agreements for their benefit.

## Transparency

Mexico is considered a corrupt country. Transparency International's 2013 Corruption Index, which measures perceived levels of public-sector corruption, gave Mexico a score of 34 on a scale 0-100 (0 = highly corrupt). It ranked 106 out of 175 countries. To combat its history of corruption, the Mexican Government passed a Transparency and Access to Information Law in 2002 allowing citizens to request and receive information from the federal government. The Federal Institute for Access to Information and Data Protection was specifically established to implement this law. It manages information on how to make an information request, and houses a request database and what actions have been taken on them.

Within the forest sector, there is a National Forest Information System providing regular data about the sector, including a publicly available National Forest Registry. However, the National Forestry Registry only has published 1/13 of the information that, by law, should provide. The Forest Law devotes a specific section to the right to information and citizen participation.

In November 2013, the Mexican Government finalized a measure to amend its Transparency and Access to Information Act by providing more government authority to deny document and data disclosure requests in the case of national security, among other changes. The impacts of these changes remain to be seen, but open government advocates believe its passage illustrates a step toward improved transparency by expanding the authority of IFAI (now known as INAI). However, civil society groups are concerned the changes could increase secrecy under the guise of a national security concern.

The World Bank compiles a set of Worldwide Governance Indicators for all world economies. These indicators are important barometer in terms of risk assessment. The WGI country reports are based on the six following aggregate governance indicators: Voice and Accountability, Political Stability and Absence of Violence, Government Effectiveness, Regulatory Quality, Rule of Law, and Control of Corruption. Countries are ranked (percentile rank model) for each of the six governance indicators on a scale from 0 to 100 where 0 corresponds to lowest rank and 100 corresponds to

highest rank (better governance). Mexico's WGI for the 1996-2012 is available [here](#).

## Laws and Regulations

### Forestry Laws

Since 1986, when Mexico devolved ownership of forest resources to communities and ejidos, it has become a world leader in community managed forests for the commercial production of timber. Currently, communities can choose if and how much of their forests they want to designate for timber production and who may access their forests. In conjunction with this new power, the ejidos and indigenous land holders have also organized themselves into what are commonly called community forestry enterprises (CFEs), which has allowed them to merge their timber harvest and forest product production into broader markets. Although some skepticism toward private industries and companies still exists, a growing number of Mexican CFEs have developed relationships with timber companies and some have even contracted community-based processing requirements into these land use agreements for their benefit.

The main piece of legislation regulating the forest sector in Mexico is the General Law for Sustainable Forest Development of 2003 and its subsequent related amendments. It assigns specific responsibilities to the competent authorities at local, regional and national levels, and seeks to regulate and promote the conservation, protection, restoration, production, organization, agricultural activity, and management of Mexico's forests in order to secure sustainable forest development.

The earlier Law for the Ecological Balance and the Protection of the Environment of 1998, which was written to promote the preservation and restoration of ecological balance and environmental protection in Mexico, remains in force. It covers any matters that are not addressed in the General Law for Sustainable Forest Development.

The Agrarian Law of 1992 amended the Mexican Constitution and gave ejidos and other indigenous land holders the right to lease their properties under certain circumstances. The regulations under the law specifies the types of land tenure, and the rights and decision-making processes over these lands, which all have direct relevance to the forest sector.

### Processing/Manufacturing Laws

The Department for the Environment and Natural Resources is in charge of issuing authorizations for the processing and storage facilities. Such facilities need to be officially registered and inform of any changes in the registry details they provide. They must also keep a log detailing the timber and timber products arriving at and leaving their premises.

### Transport Laws

Timber transported for commercial purposes must have the relevant transport permit. Two different permits are issued: one to transport timber from the forests to the processing facilities (Remisión Forestal) and a second one to transport timber from the processing facilities onward (Reembarque Forestal). All permits are issued by the Department for the Environment and Natural Resources.

Norma Oficial Mexicana NOM-152-SEMARNAT-2006, Que establece los lineamientos, criterios y especificaciones de los contenidos de los programas de manejo forestal para el aprovechamiento

de recursos forestales maderables en bosques, selvas y vegetación de zonas áridas [recurso electrónico]

Norma Oficial Mexicana NOM-026-SEMARNAT-2005, Que establece los criterios y especificaciones técnicas para realizar el aprovechamiento comercial de resina de pino [Recurso electrónico]

Norma Oficial Mexicana NOM-005-SEMARNAT-1997, Que establece los procedimientos, criterios y especificaciones para realizar el aprovechamiento, transporte y almacenamiento de corteza, tallos y plantas completas de vegetación forestal. [recurso electrónico]

Norma Oficial Mexicana NOM-009-SEMARNAT-1996, Que establece los procedimientos, criterios y especificaciones para realizar el aprovechamiento, transporte y almacenamiento de látex y otros exudados de vegetación forestal. [recurso electrónico]

Norma Oficial Mexicana NOM-028-SEMARNAT-1996, Que establece los procedimientos, criterios y especificaciones para realizar el aprovechamiento, transporte y almacenamiento de raíces y rizomas de vegetación forestal. [RECURSO ELECTRONICO]

Norma Oficial Mexicana NOM-061-SEMARNAT-1994, que establece las especificaciones para mitigar los efectos adversos ocasionados en la flora y fauna silvestres por el aprovechamiento forestal. [recurso electrónico]

Norma Oficial Mexicana NOM-060-SEMARNAT-1994, que establece las especificaciones para mitigar los efectos adversos ocasionados en los suelos y cuerpos de agua por el aprovechamiento forestal. [recurso electrónico]

Norma Oficial Mexicana NOM-016-SEMARNAT-2013, Que regula fitosanitariamente la importación de madera aserrada nueva. [recurso electrónico]

Norma Oficial Mexicana NOM-144-SEMARNAT-2012, Que establece las medidas fitosanitarias reconocidas internacionalmente para el embalaje de madera, que se utiliza en el comercio internacional de bienes y mercancías. [recurso electrónico]

Norma Oficial Mexicana NOM-013-SEMARNAT-2010, Que regula sanitariamente la importación de árboles de navidad naturales de las especies de los géneros Pinus y Abies y la especie Pseudotsuga menziesii [recurso electrónico]

Norma Oficial Mexicana NOM-059-SEMARNAT-2010, Protección ambiental-Especies nativas de México de flora y fauna silvestres-Categorías de riesgo y especificaciones para su inclusión, exclusión o cambio-Lista de especies en riesgo. [recurso electrónico]

Norma Oficial Mexicana NOM-019-SEMARNAT-2006, Que establece los lineamientos técnicos de los métodos para el combate y control de insectos descortezadores [recurso electrónico]

Norma Oficial Mexicana NOM-152-SEMARNAT-2006, Que establece los lineamientos, criterios y especificaciones de los contenidos de los programas de manejo forestal para el aprovechamiento de recursos forestales maderables en bosques, selvas y vegetación de zonas áridas [recurso electrónico]

Norma Oficial Mexicana NOM-022-SEMARNAT-2003, Que establece las especificaciones para la preservación, conservación, aprovechamiento sustentable y restauración de los humedales costeros en zonas de manglar. [recurso electrónico]

Norma Oficial Mexicana NOM-012-SEMARNAT-1996, Que establece los procedimientos, criterios y especificaciones para realizar el aprovechamiento, transporte y almacenamiento de leña para uso doméstico. [recurso electrónico]

Norma Oficial Mexicana NOM-025-SEMARNAT-1995, Que establece las características que deben de tener los medios de marcado de la madera en rollo, así como los lineamientos para su uso y control. [RECURSO ELECTRONICO]

Norma Oficial Mexicana NOM-062-SEMARNAT-1994, que establece las especificaciones para mitigar los efectos adversos sobre la biodiversidad que se ocasionen por el cambio de uso del suelo de terrenos forestales a agropecuarios. [recurso electrónico]

Norma Oficial Mexicana NOM-020-SEMARNAT-2001, Que establece los procedimientos y lineamientos que se deberán observar para la rehabilitación, mejoramiento y conservación de los terrenos forestales de pastoreo. [recurso electrónico]

Norma Oficial Mexicana NOM-015-SEMARNAT/SAGARPA-2007, Que establece las especificaciones técnicas de métodos de uso del fuego en los terrenos forestales y en los terrenos de uso agropecuario. [recurso electrónico]

Declaratoria de vigencia de la Norma Mexicana NMX-AA-143-SCFI-2008, Para la certificación del manejo sustentable de los bosques (cancela la declaratoria de vigencia de la NMX-AA-143-SCFI-2008, publicada el 21 de agosto de 2008) [recurso electrónico]

## Tax Laws

By law, the timber extracted from Mexican forests belongs to the land owner. Only timber extracted from national forests is owned by the state. Since the large majority of the forests are in the hands of communities and in ejidos, stumpage fees and other commonly due taxes do not apply in Mexico. What does apply are transaction costs derived from forest management activities, and income tax is due for those communities and organizations that manage their forests.

## Trade Laws

There is no specific Mexican legislation regulating international trade of its timber products. Instead, timber and timber products must comply with general requirements for customs approval, including a phytosanitary permit and the invoice proving the timber has been bought by the exporter. ProMexico, a department within the Ministry of Finance, expects exporters of any commodity to comply with general exporting requirements. None are specific to timber and timber products.

Mexico has signed a number of trade agreements, including the North American Free Trade Agreement (NAFTA) with the US and Canada, an agreement with Colombia and Venezuela (which Venezuela subsequently revoked), bilateral agreements with many other Latin American countries and, in Europe, with the EU, and with Norway, Switzerland, Liechtenstein and Iceland (EFTA).

Mexico has signed a number of free trade agreements, including the North American Free Trade Agreement (NAFTA) with the US and Canada. Mexico, Colombia and Venezuela entered into a trade agreement in 1995 as well, but Venezuela withdrew in 2006 due to political differences with its partners. Mexico is also a part of other bilateral agreements with many other Latin American countries and, in Europe, with the EU, and with Norway, Switzerland, Liechtenstein and Iceland (EFTA).

# CITES

CITES is an international agreement among governments whose purpose is to ensure that international trade in wild animal and plant species does not threaten the survival of these species. 175 countries have agreed to be bound by CITES, which is a binding legal agreement. It is up to each Party to CITES to draft its own domestic legislation in order to comply with its CITES obligations. Mexico ratified the Convention in 1991.

There are several commercially listed Plantae species from Mexico. These include:

- Guatemalan fir is included in Appendix I, and trade in this species is only permitted in exceptional circumstances. Today, the rate of forest loss has slowed, but the trend of using the species for Christmas decorations and expanding urbanization have contributed to its decline. Most stands today have already been heavily exploited except for the few remaining locations.
- Mahogany (*Swietenia macrophylla*), a large deciduous tree species listed in Appendix II since 2002, has been decimated in Mexico over the past decades. It is estimated that 80% of the forests where this species was found have now disappeared. Since listing, Mahogany populations have stabilised, and are experimenting a slight growth through plantations. Land-use change and illegal logging continue to threaten its survival.
- Several species from *Dalbergia* and *Guaiacum* are also present in Mexican forests and are all listed under Appendix II.

## Forest Resources

Mexico hosts the largest forested area in all of Mesoamerica, with almost 64 million hectares. These forests contain 10% of the world's biological diversity and make Mexico one of the 12 most biodiverse countries in the world. However, during the 1990s, Mexico had the 6th highest rate of annual deforestation in the world. While the rate of deforestation has decreased in recent years, the country still loses approximately 155,000 hectares annually. The main driver of Mexico's deforestation is land-use change to make way for agriculture and cattle ranching. Fires and illegal logging are also contributing to Mexico's yearly forest loss.

Mexico is unique in that most of its forests are communal land that is owned by either *ejidos* or communities. As a result, this requires any forestry project to first consider locals' needs and interests.

Within the 7,000-9,000 existing Mexican forest communities, there are an estimated 500 of which that have logging permits for their land. Although Mexico's deforestation rate may be declining, it is still thought that the majority of Mexico's forest communities are not practicing sustainable forestry and a lack of community investment in forestry planning, operations and monitoring has led to unsustainable practices and stalled economic improvements for these communities.

Although Mexico's long history of community forestry includes some very successful initiatives, it has also led to the development of many challenges.

# Forest Products

Years of intense timber extraction in Mexico have decimated many forests in the country, and high access and transport costs make timber production a difficult activity to sustain. Plantations have long been presented as a means of increasing production, and a potentially good investment for foreign capital. However, they have failed to materialise at a significant scale.

Pine is the most harvested species and represents more than 79% of the total volume, followed by oak (8.7%) and a range of tropical species (5.4%).

Mexico imports four times the amount of timber and timber products it exports in terms of value. The Mexican export market is proportionally very small, but has shown recent increases. In 2013, exports of wood and wood products rose by almost \$403 million dollars. The main wood products exported from Mexico include: sawn timber, charcoal, moldings, and planks.

## Contacts

### Industry Associations

[Consejo Nacional de la Madera en la Construccion \(COMACO\)](#) is an industry organization that partners with the Mexican government and several sponsoring institutions to promote sustainable wood use, develop industry standards, provide assistance between institutions, and more. Its members are residential wood manufacturing and construction companies.

### Civil Society Organizations

The [Mexican Civil Council for Sustainable Forestry \(CCMSS\)](#) works with communities and communal forests (ejidos) to strengthen their governance and ability to achieve a sustainable management of their forest resources.

[Reforestamos Mexico](#) works with forest communities to support their competitiveness within the timber market and to promote a rights-based sustainable management of forests.

[Pronatura](#) works in ecosystems conservation and restoration, as well as on community development and environmental education.

The [Mexican Network of Forest Campesino Communities](#) (Red MOCAF) represents, supports, and builds the capacity of communities living and managing forests in Mexico.

The [Mexican Fund for Nature Conservation](#) focuses on providing resources and support to effectively preserve the Protected Natural Areas.

There are many organisations working collaboratively in specific regions and with ejidos and indigenous communities to support them in forest management. Known as [Unions](#), these groups work around the country in places such as Oaxaca and Sierra Juárez. There is also a national-level Union of Community Forestry Organisations, UNOFOC.

[Rainforest Alliance](#) has a program in Mexico that supports community forest enterprises increase their competitiveness in national and international markets.

## Government Ministries

The [Department for the Environment and Natural Resources \(SEMARNAT\)](#) is given a number of responsibilities by law, which include writing laws and policies related to the forest sector, proposing strategic plans and establishing and keeping up to date the National Forest Registry. It is also the CITES administrative authority.

The [National Forestry Commission \(CONAFOR\)](#), which sits under SEMARNAT, is the forest authority in Mexico. It is responsible for overseeing forest management activities and implementing the sector's legal and political framework. Its 2014 National Forest Program Plan, PRONAFOR, can be accessed [here](#).

The [National Commission for Natural Protected Areas \(CONANP\)](#), also under SEMARNAT, is responsible for all protected areas in Mexico, and also has competencies related to sustainable development programmes aimed at reducing poverty and marginalisation of communities living within those areas.

Two institutions under the Department for Agricultural Development are relevant to the forest sector: the [National Agrarian Service](#) includes information about the ejidos and community-owned areas, including the rights they have over their lands; and the [State Attorney's office for Agriculture](#), which provides legal advice to local communities and ejidos.

The [Federal Attorney for Environmental Protection](#) is in charge of inspecting activities related to natural resources, including those coming from the country's forests.

The [National Biodiversity Commission](#) works to enhance the knowledge around natural resources and their preservation, and is also the CITES scientific authority in Mexico.

The [National Institute for Forest, Agriculture and Fisheries Research](#) is a public scientific institution under the Ministry of Agriculture responsible for improving knowledge for the better management of these sectors.

## Tools and resources

- [FAO Country Profile: Mexico.](#)
- [Barton Bray, D. \(2003\) Mexican community forestry: Perspectives on common property enterprises and asset building. Paper presented at the International Conference on Rural Livelihoods, Forests and Biodiversity.](#)
- [Rainforest Alliance. Community Forestry in Mexico.](#)
- [Article 1, 2, 4 y 27 of Mexican Constitution \(in Spanish\)](#)
- [General Law for Sustainable Forest Development \(in Spanish\)](#)
- [Secretaría de Medio Ambiente y Recursos Naturales](#)
- [CCMSS \(2008\). Strategic study of the Mexican Forest Sector \(in Spanish\)](#)
- [FAO \(2012\). Assessment of the impact of fees and taxes over forest management in Mexico \(in Spanish\)](#)
- [FAO \(2004\). Estudio de tendencias y perspectivas del sector forestal en América Latina Documento de Trabajo - ESFAL/N/02](#)

- [Transparency International: Corruption Perception Index 2013](#)
- [CITES Country Profile: Mexico](#)

## **Citations**