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New Law in Mexico Could Lead to More No-Take Zones

In Mexico, a new law has incorporated legal tools to allow the establishment of no-take zones in the country's marine and freshwater bodies, in wetlands, and within the 20-meter federal coastal zone. The General Wildlife Law, passed by Congress in July 2000, has the effect of balancing federal fishery regulations set in 1999, which implemented a predominantly production-centered view of Mexico's marine resources.

Under the General Wildlife Law, the Secretariat of the Environment, Natural Resources and Fisheries (SEMARNAP) may now establish what are called "aquatic species protection areas" -- no-take zones, essentially. These areas may be established to protect:

- All native species present at a site;
- Particular species specified in the enabling instrument;
- Specific sizes, age classes, or other characteristics of populations, species, or groups of species that can be harmed by specific harvest methods.

The law offers managers another new tool as well -- a provision for the designation of "critical habitat." Essential spawning areas, regions of high biodiversity, and other significant sites may be designated as critical habitat. According to the law, all infrastructure and activities that may affect the protection, recuperation, or restoration of natural elements in critical habitat will be subject to a management plan.

Sustainable and unsustainable fisheries

Notably, under the new law, SEMARNAP may only designate aquatic species protection areas in cases where harvesting activities threaten the survival of species and their habitat. This means that the areas may not be designated for commercial species if the stocks are considered to be sustainably managed. Because SEMARNAP (through the Undersecretary of Fisheries) also manages Mexico's fisheries, it will be up to the secretariat to charge its own managers of providing unsustainable management.

"The legal implications of distinguishing between sustainable fisheries -- not subject to this law -- and unsustainable fisheries are just mind boggling," said Juan Bezaury Creel, an ecoregional-planning and policy fellow in the Mexico division of The Nature Conservancy, a US-based NGO. In addition, aquatic species protection areas may not be established to prohibit oil drilling, vessel transit, or other activities whose effects cannot be directly tied to fish stocks' survival.

For more information:

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