

ELEVENTH WORKING GROUP MEETING ON ENVIRONMENTAL AUDITING

Arusha, Tanzania, June 2007

REPORT OF THE SUPERIOR AUDIT OFFICE OF MEXICO
SPECIAL AUDIT OF PERFORMANCE

MARINE RESOURCES PROTECTION ¹

Dr. Fidel Roberto Rivera Lugo

¹ Published march 30, 2007

The Superior Audit Office of Mexico prepared the 116 audit "Marine Resource Protection" fulfilled to The Secretary of Marine-Mexico's Navy on the Public Account 2005.

The Secretary of Marine doesn't have a program of prevention, control, vigilance and protection of the marine environment, as well as indicators and information of how to measure its impact or evaluate the contribution to restore and preserve the marine ecosystems. Its lack of registers to account the budget resources for this purposes; as well as the opinion polls orientated to citizenships.

Legal Facts

The Political Constitution of Mexico establishes that the State must guarantee the dominion of the natural resources, as well to plan, manage, coordinate and guide the national economic activities, and take care of self preservation of the resources and the environment.

Objectives

The objectives of the audit were to make a performance review of the activities on prevention and control of pollution in the sea, to watch over and to protect the marine environment, its connection with the goals; its impact in the restitution and the prevention of the marine ecosystems; the implementation processes; the budget resources for this proposals; and the perception of the citizenship.

Scope

The audit evaluated the actions fulfilled by The Secretary of Marine - Mexico's Navy in the year 2005, in prevention and control of the pollution in the sea, as to watch over and protect the marine environment, as well as to check the expenses registered.

Background information

There is an environmental damage at the coasts, consequences of urban and industrial wastes, such as hydrocarbures, the immoderate fisheries and the manglar fells.

Data estimates that 65 per cent of residual water is pumped at the sea without treatment. Annually, between 0.1% and 0.2% of the oil hydrocarbon world production (3 million tones) pumped into the sea; 45 per cent of the marine pollution proceeds from urban and industrial waste. In 2001, 30 per cent of the manglar's forest was destroyed or changed by other uses.

Antecedent

In 1939 The National Marine Department was founded with functions to preserve, develop and control the marine flora and fauna. One year after The Secretary of Marine with functions of conservation, vigilance, control and management of the marine resources was founded. Mexico's Navy depends on this Secretary.

Since then it participates in several international treaties like the Agreement Dumping of London (1972) and the Agreement of Cooperation in Combating Marine Pollution between Mexico-USA (MEXUS).

The principal legal instruments and programs related with the marine environment are:

1. Federal Law of the Sea (January 8, 1986)
2. General Law of the Ecological Balance and Environmental Protection (January 28, 1988)
3. Organic Law of Mexico's Navy (December 30, 2002)
4. National Plan of Development (2001-2006)
5. Institutional Program of Development of the Secretary of Marine (2001-2006).

These dispositions show that Mexico's Navy has the responsibility in *prevention* and *control* of the marine pollution, and the *vigilance* and *protection* of marine environment, to contribute its preservation, together with other government agencies.

Main findings

Marine Pollution Prevention

National Contingency Plan

The National Contingency Plan for Combat and Control by Hydrocarbon Spilling and Another Harmful Substances in the Sea (PNC), has been implemented since 1981, consequence of Ixtoc incident in 1979. Diverse federal public offices and local governments are involved in the operations of PNC.

In 2005, the entity inspected fulfilled 6 shams in both coasts, and one together with the USA.

It also, organized 261 meetings with agent federal public offices and local governments to prepare actions in case of regional and local incidents. However, it wasn't possible to review these actions, because they didn't program meetings to fulfill each navy command.

Ecological Protection at Coast States Permanent Program

The Secretary of Marine operates this program with the objective to establish prevention measures to avoid marine pollution. Its activities were:

In the period 2004-2005 Mexico's Navy gave ecological awareness sessions to 178,505 people of the coast states; achieved 74.4 per cent of the programmed goal for 2006; however, it represents only 1.3 per cent of the coast population (13.9 million people).

Otherwise, a document named "Atlas of High Risk Hydrocarbon Pollution in the Gulf of Mexico" is elaborated; in the period 2001-2005 this work advanced 90 per cent previous in the Institutional Program. The Atlas identifies 10 critical zones of high risk caused by the industrial activities and navigation routes within 841,850 m².

In 2005, the Secretary of Marine fulfilled 761 coordination meetings with federal public office agents and local governments; however, it hasn't disposed of a program, which can measure its efficiency.

In summary, this agency doesn't design parameters and missing information to measure the impact of its actions in the prevention of the marine pollution. These indicators determined a review at the operative process only.

Marine Pollution Control

In 2005, The Secretary of Marine fulfilled 3,539 operations of control and manage solid and liquid wastes in harbors, beaches, navigation channels and marine arrangements, as soon as 13 operations of gathering hydrocarbon wasting. The Mexico's Navy intercede in these operations to pick up 1,342,649 liters and 30,435 tons of wastes in the sea, meaning an average annual increase of 7.5 percent and 52.0 percent, respectively.

As well of gathering 170,940 liters and 117.9 tons of hydrocarbon wastes in the sea, meaning an average annual increase of 34.4 per cent and 72.4 per cent, respectively.

However, agency audit doesn't have statistical information and parameters that permit the measurement and analyze the efficacy in the restitution of the marine environment. Its indicators defined only measurement in the efficiency processes.

Opportunity to authorize dumping petitions.

The Secretary of Marine authorized 42 dumping petitions of 43 applications presented. The Superior Audit Office verified that 18 applications were presented in time, previous data for the dumping; 14 exceeded the 30 days established in the norms; 6 were presented after time of the dumping; and 4 didn't specify.

The audit can't prove if the dumping was made in the previous date because The Secretary of Marine didn't have recordings.

Marine Environment Vigilance

The Secretary of Marine fulfilled 15,358 trips by sea and land in the coastal zones to watch over and detect transgressors of environmental norms; however it didn't define parameters and information to review the impact in the vigilance actions of marine environment. Its indicators measure the operation processes only.

In 2005, Mexico's Navy detected 21 possible transgressors of environmental norms and wrote up the corresponding documents: 10 didn't proceed, 6 proceeded, 3 were solved and 2 were sent to the Federal

Attorney Office of Environmental Protection. As a result The Secretary of Marine fined 8.5 thousand dollars and recovered 719.4 thousand dollars by services provided.

Reports of water coast quality

The reports of water coast quality determine causes, origin and levels of marine water pollution; these reports measure the psycho-chemical and bacteriology analysis, but not heavy metals. In 2005 The Secretary of Marine prepared 315 reports distributed in 50 ports, harbors, beaches and navigation channels that make residual water discharges in both oceans.

The Superior Audit Office prepared a valid sample with the reports of 15 places (30 per cent); its results were: in 7 coasts zone the top ranking level pollution of "coliformes fecales" exceeded a maximum limit allowed; also, in 6 coasts zone the top ranking level pollution of "Total Solid Suspended" exceeded maximum limit allowed.

Nevertheless, The Secretary of Marine didn't carry out a co-ordination appropriate with other public offices for implementing actions and repair affected areas.

Marine Environment Protection

National Manglar`s Forest of Manage and Sustainable Program

In 2000 Mexico registered 488,154 hectares of manglar`s forest, this is, 65 per cent less than in 1970 (1,500,000 hectares); the inspected entity implemented this program with the prevention and restoring objective marine ecosystem. With the auditory works it observed that in 2005 the naval commands made the diagnosis and determination the main actions to maintain the marine ecosystems; but not defined goals and indicators, neither programming its activities.

Conclusions and Recommendations

The Superior Audit Office of Mexico can't perform a review in the efficacy and impact in the actions of prevention and control of the pollution in the sea, as well as vigilance and protection of the marine environment, because The Secretary of Marine-Mexico Navy only measures the efficiency in the implementing processes.

They didn't have information of the areas that are damaged and didn't distinguish the areas that have been restored.

Finally, the lack of information and statistical data to measure the impact in the preservation of the marine environment and the review performance of the objective established in the Institutional Program of Development of the Secretary of Marine 2001-2006.

The Superior Audit Office of Mexico issued 25 observations that generated 29 actions aimed to:

11 to contribute the establishment of review performance system.

4 to stimulate the implementation of better practices in the government.

12 to propitiate the efficiency and efficacy in the public actions.

2 to strengthen the control mechanisms in the public management.