

An aerial photograph of a vibrant turquoise lake nestled within a rugged, brown canyon. The water's color transitions from a deep blue at the bottom to a bright turquoise at the top. The surrounding terrain is rocky and sparsely vegetated.

# Legal issues regarding regulations of the protected natural area

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**The conservation of the environment implies protection to the cultural diversity, because the man it's considered to be part of this environment.**

**Nature Protection  
legislation shouldn't  
generate conditions  
that put in danger,  
the subsistence of  
Natural Protected  
Areas settlers, its  
lives, customs and  
culture.**





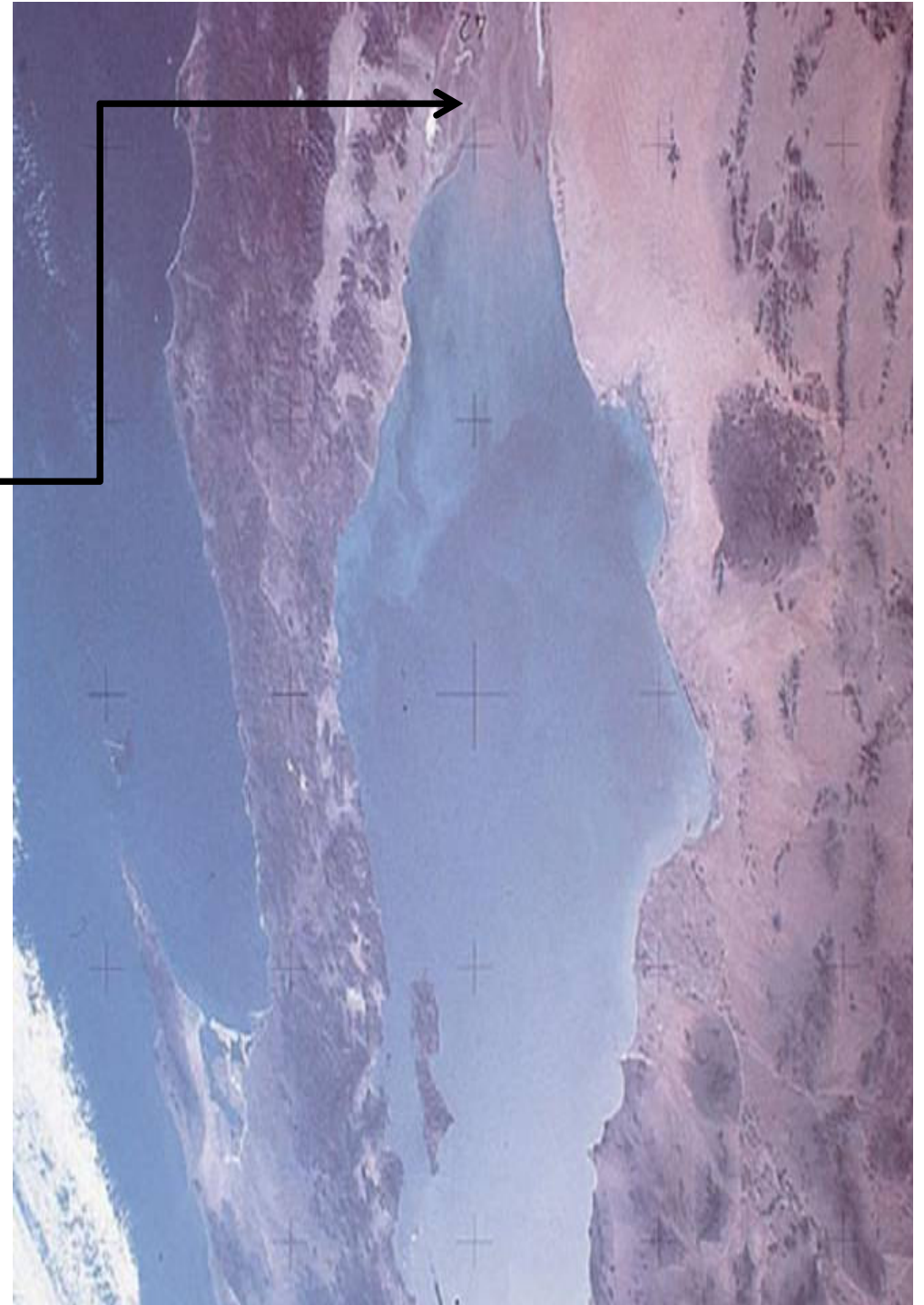
**It's of mayor importance that the settlers of Natural Protected Areas are considered in the design of the programs and instruments that indicate the rules to follow in their administration and handling.**



# Cocopah Community



**Seated in the  
nucleus zone of the  
biosphere reserve  
“Alto Golfo de  
California y Delta  
del Río Colorado”**





**They have seen their  
liberties limited,  
since all fishing activities  
are  
now prohibited by virtue  
of the Ley General del  
Equilibrio Ecológico y la  
Protección al Ambiente  
(LEGEEPA).**



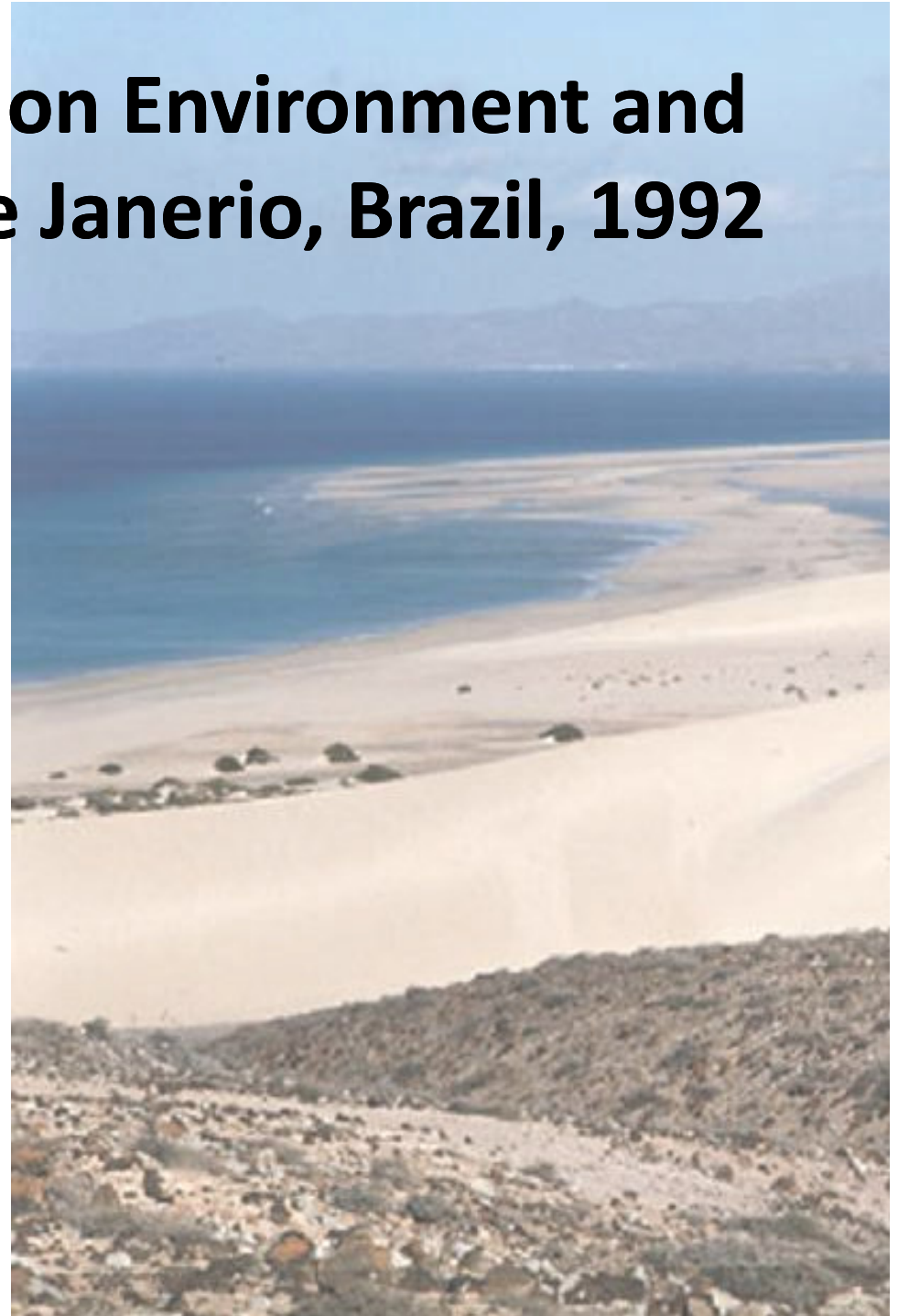
**Legal Conflict**

# The Rio Declaration on Environment and Development, Rio de Janeiro, Brazil, 1992

- **Principle 1** → Human beings are at the centre of concerns for sustainable development.

We are entitled to a healthy and productive life in harmony with nature.

**Environment protection must be directed, to the protection of the human existence.**



# Constitución Política de los Estados Unidos Mexicanos

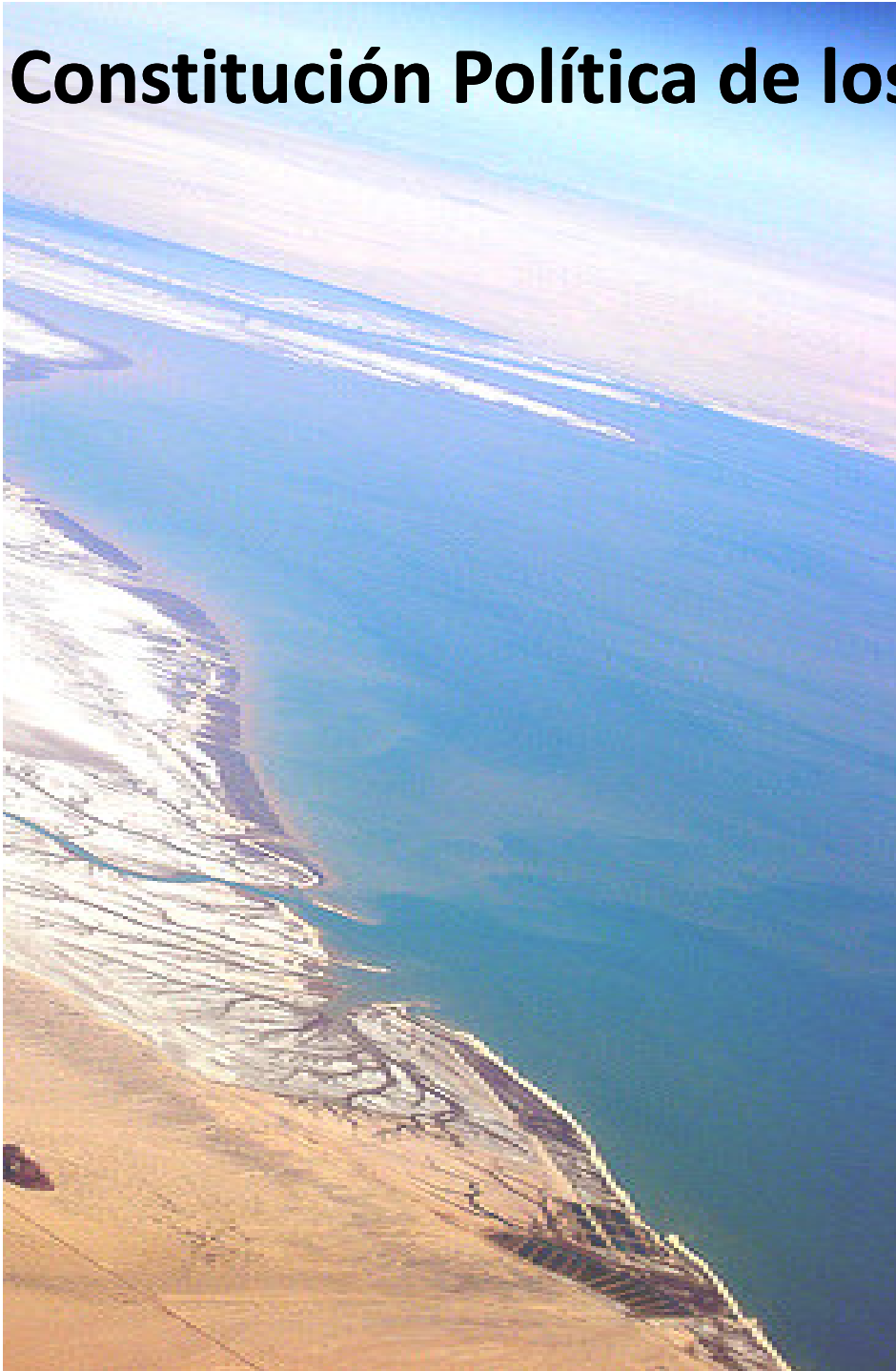
## 4<sup>th</sup> Article →

- Everyone has the right to a clean environment for their development and well-being

## 27<sup>th</sup> Article →

- Possibility of private property creation, with modalities and limitations
  - public interest benefit
  - regulating the use of the susceptible of appropriation natural elements,
  - In order to obtain equitable distribution of the public wealth,
  - And to take care of its conservation,

**In order to obtain the sensible development of the country and the improvement of life conditions for rural and urban population.**



# Ley General del Equilibrio Ecológico y Protección al Ambiente

## 15<sup>th</sup> Article →

**Guarantees the communities right to protect, preserve, use and viable advantage of the natural resources...**

## 45<sup>th</sup> Article →

Natural protected areas establishment must assure the viable advantage the ecosystems and its elements as well as **protect culture and identity and of the indigenous towns important areas.**





## 47<sup>th</sup> Article →

In the establishment, administration and handling of Natural Protected Areas, SEMARNAT, will promote the **participation of its inhabitants** in order to **cause the integral development of the community** and to assure the protection and preservation the ecosystems and its biodiversity.

If the purpose of environment protection, is human existence protection, then, why the LGEEPA establishes in its 48<sup>th</sup> article, second paragraph, the prohibition of advantage activities that alter the ecosystem, in the nucleus zones of the biosphere reserves? If it beforehand knows the existence millenarian groups in many of these zones?

# Conclusions

- ❖ The decree of protected area is a sovereign decision of a country, by means of which it destines part of its territory to the conservation of natural ecosystems;
- ❖ In many natural protected areas rural populations of farmers and natives exist, in conditions of high marginality or extreme poverty;
- ❖ In the handling programs technical and normative aspects converge, in order to obtain the effectiveness of the actions within the protected areas;

# Proposals

# Creation of a zone or concession of exclusive use for the Cocopah Community fishing.

The determination of the type of fishing would be indispensable to determine the place in which this zone must be located.

Legislation modification so the extractive operation of the natural resources in the nucleus zones of the biosphere reserves it's allowed, if and only if,

- \*the purpose of the fishing is private consumption,

- \* the fishing is performed personally by members of seated ethnic communities in the region from a time previous to the expedition of the corresponding decree

The creation of an environmental services payment figure, by means of which all the community, in the payment of their water service contributes in proportional aliquot to consumption, in order to generate a payment to the Cocopah community, so that they dedicate their activities to the protection and not to the fishing operation of the place.

**Thanks for  
your attention**