



TERMS OF REFERENCE

Consultancy for a Ramsar Advisory Mission Ramsar Site No. 1346, *Parque Nacional Sistema Arrecifal Veracruzano*

Independent Legal Consultant

1. INTRODUCTION

The Convention on Wetlands is an intergovernmental treaty that provides the framework for national and regional action and international cooperation for the conservation and wise use of wetlands and their resources.

By designating a wetland as a Wetland of International Importance, the Contracting Parties commit to maintaining its ecological character. However, Wetlands of International Importance (also known as Ramsar Sites) may face various challenges, including developments in the agricultural, industrial, infrastructure, housing, tourism and recreation sectors; water management issues affecting water quality and supply; invasive alien species; and climate change.

The Convention on Wetlands gives special attention to assisting Contracting Parties in the management and conservation of Wetlands of International Importance. In this regard, Ramsar Advisory Missions (RAM) provide a technical assistance mechanism through which a Contracting Party may request advice on how to respond to actual or potential changes in the ecological character of a Ramsar Site, which may result from technological development, pollution, or other human activities. Formally adopted through Recommendation 4.7 of the Conference of the Contracting Parties, the RAM process is further described in Resolution XIII.11 adopted in 2018, with additional guidance provided in Decision SC57-55.

Ramsar Advisory Missions (RAM) are initiated at the request of a Contracting Party and organised by the Secretariat in collaboration with the Administrative Authority to define the Mission's mandate and required expertise. The Ramsar Secretariat leads and coordinates the RAM in close collaboration with external, independent consultant(s) who to provide a neutral, external and independent perspectives on the matter.

2. OBJECTIVES AND SCOPE OF THE RAMSAR ADVISORY MISSION

On 24 November 2023, the Government of Mexico submitted a request to the Secretariat for a RAM to be conducted on Ramsar Site No. 1346 *Parque Nacional Sistema Arrecifal Veracruzano*.

Consequently, Mexico through the National Commission of Protected Natural Areas (CONANP), in its capacity as National Focal Point of the Convention in Mexico, has prepared inputs in accordance with paragraph 23 of the *Operational Guidance for Ramsar Advisory Missions*, which forms the basis for the objectives and scope of the mission; the description of the local situation that gave rise to the RAM; and basic information about the Ramsar Site in question.

General objectives

Determine the degree of conservation of Ramsar Site No. 1346, derived from the implementation of the different stages of development of the project “*Ampliación del Puerto de Veracruz en la Zona Norte*”¹, to provide recommendations to improve its protection, to be included in a work program.

Specific objectives

- Conduct a literature review of available Earth Observation data to identify changes in and around Ramsar Site No. 1346, Parque Nacional Sistema Arrecifal Veracruzano, linked to the development of the “*Ampliación del Puerto de Veracruz en la Zona Norte*” project across all its implementation stages.
- Carry out site visits and engage with key informants and stakeholders through interviews to validate the findings from the literature review.
- Document past, present, and predict potential future impacts on the ecological integrity of Ramsar Site No. 1346, highlighting changes that have occurred or may occur due to the project's implementation at all stages.
- Based on insights from the literature review and interviews with stakeholders, and prioritizing the maintenance of ecological integrity, propose measures for inclusion in the site's conservation program to ensure Ramsar Site No. 1346 remains a representative coral reef wetland within the Veracruz Neritic Zone's biogeographic region. The consultant should ensure the following outcomes:
 - 1) Recommend measures to be included in the work program to improve the protection of species in any of the risk categories of NOM-059-SEMARNAT-2010 within the Ramsar Site.
 - 2) Recommend measures to be included in the work program to ensure that the Ramsar Site continues to support wild species at a critical stage of their biological cycle or when adverse natural conditions persist.

¹ Taken from the *Considerando 2* of the *Oficio No. SRA/DGIRA/DG-06257-22*.

3) Recommend measures to be included in the work program so that the Ramsar Site continues to be a food source, a spawning ground, a development and growth area, and a migratory route on which commercially important fish species depend.

3. BACKGROUND

3.1. Summary of the local situation

The Veracruz Reef System is a unique, biodiverse marine ecosystem located in the south of the Gulf of Mexico, in the central part of the state of Veracruz, in front of the Port of Veracruz and the town of Antón Lizardo.

This area was first protected on August 24, 1992, when it was declared a Protected Natural Area, specifically a National Marine Park, covering approximately 52,358 hectares. In 2004, the Veracruz Reef System's ecological value was further recognised with its designation as Ramsar Site No. 1346, *Parque Nacional Sistema Arrecifal Veracruzano (PNSAV, by its acronym in Spanish)*, with boundaries identical to those of the National Marine Park decreed in 1992 (Figure 1). However, a decree issued on November 29, 2012, modified the boundaries (Figure 2) of the National Park, and as a result the Ramsar Site and National Park now partially differ in both area and boundaries.

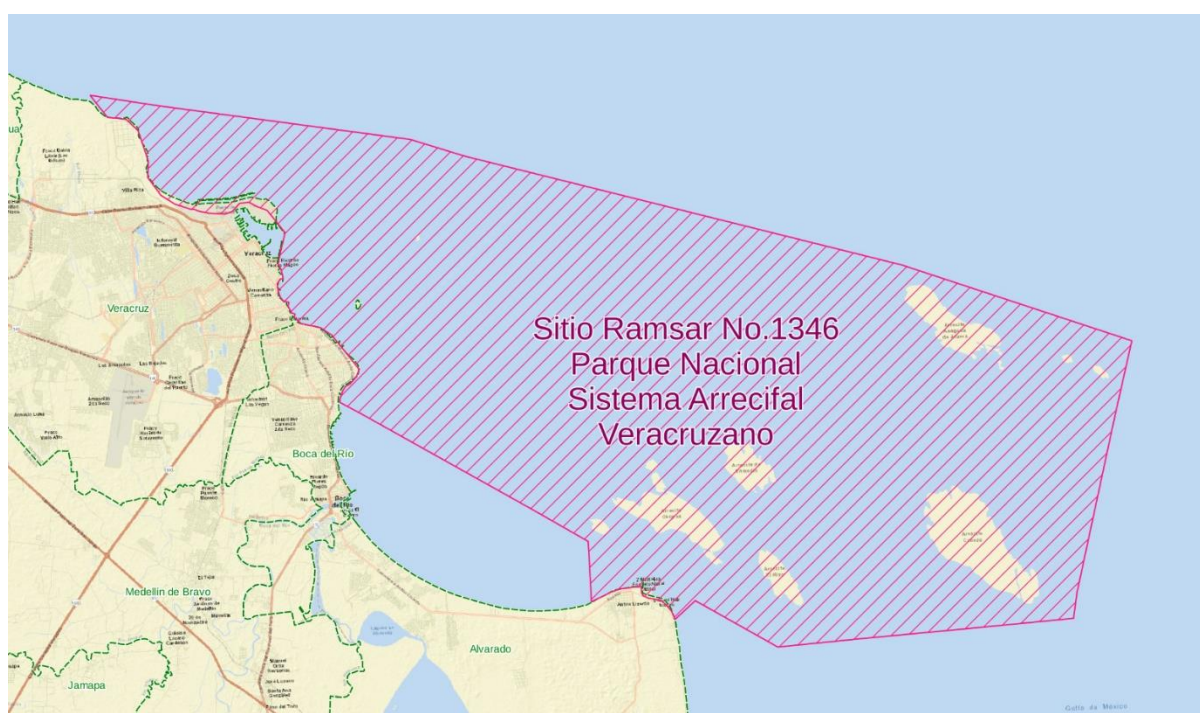


Figure 1.- Boundaries of the Ramsar Site No. 1346, designated in 2004.



Figure 2.- Boundaries of the Protected Area modified by decree in 2012, Parque Nacional Sistema Arrecifal Veracruzano.

On November 13, 2013, the General Direction of Environmental Impact and Risk (DGIRA, by its acronym in Spanish) of the Secretariat of Environment and Natural Resources of Mexico (SEMARNAT, by its acronym in Spanish) granted authorisation for the project titled “*Ampliación del Puerto de Veracruz en la Zona Norte*”, to the formerly called the Integral Port Administration of Veracruz, SA de CV (APIVER), currently Administration of the National Port System Veracruz (ASIPONA), a parastatal body of the Secretariat of the Navy. This authorisation was conditioned on the implementation of a series of measures to mitigate or compensate for the adverse environmental impacts of the project at each stage of its development (site preparation, construction, operation, and maintenance).

In 2016, two citizens (hereinafter the complainants) filed a writ of *amparo*² (1241/2016), requesting the suspension of the environmental permits and authorisations for the Port of Veracruz expansion project. The request was dismissed by the Fifth District Judge in the state of Veracruz, on October 17, 2019, on the grounds that the complainants had no legitimate interest. The complainants subsequently filed an appeal, which was upheld.

As a result, on February 9, 2022, the First Chamber of the Supreme Court of Justice of the Nation (SCJN, by its acronym in Spanish) ruled in favour of the complainants, overturning the earlier decision (*Amparo* under Review³ 54/2021). The ruling mandated the invalidation of the 2013 resolution authorising the Veracruz Port expansion and required the issuance of new resolutions that included a

² In Spanish: “Juicio de amparo”.

³ In Spanish: “Amparo en Revisión”.

comprehensive and holistic environmental evaluation, with an emphasis on reefs, wetlands, and the National Park. Additionally, the First Chamber's ruling mandated: "Within the framework of an institutional dialogue, request the National Wetlands Committee to request the International Wetlands Committee⁴ to appoint a group of experts to evaluate the Ramsar site and thus define the scheme for its protection through a work program." (*Amparo under Review 54/2021*, paragraph 357)

In relation to the above, and in line with the Operational Guidelines for Ramsar Advisory Missions, Mexico has formally requested that the Secretariat of the Convention on Wetlands conduct a Ramsar Advisory Mission for Ramsar Site No. 1346, *Parque Nacional Sistema Arrecifal Veracruzano*.

3.2. General information about the Ramsar Site No. 1346 *Parque Nacional Sistema Arrecifal Veracruzano*

Climate and Environment of Veracruz:

The Mexican state of Veracruz is known for its extensive moist forests and diverse landscapes. It has been described as one of the richest faunistic regions in the western hemisphere.

Its biological richness allows wetlands to play a relevant role in the global climate as regulators of atmospheric emissions, due to their heat capacity, the effect of their vegetation on the environment, and their high productivity. In addition, they serve as regulators of water flows and, in some cases, as a source of water supply.

Ecological character of Ramsar Site No. 1346:

The international importance of the ecological character of this Ramsar Site lies in the fulfilment of four criteria for the Identification of Wetlands of International Importance⁵:

- **Criterion 1.** It is a representative coral reefs wetland of the Neritic Zone biogeographic region of Veracruz.
- **Criterion 2.** It shelters endangered marine and terrestrial species, with NOM-059-SEMARNAT-2010.
- **Criterion 4.** It provides shelter to marine organisms during adverse weather conditions, such as "Nortes" (strong winds from the north, with speeds from 32 km/h to 142 km/h, from March to August).
- **Criterion 8.** The area provides critical spawning grounds, nurseries, feeding areas, and refuge for various fish species, most of which are of commercial importance.

According to the Ramsar Information Sheet (RIS), this marine Site includes 23 coral reefs divided into two main groups by the mouth of the Jamapa River. The reef hosts

⁴ Secretariat of the Convention on Wetlands.

⁵ Ramsar Wetlands Fact Sheet. Parque Nacional Sistema Arrecifal Veracruzano. Retrieved from: <https://rsis Ramsar.org/RISapp/files/RISrep/MX1346RIS.pdf>.

a rich biodiversity of flora and fauna, with 1,101 species (10 phyla, 361 families, and 536 genera). Key fauna includes 256 fish and 84 coral species, predominantly stony corals (Scleractinia), which provide structural complexity to the ecosystem. Species supporting artisanal and subsistence fisheries include octopuses, squid, clams, sea urchins, shrimp, and lobsters. The flora includes 122 species of Rhodophyceae (red algae), 70 species of Chlorophyceae (green algae), and smaller groups of Cyanophyceae (blue-green algae) and Phaeophyceae (brown algae). Seagrass meadows – composed of *Thalassia testudinum*, *Halophila decipiens*, *Halodule wrightii*, and *Syringodium filiforme* – cover areas with moderate wave action, further increasing habitat diversity.

Several major hydrological basins discharge into the reef area, including the Jamapa-Atoyac, Papaloapan (the country's second-largest river), and La Antigua Rivers. The Site's complex structure, diverse habitats, and dynamic abiotic processes support vital ecosystem services, such as sustaining fisheries and maintaining biodiversity.

4. CONSULTANCY SERVICES

4.1. Composition of the Ramsar Advisory Mission team

The RAM team will be composed of:

- A **team leader** designated by the Secretariat of the Convention on Wetlands from among its staff.
- An **independent** technical consultant (non-Mexican, recruited by the Secretariat).
- An **independent consultant** for legal issues (any nationality with expertise in Mexican environmental law, recruited by the Secretariat).

Structure and operation of the Ramsar Advisory Mission:

The Secretariat of the Convention on Wetlands will hire, under a transparent process, the services of a **legal consultant** for a period not exceeding 15 working days. The legal consultant will be required to work closely with the technical lead and will be responsible for providing legal guidance and ensure the delivered technical outcomes of the RAM, are harmonized with the legal context of the institutions of the Mexican government.

The legal consultant in consultation with the technical lead will be responsible for organizing and leading any relevant meetings with national authorities and institutions in Mexico.

The Ramsar Advisory Mission will be divided into three (3) stages:

- Literature review, including examination of relevant reports such as the lawsuit presented to the government by members of civil society and the resolution of the Supreme Court of Justice of the Nation.
- Field visits (if required) to affected sites and interviews with stakeholders.
- Contribution to the preparation of the RAM report.

4.2. Duties and responsibilities of the independent consultant for legal issues

- Complement the work of the lead technical consultant.
- Assist the lead consultant in the institutional and legal data collection and analysis process by coordinating the assignment of support roles among RAM team members.
- Provide the legal and institutional support to the technical consultant to harmonize the recommendations within the Mexican context.
- Ensure that in the mission report all environmental, legal, and regulatory aspects are aligned with the Mexican legal system.
- Adequately advise the lead technical consultant to ensure that recommendations bridge the gap between scientific research and legal requirements, particularly focusing on the protection and conservation of ecosystems.

4.3. Qualification and profile of the independent consultant for legal issues

- Have strong legal background, particularly in Mexican environmental law or Latin-American environmental law, including knowledge of national and international regulations related to wetland conservation.
- demonstrated work experience at identifying legal responsibilities and powers within the different levels of government. including federal agencies, state-level authorities, and local entities responsible for conservation.
- have experience working with diverse stakeholders, including government bodies, environmental organizations, local communities, and private sector stakeholders, to address legal and policy issues related to conservation and wetland management.
- Have at least 5 years of work experience of the Ramsar Convention

ACADEMIC

- Laws, Public Management, International Relations or a related field(s) relevant to the assignment. With a Master's degree or a PhD degree in environmental law.
- A master's degree in combination of four (4) additional years of qualifying work experience will be equivalent to a PhD degree.

LANGUAGE

- The consultant must be able to work (writing and speaking) in both Spanish and English.

WORK LOCATION

Home-based. The consultant must have the possibility for traveling to Mexico to prepare any field visits and interviews, if required.

SPECIAL KNOWLEDGE AND SKILLS:

PROFESSIONALISM:

- Relationship skills with government and private sector officials and with academia and NGOs.
- Strong communication skills are essential, her/his must often serve as a bridge between scientific experts, government, regulatory agencies, and the public.

4.4. Deliverables

The legal consultant will provide the following deliverables:

- **Deliverable 1 (to be provided at midterm):** Analysis of the institutional and legal framework applicable to the protection of the criteria for which Ramsar Site No. 1346 was designated. This document will review the institutional context and the set of legal provisions that must be considered to ensure that the ecological characteristics, specified in the criteria, are preserved in the framework of the project "*Ampliación del Puerto de Veracruz en la Zona Norte*".
- **Deliverable 2 (to be provided as a final deliverable):** Set of technical recommendations from the RAM consistent with the institutional and legal framework applicable to the protection of the criteria for which Ramsar Site No. 1346 was designated in the framework of the project "*Ampliación del Puerto de Veracruz en la Zona Norte*". These recommendations will be included in the RAM report.

5. Proposal submission

Interested candidates must submit a detailed proposal in a single email, including the following documents:

- Expression of Interest (including cover letter): A brief statement introducing the applicant, outlining relevant background, demonstrating an understanding of the objectives, and providing an overview of the proposed approach.
- Detailed CV highlighting relevant experience related to this consultancy;
- Two (2) professional references who can attest to the consultant's qualifications and past performance. References should include contact information and a brief description of the consultant's role in previous projects.
- Professional rate per day (not exceeding 15 working days).

Proposals must be submitted in PDF format by **27 April 2025** at 23:59 (Swiss time, GMT+2 during Daylight Saving Time, DST) to americas@ramsar.org (with the subject line “**RAM Mexico Legal Consultancy**”). Incomplete or late submissions may not be considered.

For any clarifications or questions regarding the consultancy please send email to americas@ramsar.org.

6. Follow-up of the RAM

This RAM report will then be circulated to all Mission members for comments. Subsequently, the Secretariat will submit the consolidated report to Mexico's Administrative Authority and the National Focal Point to the Convention for approval within three months.

Resolution XIII.11 on “Ramsar Advisory Missions” states in its fourteenth paragraph that “RAM reports are public documents once the Party concerned has had an opportunity to approve them”. The Secretariat will therefore publish the approved report on the Convention's website.