

Translation. Original: Spanish
Río Yaque del Norte II-RD
Determination Article 17.8.1

CAALA/24/001
DISTRIBUTION: General
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Determination under Article 17.8.1 of the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR)

Submitter:	Ernesto Inoa on his behalf and representing the Grupo Ecológico Mundo Libre – pending incorporation
Party addressed:	Dominican Republic.
Date received:	February 6, 2024.
Date of this Determination:	April 7, 2025.

I. BACKGROUND

On February 6, 2024, Ernesto Inoa, acting on his behalf and representing Grupo Ecológico Mundo Libre, filed a *submission* to this Secretariat alleging that the Dominican Republic has not effectively enforced its environmental legislation due to the alleged pollution in various areas of the Río Yaque del Norte watershed.

On April 29, 2024, the Secretariat determined that the *submission* met the requirements established in Article 17.7.2 of CAFTA-DR and proceeded to analyze it pursuant to Article 17.7.4 of the Agreement.

On August 8, 2024, the Secretariat requested a formal response from the Dominican Republic regarding the allegations contained in *submission* CAALA/24/001 (Río Yaque del Norte II-RD). The original deadline for a response was October 5, 2024; however, upon the Party's request and following the Working Procedures of the Secretariat for Environmental Matters, the deadline was extended to October 20, 2024.

As of this date, the Secretariat has not received a response from the Party. Therefore, this recommendation to prepare a factual record is submitted for consideration by the Environmental Affairs Council, with the reasoning for this determination outlined below.

II. SUMMARY OF THE *SUBMISSION*

The submitter alleges that the Dominican Republic has failed to effectively enforce its environmental legislation due to the alleged pollution caused by:

- Deforestation: In areas adjacent to the Río Yaque's course.
- Solid and liquid waste disposal: Poor management of urban and industrial waste in the river's basin.

The submitter stated that:

- Since 2010, significant accumulations of waste have been observed in the river basin, escalating to critical levels.
- The situation endangers the health and lives of people, animals, and plants in the affected areas.
- The main causes include the rapid urban growth of Santiago de los Caballeros and the poor management of solid and wastewater.

The submitter highlighted specific violations of the following legal instruments:

- Law No. 64-00 on the Environment and Natural Resources: Articles 82, 86, 87, 88, 89, 90, 91, 107, 126–134, and 138.
- Law No. 120-99: Prohibits the disposal of solid waste in bodies of water, streets, and other spaces.

In the *submission*, the submitter requested:

- A formal response from the Dominican government on the reasons for the alleged non-compliance.
- Openness to dialogue with Grupo Ecológico Mundo Libre.
- The preparation of a factual record.

III. ANALYSIS

Article 17.8.1 of CAFTA-DR states: "If the Secretariat considers that, in light of any response provided by the Party, warrants developing a factual record, the Secretariat shall so inform the Council and provide its reasons."

Article 11.5 of the Secretariat's Working Procedures provides: "After it receives the Party's response or the response period expires, the Secretariat shall consider whether the *submission* warrants developing a factual record."

In view of the fact that the Secretariat has not received a response from the Party, the present recommendation for the preparation of a factual record is hereby submitted for the consideration of the Environmental Affairs Council.

i. Assessment of the *Submission*

The submitter provided information regarding:

- a. The alleged progressive pollution of the Río Yaque del Norte since 2010.
- b. Previous communications addressed to the Ministry of Environment and the Director of the Environment for the Municipality of San José de las Matas, without receiving responses.

Additionally, the Secretariat is not aware of any ongoing administrative or judicial proceedings due to the lack of information provided by the Dominican Republic.

ii. Reasons for Preparing the Factual Record

The Secretariat considers that the preparation of a Factual Record could provide relevant information regarding:

1. Enforcement matters: Preparing a factual record could help identify governmental policies and measures adopted by the Dominican Republic concerning the protection of the basin under its domestic legislation.
2. Current state of the Río Yaque del Norte: The Secretariat estimates that a factual record could shed light on the environmental conditions of the river's course and neighboring communities, considering the alleged direct harm to ecosystems and human populations.
3. Social and environmental impact: The *submission* highlights not only ecological damage but also risks to human health and community well-being. Preparing a Factual Record could provide relevant information regarding the health of neighboring communities.

In addition to these reasons, the Secretariat considers that preparing a factual record would enable the collection of additional information on the allegations, evaluate the environmental impact, and document compliance with applicable legal provisions. It would



also contribute to strengthening transparency and accountability mechanisms in environmental management in the region.

IV. DETERMINATION

Pursuant to Article 17.8.1 of CAFTA-DR and the Secretariat's Working Procedures, the preparation of a Factual Record is **RECOMMENDED** for *Submission* CAALA/24/001 (Río Yaque del Norte II-RD).

Notify the Submitter and the Environmental Affairs Council.

Copies of the *submission* and previous determinations have been sent to all members of the Environmental Affairs Council for the corresponding purposes.



JORGE MAURICIO GUZMAN VALDEZ
GENERAL COORDINATOR