

Concession in Rosarito Beach, unrelated to the territorial conflict with Ensenada.

Congress ignoring the Supreme Court of Justice, and the City Council not exerting pressure.



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by Elizabeth Vargas

The decision by SEMARNAT to grant concessions for beaches in Rosarito, within the framework of a territorial dispute that is almost 19 years old, doesn't signify anything official regarding the conflict, except that a beachfront was granted, similar to other private and public users.

Julio Salinas López, President of the Economic Advisory Board of Ensenada, recalled that the situation remains the same as of September 6, 2019, when the Supreme Court of Justice of the Nation deemed admissible and well-founded the constitutional controversy presented by Ensenada regarding the boundaries.

In this ruling, the invalidity of Opinion 137, approved by the State Congress of Baja California on September 28, 2016 was declared."

In this ruling, the Opinion 137, approved by the State Congress of Baja California on September 28, 2016, and Decree 684 published in the Official Gazette of the Government of Baja California on October 7, 2016, were declared invalid.

Since 2016, Ensenada presented this controversy where the Supreme Court of Justice instructed the State Congress of Baja California to restart the procedure since the guidelines stipulated by the law were not taken into account, an act that to date has not been fulfilled, nor have legislators pressed for it.

Despite this non-compliance, at the end of 2023, the Ministry of Environment and Natural Resources granted Rosarito the authority to charge in the Federal Maritime Zone to make use of a concession, which does not mean recognizing the disputed territory.

It is a procedure that anyone could have done and that the municipality of Rosarito did because Ensenada did not do it at the time.

"If you own a property with a beachfront, not only do you have the right to use that beachfront, i.e., if you don't use it and someone else or another entity intends to use it, they can, but there are procedures for this too. It does not mean that the property belongs to the one with the concession; hence it is a concession."

One relevant issue is the absence of authorities on this matter since 2019. Neither local deputies nor the mayor have done their part to follow up and press for the Congress to comply with what was ordered by the Supreme Court of Justice of the Nation.

Since the State Government made the intentional or unintentional mistake on the maps that led to the dispossession by Rosarito, which was a delegation that separated from Tijuana in 1995, the conflict is not only with Ensenada's lands but also with Tijuana, which overlaps with what was given to Rosarito as Legal Fund.

Currently, Rosarito seeks to create rights, and one of the strategies is to have requested Semarnat the concession of the service on beaches and currently, both municipalities address the area, security, services, and others with respective collection.

Legally, there is no definition of territorial limits in Ensenada and Playas de Rosarito. In Santa Anita, for example, there are two municipal authorities for collecting Property Tax, permits, and rights, even the presence of police from both municipalities.

However, in reality, the matter remains legally unclear on the part of those who have the obligation to clarify it, which are the Deputies.

Ensenada has lost most of its territory with the current mayor, assigned to the municipality of San Quintin and San Felipe, without putting up a fight. On the contrary.

However, the case of Playas de Rosarito is different because it is a piece of territory that historically belongs to Ensenada, dating back to the mission era, and an erroneous interpretation, intentional or not but recognized by the Supreme Court in the Constitutional controversy, must be resolved and not just brought to light during an electoral period."

<https://ensenada.net/noticias/nota.php?id=74099>