



November, 13th 1997

Marc Paquin
Program Manager
Special Legal Projects and Procedures
Commission for Environmental Co-operation
393, rue St. Jacques Ouest
Bureau 200
Montreal, Quebec
CANADA
H2Y 1N9

Dear Mr. Paquin:

RE: Article 14 Complaint by Animal Alliance of Canada, Greenpeace Canada and Council of Canadians.

The Centro Mexicano de Derecho Ambiental wishes to be added as a co-petitioner to the Article 14 Complaint recently submitted by Animal Alliance of Canada, Greenpeace Canada and Council of Canadians concerning Canada's failure to enforce its regulation ratifying the Biological Diversity Convention. Please find enclosed our brief submission (which adopts the argument put forward by the three original petitioners).

Yours truly,

Gustavo Alanís-Ortega
President

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CENTRO MEXICANO DE DERECHO AMBIENTAL

ATLIXCO No. 138 COL. CONDESA MEXICO, D.F. 06140 TELS. 211-2457 / 286 3323 FAX 211-2593



Mexico City
November 13, 1997

THE PETITIONER (Submitter)

Centro Mexicano de Derecho Ambiental
Atlixco 138. Col. Condesa.
México, D.F. 06140
México.

The Centro Mexicano de Derecho Ambiental (CEMDA) is a Mexican not-for-profit, public interest, non-governmental organization. CEMDA has a long history of involvement in environmental issues, including the conservation and protection of endangered species. For example, the case of "Presa de Silva, Guanajuato Mexico" and the case of "Cozumel Pier, Quintana Roo, Mexico".

THE COMPLAINT

1. ADOPTION OF EXISTING SUBMISSION

CEMDA adopts the arguments set out in sections 1 to 5 of the Submission of Animal Alliance of Canada, Greenpeace Canada and Council of Canadians and the accompanying evidence appended to that Submission¹.

2. ADDITIONAL SUBMISSIONS IN RESPECT OF ARTICLE 14(2)(a)

In addition to the arguments put forward by Animal Alliance et al, CEMDA relies on the following further allegations of harm particular to Mexican endangered species

The Federal Government of Canada's failure to enforce the Biodiversity Convention Ratification Regulation of December 4, 1992, will cause harm to the CEMDA and its members, and to an important public resource - endangered species that are shared between Mexico and Canada. In fact, at least 25 of the species in Canada are ones

¹ See, SEM-96-001 (Notification of the Secretariat to Council under Article 15(1) where the Secretariat found that the public nature of the resources in question in that case, a coral reef, brought the submission "within the spirit and intent of Article 14" even where "the submitters may not have alleged the particularized, individual harm required to achieve legal standing to bring suit in some civil proceedings in North America".

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that migrate though or whose breeding range includes Mexico²

CEMDA is a non-profit organization concerned, inter alia, with the conservation of biodiversity, including endangered species listed in this petition. The harm to the Mexican public and Mexico's environment from the Canadian Government's failure to protect endangered species is clear. Where as endangered species which migrate or range throughout North America are afforded legal protection in both Mexico and the United States, they are not so protected in Canada - despite Canada's obligation to do so under the Biodiversity Convention and the Ratification Regulation. CEMDA is concerned that protection and recovery efforts undertaken in Mexico and the United States will be detrimentally affected by the Canadian Government's failure to abide by the obligations of the Ratification Regulation. As well, more species shared by the NAFTA partners will become endangered or extinct unless each Government promptly takes action to protect endangered species by passing and enforcing effective endangered species legislation so that all endangered species are protected throughout their ranges and life-cycles

ALL OF WHICH IS RESPECTFULLY SUBMITTED ON THE 13th NOVEMBER 1997

Sincerely,

Lic. Gustavo Alanís-Ortega
President

² The following species, listed by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) migrate through and/or the winter to Mexico. Monarch Butterfly, Acadian Flycatcher, Eskimo Curlew, Mountain Plover, Piping Plover, Sage Thrasher, Prothonotary Warbler, Hooded Warbler, Cerulean Warbler, Ferruginous Hawk, Long-billed Curlew, Louisiana Waterthrush, Prairie Warbler, Short-eared Owl. The following species, listed by COSEWIC, have breeding range which includes both Canada and Mexico (some also migrate between the two countries): Burrowing Owl, King Rail, Loggerhead Shrike, Northern Bobwhite, Peregrine Falcon, Spotted Owl, Yellow Breasted Chat, Barn Owl, Caspian Tern, Flammulated Owl, Least Bittern, Red-shouldered Hawk.

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