

BY COURIER AND FAX (514-350-4314)

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

December 16, 1997

Dear Mr. Paquin:

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

Northwest Ecosystem Alliance 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 Convention on Biological Diversity. Please find enclosed our brief submission (which adopts the argument put forward by the three original petitioners). A computer disk copy of the submission is also enclosed.

Yours truly,

Mitch Friedman
Northwest Ecosystem Alliance

THE PETITIONER (Submitter)

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The Northwest Ecosystem Alliance is an U.S.-based not-for-profit, public interest, non-governmental organization with about 2,000 members (many of whom recreate in British Columbia). The organization works to protect ecosystems that straddle the U.S./Canada border (such as the Cascades and Columbia Mountains). Northwest Ecosystem Alliance has a long history of involvement in environmental issues, including the protection and restoration of ecosystems in the Pacific Northwest. The NWEA bridges science and advocacy, working with activists, policy-makers, and the public to conserve our natural heritage. The NWEA is an active member in the U.S. Endangered Species Coalition and promotes the protection and recovery of species at risk.

THE COMPLAINT

1. ADOPTION OF EXISTING SUBMISSION

Northwest Ecosystem Alliance 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 Submission.

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

In addition to the arguments put forward by Animal Alliance et al, Northwest Ecosystem Alliance relies on the following further allegations of harm particular to United States endangered species.

The Federal Government of Canada's failure to enforce the *Biodiversity Convention* Ratification Regulation of December 4, 1992 will cause harm to Northwest Ecosystem Alliance and its members, and to an important public resource – endangered species that are shared between the United States and Canada.¹ In fact, over half of the species listed as being at risk in Canada are ones that migrate through or range across the Canada-U.S. border. In the U.S., endangered species and their habitats

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.”

receive strong legal protection under the U.S. *Endangered Species Act*, yet when those same species range into most parts of Canada, they lose their protection. For example, grizzly bears in northern Montana and Idaho are legally protected as a threatened species, yet when they wander into Canada they can be legally shot, due to Canada's lack of endangered species legislation.

Northwest Ecosystem Alliance is a non-profit organization concerned, *inter alia*, with the protection and restoration of cross-border ecosystems in the Pacific Northwest. These ecosystems harbour dozens of cross-border species at risk whose habitat is legally protected in the U.S., but not in Canada - such as the Spotted Owl, Marbled Murrelet, White-headed Woodpecker, Salish Sucker, lynx, Woodland Caribou and Grizzly Bear. The harm to the U.S. public and the U.S. environment from the Canadian Government's failure to protect endangered species is clear. Whereas 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.

Northwest Ecosystem Alliance is concerned that protection and recovery efforts undertaken in 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

Mitch Friedman
Northwest Ecosystem Alliance

Date