

REGISTRY OF SUBMISSIONS ON ENFORCEMENT MATTERS

Submission i.d.:	SEM-99-002
Submitter(s)	<p>Alliance for the Wild Rockies Center for International Environmental Law Centro de Derecho Ambiental del Noreste de Mexico Centro Mexicano de Derecho Ambiental Friends of the Earth Instituto de Derecho Ambiental Pacific Environment and Resources Center Sierra Club of Canada West Coast Environmental Law Association</p>
Party	United States
Summary of the matter addressed in the submission	<p>The Submitters allege that the United States Government is failing to effectively enforce Section 703 of the Migratory Bird Treaty Act (MBTA), 16 U.S.C. §§703-712, which prohibits the killing of migratory birds without a permit. The Submission alleges that MBTA implements four international treaties, including agreements with Canada and Mexico, aimed at protecting migratory birds, and in Section 703 prohibits any person from killing or “taking” migratory birds “by any means or in any manner,” unless the U.S. Fish & Wildlife Service (FWS) issues a valid permit. The Submission alleges that “ the United States deliberately refuses, however, to enforce this clear statutory prohibition as it relates to loggers, logging companies, and logging contractors. As a matter of internal policy, the United States has exempted logging operations from the MBTA's prohibitions without any legislation or regulation that authorizes such an exception.”</p> <p>The Submitters assert that “[t]his enforcement failure undermines the cooperative efforts of Canada, Mexico and the United States to maintain biodiversity, a goal which the CEC has explicitly recognized and recently adopted through its North American Biodiversity Conservation Project.”</p>
Name and citation of the environmental law in question	<p>Migratory Bird Treaty Act (MBTA), implementing the Convention between the United States (US) and Great Britain for the Protection of Migratory Birds in the US and Canada; Convention between the US and Mexico for the Protection of Migratory Birds and Game Mammals; Convention between the US and Japan for the Protection of Migratory Birds in Danger of Extinction and their</p>

	Environment; Convention between the US and the Union of Soviet Socialist Republics Concerning the Conservation of Migratory Birds and Their Environment.
Summary of the response provided by the party	N/A
Summary of the notifications to the submitter(s)	1. Acknowledgement of receipt of the submission (22 November 1999)
Council's decision on the preparation of a factual record	N/A
Council's decision on the public release of the factual record	N/A
Status of the process	The submission is being reviewed by the Secretariat to determine whether it meets the criteria of Article 14(1).
Full text (of electronically available documents)	<ul style="list-style-type: none"> • Submission (19 November 1999)