

## **4.2.1 Enforcement and Compliance Cooperation**

### **Project Summary**

The Enforcement and Compliance Cooperation Program provides ongoing support to the North American Working Group on Enforcement and Compliance Cooperation (EWG) in examining issues related to shared enforcement and compliance challenges. The program addresses North American regional enforcement issues, enforcement and compliance capacity building issues, and provides in-depth information and analysis on the Parties enforcement and compliance promotion activities.

### **Goals and Objectives**

To improve the effectiveness of shared environmental enforcement and compliance activities in North America and to increase the public's understanding of North American environmental enforcement issues.

### **Results**

The Enforcement and Compliance Cooperation Program contributes to improvements in environmental compliance in North America by prioritizing areas of shared concern, developing linkages among law enforcement agencies and organizations, designing and delivering capacity-building initiatives, and reporting on enforcement and compliance activities and issues. Specific results include:

- examining the known trade and tracking mechanisms for persistent organic pollutants and mercury to determine possible compliance issues associated with the trade in these substances;
- identifying important issues in the illegal trade and traffic in protected plant and wildlife in North America and helping enforcement officials identify enforcement and compliance issues associated with this trade; and
- helping ensure that a NAFTA country's border is not used as a shield to liability by a company or entity operating in another country.

### **Rationale**

This program area responds directly to the Parties' NAAEC Article 5 obligation of effective enforcement and the Council's NAAEC Article 10(4) obligation to foster technical cooperation to this end. Cooperative work on regulatory enforcement issues is carried out with the collaboration and guidance of the North American Working Group on Environmental Enforcement and Compliance Cooperation (EWG). The EWG was established under Council Resolution 96-06, and is composed of senior-level environmental enforcement officials appointed by the Parties. The EWG also includes in its membership the North American Wildlife Enforcement Group (NAWEG), a regional network of wildlife enforcement officials.

This program also fits into the broad objectives of NAAEC to promote transparency and public participation in the development of environmental laws, regulations and policies. Information is an essential pre-condition for meaningful public participation, and in this sense EWG reports help fulfill the Parties' commitments to promote education in environmental law, in this case, its application by the Parties. It responds to the Article 5 obligation to issue bulletins or other periodic statements on enforcement procedures and is tied to the commitment in *A Shared Agenda for Action* to share information on environmental standards, enforcement, compliance and performance.

### **Progress to Date**

Since 1995, the CEC has provided support for meetings and communications among the members of the EWG, NAWEG and related task groups. The networks have spawned a series of additional task groups initiating cooperative work on issues of priority regional concern, including transboundary hazardous waste, environmental management systems (EMS) and other voluntary approaches to compliance, and enforcement of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). In 2002, the NAWAG held a Trilateral Conference on searching for better avenues for public participation in wildlife enforcement activities. One goal of the conference was to develop recommendations for building partnerships between agencies and the public.

In the area of capacity building, the Enforcement Cooperation program, under the guidance of the EWG and NAWEG, has concentrated in the following areas:

- CITES tracking and enforcement. Since 1995, five regional training programs have been delivered to enforcement officials on critical areas of trade in endangered species of birds (1996), furbearing mammals (1996), reptiles (1997), coral and marine invertebrates (1998) and trophy hunting and game farming species (2000).
- Wildlife forensics. In 1997, the CEC, in cooperation with NAWEG, the US National Fish and Wildlife Forensics Laboratory, and the *Universidad Nacional Autónoma de México*, sponsored a seminar for enforcement officials and forensics authorities of the three countries on forensic techniques, DNA identification techniques, crime scene investigation, necropsy issues, species identification and medicinal trade issues. In 1999, the CEC, in cooperation with NAWEG and the Northwest Association of Forensic Scientists, sponsored a series of workshops on new techniques and developments in forensics. NAWEG, with funding from the CEC, developed a directory of North American forensics experts, which will help rationalize and better share expertise in this area among all three Parties.
- Wildlife Training exchanges. In 1998, 1999 and 2001, the CEC provided support for training exchanges. Under those joint initiatives, subsidies were provided for the exchange of wildlife enforcement officials to facilitate the sharing of training information and techniques among the agencies. In addition, support was given to meetings of the NAWEG Inspection Task Group towards development of a long-term joint or cost-shared inspector training.
- Smuggling of Ozone Depleting Substances. In 2001 and 2002, the CEC, in cooperation with the responsible agencies of the three countries, UNEP and representatives of the industry in Mexico, sponsored a two days workshop on enforcement issues related to the illegal traffic of ODS in North America. Since 1996 the EWG has identified the need for cooperation in improving the capacity to track and enforce laws regulating the transboundary movement of ODS. All three NAFTA Parties are signatories to the Montreal Protocol on Substances that Deplete the Ozone Layer. Both the United States and Canada have already imposed severe limitations on the production and importation of many types of ODS and Mexico is seeking to impose similar restrictions on CFC-12 and other ozone-depleting substances. However, some restricted ODSs (such as CFC-12, or “Freon,” which is used as a refrigerant in air conditioners) are still in high demand in North America. As a result, a thriving illegal trade in these substances exists. Joint training not only builds enforcement capacity but serves as a foundation to build an enforcement network for continuing cooperation and opens the door to future collaboration with UNEP in a broader network involving Central and South American countries.
- Transboundary Law Enforcement Cooperation Workshop. In 2001, the EWG identified the need for capacity building on issues associated with the transboundary enforcement of environmental laws. Transboundary enforcement is the enforcement of environmental laws in one country that may require the assistance of another country either in the form of mutual legal cooperation, or the voluntary exchange of information or assistance. Transboundary enforcement cooperation is necessary to ensure that a company in one NAFTA country does not evade environmental requirements in another NAFTA country by using the border as a shield to liability. In early 2003, the CEC will host a workshop which will help identify legal issues associated with the transboundary enforcement of environmental laws and legal gaps which may impede transboundary enforcement cooperation.

In regard to enforcement and compliance reporting, in 2002, the EWG, working with NAWEG, prepared a report based on issues raised in the enforcement of wildlife laws in North America. The EWG and NAWEG coordinated the preparation of the 1995, 1996, 1997, 1998 and 1999 annual reports by the Parties on their enforcement-related obligations. The 1995 report provided an overview of the policy, programs and strategies of the three countries to serve as a baseline for future reports. In 2000, in response to public demand for greater information on enforcement activities in the three countries, the EWG produced a special enforcement report dealing with three topics: inspections, compliance promotion and measurement of program results. This report was distributed to the public in 2001 through printed copies and by posting it on the CEC web site.

**Actions 2003**

*Overview*

<b>2003</b>	<b>Estimated Resources Required (C\$)</b>
<b>Action 1: Regional Enforcement Network</b>	<b>45,000</b>
<ul style="list-style-type: none"> <li>• Activity 1: Organize a public meeting between the EWG and JPAC in order to receive public input on EWG and Law and Policy Activities.</li> </ul>	10,000
<ul style="list-style-type: none"> <li>• Activity 2: Organize adjunct meetings of the EWG to provide guidance on Enforcement and Cooperation program.</li> </ul>	25,000
<ul style="list-style-type: none"> <li>• Activity 3: Foster an interagency exchange of information, regional priority-setting, and strategy for enforcement of and compliance with environmental laws.</li> </ul>	5,000
<ul style="list-style-type: none"> <li>• Activity 4: Further outreach to other regional and international networks; EWG outreach to provincial/state agencies; NAWEG outreach to other agencies (marine, parks, including state/provincial agencies) as well as Interpol and World Customs Organization.</li> </ul>	5,000
<b>Action 2: Help build wildlife and CITES tracking and enforcement capacity</b>	<b>75,000</b>
<ul style="list-style-type: none"> <li>• Activity 1: Organize a workshop on the use and sharing of intelligence knowledge to increase the effectiveness of operational actions. Results will be a common understanding of the activity and creation of a network of intelligence offices within the three countries.</li> </ul>	50,000
<ul style="list-style-type: none"> <li>• Activity 2: Offer ongoing support to wildlife enforcement training network and partnership.</li> </ul>	10,000
<ul style="list-style-type: none"> <li>• Activity 3: Collaborate with CEC projects on invasive species and assess the need for a specific enforcement workshop on the issue.</li> </ul>	10,000
<ul style="list-style-type: none"> <li>• Activity 4: Follow-up work for the 2002 seminar on protected plant species</li> </ul>	5,000
<b>Action 3: Help build pollution control tracking and enforcement capacity</b>	<b>73,000</b>
<ul style="list-style-type: none"> <li>• Activity 1: Sponsor a workshop to follow up on recommendations transboundary enforcement workshop and to identify potential sources of support and exchange of enforcement information and intelligence.</li> </ul>	60,000
<ul style="list-style-type: none"> <li>• Activity 2: Prepare a report to Council on tracking and reporting mechanisms for transboundary shipments.</li> </ul>	5,000
<ul style="list-style-type: none"> <li>• Activity 3: Prepare a report on the known trade in persistent organic pollutants (as listed under the Stockholm Convention) between Mexico, the United States and Canada.</li> </ul>	8,000
<b>Action 4: The CEC will publish and make available to the public a report on wildlife enforcement issues finished in 2002.</b>	<b>15,000</b>
<b>Action 5: Promote public outreach through (a) consultations with JPAC, NACs and other groups; (b) contribution to the CEC electronic newsletter, <i>Trio</i>; (c) distribution of related reports to public.</b>	<b>5,000</b>
<b>Total Resources Required</b>	<b>213,000</b>

### **Public Participation**

The EWG and JPAC will hold a public meeting in 2003 in order to receive public input on EWG activities and help craft strategic priorities for North American enforcement. The Transboundary Enforcement Workshop will have public participation from key stakeholders.

### **Expected Partners and/or Participants**

Important partners include domestic and international organizations, both governmental and nongovernmental, with an interest in the issues addressed.

### **Linkages to other CEC Projects**

The work of all CEC projects in the Enforcement Cooperation program is conducted under the guidance of the EWG. There are ongoing linkages with the Phase II Task Force on the North American Regional Action Plan on mercury and SMOC work on persistent organic pollutants.

NAWEG activities overlap with those on invasive species organized by the Conservation of Biodiversity program. NAWEG will pursue this collaboration in its own initiative on invasive species in 2003.

### **Actions 2004–2005**

Actions in 2004 and 2005 will be developed in coordination with the development of an EWG strategic plan.