

**TERMS OF REFERENCE FOR THE
NORTH AMERICAN WILDLIFE ENFORCEMENT WORKING GROUP TO
COOPERATE IN WILDLIFE ENFORCEMENT**

FEBRUARY 10, 1997

ADOPTED IN PHOENIX, ARIZONA
BY THE REPRESENTATIVES OF:

THE DEPARTMENT OF THE ENVIRONMENT OF THE GOVERNMENT OF CANADA

THE U.S. FISH AND WILDLIFE SERVICE OF THE GOVERNMENT OF THE UNITED
STATES OF AMERICA

THE PROCURADURIA FEDERAL DE PROTECCIÓN AL AMBIENTE OF THE
GOVERNMENT OF MEXICO.

The Department of the Environment (Environment Canada), the Procuraduria Federal de Protección al Ambiente and the United States Fish and Wildlife Service, hereinafter called “the Parties,”

RECALLING the North American Agreement on Environmental Cooperation which expresses the need for environmental cooperation among the Parties therein, as well as, the obligation of the Parties to effective enforcement of their respective environmental laws;

RECALLING the objectives and purposes of the Memorandum of Understanding establishing the Trilateral Committee for Conservation and Management of Wildlife and Ecosystems (Trilateral Committee) between the Canadian Wildlife Service, the Secretaria de Medio Ambiente, Recursos Naturales y Pesca de los Estados Unidos Mexicanos (SEMARNAP) and the U. S. Fish and Wildlife Service signed in Oaxaca on April 10, 1996, and noting the recognition of the Law Enforcement Working Group established by the Trilateral Committee.

CONSIDERING resolution adopted at the ninth meeting of the Conference of the Parties to the Convention on International Trade of Endangered Species of Wild Fauna and Flora (CITES) (Fort Lauderdale, 1994) which expresses the Parties’ conviction that enforcement of the CITES must be a constant concern to the Parties, if the objectives of the Convention are to be fulfilled;

CONSIDERING the motion from the North American Working Group on Environmental Enforcement and Compliance Cooperation to create a Subgroup on Wildlife Enforcement;

UNDERSTANDING that wildlife management requires effective enforcement of restrictions and controls on the trade of species protected under national legislation;

BELIEVING that formal exchanges of information and expertise between enforcement agencies increase the effectiveness of international agreements.

AGREE to the Terms of References of the North American Working Group on Wildlife Enforcement (NAWEG)

PURPOSE

1) SUBJECT TO THE POLICY AND THE LAW OF EACH COUNTRY, THE NAWEG WILL:

- a) Discuss and address common wildlife enforcement problems;
- b) Facilitate and enhance coordination, cooperation, communication and the development of a partnership among the wildlife enforcement agencies;
- c) Restrict its activities to those concerns which are international or trans-boundary in nature or which involve illegal wildlife activities by residents of the member countries.

FUNCTIONS

2) THE PARTIES TO THIS WORKING GROUP WILL:

- a) Exchange technical information and expertise on wildlife enforcement;
- b) Exchange information on enforcement policy, regulation and organizational changes
- c) Propose and promote specific enforcement activities and procedures to be adopted by the parties;
- d) Prioritize common activities;
- e) exchange information on the Parties' wildlife enforcement and compliance policies, strategies, initiatives and responses;
- f) Cooperate in joint training and exchange training expertise;
- g) Inform other agencies interested in environmental enforcement on the activities of the NAWEG;
- h) Cooperate with other agencies, universities and other non-government institutes or organizations in wildlife enforcement related research;
- i) Consult with any other relevant agencies of the Parties on initiatives which could have an impact on wildlife enforcement in each respective country.

ORGANIZATION

3) THE PARTIES TO THIS WORKING GROUP DETERMINE:

- a) That the official membership of the NAWEG shall consist of one federal wildlife enforcement official from each of the three countries;
- b) Only the official member or their designated alternates are entitled to vote;

- c) That each country may send additional representatives to NAWEG meetings;
- d) That, on request, and with the agreement of all members, any other environmental enforcement agencies may be represented at meetings of the Working Group, by an observer;
- e) That the first Chairperson and Secretary shall be elected from among members for two-year terms with occupancy of these positions by country thereafter;
- f) That the Chairperson, with the agreement of all members, may invite any person or representative of any other country or organization to participate at meetings of the NAWEG;
- g) The Chairperson and other agreed designates will have the power to represent the NAWEG at other multilateral organizations for the purpose of discussing NAWEG related activities and establishing links of inter-institutional cooperation.

OPERATIONS

5) THE PARTIES TO THIS WORKING GROUP DETERMINE THAT THE NAWEG WILL:

- a) Meet at least twice a year in conjunction with other related meetings;
- b) Make decisions on a consensus basis. Proposals, projects or initiatives, not obtaining consensus, may be dealt with as a national or bi-lateral concern and will not be presented as a NAWEG initiative;
- c) Channel communications through the appointed representatives;
- d) Pay their own travel expenses and other routine operating costs unless otherwise agreed.

GENERAL PROVISIONS

- 6) THE PARTIES ACKNOWLEDGE THAT** activities under this Working Group are subject to the laws of each party, as they apply within the territory of each Party.
- 7) NOTHING IN THESE TERMS OF REFERENCE** shall be construed as affecting the rights and obligations of the Parties with respect to other binding agreements and treaties that are in effect for them, or their respective positions in relation to CITES and any other international agreement or treaty.
- 8) THE PARTIES ACKNOWLEDGE THAT** wildlife enforcement include control activities related to the harvest and trade of endangered species of wild plants.
- 9) THE PARTIES** may, if required, agree to incorporate in this Working Group such technical annexes as are considered necessary to develop the cooperative arrangements set out in this Terms of Reference.
- 10) THESE TERMS OF REFERENCE** shall take effect on the date that it is adopted by the Parties for a two year period, which will be extended automatically for periods of equal length if no Party requests an amendment.

11) THESE TERMS OF REFERENCE may be amended at any time by written agreement of the Parties, and may be terminated by any Party giving six months written notice to the other parties.

12) THE PARTIES AGREE that new Parties may be added to this Working Group on consent of all the existing Parties.