

## Regulating Tribal Cigarette Sales under the Master Settlement Agreement



**MOLTENI**

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The Supreme Court of Oklahoma, in *Edmondson v. Native Wholesale Supply*, 2010 OK 58, 237 P.3d 199 (2010), recently issued a ruling affirming the authority of the state of Oklahoma to regulate the sale of cigarettes in Oklahoma even though the cigarettes as issued were manufactured

by an Indian tribe, distributed through a business owned by a tribal member, and sold to a tribal wholesaler located on an Oklahoma reservation. Similar litigation has arisen against Native Wholesale Supply (NWS) in New Mexico, California, and Idaho, as each of these states seeks to enforce their tobacco laws to prevent the alleged unlawful sale of cigarettes into their states.

The *Edmondson* decision made important findings about tribal immunity and the application of the Indian Commerce Clause in the context of tobacco regulation by the state. With respect to sovereign immunity, it held that only an entity owned and managed by the tribe for the benefit of the tribe enjoys immunity from suit. An entity owned by a Native American but operated for his or her personal benefit is not eligible for such protection. And with respect to the Indian Commerce Clause, states may clearly enforce their tobacco laws against entities owned by a Native American if their cigarette sales involve sales to non-tribal members, sales between different tribes, or sales off a reservation.

NWS is a cigarette importer and distributor. Its principal business is importing cigarettes from Canada manufactured by Grand River Enterprises Six Nations, Ltd.

(GRE), and distributing them to wholesalers in the United States. GRE is a tribally owned, Canadian chartered company located in Canada. It manufactures several brands of cigarettes, including Seneca and Opal. NWS is a corporation chartered by the Sac and Fox Tribe of Oklahoma (Sac and Fox). Its president and sole owner is Arthur Montour who is a member of the Seneca Nation, which is a different tribe than the Sac and Fox. NWS' principal place of business is located on the Cattaraugus Indian Reservation in New York. In the Oklahoma case, NWS imported Seneca brand cigarettes from GRE, stored them in various locations in the United States, including the Nevada Free Trade Zone, and sold them to the Muscogee Creek Nation Wholesale, a tribal entity located on tribal land in Oklahoma.

In its case, the state of Oklahoma sued to enjoin NWS from selling Seneca cigarettes into Oklahoma because neither GRE nor any of its brands were listed on the Oklahoma Attorney General's Directory of approved tobacco product manufacturers, making their sale in Oklahoma a violation of Oklahoma's Master Settlement Agreement Complementary Act and rendering the cigarettes contraband.

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## **NATIONAL ASSOCIATION OF ATTORNEYS GENERAL**

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## *The Master Settlement Agreement*

Oklahoma's Master Settlement Agreement Complementary Act was passed in conjunction with its participation in the tobacco Master Settlement Agreement. In 1998, the four major domestic tobacco companies, Philip Morris, R.J. Reynolds Tobacco Company, Brown & Williamson Tobacco Corp. and Lorillard Tobacco Company, entered into a landmark settlement called the Master Settlement Agreement (MSA) with 46 states (Florida, Minnesota, Mississippi and Texas had settled separately), the District of Columbia, and the five U.S. territories: American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and Virgin Islands. Under the MSA, the states agreed to dismiss the lawsuits pending against the tobacco companies and to release them from the health care, antitrust, consumer fraud, and other related claims asserted against them in exchange for annual payments, based on their volume of cigarette sales, in perpetuity; their requirement to fund a national foundation devoted to the pursuit of public health interests; and their obligation to make substantial changes in their advertising and marketing practices and corporate culture with the intention of reducing underage smoking. The payments required under the MSA (a) force settling tobacco manufacturers to internalize the health care costs caused by cigarette smoking, (b) increase the price of cigarettes to consumers thereby reducing smoking rates, and (c) provide a revenue stream to the states to compensate them for the ongoing health care costs expended by the state on smoking-related illnesses.

In 2004, Oklahoma, like most settling states, passed complementary legislation designed to more stringently regulate the sale of tobacco products. As part of this legislation, known as the Oklahoma Tobacco Master Settlement Agreement Complementary Act (Complementary Act), codified at Title 68 O.S. §360.1, et seq., Oklahoma created the Directory of Compliant Tobacco Product Manufacturers and Brand Families (Directory). This is a list of tobacco product manufacturers published and maintained by Oklahoma showing those manufacturers and their brand families that have been certified as being in compliance with Oklahoma tobacco laws and thus can be sold by wholesalers and retailers in the state. The sale of any brand in Oklahoma that is not on the Directory is unlawful.

## *The Case Against NWS*

In its case against NWS, Oklahoma alleged that NWS had sold millions of cartons of Seneca brand cigarettes into Oklahoma for resale to Oklahoma citizens in violation of the Complementary Act because neither GRE nor Seneca were listed on the Oklahoma Directory. NWS asserted, among other defenses, that it had sovereign immunity because of its tribal status and that enforcing the Complementary Act against it was a violation of the Indian Commerce Clause.

In determining these issues, the Supreme Court of Oklahoma provided an extensive review of Native American jurisprudence. With respect to sovereign immunity from suit, it held, that this bars only suits by the state against a tribe, but that such criterion does not automatically cover "every business that happens to be tribally chartered or owned by individuals of Native-American ancestry." *Edmondson*, 237 P.3d at 210. The distinction is whether the defendant entity "acts as an arm of the tribe so that its activities are properly deemed to be those of the tribe" or is instead acting for its own benefit. *Id.* (internal citations omitted). To apply this standard, a court should look at factors like (i) whether the enterprise is incorporated under tribal law, (ii) whether the busi-

ness is managed by tribal officials, (iii) whether it operates to further tribal government objectives, and (iv) whether the business' property is owned by the tribe. *Id.*

The Court stated its reasoning most succinctly when it held, “[w]e find persuasive the reasoning of those authorities that would restrict tribal immunity from suit to tribal entities that operate as an arm of the tribe. Individual Native Americans acting for their own purposes are no more entitled to the immunity from suit afforded a tribe than a private state citizen engaging in his or her own business is entitled to the State’s sovereign immunity. Tribal freedom from suit . . . may not and should not be extended to cover private entities operating for private gain based solely on the ethnicity of their owners.” *Id.*

Using this standard, the Court determined that NWS was not the type of tribal enterprise entitled to sovereign immunity. Although NWS was chartered by the Sac and Fox Nation, it did business on the land of a different tribe—the Seneca Nation. It was not managed by tribal officials of either tribe. And it did not operate to further the governmental objectives of any tribe. “It operates solely as a private business for the personal profit of its owner who happens to be a Native American belonging to the Seneca Nation.” *Id.* at 211.

With respect to the Indian Commerce Clause, U.S. Const. art. 1, § 8, the Court similarly held that this did not bar Oklahoma’s suit. This clause vests Congress with the power to “regulate Commerce . . . with the Indian Tribes.” This simple language has created over 200 years of case law wherein courts have tried to balance a tribe’s right to govern all activities on its own land and the state’s completing right to govern all persons living within its borders. Looking to the U.S. Supreme Court precedent articulated in *White Mountain Apache Tribe v. Bracker*, 448 U.S. 136, 100 S. Ct. 2578 (1980), the Oklahoma Court determined that if the NWS sales at issue here occurred in Indian country, then Oklahoma could enforce its Complementary Act against NWS only if (1) it was not preempted by federal law and (2) it did not impermissibly infringe on the right of reservation Indians to make their own laws and be ruled by them. *Id.* at 211.



**MCCOLLUM**

This month’s spotlight focuses on a former Attorney General, also known as a SAGE member [Society of Attorneys General Emeritus].

After serving as Florida’s Attorney General for four

years, Bill McCollum joined SNR Denton in 2011 where he, along with fellow SAGE member and former Indiana Attorney General Jeff Modisett, now lead the firm’s newly-formed State Attorneys General practice.

McCollum’s involvement with SAGE has allowed for networking opportunities with former Attorneys General, which impact both his professional and personal life. “The law practice is focused on Attorneys General so it is great to have continuing relationships with former AGs,” he said. “They offer helpful advice, were good to me during transition and provide mutual opportunities for business referrals.”

During his Attorney General tenure, McCollum addressed issues ranging from a constitutional challenge to the Affordable Care Act to consumer fraud cases, mortgage forecloses, the Deepwater Horizon oil spill and educating kids about Internet child predators. He speaks fondly of his time as Attorney General. “I miss directly improving the lives of Florida citizens and protecting them from scams and fraudulent practices.”

Previously, he served as a member of the U.S. House of Representatives, representing Florida’s 8th district, from 1981 to 2001, where he served on the Judiciary, Banking and Financial Services, and Intelligence committees. He is also a retired commander in the U.S. Naval Reserves, where he served for 23 years.

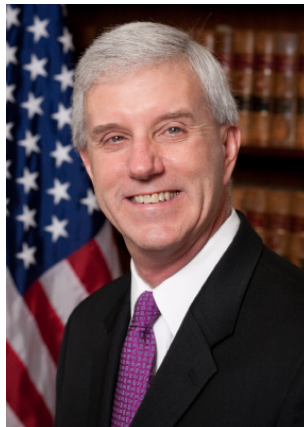
McCollum received his bachelor’s degree and J.D. from the University of Florida. When he manages to find spare time, this Florida native enjoys the great outdoors. His favorite activities include hiking the Rocky Mountains, fishing, horseback riding, gardening, and jogging. He commutes between Florida and Washington, D.C. Bill and his wife, Ingrid, have three sons and three grandchildren.

Ultimately, the Court found that it was not necessary to apply the *Bracker* test because the NWS activities at issue were not conducted by tribal members within their own reservation boundaries. When the activity occurs off the reservation or among more than one tribe, this conduct is generally subject to all non-discriminatory state laws so long as they are not expressly prohibited by federal law. *Id.* at 215. Here, the Court found that NWS's sales clearly went beyond the bounds of any single reservation and that even if its sales were only between two different tribes, this would not bar the state from enforcing its Complementary Act against NWS. However, the Court held that NWS' cigarette sales into Oklahoma consisted of activities that involved more than two tribes and took place in multiple states both on and off different tribal lands. Therefore, these sales constituted "off-reservation" conduct by members of different Indian tribes for purposes of the Indian Commerce Clause. *Id.*

Specifically, the Court found that the Seneca cigarettes sold by NWS into Oklahoma were manufactured in Canada, shipped to the United States, and stored in a Free Trade Zone in Nevada. *Id.* The Muscogee Creek Nation Wholesale placed orders for the cigarettes from its reservation located within Oklahoma to NWS at NWS' business in New York on the Seneca reservation. *Id.* NWS delivered the cigarettes to Muscogee Creek Nation Wholesale by shipping them from the Nevada Free Trade Zone to the Muscogee Creek reservation in Oklahoma where they were then sold to other retailers who offer them for sale to the general public in Oklahoma. *Id.* at 208 and 216.

Because NWS' cigarette sales involved no less than three tribes (the Seneca tribe, the Sac and Fox tribe, and the Muscogee Creek) and transportation of cigarettes off the reservation (Canada to the Nevada Free Trade Zone) and sale to the general public (not just tribal members), this conduct was subject to all states laws so long as they did not discriminate against tribes and were not expressly preempted by federal law. As a final matter, the Court found that the Complementary Act was not discriminatory and that Congress had not preempted state regulation of the distribution and sale of tobacco product in the Oklahoma market. *Id.* at 216. Therefore, the Indian Commerce Clause did not preclude Oklahoma from enforcing its Complementary Act against NWS.

## Ethics: Two Very Simple and Practical Guidelines



**MCPHERSON**

JIM MCPHERSON, EXECUTIVE DIRECTOR

If you turned to this article expecting to find a quick hour of continuing legal education (CLE) qualifying ethics credit, I hate to disappoint you. What follows in the next few paragraphs is very simple and practical advice from a very distinguished businessman and government leader – who isn't an attorney!

After graduating from the University of Maryland and obtaining an MBA at Texas Christian University, Gordon England enjoyed a very successful career in the aerospace industry. He started working for Honeywell, moved to Litton Industries, and finally settled in General Dynamics where he held a variety of senior management positions. He retired from General Dynamics in 2001 as executive vice president.

Shortly following his retirement, Mr. England was selected by President George W. Bush to serve as secretary of the Navy. His appointment was somewhat controversial since Mr. England's career was with the defense industry and he had no military experience. However, in 2001 he was confirmed by the Senate and sworn in. In January 2003, Secretary England was asked by President Bush to move over to the recently established U.S. Department of Homeland Security (DHS) as the deputy secretary and take on the monumental task of organizing DHS. His DHS tenure was relatively brief as he was once again asked to return to the Navy as the secretary following the tragic death of his nominated replacement. He returned where he served until 2005 when he was tapped to become the deputy secretary of defense. He served in that position until 2009.

I had the privilege to work for Secretary England when he was secretary of the Navy both times! During my first meeting with him in his Pentagon office, he shared with me a few of his leadership and management philosophies molded during many years in industry and the few months he had served in the public sector. When it came to ethics, he had two principles:

*Be forthright, honest, and direct with every person and in every circumstance; and,*

*Make ethical standards more important than legal requirements.*

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Washington, DC

Contact: Jeffrey Hunter, [jhunter@naag.org](mailto:jhunter@naag.org)

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The first is really a guideline for your relationships with your subordinates, peers, or senior leaders as well as those with whom you interact in your daily responsibilities whether a client, constituent, opposing counsel, lobbyist, etc. "Be forthright, honest, and direct with every person in every circumstance." It is not always easy but always the right path to take.

As an attorney, the second principle was somewhat surprising. Not surprising as an ethical principle but that ethical standards and legal requirements might not always be the same. Give that some careful thought. In the area of ethics, legal standards are the lower limits below which attorneys should not fall. However, what Secretary England was trying to convey to me was that as public servants, we should not make that lower limit our guiding principle but rather conform our conduct and practice to a higher standard. We should endeavor to go beyond the legal requirements and embrace an ethical standard that exceeds the legal one.

Perhaps not CLE material but sound advice for all of us.

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## State and Local Law Enforcement Funded by Federal "Minibus" Bill



**TINKLE**

BLAIR TINKLE, GENERAL COUNSEL  
AND CONGRESSIONAL LIAISON

In mid-November 2011, both the U.S. House of Representatives and Senate passed H.R. 2112, an appropriations bill that contained three of the 12 annual appropriations bills. It was therefore referred to as a "minibus" as opposed to the usual "omnibus" bills that are so often associated with appropriations. The bill passed

the House on a 298-121 vote, passed the Senate with a 70-30 vote and created funding levels for fiscal year 2012 for the Departments of Agriculture, Commerce, Justice, Transportation, and Housing and Urban Development (HUD). On Nov. 18, 2011 President Obama signed the bill into law [P.L. 112-55].

The bill funded several programs of interest to law enforcement and although some agencies, such as HUD, saw a 10 percent decrease in funding from fiscal year 2011, law enforcement took less drastic cuts and in some instances, increases. Under State and Local Law Enforce-

ment Assistance, which includes Byrne/JAG competitive grants, the John R. Justice loan repayment program, and border protection monies among other programs, the level of funding in fiscal year 2011 was \$1.120 billion. The minibus bill increased that figure to \$1.162 billion.

Taking modest cuts were programs under Juvenile Justice and Violence Against Women with the former going from \$276 million in fiscal year 2011 to \$263 million in fiscal year 2012. The latter was lowered from \$419 million to \$413 million in those same years. Taking the largest cut in funding from last fiscal year to this one is the Community Oriented Policing Services (COPS) program, which provides grants to police departments and information on law enforcement best practices. COPS was previously funded at \$496 million and the minibus bill saw a drop in funding levels for the program to \$199 million in 2012.

For a more detailed breakdown of spending levels for law enforcement in the minibus appropriations law, a report was prepared by the National Criminal Justice Association. It can be obtained by contacting NAAG staff at [btinkle@naag.org](mailto:btinkle@naag.org).

### Sign of the Times

As President Obama was in Indonesia when the "minibus" bill passed both the House and Senate and needed to be signed immediately to avoid a government shutdown, it was signed by autopen. This marked the second time this president has signed a bill electronically, the first being in 2011 while traveling in Deauville, France when he extended the Patriot Act and was also the first time in history a president signed a bill by autopen.

The practice has been criticized by some as violative of the U.S. Constitution, Article I, Section 7 stating that if a president approves a bill, "he shall sign it." But a 2005 opinion from the U.S. Department of Justice Office of Legal Counsel (DOJ) stated that the president "need not personally perform the physical act of affixing his signature to a bill he approves...The President may sign a bill within the meaning of (the Constitution) by directing a subordinate to affix the President's signature to such a bill, for example by autopen."

Prior to the 2005 DOJ opinion, bills were flown to the president for signature, but the opinion cites expedience and expense among reasons for the change in protocol. President Bush never exercised his authority under the opinion.

# NAAG Welcomes Supreme Court Fellows for Winter Term

The NAAG Supreme Court Fellows program gives deputy and assistant attorneys general an opportunity for direct and rigorous exposure to the practices of the U.S. Supreme Court. This hands-on experience allows selected attorneys from the Office of the Attorney General to come to Washington, D.C. for several months during the Court's argument session. During this time, they watch oral arguments, participate in moot courts, prepare an amicus brief in a Supreme Court case, and draft the biweekly *Supreme Court Report*. The following two fellows are working with NAAG Supreme Court counsel from January to March:



ADAMS

**Abby Adams** is a deputy attorney general in the Criminal Appeals Section of the Delaware Department of Justice. In this role, she practices before the Delaware Supreme Court defending convictions on direct appeal and in state post-conviction proceedings. Abby has been with the Department of Justice since 2006, where she began as a deputy attorney general in the Civil Division. Previously, Abby worked in the U.S. Securities and Exchange Commission's Division of Corporate Finance, and spent four years in the Office of Mergers and Acquisitions. While at the SEC, she received an LL.M in taxation from Georgetown University Law Center, and studied abroad in Geneva, Switzerland. Prior to joining the SEC, Abby was a law clerk for Justice Randy Holland of the Delaware Supreme Court. She obtained her bachelor's degree in accounting from the University of Delaware and her J.D. from Widener University School of Law. In her spare time, Abby enjoys going to concerts and sporting events, traveling anywhere, and is learning to play the piano.



PETERSON

**Samuel Peterson** is an assistant attorney general in the Environmental Enforcement Section at the Ohio Office of the Attorney General. In this role, Samuel represents the state of Ohio and the Ohio Environmental Protection Agency in civil enforcement cases and in proceedings before the Environmental Reviews Appeals Commission. He is also a member of the Major Appeals Group where he assists the Appeals Section with brief writing, moot courts, and oral

arguments. Samuel has been with the office since 2009, when he began working in the Criminal Justice Section as an assistant attorney general. Prior to joining the Attorney General's Office, he worked as a law clerk for Justice Judith Lanzinger of the Ohio Supreme Court. Samuel received his bachelor's degree in English (and minors in chemistry and humanities) from Valparaiso University. He also graduated with his J.D. from The Ohio State Moritz College of Law. Outside the office, Samuel enjoys spending time outside, including hiking, camping, and backpacking. He also likes to travel, and most recently visited Tanzania, where he and friends summited Mount Kilimanjaro.

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## NAAG Counsel Publications and Speaking Engagements

NAAG Bankruptcy Counsel Karen Cordry's article, "It's Time for Real Uniformity: The Need for a Nationwide Chapter 13 Plan," from the April 2011 issue of the *ABI Journal*, was selected for inclusion in American Bankruptcy Institute's (ABI) newest book, *Best of ABI 2011: The Year in Consumer Bankruptcy*.

Judy McKee, program manager for NAAG's National Attorneys General Training & Research Institute, was a speaker on combating human trafficking at a Jan. 4 Institute of Medicine (IOM) meeting. The presentation was on NAAG President and Washington Attorney General Rob McKenna's *Pillars of Hope* presidential initiative, especially as it applies to domestic child sexual exploitation and sex trafficking. The U.S. Department of Justice has requested that the IOM study current approaches to addressing these issues – both the causes and the consequences – at the local, state, and federal levels and make recommendations to inform future policy and practices within law enforcement, human services, and health care agencies.



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### NAAG Summer Meeting

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# Get to Know: International Association of Prosecutors

NAAG enjoys an institutional membership in the International Association of Prosecutors (IAP). IAP membership is open to both law enforcement organizations and individual attorneys who work for those organizations. The NAAG-IAP relationship is expanding rapidly and has been mutually beneficial with both organizations drawing upon the expertise of the other. As the world shrinks and criminal and civil enforcement issues increasingly cross national borders, transnational relationships and efforts are becoming more important. Get to know the IAP mission and the benefits of membership.



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PROSECUTORS

The International Association of Prosecutors (IAP) is the only worldwide association of prosecutors and has been in existence for over 15 years. It is a non-governmental, non-political organisation and was established as a response to the rapid growth in transnational crime in June 1995 at the United Nations offices in Vienna.

## *The IAP Vision*

The IAP is an international community of prosecutors committed to setting and raising standards of professional conduct and ethics for prosecutors worldwide; promoting the rule of law, fairness, impartiality and respect for human rights and improving international cooperation to combat crime. Its mission is to be a world authority for prosecutors in the conduct of criminal prosecutions and associated matters and to operate as an organisation of international repute and referral.

The IAP numbers over 140 organisational members and over 1,000 individual members from every region in the world and holds special consultative status with The UN Social & Economic Council. It works in cooperation with many regional and international organisations such as the United Nations Office of Drugs and Crime (UNODC), Organisation for Security and Cooperation in Europe, The Council of Europe, International Bar Association, American Bar Association, United Nations Development Programme, the Commonwealth Secretariat, the International

Legal Assistance Consortium, and International Society for the Reform of Criminal Law, among others.

The Association's executive committee is drawn from all regions of the world and elects a president and six vice presidents. It also appoints two officials, the secretary general who is responsible for the day to day administration of the Association and a general counsel who is responsible for the association's work programme. A communication manager takes responsibility for the website and a number of sister websites in languages other than English which are under development. The Russian website was launched recently.

Crime is no longer just a domestic concern. Increasingly crime and criminals are taking on global dimensions; exploiting jurisdictional differences and evading border controls. Cooperation between prosecutors as well as investigators can be instrumental in bringing perpetrators to justice. This is one of the main objectives of the association; others include the setting of standards, promoting good practice and upholding Human Rights and the Rule of Law.

One of the most important IAP objectives is to "... promote and enhance those standards and principles which are generally recognised internationally as necessary for the proper and independent prosecution of offences."

'The Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors' were developed within the IAP and approved by the IAP in 1999. The IAP standards serve as an international benchmark for the conduct of individual prosecutors and of prosecution services. They complement but expand the "U.N. Guidelines on the Role of Prosecutors," 1990 [The Havana Guidelines] which were the first international attempt to define the role of the public prosecutor. The U.N. guidelines are, however, addressed to states and are concerned with state action and do not address the relationship between the prosecutor and the executive or legislature.

At the 17th session of the U.N. Commission on Crime Prevention and Criminal Justice (Vienna, April 14-18, 2008), a resolution passed which called for "strengthening the rule of law through improved integrity and capacity of prosecution services." The full text of the IAP prosecution standards was annexed to the resolution and state parties were requested to take them into consideration when reviewing or developing their own prosecution standards. Work continues between UNODC and the IAP on facilitating implementation and a guidance document is planned to illustrate the standards with a commentary and



practical examples.

### *Benefits of IAP membership*

- Membership of a global network
- Access to IAP website and area restricted to members
- Receipt of quarterly newsletter including reports of IAP activities and announcements and articles of interest to the global prosecutor
- Access to Global Prosecutors E Crime Network (GPEN) training materials and contacts
- Access to Forum for International Justice (FICJ) focusing on war crimes and crimes against humanity
- Eligibility to participate in annual and regional conferences
- Eligibility for the IAP Granting Programme
- Access to Prosecutors Exchange Programme (PEP)
- Opportunity to contribute to IAP projects and activities
- Access to IAP publications: Human Rights Manual for Prosecutors and Good Practice Guides
- Opportunity to publish and distribute articles and papers for prosecutors
- Discounted registration fees for selected international events and conferences

**Organisational membership of the IAP** is open to:

- A prosecution service or an association of prosecutors organised on a country or a jurisdictional basis;
- An organisation, agency or foundation established for the promotion of crime prevention measures and the functions of which are closely connected with the prosecution of crime or an international unit, body, organisation or forum established by a state(s) or by a prosecution service to stimulate and improve coordination and cooperation between competent national prosecuting authorities.

**Individual membership of the IAP** is open to lawyers who are, or have been, prosecutors.

- “Prosecutor” means any lawyer who is or has been appointed by or on behalf of the state or other public authority to prosecute criminal offences or who is or has been elected for that purpose and includes lawyers who have regularly been retained by a prosecutor so appointed or elected to conduct or assist in the conduct of criminal prosecutions and also includes examining magistrates.

### *Publications*

The IAP has produced a number of publications which include:

- “Standards for Protection and Security of Prosecutors”

- “Assistance by UK Prosecutors in Proceeds of Crime Casework” (in coordination with UK prosecuting authorities)
- “IAP Human Rights Manual” [second edition produced 2009] and companion training manual

For more information regarding membership and access to IAP material please access the IAP website: [www.iap-association.org](http://www.iap-association.org) or contact the IAP secretariat at [sg@iap-association.org](mailto:sg@iap-association.org).

### *Upcoming Meetings*

#### **2nd North American and Caribbean IAP Regional Conference, Quebec, Canada May 16-18, 2012 “Prosecutorial Independence”**

On first day the Conference will examine prosecutorial independence which is a current and highly topical theme that will complement the fifth anniversary of the creation of the two co-hosting organizations, the Public Prosecution Service of Canada and the Directeur des poursuites criminelles et pénales du Québec. There are different ways in which the independence of prosecuting agencies can be structured and expressed and the Conference will attempt to explore how this is done in various North American and Caribbean jurisdictions. The second day will be devoted to a selection of criminal law topics that pertain to the everyday practice of line prosecutors to enable them to update their knowledge and skills in a constantly evolving legal and law enforcement landscape.

#### **17th Annual Conference and General Meeting of the IAP, Bangkok, Thailand**

**Oct. 28 – Nov. 1, 2012, “Transnational organised crime, its expansion into diverse areas of criminality and the role of the prosecutor”**

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### **Presidential Initiative Summit on Human Trafficking**

March 28-30, 2012

Seattle, Washington

Contact: [jhunter@naag.org](mailto:jhunter@naag.org)

<http://www.naag.org/>