

person means a natural person, or a legal person such as an enterprise or non-governmental organization incorporated pursuant to the laws of a Party;

persistent pattern means a sustained or recurring course of action or inaction beginning after the date of entry into force of this Agreement and does not include a single instance or case;

proceedings means administrative, quasi-judicial or judicial proceedings, as the case may be, in accordance with the domestic legal system of a Party;

province means a province of Canada, and includes the Yukon, the Northwest Territories and Nunavut;

territory means:

- (a) with respect to Canada,
 - (i) the land territory, internal waters and territorial sea, including the air space above these areas, of Canada,
 - (ii) the exclusive economic zone of Canada, as determined by its domestic law, consistent with Part V of the *United Nations Convention on the Law of the Sea*, done at Montego Bay on 10 December 1982 (UNCLOS), and
 - (iii) the continental shelf of Canada, as determined by its domestic law, consistent with Part VI of UNCLOS;
- (b) with respect to Honduras, the land, maritime, and air space under its sovereignty and the exclusive economic zone and the continental shelf within which it exercises sovereign rights and jurisdiction in accordance with international law and its domestic law.

2. It is understood that a Party has not failed to “effectively enforce its environmental law” in a particular case if the action or inaction in question by agencies or officials of that Party:

- (a) reflects a reasonable exercise of their discretion in respect of investigatory, prosecutorial, regulatory or compliance matters; or
- (b) results from a *bona fide* decision to allocate resources to enforcement in respect of other environmental matters determined to have higher priorities.