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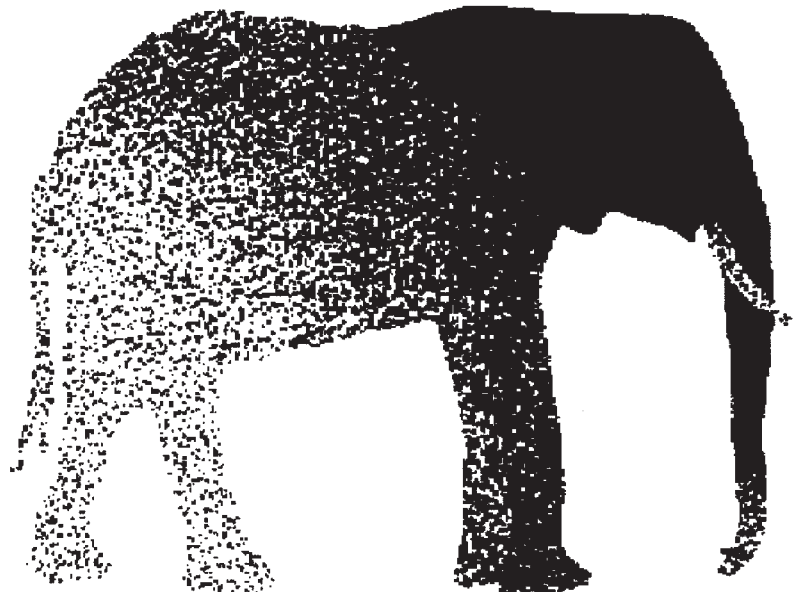
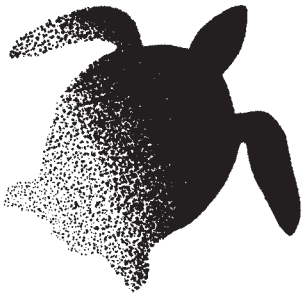
Environnement
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Canadian Wildlife
Service

Service canadien
de la faune

WILD ANIMAL AND PLANT PROTECTION AND REGULATION OF INTERNATIONAL AND INTERPROVINCIAL TRADE ACT

2001 REPORT



Canada

Minister's Message

Her Excellency
The Right Honourable Adrienne Clarkson, C.C., C.M.M., C.D.
Governor General of Canada
Rideau Hall
Ottawa, Ontario
K1A 0A1

Your Excellency:

I am pleased to submit to you, and to the Parliament of Canada, the sixth annual report on the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act*. The report, covering 2001, provides summary information on the activities of the CITES management, scientific, and enforcement authorities as well as those of their provincial, territorial, and other federal department counterparts who assist in the administration and implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

All agencies and departments with responsibilities related to the Act have continued to work in a cooperative manner to effectively regulate international and interprovincial trade in controlled species. To this end, the Twentieth Workshop of CITES Management, Scientific, and Enforcement Authorities was held in November 2001 to discuss and share information on the collection of scientific data, the CITES permit system, determinations of non-detriment findings, communications with the provincial/territorial CITES management and scientific authorities and Environment Canada's regional offices, preparations for the Twelfth Meeting of the CITES Conference of the Parties, and other miscellaneous issues.

On the CITES front, Canada continued streamlining the implementation of the Convention by furthering the review of permit forms and procedures, and initiating the automation of permit issuance. The automation process should be completed in the National CITES Management Authority's Office in early 2003.

I wish to acknowledge the contributions of my federal, provincial, and territorial colleagues and their officials, as well as those of Environment Canada employees across the country. I would also like to thank the interested public and representatives of non-governmental organizations, industry and trade associations, and of hobbyist organizations. Their hard work and participation in the CITES program have greatly contributed to our efforts to protect wild animals and plants from the risks posed by illegal trade.


Yours sincerely,

The Honourable David Anderson, P.C., M.P.

**Wild Animal and Plant
Protection and
Regulation of
International and
Interprovincial Trade Act**

2001 Report





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Environment Canada, 2003
Catalogue No. CW70-5/2001
ISBN 0-662-67511-8



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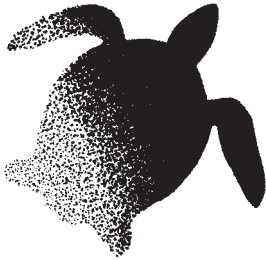
2001 REPORT

A. INTRODUCTION

The *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act* (WAPPRIITA) received royal assent on December 17, 1992, and came into force on May 14, 1996, when the Wild Animal and Plant Trade Regulations took effect. The purpose of WAPPRIITA is to protect Canadian and foreign species of animals and plants that may be at risk of overexploitation because of poaching or illegal trade and to safeguard Canadian ecosystems from the introduction of species designated as harmful. It accomplishes these objectives by controlling the international trade and interprovincial transport of wild animals and plants, as well as their parts and derivatives, and by making it an offence to transport illegally obtained wildlife between provinces or territories or between Canada and other countries.

WAPPRIITA is the legislative vehicle through which Canada meets its obligations under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Canada became one of the original Parties to this international agreement in 1973; by the end of 2001, it had been adopted by 156 sovereign states. Qatar, the Republic of Moldova, and Sao Tome and Principe are the three new Parties that acceded to the Convention in 2001.

CITES sets controls on the trade and international movement of animal and plant species that have been, or may become, threatened with overexploitation as a result of trade pressures. Such species are identified by the Parties and listed in one of three appendices to the Convention, according to the level of control considered necessary for them.



- Appendix I lists species that are threatened with extinction. Trade in these species is strictly regulated to ensure their survival, and trade for primarily commercial purposes is prohibited.
- Appendix II lists species that are not currently threatened with extinction, but may become so unless trade is strictly regulated to avoid overexploitation.
- Individual Parties may list species found within their borders in Appendix III to manage international trade in those species.

B. ADMINISTRATION OF THE ACT

B-1 Authorities

Environment Canada administers WAPPRIITA through its national office, where the national CITES management and scientific authorities are located. CITES management and scientific authorities are also located in Fisheries and Oceans Canada, for fish and marine mammals, and in each province or territory (except Alberta), for provincially or territorially managed species. The Canadian Food Inspection Agency assists Environment Canada by processing CITES documentation for the export of artificially propagated plants as an attachment to documents required under the *Plant Protection Act*, which it administers.

Enforcement of WAPPRIITA is overseen by the Law Enforcement Branch in Environment Canada and carried out by five regional offices (Pacific and Yukon, Prairie and Northern, Ontario, Quebec, and Atlantic) in cooperation with other federal agencies as well as with provincial and territorial wildlife agencies. The federal agencies include the Canada Customs and Revenue Agency, the Royal Canadian Mounted Police, and Fisheries and Oceans Canada.

B-2 Agreements with the Provinces and Territories

Memoranda of Understanding (MOUs) to support cooperative management, administration, and enforcement of WAPPRIITA have been established with Saskatchewan and Yukon (1997); Alberta, Manitoba, and the Northwest Territories (1998); and British Columbia and Prince Edward Island (1999). Similar

MOUs are currently being negotiated with most of the remaining jurisdictions, including Canada's new territory, Nunavut. The Department of Justice has reached agreements with Ontario (1996); Prince Edward Island and New Brunswick (1997); Manitoba (1998); and Nova Scotia and Quebec (2000) to permit ticketing for WAPPRIITA offences under the *Contraventions Act*. Ticketing agreements with other provinces and territories are being negotiated.

B-3 Management Authority (Permits and Certificates)

Currently, all permits and certificates issued under the Act are to implement CITES. In 2001, there were no applications to import controlled species listed in Schedule II of the Wild Animal and Plant Trade Regulations as harmful to Canadian species or ecosystems. However, a zoological institution sent a request for information to the National CITES Management Authority's Office concerning the importation of specimens of species listed in Schedule II — the institution was informed that the import request could not be reviewed until the Tariff Act Code has been amended.

The following table shows the number of CITES permits and certificates issued in 2000 and 2001, respectively. All CITES import permits are issued by Environment Canada, as are all temporary movement certificates for live animals and scientific certificates. Fisheries and Oceans Canada issues CITES export permits for fish and marine mammals. The provinces and territories (except Alberta, for all items, and British Columbia, for exotic species) issue CITES export permits for items leaving their jurisdictions. Environment Canada issues CITES export permits for multiple shipments, by certified nurseries, of artificially propagated plants and permits on behalf of Alberta and British Columbia with respect to exotic species.

The CITES Management Authority reviewed the CITES Import Permit application form and initiated the automation of the issuance of CITES import permits, using computer technology.

CITES Permits and Certificates Issued in Canada in 2000 and 2001

Jurisdiction*	Import		Export		Temporary Export/Import		Scientific	
	2000	2001	2000	2001	2000	2001	2000	2001
Canada	188	160	7 135	7 039	216	180	36	36
N.W.T.			110	140				
Yukon			254	196				
British Columbia			1 867	1 524				
Saskatchewan			649	726				
Manitoba			1 218	1 099				
Ontario			932	1 155				
Quebec			1 038	1 300				
New Brunswick			403	67				
Nova Scotia			34	30				
P.E.I.			1	0				
Newfoundland and Labrador			92	116				
Nunavut			2	3				
TOTAL	188	160	13 735	13 395	216	180	36	36

* Note: Alberta does not issue CITES permits.

B-4 Scientific Authority

Native Species Listed in CITES

The National CITES Scientific Authority's Office completed a listing of the Canadian native species and their populations that are listed in the Appendices to CITES. A listing had been done previously, but it did not identify the species listed in the CITES Appendices under their higher taxon classification.

Non-Detriment Findings

The Scientific Authority started a complete review of non-detriment findings on populations of Canadian species listed in the Appendices, following direction provided in the most recent resolutions approved by the Parties to the Convention. Non-detriment findings are an important criterion that must be met before any application for a CITES permit can be approved. These findings indicate that international trade will not significantly impact the survival of the species in the wild. In most cases, standing non-detriment findings are used for each species or population thereof.



Grizzly Bears in British Columbia

Information received from non-governmental organizations resulted in the Scientific Review Group of the European Union (EU) banning the importation into the EU of hunting trophies of grizzly bears, when exported from British Columbia. The Scientific Review Group gave as their reason a lack of a proper non-detriment finding, which is necessary to support exports made under the Convention. The Scientific Authority reviewed British Columbia's Management Plan for grizzly bears, requested clarifications and additional data, and finalized a non-detriment finding with the assistance of CITES authorities in the province. The EU eventually reversed its position, based on up-to-date information on population levels.

Coordination and Networking

The provinces and territories, Fisheries and Oceans Canada, and Natural Resources Canada (Canadian Forest Service) all have individual CITES scientific authorities. The Scientific Authority's Office in Environment Canada coordinates their activities within Canada. All were contacted for a summary of their activities in their respective jurisdictions and to determine what their immediate needs were to allow them to implement the Convention properly. The survey revealed a lack of up-to-date information on CITES, as most of the scientific authorities have CITES responsibilities added to their regular workload or have only recently assumed these responsibilities. A CITES workshop held in November 2001, in Ottawa, provided a needed update on various issues and ensures a more standardized implementation of the Convention throughout Canada.

Captive Breeding Operations in Canada

CITES requires that facilities be registered at the national and international levels if species listed in Appendix I are bred there in captivity for commercial purposes. The Scientific Authority did a complete review of the facilities already registered in Canada and of their level of compliance with registration requirements. Major weaknesses were identified and operations were requested to provide missing information. Several registered breeding facilities were found to be no longer in operation and were deleted from the CITES register.

Outreach

To increase Canadians' level of knowledge of the Convention, and to assist CITES counterparts in the provincial and territorial governments and other government departments in better

interpreting the Convention and the Canadian enabling legislation and regulations, a CITES Canada Web site was created. This has improved the level of awareness about and visibility of CITES in Canada. Canadians now use the Web site as a basic tool to find the information they need to abide by CITES. It is also used by those in Canada who are involved in the administration and implementation of CITES, as well as by foreign CITES Parties who wish to find out about Canada's CITES requirements.

C. REGULATION, COMPLIANCE, AND ENFORCEMENT

C-1 Regulatory Development

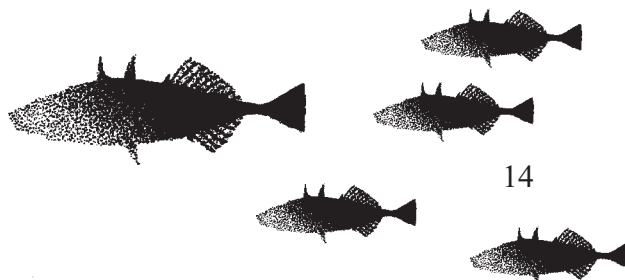
The Wild Animal and Plant Trade Regulations (1996), as amended in January 15, 2000, designate the species protected by WAPPRIITA and detail the Act's requirements with respect to import, export, and possession of wild species.

Schedule I of the Regulations was amended twice, in August and December 2001, to reflect changes to the CITES Appendix III listings. In the first case, the Government of Indonesia requested the addition to Appendix III of ramin (*Gonystylus* spp.) and the Government of Peru requested the addition of the Central American cedar (*Cedrela odorata*), as well as the inclusion of its population of bigleaf mahogany (*Swietenia macrophylla*), which was already included in Appendix III. In the second case, the Government of Australia requested the addition of the great white shark (*Carcharodon carcharias*) to Appendix III, and the Government of Colombia requested the inclusion of its population of the Central American cedar (*Cedrela odorata*) and of the bigleaf mahogany (*Swietenia macrophylla*).

Environment Canada distributed the amendments to the CITES Control List — 2000 to all enforcement agencies in Canada, and to companies and the public identified in a mailing list. The new listings are also available on Canada's CITES Web site.

C-2 Compliance

Environment Canada continued its efforts to promote compliance with WAPPRIITA by increasing public awareness through media



and information items, printed information, regular mailings to user groups, CITES displays in public buildings, public information sessions, and attendance at special events. For example, in 2001:

- The National CITES Management Authority's Office continued its review of CITES permits authorizing multiple shipments. Through this initiative, the Office identifies permit holders who do not comply with the permit procedures and conditions, with a view to informing them of errors and thus increasing the level of compliance to permit procedures.
- The CITES national management, scientific, and enforcement authorities offices organized and held the Twentieth Workshop of CITES Management, Scientific, and Enforcement Authorities in Ottawa from November 22 to 24, 2001. About 40 people took part in the meeting, which was a multidisciplinary, intergovernmental workshop focusing on the administration and implementation of the Convention in Canada. The stated objectives for the workshop were:
 - ✓ to identify the requirements necessary for a better implementation of the Convention, both national and international;
 - ✓ to clarify the roles and responsibilities in Canada in the management and implementation of the Convention; and
 - ✓ to identify areas in need of improvement.
- Environment Canada's regional offices continued to provide assistance and information on CITES to conference organizers and exhibitors and supplied examples of confiscated items for use in displays and lectures. Information is also available to the public at the CITES exhibit kiosks in major Canadian international airports and at selected border crossings.
- Officers from all units participated in interviews and prepared media releases for television, radio, and print media.

Compliance with WAPPRIITA is monitored by such means as checking permits, auditing importers' and exporters' declarations, making inspections at international ports, running routine or spot inspections of wildlife businesses, monitoring hunting, sharing information with the Canada Customs and Revenue Agency and other national/ international agencies, gathering intelligence, and following up reports from the public



(e.g. through Crime Stoppers). Environment Canada conducted 1 873 inspections related to wildlife trade in 2001.

C-3 Enforcement

Environment Canada continued to cooperate with the U.S. Fish and Wildlife Service and the Mexican Procuraduria Federal de Proteccion al Ambiente to provide in-service training for enforcement inspectors. Also, Environment Canada Regional Enforcement Officers conducted numerous training programs on WAPPRIITA for regional personnel in other foreign, federal, and provincial/territorial agencies, including provincial court judges in some provinces.

The Wildlife Intelligence program was initiated in 1999. As of 2001, two regions and headquarters had full-time Intelligence Officers or Intelligence Analysts. Since then, the officers have been developing and shaping the program. The Wildlife Intelligence staff have been collecting and analyzing information on importers, exporters, and those who are potentially involved in the illegal trade of wildlife. As a first national project, Intelligence Officers collaborated with Intelligence Analysts from other departments to initiate a threat assessment on illegal importations of protected fishes and timber.

Environment Canada carried out 232 investigations into poaching or trafficking incidents involving international or interprovincial movement of wildlife, under the provisions of the applicable federal, provincial/territorial, or foreign legislation. Most of these investigations concluded with the confiscation of goods or issuance of a ticket.

Many significant cases, including some that are precedents, were prosecuted or completed successfully in 2001. Examples follow:

Illegal interprovincial transport: A resident of Winnipeg was sentenced with one count under section 8(a) of WAPPRIITA for possession of a grizzly bear hide, which had been transported in contravention to the Act. The individual had transported the hide from British Columbia to Manitoba and had attempted to get the hide tanned at a local tannery. The person entered a guilty plea in Winnipeg Provincial court to the charge under WAPPRIITA. The judge fined the accused \$1 500 and ordered him to make a

charitable donation of \$500. The grizzly bear hide was ordered forfeited to the Crown.

Illegal import of butterflies: An individual was found guilty, after an eight-day trial in B.C. Provincial Court, of one count of importing wildlife that was taken in contravention of a foreign law (under section 6(1) of WAPPRIITA) and one count of importing wildlife without a permit (under section 6(2) of WAPPRIITA). The Crown proceeded by way of indictment in this matter. The charges stemmed from an incident that took place in September 1998. A mail parcel was intercepted at the Customs Mail Center in Vancouver, British Columbia. The parcel contained a “hollowed out” hardcover book, with six CITES Appendix I birdwing butterflies (*Ornithoptera alexandrae*) secreted inside. The originator of the package was a villager from Papua New Guinea who eventually agreed to travel to Canada to testify. The evidence showed that the accused conspired with the villager to smuggle the butterflies, knowing that the activity was contrary to the laws of Papua New Guinea and of Canada. The individual was sentenced as follows:

- a \$25 000 fine on each count, for a total fine of \$50 000;
- a five-year prohibition on the trade, import, and export of *Ornithoptera alexandrae* butterflies; and
- all seized butterflies to be forfeited to the Crown.

Illegal import of sturgeon meat: Charges were laid against a seafood company following an incident in October 2001, when the company imported 985 pounds (447 kilograms) of white sturgeon (*Acipenser transmontanus*) without CITES permits. After a joint investigation with the Canadian Food Inspection Agency, the company was charged with two counts under WAPPRIITA, and one count under the *Fish Inspection Act*.

Illegal import of orchids: In October 2001, in the Ontario Court of Justice (Provincial Division) in Windsor, an individual entered a guilty plea to one count of illegally importing orchids into Canada. In March 2001, the person entered Canada at the Detroit Windsor tunnel; a Customs inspection of his vehicle revealed the presence of 60 undeclared orchid plants. Documentation in the vehicle indicated the plants had been ordered from a Hawaiian supplier and delivered to the Detroit-area business address of the accused. No CITES permit had been obtained to import the orchids. The Court imposed a \$1 000 fine and ordered forfeiture of the plants. A \$250 Ontario Victim Surcharge fee was added to the penalty.



Illegal export/import of finches: Another person was convicted in the Ontario Court of Justice (Welland) in July 2001, and sentenced in October 2001 on indictment. The person pleaded guilty, under section 10(1) of WAPPRIITA, for the unlawful export of finches to the U.S. and, under section 6(2), for the unlawful import of finches to Canada. The aviary owned by the individual faced 483 related charges for importing and exporting over 5 000 CITES-regulated finches. The judge sentenced the person as follows:

- under section 6(2) on August 30, 1999, by indictment, \$50 000 fine payable on the day of sentencing (October 30, 2001);
- under section 10(1) on September 22, 1999, by indictment, - one year in jail to be served in the community (house arrest);
- 40 hours of community service work; and
- Environment Canada entitled to review records at any time, and on 15 days' notice. (Environment Canada retained seized documents for 18 months from October 30, 2001.)

Illegal import of an eagle: In the Ontario Court of Justice (Provincial Division), Mississauga, in September 2001, a person entered a guilty plea to one charge of unlawfully importing, without a permit, one changeable hawk-eagle. The charge was laid (under section 6[2] of WAPPRIITA). In April 2001, the person entered Canada at Toronto's Pearson International Airport, returning from Vietnam, and smuggled one eagle into the country. The 3- to 6-week-old eagle was not declared and was discovered alive, with its beak taped, stored in a gift-wrapped box concealed within a carry-on bag. The individual was found guilty, convicted, and sentenced to pay a fine of \$5 000 (which included a 25 percent victim surcharge fee). In addition, the Crown sought and was granted a court order wherein the accused was ordered to pay the veterinary costs incurred by the Crown to care for the eagle. These costs, totalling \$9 086.26, were to be paid to the University of Guelph (OVC) and the Toronto Zoo. The accused was given six months to pay the fine and court-ordered costs, totalling \$14 086.26.

D. INTERNATIONAL COOPERATION

D-1 Preparation for the Twelfth Meeting of the Conference of the Parties

Preparations began in late 2001 for the Twelfth Meeting of the Conference of the Parties to CITES, to be held in Santiago, Chile, from November 3 to 15, 2002. A call for Canadian proposals for the Conference of the Parties was sent to the public and environmental non-governmental organizations in October 2001. No proposals were received.

D-2 North American Wildlife Enforcement Group

Through the North American Wildlife Enforcement Group (NAWEG), Canada (Environment Canada) works with the United States (U.S. Fish and Wildlife Service) and Mexico (Procuraduría Federal de Protección al Ambiente) to promote wildlife enforcement. NAWEG acts as the North American representative to the Interpol wildlife working group and is the enforcement contact for the Trilateral Committee for Wildlife and Ecosystem Conservation and Management. In 2001, Canada participated actively in the preparation of a workshop regrouping officers and representatives of the non-governmental organizations of the three countries.

In Canada, NAWEG is the link between the foreign agencies and the federal and provincial/territorial chiefs responsible for natural resources law enforcement. Environment Canada personnel attend regular NAWEG meetings to discuss national positions and to develop a North American approach to present to CITES, Interpol, and the Trilateral Committee.

D-3 Other

In 2001, Canada's international cooperation included participation in the following:

- the Sixth Meeting of the Canada/Mexico/United States Trilateral Committee for Wildlife and Ecosystem Conservation and Management, held in Ottawa, Ontario, from April 24 to 27;

- the Forty-fifth Meeting of the CITES Standing Committee, which took place in Paris, France, from June 19 to 22;
- the Eleventh Meeting of the CITES Plants Committee, in Langkawi, Malaysia, from September 3 to 7; and
- planning a training session for wildlife enforcement officers from Asian countries, involved in tiger management and trade, held in New Delhi, India, from April 1 to 6.

Canada did not send a representative to the Seventeenth Meeting of the CITES Animals Committee, which was held in Hanoi, Vietnam, from July 30 to August 3.

E. FURTHER INFORMATION

Further information about WAPPRIITA is available on the Canadian Wildlife Service CITES Canada Web site at www.cites.ec.gc.ca, or from the following:

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