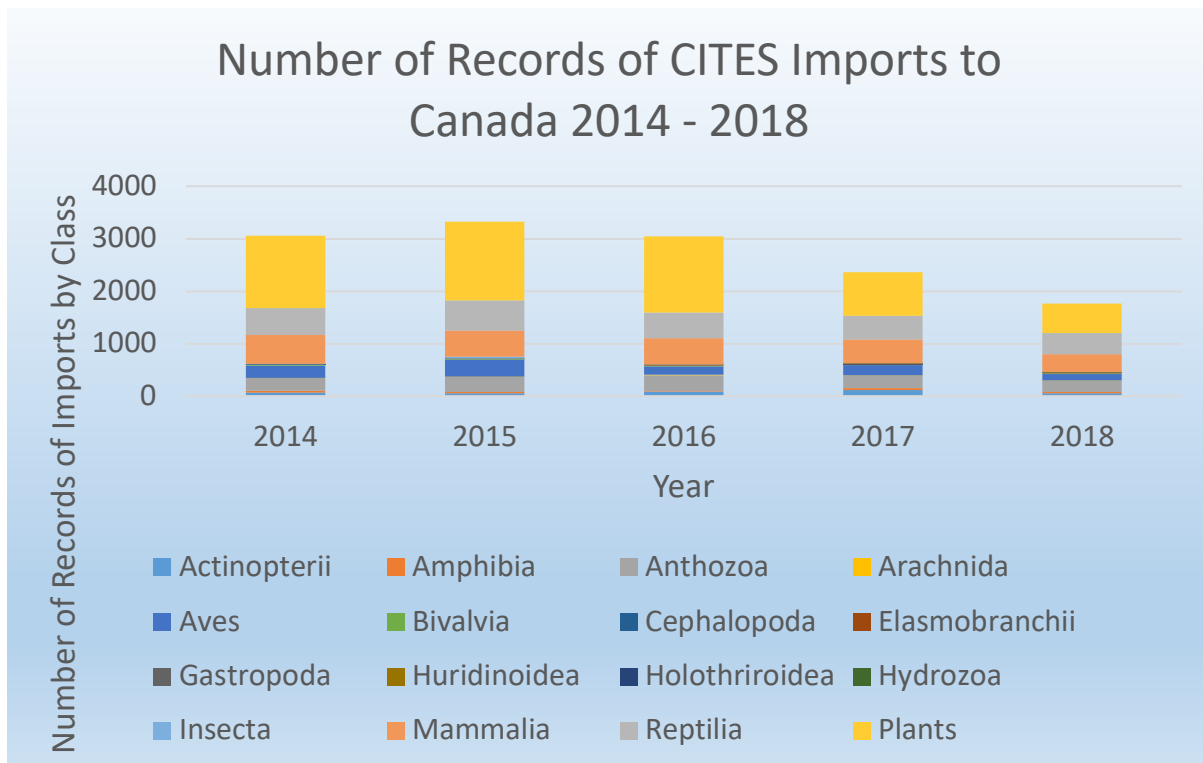


CASE STUDY 1 – CANADA

As part of my Arts and Humanities Research Council Leadership Fellowship investigating the implementation of and compliance with CITES, three case studies of best practice and lessons learned were identified and chosen. The first of these is Canada.

Canada has relatively few CITES species to oversee nationally. This means exports are only managed for 13 CITES animal species (7 mammals mostly cetaceans; 5 birds; 1 reptile – the leatherback turtle). There are nine plant species. Like for a majority of countries, most of these are orchids (6), 1 cactus – the Eastern prickly pear, and also American ginseng and golden seal. Most CITES trade involving Canada involves imports as shown in the table below with data from the CITES online database.



In terms of CITES' National Legislation Project (NLP), Canada is a Category 1 country, which means there are the properly designated authorities, violations of CITES are prohibited, there are penalties in place, and confiscations are possible. In Canada, CITES is implemented through the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act – WAPPRIITA. It is an environmental law specifically to implement CITES. There is similarity to the more well-known US Lacey Act, where acquiring of wildlife must be legal by the regulations from which the wildlife was taken. WAPPRIITA even includes illegally sourced wildlife from its own provinces and knowingly possessing illegal wildlife.

In regards to penalties, corporations receive the strongest punishments in terms of fines. Fines take into account undue financial hardship. If a convicted corporation has shareholders, the court shall make an order directing the corporation to notify its shareholders, in the manner and within the time directed by the court, of the facts relating to the commission of the offence and of the details of the punishment imposed. The fines range from CAD 5,000 to 12 million and imprisonment can range from six months to five years.



CASE STUDY 1 – CANADA

Canada's Management, Scientific and Enforcement Authorities are part of the same division and co-located. The Enforcement Authority does have peace officer powers, meaning they have the authority to investigate, arrest and so forth and do not have to engage another police agency.

In regards to confiscations, there is no specific mention of live wildlife, but presumably the law covers all forms. A portion of the fine may go to the Environmental Damage Fund. The court may also order various conservation, research, and/or education activities be supported as well as a three-year follow up with the offender.

LESSONS LEARNED AND BEST PRACTICE

- Not unique to Canada, but repeated by several interviewees is the challenge of overcoming the lack of priority of the border agency in regards to wildlife.
- Several interviewees pointed to Canada's cumbersome national legislation in terms of reflecting the updates of listings at the Conference of the Parties. Legislation is most efficient and effective if written in such a way that the CITES lists are recognised and thus updated automatically, rather than the national lists having to also be updated each time a change is made.

Apart from those lessons though, Canada appears to have several elements of good practice that might help other members to improve.

- Clearly defined roles between three distinct authorities and these are dedicated to and specialise in wildlife
- One interviewee suggested co-location of these three was an element of their close and effective working relationship
- Environment and Climate Change Canada also has good working relationships with international partners (particularly the US Fish and Wildlife Service) and the Canadian authorities of other conventions (i.e. CBD etc.)
- An added layer of scrutiny at the provincial level, where legal harvest is checked and permits issued for inter-Canada movement
- Active globally (at CITES, INTERPOL etc.)
- Incorporation of indigenous communities in decision making
- Multi-lateral operations compensate for limited funding

SUMMARY

Canada then has several things to learn from:

- the importance of a legislative scheme that updates to reflect listings quickly
- the value of specialisation of wildlife / CITES authorities
- the importance of good working relationships between the authorities, with the local and indigenous communities, and with other countries
- the benefit of actively getting involved in global activities be that CITES, INTERPOL or operations