

# Canada Gazette, Part I, Volume 157, Number 25: Regulations Amending the Wild Animal and Plant Trade Regulations

30-day consultation (until July 24, 2023 11:59pm EST)

June 24, 2023

## Statutory authority

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

## Sponsoring department

Department of the Environment

## REGULATORY IMPACT ANALYSIS STATEMENT

*(This statement is not part of the Regulations.)*

## General Comment

### ► Add a comment for the General Comment section

[WCS Canada comments](#): On behalf of Wildlife Conservation Society (WCS) Canada, we are pleased to submit our comments to Environment and Climate Change Canada (ECCC) in response to the public consultation on Regulations Amending the Wild Animal and Plant Trade Regulations regarding the international trade of elephant ivory and rhinoceros horn, as per the Canada Gazette, Part 1, Volume 157, Number 25.

WCS Canada's scientists specialise in biodiversity, conservation biology, landscape ecology, climate change, and species at risk assessment and recovery in Canada. We are affiliated with sister programs of WCS in more than 60 countries with long-term commitments and conservation programs in dozens of landscapes and seascapes across the globe. WCS is a strong supporter of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and has staff who have attended all meetings of the Conference of the Parties since CoP7 in 1989. One of us (Dr. Lieberman), leads this and other international policy initiatives at WCS along with all matters of international policy. She also serves as the Chair of the Board of WCS Canada, and as one of the three elected IUCN Regional Councilors for North America and the Caribbean.

This submission is consistent with WCS responses to similar consultations on elephant ivory trade conducted by the United Kingdom, the European Union, the United States, Singapore, and other countries, as well as WCS input to various processes and discussions by Parties to CITES.

We were surprised that our comments in response to Canada Gazette, Part 1, Volume 155, Number 30: GOVERNMENT NOTICES, submitted Sept. 22, 2021, were not referenced in this consultation document (Canada Gazette, Part 1, Volume 157, Number 25). Although we would not have expected to have been named, the key issues that we flagged and the evidence we provided were not mentioned in the Consultation section among the small number of conservation organizations that submitted “unique” comments.

Comments submitted by: Justina Ray, Ph.D., President & Senior Scientist, WCS Canada and Susan S. Lieberman, Ph.D., Vice President, International Policy, WCS (and Chair, WCS Canada Board of Directors).

## Issues

Global elephant and rhinoceros populations have been in decline over the past century. Despite global trade restrictions, trade in elephant tusk and rhinoceros horn continue to threaten these species. There have been growing calls for Canada to consider strengthening domestic measures on importation and exportation of elephant tusk (also commonly referred to as elephant ivory) and rhinoceros horn.

## Background

The International Union for Conservation of Nature (IUCN) estimates that the African elephant population has decreased by approximately 18% between 2007 and 2016, leaving the number remaining at approximately 415,000 African elephants left in the wild.<sup>1</sup> For Asian elephants the IUCN estimates an overall population decline of at least 50% since 1945.<sup>2</sup> Globally, rhinoceros populations have declined 3.7% from 2017 to 2021.<sup>3</sup> Poaching continues to be the largest contributor to the declines.

The *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act* (the Act) and the *Wild Animal and Plant Trade Regulations* (the Regulations) set requirements for international trade of Canadian and foreign wildlife species that may be at risk of overexploitation due to illegal trade.

The Act and the Regulations are also the legislative instruments through which Canada meets its obligations under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES or Convention), to which Canada is a party. CITES regulates international trade in specimens of species of wild flora

and fauna based on a system of permits, which can be issued only if certain conditions are met. When these conditions are fulfilled, the trade is legal, sustainable, and traceable. The species covered by CITES are listed in three appendices, according to the degree of protection they need. Export permits are required for all CITES listed species. Import permits are also required for Appendix I listed species, which includes species threatened with extinction which are or may be affected by trade. Commercial trade in Appendix I specimens is generally prohibited. CITES allows international trade in elephant ivory and rhinoceros horn when it was acquired before the species was first listed under CITES, in the mid-1970s (known as "pre-Convention"); and some strictly controlled trade in newer elephant ivory and rhinoceros horn, such as elephant ivory and rhinoceros horn from legal trophy hunts. Legal non-commercial trade could include elephant ivory and rhinoceros horn moving between countries as part of a household move (e.g. a piano with ivory keys), elephant ivory and rhinoceros horn acquired in a legal hunt, and elephant ivory and rhinoceros horn used for scientific research. The Convention allows CITES Parties to implement stricter measures than those set by the Convention to provide additional protections to selected species.

Canada's current restrictions on trade in elephant tusk and rhinoceros horn include measures stricter than those required by CITES. Notably, Canada requires an import permit prior to entry into Canada for all elephant ivory and rhinoceros horn specimens of Appendix I listed species, including those specimens that are pre-Convention, or from animals bred in captivity (which CITES exempts from import permits), unless they qualify for the personal effects and household effects exemption. This exemption removes the requirement for a permit for specimens of species listed in Appendix I that are owned by an individual and are part of their clothing or accessories, are contained in their personal baggage, are part of an inheritance, or form part of their household belongings at the time of import or export.

Canada imports about 4% of the global legal trade in elephant ivory and less than 1% of the global legal trade in rhinoceros horn. For example, between 2015 and

2021, there was an average of 14 elephant tusks and 2 rhinoceros horns imported per year.<sup>4</sup> Based on permits issued, the most commonly imported rhinoceros horn and elephant ivory items include worked items such as carved cups (typically called libation cups), saucer dishes, handles for antique tools or toiletry sets, netsuke (small Japanese carvings), chess sets, mahjong sets (a tile-based game), instruments (bagpipes, violin bows, piano keys), ivory insets in miniature paintings, ivory carvings, small parts of handles or knobs on teapots/coffee pots, cutlery handles, hair combs, furniture inlays, or religious items. In general, most infractions in Canada are items that could be legally imported or exported, but were not accompanied by the proper documentation. Between 2015 and 2021, 4662 ivory items were seized globally, only 7 of which were from Canada.<sup>3</sup>

### ► Add a comment for the Background section

WCS Canada comments: We note that the information about the status of elephants provided in the background section is out of date and for rhinoceroses, it is missing altogether. In 2022, the IUCN Red List of Threatened Species issued an amended version of its 2021 assessment of both species of African elephants (*Loxodonta africana* and *Loxodonta cyclotis*). The assessment can be found at:

Gobush, K.S., Edwards, C.T.T., Balfour, D., Wittemyer, G., Maisels, F. & Taylor, R.D. 2022. *Loxodonta africana* (amended version of 2021 assessment). *The IUCN Red List of Threatened Species* 2022: e.T181008073A223031019. <https://dx.doi.org/10.2305/IUCN.UK.2022-2.RLTS.T181008073A223031019.en>.

The afore-mentioned assessment by IUCN determined that the African savanna elephant (*Loxodonta africana*) is now Endangered, and the African forest elephant (*Loxodonta cyclotis*) is now Critically Endangered. The text in the proposed regulation must be updated accordingly, with the addition of analogous information about the status of the five rhinoceros species.

While the background section does provide information on the scale of elephant ivory trade involving Canada, it is insufficient in explaining the context for the issue with global trade of elephant ivory and rhino horn. Given Canada's objective to contribute to international efforts (below), it is important to explain why this is needed. A more robust understanding of the problem will also help members of the public understand the benefits of the proposed amendments. We recommend, therefore, that the final version of the Gazette include a more complete background as per our comments.

## Objective

The objectives of the proposed *Regulations Amending the Wild Animal and Plant Trade Regulations* (the proposed Amendments) are to

- ♦ reduce the import and export of elephant tusk and rhinoceros horn, thereby contributing to international efforts undertaken to reduce declines of certain

elephant and rhinoceros populations, and

- ♦ improve monitoring of elephant tusk and rhinoceros horn trade to provide for a more complete picture of Canada's participation in this trade and facilitate border controls.

► **Add a comment for the Objective section**

WCS Canada comments: We recommend that the two objectives should be re-worded to: 1) emphasize that the government and people of Canada do not contribute to declines in populations of elephants and rhinoceroses, due to poaching for the ivory and rhino horn trade; and 2) the government and people of Canada contribute significantly to the conservation of elephants and rhinoceroses by closing off participation in the international commercial ivory and rhino horn trades.

Reducing imports and exports, and monitoring of trade, are important, but are actions rather than objectives.

## Description

The Act prohibits the import into Canada, or export from Canada, any animal or plant, or any part or derivative of any animal or plant listed in an Appendix to CITES, unless accompanied by a permit. All elephant and rhinoceros are listed in the Appendices of CITES. Therefore, the import and export of all elephant tusk and rhinoceros horn is currently prohibited without a permit.

The proposed Amendments would specify that permits for raw tusk from all elephant species and raw horn from all rhinoceros species, would only be available for museum specimens, scientific research, zoo or enforcement activities (e.g. investigations or prosecutions requiring enforcement agencies to send specimens for court cases in Canada or another country, specimens to be analyzed in a foreign forensics lab, or outreach events in other countries where seized items are used for public education purposes). Thus, the import and export of most raw elephant tusk and raw rhinoceros horn, including hunting trophies, would be prohibited.

The proposed Amendments to the Regulations would also create a new permit requirement for worked (carved or shaped) elephant tusk and rhinoceros horn that is a personal or household effect. Under the current Regulations, elephant tusk or rhinoceros horn that is a personal or household effect is exempt from requiring import and export permits. The proposed changes would remove those exemptions thereby requiring import and export permits for all worked elephant tusk and all

worked rhinoceros horn.

## Add a comment for the Description section



WCS Canada comments: We have strongly recommended regulatory actions that further close off opportunities for any commercial trade in elephant ivory—both to prevent illegal trade, and to change consumer behaviour such that they do not want to purchase elephant ivory. The amendments that Canada is planning move us in this direction.

In our letter of September 22, 2021, we recommended that Canada extend the requirement for import permits to all imports of Appendix II specimens, except for those being traded for enforcement or scientific purposes. We appreciate that the proposed amended regulations accomplish this.

We also appreciate and support that the proposed amendments to the regulations would create a new permit requirement for worked elephant ivory and rhinoceros horn that is claimed to be a personal or household effect. We recommend that any permit issued under this provision contain a condition that the item covered by the permit cannot enter commercial trade in the future.

We do not object that the amendments would not prevent participation of individuals in legal, sustainable, well-managed hunting programmes. However, the document states that the “amendments do not prevent the trade in legally obtained hunting trophies”. We recommend that this be strengthened, such that hunting trophies imported into Canada, from CITES Appendix I species (all rhinoceroses, and most African elephant populations) not be allowed to enter commercial trade. This will help prevent laundering and should not impose any burden on hunters who bring in rhino horn or ivory from legal hunts (with all necessary CITES permits and documentation). Since import permits would be required anyhow, this does not pose a regulatory or administrative burden.

Various studies have shown that a legal domestic elephant ivory market provides opportunities for laundering of illegal ivory, further fueling the elephant poaching crisis. It is very difficult to differentiate illegal elephant ivory from legal ivory and traffickers use various techniques to launder illegal/new ivory by making it look legal/old/antique. Furthermore, it is widely acknowledged that science-based behaviour change campaigns are critical in the fight to end poaching and illegal trade. Trade bans and market closures are an essential part of demand reduction efforts for many endangered and critically endangered species. It is confusing for consumers to be encouraged not to buy elephant ivory and rhino horn if it is still legally for sale in their country. Allowing the sale of elephant ivory for example reinforces its social acceptability and makes it a desirable product to own, further fueling the illegal market and stimulating trafficking.

WCS Canada would normally propose that Canada prohibit domestic sales of elephant ivory to reduce opportunities for laundering illegal ivory and support efforts to combat poaching and conserving elephants. However, we understand that, under the Constitution of Canada, the federal government does not have the authority to ban domestic sales. Nonetheless, we urge Canada to commit to work through the Canadian Council of Ministers of the Environment to encourage individual, and ultimately all, provinces and territories to ban domestic sales of elephant ivory.

We recognize that the volume of elephant ivory in Canadian trade is small compared to that of many other countries. We also note that recent imports of elephant ivory into Canada for commercial purposes consist entirely of items claimed to be pre-convention. However, it is difficult to differentiate illegal elephant ivory from legal ivory and it is known that traffickers use various techniques to make recent ivory appear old enough to be considered pre-Convention and be traded internationally with reduced CITES controls. International and domestic elephant ivory bans will be more effective if all markets close. We therefore recommend (as we did in our letter of September 22, 2021) that Canada suspend all trade in elephant ivory for commercial purposes, including trade in pre-Convention ivory.

## **Regulatory development**

### ***Consultation***

The Department held a public consultation on potential increased trade controls on elephant ivory from July 24, 2021, to September 22, 2021. The consultations only considered the application of the increased trade controls on elephant ivory. They did not address the application to rhinoceros horn, however, the Department would expect to receive similar feedback in relation to rhinoceros since the same type of concerns have been raised with regards to declining rhinoceros populations, and since the proposed Amendments would apply in the same way, and the interests of stakeholders are similar.

Over 86,000 submissions were received from various partners and stakeholders, including Inuit, conservation and hunting organizations, government representatives and individuals. The vast majority of submissions were from four letter-writing campaigns by four organizations. Three were by animal welfare and conservation organizations, who favoured stricter controls due to the poor conservation status of elephants as well as the ongoing poaching and illegal trade in ivory. One was by a hunting organization that was opposed to proposed restrictions on hunting trophies. Between 2015 and 2021, trade in Canada was approximately 14 raw/trophy ivory and 2 raw/trophy rhinoceros horns annually, indicating that very few Canadians engage in trophy hunting for elephant ivory and rhinoceros horn. The proposed Amendments do not prevent participation in legal hunts or the trade in legally obtained hunting trophies.

Unique submissions were received from an Inuit organization, an association of antique dealers, a fur association, a hunting organization, and three conservation organizations, which raised concerns about the proposal. The Inuit organization expressed concern with potential future implications of the proposed Amendments on trade in non-elephant ivory. They noted that Inuit hold legally and constitutionally recognized, protected Indigenous rights to harvest and use walrus and narwhal (species that both have ivory tusks), and raised concerns with the precedent Canada may set if introducing additional elephant ivory trade controls

without providing evidence of a direct conservation benefit. The current proposal increases restrictions solely on the import and export of elephant tusk and rhinoceros horn and does not apply to Canadian wildlife. However, the Department recognizes this concern and will continue to communicate the sustainable management of Canadian species in international forums.

The fur association, the hunting organization and two of the conservation organizations indicated that sufficient protection already exists through the controls established under CITES, which Canada already implements. The Department notes that the controls established by CITES came into effect in 1975 for elephants and 1977 for rhinoceros. Despite these controls, global populations of elephants and rhinoceros have continued to decline.<sup>1,2</sup> The proposed Amendments would reduce Canada's participation in the global trade of elephant ivory and rhinoceros horn and could encourage a more concerted global effort to do more to protect these species. The association of antique dealers highlighted that government should be cautious of unintended consequences of new restrictions and the historic importance of ivory in the manufacture of art and artefacts. The import and export of elephant ivory art, artefacts, and antiques will not see increased restrictions by the proposed Amendments, unless these items consist of raw elephant ivory. Items of worked elephant ivory imported for commercial purposes currently require a permit. This requirement will be maintained with the proposed Amendments.

One of the conservation organizations also noted that regulated trade via CITES brings positive economic benefits for African communities. The proposed Amendments do not prevent participation in legal elephant and rhinoceros hunts, the revenues of which can bring economic benefits to African communities. Recent research examined the economic impact of trophy hunting in South Africa.<sup>5</sup> Of the survey respondents, only 6% were Canadian and the most popular species being hunted were impala, warthog and springbok. These results suggest that the proposed Amendments will have a negligible impact on any potential economic benefits derived from Canadian hunters.



***Modern treaty obligations and Indigenous engagement and consultation***

Departmental officials met with the National Inuit Wildlife Committee as an early engagement and to ask for comments on the draft discussion document on the potential actions to increase trade controls in elephant ivory trade in Canada. Participants from the National Inuit Wildlife Committee included representatives of the Inuit Circumpolar Council (ICC), Inuit Tapiriit Kanatami (ITK), Nunavut Tunngavik Incorporated (NTI), the Inuvialuit Game Council, the Makivik Corporation, the Nunatsiavut Government, and the Inuvialuit Corporate Group. A second meeting was held before the public consultations were launched. Comments and feedback were provided during these two meetings. The National Inuit Wildlife Committee raised concerns with potential future implications of the proposed Amendments. They noted that Inuit hold legally and constitutionally recognized, protected Indigenous rights to harvest and use walrus and narwhal (species that both have ivory tusks), and expressed concern with the precedent Canada may set if introducing additional elephant ivory trade controls without providing evidence of a direct conservation benefit. The result could be that other countries may be more likely to take unilateral action to impose trade restrictions on Canadian species.

An Assessment of Modern treaty Implications (AMTI) was conducted for the proposed Amendments to the Regulations. The AMTI examined the geographical scope and subject matter of the proposed Amendments in relation to modern treaties in effect and did not identify any potential modern treaty impacts. The current proposal increases restrictions solely on the import and export of elephant ivory and rhinoceros horn and does not apply to Canadian wildlife. Therefore, the proposal is not expected to affect modern treaty agreements or result in any new restrictions or prohibitions that affect the recognized and affirmed rights of local Indigenous communities. However, the Department will continue to communicate the sustainable management of Canadian species in international forums.

## ***Instrument choice***

Canada implements wildlife trade controls through the Act and its Regulations. The Act allows for regulations respecting the issuance, renewal, revocation and suspension of import and export permits. Ensuring stringent and tangible trade controls by limiting the circumstances in which permits may be issued is best achieved through regulatory changes; therefore, other instruments were not considered.

### **► Add a comment for the Regulatory development section**

WCS Canada comments: We refer to our extensive submission of Sept. 22, 2021, including a detailed report that we attached to the submission. The key points of our submission and the evidence we provided are unfortunately not mentioned in this section, unlike those of the handful of other organizations that submitted “unique” submissions.

We support that these proposed amendments only relate to elephant ivory, and not ivory from narwhal or walrus. We note that narwhal and walrus ivory can be readily distinguished from elephant ivory, and that Canada should make this clear, as well as the planned approach for ensuring that concerns raised by the National Inuit Wildlife Committee regarding narwhal and walrus ivory are addressed. We note that this committee questioned the benefit of these regulatory amendments, and so we encourage Canada to place more focus on this (as we have recommended elsewhere in this submission), as well as the extent of the international conservation issue that Canada is working to address. WCS respects the federally protected rights of Inuit and Native Alaskans to sustainably hunt marine mammals and to use the animals' parts to produce and sell authentic handicrafts. Such crafting and trade is an integral part of the cultural practices and celebrated in many Inuit and Native Alaskan Arctic communities.

## **Regulatory analysis**

### ***Benefits and costs***

This analysis presents the incremental impacts, both benefits and costs, of the proposed Amendments. Incremental impacts are defined as the difference between the baseline scenario and the scenario in which the proposed Amendments are implemented over the same time period. The baseline scenario consists of the continuity of current elephant ivory and rhinoceros horn trade requirements, whereas the regulatory scenario includes increased restrictions on the import and export of raw elephant ivory and rhinoceros horn as well as additional permit requirements for worked/carved elephant ivory or rhinoceros horn. An analytical period of 10 years has been selected over the 2023–2032 period. Unless otherwise noted, cost estimates over 10 years are shown in present value terms and are discounted at 3%, and all monetary values reported below are in 2023 constant dollars.

Overall, the proposed Amendments are expected to benefit Canadian society by increasing Canada's contribution to international efforts to preserve elephant and rhinoceros populations, and improve knowledge of Canada's participation in the

trade.

The Department estimates that the costs associated with the proposed Amendments are approximately \$5.7 million over the analytical time frame. The majority of these costs (\$5.5 million) are to the Government of Canada, with the greater part being for enforcement activities (\$5.3 million), as well as processing permit applications, and compliance and promotion activities.

## **Benefits**

Although Canada is a small market for raw elephant ivory and raw rhinoceros horn trade, the proposed Amendments are expected to contribute to international efforts undertaken to reduce declines of certain elephant and rhinoceros populations. As the world's largest terrestrial mammals, and given they are unique-looking and exotic animals, elephants and rhinoceros, although not endemic to Canada, are amongst the most iconic international species appreciated by Canadians. As evidence, they can be found in multiple zoos across Canada,<sup>6</sup> helping to attract visitors. They can also be found throughout many books and stories for children sold in Canada. Studies conducted in other countries found that citizens of these countries had a positive willingness to pay for conservation of foreign species or for restoration of foreign habitat.<sup>7</sup> As such, it is reasonable to assume that Canadians likely attribute value to the existence of iconic foreign species such as elephants and rhinoceros and may experience satisfaction at attempts to preserve their populations, wherever those may be.

## **Collection of data on ivory and horn trade**

The proposed Amendments may also facilitate border controls by removing the requirement to differentiate between types of elephant ivory and rhinoceros horn that require permits and those that do not. Additional permit requirements would also enable the collection of more data and provide a clearer portrait of Canada's footprint in the elephant ivory and rhinoceros horn international trade. This would ensure the Government of Canada has the data necessary to determine whether it needs to take further steps to help curb the country's participation in the trade.

## **Cost savings for stakeholders and Government of Canada from fewer permit applications**

As raw elephant ivory and raw rhinoceros horn import/export would be restricted under the proposed Amendments and not eligible for permits, stakeholders would no longer need to apply for permits for trading these, which would save them a small amount of time. It would also save time, and thus costs, to the Government of Canada for having to review fewer permit applications. Raw elephant ivory and raw rhinoceros horn known trade represented approximately 14 tusks annually from 2015 to 2021, and approximately two horns annually from 2012 to 2021. Using the 2021 average Canadian hourly wage rate,<sup>8</sup> and given that a permit request form takes about 45 minutes to fill on average, cost savings over 10 years are estimated at \$4,000 for applicants. The associated decrease in permit applications processing costs is expected to provide cost savings of \$3,000 to the Government of Canada over 10 years.

## **Costs**

### **Costs to stakeholders**

Stakeholders already apply for a permit to import or export items containing worked or carved elephant ivory or rhinoceros horn. However, there is an exemption for personal or household items, for which stakeholders do not need to apply for a permit to import into or export from Canada. As the proposed Amendments remove this exemption, this would generate additional administrative costs for those individuals or businesses who move these items into or from Canada. The businesses referred to are almost entirely expected to be moving companies contracted by individuals, who choose to offer their clients the service of applying for the required permits on the clients' behalf. According to the CITES database, the known number of personal or household items containing worked/carved elephant tusks and rhinoceros horns imported into or exported from Canada approximated 1 000 items annually between 2015 and 2021. Although many of these items may have been bulked in single permit applications (e.g. piano keys), given the lack of data on annual number of permits, the analysis assumes that all items traded have been

subject to independent permit applications as a conservative precaution (i.e. 1 000 per year). It is assumed that clients will have to pay for the service of having the moving company apply for a permit on their behalf. Using the 2021 average Canadian hourly wage rate,<sup>8</sup> and given that a permit request form takes about 45 minutes to fill on average, the expected costs to Canadians for moving personal or household items into or out of Canada associated with the time required for each applicant to fill a new permit application are estimated at a maximum of \$240,000 over the next 10 years.

The increased restrictions on import and export of raw elephant ivory and raw rhinoceros horn could discourage Canadians from booking hunting trips abroad in the hope of bringing back elephant ivory and rhinoceros horn trophies specifically. Although this could affect activities of certain outfitters, taxidermists and travel agencies that specialize in organizing such hunting trips, it is assumed that hunters would most likely substitute these trips for other hunting trips and bring other trophies back. Additionally, statistics on imports of raw elephant ivory and raw rhinoceros horn in Canada show that very few Canadians engage in these overseas activities. As a result, the impacts on companies and the inconvenience caused to Canadian hunters are expected to be negligible overall. Nevertheless, some of these Canadians may incur moderate losses of well-being from not being able to bring elephant ivory or rhinoceros horn trophies back from their hunting trips.

There may be impacts to Canadians who currently own raw elephant ivory or raw rhinoceros horns and are planning to move out of Canada with these products. They will not be permitted to take the raw product outside the country. However, it is unknown how many individuals would be emigrating from Canada with raw products. Individuals who own these items may derive welfare from the possession of such a product, especially if they acquired it through a hunt themselves. As such, no longer possessing the item will lower the welfare of these individuals, the value of which cannot be assessed.

### **Costs to the Government of Canada**

The additional permit requirements for elephant ivory and rhinoceros horn that has

been carved or shaped would lead to new permit applications annually that would need to be processed by the Department. Compliance promotion and communication with affected Canadians and business owners would be required to ensure awareness of and compliance with the new restrictions and requirements. This may take the form of targeted letters, web content, posters and/or brochures. Intensive efforts in the first year will be a priority, targeting auction houses, antique dealers, art collectors, taxidermists, and other regulated communities. Compliance promotion costs could range between \$10,000 and \$15,000 for the first year of implementation and would be minimal in following years. Permit application processing is estimated to cost \$210,000 to the Government of Canada over 10 years. <sup>14</sup>

Enforcement activities to ensure compliance with the proposed amendments include pre-operational activities such as intelligence analysis, enforcement strategy development, engagement with partners, science and technology research, as well as training. They also include operational activities such as inspections, investigations, operations, prosecution, analysis, administration, and coordination. The proposed Amendments would result in additional verification of required permits at the borders, in addition to expected detection of unlawful exports and imports from individuals and organized crime entities. Due to the difficulty in detecting and identifying items made of ivory, subject matter experts would be required to help verify compliance and conduct criminal investigations, which are time intensive. It is also estimated that expenses associated with carbon-14 testing would be needed to verify compliance and ensure the enforceability of further restrictions. Costs associated with these activities are estimated at \$680,000 in the first year of implementation, and \$590,000 in subsequent years, for a total of \$5.3 million over 10 years. The associated costs would be sourced from existing departmental funds.

**Table 1: Monetized costs summary**

Impacted stakeholder	Description of cost	Present value over 10 years
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<b>Government</b>	Enforcement activities	\$5.3 million
<b>Government</b>	Permit applications processing	\$210,000
<b>Government</b>	Compliance promotion	\$10,000 to \$15,000
<b>Canadians</b>	Administrative burden of applying for permits	\$240,000
<b>All stakeholders</b>	<b>Total costs</b>	<b>\$5.7 million</b>

### ***Small business lens***

Some small businesses, such as taxidermists, outfitters, and travel agencies that specialize in organizing hunting trips to locations where elephants and rhinoceroses live, may incur negative impacts from a slight decrease in their pool of customers using their services, due to the proposed increased restrictions on imports of raw elephant ivory and raw rhinoceros horn. However, impacts on these stakeholders are expected to remain negligible due to the minimal size of the market<sup>9</sup> and the associated small number of Canadians expected to engage in such hunting and bringing back elephant tusks or rhinoceros horns as trophies. Additionally, it is likely that Canadian hunters will choose to substitute with other types of hunting trips instead of not going on hunting trips, therefore mitigating impacts on these stakeholders.

Moving companies can sometimes be contracted to move belongings of individuals into or outside Canada. These companies could offer to their clients the service of applying, on their clients' behalf, for the permit required to move items containing carved or shaped elephant ivory and rhinoceros horn. However, for moving companies considered to be a small business, it is expected that they would pass on the permit application costs directly to their clients, and therefore resulting in no impacts for these businesses.

### ***One-for-one rule***

There is no increase in administrative burden for Canadian businesses that import and/or export items containing carved or shaped elephant ivory or rhinoceros horn.

There is a small decrease in administrative burden expected for those Canadian businesses that currently import or export raw elephant ivory or raw rhinoceros horn, as the proposed Amendments would remove the need to apply for a permit for these purposes. According to the CITES database, 9 raw elephant tusks were traded in Canada for commercial purposes between 2015 and 2021. As the database does not detail the purpose of trade of raw rhinoceros horn, the analysis assumes that the entirety of raw rhinoceros horn trade was conducted by businesses, which equals to 13 specimens between 2015 and 2021. As such, it is assumed that there would be a decrease of three permit applications from businesses annually associated with the cessation of raw ivory and rhinoceros horn trade. This translates into an annualized administrative costs savings to applicants of \$55.47 <sup>10</sup> over 10 years.

### ***Regulatory cooperation and alignment***

Increased restrictions on the import and export of raw elephant ivory and raw rhinoceros horn, beyond what is required by CITES, would further limit the number of specimens entering Canada and the global market. Implementing permitting requirements beyond those required by CITES and subjecting all elephant ivory and rhinoceros horn in Canada to import and export permits would also improve monitoring of elephant tusk and rhinoceros horn trade to provide a more complete picture of Canada's participation in this trade and facilitate border controls. The proposal would more closely align Canada with regulations in place in the United States (U.S.) and the United Kingdom (U.K.). The U.S. and the U.K. have implemented trade controls for elephant ivory that are stricter than those required by CITES. Both have near complete bans on the international trade of elephant ivory for commercial purposes and require permits for import/export of non-commercial ivory.

### ***Strategic environmental assessment***

A Strategic Environmental Assessment (SEA) was conducted for the proposed Amendments to the Regulations. The SEA concluded that the proposal is not likely to result in important environmental effects. Contributions to the 2022-2026 Federal Sustainable Development Strategy (FSDS) of the proposed amendments are



expected to be negligible given that elephants and rhinoceros are not native to Canada. The proposal would contribute to efforts against poaching and the illicit trade in elephant ivory and rhinoceros horn and help Canada meet its international commitments related to wildlife by supporting the United Nations' 2030 Agenda Sustainable Development Goals (SDGs), the G7 2030 Nature Compact, and the Kunming-Montreal Global Biodiversity Framework (GBF) 2030 targets.

The proposal will support progress toward SDG 15: Life on Land by contributing to the following SDG 15 targets:

- ♦ Take urgent action to end poaching and trafficking of protected species of flora and fauna and address both demand and supply of illegal wildlife products
- ♦ Enhance global support for efforts to combat poaching and trafficking of protected species

The proposal will contribute to the G7 2030 Nature Compact, which commits to the global mission to halt and reverse biodiversity loss by 2030, by supporting the following pillars:

- ♦ Pillar one: Leading the Transition to sustainable and legal use of natural resources by increasing efforts to counter crimes that affect the environment
- ♦ Pillar three: Protecting, Conserving and Restoring nature, including through ambitious global targets

The proposal will also contribute to the following 2030 targets of the GBF, adopted at the 15th Conference of Parties to the UN Convention on Biological Diversity:

- ♦ Target 4: Ensure urgent management actions, to halt human induced extinction of known threatened species and for the recovery and conservation of species, in particular threatened species, to significantly reduce extinction risk, as well as to maintain and restore the genetic diversity within and between populations of native, wild and domesticated species to maintain their adaptive potential
- ♦ Target 5: Ensure that the use, harvesting and trade of wild species is sustainable, safe and legal, and preventing overexploitation

## ***Gender-based analysis plus***

A gender-based analysis plus (GBA+) was performed to evaluate whether sex, gender, age, ethnicity, sexual orientation, income, education, employment status, language, visible minority status, disability or religion could influence how a person is impacted by the proposed Amendments.

Information on the demographics of big game hunters is limited. Permit applications do not collect data on demographics, therefore these details of individuals who have requested a permit for elephant ivory or rhinoceros horn is unknown. Based on a 2014 study by Research Resolutions & Consulting Ltd. <sup>11</sup>, almost all hunters making overnight trips are men (87%). Among tourists, there is evidence that hunting trips across Canada are predominantly undertaken by men. Another study that looked specifically at big game hunters in Oregon <sup>12</sup> found that respondents were overwhelmingly male (82%), Caucasian (96%), and more than half of the respondents (55%) belonged to the age group "51 years or older." A study from 2018 that looked specifically at trophy hunters in South Africa surveyed individuals that had hunted for trophies in South Africa during the period 2015/16. The respondents to the questionnaire were predominantly male (97%) with an average age of 60.6 years and 90% had a post-secondary education. The average amount spent per individual for the entire trip was approximately \$28,000 USD (approximately \$39,000 CAD). Only 6% of respondents were Canadian. <sup>5</sup>

As a result of this analysis, while these proposed Amendments would be applicable to all Canadians, it is possible that Caucasian men will be more negatively impacted by the increased restrictions on import and export raw elephant tusk and rhinoceros horn. Although the proposed Amendments do not prohibit the legal hunting of elephants and rhinoceros, these restrictions would impact the ability to return with elephant tusk and rhinoceros horn hunting trophies as well as move internationally with trophies that were already acquired. The analysis indicated that the proposed Amendments are not expected to have any negative impacts on any other particular groups on the basis of other identity factors such as culture, religion, sexual orientation, age, mental or physical disability, and income.

## **Add a comment for the Regulatory analysis section**

[WCS Canada comments](#): Following our recommendation to strengthen the background section of this document about the deeply concerning status of elephant and rhino species and the extent and scale of ivory and rhino horn trade as a threat, it should be a relatively straightforward task to strengthen the Benefits section.

## **Implementation, compliance and enforcement**

### ***Implementation***

The proposed Amendments would come into force upon registration. Raw items, as well as worked items that previously would have fallen under the personal and household effects permitting exemption that arrive in Canada (their final destination) after the proposed Amendments come into force would be allowed to be imported/exported if it can be demonstrated by the sender that the original shipment was initiated before the Amendments came into force.

The Department works in partnership with a broad range of enforcement partners to promote and secure compliance with the Act/the Regulations. These partners include the Canada Border Services Agency, Fisheries and Oceans Canada, Transport Canada, Natural Resources Canada, the Royal Canadian Mounted Police, provincial and territorial law enforcement, and conservation authorities, as well as the United States Fish and Wildlife Service. The Department also promotes and verifies compliance with CITES on the international stage. It is an active partner with the International Criminal Police Organization (INTERPOL) participating yearly in Operation Thunder, an INTERPOL and World Customs Organization operation targeting the illegal trafficking of CITES species. In anticipation of the proposed Amendments coming into force, the Department will meet with its partners, in particular the Canada Border Services Agency's officers, to ensure that their knowledge is up to date to assist with inspection efforts at border control points.

### ***Compliance***

Compliance promotion initiatives educate Canadians about the impacts of illegal wildlife trade and provide information on the plant and animal species that cannot be moved across Canadian borders without a permit. A compliance strategy has been developed to support implementation of the proposed Amendments.

Compliance promotion and communication with business owners and affected Canadians will take place to ensure awareness of and compliance with the new restrictions and requirements. This may take the form of targeted letters, web and social media content, posters and/or brochures. Intensive efforts in the first year will be a priority, targeting auction houses, antique dealers, art collectors, taxidermists, and other regulated communities.

## ***Enforcement***

Compliance with the Act is verified by various means, such as reviewing permits, auditing importers and exporters declarations, conducting inspections at ports of entry, conducting routine or spot inspections of wildlife businesses, sharing information with border officials and other national and international agencies, gathering intelligence, and following up on tips provided by the public. Many of these actions are done by wildlife officers, with peace officer powers under the Act (e.g. inspections, right of passage, search and seizure, custody of things seized) in order to verify compliance with the legislation.

Enforcement activities are generally prioritized based on conservation risk to wildlife and wildlife habitat, as well as the level of risk of non-compliance. They may include pre-operational activities such as intelligence analysis, enforcement strategy development, engagement with partners, science & technology research, as well as training. They may also include operational activities such as inspections, investigations, operations, prosecution, analysis, administration, and coordination. Inspections are either proactively planned or conducted in response to a referral from another federal department or agency, provincial or territorial governments, or the public. Most of the inspections conducted under the Act are focused on foreign species at high conservation risk. This is attributed to the higher demand and volume of foreign species that are imported and exported internationally and inter-provincially. In cases involving minor situations of non-compliance, a warning, or ticket may be appropriate. In cases involving a serious incident of non-compliance, prosecution may be the most appropriate recourse for enforcement purposes.

## Add a comment for the Implementation, compliance and enforcement section

[WCS Canada Comments](#): We recommend including more on international cooperation, particularly with other governments, intergovernmental organisations and entities such as UNODC and UNTOC, and qualified non-governmental organisations, to enhance enforcement. In order to enhance compliance, we recommend more emphasis on science-based behaviour change, to change the purchasing behaviour of the demographic within Canada that may desire to purchase elephant ivory. Even if Canada has a small role to play in the global illegal ivory trade, and thereby in the poaching of elephants and rhinos in Africa and Asia, Canada can and should do more to collaborate with other governments, particularly Range States for both species of African elephant, in enforcement efforts.

### Contact

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### PROPOSED REGULATORY TEXT

Notice is given that the Governor in Council proposes to make the annexed *Regulations Amending the Wild Animal and Plant Trade Regulations* under section 21 <sup>a</sup> of the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act* <sup>b</sup>.

Interested persons may make representations concerning the proposed Regulations within 30 days after the date of publication of this notice. They are strongly encouraged to use the online commenting feature that is available on the *Canada Gazette* website but if they use email, mail or any other means, the representations should cite the *Canada Gazette*, Part I, and the date of publication of this notice, and be sent to Caroline Ladanowski, Director, Wildlife Management and Regulatory

Affairs Division, Canadian Wildlife Service, Department of the Environment,  
351 Boulevard Saint-Joseph, Gatineau, Quebec, K1A 0H3 (email: [ReglementsFaune-WildlifeRegulations@ec.gc.ca](mailto:ReglementsFaune-WildlifeRegulations@ec.gc.ca)).

Ottawa, June 15, 2023

Wendy Nixon

Assistant Clerk of the Privy Council

# Regulations Amending the Wild Animal and Plant Trade Regulations

## Amendment

**1 The *Wild Animal and Plant Trade Regulations* <sup>13</sup> are amended by adding the following after section 12:**

► **Add a comment for the Amendment section**

## **Elephant Tusk and Rhinoceros Horn**

### **Interpretation**

**12.1** The following definitions apply in this section and sections 12.2 and 12.3.

#### ***elephant***

means a member of the species *Elephas maximus*, *Loxodonta africana* or *Loxodonta cyclotis*. (*éléphant*)

#### ***raw horn***

means a whole rhinoceros horn or a cut piece of rhinoceros horn in any form, polished or unpolished, and includes horn that is part of a taxidermy mount, but does not include a whole horn if its entire surface has been carved or a cut piece of horn if it has been fully or partially carved or shaped. (*corne brute*)

#### ***raw ivory***

means a whole elephant tusk or a cut piece of elephant tusk in any form, polished or unpolished, and includes tusk that is part of a taxidermy mount, but does not include a whole tusk if its entire surface has been carved or a cut piece of tusk if it has been fully or partially carved or shaped. (*ivoire brut*)

#### ***rhinoceros***

means a member of any species of the family *Rhinocerotidae*. (*rhinocéros*)

### **Permits**

**12.2** Despite any other provision of these Regulations, a person who imports into Canada or exports from Canada any specimen of elephant tusk or rhinoceros horn is under no circumstances exempted from holding a permit issued under subsection 10(1) of the Act.

**12.3** A permit issued under subsection 10(1) of the Act must not authorize the importation or exportation of a specimen of raw ivory or raw horn unless the specimen is destined for

- (a)** a museum or zoo;
- (b)** use in scientific research; or
- (c)** use in support of law enforcement activities.

► **Add a comment for the Elephant Tusk and Rhinoceros Horn section**

## **Coming into Force**

**2 These Regulations come into force on the day on which they are registered.**

► **Add a comment for the Coming into Force section**

## **Confidential Business Information (CBI)**

► **Add a comment for the Confidential Business Information (CBI) section**

► **Terms of use and Privacy notice**

## **Supporting Resources or References**

► **Add Supporting Resources or References with your comments**

## **Comment(s) Submission**

Please note that, in order to increase the transparency of the regulatory process, all comments submitted to Canada Gazette, Part I, will be posted online after the comment period closes. Those who post as individuals will be identified only as individuals, those who post anonymously will be identified as anonymous and organizations will be identified with their organization name.

To submit your comment(s) follow these three steps:

1. Review your comment(s)
2. Complete your contact information



### 3. Submit your comment(s)

Step 1: Review your comment(s)

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## Footnotes

- a S.C. 2009, c. 14, s. 121
- b S.C. 1992, c. 52
- 1 African Elephant Status Report. (PDF) (2016). Occasional Paper of the IUCN Species Survival Commission No. 60
- 2 Williams, C., Tiwari, S.K., Goswami, V.R., de Silva, S., Kumar, A., Baskaran, N., Yoganand, K. & Menon, V. (2020). Elephas maximus. The IUCN Red List of Threatened Species 2020 (PDF)
- 3 African and Asian Rhinoceroses – Status, Conservation and Trade. (PDF) (2022). A report from the IUCN Species Survival Commission (IUCN SSC) African and Asian Rhino Specialist Groups and TRAFFIC to the CITES Secretariat pursuant to Resolution Conf. 9.14 (Rev. CoP17)
- 4 CITES database: ECCC data analysis determined that known trade in Canada approximated 14 raw/trophy ivory and 2 raw/trophy rhinoceros horn annually between 2015 and 2021.
- 5 Saayman, M., van der Merwe, P., Saayman, A. (2018). The economic impact of trophy hunting in the south African wildlife industry. Global Ecology and Conservation.
- 6 Review of “exhibitions” in large Canadian zoos. White rhinoceros at Toronto Zoo: <https://www.torontozoo.com/animals/africa>; Southern White Rhinoceros at Greater Vancouver Zoo: \_

<https://gvzoo.com/animals/southern-white-rhinoceros>; Asian elephant at Edmonton Valley Zoo:

[https://www.edmonton.ca/attractions\\_events/edmonton\\_valley\\_zoo/animals-at-the-zoo](https://www.edmonton.ca/attractions_events/edmonton_valley_zoo/animals-at-the-zoo); Asian elephant, white rhinoceros and greater one-horned rhinoceros at African Lion Safari: <https://lionsafari.com/attractions/game-reserves/>; Southern white rhinoceros and greater one-horned rhinoceros at Safari Niagara: <https://safari Niagara.com/animals>; African elephant and white rhinoceros at Zoo de Granby: <https://zoodegranby.com/en/the-animals/animals>; African elephant and rhinoceros at Parc Safari: <https://parcsafari.com/en/>.

- 7 Johansson, M.V. (1997). Valuing a Peripheral Environmental Amenity: The Swedes' Willingness to Pay for the Survival of the African Elephant. Thesis paper, Umeå Economic Studies No. 441, Umeå University; Wang, Z., Gong, Y. and Mao, X. (2018). [Exploring the value of overseas biodiversity to Chinese netizens based on willingness to pay for the African elephants' protection](#). Science of the Total Environment, 637-638, pp. 600-608; Flatley, G. and Bennett, J. (1995). [International Values of Tropical Forest Conservation: A Cross-cultural contingent Valuation Experiment](#). Conference paper presented to the 39th Australian Agricultural Economic Society Annual Conference, Perth.
- 8 \$36.31/hour in 2023 CAD. Statistics Canada. Table 14-10-0134-01
- 9 Based on the low number of raw elephant tusk and rhinoceros horn items imported into or exported from Canada annually. Data analysis using the CITES database determined that known annual trade in Canada averaged 14 raw elephant tusks and 2 raw rhinoceros horns horn between 2015 and 2021.
- 10 Using the Regulatory Cost Calculator, in 2012 Canadian dollars with a 7% discount rate.
- 11 Research Resolutions & Consulting Ltd. (2014). [North American Hunters in Northern Ontario \(Regional Tourism Organization 13\): A Situation Analysis \(PDF\)](#).

- 12 Shrestha, S.K. (2010). Big Game Hunting Practices, Meanings, Motivations and Constraints (PDF). Proceedings of the 2010 Northeastern Recreation Research Symposium.
- 13 SOR/96-263; SOR/2017-123, s. 1
- 14 It is expected that one third of the annual workload of a program administrator (PM-02, full-time equivalent) will cover efforts required to review additional permit applications. Annual wage of PM-02 sourced from: <https://www.tbs-sct.canada.ca/agreements-conventions/view-visualiser-eng.aspx?id=15#toc993929946>
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