

BRIEFING DOCUMENT CONCERNING SC50 Doc. 17

INTERPRETATION AND IMPLEMENTATION OF THE CONVENTION

50TH MEETING OF THE STANDING COMMITTEE
CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA

GENEVA, SWITZERLAND
15-19 MARCH 2004

BEARS

Background

Parties to CITES have recently approved a Resolution (10.8) and a series of Decisions regarding the conservation of bears and the trade in bear specimens. Among the most significant requests are that Parties:

- Confirm, adopt, or improve national legislation in order to demonstrably reduce the illegal trade in bear parts and derivatives;
- Increase CITES enforcement with respect to the trade in bear specimens;
- Strengthen measures to control illegal export and import of bear parts;
- Ensure that the legal trade does not provide a conduit for the illegal trade in Appendix I bear specimens;
- Work with traditional medicine communities to reduce demand for bear parts; and
- Increase public awareness of the conservation concerns relating to the trade in bear specimens.

The provisions of Res. Conf. 10.8 remain valid and vitally important today.

The Document for consideration at the 50th Meeting of the CITES Standing Committee related to the issue of the trade in bears contains useful information based on reports received thus far by the CITES Secretariat in its effort to assess the capacity of various bear range States to protect their resident bear populations and bear parts consuming countries to control illegal trade and reduce demand for bear parts. **It is imperative that CITES Parties and the CITES Secretariat continue to view the global bear parts trade as an area of specific concern.**

The Standing Committee specifically has been charged in Decision 12.28 with “identifying additional legislative and enforcement measures that may be necessary to stop the international illegal trade in bears and bear parts and derivatives.” As Parties are well aware, the bear parts trade is exceedingly complex

involving many different CITES-listed bear species, numerous Parties, trade in visually indistinguishable bear parts such as the gallbladder, and trade in manufactured bile products that may be impossible to differentiate based on the species involved.

Analysis of SC50 Doc. 17

Paragraph 4:

It is disheartening that after three years of requests for information, approximately half of the Parties specifically identified to report to the CITES Secretariat have not done so. The information that was solicited in Decision 11.43, notably, national or sub-national legislation to control the trade in bear parts and derivatives, and what penalties exist for violations of such laws, remain important.

- The Standing Committee should request the CITES Secretariat to urge Australia, Azerbaijan*, Bulgaria, Cambodia**, Canada, Georgia*, Kazakhstan, Mongolia, Pakistan, Thailand, Turkey, Ukraine, and Uzbekistan to comply with decision 12.27 promptly to enable the Secretariat to provide a comprehensive report to the Parties at COP 13.**
- *The Noah’s Ark Centre for the Recovery of Endangered Species in Tbilisi, Georgia notes that poaching is a threat to *Ursus arctos* in both Azerbaijan and Georgia.**
- **Cambodia remains a trade concern in the region as recent reports indicate that the nation maintains bear farms to help supply the Vietnamese and Chinese markets.**

Paragraph 5:

The Secretariat notes that some Parties confirmed that although legislation to protect bears was in place, often with sufficient penalties, “some Parties were aware of the need for improvements.”

- The Standing Committee should consider Viet Nam a country of special attention with respect to the captive breeding of bears and commercialization of bear parts and endeavor to provide specific recommendations to Viet Nam to ensure that domestic bear farming does not further deplete wild bear populations in the country and throughout the continent, nor further exacerbate the international illegal trade in bear parts and derivatives.**
- The Standing Committee should consider whether existing penalties are sufficiently severe to deter recidivism among animal traffickers.**

Paragraph 8:

The Secretariat is correct to note in paragraph 8 that “illicit trade in live bears and in bear parts and derivatives continues.” Evidence of global criminal networks and local bear poaching and bear parts smuggling continues to mount globally, implicating many CITES Parties in this illegal trade.

Additional Evidence of Illicit Trade & Seizures

There is a paucity of information in SC50 Doc. 17 concerning recent investigations, arrests, and prosecutions for bear poaching and illegal trade in bear parts. There are noteworthy cases that should be shared with the CITES Standing Committee. Following is just a small sample of trade cases involving bears that have occurred in recent years:

- The Canadian Wildlife Service recently concluded a four-year investigation into the illicit trade in bear parts resulting in more than 100 criminal charges for trade of well over 300 bear gallbladders. Environment Canada reported in February 2003 that this case involved a large network trafficking bear parts between Canada, the United States, and Asia.
- The Hong Kong Customs and Excise Department notes 29 seizures between 1997 and 2002 of bear paws, gallbladders, and bile powders, from individuals often returning from Mainland China and traveling to South Korea, Taiwan, Indonesia, the Philippines, and Thailand. Only nine people were prosecuted as a result.
- New Zealand’s Department of Conservation reports more than 1,000 bear items seized between 1998 and 2003; the species of bears involved is unknown. Reportedly, most seizures involved processed traditional medicines destined to be sold commercially. **The Standing Committee may wish to inquire of New Zealand specifically what actions it is taking—beyond confis-**

cating bear bile at entry-points—to deter attempts to import bear bile and reduce domestic demand and internal markets for bear bile products.

- In November 2000 in Wisconsin, US, three bears were killed in their den and the paws, gallbladders, and heads removed.
- In April 2000 in Ontario, Canada, three individuals were fined a total of \$20,000 for trafficking in bear parts.
- In April 2002, border guards in the Russian Far East rescued nearly 20 bear cubs that smugglers were attempting to take to China.
- In January 2004, 100 or more people in seven US states and the District of Columbia were charged with committing nearly 500 state violations and more than 200 federal violations regarding poaching of bears and trade in bear parts.
- In February 2004, five Alaskans were indicted in the US for illegally killing bears in the state for the purpose of selling their parts, which were reportedly stored in one of the defendant’s freezers.

For each case where an arrest has been made there are likely several others for which the crime goes undiscovered or for which the perpetrators are never apprehended.

Conclusion

The Standing Committee should proactively urge all Parties to act with precaution with respect to the illegal killing of bears and the illicit international trade in bear parts and derivatives.

It is quite clear that Res. Conf. 10.8 and its recommendations remain relevant; the additional elements of implementation noted in paragraph 9 of SC50 Doc. 17 are vital as well.

- One additional element that clearly is needed and not referenced either in the Resolution or Standing Committee document is the need to ease national law enforcement burdens by recommending that Parties criminalize the commercialization of products that contain, or are labeled or advertised as containing, bear parts or derivatives.**
- Additionally, increased attention must be paid to those consumer markets such as China and the Republic of Korea that, to a large extent, drive the illegal trade in bear parts.**

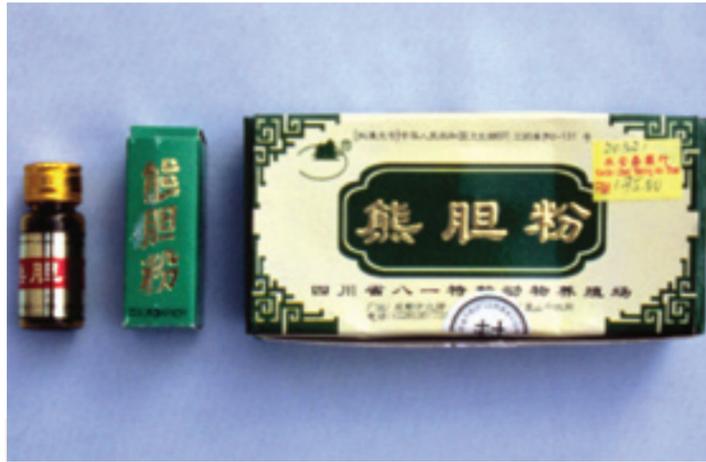
The CITES Standing Committee is urged to adopt the recommendations in this briefing document during its deliberations in Geneva in March 2004 and maintain a vigilant watch over the illegal killing of bears and trade in bear parts across the globe.

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In collaboration with





Processed bear products available in Malaysia. Alarming, many of these products are reportedly from China.



The Detective Dog, Simba, inspects a recently-arrived bag at the airport. Sniffer dogs can uncover myriad wildlife shipments.



Intact bear galls on sale in Singapore, kept discretely in a medicated oil box locked inside a display shelf.



Bear gall on sale in Cho Cau Mong market, Vietnam.

- It would be helpful for the Secretariat to provide a more specific analysis of where and in what ways improvements could be made so that specific recommendations can be offered.

For instance, Parties note that fake bear gallbladders are often traded, which are fraudulently claimed to be from bears, but in reality are from pigs or other species. This puts an enormous burden on wildlife law enforcement officers.

- The Standing Committee should suggest that Parties with national legislation prohibiting the commercial trade (import, export, or domestic) in bear parts specifically reference a prohibition on trade in bear parts or derivatives and products containing, or labeled or advertised as containing, bear parts or derivatives. Local legislation in Hong Kong, for instance, according to the Customs and Excise Department, mandates that “any article represented or held out to be scheduled species shall be deemed to be such a scheduled species and be liable to confiscation.”

Paragraph 7:

Although some of the information from Parties relates to domestic hunting and other uses of bears rather than trade in bear specimens specifically, much of the information provided by the Parties and reported by the Secretariat is instructive. For instance, Latvia should be commended for its public awareness efforts on the illegal trade in bear parts and other CITES-listed specimens.

Indonesia is reported in paragraph 7.d. to have an effective joint government agency effort to inspect shops that may be selling bear parts or products. However, a 2002 survey by the World Society for the Protection of Animals (WSPA) revealed dozens of bear gallbladders and a few bear paws for sale. Out of 124 randomly selected drug stores in eight large cities, 62.9% sold medicines containing bear bile, often illegally imported from China.

- The Standing Committee should urge Indonesia to continue its work to control the illegal trade and commercial sale of bear parts and derivatives as a matter of priority. Stricter controls at points of entry should be established to prevent importation of illegal bear specimens.

While Malaysia should be commended for its enforcement actions, resulting in significant seizures of illegally commercialized bear gallbladders, there is still great concern about levels of domestic trade. The 2002 WSPA survey revealed that 78% of the shops visited sold bear parts or derivatives, mainly reported to be from China. There was confusion among traders regarding the legality of such sales.

- The Standing Committee should urge Malaysia to increase its domestic controls, including import inspections at points of entry to the country, to identify and crack down on smugglers, importers, and retailers of illegal bear parts and derivatives.
- Domestic legislation should be improved to prohibit specifically the commercialization of processed medicines containing bear bile, or products that contain, or are labeled or advertised as containing, bear parts or derivatives.
- Further efforts are needed to work cooperatively with the traditional medicine community to educate practitioners and consumers about legislation concerning bear parts’ sales and alternatives to endangered species in traditional medicine practices.

The Republic of Korea should similarly be commended for its work with sniffer dogs and other import controls to prevent illegal importation of bear parts into the country. The sniffer dog project, implemented by Animals Asia in cooperation with the Korean Customs Department, has been remarkably effective in detecting items of endangered species including not only bear parts, but deer antler, musk, and others. In two years, Animals

Asia’s “Detective Dog” Simba has uncovered well over 100 shipments of illegal wildlife contraband.

- According to Animals Asia, an overwhelming majority of “finds” by Simba, the Detective Dog, resulted in only detention or clearance. The Standing Committee may wish to inquire as to why there are so few prosecutions after findings of attempts to import wildlife contraband into the country.

There is still considerable concern about The Republic of Korea as a destination point for many illegal shipments of bear parts and the country is implicated in numerous bear poaching and illegal trade cases.

- The Standing Committee should inquire of The Republic of Korea specific information related to what it is doing to reduce the demand for bear parts within the country and what efforts it has undertaken to dissuade Korean nationals from becoming involved in illegal bear poaching and bear parts commercialization in bear range states outside of Asia.

Singapore should be commended for its work with traditional medicine communities. Asked about illegal imports of bear products into Singapore since 1997, Ms. Lye Fong Keng in the Wildlife Regulatory Branch of the Singapore Agri-Food and Veterinary Authority notes that illegal shipments occurred and perpetrators were fined and the vials of bear bile confiscated. Singapore law allows for up to a twelve month prison sentence for such violations. It is unclear whether any such prison sentences were imposed, and Singapore should be encouraged to utilize such punishment for offenders to improve their deterrent effect. Ms. Keng notes that it is not known what bear species the bile came from or where the bear bile originated.

The WSPA study revealed that 73.5% of the 68 shops surveyed sold bear gallbladders or products containing bear bile.

Since there are no wild bears in Singapore and no bear farming industry, it is assumed that all products available for sale were imported illegally. Some shopkeepers interviewed in the WSPA study told investigators that their bear products were legal, others knew that the products were illegal so they left those products unlabeled.

- Singapore should be asked whether the fines for illegal imports of bear parts or derivatives appear to be sufficient enough to deter such illegal commerce, whether prison time is imposed for violations, and whether there is a possibility to have confiscated bile tested for species and origin to help ascertain the involvement of other Parties in this illegal trade.
- Domestic legislation should be improved to prohibit specifically the commercialization of processed medicines containing bear bile, or products that contain, or are labeled or advertised as containing, bear parts or derivatives.
- Further efforts are needed to work cooperatively with the traditional medicine community to educate practitioners and consumers about legislation concerning bear parts’ sales and alternatives to endangered species in traditional medicine practices.

The synopsis from Viet Nam is interesting and should solicit great caution from the Standing Committee and, in fact, all CITES Parties with respect to the benefits of bear farming and its impact on wild populations. Many bear farms in Viet Nam are known to operate illegally, outside government control. Producers of bear products, when interviewed, readily admit that their captive bears come from China, Laos, and Cambodia, having depleted their own population. It is very troubling that Viet Nam recognizes that bear farming “has adversely affected wild populations.” In October 2003, a report from Gia Lia, Vietnam revealed that eight endangered bears and the frozen bodies of three dead bears were confiscated in a house in Pleiku City owned by an animal trader previously convicted and fined for animal trafficking.