

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA

Fiftieth meeting of the Standing Committee
Geneva (Switzerland), 15-19 March 2004

Interpretation and implementation of the Convention

BEARS

1. This document has been prepared by the Secretariat.
2. At its 12th meeting (Santiago, 2002) the Conference of the Parties (CoP12) adopted Decisions 12.27 and 12.28 as follows:

12.27 The Parties that did not report to the Secretariat by 31 July 2001 as required by Decision 11.43, and that are believed to be significant range and consumer States for bear and bear products – namely, Australia, Azerbaijan, Belarus, Bhutan, Bulgaria, Cambodia, Canada, Finland, Georgia, India, Indonesia, Kazakhstan, Latvia, Lithuania, Malaysia, Mongolia, Myanmar, Pakistan, the Philippines, the Republic of Korea, Serbia and Montenegro, Singapore, Slovenia, Thailand, Turkey, Ukraine, Uzbekistan and Viet Nam – should submit to the Secretariat by 31 July 2003 reports documenting the actions they have taken to implement Resolution Conf. 10.8 (Rev. CoP12) (Conservation of and trade in bears).

12.28 The Standing Committee shall include the international trade in bear parts and derivatives in the agenda of its 50th meeting with a view to identifying additional legislative and enforcement measures that may be necessary to stop illegal international trade in bears and bear parts and derivatives, drawing upon the information received by the Secretariat pursuant to Decision 12.27.

3. The Standing Committee, in its work on species-specific issues, had previously reviewed the conservation of and trade in bears, including reports from a number of bear range and consumer States. Decisions 12.27 and 12.28 were intended to gather information from further range and consumer States, to see whether additional measures could be identified.
4. The deadline for submission of reports and a list of the Parties affected were placed on the calendar of the CITES website; a practice adopted by the Secretariat for a range of reporting requirements, to serve as a reminder to Parties. In October 2003, the Secretariat wrote to all those Parties that had still to submit a report. The relevant regional representatives to the Standing Committee were also notified of the outstanding reports and asked to encourage submission. At the time of writing (December 2003) Belarus, Bhutan, Finland, India, Indonesia, Latvia, Lithuania, Malaysia, Myanmar, the Philippines, the Republic of Korea, Serbia and Montenegro, Singapore, Slovenia and Viet Nam had submitted reports. The Secretariat will, of course, report orally upon any further reports that are received between the time this document is prepared and the Standing Committee's 50th meeting.

Analysis of reports

5. The reports received by the Secretariat confirmed that each of the Parties had legislation to protect bears and to penalize illegal hunting and trade, although some Parties were aware of the need for improvements. It was encouraging to note that the majority of Parties that reported had legislation that enabled courts to impose imprisonment for offences involving bears. Several Parties reported the widespread use of 'fake' gall bladders by those engaged in legal and illegal trade in bear parts; often these bladders described as being from bears were actually from pigs. One Party reported difficulty in distinguishing between bear gall bladders and those from other animals and said that forensic science assistance was needed to develop identification techniques. The Secretariat has reported previously that such techniques have been available for several years and it understands that some laboratories can also distinguish between bile from wild bears and bile from captive-bred bears.
6. The Secretariat recommends that Parties contact the Clark R. Bavin, National Fish and Wildlife Forensics Laboratory of the U.S. Fish and Wildlife Service, with which it has signed a Memorandum of Understanding. This laboratory has conducted considerable research into the identification of bears and bear parts and derivatives and has extensive experience of providing assistance during investigations into illegal hunting and illegal trade. The laboratory's website can be accessed at <<http://www.lab.fws.gov>> . There are, of course, other facilities around the world that can also provide similar assistance.
7. A selection of the information provided by Parties in relation to their implementation of Resolution Conf. 10.8 (Rev. CoP12) on the Conservation of and trade in bears follows:
 - a) Bhutan was one of only two Parties that referred to 'problem animal control' and conflict between bears and humans. In Bhutan, this relates mainly to crop damage on farms. Bhutan requested assistance in tackling this problem and the Secretariat has asked the IUCN Bear Specialist Group for advice. It requests any other Party or source of expertise that believes it can help to contact the CITES Management Authority of Bhutan.
 - b) Finland reported having strengthened its penalties in 2002, when hunting offences were incorporated into the Penal Code, thus making imprisonment a sentencing option.
 - c) India has banned the use of bears in circuses and has established rescue centres for bears seized from circuses and street performers.
 - d) Indonesia reported that its wildlife law enforcement staff had established good working relations with the country's Drugs and Food Administration Authority and that they organize joint inspections of relevant shops. The Secretariat has previously reported that working with such agencies seems highly effective.
 - e) Latvia had included the bear trade as one subject in a video on CITES it has produced to raise awareness among the public and, especially, enforcement authorities.
 - f) Lithuania reported that it had found no evidence of trade in bears and that wild bears were now extinct in its territory, although they occasionally stray in from neighbouring Belarus or Latvia.
 - g) Malaysia reported undertaking enforcement campaigns that specifically targeted trade in bear specimens. This had resulted in early 2003 in the seizure of 43 alleged bear gall bladders from shops. Six cases involving illicit trade in Malayan sun bear

(*Helarctos malayanus*) specimens had been prosecuted in 2003. Five of the cases involved bear parts, whilst the sixth involved a live bear.

- h) The Republic of Korea confirmed that the use of a sniffer dog to detect illicit trade at border control points was highly successful, with such a dog in their country detecting 85 cases in just over two years. The Secretariat notes that a survey conducted by TRAFFIC, published in July 2003, found that the use of tiger, rhinoceros and bear specimens in traditional medicine in the Republic of Korea was decreasing, although further work remained to be done on this issue.
 - i) Serbia and Montenegro reported that the traditional practice of using 'dancing' bears in performances continues in ethnic communities and its authorities are working with non-governmental organizations to address this issue, which adversely affects wild populations.
 - j) Singapore reported that it had produced a leaflet in Chinese, explaining CITES and the use of specimens of endangered species (including bears) in medicine, which it was using to build on work it has done with traditional medicine associations in Singapore.
 - k) Slovenia submitted one of the most detailed reports on a species-specific issue that the Secretariat has ever received. The Secretariat wishes to express its appreciation for the considerable effort that was clearly involved in preparing the document. At 91 pages in length, it provided a detailed overview of bear conservation in the country. Slovenia, like Bhutan, experiences conflict problems with bears and has established the Intervention Group, which works with the police to respond to complaints from the public. Capture, scaring or euthanasia are the responses available to the Group, which responded to over 80 calls in 2002. Slovenia engages in regular population monitoring and believes its bears are increasing in numbers. In the last decade, it has exported 13 bears to assist reintroduction and wild bear conservation projects in Austria, the Czech Republic, France and Italy. The Secretariat encourages those who wish to obtain this report, which contains information regarding Slovenia's Brown Bear Management Strategy, to contact the CITES Management Authority.
 - l) Viet Nam reported that it is working with non-governmental organizations and captive-breeders of bears to address the issue of bear farms. It has found this issue to be complicated by the fact that bear farms have been established with animals taken from the wild prior to Viet Nam introducing legislation protecting the species. It recognizes that this has adversely affected wild populations.
8. It appears from the reports received by the Secretariat that awareness of the negative aspects of trade in bears and of the continued need for attention to be given to the conservation of these species is widespread and that most range and consumer States appear to engage in specific work to implement the Resolution. The Secretariat remains conscious, however, that illicit trade in live bears and in bear parts and derivatives continues. It repeats its previous observation on this matter; that few Parties submit information or intelligence relating to illegal activities, making it impossible for the Secretariat to provide detailed advice to help combat illicit activities.

9. At its 45th meeting (Paris, June 2001) the Standing Committee agreed, during discussions of the Conservation of and trade in specific species (Agenda item 21), on a number of essential elements that are necessary to implement the Convention effectively, regardless of which species is being traded and whether trade in the species concerned is legal or illegal. These were:
- adequate national legislation to regulate trade in specimens of CITES-listed species;
 - adequate national legislation to protect species of conservation concern and regulate the harvest of such species;
 - adequate national legislation to enable enforcement and penalize offenders;
 - economic incentive policies, incorporated in legislation where necessary, to promote compliance;
 - sufficient provision and training of administrative and enforcement personnel (specialized wildlife enforcement units having been found to be especially effective);
 - provision of effective scientific advice for both administrative and enforcement personnel;
 - trade monitoring and analyses, combined with information management systems, to aid policy-making;
 - education and awareness-raising campaigns directed toward traders and the public;
 - the support of the judiciary in adequately responding to crimes and helping deter offenders; and
 - inter-agency cooperation and exchange of information at national, regional and international levels.
10. The Secretariat does not believe that any of the information that has been received shows a need for additional legislative or enforcement measures to stop illegal international trade in bear specimens, beyond those already referred to in Resolution Conf. 10.8 (Rev. CoP12) and those listed in paragraph 9 above.

Recommendation and conclusion

11. The Secretariat proposes that the Standing Committee adopt the following recommendation:

The Secretariat should report at the 13th meeting of the Conference of the Parties on compliance with Decision 12.27 and on any other significant new information it receives.

12. There is no requirement for the Standing Committee to report at CoP13 on this subject.