

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

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RESPONSE TO CANADA COP16 INFORMATION DOCUMENT ON POLAR BEARS

The attached document has been submitted by the United States of America at the request of the Humane Society International, International Fund for Animal Welfare and Natural Resources Defense Council in relation to amendment proposal CoP16 Prop. 3 on *Ursus maritimus* (the polar bear).\*

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\* *The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat or the United Nations Environment Programme concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with their authors.*

**RESPONSE TO CANADA COP16 INFORMATION DOCUMENT ON POLAR BEARS, PREPARED BY  
HUMANE SOCIETY INTERNATIONAL, NATURAL RESOURCE DEFENSE COUNCIL AND  
INTERNATIONAL FUND FOR ANIMAL WELFARE**

Canada submitted an information document to the Secretariat of the Convention on the International Trade in Endangered Species (CITES) in relation to the U.S. proposal to transfer the polar bear from CITES Appendix II to Appendix I (CoP16 Prop 3).

Unfortunately, the document contains significant errors. There are six main inaccuracies that must be corrected.

**Polar Bears DO Meet the Criteria for Listing on Appendix I**

Pursuant to the Convention, there are two requirements a species must meet to qualify for an Appendix I listing. First, the species must be “threatened with extinction” (“biological criteria”).<sup>1</sup> Second, a species must be one that is or may be affected by trade (“trade criteria”).<sup>2</sup>

- **Polar Bears Meet the Biological Criteria** - To be “threatened with extinction,” a species must meet or be likely to meet one of three criteria. The polar bear meets the third, which is satisfied if a species is projected or inferred to experience a marked decline in population size in the wild.<sup>3</sup> CITES guidelines cited by the U.S., the International Union for Conservation of Nature (IUCN), and Canada indicate that a “marked decline” is met if there is a projected population decline of 50% or greater over 10 years or three generations, whichever is longer.<sup>4</sup> For polar bears, generation time is 12-15 years. Thus, 36-45 years is the relevant time frame.

Modeling conducted by the United States Geological Survey found that decline in sea ice is expected to lead to the extirpation of more than two-thirds (or 66%) of the world’s polar bear population within the next 45 years, or three generations.<sup>5</sup> Thus, polar bears clearly meet the criteria of a marked decline of 50% or greater in the population size in the wild within three generations. Further, while Canada claims that the relationship between sea ice loss and polar bear decline is uncertain, the overwhelming majority of scientific literature has and continues to document the relationship between decreased sea ice extent (including the timing of sea ice breakup) and declining polar bear body condition, size, and survival.<sup>6</sup> Thus, polar bears meet the biological criteria set out by CITES.

- **Polar Bears Meet the Trade Criteria** - The Criteria Resolution states that a species “is or may be affected by trade” if it is known to be in trade, and that trade has or may have a detrimental impact on the status of the species.<sup>7</sup>

Polar bears meet this definition and are therefore “affected by trade.” First, there is no dispute that polar bears are known to be in international trade – even Canada’s Information Document states that this trade “consist[s] of thousands of specimens annually.”<sup>8</sup> Second, trade has or may have a detrimental impact on the status of the species or its populations. International demand for polar bear parts has soared in recent years, contributing to skyrocketing prices and increased quotas and harvest. For example, in 2012, polar bear hides sold at Canada’s Fur Harvesters Auction Inc. for more than double the prices obtained in 2007, with maximum hide prices increasing from USD 6,100 to USD 12,514 and average hide prices increasing from USD 2,079 in 2007 to USD 5,211 in 2012. And the number of polar bear hides offered at auctions tripled between 2007 and 2012. This is a common phenomenon in the international wildlife trade—the rarer the species gets, the greater the market demand becomes.<sup>9</sup>

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<sup>1</sup> CITES Article II, paragraph 1.

<sup>2</sup> *Id.*

<sup>3</sup> CITES Resolution Conf. 9.24 (Rev. CoP15).

<sup>4</sup> Resolution Conf. 9.24 (Rev. CoP15) at Annex 5.

<sup>5</sup> Amstrup et al. (2007); Stirling & Derocher (2012).

<sup>6</sup> Rode et al. (2012); Stirling & Derocher (2012); Molnár et al. (2011); Regehr et al. (2010); Rode et al. (2010).

<sup>7</sup> Resolution Conf. 9.24 (Rev. CoP15) at Annex 5.

<sup>8</sup> Canada CoP16 Inf. Doc. 10.

<sup>9</sup> Gross (2006).

Indeed, the international trade in wildlife is a powerful force that has driven many species to the brink of extinction (e.g., tiger, rhinoceros) and we must stop it from doing the same to the polar bear.<sup>10</sup>

### **Canada's Management Structure**

- **Polar Bear Harvest Decisions Are Not Based Solely on Science** - The unique structure of the Canadian government, including the formal relationship between the federal government and the First Nations, allows unsustainable management practices. Land claims agreements recognized under Canada's Constitution grant responsibility for wildlife management primarily to the provinces and territories—not the federal government.<sup>11</sup> Under these agreements, polar bear hunting is controlled by local Wildlife Management Boards, which are not required to set quotas or make harvest decisions based solely on science, but instead may consider non-scientific factors.
- **Polar Bear Management Decisions Have Resulted in Overharvest** - The fact that final control over polar bear harvest is held by those who benefit from the international polar bear trade creates an incentive for overharvest and mismanagement of Canada's 13 polar bear populations, over half of which are declining. Some examples of overharvest in Canada include:
  - **Baffin Bay** - In 2005, while scientists estimated that 88 bears could be sustainably harvested from the Baffin Bay population, the Canadian Territory of Nunavut instead increased the quota from 65 to 105 bears. Thereafter, scientists determined that this population was declining. Greenland responded by reducing harvest but Nunavut did not. In response, the European Union banned importation of Baffin Bay polar bear trophies and other parts. After five years of unsustainable harvests, and just prior to CITES CoP15 in March 2010, where a proposal to list the species on CITES Appendix I was to be considered, the Canadian federal government banned export of polar bear parts from Baffin Bay. Only then did Nunavut reduce its harvest quota to pre-2005 levels.<sup>12</sup>
  - **Southern Hudson Bay** - In 2011, hunters in Quebec killed 12 times the usual number of polar bears they harvest in southern Hudson Bay during the winter.<sup>13</sup> Later, the three jurisdictions that share the southern Hudson Bay population agreed to a joint *voluntary* quota of 60 bears per year, which most polar bear scientists believe is unsustainable.<sup>14</sup>
  - **Western Hudson Bay** - In 2011, Nunavut tripled its hunting quota for the Western Hudson Bay polar bear population, despite opposition from the federal government and the IUCN Polar Bear Specialist Group (PBSG), which stated that "even the present [total allowable harvest] is not sustainable so an increase only makes the resulting overharvest even less sustainable." Canada's federal government also opposed the proposed increase, explaining that the rate Nunavut chose is one intended for "healthy polar bear populations, and should not be applied to any population that is showing evidence of declines in population size," like the western Hudson Bay population.<sup>15</sup> Nunavut approved the proposed quota increase despite these objections and eventually exceeded its already-too-high 2011 quota by three bears.<sup>16</sup> In 2012, Nunavut again rejected the advice of the PBSG and increased the quota.<sup>17</sup>

### **Appendix I Would Complement the Range States' Management of Polar Bears**

- **Canada Has Not Removed the Threat International Commercial Trade Poses to Polar Bears** – All other range States have ensured that international demand for polar bear parts does not contribute to unsustainable harvest. Russia banned hunting of the species in 1956 and supports Appendix I uplisting. The United States listed the species under its Endangered Species Act in 2008, which prohibits non-

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<sup>10</sup> *Graham-Rowe (2011).*

<sup>11</sup> *Environment Canada (2009).*

<sup>12</sup> *Peacock et al. (2011).*

<sup>13</sup> *CBC News (2011).*

<sup>14</sup> *Marine Mammal Commission (2012).*

<sup>15</sup> *Poter (2011).*

<sup>16</sup> *Arreak (2012).*

<sup>17</sup> *Vongraven (2012).*

subsistence hunting and generally prohibits the sale, import, and export of polar bear parts. Additionally, the United States has proposed Appendix I uplisting. Hunting of polar bears for any purpose is banned in Norway and Greenland instituted a voluntary ban on exports in 2008 after its Scientific Authority could not assert that catches in all populations, including the combined catch of Greenland and Canada, were sustainable and, thus, could not conclude that export from Greenland was non-detrimental. By contrast, Canada declined to list the polar bear as an endangered or threatened species under its Species at Risk Act after its Committee on the Status of Wildlife in Canada failed to incorporate the effects that climate change will have on polar bears in the future.<sup>18</sup> Canadian scientists have noted that such actions have “weakened international confidence in Canada’s polar bear management.”<sup>19</sup> Unfortunately, Canada’s “species of special concern listing” was opposed by the Nunavut government, which stated that “there is no clear evidence to support assigning the status to the polar bear despite recommendations to the contrary by Environment Canada and a federal scientific panel.”<sup>20</sup>

- **Canada Has Not Ensured that Hunting is Conducted in Accordance with Sound Conservation Practices Based on the Best Available Scientific Data** - Although Canada is a party to the 1973 Agreement on the Conservation of Polar Bears, which prohibits polar bear hunting except “in accordance with sound conservation practices based on the best available scientific data,”<sup>21</sup> it has failed to meet all of its obligations under the agreement. Notably, as described above, Canada, through its territories, allows hunting in declining populations, contrary to scientific recommendations.

### **Polar Bears Will Benefit from an Appendix I Listing**

- **International Commercial Trade Is the Second Biggest Threat to Polar Bears** - While climate change continues to pose the most serious threat to the polar bear, the international commercial trade in parts is the largest cause of direct mortality. It is a fundamental tenet of conservation biology that in order to help species challenged by climate change, other population stressors (such as harvest) must be reduced, as noted by key scientists in the case of polar bears.<sup>22</sup> Thus, it is important to note that CITES protections can be effective even if trade is not the only – or even the most significant – threat to a species. For decades, CITES has successfully demonstrated that regulating trade can reduce species’ extinction risk, even as the species faces other pressures, including habitat destruction.
- **Canada’s Commercial Trade Is Contributing to Poaching in Russia** - Listing the polar bear on Appendix I may reduce poaching in Russia by halting the legal international trade that continues to offer cover for illegally sourced Russian polar bear hides. In Russia, poachers kill approximately 200 polar bears every year.<sup>23</sup> The Russian Ministry of Natural Resources and Environment’s Strategy for Polar Bear Conservation considers it a serious problem, stating that “[a]lthough there is no accurate data available on the exact number of polar bears illegally taken in the Russian Arctic and associated damage to the respective populations, experts believe that this figure is significant in terms of its impacts on the conservation of the populations.”<sup>24</sup>
- **Canada’s Monitoring Will NOT Ensure Decline is Observed and Addressed Early** - While the Canadian Information Document states that its monitoring of polar bear populations ensures that any decline would be observed and addressed early, a recent study concluded that 55% of precipitous declines in polar bear populations – which are defined as declines of 50% in 15 years – would be missed in surveys, due to the difficulty in observing the species in their remote habitat.<sup>25</sup> In other words, no matter how dedicated the efforts to monitor polar bear populations, 55% of dangerous declines in numbers would be missed.<sup>26</sup>

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<sup>18</sup> Peacock et al. (2011).

<sup>19</sup> Id.

<sup>20</sup> CBC News (2010).

<sup>21</sup> Agreement on the Conservation of Polar Bears, Art. II (1973).

<sup>22</sup> Amstrup et al. (2010).

<sup>23</sup> Belikov (2012).

<sup>24</sup> Belikov (2010).

<sup>25</sup> Taylor et al. (2007).

<sup>26</sup> Id.

## **The U.S. Proposal Provides New Evidence, Since CoP15, to Merit an Appendix I Listing**

Although the CITES Parties determined in 2010 that polar bears should not be included on Appendix I, new scientific and trade information since CoP15 shows that the situation has worsened and that uplisting is more critical than ever. Thus, while the nature of the threats to the polar bear are not different (explaining why the current U.S. proposal is worded similarly to its proposal for CoP15)—they are qualitatively worse, as reflected in the U.S. proposal for CoP16 and its supporting Inf. Doc. (a letter from the U.S. Marine Mammal Commission, which is an independent agency of the U.S. Government established to provide independent oversight of the marine mammal conservation policies and programs of federal regulatory agencies).<sup>27</sup>

Five key pieces of new evidence since CoP15 are briefly summarized below:

- **Trade Affects Polar Bear Populations** - Legal hunting of polar bears solely for the purpose of international trade and sport occurs only in Canada.<sup>28</sup> Each year, approximately 600 polar bears are hunted in Canada and the parts of more than half of them are traded internationally.<sup>29</sup> This level of harvest has negatively affected some polar bear populations.
- **Demand for Polar Bear Skins Has Increased** - Since 2009, the market demand for polar bear skins has strengthened significantly. Quotas are set against a backdrop of soaring demand for polar bear skins. Polar bear hides sold at Fur Harvesters Auction Inc. in Canada in 2012 for more than double the prices obtained in 2007, with maximum hide prices increasing from USD 6,100 to USD 12,514 and average hide prices increasing from USD 2,079 in 2007 to USD 5,211 in 2012. The number of polar bear hides offered at auctions in Canada also skyrocketed – tripling between 2007 and 2012, from 40 to 150 hides offered.
- **Harvest Has Increased in Correlation with Demand** - During the same period in which demand and prices for polar bear skins have risen, quotas and harvest have increased to unsustainable levels, as described in the various examples above.
- **The Majority of Studied Polar Bear Populations Are Declining** - Of the world's 19 polar bear populations, the IUCN PBSG has determined that eight are in decline. Seven populations are too “data deficient” to determine current population trends, but some may also be declining. Further, there is insufficient data to determine the size of some of these data deficient populations.<sup>30</sup> For example, for three data deficient populations the current population size is “unknown,” while for two others a population survey has not been conducted for more than 16 years. Thus, the size of the total population is actually uncertain.<sup>31</sup> Of those populations with enough information available to determine trends, 66% are in decline. Only three populations are thought to be stable, none of which have been studied within the past six years. And only one small population is increasing, largely due to a quota reduction spurred by overharvesting.
- **Polar Bear Populations Are Expected to Suffer Severe Declines in the Future** - Sea ice is essential habitat for polar bear survival.<sup>32</sup> Since 2009, scientists have observed a direct correlation between decreased sea ice extent and declining polar bear body condition, size, and survival. Scientific papers published in recent years also demonstrate through observation a direct correlation between reduced sea ice and decreased polar bear recruitment and population size. On August 27, 2012, the United States' National Snow and Ice Data Center (NSIDC) announced that Arctic sea ice extent reached the lowest level ever recorded, breaking the previous record set in 2007.<sup>33</sup> In fact, Arctic sea ice extent is decreasing more rapidly than predicted by global climate change models. As stated above, according to modeling conducted by the U.S. Geological Survey, this decline in sea ice is expected to lead to the

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<sup>27</sup> *Marine Mammal Commission (2012).*

<sup>28</sup> *Peacock et al. (2011).*

<sup>29</sup> *Id.*

<sup>30</sup> *Stirling & Derocher (2012).*

<sup>31</sup> *Id.*

<sup>32</sup> *Durner et al. (2009); Peacock et al. (2011); Stirling & Derocher (2012).*

<sup>33</sup> *NSIDC (2012).*

extirpation of approximately two-thirds of the world's polar bear populations within the next 45 years or three generations.<sup>34</sup>

### **Appendix I Will Not Prevent Aboriginal Canadians from Hunting and Profiting from Polar Bear Harvest**

- **Trophy Hunting Will Continue** - Appendix I will not significantly affect trophy hunting by Canadian nationals or foreigners; Aboriginal people in Canada will still be able to take people on trips to hunt polar bears for money and an Appendix I listing will not bar the movement of trophies from Canada to other countries.
- **Subsistence Hunting Will Continue** - Listing the polar bear on Appendix I will not affect the ability of native peoples to continue to hunt polar bears for meat, hides, fur, and other subsistence purposes. The listing will only stop the international commercial trade in polar bears and their parts.
- **Domestic Trade in Polar Bear Products Will Continue** - Appendix I will not affect the sale of polar bear parts within Canada, such as the sale of hides and fur for clothing, meat for food, and handicrafts.

Listing polar bears in Appendix I will have economic implications for certain native communities, but they will have to follow the lead of communities in the United States, Greenland, and even some in Canada, that have already faced and adapted to more restrictive polar bear trade measures in response to the threat of climate change.

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<sup>34</sup> Amstrup et al. (2008); Stirling & Derocher (2012).

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