

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

Forty-first meeting of the Standing Committee
Geneva (Switzerland), 8-12 February 1999

Issues relating to species

BEARS

This report has been prepared by the Secretariat using information provided by the Parties in response to Notifications to the Parties and complementary research conducted by the Secretariat itself. It aims to assist Parties and the Standing Committee in making progress pursuant to Resolution Conf. 10.8, Decision 10.44 and Decision 10.65. The Secretariat wishes to express its appreciation to those Parties that replied to requests for information, particularly those that provided further details to supplementary enquiries made by the Secretariat. Many of the observations in this report apply equally to the conservation and to the trade in endangered species other than bears and to trade in traditional medicine in general.

Demand

1. The demand for trophy hunting of bear species remains significant in many range States, particularly in Europe and North America. Several Parties routinely issue valid export permits for trophies. An investigation by French Customs has indicated, however, that some importing countries, because their stricter domestic measures would have required the issuance of import permits for those shipments, had apparently not received applications for permits in some instances. It is presumed, therefore, that some specimens reported as exports by range States were imported illegally.
2. There may be a number of explanations for apparently illicit imports: ignorance of the legislation of the importing country, deliberate avoidance of wildlife trade controls, deliberate avoidance of Customs duty, or export of items destined for an unlawful use in the importing country or elsewhere. The Parties concerned have been advised of the initial results of the investigation by French Customs. The Secretariat is not aware of any Party having made follow-up enquiries.
3. The Secretariat noted with interest research reported by the Management Authority of Sweden on the use of hunted bears. This is included as an Annex in English only, and Parties may wish to consider following this example.
4. Domestic enforcement and monitoring by some Parties confirms the existence of illicit trade in skins for ornamental and taxidermic purposes.
5. Enforcement action by Parties, alongside work carried out by non-governmental organizations (NGOs), indicates that most of the bear parts and derivatives in trade (other than hunting trophies) continue to be used in traditional medicine. Co-operation among Management Authorities, Scientific Authorities, law enforcement agencies and NGOs appears to be highly effective in monitoring conservation and trade. Several initiatives

reflect Recommendation b) on enforcement in Resolution Conf. 9.8 (Rev.), and the Secretariat is confident that the Standing Committee will welcome that.

6. Although seizures from and investigations of traditional medicine users reveal that demand for bear bile and gall bladders remains strong, enforcement action demonstrates frequent smuggling of small quantities, indicating personal use rather than illicit commercial trade. The Management Authority of New Zealand reported the seizure of a packet of bear heart granules, although this appears to be a derivative that is encountered infrequently.
7. Whilst East Asia apparently remains the primary destination for parts and derivatives, extensive use for medicinal purposes is noted in most countries where significant Asian communities are found.

Legislation

8. The majority of Parties use CITES based legislation in an attempt to control the import and export of specimens of bears. Unfortunately, the fact that the domestic legislation of a significant number of Parties does not provide for the full implementation and enforcement of the Convention inevitably influences the effectiveness of those measures.
9. In a similar manner, the fact that many Parties have not incorporated into their domestic legislation the interpretation of “readily recognizable part or derivative” contained in Resolution Conf. 9.6 limits their ability to take action when shipments labelled as containing bear parts or derivatives are detected. Some Parties have reported that, without such a provision, they are required to demonstrate the actual presence of bear parts within a medicinal product, before prosecuting authorities can take action. In contrast, some Parties whose law takes account of the labelling of shipments have engaged in very positive and effective enforcement. This appears to be especially relevant when action against domestic trade is being considered.
10. The Secretariat is aware that a number of Parties are amending their legislation to take into account Resolution Conf. 9.6. It notes, however, that in at least one case this is restricted to parts and derivatives of determined species and that the wider interpretation recommended in the Resolution is not used.
11. Several Parties have adopted stricter domestic measures to control possession and trade of bear specimens within their country. These measures range from limiting the amount allowed to be held by retailers to requiring central registration of stocks. The Republic of Korea, for example, has banned bear parts and derivatives as food products. The majority of range States have national laws or regulations that limit the hunting of bear species. Poaching appears to occur in most range States but it is difficult to gauge what percentage of this is to meet international demand.
12. The Secretariat believes that opportunities exist for confusion by some Parties where internal trade controls are weaker than import or export controls. In a similar manner, differences in national, federal, state or provincial laws allow for confusion and enforcement difficulties; for example, where bear gall bladders trade is permitted on a domestic market but import or export is banned. Although this is essentially a domestic issue for Parties, it undoubtedly contributes to the availability of specimens that can subsequently reach international trade.

Enforcement factors

13. Aside from the implications for legislation that have been recorded, identification remains a highly significant factor for law enforcement and prosecuting authorities because species of bear are included in both Appendix I and Appendix II of the Convention. Although forensic techniques have been developed to distinguish bear gall bladders accurately from those of other animals, much work remains in identifying species and sub-species. Experience shows that numerous fraudulent declarations are found on the black market. Many bladders that have been offered for sale as bear gall bladders have subsequently been found to be from pigs. This is further justification for Parties to follow Resolution Conf. 9.6.
14. Evidence suggests that some Parties need to do more to apply Article IV, paragraph 2(b) of the Convention before issuing export permits. Similarly, Parties must ensure that country-of-origin declarations are accurate before issuing re-export certificates.
15. Very significant seizures of specimens have been made by a number of Parties. For example, the Management Authority of Canada reported some 200 separate seizures in just one of their regions in a period of approximately four years. Targeting, profiling and investigation played a major role in effective enforcement actions around the world. The Secretariat considers it inappropriate to discuss these issues further in this forum but, instead, encourages the dissemination of information by agencies with experience in combating the trade through ICPO-Interpol, the World Customs Organization and regional law-enforcement agreements.
16. The Secretariat notes the important role played by X-ray facilities at ports in detecting incidents of smuggling and encourages Parties to promote an awareness of illicit wildlife trade among port security staff.
17. The Secretariat has also observed that specialized wildlife enforcement units and teams, as recommended by Resolution Conf. 9.8, feature prominently in reports of significant action by Management Authorities. Similarly, the value of increased awareness among, and training for, Customs, other border control personnel and police can not be over-emphasized.
18. It is regrettable that the wealth of information available, some of which was transmitted to the Secretariat following Notifications to the Parties on conservation and trade in bears, does not appear to be communicated between enforcement agencies routinely.

Education and demand reduction

19. There are many examples available from range and consumer States of initiatives and campaigns designed to alert the public to the need to conserve species of bear, to the significance of illicit trade and to the existence of alternative medicinal products.
20. A number of NGOs, particularly the TRAFFIC Network, have organized symposia and workshops on these subjects. These have allowed the exchange of useful information and, increasingly and importantly, have sought to involve the traditional medicine community and traders. The response from the latter has, in the main, been encouraging, positive and supportive. There appears to be a considerable acceptance of the need for conservation. There is, however, a strongly expressed wish that CITES recognize the significant cultural demand for these products. A number of Parties have engaged in successful campaigns encouraging retailers to agree to pledge that they will not sell products containing parts and derivatives of endangered species and advertise this to their customers.

21. In conjunction with their law enforcement agencies, a number of Management Authorities have carried out public awareness campaigns, often using material in several languages. In consumer States seeking to inform ethnic minority communities, this is a difficult sociological issue. Whilst communities may be encouraged to adopt the norms of a country where the majority of citizens do not use traditional medicines, the desire to retain links with cultural backgrounds may simply increase resistance to such campaigns.
22. The factors to be considered in public awareness programmes of this nature are not peculiar to the use of wildlife products; similar issues have been encountered when addressing cultural traditions relating to the use of narcotic drugs. Experience within law enforcement agencies also indicates that demand-reduction campaigns must be sustained and variety must be employed if the message is to reach and affect a target audience.
23. The Secretariat asks Parties to provide copies of materials used in educational and promotional campaigns so that these can be made available to Parties that may be considering such initiatives.
24. The Secretariat, pursuant to Decision 10.124, is seeking external funding to convene an international workshop on law enforcement and forensic techniques essential to stopping illegal trade in bear parts and derivatives. Some funding has already been pledged, and it is anticipated that a workshop will be held in the late summer of 1999.
25. Copies of this report have been supplied to those law enforcement agencies with which the Secretariat has established a Memorandum of Understanding.