

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

Eleventh meeting of the Conference of the Parties
Gigiri (Kenya), 10-20 April 2000

Interpretation and implementation of the Convention

TRADE IN BEAR SPECIMENS

1. 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 in making progress in the implementation of 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 in response to supplementary enquiries made by the Secretariat. Many of the observations in this report apply to the conservation of and trade in endangered species other than bears and to trade in traditional medicine in general.

Demand

2. The demand for trophy hunting of bear species remains significant in many range States, particularly in Europe and North America. Several Parties routinely issue export permits for trophies in Appendix II species. An investigation by French Customs has indicated, however, that some importing countries have stricter domestic measures that require the issuance of import permits for shipments covered by such permits but had apparently not received applications for permits in some instances. It was presumed, therefore, that some specimens reported as exports by range States had entered the countries of destination illegally.
3. There may be a number of reasons why imports take place illegally: ignorance of the legislation of the importing country, deliberate avoidance of wildlife trade controls, deliberate avoidance of Customs duty, or the items are destined for an unlawful use. The Parties concerned were advised of the initial findings of the investigation by French Customs. Subsequent investigations by some Parties revealed that imports of hunting trophies are considered as personal effects by a number of Management Authorities and, thus, there was no requirement for import permits (even where such a permit would usually be required as part of a stricter domestic measure). The Secretariat observes that such differing approaches risk causing confusion and may offer an opportunity to launder poached specimens. Some investigations did, however, confirm illegal imports.
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 monitoring of trade 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. There is, however, considerable use of bear bile in products other than those prescribed by traditional medicine practitioners, notably tonic preparations. A number of traditional medicine and conservation organizations have expressed concern that such use is driven by commercial factors, rather than the need for bear parts and derivatives to cure illness.
6. The demand for bear parts for food, and live animals for the pet trade or use in public entertainment, still exists in parts of Asia. In some party States, inadequate national legislation is inhibiting enforcement action.

7. Co-operation among Management Authorities, Scientific Authorities, law enforcement agencies and NGOs appears to be highly effective in monitoring conservation and trade. Several initiatives respond to Recommendation b) on enforcement in Resolution Conf. 9.8 (Rev.), which encourages the utilization, where appropriate, of information from non-governmental sources.
8. Although seizures from and investigations of traditional medicine users reveal that demand for bear bile and gall bladders remains strong, they also demonstrate frequent smuggling of small quantities, indicating personal use rather than illicit commercial trade.
9. 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.
10. Bears 'farms', where animals are kept and bred and bile is extracted from their gall bladders for medicinal and/or commercial use are present in a number of party States, especially China. Some farms continue to attract considerable criticism on animal welfare grounds. China, in particular, appears to be addressing animal welfare issues and those farms that have met standards established by the government now seem to keep bears and extract their bile under much improved conditions. Both in China and elsewhere, though, animal welfare issues remain a ground for concern, particularly if this impacts in such a way as to lead to animals being taken from the wild to supplement captive stocks. The Management Authority of China has reported that bile production from such bear farms is now exceeding the domestic demand.

Legislation

11. The majority of Parties use CITES-related 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. TRAFFIC North America and TRAFFIC Europe have conducted surveys during 1999 on national legislation and the implementation of Resolution Conf. 10.8 and it is hoped that reports on the surveys will be available by the end of 1999.
12. 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, or something similar, 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 illicit domestic trade, perhaps involving specimens smuggled into a country, is being considered.
13. 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 recent amendment this is restricted to parts and derivatives of only a limited number of species and that the wider interpretation recommended in the Resolution is not used.
14. Several Parties have adopted stricter domestic measures to control possession of and trade in 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.
15. The Secretariat believes that opportunities exist for confusion by some Parties where internal trade controls are weaker than import or export controls. Differences in national, federal, state or provincial laws allow for confusion and enforcement difficulties; for example, where trade in bear gall bladders 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. The Secretariat has noted, however, that an increasing number of States in the United States of America have adopted new law at State level to further

regulate internal trade in bear parts and derivatives. This is to be welcomed in a country where a substantial amount of legal hunting of bears takes place.

Enforcement factors

16. Aside from the implications for legislation that have been referred to above, identification of specimens and products in trade 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 the development of methods to distinguish between species and subspecies. 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.
17. Pursuant to Decision 10.124, the Secretariat assisted the Clark R. Bavin, National Fish and Wildlife Forensics Laboratory of the U.S. Fish and Wildlife Service to publicise a wildlife crime workshop held during the International Association of Forensic Sciences meeting at the University of California, Los Angeles, United States of America in August 1999. The Secretariat provided a presentation on the Convention at the workshop and noted the forensic science work being done to assist enforcement agencies in combating poaching and illicit trade. The Secretariat is very willing to assist interested Parties in gaining access to the latest techniques being used. It is also engaged in increasing awareness among front-line enforcement staff of the potential of forensic science in providing support to their efforts. The Secretariat believes that its work in this field has fulfilled the requirements of Decision 10.124.
18. 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.
19. 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. Canadian enforcement staff have also achieved excellent seizures and successful prosecutions through the use of covert operations.
20. 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 document but 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.
21. The Secretariat notes the importance of using X-ray facilities at ports in detecting smuggling and encourages Parties to promote an awareness of illicit wildlife trade among port security staff.
22. The Secretariat has also observed that specialized wildlife enforcement units, 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 officers, other border control personnel and Police officers can not be over-emphasized. It appears that there is considerable scope for further action in this field among range and consumer States in Asia.
23. 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. It is not communicated to the Secretariat regularly either.

Education and reduction of demand

24. 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.

25. 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 practitioners and traders has, in the main, been encouraging, positive and supportive. The Third International Symposium on the Trade in Bear Parts was held from 26-28 October 1999 in Seoul, Republic of Korea. This was the first time the event had taken place in Asia and a large numbers of delegates, from a cross section of interest groups, attended.
26. There appears to be a considerable acceptance among the traditional medicine community of the need for conservation. There is, however, a strongly expressed wish that CITES recognize the significant cultural demand for bear products. A number of Parties have engaged in successful campaigns encouraging retailers to pledge that they will not sell products containing parts and derivatives of endangered species and to advertise this to their customers.
27. In conjunction with their own law enforcement agencies, a number of Management Authorities have carried out public awareness campaigns, often using material in several languages, to discourage the use of products containing ingredients of endangered species. In western consumer States seeking to inform ethnic minority communities, this may present 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 with such ingredients, the desire to retain links with cultural backgrounds may simply increase resistance to such campaigns.
28. 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.
29. 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.
30. There appears to be an increasing use of synthetic UDCA (the active medicinal ingredient in bear bile) for a number of diseases and conditions. No side effects of synthetic UDCA have been reported yet. Demand for wild bear bile continues, however, perhaps fuelled by cultural/historical beliefs, as opposed to any disbelief in the use of alternatives and substitutes. There are several herbal alternatives to traditional bear bile medicines but it is not yet clear whether these are equally effective and few trials have been carried out. Many traditional medicine practitioners agree that the use of alternatives and substitutes has an important role to play, alongside sustainable and non-detrimental harvest from wild populations.

Conservation

31. Monitoring of bear populations in North America, and parts of Europe, appears to be satisfactory and is essential to co-ordinating sustainable harvests by hunters. There continues to be a serious lack of accurate information regarding many of the bear species in Asia, both with regard to population sizes and poaching levels. To a lesser extent, this is also true in South America.
32. Lack of information severely hampers the development and implementation of management plans for bears. The IUCN/SSC Bear Specialist Group has published an action plan for bears and the Secretariat commends the document to interested Parties.

Recommendations

33. The Secretariat believes that the guidance and recommendations of Resolution Conf. 10.8 remain valid and relevant. It does not believe, however, that the illegal trade in bear parts and derivatives will have been demonstrably reduced by the 11th meeting of the Conference of the Parties and suggests that range and consumer States still need to follow the recommendations of the Resolution and that the subject of conservation of and trade in bears should continue to be discussed by meetings of the Conference of the Parties. The Secretariat suggests that this document fulfils the

requirement of Decision 10.65 but recommends that a further report be required for the 12th meeting.

34. The Secretariat reported to the Standing Committee that only a limited number of Parties supplied reports pursuant to Decision 10.44. The Secretariat recommends that Decision 10.44 be repealed, that a new Decision be agreed by the 11th meeting of the Conference of the Parties, and suggests the following wording:
35. The Parties should send reports to the Secretariat by 31 July 2001 documenting any action taken to implement Resolution Conf. 10.8 (or any revision) for submission to the Standing Committee. In particular, all Parties should report to the Secretariat whether their national legislation controls trade in parts and derivatives, as defined in Resolution Conf. 9.6, and whether such controls apply to all CITES-listed species.