

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

Twelfth meeting of the Conference of the Parties
Santiago (Chile), 3-15 November 2002

Interpretation and implementation of the Convention

Species trade and conservation issues

TRADE IN BEAR SPECIMENS

1. This document has been prepared by the Secretariat. It is also intended to serve as the report of the Standing Committee, as required in Decision 11.80.

Background

2. Resolution Conf. 10.8 (Conservation of and trade in bears) contains a number of recommendations encouraging action by the Parties to increase efforts to conserve populations of bears and combat illegal trade in the species and in parts and derivatives thereof. At the 11th meeting of the Conference of the Parties (CoP11), a number of Decisions were adopted in pursuance of the aims of the Resolution and this report addresses each in turn, as well as providing general information.

Decision 11.43

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.

- a) *Parties should report to the Secretariat on whether their national or sub-national legislation controls trade in bear parts and derivatives, as well as in products labelled as containing parts and derivatives of bear, and whether such controls apply to all CITES-listed bear species.*
 - b) *Parties should inform the Secretariat what specific penalties exist for violations of existing national and sub-national laws to regulate the trade in bear parts.*
3. Since CoP11, the Secretariat has received reports from Austria, China, Denmark, Estonia, Hungary, Japan, New Zealand, Poland, Romania, the Russian Federation, the Slovak Republic, Sweden and the United States of America. These reports indicate that these Parties have adequate legislation for controlling the trade in bear specimens and for penalizing illegal trade.
 4. The Standing Committee noted, at its 45th meeting, an observation by the Secretariat that there appears no need for any specific additional legislative and enforcement measures needed to implement the Convention with regard to bears. The Standing Committee accepted that Parties should seek to have the following in place, in which case the Convention could be implemented effectively, regardless of the species being traded legally or illegally:
 - 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.

Decision 11.44

Parties are encouraged to share forensic technology to assist Parties lacking sufficient capabilities for the identification of bear parts and derivatives, and for examination of products labelled as containing parts and derivatives of bear.

5. The Secretariat is aware that a number of laboratories, particularly the Clark R. Bavin National Fish and Wildlife Forensic Laboratory of the U.S. Fish and Wildlife Service, have conducted research into the identification of bears and bear parts and derivatives. It is also aware that such laboratories have made very clear their willingness to provide assistance to any Party that seeks it.

Decision 11.45

Parties should consider, where appropriate, introducing measures within their territory to facilitate implementation of CITES with respect to the trade in bear parts and derivatives and products labelled as containing parts and derivatives of bear.

6. No specific measures have been identified, beyond those listed in paragraph 4 above, which appear to be needed. The Secretariat, through its work in the National Legislation Project, continues to encourage Parties to incorporate into their domestic legislation provisions that will enable them to control products labelled as containing specimens of CITES-listed species (including, of course, bears). The Secretariat has reported that sniffer dogs can be trained to detect the presence of bear parts and derivatives and it is known that such dogs have been deployed very successfully in the Republic of Korea and the United States of America. The Secretariat has also noted that there is a significant degree of fraud involved in the trade in alleged bear parts and derivatives, for example the gall bladders of pigs are sold purportedly as bear gall bladders. In such cases, it recommends the use of general criminal law, as well as CITES-specific legislation.

Decision 11.46

Parties are encouraged to evaluate the recommendations of the CITES Tiger Missions Technical Team and CITES Political Missions and, where appropriate, to apply these recommendations to the conservation of bears and trade in bear specimens, particularly with respect to bear species included in Appendix I.

7. The Secretariat is aware that the recommendations of the CITES Tiger Missions Technical Team remain very relevant and are often quoted by Parties and non-governmental organizations. It is also expected

that the training and other guidance offered through the work of the CITES Tiger Enforcement Task Force will have an impact upon implementation of the Convention in general, including benefits to the combating of illegal trade in bears, especially in Asia where most of the problems involving bears occur.

Decision 11.80

The Standing Committee shall:

- a) *include the international illegal trade in bear parts and derivatives as an issue at its 45th and 46th meetings with a view to identifying additional legislative and enforcement measures that may be necessary to stop the international illegal trade in bears and bear parts and derivatives; and*
 - b) *report at the 12th meeting of the Conference of the Parties on progress made in bear range and consumer States in implementing the provisions of the Convention with respect to the trade in bear specimens, specifically focusing on the measures recommended in Resolution Conf.10.8 for demonstrably reducing the illegal international trade in bear parts and derivatives as well as in products labelled as containing parts and derivatives of bears.*
8. At its 45th and 46th meetings, the Standing Committee noted reports by the Secretariat relating to the conservation of and trade in bears (documents SC45 Doc. 21 and SC46 Doc. 15). This document serves as the Committee's report under sub-paragraph b) of Decision 11.80.
 9. At its 46th meeting, the Standing Committee agreed that the Secretariat should, in future, work with relevant Parties and organizations to identify: specific difficulties of implementation of the Convention relating to specific species; specific countries or regions where implementation is poor or there are significant levels of illicit trade; specific examples of good practice or innovations that other Parties can learn from or that can be adapted for better implementation of CITES; and specific proposals for action. The Secretariat would, thereafter, bring such matters to the attention of the Standing Committee or Conference of the Parties.

General observations

10. There are many examples of good work being conducted by Parties and organizations in relation to the recommendations in Resolution Conf. 10.8. The Secretariat does not believe, however, that it is sensible, efficient or cost-effective for the Parties or others to address the six points listed under URGES in this Resolution on a species-specific basis, and it recommends that the URGES section of Resolution Conf. 10.8 be repealed.
11. The Secretariat is conscious that illegal trade in bears and parts and derivatives thereof remains a matter of concern. It also notes that the facts that bear species are listed in both Appendix I and Appendix II of the Convention, and that legal hunting of bears occurs in several Parties, makes control of the trade problematic. It reiterates its request for information regarding incidents or seizures, so that a more targeted approach can be taken. The Secretariat continues to receive very little information regarding illicit trade in bears and parts and derivatives thereof.
12. The Secretariat acknowledges that domestic trade in bear parts and derivatives, especially bear bile, is legal in a limited number of Parties. It is aware, however, that some of the bear bile apparently produced in legal 'farms' holding bears of Appendix-I species seems to enter into international trade for commercial purposes and it calls upon relevant Parties to make clear to producers that this is illegal under the provisions of the Convention.

Recommendation

13. In light of the above, it is believed that Decisions 11.43, 11.44, 11.45, 11.46 and 11.80 can be deleted.