The Standing Committee should consider Viet Nam a country of special attention with respect to the captive breeding of bears and commercialization of bear parts and endeavor to provide specific recommendations to Viet Nam to ensure that domestic bear farming does not further deplete wild bear populations in the country and throughout the continent, nor further exacerbate the international illegal trade in bear parts and derivatives.

The Standing Committee should consider whether existing penalties are sufficiently severe to deter recidivism among animal traffickers.

Paragraph 8:
The Secretariat is correct to note in paragraph 8 that “illicit trade in live bears and in bear parts and derivatives continues.” Evidence of global criminal networks and local bear poaching and bear parts smuggling continues to mount globally, implicating many CITES Parties in this illegal trade.

Additional Evidence of Illicit Trade & Seizures
There is a paucity of information in SC50 Doc. 17 concerning recent investigations, arrests, and prosecutions for bear poaching and illegal trade in bear parts. There are noteworthy cases that should be shared with the CITES Standing Committee. Following is just a small sample of trade cases involving bears that have occurred in recent years:

The Canadian Wildlife Service recently concluded a four-year investigation into the illicit trade in bear parts resulting in more than 100 criminal charges for trade of well over 300 bear gallbladders. Environment Canada reported in February 2003 that this case involved a large network trafficking bear parts between Canada, the United States, and Asia.

The Hong Kong Customs and Excise Department notes 29 seizures between 1997 and 2002 of bear paws, gallbladders, and bile powders, from individuals often returning from Mainland China and traveling to South Korea, Taiwan, Indonesia, the Philippines, and Thailand. Only nine people were prosecuted as a result.

New Zealand’s Department of Conservation reports more than 1,000 bear items seized between 1998 and 2003; the species of bears involved is unknown. Reportedly, most seizures involved processed traditional medicine products.

Conclusion
The Standing Committee should proactively urge all Parties to act with precaution with respect to the illegal killing of bears and the illicit international trade in bear parts and derivatives.

It is quite clear that Res. Conf. 10.8 and its recommendations remain relevant; the additional elements of implementation noted in paragraph 9 of SC50 Doc. 17 are vital as well.

One additional element that clearly is needed and not referenced either in the Resolution or Standing Committee document is the need to ease national law enforcement burdens by recommending that Parties criminalize the commercialization of products that contain, or are labeled or advertised as containing, bear parts or derivatives.

Additionally, increased attention must be paid to consumer markets such as China and the Republic of Korea that, to a large extent, drive the illegal trade in bear parts.

For each case where an arrest has been made there are likely several others for which the crime goes undiscovered or for which the perpetrators are never apprehended.

The CITES Standing Committee is urged to adopt the recommendations in this briefing document during its deliberations in Geneva in March 2004 and maintain a vigilant watch over the illegal killing of bears and trade in bear parts across the globe.
It would be helpful for the Secretariat to provide a more specific analysis of where and in what ways improvements could be made so that specific recommendations can be offered.

For instance, Parties note that fake bear gallbladders are often traded, which are fraudulently claimed to be from bears, but in reality are from pigs or other species. This puts an enormous burden on wildlife law enforcement officers.

The Standing Committee should suggest that Parties with national legislation prohibiting the commercial trade (import, export, or domestic) in bear parts specifically reference a prohibition on trade in bear parts or derivatives and products containing, or labeled as containing, bear parts or derivatives. Local legislation in Hong Kong, for instance, according to the Customs and Excise Department, mandates that “any article represented or held out to be scheduled species shall be deemed to be such a scheduled species and be liable to confiscation.”

**Paragraph 7:**

Although some of the information from Parties relates to domestic hunting and other uses of bears rather than trade in bear specimens specifically, much of the information provided by the Parties and reported by the Secretariat is instructive. For instance, Latvia should be commended for its public awareness efforts on the illegal trade in bear parts and other CITES-listed specimens.

Indonesia is reported in paragraph 7.d. to have an effective joint government agency effort to inspect shops that may be selling medicines containing bear bile. This puts an enormous burden on wildlife law enforcement officers.

The Standing Committee should urge Indonesia to continue its work to control the illegal trade and commercial sale of bear parts and derivatives as a matter of priority. Stricter controls at points of entry should be established to prevent importation of illegal bear specimens.

While Malaysia should be commended for its enforcement actions, resulting in significant seizures of illegally commercialized bear gallbladders, there is still great concern about levels of domestic trade. The 2002 WSPA survey revealed that 78% of the shops visited sold bear parts or derivatives, mainly reported to be from China. There was confusion among traders regarding the legality of such sales.

The Standing Committee should urge Malaysia to increase its domestic controls, including import inspections at points of entry to the country, to identify and crack down on smugglers, importers, and retailers of illegal bear parts and derivatives.

Domestic legislation should be improved to prohibit specifically the commercialization of processed medicines containing bear bile, or products that contain, or are labeled as containing, bear parts or derivatives.

Further efforts are needed to work cooperatively with the traditional medicine community to educate practitioners and consumers about legislation concerning bear parts’ sales and alternatives to endangered species in traditional medicine practices.

The Republic of Korea should be commended for its work with traditional medicine communities. Asked about illegal imports of bear products into Singapore since 1997, Ms. Lye Fong Keng in the Wildlife Regulatory Branch of the Singapore Agri-Food and Veterinary Authority notes that illegal shipments occurred and perpetrators were fined and the vials of bear bile confiscated. Singapore law allows for up to a twelve month prison sentence for such violations. It is unclear whether any such prison sentences were imposed, and Singapore should be encouraged to utilize such punishment for offenders to improve their deterrent effect. Ms. Keng notes that it is not known what bear species the bile came from or where the bear bile originated.

The WSPA study revealed that 73.5% of the 68 shops surveyed sold bear gallbladders or products containing bear bile. Since there are no wild bears in Singapore and no bear farming industry, it is assumed that all products available for sale were imported illegally. Some shopkeepers interviewed in the WSPA study told investigators that their bear products were legal, others knew that the products were illegal so they left those products unlabeled.

Singapore should be asked whether the fines for illegal imports of bear parts or derivatives appear to be sufficient enough to deter such illegal commerce, whether prison time is imposed for violations, and whether there is a possibility to have confiscated bile tested for species and origin to help ascertain the involvement of other Parties in this illegal trade.

Domestic legislation should be improved to prohibit specifically the commercialization of processed medicines containing bear bile, or products that contain, or are labeled as containing, bear parts or derivatives.

Further efforts are needed to work cooperatively with the traditional medicine community to educate practitioners and consumers about legislation concerning bear parts’ sales and alternatives to endangered species in traditional medicine practices.