

Species Survival Network

Bear Working Group

**Briefing Document for the 45th Meeting of the CITES Standing Committee
19 – 22 June 2001 Paris, France**



John White

**Concerning SC45 Doc. 21
Conservation of and Trade In Specific Species
Implementation of Decision 11.80
Regarding Trade in Bear Specimens**

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Bears

Parties to CITES have recently approved a Resolution (10.8) and a series of Decisions regarding the conservation of bears and the trade in bear specimens. The Document for consideration at the 45th Meeting of the CITES Standing Committee related to the issue of the trade in bears contains four paragraphs on the subject.

It is vital that CITES Parties and the CITES Secretariat continue to view the global bear parts trade as an area of specific concern and there is much information to be added to the Secretariat's document.

It is also essential for the Standing Committee and the Secretariat to assist the Parties appropriately in fulfilling the obligations set out in Decisions 11.43 through 11.46.

The Standing Committee specifically has been charged with “identifying additional legislative and enforcement measures that may be necessary to stop the international illegal trade in bears and bear parts and derivatives.” As Parties are well aware, the bear parts trade is exceedingly complex involving many different CITES-listed bear species, numerous Parties, trade in visually indistinguishable bear parts such as the gallbladder, and trade in manufactured bile products that may be impossible to differentiate based on the species involved.

Requests for Information

In paragraph 13 of SC45 Doc. 21, the Secretariat acknowledges receipt of reports on legislative provisions relating to the trade in bears from China, Denmark, Estonia, Hungary, New Zealand, the Russian Federation and Sweden. On 18 November 1996, Notification 946 requested information on the status of wild bear populations, trade threats, legislative

and regulatory controls concerning illegal killing of bears and trade in bear parts and derivatives, enforcement efforts, among other data. On 16 January 1998, Notification 1998/04 requested similar information. As a result of the 1996 and 1998 Notifications, apparently a similarly small number of Parties have responded: Canada, Denmark, Finland, Germany, Japan, New Zealand, the Russian Federation, Singapore, Slovakia, Spain, Sweden, the United Kingdom, and the United States of America. In total, as few as 16 of the more than 150 CITES Parties have responded to the Secretariat's requests for information regarding bear conservation and trade.

It is extremely important that all Parties respond to the Secretariat's requests for information. The Standing Committee should renew this request to Parties through the Secretariat, especially for those Parties that are bear range states and for those with a history of involvement in the bear parts trade or potentially vulnerable bear populations.

Parties for which a timely response would be particularly warranted include the following: Argentina, Belarus, Bulgaria, Cambodia, Colombia, Croatia, Ecuador, Georgia, India, Iran, Malaysia, Mexico, Nepal, Mongolia, Myanmar, Netherlands, Norway, Pakistan, Peru, Portugal, Republic of Korea, Romania, Slovenia, Thailand, Turkey, and Viet Nam.

This renewed request should include a call for information regarding:

-  national laws to implement CITES with respect to the trade in bear parts,
-  ability of national authorities to enforce the law including undertaking of covert operations, general law enforcement capabilities, and prosecutorial effectiveness,
-  levels of cooperation between national authorities and

- 🐾 local, state, or provincial agencies where appropriate, status of domestic wild bear populations, including an assessment of population trends and threats,
- 🐾 recorded instances of bear poaching or illegal domestic sale of bear parts,
- 🐾 availability of both legal and illegal bear parts and derivatives on the domestic market,
- 🐾 efforts to educate consumers about the use of substitutes, especially for species listed on CITES Appendix I, and, where appropriate, for species on CITES Appendix II,
- 🐾 ability to differentiate forensically between products of CITES Appendix I bear species, Appendix II bear species and other species not covered by CITES (that maybe used as substitutes for bear parts).

The Standing Committee should urge the Secretariat and able Parties to donate funds to assist Parties in the collection of this information and preparation of the subsequent report where such funding will be essential for the Party to meet the request.

The Standing Committee should establish a new deadline for receipt of this information from these specific Parties of October 31, 2001.

Evidence of Illicit Trade

In paragraph 14 of SC45 Doc. 21, the Secretariat reports two seizures of bear skins in 2000 and a Canadian covert law enforcement operation involving the poaching of bears for their gallbladders. This paucity of data is highly misleading.



Illegal bear gallbladders confiscated in the USA, by the State of Utah, Department of Natural Resources, Division of Law Enforcement.

Evidence of global criminal networks and local bear poachers involved in the international commercialization of bear parts will not surface by relying exclusively on instances of seizures at international ports of entry by national authorities. In many instances, national authorities are not involved directly or primarily in uncovering bear poaching rings or the trade in bear parts or derivatives. Such activities may be regulated at the local, state, or provincial level. National authorities, therefore, may not have access to information about bear poaching or illegal trade because the appropriate local, state, or provincial authorities do not transmit that information directly to them. Hence, that information will not be able to be transmitted directly from the national CITES authorities to the CITES Secretariat to include in its illicit trade database.

The CITES Standing Committee should urge all Parties to establish a system whereby competent local, state, or provincial authorities notify the national CITES Management Authority in the event of a bear poaching or illegal trade case and that this information then be transmitted to the CITES Secretariat.

There are additional instances of bear poaching and illegal bear parts trade in 1999 and 2000 from North America alone that are noteworthy and that should be included in the Secretariat’s illicit trade database if they have not already been added. It is important to note that these additional cases *only* relate to poaching and illegal commercialization in North America and, in these cases, other CITES Parties may ultimately be implicated as the destination point for the contraband bear parts and products.

- 🐾 The BC Ministry of Environment, Lands and Parks reported that a Merritt man was fined as a result of an undercover investigation where officers twice bought bear gallbladders from him.
- 🐾 A man from Vancouver, Canada pleaded guilty to trafficking in bear gallbladders. December 2000
- 🐾 Michael “Tony” Roberts of Alaska, USA reportedly possessed a dozen bear gallbladders illegally that officials said he planned to sell in Korea. December 2000
- 🐾 An Alaska guide was jailed and fined for unlawful pos-

session of grizzly parts. Prosecutors said he attempted to sell a gallbladder at Asian markets in Anchorage.

December 2000

🐾 Three bears were killed in Wisconsin, USA, a mother and two cubs, and the heads, paws and gallbladders were removed from the sow and one of the cubs. November 2000

🐾 Three individuals in Manitoba, Canada were arrested for possessing and selling black bear parts including bear gallbladders. November 2000

🐾 Two men involved in bear poaching and illegal gallbladder sales arrested in Wisconsin, USA. September 2000

🐾 Charges were filed against eight men in Wisconsin, USA for illegally killing bears, allegedly to sell their gallbladders. June 8, 2000 Additional charges were filed in November 2000

🐾 According to the British Columbia Ministry of Environment, Land and Parks, two men were jailed and fined for illegal trafficking, possession and interprovincial transportation of bear parts. June 2000

🐾 An 18-month joint investigation by officials from Canada and the U.S. resulted in a massive confiscation of illegal black bear parts including 82 black bear gallbladders, two hides, four testicles and two baculum (penises). According to Ministry supervisor Mike Morencie, "The parts were destined for international sale, for export outside of Ontario and the country." December 1999

🐾 A male bear was shot in the head, his abdomen cut open and his gallbladder removed in Pennsylvania, USA. November 1999

🐾 A California man illegally purchased bear gallbladders from undercover officers. November 1999

🐾 A poacher in Oregon, USA was arrested for leading a bear poaching ring in which it was estimated that they illegally killed between 50 and 100 black bears a year for five to ten years and sold the gallbladders. October 1999

🐾 A bear carcass found in California, USA with the paws, skull and gallbladder removed. October 1999

🐾 A man from New York, USA was charged with three counts of illegally purchasing black bear parts including gallbladders and paws and five counts of illegal possession. June 1999

🐾 In Virginia and West Virginia, USA, a three-year investigation, "Special Operation to Uncover Poaching," resulted in as many as 37 defendants being charged with hundreds of wildlife violations related to bear poaching, illegal use of bear parts for jewelry, and illegal sale of bear gallbladders. January 1999.

Further information on each of these reports and additional reports dating back over ten years are available from the Species Survival Network Bear Working Group and would be provided to the CITES Standing Committee or the Secretariat upon request.

The above North American cases are only a handful of those that received attention in local, state, or national media. There are likely similar cases that can be uncovered by directly contacting the appropriate authorities. As well, these are cases that actually have been uncovered. 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. If these several cases can be uncovered by a single non-governmental organization, surely the CITES Secretariat, with appropriate cooperation by the Parties' CITES authorities, can obtain additional relevant information to paint an accurate picture of the level of illegal bear killing and domestic trade globally.



Bear gallbladders for sale in South Korea. With the collapse of the Soviet Union, Russia has become a primary source for gallbladders.

There are likely similar cases that could be shared by other CITES Parties as well. For instance, there are recent reports of illegal possession and transportation of two live Malayan sun bears in Cambodia. In Kamchatka, ITAR/TASS News Agency reports on 10 March 2000 that "the populace of the Kamchatka brown bear has halved since the beginning of 1990s" and "intensive poaching increases the bear's chances to be put on list of species on the brink of extinction," according to Vitaly Nikolayenko, Chairman of the League for Protection of the Kamchatka Brown Bear.

Illegal Production and Trade in Bear Bile

In paragraph 15 of SC45 Doc. 21, the Secretariat notes that although bear bile may be produced legally in some countries but illegally enter international trade, it has received no formal confirmation of this. This lack of information may be due, in part, to the lack of a national reporting mechanism for possession and sale of illegal bear parts and derivatives as outlined above.

Parties should be encouraged to report to the Secretariat any illegal sale of bear parts that may be legally produced in another CITES Party.

Bear parts and derivatives from captive bears are still available illegally and still put wild bear populations at risk.

In 1995 in the United States, four individuals were apprehended bringing bear bile products into the United States from China. A December 2000 report from the World Society for the Protection of Animals, *From Cage to Consumer: An investigation into the illegal sale of Chinese bear bile and bear gall products in North America* reveals that shops in the United States and Canada are still selling bear gallbladders and bile products claimed to be from China. Clearly, sale of bear parts and derivatives from farmed bears contributes to the global illegal trade and ostensibly stimulates market demand.



Bile seeps from a bear's abdomen at a Chinese bear farm in Heilongchiang Province.

Additionally, a report from the Vietnam Investment review in March 2000 suggests that most of the bears held in captivity there “have been caught illegally from the wild.” According to Tran Quoc Bao of the Ministry of Agriculture and Rural Development, “If we do not stop the holding and raising of bears in captivity, wild bears will be extinct in the very near future.”

Existing Recommendations from Doc. 11.29

In paragraph 16 of SC45 Doc. 21, the Secretariat suggests that the observations in Doc. 11.29 remain relevant. It would be worth adding that many of the recommendations in Resolution Conf. 10.8 remain valid as well and Parties should perhaps be reminded of those important provisions.

Doc. 11.29 was ultimately expanded to include Decisions 11.43 through 11.46. Although directed to the Parties in general, the Standing Committee and the CITES Secretariat should assist the Parties in fulfilling these Decisions. This is especially true with respect to Decision 11.46, concerning the application of the recommendations of the CITES Tiger Technical and Political Missions to the conservation of bears and trade in bear specimens.

In order to do this, the information requested in Decision 11.43 and the previous Secretariat Notifications referred to in this document must be received. However, some basic observations can be offered toward the goal of fulfilling Decision 11.46.

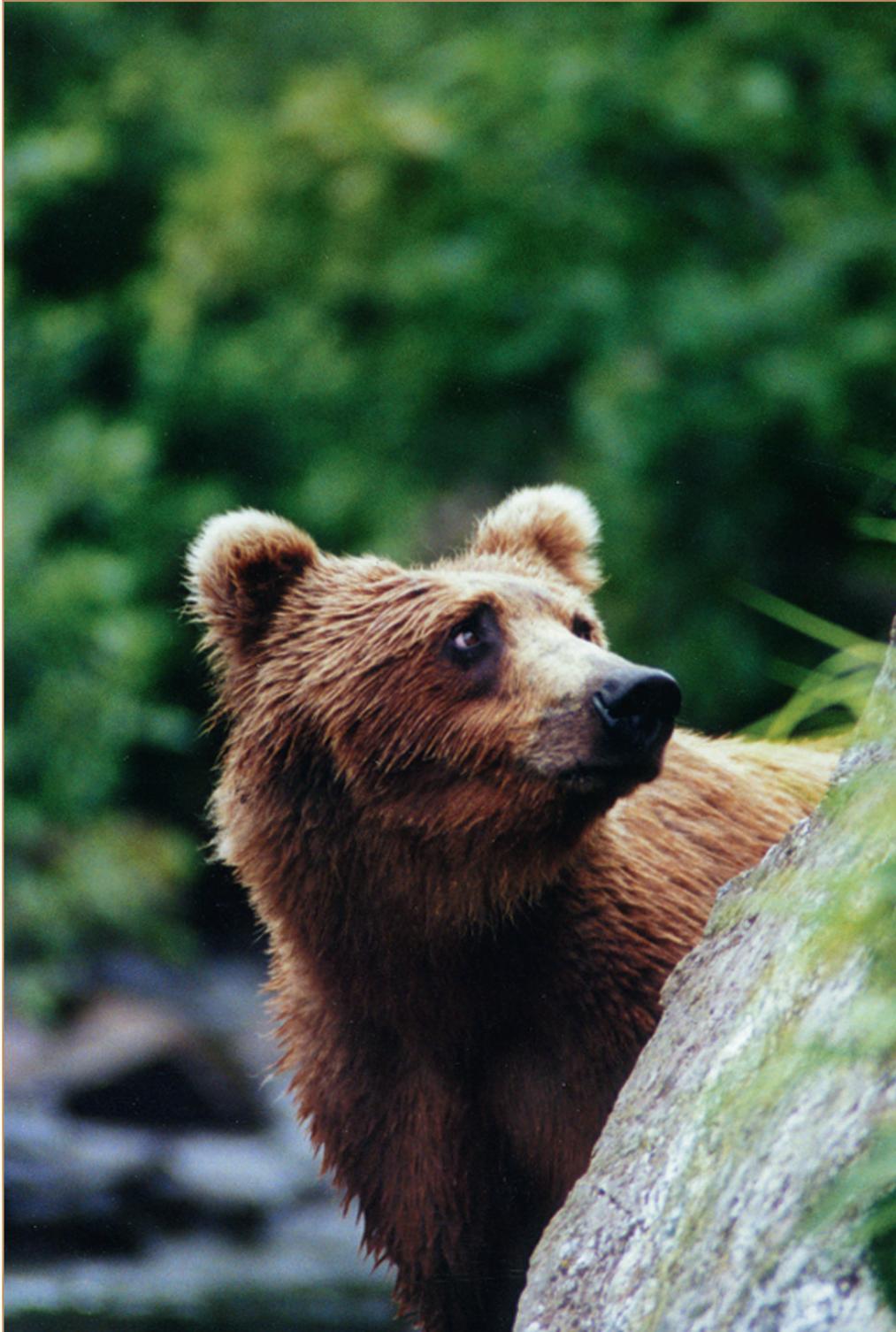
As the CITES Tiger High-Level Political Missions acknowledge in paragraph 13, “an essential first step in solving any problem is to face up to its existence.”

The Standing Committee should recognize that the illicit bear parts trade is an ongoing global problem and offer the Parties some preliminary recommendations based on the Tiger Technical and Political Missions.

- 🐾 Parties should establish a centralized reporting mechanism for receiving information regarding bear poaching and the illegal trade in bear parts.
- 🐾 Official bear population figures should be requested from all bear range states. CITES Parties with populations of bears on Appendix I should make strident efforts to survey accurately and methodically their bear populations and monitor these populations annually.
- 🐾 All Parties should be encouraged to ensure that Appendix I bear species are prohibited for sale on their domestic market and that such a prohibition should include bear parts and derivatives and products containing or labeled as containing bear parts. Specifically, all Parties should ensure that their domestic legislation meets the requirements and recommendations outlined in Resolution Conf. 10.8.
- 🐾 Parties should ensure that penalties for illegal activity with regard to bear parts trade should be a sufficient deterrent to such crime. Imprisonment of offenders should be a punishment option (alternative to fines).
- 🐾 Parties with traditional medicine communities that use bear parts should be encouraged to provide a list of manufacturers and applications employing bear parts, and, where appropriate, alternatives to bear parts in each remedy.
- 🐾 Every consumer and range State that seizes an illicit shipment of bear parts or derivatives, or any Party that intercepts such a shipment, should communicate the details of such action to each country of origin/export/re-export that can be determined and, in any case, to the CITES Secretariat.
- 🐾 Efforts should continue to be made to develop techniques to discern the presence of bear ingredients in products and the species of bear from which these ingredients are derived.
- 🐾 Those bear range and consuming states that have not yet acceded to the Convention should be encouraged to do so as soon as possible.
- 🐾 All bear range and consuming Parties should be encouraged to establish conservation awareness campaigns to target illegal poaching of bears and illegal consumption of bear parts and derivatives (or incorporate bears where such general awareness campaigns already exist).
- 🐾 All Parties should be encouraged to report specifically any seizures or sales of products that are purported to be from bear farms.

There can be no doubt that poachers target bears for their parts. The CITES Standing Committee and Secretariat can play an important role in proactively urging all CITES Parties to act with appropriate caution with respect to the illegal killing of bears and the illicit international trade in bear parts and derivatives.

The CITES Standing Committee is urged to adopt the recommendations in this briefing document during its deliberations in Paris in June 2001 and maintain a vigilant watch over the illegal killing of bears and trade in bear parts across the globe.



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