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## Trade in bears in Lao PDR with observations from market surveys and seizure data

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## ABSTRACT

This analysis examines seizure data that implicates Lao People's Democratic Republic (PDR) as a place of origin, transit point or destination of illegally-sourced live bears, their parts and derivatives, from 2010 to 2016. Intensive surveys of trade in 25 towns and villages carried out in 2016 recorded bear parts and derivatives for sale in more than half of locations surveyed, largely for use in traditional medicine. Live bears that were seized or surrendered to authorities are also analysed here, and of all cases combined, live bears accounted for more than half (62.7%). Live bears were largely cubs, and were most likely intended for sale to stock bear bile extraction facilities (bear farms). At least four other countries were implicated in cases involving trade in bears, their parts or derivatives, with Lao PDR, including China, Myanmar, the United States of America (US) and Viet Nam. This study provides evidence of Lao PDR's ongoing and open trade in bears, their parts and derivatives, in direct violation of national legislation, and of the continuing violations against the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Lao PDR remains a source of bears taken illegally from the wild, in Lao PDR and in neighbouring countries, and a hub of illegal wildlife trade. Clearly, more effort is needed to close down this trade, and steps need to be urgently taken to halt the adverse impacts on Lao PDR's wild bear populations.

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## 1. Introduction

In recent years Lao People's Democratic Republic (PDR) has surfaced as a major hub of international illegal wildlife trade in Southeast Asia (Duckworth et al., 1999; Anon, 2015; EIA, 2015; Anon, 2016). Illegal and unsustainable wildlife trade is a leading threat to a growing number of species in Lao PDR with records indicating depletion of a diversity of taxa such as cats, deer, pangolins, birds, snakes, freshwater turtles and even insects across the country (Nooren and Claridge, 2001; Phanthavong, 2008; Coudrat et al., 2012; Som and Cottet, 2015). This rampant over-exploitation is due primarily to weak laws and poor enforcement effort, and at least partially fuelled by high levels of corruption (Duckworth et al., 1999; Anon, 2015; EIA, 2015). Criminal elements in neighbouring countries have taken advantage of this situation, with foreign-run wildlife markets operating openly within Lao PDR, especially along its borders and in the country's Special Economic Zones, and illicit

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shipments of wildlife flow across Lao PDR's borders, and through international airports (Nooren and Claridge, 2001; Nijman and Shepherd, 2012; Gomez et al., 2016; Krishnasamy et al., 2016). Lao PDR shares its borders with Cambodia, China, Myanmar, Thailand and Viet Nam, all having high levels of illegal wildlife trade as well (Shepherd and Nijman, 2007; TRAFFIC, 2008). As enforcement efforts increase in neighbouring countries, Lao PDR is increasingly used by organised crime syndicates as a place of business. Lao PDR has made headline news recently with the exposure of one major wildlife crime syndicate that has been operating for more than a decade, implicating the involvement of high level government officials (Davies and Holmes, 2016). Lao PDR has further been implicated in numerous trafficking incidents involving species from other parts of Asia and increasingly from Africa, including rhino horn, elephant ivory, Tiger *Panthera tigris*, tortoises and freshwater turtles, Helmeted Hornbills *Rhinoplax vigil*, pangolins and more (Nijman and Shepherd, 2012; Anon, 2015; EIA, 2015; Gomez et al., 2016; Krishnasamy et al., 2016), further highlighting its role as a hub of international illegal wildlife trade, and its failure to effectively enforce the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). This has resulted in the country coming under scrutiny by the CITES Secretariat with missions in the last two years (since July 2016 to April 2018) being carried out by the Secretariat to assess and well as monitor Lao PDR's progress in addressing these issues.

Bears are among the many species heavily traded, and threatened, in Lao PDR. Studies have revealed widespread illegal trade of live bears, their parts and derivatives in 13 countries and territories across Asia, in clear violation of national laws and CITES protocols (Shepherd and Nijman, 2007; Foley et al., 2011; Shepherd and Krishnasamy, 2013; Burgess et al., 2014; Lee et al., 2015; Willcox et al., 2016). These studies found Lao PDR to be in the top four countries in Asia as both a key source and consumer of live bears, their parts and derivatives (Foley et al., 2011; Burgess et al., 2014), and as having an increasing number of bear bile extraction facilities (bear farms) (Livingstone and Shepherd, 2014).

Lao PDR is home to two species of bears, the Asiatic Black Bear *Ursus thibetanus* and the Sun Bear *Helarctos malayanus*, with the former being the species most exploited for the bear bile trade. Both bear species are currently assessed as Vulnerable on the IUCN Red List of Threatened Species and overall considered to be in decline across their range due to habitat loss and widespread poaching for the illegal wildlife trade (Fredriksson et al., 2008; Garshelis and Steinmetz, 2016). In Lao PDR, there is a paucity of data on populations and population densities of both species although records do indicate populations are low and declining, particularly for the Asiatic Black Bear (Duckworth et al., 1999; Garshelis and Steinmetz, 2016).

Both species are poached to supply the demand for live bears as well as their parts and derivatives including gall bladder and bile, skin, claws, teeth and skulls (Shepherd and Nijman, 2007; Foley et al., 2011; Burgess et al., 2014). Demand for parts for use in Traditional Chinese Medicine (TCM) is the principle driver, especially for bile and gall bladder as these are highly valuable and used to treat a variety of ailments such as flu, sores, haemorrhoids, sprains, epilepsy and liver diseases. While there is some local use of bear bile in traditional medicines in Lao PDR, the greatest demand is from China and Viet Nam (Davis et al., 2016). This demand encourages the persistent poaching of bears in Lao PDR as it is a significant source of income for local hunters (Nooren and Claridge, 2001; Scotson, 2010; Davis et al., 2016). Live bears, especially cubs, are captured and sold to bear bile extracting facilities within Lao PDR and across its borders including China, Myanmar and Viet Nam (Foley et al., 2011; Free the Bears, 2016; Livingstone and Shepherd, 2014). In one study carried out in Myanmar, internationally sourced gall bladders were reported to be entirely from Lao PDR (Foley et al., 2011).

## 2. Protection status and legislation

Asiatic Black Bears and Sun Bears are protected in Lao PDR under the Wildlife and Aquatic Law, 2007 as Category 1 (Prohibition) species. Species in this Category are classified as 'rare, near extinct, high value, and are of special importance in the development of social-economic, environmental, educational and scientific research'. Under this Law, the catching, hunting (including removal of carcasses, organs and parts), trading and possession of animals under this Category is prohibited unless authorized by the government for necessary circumstances e.g. educational research or breeding purposes. This Law prohibits the trade of Category I species unless they are second or third generation captive-bred. More recently, a new order has been issued by the Lao PDR Prime Minister that has stricter regulations concerning the hunting and trade in protected species. Order No. 5 issued on 8th May, also prohibits the farming of protected species and instructs that those found trading prohibited wildlife be investigated and prosecuted (TRAFFIC, 2018).

Both the Asiatic Black Bear and the Sun Bear are also listed in Appendix I of CITES, meaning no international commercial trade in live animals, their parts or derivatives is allowed. Lao PDR has been a signatory to CITES since May 2004. Its legislation is currently classed as Category III country in the CITES National Legislation Project (CITES Resolution Conf. 8.4 (Rev.CoP15)), which assesses Parties on their readiness to take appropriate measures to enforce provisions of the Convention and to consider appropriate compliance measures. This implies that national wildlife laws in Lao PDR need to be strengthened and improved to effectively regulate the Convention through national legislation, ensuring that the penalties for violations are sufficient to deter illegal trade. CITES Secretariat missions to Lao PDR in 2016 concluded that organised crime groups target the country to smuggle wildlife through its borders due to lack of enforcement capacity and significant weaknesses and loopholes in national laws where wildlife trade is concerned (Anon, 2016). However, the Lao National Assembly is in the midst of amending the penal code, to include increased penalties for wildlife trafficking with those convicted possibly facing three months to five years in prison and fines of up to KIP10,000,000 (~USD1200).

The main objective of this paper was to examine the current levels of trade in live bears, their parts and derivatives in Lao PDR through (1) an analysis of seizure data and (2) observations of open availability in physical markets. Findings from this

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