

Conservation of and Trade in Bears in Japan

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INTRODUCTION

Resolution 10.8 “Conservation of and Trade in Bears“ was adopted at the 10th Meeting of the Conference of the Parties of “Convention on International Trade in Endangered Species of Wild Fauna and Flora” (hereinafter CITES). The Resolution pointed out that continued illegal trade in parts and derivatives of bear species undermines the effectiveness of the Convention and that if immediate action is not taken then certain populations or even species will be extirpated. The Resolution urged all Parties to take immediate action, in order to demonstrably reduce the illegal trade in bear parts and derivatives by the 11th meeting of the Conference of the Parties. Immediate action includes strengthening measures to control illegal import and export of bear parts and derivatives. The Resolution also recommended that all Parties review and strengthen measures to enforce the provisions of the Convention.

JWCS prepared a separate report “The Reality of Japan's Implementation and Enforcement for CITES” to consider how Japan is controlling import and export to enforce the provisions of the Convention. Domestic trade regulation is one of the most important measures to control illegal import and export, and in this report we will consider the status of domestic regulation in Japan and what effect it is having on the trade in bear parts, particularly bear gall bladders inside Japan. As a premise, we report on illegal import of bear gall bladders to Japan and demand and marketing in Japan. We also consider the problems of Capture and Hunting regulations regarding bears inhabiting Japan because this is a factor that has been making it difficult to control the domestic trade in bear.

SUMMARY

For many years Japan has been a large importer of bear gall bladders. The import volume has significantly decreased in recent years owing to CITES and domestic regulations introduced inside the main exporting countries. This said, Japan continues to import bear gall bladders. Moreover there is evidence of an illegal and covert trade in Chinese medicines that contain bear gall bladders.

There are two kinds of bear species in Japan, the Asian black bear and the brown bear. Excessive levels of domestic hunting continue and domestic law has done nothing to control this situation. This is not just a serious problem for bear conservation in Japan but has also been a major obstacle preventing the introduction of domestic trade regulations that would eliminate illegally imported bear parts and derivatives from the Japanese market.

Gall bladders obtained from Japanese bears have been traditionally used as folk medicine. Today, however, bear gall bladders are openly sold at pharmacies either intact or in the form of powders and mass-produced products. When the potential demand reached levels that could not be met by bear populations in Japan, until the 1980s imported bear gall bladders from overseas populations filled the gap. The potential demand still seems to exist on a considerably large scale.

The demand for bear gall bladders poses a dreadful threat to Japanese bears. At the same time since the bear populations in Japan are insufficiently numerous to meet such a huge scale of domestic demand there is the very real danger that it will encourage illegal international trade.

Therefore, there is an urgent need to establish a full-scale control scheme to prevent the smuggling of bear gall bladders into Japan. This control scheme, for example, should involve more stringent checks at points of import. Also domestic trade regulations that identify and eliminate illegally imported bear parts from the domestic market must be reinforced.

However, no domestic regulation to control Japan's bear-gall bladder trade currently exists at all. This absence of any regulation casts a shadow over Japan's effective enforcement of the provisions of CITES regarding bear species.

1: Legal and illegal imports of bear gall bladders by Japan

(1) Legal import of bear gall bladders

According to Japan customs statistics, from 1983 to 1999, Japan imported bear gall bladders from Canada, Russia, Hong Kong, China, North Korea and India. However, since the statistics between 1983 and 1987 dealt with both bear gall bladders and toad cakes (hardened dried secretions from the poison gland of *Bufo bufo gargarizans cantor*, used as an ingredient in medicines) as one item, we cannot get correct data for bear gall bladder imports only. In 1988 bear gall bladders and toad cakes were officially separated into two categories. Given that Russia and India were then revealed not to be exporting any toad cakes we took it as a working premise that figures for India and Russia referred to bear gall bladders.

We excluded imports from Nepal from our study because import prices quoted did not seem appropriate for bear gall bladders. The import volume of bear gall bladders between 1983 and 1999 is shown in Table 1.

Table1 : The import volume of bear gall bladders between 1983 and 1999

Export Countries	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Canada						< 1	4	6	8				2	3	1	1	< 1
Russia			1*		1*										7		3
Hong Kong						68	12									1	
China						246	687	118		10							
North Korea								10									
India	40*	10*	50*	50*	50*	20											
Total	40*	10*	51*	50*	51*	334~ 335	703	134	8	10	0	0	2	3	8	2	3~4

Unit: kg. *: Presumed to be the import of bear gall bladders. Figures compiled from Japan Customs' statistics

Until 1988, bear gall bladders were imported regularly from India. Even in 1988 media reports stated that 375kg of bear gall bladders obtained from Indian bears (of which there are three species) were imported to Japan via Singapore during the 7 years and 2 months before March, 1988. (Asahi Shimbun, 30 June 1988). During that period, there seemed to be a considerably large amount of import of bear gall bladders from China, however, due to the toad cake/bear gall bladder problem we cannot specify the correct import amount from the statistics that are available.

From 1988 through 1990, Japan imported 1,171kg of bear gall bladders, of that 89.7% or 1,051kg, came from China. The average import during that period was 390.3 kg per year. Assuming that 20 g is the average weight of dried bear gall bladder obtained from one bear then this means imports accounted for 19,515 bears.. If one assumes that the average weight of a bear gall bladder is 50 g then imports accounted for 7,806 bears.

1 : Legal and illegal imports of bear gall bladders by Japan

Since 1991, imports dropped significantly and the annual import amount averaged less than 10kg due for several special reasons. In 1990, for example, China prohibited the capture and killing of Asian black bears, brown bears and sun bears without government permission. (Mills and Ishihara 1995). In the same year, international sloth bear trade was banned following the inclusion of the sloth bear in Appendix I at the 7th Meeting of the Conference of the Parties of CITES held in 1989. At the 8th Meeting of the Conference of the Parties held in 1992, the population of Brown bears including China's bear were placed in Appendix I, and the remaining brown bear species that were not yet included in Appendices and American black bears were placed in Appendix II.

The leading export countries to Japan since 1991 are Canada and Russia, with China and Hong Kong following. In Canada and Russia poaching of bears has become a problem in recent years. We need to pay particularly keen attention to Russia due to the instances of bear gall bladder smuggling to Japan that we will discuss later in this report.

The import prices of bear gall bladders per kg from 1983 through to 1999 are shown in Table 2. Note the price jump in 1995 when imports were resumed.

Table 2 : The import prices of bear gall bladders per kg from 1983 through to 1999

	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1995	1996	1997	1998	1999
Canada						> 840	1,127	550	503		3,574	1,997	6,061	564	>1,122
Russia			901*		468*								3,586		3,961
Hong Kong						1,093	2,138							4,638	
China						920	830	1,254		460					
North Korea								166							
India	224*	220*	220*	165*	140*	127									
Average	224*	220*	233*	165*	147*	910	854	740	503	460	3,574	1,997	3,895	2,601	3,251

Unit: Japanese yen/kg. *: Presumed to be bear gall bladders. Figures compiled from Japan Customs' statistics : The data of other countries than India and Russia during 1983-1987 is unknown.

(2) *Illegal import of bear gall bladders*

Among relatively recent cases of illegal imports was a 1994 incident in which smugglers of powdered bear gall bladders from China were discovered at Japanese customs and prosecuted according to the Customs Act. In regard to the amount of gall bladders smuggled, nothing is reported except that there were 30 items of freight. However considering the fact that prosecution, it is safe to infer that the quantities smuggled must have been considerable.

After the collapse of the Soviet Union, the intense poaching of Asian black bears (Himalayan bears) and brown bears continued in Russia. Bear gall bladders from Russia along with weapons have been smuggled

1 : Legal and illegal imports of bear gall bladders by Japan

into Japan. Otaru port, Hokkaido, is the biggest black market port and marine products, bear gall bladders and fur are smuggled in. (Hokkaido Shimbun, Sept. 15, 1992)

On November 27, 1995, there was a case where a Russian sailor attempted to barter a bear gall bladder smuggled in a plastic bag in exchange for a second-hand car in Hakodate city, Hokkaido. The gall bladder was about 50 g and the price per gram was 15,000 yen. This case did not lead to any prosecution after the Russian voluntarily abandoned the gall bladder. (Hokkaido Shimbun, Dec 6, 1995).

The number of cases that violated Japan's Customs Act in regard to bear parts is shown in Table 3. In every case except the 1994 incident (outlined above), the smugglers were forbidden to clear customs and they voluntarily abandoned claims to ownership thereby avoiding punishment. Most of the smuggling cases appear to involve Chinese medicines containing bear gall bladders. As you can see from the table, the number has certainly increased over the last four years.

Table3 : The number of cases that violated Japan's Customs Act in regard to bear parts

Year	1994	1995	1996	1997	1998	1999
Number of cases	33	43	39	48	61	65

Source: Ministry of Finance

2: Japanese bears' decline due to defective hunting controls.

(1) *Biological status of the bears inhabiting Japan*

<Asian Black Bears – *Selenarctos thibetanus*>

Asian black bears are found on Honshu, and the islands of Shikoku and Kyushu. No thorough systematic survey of populations has been conducted yet. Estimates for populations range from roughly 8,400 to 12,600 animals (Japan Wildlife Research Centre 1991).

Asian black bears were placed in Appendix I by CITES and listed as Vulnerable A1cd in the IUCN Red Data List.

Japanese black bears are locally divided into 9 populations. Among them, 6 populations were listed in the Japanese Red Data Book as 'Threatened Local Populations'. Among the remaining 3 populations, 2 isolated populations are also threatened with extirpation due to pest control, an increase in artificial forests, and development in their habitats. (Hazumi 1997) The third and most relatively healthy population lives in the last large scale habitat found in Japan. However, since recent development of high ways and transport routes continues to subdivide their habitat area, it will be necessary to check the additional stresses to this population caused by hunting. (Maita 1998)

<Brown bears – *Ursus arctos* >

Japanese brown bears are found only in the northern island of Hokkaido. As is the case with the black bears, no systematic population survey has been made, but the estimated brown bear population in the 1990s is about 2000. (provisional statistics, Hokkaido prefecture)

Japanese brown bears were placed in Appendix II of CITES, but were not listed in the IUCN Red Data List. If we consider the length of time that the Hokkaido brown bear has been isolated from other populations, however, it is appropriate that the species be classified as Endangered or Vulnerable A1cd. (Hazumi 1997)

One regional population was listed in the Japanese Red Data Book as an "Endangered Local Population". Since brown bears have been the main target of pest control and their habitats have been subdivided and have deteriorated due to development in natural forests, 2 more populations are isolated and considered to be endangered. (Hazumi 1997)

(2) *Hunting controls in Japan*

The law relating to hunting control of bears in Japan is the "Game and Hunting Law", hereafter referred to as the "Hunting Law". The Hunting Law was brought in to control hunting and game protection.

This old law originated in the "Hunting Law" of 1918 and concerns game protection project plans, the establishment of game protection areas, hunting controls and the transfer of animals from one party to another.

In Japan, there exists another law, “The Law for the Conservation of Endangered Species of Wild Fauna and Flora”, hereafter called “LCES”. LCES lists endangered species inhabiting Japan as well as internationally endangered species including those listed in Appendix 1 by CITES and in bilateral international agreements on the conservation of migratory birds. LCES was enforced in 1993 as a leading law in regard to wild species conservation and regulates the measures for the conservation of each species such as hunting controls and the transfer of species between parties. However, since the two bear species inhabiting Japan are not listed as domestically endangered species in Japan, hunting controls in this law are not applied to them at all.

The Hunting Law uses two separate systems to regulate, on one hand sport hunting, and on the other, wildlife hunting for other reasons (mainly pest control).

< Regulation of sport hunting >

Only licensed hunters are allowed to sport-hunt wildlife and are limited to sport hunting during certain periods. The hunting of game is restricted to species designated by the Director General of the Environment Agency. The Director General of the Environment Agency or the Governor of each prefecture can also limit hunting periods, locations and methods for species it is officially deemed permissible to hunt.

Bears are designated as a game animal. Therefore, bears are hunted under the terms and conditions of the Hunting Law. However, the Environment Agency prohibited the hunting of bears in 17 prefectures including some areas where bears are considered to have been extirpated. Black bears occur in 46 prefectures. In the northern island of Hokkaido, the only prefecture where brown bears are found, bear hunting is not prohibited.

The Environment Agency prohibits the following sport hunting methods for bears: “oshi” (crushing to death by heavy weights), the employment of cage traps, and the employment of wire traps.

The bile secretions of the bears captured by cage or wire traps are accelerated if they are left many days in these traps. Consequently, their gall bladders are enlarged and this is the reason such treatment is done intentionally. (Azumane 1993)

<Regulations regarding non sport hunting (mainly for pest control)>

Bear hunting except for sport hunting is prohibited without permission from the Director General of the Environment Agency or a prefectural Governor.

Unlike the case of sport hunting, there is no restriction on hunting or trapping methods.

(3) *The realities of modern day bear hunting in Japan*

Table 4 shows the number of black bears and brown bears hunted and controlled as pests during 1989 through 1997.

2 : Japanese bears' decline due to defective hunting controls

Table 4 : The number of black bears and brown bears hunted and controlled as pests during 1989 through 1997

		1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1988~1997 Total
Black bear	Sport hunting	972	761	869	811	578	553	448	728	479	539	6,738
	Pest control	1,291	1,266	658	1,086	1,148	666	1,080	658	1,246	667	9,766
	Total	2,263	2,027	1,527	1,897	1,726	1,219	1,528	1,386	1,725	1,206	16,504
Brown bear	Sport hunting	146	76	132	173	98	118	72	107	126	94	1,142
	Pest control	143	108	88	94	124	169	105	122	210	112	1,275
	Total	289	184	220	267	222	287	177	229	336	206	2,417

Compiled from game hunting statistics of the Environment Agency

In 1994, 20 prefectures permitted sport hunting of black bears and 26 prefectures conducted pest control. In 1997, 18 prefectures permitted sport hunting and 24 conducted pest control. Hokkaido is the only prefecture that is home to brown bears. In Hokkaido, both hunting and pest control occurs.

The latest official data regarding bear hunting and pest control currently available was published by the Environment Agency in 1997. This said, in 1999 fiscal year (April 1, 1999 to March 31, 2000), the media reported that black bears were hunted and killed in large numbers in Eastern Japan where a lot of bear populations are found. (Table 5 shows figures for both hunting and pest control). Already by October 25, the number of bears killed in Nagano prefecture had exceeded Nagano's own independently prescribed capture limit of 150 bears. And, as of December 31, 1999, this number had risen further to 195.

Table 5 : The number of black bears for both hunted and pest controlled

Prefectures	1997	1998	1999
Aomori	30	32	47
Iwate	111	30	72
Miyagi	25	30	36
Akita	134	135	173
Yamagata	138	135	179
Fukushima	85	115	124
Gunma	98	72	120
Nagano	102	83	178
Yamanashi	2	4	34

Note: The data for 1999 is as of Dec 1.

Compiled from a Yomiuri Shimbun report, Dec 8, 1999

Since the number of bears to be killed is not assigned to the hunter at the time of hunting and the capture data is obtained from the declaration of hunters at the end of the hunting season, the accuracy of such data is questionable.

The official survey and control system is not comprehensively working to collect data on hunting and pest control operations, and such data as are collected are very doubtful. Statistics gathered differ among Environment Agency, prefectures, the organizations concerned and the persons concerned. (Maita 1998)

The currently rampant levels of bear poaching using traps is common knowledge among people at bear conservation sites. In recent years it seems that cage traps (using oil drums etc.) and wire traps are often employed. It is reported that in the towns and villages of the Western Chugoku region contract hunters routinely work independently from any government control for farmers suffering from damage caused by bears .

Thus, due to the problem of the official capture data inaccuracy and presumed high levels of poaching, the actual number of bears killed is considerably higher than the above data would suggest.

(4) Issues concerning the control of bear hunting

- a. Bears are not included in the LCES for hunting control, and this goes even for populations which are at risk of extinction.**
- b. There is no legal control for the total number of animals killed for sport and pest control.**
- c. Pest control has been carried out at many locations, most of which have no scientific or systematic foundation on which to base control schemes.**

Permission for pest control is granted by local governments (prefectures/cities). However, the decision is often left to discretion of the individual who has the authority to issue such permission. The Environment Agency provides guidelines on granting permission for pest control according to the Hunting Law. These guidelines, however, have no legal enforcement capacity.

Under the current legislation, many local governments have been carrying out pest control by setting the number of animals killed annually according to predicted problems rather than actual problems. Most of these local governments, however, have not performed any biological research or developed any objective standard for damage assessment.

Without impact assessment of target wildlife populations and without monitoring the effects of pest control schemes, the annual hunting (including pest control) quota is arbitrarily set at virtually the same number of animals to be killed every year.

The way local government issues hunting permits, particularly at the city, town and village level, was debated in the Diet (Japan's government) during the amendment of the Hunting Law in 1999, but no amendment to the law has been made in this regard. (Diet record 1999, JWCS 1999).

The current pest control paradigm effectively results in allowing 'legal hunting' outside the permitted period for sport hunting. Asian black bears emerge from hibernation in April and May. It is a long standing

tradition to hunt bears during this period, although the sport hunting period permitted by the Hunting Law is between November 15th and February 15th (October 1st to January 31st in Hokkaido). This is because the bear's gall bladders are enlarged with bile stored during hibernation. In most regions, the spring hunting is still continuing under the name of 'pest control', (Miyao 1989, Azumane 1993, Maita 1998 et al.)

d. Insufficient measures towards a ban on sport hunting by individual regions.

As described above, brown bears are found in Hokkaido and Asian black bears are present in almost all Japan's prefectures apart from Hokkaido and Okinawa (a total of 46 prefectures including prefectures in which the bear might have already become extinct). However, the Japanese government has set a ban on bear hunting in only 17 prefectures. These 17 prefectures cover only 4 out of the 6 bear populations that are listed in the Japanese Red Data Book as 'Threatened Local Populations'. There is no control on hunting in the territory of the remaining 2 populations and in the populations which have been identified as at risk of extinction by the Mammalogical Society of Japan. Among the prefectures concerned, only Hyogo prefecture has taken action to ban hunting by adapting the law. In Tottori prefecture, which has populations of Asian black bears listed in the Red Data Book, the Japanese government has failed to enforce a ban on hunting due to strong local protest against it. The statement that Tottori made was 'humans and wild animals are opponents of each other and it is virtually impossible to co-exist without difficulty.' Tottori considered that bear extinction was inevitable. (Network 1999).



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Over all, it cannot be denied that there is not enough action put in place towards a ban / restriction on bear hunting in Japan.

e. Insufficient restrictions on use of traps.

Animal traps can be effective tools for mass indiscriminate killing. They are easy to handle even by inexperienced people and once set up, work constantly day and night, over long periods of time. Furthermore, effective traps do not limit the kinds of animals caught. One report (Hazumi 1992) showed that two hunters had caught 36 bears, which had made up half of the local bear population, in just two months using a cage trap.

The use of wire traps for bear hunting is illegal. However, snares set to catch wild boars are widely used and many bears get caught by them. There is no restriction on the use of hunting dogs which are trained to hunt wildlife.

The record reports much higher number of bears killed as 'pest control' than that killed for sport hunting. (As already described, much sport hunting can be easily disguised as pest control). More worrying is that hunters involved in 'pest control' activities can legally utilise 'oshi' (crushing) cage traps and snares which are banned for sport hunting.

3: Demand and internal trade of bear gall bladders in Japan

(1) Use of bear gall bladders

The fur is one bear product which has been used traditionally. However, its market demand seems to have decreased, at least for fur from bears caught in Japan. The quality of furs harvested in summer is low and they are not suitable for making rugs or for taxidermy. Recently, even furs harvested in the winter which are considered to be high quality, are worth only 50,000 -100,000 yen (US\$476-952) which does not even cover the cost of tanning. Some hunters are selling furs as sets with gall bladders for which there is a high demand (Azumane 1993).

The paw and meat are consumed as food. The bear paw, in particular, is one of 8 renowned exotic delicacies in China and some high-class Chinese restaurants in Japan have bear paw on their menu. The epidermal fat, bones, offal and faeces used to be used for medicine by professional hunters called 'matagi' (Miyao 1989), but this is no longer a common practice.

Currently the gall bladder is the only bear product which has a high market value. It is now known as the 'diamond' by hunters (Azumane 1993).

Traditionally, bear gall bladder is considered to have anticonvulsant and detoxifying properties as well as strengthening heart functions, aiding stomach functions and stimulating bile secretion. It is now mainly used as one of the ingredients of medicines for heart problems or for sedatives for small children.

Recently some advertisements can be found on the Internet or on pharmacy flyers claiming its effectiveness against hepatitis and cancers. The record of the properties of bear gall bladder and its usage dates back to 967 when it was recorded in the list of medicines presented to the Emperor. It seems that trade in bear gall bladders was collected and monopolised by local leaders in different areas at different periods (Maita 1998). However, it was not until the 17th or 18th century (early Edo era) when it started to be used as an ingredient for commercial medicines (Miyao 1989). Since the Meiji restoration (1868), the claimed effectiveness of bear gall bladder has become well known to the public and it has gained a high market value, while over hunting of bears in Japan has increased dramatically (Maita 1998).

There is no obvious correlation between the sizes of the bear body and the gall bladder. It partly depends on the amount of bile contained in the gall bladder at the time of death. For instance, a 2m Asian black bear yielded a gall bladder with a net weight of 75g (dry 18.75g), while a 1.2 meter bear killed by the same hunter yielded a gall bladder with net weight of 157.5g (dry 37.5g). (Miyao 1989).

(2) Bear gall bladder (untreated / powder form) trade

The gall bladders harvested from bears in Japan (dried untreated gall bladder / powder form) are dried by a unique method, then with the exception of those retained by hunters for personal consumption, most are sold to pharmaceutical merchants. The drug industry of Toyama prefecture is very important and is known for its production of traditional folk medicine. The manufacturers from Toyama traditionally visit individual houses in order to sell household medicines. Still now, there are many pharmaceutical merchants of different sizes in the prefecture. Some hunters say that Toyama's pharmaceutical merchants buy gall bladders. There are also some Tokyo-based wholesalers / chemists specialised in traditional Chinese medicine purchasing bear gall bladders. It is reported that there are over 10 wholesalers / chemists dealing with bear gall bladders in the Kanto and Kansai area. (Azumane 1993)

It is impossible to estimate the exact amount of bear gall bladders entering the market. In the report of the investigation by TRAFFIC-Japan during 1994 – 1995, 51 out of 166 Chinese medicine shops were selling bear gall bladders. The price ranges from US\$10 - 120 per gram. The average price was US\$ 35 (Mills and Ishihara et al., 1995).

JWCS also found that bear gall bladder labelled 'produced in Himalayas' was on sale for 8,000 yen (US\$76) per gram at a chemist in Tokyo. JWCS also found that one grocer in Tokyo was selling whole bear gall bladders for 230,000 yen (US\$ 2190) per gall bladder. If one gall bladder weighed 20g, the price per gram would be 11,500 yen (US\$109). The source of the grocer's bear gall bladder was unknown.

Some Korean brokers buy bear gall bladders or bear cubs in Japan (Mills et al 1991). It is possible that Japanese bear gall bladders are smuggled to Korea.

Bear gall bladder



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Gall bladders from bears hunted in Japan used to be traded for the same price as that of gold (Azumane 1993).

In some areas in Nagano prefecture, the trading price in 1988 was reported to be 57,000 yen per 3.75g which would be 15,200 yen per gram (US\$ 147 per gram) (Miyao 1989).

Recently it was reported that the price was 10,000 - 20,000 yen per gram (US\$ 95-190 per gram) which would provide the figure of 1,000,000 - 1,500,000 yen (US\$ 9523-14,285) per gall bladder. (Maita 1998). The author interviewed hunters in Aomori in 1997, who were descendants of 'matagi', professional hunters. According to them a bear with a large gall bladder could be sold for as much as 1,000,000 yen (US\$9523).

The price of imported bear gall bladders, by comparison, was about 1,000 yen per gram (US\$ 9 per gram) in 1988 - 1990. Even after 1995 when the value increased dramatically, it cost only 5,000 - 6,000

yen per gram (US\$ 47-57 per gram) at most. The product obtained in Japan fetched a much higher price. One of the reasons for the price imbalance was that the total number of Japanese bears is limited due to the small population. It has been pointed out that consumers prefer gall bladders of Asian black bears because this is the species which was first used commercially for the gall bladder products. (Servheen, 1998)

(3) Trade of medical products using bear gall bladders

Persons wishing to produce or import medicine must obtain approval for each product from the Ministry of Health and Welfare (MoHW) under the provisions of the Drugs, Cosmetics and Medical Instrument Act. The number of products which include bear gall bladder products and have been approved by the MoHW to date is 355. They are sold at chemists of whom 5 have permission for import while the remaining 350 have permission for production. The first approval was issued in 1968. 141 companies had obtained approval by February 1992. It has to be noted that since then some of the products have gone out of production and quite a number of the products have switched from bears to the gall bladders of cows and other animals such as pigs. (Data from MoHW).

Quite a number of bear gall bladder products have been produced and the public has had easy access to them.

It has been reported that an average of 100 - 200 kg of bear gall bladder was used for to produce such medicines annually. (Mills et al. 1995)

Furthermore, some products claiming to contain bear gall bladder products are sold illegally without approval under the terms of the Drugs, Cosmetics and Medical Instrument Act. JWCS found an advertisement by a commercial import company on the Internet in March 2000 which offered 'traditional medicine to fight cancer' produced in China which contained 2.5% bear gall bladder, obtained directly from a live bear. The price was 196,000 yen (US\$1,866).



(4) Demand for bear gall bladder

It is not easy to measure demand by the amount imported because of the lack of data for the total quantity imported before 1987 for reasons described earlier. The amount imported in 1989 (703kg) is unusual and should be interpreted as a 'last minute import' before the ban on hunting in China and restrictions on international trade were strengthened. The amount imported in 1988 (334 - 335kg) can be used as a reference to measure the demand, although this could over-estimate the amount imported from China for the reason above. An average of 100 - 200 kg of bear gall bladder was used for production of medicines annually. (Mills and Ishihara 1995)

This does not include the amount imported as untreated gall bladder or powder. It can be assumed, however, that the demand for bear gall bladders in total would have been around 200kg per year minimum by 1990. With the information from TRAFFIC in 1995 which reported that more than 30% of Chinese medicine shops inspected were dealing with untreated bear gall bladder or powder form (the processed product is even more popular), it can also be assumed that this high demand has continued after 1990.

On the other hand, trade in bear gall bladders of Japanese origin was only 30 - 60kg per year assuming a dried gall bladder weighs 20 - 30g. This assumption was based on the fact that most of the 1,500 - 2,000 bears hunted went into the market although practically, some were consumed at home and some were traded only in limited areas.

Japanese demand for bear gall bladder is a big threat to bears in Japan. Meeting the demand for bear products in Japan requires both the hunting of bears in Japan and import from overseas. Particularly when international trade is restricted, illegal trade will be practised internationally. The illegal imports described earlier in this report are just the tip of a very large iceberg.

4: Restriction on transfer of bear products between parties in Japan and related problems

(1) The Law for the Conservation of Endangered Species of Wild Fauna and Flora (LCES): control of domestic circulation of bear products and related problems

The LCES bans domestic circulation of certain species protected under the law, except in certain cases for which the Director General of the Environment Agency has issued a permit (e.g. in the case of scientific study) or which have been already registered with the director General of the Environment Agency.

The Asian black bear and some populations of the brown bear are listed in Appendix I of CITES and are classified as species threatened with extinction under the LCES. The circulation of their products is, therefore, the subject of legal control. However, the LCES is not applied to the bears that are legally hunted inside Japan under the Hunting Law of Enforcement Regulation. In other words, any bears legally hunted in Japan can be circulated freely inside the country without any legal control. As a result, bear products imported into Japan without appropriate permits or certificates can be labelled as Japanese bear products and can also be circulated freely.

In addition to this problem, and probably more importantly, there may be a fundamental flaw in the LCES itself. The bear body parts which are the subject of control under LCES include only stuffed animals (the whole animal), specimens (the whole animal), fur (including fur products) and skin (including skin products) (See Table 4). The bear gall bladder and the relevant medicine derived from it enjoys the greatest demand of all bear products in Japan. Despite this, gall bladders are not the subject of any control.

As above, from the point of bear conservation, the current LCES has the following two major problems.

- a) It is not applied to bear products derived from animals hunted legally in Japan.
- b) It is applied to only limited body parts and products derived from bears.

A part of the Government Ordinance for implementation of LCES was amended last December (to take effect on 1 April 2000) and tiger bone, tiger penis and the products containing them to be consumed by people and derived from tigers became the subject of control at that time. According to the Environment Agency such derived products would include medicine, alcohol and certain types of health food. The authorities have been saying, however, that readily recognising powdered body parts in medicines in Japan would be very difficult. This has been the main excuse why the medicine derived from bear gall bladder is not yet the subject of control under LCES.

According to Environment Agency, whether it is readily recognisable or not shall be based on general public's capability of recognition.

Surely it would be just as easy to detect gall bladder in the medicine trade as it would be to detect tiger parts ? Hopefully this amendment regarding tiger parts will lead the authorities to consider a similar amendment concerning bear products.

(2) *The Hunting Law (HL): control of domestic circulation of bear products and related problems*

The HL imposes restrictions on the domestic circulation of legally caught species that are not designated game species. That is, the circulation of such species is not allowed without the appropriate certificates issued by the prefectural governor(. However, because bears are categorised as game species this regulation does not apply.

The HL can control the circulation of wildlife, including game animals, if they are hunted illegally. However, it is obvious that HL restrictions cannot be imposed effectively to ban domestic circulation of illegally obtained animals, if there is no system to monitor domestic circulation of legally hunted animals.

In addition to this, regarding bear conservation, there is another flaw in HL similar to that contained in the LCES. Assuming the animal is obtained illegally, HL can control the circulation of whole bear (dead or alive), stuffed bears, specimens, fur, fur products and processed foods. This can be interpreted in a way that gall bladder and its powder which probably would not be classified as processed food are not the subject of control. Therefore, even if the bear is hunted illegally, circulating its gall bladder and various derived products is legal for as long as they are not classified as processed foods. Considering these points, it is obvious that, in terms of bear conservation, the regulations regarding bear products are not functioning properly.

The Environment Agency requested prefectural governors to regulate the circulation of bear products derived from animals hunted after April 1993 (notification from the Chief of Nature Conservation Division, Environment Agency). Under this non-legally binding request, hunters and those holding permits to destroy bears under the pest control need to register the bear products with the prefectural governors. Tags are issued for the registered products, which are attached to the ears of the products and can be used to trace their subsequent circulation. However, the subject of control includes only stuffed animals (whole animals), rugs (whole animal) and trophy (head).

(3) Summary of domestic trade restriction of bear gall bladders

Bear products whose circulation inside Japan is regulated under domestic laws.

Table 6

Native Japanese bears	Imported bears (species listed in Appendix I)	Imported bears (species listed in Appendix II)
<p>No restrictions on legally hunted bears</p> <p>No restrictions on illegally hunted bears apart from fur and processed food</p>	<p>No restriction except for</p> <ul style="list-style-type: none"> • Live animal • Whole animal • Stuffed (whole) • Specimen (whole) • Fur & fur products • Skin & skin products • Processed foods 	<p>No restrictions</p>

Recommendations

We urge the Japanese Government to

1. Include bear gall bladder and its powder products and any medical products containing gall bladder and other body parts would be traded under the domestic trade restrictions that apply under the LCES.
2. Apply domestic trade restriction stipulated in the LCES to bears that are caught in Japan.
3. Obtain and disclose data on bear gall bladder stocks and trade, in order to effectively implement control over domestic trade as specified in recommendations 1 and 2.
4. Indicate additional and concrete measures with a view to replacing bear gall bladder contained in marketed medicines with alternative substances.
5. Revise the LCES to include endangered regional population of wild species in Japan and grant appropriate bear populations with protected status.
6. Restrict the total number of bears hunted both for sport and pest control. Pest control should be conducted both in a thoroughly rational fashion and with restraint, and should not exceed quotas. In order to restrain hunting, under pest control, legally binding standards to govern the granting of control permits and procedures should be established in Hunting Law.
7. Revise regulations regarding enforcement of hunting control and restrictions at the prefectural level.
8. Also revise restrictions pertaining to trap hunting.
9. Government organisations should conduct pest control or a system should be established so that government organisations can effectively monitor pest control.

*Please refer to recommendations given in JWCS report “The Reality of Japan’s Implementation and Enforcement for CITES” (Sakamoto 2000) regarding the effective enforcement of CITES.

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Japan Wildlife Conservation Society (JWCS)

JWCS is an organization that was established to study the philosophy needed for real conservation of wildlife and recommend the practical theory and solution for specific issues both domestically and internationally.

Under the objective, **JWCS** is conducting study, investigation, lobbying and campaign for public awareness.

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