



# Species Survival Network

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## RESPONSE TO CITES SECRETARIAT'S PRELIMINARY ASSESSMENT OF PROPOSAL 3: TRANSFER FROM APPENDIX II TO APPENDIX I OF THE POLAR BEAR (*Ursus maritimus*)

1. "Due to the extreme nature of the environmental conditions where they occur, it is very difficult to characterize accurately the population status or trends. There are presently believed to be between 20,000 and 25,000 polar bears in 19 or 20 putative populations."

While the Secretariat has accurately quoted these two sentences from Proposal 3, it has not provided the essential text on population status or trends given in the Proposal, thus leaving the impression that population status and trends are unknown or the result of guesswork, which is incorrect. Proposal 3, page 4, states,

"Over the past 30+ years, however, many field studies have enhanced our knowledge of polar bear population trends (e.g., Andersen et al. 2008; Aars et al. 2009). The number of polar bears, based on this research, is decreasing throughout their range (NatureServe 2008; Schliebe et al. 2006; Aars et al. 2006; IUCN/SSC PBSG 2009a,b,c). The IUCN/SSC Polar Bear Specialist Group met in 2005 and evaluated the status of the polar bear (Aars et al. 2006:33-55). At that time: 2 populations of 19 were categorized as increasing, 5 as stable, 5 as declining, 6 as data deficient, and 1 unknown. Polar bear species specialists met twice in 2009 and evaluated the latest population information: Meeting of the Parties to the 1973 Agreement on the Conservation of Polar Bears [Directorate for Nature Management (2009:31-32)] and IUCN/SSC Polar Bear Specialist Group 15th Meeting (IUCN/SSC PBSG Polar Bear Specialist Group 2009). Reviewing the latest information available, the PBSG concluded that 1 of 19 subpopulations is currently increasing, 3 are stable and 8 are declining. For the remaining 7 subpopulations, available data were insufficient to provide an assessment of current trend. The total number of polar bears is still thought to be between 20,000 and 25,000, but based on this 2009 assessment, fewer populations are increasing or stable (4 populations of 19), while more populations are declining or data deficient (15 populations of 19). In 2008, the IUCN listed the polar bear as Vulnerable based on IUCN criterion A3c based on a suspected population reduction of >30% within three generations (45 years) due to decline in area of occupancy, extent of occurrence and habitat quality (Schliebe et al. 2008). Some experts have concluded that polar bears will not survive due to the complete loss of summer sea ice (ACIA 2004a; ACIA 2004b; Derocher et al. 2004; Amstrup et al. 2007; Amstrup et al. 2009)."

2. "The supporting statement does not provide information on the carrying capacity of the suitable habitat and availability of food sources."

This critique is irrelevant because Resolution Conf. 9.24 (Rev. CoP14), on *Criteria for amendment of Appendices I and II*, does not require that information on carrying capacity and availability of food sources be addressed in a proposal. Nonetheless, the Proposal focuses extensively on the loss of sea ice and how this negatively affects polar bears, the implication being that carrying capacity of the habitat is decreasing. The Proposal also addresses how sea ice is vital to the way in which polar bears hunt seals, their primary food source, and how in warming areas, bears are malnourished (see pages 2, 3 and 5 of the Proposal).

3. "According to the guidelines provided in Annex 5 of Resolution Conf. 9.24 (Rev. CoP14), the species should exhibit a marked historical decline to around 5 %-30 % of its population baseline or a recent decline of 50 % in its population size during the last three generations. However, the supporting statement speaks more of potential population declines in the future, rather than declines which have already occurred."

Firstly, Proposal 3 provides detailed information on the decreasing number of polar bears throughout their range (see response to statement 1, above) which demonstrates that the population decline is not only projected, it has

happened and is happening now. In addition, the Secretariat's assessment ignores the fact that a species qualifies for Appendix I when it can be projected to experience a marked decline in population size, which is clearly the case for the polar bear (Resolution Conf. 9.24 (Rev. CoP14), Annex 1, paragraph C) ii)). Annex 5 of the Resolution states that "a general guideline for a marked recent rate of decline is a percentage decline of 50% or more in the last 10 years or three generations, whichever is the longer." In 2007, the U.S. Geological Survey (USGS), using the best climate change models and science available, predicted range-wide polar bear population declines of approximately 71% of the total population within 45 years (three generations) and 80% within a century (Amstrup et al. 2007). The USGS projection must be viewed as conservative because the actual observed rate of sea ice loss has exceeded that used to make this projection.

4. *"Concerning the trade criterion, the supporting statement demonstrates that the species is in international trade but not necessarily that such trade has or may have a detrimental impact on the status of the species, as required in Annex 5 of Resolution Conf. 9.24 (Rev. CoP14)."*

As Greenland temporarily suspended exports in 2008, Canada is the only range State that currently allows the export of polar bear specimens for commercial purposes. In December 2009, Canada issued a polar bear non-detriment finding that states, "The best available scientific information indicates that the Baffin Bay subpopulation is substantially over-harvested in Canada and subsequent international export of polar bear products is therefore considered detrimental." Of the 13 populations in Canada, seven are declining. All of these declining populations have been over-exploited or harvest quotas are considered unsustainable according to experts and importing countries (source cited following each population named): Baffin Bay and Kane Basin (IUCN/SSC PBSG 2009); Norwegian Bay and Lancaster Sound (Taylor 2008); Gulf of Boothia, M'Clintock Channel, and Viscount Melville Sound (USFWS 2008). Canada continues to allow hunting in declining and overexploited populations. If the offtake is unsustainable, and a portion of the offtake is for international commercial trade, then it certainly can be said that trade "may" have a detrimental impact on the status of the species. In addition, Canada's recent finding that international export of polar bear products from its Baffin Bay population is detrimental means the trade criterion certainly has been met.

5. *"The supporting statement gives some rather contradictory information on the commercial use of this species. The principle domestic use of polar bears is said to be in Canada, Greenland (Denmark) and the United States, and for subsistence purposes. In Norway and the Russian Federation, commercial and subsistence use and sport hunting of polar bears are prohibited. However, according to the Marine Mammal Commission of the United States, commercial hunting and use of polar bear skins have been prohibited throughout the polar bear's range since 1973."*

There is nothing "contradictory" about these statements. While the statement of the Marine Mammal Commission is not completely accurate, the Secretariat has failed to consider the statement in the context of the Proposal as a whole. Taken in context, this statement is a reference to the Agreement on the Conservation of Polar Bears of 1973 which, as pointed out in the Proposal, section 8.3.1, page 14, does not include a range-wide restriction on commercial hunting and use. The Agreement, Article III, paragraph 2) prohibits the commercial use of skins and other items of value resulting from taking for "conservation purposes" (Article III, paragraph 1) b)) or to "prevent serious disturbance to the management of other living resources" (Article III, paragraph 1) c)). But this prohibition on commercial use does not apply to other forms of allowed take such as "by local people using traditional methods in the exercise of their traditional rights and in accordance with the laws of that Party" (Article III, paragraph 1) d)) or "wherever polar bears have or might have been subject to taking by traditional means by its nationals" (Article III, paragraph 1) e)).

6. *"Although it is difficult to equate these data accurately to a specific numbers of bears, the CITES trade database shows that, between 1992 and 2006, an average of 216 were exported annually and the level of commercial trade in skins has increased since the 1990s. Of skins exported, 87 % originated from and were exported by Canada, and 13 % originated from and were exported by Denmark (Greenland). It is interesting to note however, that the most significant importers were some of the range States."*

It is worth noting that, according to data in the UNEP-WCMC CITES Trade Database, in 2007, 554 skins were traded internationally for commercial purposes, the largest figure in the past ten years; Canada has argued that this figure represents both skins and skin pieces, but admits that it represents hundreds of polar bears. In addition, 139 trophies were also traded that year, one of the largest years on record. Also, it is not true that "the most significant importers were some of the range States." As explained in the Proposal, section 6.2, pages 7-8, the most significant product commercially exported is skin and Japan imported 58% of skins traded between 1992 and 2006. Denmark, which was not combined with Greenland in the analysis and therefore is not a range State, was the second largest importer of skins, at 15%. Norway, the only range State among the top three importing countries, imported 12%; the Proposal explains, on page 10, that Canadian polar bear skins are imported by Norway where they are sold as tourist souvenirs.

7. *“In Canada, the annual mean international export for 2004-2008 is said to be approximately 300 polar bears. This figure represents about 2 % of the Canadian polar bear population.”*

This statement was made by Canada in response to the U.S. consultation on its Proposal. However, the 2% does not include all forms of human-caused mortality. And the figure must be evaluated in the context of the life history characteristics of the species. Polar bears are extremely vulnerable to overexploitation as they rely on high adult survivorship to maintain their numbers. Bears who make it to adulthood experience very low mortality (principal causes of death being hunting by humans and old age), whereas cubs experience very high mortality. Consequently, hunting of all sorts, which takes only adult bears, and which in historic times never reached today's levels, poses a significant additive threat to polar bear populations.

8. *“Regulatory mechanisms directed specifically at potential threats to polar bears, such as overharvesting, exist in all of the countries where the species occurs, as well as in bilateral and multilateral agreements between the range countries.”*

It is a mischaracterization of the Proposal and of international law to say that there are existing multilateral agreements that provide regulatory mechanisms governing overharvesting of polar bears. There are a few bilateral agreements addressing offtake levels (not necessarily adequately) of limited shared populations of bears in certain border regions (U.S.-Russia, U.S.-Canada, and recently Canada-Greenland, although no offtake levels have yet been agreed under this agreement), but there is no multilateral agreement broadly regulating harvesting. As indicated above, in response to comment number 5, the Agreement on the Conservation of Polar Bears does not provide a regulatory restriction on the general commercial or other uses of polar bears nor does it provide a regulatory mechanism for setting harvest levels; such regulation is left solely to that Agreement's member States.

9. *“The opinion of other range States on this proposal is either not indicated or not supportive.”*

This statement implies that range States consensus on listing proposals is required, which is not the case. It also implies that other range States have decided to oppose the Proposal, which is not true. According to the information in the Proposal, section 10, pages 15-16, none of the range States stated definitively that they would oppose the Proposal.

10. *“Canada stated that international trade is not a threat to the species population and a ban on trade will have no impact on quotas, but it might have a negative impact on conservation.”*

Although a ban on international trade would not necessarily affect harvest quotas, which is a domestic issue, it would likely affect the fulfillment of the quotas. Polar bear hunting for commercial trade is an expensive proposition due to the need for the hunter to travel to the remote areas where polar bears live; it is also dangerous both because of the bears and because of the worsening ice conditions. Hunters may be unwilling to incur such expense and risks to their personal safety when they are unable to sell the skins and other parts. Consequently, several hundred adult polar bears would most likely remain alive in wild, which would benefit conservation of the species. In light of this, and without additional information, it is difficult to understand the basis for Canada's comment that a ban on trade will have a negative impact on conservation.

11. *“Resolution Conf. 8.3 (Rev. CoP13) on Recognition of the benefits of trade in wildlife recognizes that implementation of CITES-listing decisions should take into account potential impacts on the livelihoods of the poor. Although it does appear that the principle substantive use of this species is by native communities, the supporting statement does not address this issue.”*

Appendix I listing will have absolutely no impact on the subsistence use of polar bears by native communities. Furthermore, Resolution Conf. 8.3 (Rev. CoP13) clearly refers to implementation of CITES-listing decisions, not the making of listing decisions. It therefore is inappropriate for the Secretariat to imply that this is a requirement for listing proposals. In fact, as the Secretariat well knows, the Parties rejected including a criterion on “potential impacts on the livelihoods of the poor” in Resolution Conf. 9.24 (Rev. CoP14), on *Criteria for the amendment of Appendices I and II*. Thus, the U.S. is under no obligation to address this in its Proposal and the Secretariat's comment is irrelevant.