

## A Review of the Sun Bear Trade in Sarawak, Malaysia

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### INTRODUCTION

Of the eight species of bear that occur globally, five are native to Asia, including the Asiatic Black Bear *Ursus thibetanus*, Sun Bear *Helarctos malayanus*, Sloth Bear *Melursus ursinus*, Brown Bear *Ursus arctos* and Giant Panda *Ailuropoda melanoleuca*.

The Sun Bear, the smallest of the world's bear species, occurs throughout South-east Asia. It is extinct in Singapore (Fredriksson *et al.*, 2008), and has possibly become extinct more recently in Bangladesh (Anwarul Islam *et al.*, 2010) and China (G. Fredriksson *in litt.*, to authors, 2014). Two subspecies are recognized, with *H.m. malayanus* occurring on Peninsular Malaysia (and all of mainland South-east Asia, as well as Sumatra, Indonesia) and *H.m. eurypilus* on Borneo (Meijaard, 2004). The Sun Bear is the only bear native to Malaysia.

Like most Asian bear species, the Sun Bear is listed in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which effectively means that all international commercial trade in bear parts and products is illegal. It is listed as Vulnerable on the IUCN Red List, with a declining population reported across its range (Fredriksson *et al.*, 2008). The species is threatened by loss of habitat, and by wildlife trade, both of which are suspected to be the reason behind an estimated 30% population reduction over the last 30 years (Foley *et al.*, 2011). Bear parts, such as gall bladders, are in high demand for use in traditional Chinese medicines (TCM) and the meat is considered a culinary delicacy, the paws in particular.

### BACKGROUND

In the Malaysian state of Sarawak on Borneo, trade in wildlife, including parts and derivatives, has been identified as the single leading factor that threatens the survival of species (Sarawak Forest Department and Wildlife Conservation Society, 1996). Wildlife is hunted predominantly for the wild meat trade, but also for trade as pets, trophies or for traditional medicine. The trade extends throughout the State, from remote indigenous settlements to markets in towns and cities and across national and international borders, via roads, ports and airports. It is large-scale and widespread, in virtually all villages and towns throughout the State (Sarawak Forest Department and Wildlife Conservation Society, 1996).

Historical accounts show that Sun Bears have been hunted and traded in Sarawak for decades as pets, for their meat, claws and gall bladders, with information suggesting that the Sun Bear is one of Borneo's most severely impacted mammal species (Meijaard, 1998; Pereira, 2002). Uses over time in Sarawak have varied. For example, in 1949, Sun Bear hides were used by men as decorative seating pads to keep dry when sitting down outdoors (Caldecott, 1988). In 1988, a door-to-door



Sun Bear *Helarctos malayanus*.

TIMBULL / KWPLH SUN BEAR EDUCATION CENTER

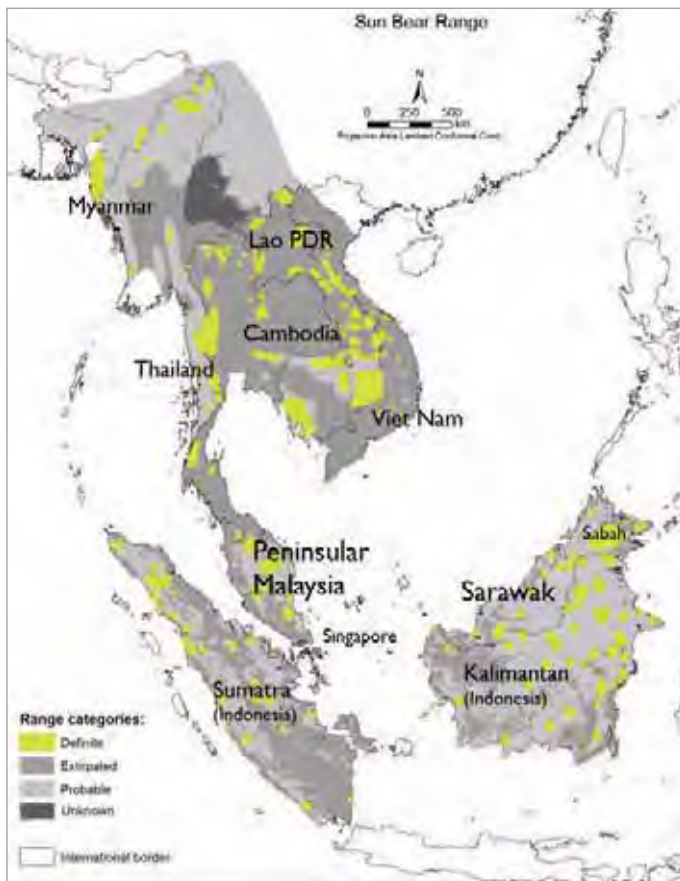
survey in 16 settlements and one town in Sarawak found 74 Sun Bear trophies, most of which consisted of bear paws for sale in shops and one captive animal kept as a pet (Meijaard, 1999). Research at the time found that approximately one bear was killed annually for every 50 hunting families, an estimated 10% of the Sun Bear population in Sarawak per year alone (Meijaard, 1999).

Between 1991 and 1996, 11 Sun Bears were licensed by the government as pets (Sarawak Forest Department and Wildlife Conservation Society, 1996). In addition, five animals were exported to Japan between January 1992 and March 1996, based on Forest Department records. However, according to the CITES Trade Database, only two animals were exported to Japan during this period (Sarawak Forest Department and Wildlife Conservation Society, 1996; CITES Trade Database, 2013).

The trade in gall bladders was reportedly continuing at high levels. During a survey on the availability of Sun Bear products in 1997, it appeared that almost every TCM shop in Sarawak stocked at least one or two bear gall bladders, and sometimes as many as 10 (Meijaard, 1998). In 2002, a study on the availability of bear bile products found that 14 of the 24 shops surveyed in Kuching sold bear products. Some of the traders in Peninsular Malaysia that were interviewed during that study cited the Sarawak border with Indonesia as a source for gall bladders (Pereira, 2002). With modern hunting methods, specifically the introduction of shotguns, the demand for bear parts and the growing accessibility to forests caused by development, logging and plantations, the effects of hunting on Sun Bears are likely to become more severe.

### LEGISLATION

The Sun Bear is Totally Protected across its range, with the exception of Sarawak and Cambodia, where it is Protected. Although national legislation adopts varying terms within respective countries, in this paper, the term Totally Protected is taken to mean the highest degree of protection afforded by law, while Protected is taken to mean a second level of legal protection, where hunting and trade is regulated.



**Fig. 1. Estimated distribution of Sun Bears.**  
 Source: IUCN/SSC Bear Specialist Group (adapted)

Malaysia is divided into three, semi-autonomous administrative regions: Peninsular Malaysia (comprising 11 States and two Federal territories), Sabah and Sarawak (Fig. 1).

The Sun Bear is listed as Protected under Sarawak’s *Wild Life Protection Ordinance*, yet it is increasingly threatened by hunting and commercial trade, largely to supply demand for its meat and for use in TCM, for which the gall bladder is the bear’s most sought-after body part. In addition, the Ordinance uses the term “recognisable part or derivative” when referring to parts of protected animals that cannot be traded. This clause poses a

severe challenge when dealing with products such as bear bile that are often sold in the form of pills or vials.

Further to being listed in Appendix I of CITES, to which Malaysia has been party since 1978, the Sun Bear is listed in Malaysia’s *International Trade in Endangered Species Act 2008*, which is the country’s CITES implementing legislation. Anyone caught illegally importing or exporting any CITES-listed species is liable to a fine of up to MYR1 million (USD322 580) or up to seven years in gaol, or both.

The three wildlife laws in Malaysia afford significantly different levels of protection to the country’s wildlife (Table 1). The *Wildlife Conservation Act 2010* in Peninsular Malaysia is the superior legislation of the three based on the number of species afforded Total Protection status and its corresponding levels of penalties for violation of the law.

There are three primary differences between the protection levels and penalties for crimes involving the Sun Bear in Peninsular Malaysia, Sabah and Sarawak:

1. Protection status: Totally Protected status for Sun Bear in Peninsular Malaysia and Sabah; Protected status for Sun Bear in Sarawak.
2. Fine: Up to 10 times higher for crimes involving the Sun Bear in Peninsular Malaysia, compared to Sarawak, and a fine up to five times higher for crimes involving the Sun Bear in Sabah, compared to Sarawak.
3. Gaol term: Up to three times higher for crimes involving the Sun Bear in Peninsular Malaysia, compared to Sarawak, and up to five times higher for crimes involving the Sun Bear in Sabah compared to Sarawak.

Further details on the major differences in the legislation covering Sun Bears in Sarawak, Sabah and Peninsular Malaysia can be viewed at: [http://www.traffic.org/traffic-bulletin/traffic\\_publication\\_bulletin\\_26\\_1-SOM.pdf](http://www.traffic.org/traffic-bulletin/traffic_publication_bulletin_26_1-SOM.pdf)

Class	TOTALLY PROTECTED STATUS			PROTECTED STATUS		
	WCA 2010 (Peninsular Malaysia)	WCE 1997 (Sabah)	WLPO 1998 (Sarawak)	WCA 2010 (Peninsular Malaysia)	WCE 1997 (Sabah)	WLPO 1998 (Sarawak)
Mammalia	>272	6	28	>183	13	142
Aves	>947	0	37	>309	131	-
Reptilia	>66	3	11	>252	8	13
Amphibia	>9	0	0	>38	0	0
Insecta	4	0	0	>46	5	1
Arachnida	-	-	-	>11	0	0
<b>TOTAL</b>	<b>&gt;1298</b>	<b>&gt;9</b>	<b>&gt;76</b>	<b>&gt;839</b>	<b>&gt;157</b>	<b>&gt;155</b>

**Table 1. Comparative summary of legislative protection for wildlife in Peninsular Malaysia, Sabah and Sarawak.**  
 WCA - Wildlife Conservation Act; WCE - Wildlife Conservation Enactment; WLPO - Wild Life Protection Ordinance  
 Source: Mohd-Azlan J. (in prep.).



Bear gall bladder being weighed, observed in a shop in Sarawak.

Photograph: Lee SL / TRAFFIC

**SURVEY FINDINGS**

In 2010, TRAFFIC carried out surveys on the availability of bear bile products in 13 countries and territories in Asia. Findings show that Malaysia ranks as the fourth-highest in the region for the illegal trade in bear parts. This study also highlighted that 70–100% of the bear products found in Cambodia, Lao PDR, Malaysia, Singapore and Thailand were reportedly exported from China (Foley *et al.*, 2011).

Following TRAFFIC’s first study, a second country-wide assessment on the availability of bear products in TCM shops in Malaysia was initiated in 2012 to assist enforcement agencies. A total of 365 shops were surveyed in Peninsular Malaysia, Sabah and Sarawak (Table 2). Traders who were interviewed claimed that some 60% of the bear gall bladders originated from locally sourced bears. A further 40% of bear gall bladders were allegedly imported, mainly from China and to a lesser extent from Indonesia, with the exception of one manufacturer of pills that was based in Malaysia. Results from this detailed study reinforce the fact that Malaysia is indeed a country of concern regarding trade involving bear products and that there is justification for improved legal protection in Sarawak in particular.

In Sarawak, 17 of the 48 (35%) shops surveyed in 2012 were found to sell bear products (bile, gall bladder and pills). Of greatest concern was the fact that Sarawak had more raw gall bladders available than any other State in Malaysia, with 94 observed (Table 3). This is consistent with the surveys conducted in 2010, where at least 115 gall bladders were recorded for sale—the highest proportion of whole gall bladders for sale compared to any other State in the country (Foley *et al.*, 2011). Almost all of the traders interviewed in Sabah and Sarawak (i.e. 90%) claimed to sell products from locally-sourced bears. The high number of gall bladders observed, and claims by traders that most bears were locally hunted, point to a large number of bears being hunted.

Any trade or importation of bear products into Sarawak is a clear violation of the *Wild Life Protection Ordinance 1998*, and the *International Trade in Endangered Species Act 2008*. All information received from this survey has been reported to the Sarawak Forest Corporation for information and action.

Reports to enforcement agencies	No. of shops surveyed	No. of shops selling bear products	%
Johor	36	28	78
Perak	50	27	54
Selangor	38	26	68
Penang	37	22	59
Kuala Lumpur	34	22	65
Melaka	30	18	60
Pahang	25	17	68
Kelantan	12	11	92
Kedah	11	6	55
Negeri Sembilan	11	4	36
Perlis	6	4	67
Terengganu	3	2	67
Sabah	24	10	42
Sarawak	48	17	35
TOTAL	365	214	59

**Table 2. Number of traditional Chinese medicine shops surveyed across Malaysia.**

State	No. of gall bladders observed
Sarawak	94
Kuala Lumpur	69
Johor	68
Perak	31
Sabah	24
Melaka	21
Pahang	16
Kelantan	12
Selangor	6
Penang	4
Terengganu	1
Kedah	1
Negeri Sembilan	0
Perlis	0
TOTAL	347

**Table 3. Quantities of bear gall bladders recorded in traditional Chinese medicine shops surveyed across Malaysia.**

The trade in Sun Bears for wild meat has also been reported in the State. In May 2013, local newspaper *Kosmo!* reported that at least five people were selling bear paws and gall bladders at Tersang market, Kapit. The outcome of this incident is unknown. The report noted that these illegal traders had hunted the Sun Bear from the nearby forest at Ulu Kapit, and that there was a high demand for Sun Bear parts locally (Asen, 2013).



*Efforts by the State government to protect the Sun Bear*

Information presented above underscores the fact that legislation protecting Sun Bears in Malaysia is the weakest in Sarawak, while trade involving bear parts and products is the highest compared to any other State in the country.

In January 1997, the Sarawak Cabinet adopted a *Master Plan for Wildlife in Sarawak* as a State policy to manage and conserve its natural environment and wildlife. The Master Plan marks the State's first attempt at consolidating all information on wildlife in the form of a comprehensive conservation strategy. It examines a wide range of issues including the management and protection of wildlife and its related challenges faced in the State. The Master Plan makes numerous recommendations to improve wildlife management, including specific recommendations for the Sun Bear. The Master Plan has proposed that the protection status of the Sun Bear (as well as certain other species) be upgraded because it is "Extremely rare; extinct in many areas, hunted heavily for meat, gall bladders, claws, teeth for trade".

The Master Plan also recommends that:

- 1) a moratorium be placed on all commercial sales of all wildlife and wildlife products in Sarawak. This can be done under the *Wild Life Protection Ordinance 1998*, so no change in legislation is required;
- 2) the moratorium should be announced six months before it is brought into effect, accompanied by an initial public announcement by the Chief Minister or State Secretary, and a major publicity campaign.

**RECOMMENDATIONS**

In light of the above, TRAFFIC strongly recommends that immediate efforts are put in place to improve protection of the Sun Bear from illegal hunting and trade in Sarawak, all of which are in line with the assessment and recommendations made by the *Master Plan for Wildlife in Sarawak*. These are:

- i. to include the Sun Bear in the Totally Protected list of the Sarawak *Wild Life Protection Ordinance 1998*;
- ii. to revise and increase penalties for both Totally Protected and Protected Species that would serve as a deterrent under the Ordinance, and that the increase in penalty is on a par with the *Wildlife Conservation Act 2010*;
- iii. to improve enforcement of the law through spot-checks and prosecution of those violating the law;
- iv. to place a moratorium on all commercial sales of all wildlife and wildlife products in Sarawak, under the WLPO. The moratorium should be announced six months before it is brought into effect, accompanied by an initial public announcement from the State government;

- v. to conduct sustained awareness-raising efforts on the illegality of the trade and consumption of bear products in the State, specifically with the TCM businesses and restaurants registered to sell wildlife, including the issuing of warning letters to those businesses selling bear products, and outlining the consequences of violating the law.

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