



## [ TRANSLATION ]

# Can Tiger Bones of Captive Bred Origins Be Used in Medicine ?

By Wan Ziming, Published in Big Nature Magazine, China on Feb, 2009

In recent years, some international wildlife protection experts and domestic research institutions, such as in the fields of economics and management, have hypothesized. Combining accurate data, and with consideration for demand for tiger bones from patients, the research conducted a comprehensive study that deemed: the current total ban on tiger bone for use in medicine does not curtail the criminal activities involved in the smuggling and illegal use of tiger bones and its products, there should be limited use of tiger bones of captive-bred origin for medicinal use at designated hospitals, so that patients do not purchase tiger bones of illegal origins, in order to curb smuggling and illegal profiteering, and in doing so, protect the world's wild tigers. In response to recommendations above, the relevant authorities in China have taken a very cautious attitude under the premise of wild tiger protection, started a policy evaluation in 2005, which remains inconclusive till today.

After news about the above mentioned spreaded, 39 non-governmental organisations, led by the World Wide Fund for Nature (WWF), set up the "International Tiger Coalition", which launched a campaign to stop China's use of tiger bone of captive-bred origin in medicine. In addition to letters written by dignitaries, legislators, groups and individuals to our state leaders and relevant departments, as well as lobbying of governments and inter-governmental groups, at various meetings for tiger protection, proposing and requesting for the ban on commercial use of tiger bones of captive bred sources.

In June 2007, the 14<sup>th</sup> Conference of Parties of "Convention on International Trade in Endangered Species of Wild Fauna and Flora" (CITES) was held at The Hague in Netherlands. At the meeting, countries such as USA and India proposed a motion, requesting that Parties with tiger breeding operations of commercial scale take measures to limit the population of captive-bred tigers to a level that supports the protection of wild tigers, yet not permitting tiger breeding with a purpose of using their parts and its derivatives. Despite strong objections by China, as few countries were restricted by this motion, it was passed after a fierce debate, Decision 14.69 was formed.

In July 2008, at the 57th CITES Standing Committee meeting held in Switzerland, updates by respective countries that carried out Decision 14.69 was discussed. Apart from a clear statement that the Decision could not be implemented, China also raised questions about the Decision and its content, and requested for a clarification by the Standing Committee. Regarding China's articulation and reasonable queries, the Chairman of the Standing Committee and Secretary-General of the Convention held discussions and expressed that the inherent problems with the Decision passed by the Parties and each Party's implementation of the Decision are two separate matters; and that the Standing Committee can only deliberate based on the scope of their duty, which is to discuss the implementation status of Decision 14.69 by Parties under the notice of the Secretary-General.

Why can't China implement Decision 14.69? What problems does this Decision present? Should China utilise tiger bones of captive-bred sources for medicinal use? Why does the international community want to stop China from utilising tiger bones of captive bred origins for medicine making? How to push forward with the utilisation? Societies will have to understand the background behind captive-bred tiger bones for medicinal use and how it compliments the work of wild tiger protection. I wish to share my personal views.

The reasons for China's inability to implement Decision 14.69: 1. China's laws not only encourage domestication and breeding, but also permit the rational use of wild animals, including endangered species. Most of China's captive-bred tigers population are in the hands of private owners, who legally obtain their "Domestication and Captive-Breeding License" and conduct their breeding operations in accordance to the legal framework; the industry also possesses the right to legally utilise its captive-bred tigers. If these industries do not violate the law, the government is not only unable to restrict their captive-breeding activities, it should actively consider advocating the utilisation the use of captive-bred tigers. China in 1993 completely prohibits the use of tiger bones in medicine and trade, because the technology in captive-breeding then not yet viable, the captive-bred populations was very small and most tiger bones used in medicine were from wild origins. As the continual utilisation of tiger bones in medicine would have adverse impact on wild tigers, the fundamental aim of the trade ban is to benefit of protection of the wild tigers. 2. CITES is a Convention that manages international trade in endangered wild flora and fauna species, it must not interfere with the domestic trade laws in the respective countries. CITES Article 14 Paragraph 2 stipulates the provision that the Convention will not influence any domestic measures undertaken by a Party, and Decision 14.69 removed China's right to implement domestic measures. 3. Not only has CITES never opposed the domestication and captive breeding of endangered animals, it has permitted the export of captive-bred Appendix 1 species from facilities that have been registered with the CITES Secretariat. The Provision to prohibit the utilisation and export of tiger parts and derivatives is in conflict with the fundamental principles of CITES. For the abovementioned reasons, and taking into consideration that the medicinal use of captive-bred tiger bone can help tens of millions of patients suffering from

rheumatoid pains, not to mention alleviate the poaching pressure for wild tigers, it is not possible for China to implement what is a Decision that extends beyond the jurisdiction of CITES, infringes national sovereignty, sacrifices cultural heritage and the health of its people, and will have an adverse effect on wild tiger protection.

Apart from the legal issues that Decision 14.69 presents, there are also many technological obstacles with its implementation. China current has around 5,000 captive-bred tigers. With developed captive-breeding technologies, unless reproductive planning measures are carried out, there will be an increase of at least 1,000 tiger cubs every year in China. What is an appropriate population of captive bred tiger that supports the protection of wild tigers? How many tigers will it take for one entity (farm) for it to be considered of breeding at a commercial scale? If there are populations that exceed the required scale, then how should it be limited? Does the government have the right to prohibit the captive albeit natural breeding of tigers, or, to kill "excess" tigers to achieve the limited scale of captive-bred tigers? If the industry rejects limits placed to its tiger populations, what can be done about it? Who will compensate for the losses incurred by the farming industry as a result of this Decision? Should the compensation come from the Party that proposed this motion, or, CITES Parties that made the Decision? What is the difference between trading a live tiger for the pet trade and other uses, versus using dead tigers for the medicinal trade? Why not limit the use of captive-bred tigers in the pet trade, zoo exhibitions or circus performances? Why are there different ways of dealing with tigers of captive-bred origins? Unless these issues are resolved, the practicalities and impartiality of Decision 14.69 will not be achieved, which will leave no room for discussions on implementation.

I think, that China should consider utilizing captive bred tiger bones into medicine-making, for the reasons listed below: First, the principles of China's wild-life protection is to increase protection of our resource, to positively tame and breed, and to reasonably explore and utilize. Under the precondition of international convention and China's national laws and regulations, in line with the spirit from Property Law, as for species (including tigers) for which breeding techniques are already developed, scale-breeding potential exists and high economic value and market demand also potentially exist, should be allowed to be utilized legally. Secondly, TCM is China's historic treasure, winning recognition and promotion with its low-cost and effective-ness, is human-being's precious cultural heritage, therefore deserves for preservation and promotion. TCMs with tiger bones have been proven through thousands of years of practice, significantly effective for rheumatism. China has millions of rheumatism patients suffering from different level of illness, which form a massive demand for TCM containing tiger bone ingredients. By satisfying medical demand of these rheumatism patients, we are not only preserving our traditional culture, alleviating suffering for the patients, we are also reducing demand for wild tiger bones, alleviating poaching pressures on wild tigers as well as pressure on combating illegal tiger bone trade in China and achieving the goal of protecting global wild tigers. Thirdly, Utilizing its own national natural resources is a right for any country and its citizens, let alone, these are wildlife resources captively bred within our country.

Major concerns from the international society towards China utilizing captive bred tiger bones are as following: first, ban on using tiger bones in medicine-making was relatively successful, the demand for TCM containing tiger bones has more or less been curbed. Once go back to re-use tiger bones, a strong market demand will emerge, and tiger bones will become expensive sought-afters, and wild tigers may get poached as a consequence; Secondly, tiger's captive breeding is a costly activity, especially against the backdrop of rocketing food prices, while-as it is extremely cheap to poach a tiger and really profitable to sell wild tiger bones, which may incentivize wild tiger poaching; Thirdly, Chinese people prefer wild tiger bones and allowing utilizing captive tiger bones to make medicines will not reduce demand for wild tigers; Fourthly, China is a developing country and its management skills and enforcement execution is relatively weak, and there is no qualified techniques to distinguish captive-bred tiger bones from wild-sourced ones, therefore no way to prevent wild ones being laundered into the legal circulating channels; Fifthly, TCM that contain tiger bones only have a little fraction of bones, therefore pose difficulties for testing, hence a challenge for supervision and enforcement works.

There certainly are some valid points in the above concerns, but these are problems facing wildlife management in all countries, rather than a tiger specific problem. So long as we patiently and carefully try our best to do the following works, we have the hope to eliminate the above concerns. First, since the ban in 1993 for tiger trade, demand continues, and China's seizure of smuggled tiger bones, show that the illegal tiger bone market persists. In TCM, tiger bones are used as a medical lead, and it has to be used together with other ingredients. A set of skeleton of tiger bones is able to produce dozens to several hundreds of TCM, once open breeding, China can breed several thousands to ten thousands of tigers every year, so about a million of TCM with tiger ingredients can fully satisfy the demand from the whole country. Currently, China has a domestic scheme for ivory and ivory products with registry and marking as its core and to designated import, processing and sale points. International society not only recognizes the China's management practices of ivory trade, they also permitted China, together with Japan to bid for and to import raw ivory totalling 108tons from four South African countries. If China decides to utilize captive bred tigers in medicine making, we could well use a similar scheme, to designate tiger breeding facilities and to designate production and selling point of TCMs containing tiger bones. At beginning stage, we ought to control the number of designated processing and selling points, restrict its business and utilization scale, to make them in balance with the stock number of captive tigers and existed market demand. When the number of captive-bred tiger and market demand get expanded, we would then consider increasing designated breeding and production facilities, and then end the designated selling point scheme. Market recognition and expansion of TCM containing tiger bones will not be done overnight, and along with the increasing competition, the medicine price will fall too. Once legal demand is satisfied, illegal markets will lose their grounds; not putting into practice, just posing questions and difficulties in order to prevent utilizing captive-bred tigers into medicine making, is obviously not fair, and lack scientific proof. Secondly, the cost of poaching and smuggling wild tigers is far beyond the 10 dollars claimed by many NGOs, even

10,000 US dollars is not enough to cover the loss of a poacher and smuggler after being sentenced to years or decades of life time in prison. Thirdly, not like herbal materials, the effectiveness of animal materials will not be affected by its origin. China has a very small population of wild sika deer, but has hundreds of thousands of captive bred population, utilizing sika deer in medicines on a big scale didn't pose any damaging challenge to our wild sika deer population. Fourthly, China's management and enforcement on ivory domestic trade, has already prove that China is capable of managing utilization and trade of wildlife. There are many captive bred wildlife, like deers, primates, falcons, psittacine, crocodiles and frogs, all got permission to be commercially traded and utilized, all these animals have the problem of distinguishing their origins, but so long as we fulfill our management works with registration and marking as a core as well as enforcement after launching the products, we can prevent illegal wildlife products from laundering into legal circulating channels. The last point is that, china's management of the marking system, posed on wild floral and fauna products in circulation, has greatly provided convenience for daily supervision and enforcement. So long as it is without a mark(certificate), it will be seen as illegal, this will definitely reduce cost for supervision and enforcement, and provide convenience for supervision and enforcement.

Global wild tiger population is decreasing, challenges for conservation are severe. As a flagship beloved species, tiger protection is a top issue in international conservation world. CITES's COP has made a ban on breeding tigers with a purpose of commercially utilizing tiger parts and derivatives, though lack of legal foundation and practicality, clearly show international society's objection against using captive bred tiger bones in medicine making. Due to political and sentimental factors, utilizing captive tiger bones in medicine making will be more and more sensitive on the international level.. In order for China to successfully push forward utilizing captive bred tiger bones in medicine making, we have to take international outcry seriously, and ought to consider the restrictions the Decision 14.69 as a international "soft law" posed on us, ought to work hard and carefully on international coordination.

If the state decides to try utilizing captive-bred tiger in medicine making, before that, it is important for China to work on the two sorts of things: Outwardly, use diplomatic channels to get our advocates well understood, and if this sovereignty-interfering decision gets widely accepted, most developing countries will not be able to escape its restriction. We need to be actively participating CITES tiger enforcement seminars and tiger enforcement special working group meetings, send representatives to CITES-led, IUCN and global tiger forum-hosted international tiger protection strategy discussions and World Bank-led Tiger Summit, being rational and restrained but argue with evidences and fight for understanding and support from other countries. We have to consider, according CITIES texts and relative resolutions, organizing international and domestic experts, to draft to CITES secretariat, to apply for registering units to commercially export captive bred tigers and withdrawing Decision 14.69, to be handed in for the next CITES COP. Though this got bleak chance to be passed, it may point out problems the Decision may have, and to show our

firm stance, and to get the convention develop towards the right direction. If China will face a sanction by the CITES Committee due to utilizing captive tiger bones in medicine making, the state can consider using CITES convention Clause 2, Chapter 18 and appeal to International Court in Hague. Inwardly, we need to continue keeping high pressure on combating illegal activities like smuggling and illegal trade, transportation and purchasing tiger and its products, strictly forbidding illegal business and utilization of tiger and leopard skins and tiger bone wines. We have to continue our work in marking captive living tigers and set up a central data-base, and timely control and manage captive tiger population, non-periodically inspect on breeding facilities' activities. We have to consider reasonably the distribution of the production and trade units of TCM containing captive bred tiger bones, strictly restrict the number of the designated production facilities and medicine types, to ensure there is at least there is one sales point in each province, so the public can get access. We need to consider a central data base of tiger bone products trade management system, timely manage the flow of the tiger bones from designated breeding facilities, and the sales situation of tigers bone products (produced by designated facilities) in designated sales outlets, to prevent illegally sourced tiger bones being laundered into legal medicine production and distribution channels – to achieve a reliable origin of tiger bones, tiger bone products trade and utilization transparent and open for inspection. We need to widely educate the public about the marking and designated production and sales scheme, trying to reach everyone, so that patients will be guided not to buy tiger bones or its products without the mark, or its origin and authenticity unknown, in order to cut the market for illegal tiger bones, alleviate pressure on wild tiger poaching and smuggling, and eventually to achieve the goal of protecting wild tigers.

Saving and protecting wild tigers internationally, so the generations to come will be able to appreciate tigers in the wild, is the duty of every global citizen. I hope this important measure of utilizing captive bred tigers in medicine making, which will protect tigers, preserve traditions and alleviate pains, will gain understanding and support at both domestic and international level, and to be implemented as soon as possible.