

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA

Forty-ninth meeting of the Standing Committee
Geneva (Switzerland), 22-25 April 2003

Interpretation and implementation of the Convention

ELEPHANTS

This document has been prepared by Japan.

Japan's basic position and implementing situation on the elephant issue

Government of Japan
April, 2003

I. Japan's fundamental policy

The concept of sustainable use should be the basis for a conservation tool of elephants. The Government of Japan considers that endangered species should be protected and the Convention needs to be implemented rigorously by its Parties for these species. On the other hand, species with abundant population should be treated in the Convention in accordance with their biological criteria based on scientific information. Some populations of the African elephant clearly demonstrate that they do not meet the biological criteria for Appendix I listing. Benefit from trade in wildlife species should be recognized properly as described in Resolution Conf. 8.3 (Kyoto, 1992). At the same time, the Government of Japan makes every effort to strictly implement the decision adopted in the Conference of the Parties as a member state of the CITES.

II. Domestic Control on Ivory in Japan

1. Implementation of CITES in Japan

Import and export of animals and plants, their parts and derivatives of the CITES-listed species are controlled under the Foreign Exchange and Foreign Trade Law and its implementing rules and regulation. The Management Authority is the Ministry of Economy, Trade and Industry, METI. It administers the prohibition of the export and import, requisition of the export and import permit and the certificate of country of origin according to the CITES-listing.

In practice for fulfilling all the requirements demanded by CITES, when the Conference of Parties adopts a transfer of a species from one Appendix to another, the METI issues a notification on the decision made by CoP under the Foreign Exchange and Foreign Trade Law as an administrative amendment, and the Custom Act, etc. Other authorities concerned administer “ introduction from the sea” , confiscation and return of smuggled items.

2. Supplementing Domestic Legislation to Assure the Effective Implementation of CITES in Japan

Although internal trade control is not required under the provision of CITES, the Government of Japan also severely regulates the internal trade according to the nature of their product processing and the trade, for the CITES-listed species whose internal trade control is necessary to ensure the effective implementation of CITES in Japan. For this purpose, the Government of Japan enacted “the Law for the Conservation of Endangered Species of Wild Fauna and Flora (LCES)”. Three Ministries, i.e. Ministry of the Environment (MOE), METI and Ministry of Agriculture, Forestry and Fishery, are responsible for this Law.

3. Outline of the domestic regulation system in “the Law for the Conservation of Endangered Species of Wild Fauna and Flora (LCES)”

(1) Internal trade in whole tusks is not permitted unless it is accompanied by a Registration Card issued by the Minister of the Environment.

(2) A person or an enterprise who engages in the business (manufactures, wholesalers, and retailers) of trading cut pieces of tusks, ivory seal (hankos/inzais), is required to register the business, keep the trade record and accept the inspection.

a) Registration of the business

Any person or enterprise engaged in a business of trading cut pieces of tusks, ivory seals(hankos/inzais) is required to register their personal and business detail (including stocks of raw ivory, ivory seals) with MOE and METI.

b) Record-keeping of the trade

Any person or enterprise which carries out any transaction involving cut pieces of tusks, ivory seals(hankos/inzais) is required to compile and maintain a ledger recording of all such transactions. The ledger must contain the name and address of the person or the enterprise with whom any individual transaction was made, the date of the transaction and weight and quantity of cut pieces of tusks and ivory seals(hankos/inzais) involved. Current stocks of cut pieces of tusks and Ivory seals(hankos/inzais) held are also required to be recorded. The ledger is required to be preserved for 5 years and must be presented at the request of officials from MOE and METI. Details on stocks of cut pieces of tusks, Ivory seals(hankos/inzais) and transactions are submitted to MOE and METI in order for them to enable monitoring of the stock.

c) Inspection

MOE and METI enter the facilities of the registered individual or enterprise to inspect the trade record on the ledger and inquire to the person on the record, the stock and other information.

(3) Through these regulations, every transaction and flow of each piece of ivory can be traced. Furthermore, in the case that anyone fails to abide by these regulations, the MOE and METI can direct them to suspend business.

(4) These regulations are practical and extremely strict and are operated faithfully in line with the international standards. In addition, these measures have been improved according to the recommendations by the CITES Panel of Experts on African elephants and approved to satisfy Resolution Conf.10.1 at the 41st Standing Committee in

February 1999. The Government of Japan believes that with such a strict and careful system based on the Resolutions and the discussion at the Standing Committee, it can control any trade of ivory effectively enough.

III. Past review by the CITES Secretariat on Japanese legislation and domestic control system

The Government of Japan is confident that Japan's current national legislation and control system for domestic ivory trade are sufficient and adequate enough to meet all the requirements of Decision 10.10, as agreed by 41st Standing Committee meeting in February 1999. The thorough review conducted by the CITES secretariat in 1999 clearly certified this. The Government of Japan will continue making its efforts to strengthen further the proper implementation of the legislation and system to control domestic ivory trade.

Whenever the Standing Committee requests the CITES Secretariat to review Japan's present situation of domestic ivory trade, based on Resolution Conf 10.10 (Rev. CoP12), we are ready to accept such an inspection.

In this context, the Government of Japan recognizes that certain non-governmental organizations have alleged ivory smuggling into Japan and domestic trade in ivory of illegal origin. If it gets any evidence of such illegal activities, it will take necessary measures immediately in accordance with relevant laws. In this sense, it deeply regrets that the NGOs concerned have never disclosed concrete information on such alleged illegal activities to the Japanese authorities. NGOs are requested to cooperate fully with the authorities of Japan.