

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

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PROGRESS REPORT ON EFFORTS BY PUBLIC-PRIVATE COUNCIL  
FOR THE PROMOTION OF APPROPRIATE IVORY TRADE MEASURES

This document has been submitted by Japan in relation to agenda item 66.1.\*

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Progress Report on Efforts by Public-Private Council  
for the Promotion of Appropriate Ivory Trade Measures

October 2022  
Public-Private Council for the Promotion  
of Appropriate Ivory Trade Measures

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## 1. Responsibilities of the Public-Private Council and the Background of Preparing the Progress Report on Its Efforts

In May 2016, the “Public-Private Council for the Promotion of Appropriate Ivory Trade Measures” was established with the aim of further ensuring thorough and appropriate implementation of the ivory trade system and promoting other additional efforts from various viewpoints, including information dissemination to inside and outside Japan, under the recognition that it is essential to share the present state and issues regarding trade (domestic trade and import/export) in ivory<sup>1</sup> and to consider efforts to promote appropriate operation of the relevant systems under the collaboration of wider stakeholders of both public and private sectors such as relevant Ministries and Agencies, private companies, industry groups and academic experts, etc.

The Council has compiled reports twice and published them inside and outside Japan as a means of information dissemination so that ivory trade can be properly carried out. The report of September 2016 compiles the current state of ivory trade inside and outside Japan and the basic idea of controlling domestic ivory trade, and the planned future efforts (i.e., control of domestic ivory trade, import and export control, and information dissemination) by the Council’s constituent organizations, etc., so that ivory trade can be more properly controlled by Japan. The subsequent Follow-up Report of November 2017 follows up the state of efforts made during one year after the initial report and compiles their outcomes, in order to increase the effectiveness of efforts. The Follow-up Report confirms 1) that the private business operators participating in the Council have been taking spontaneous and positive actions to further make their trade appropriate, 2) that it is necessary to continue reviewing sincerely whether there exist any additional issues on controlling ivory trade in Japan, and in case there are any, immediately consider and implement measures towards eradicating illegal trade, and 3) that efforts are to be taken for continuing to carefully examine the actual state of ivory trade and facilitating complete exit from the market of business operators who cannot control their trade appropriately, as well as considering measures for eliminating inappropriate trade.

The domestic ivory trade control system has been substantially changed since the publication of the Follow-up Report above. In June 2018, Japanese government enacted the amendment of the Act on Conservation of Endangered Species of Wild Fauna and Flora (Act No. 75 of 1992) (hereinafter referred to as the “ACES”) which was promulgated in June 2017 before the publication of the Follow-up Report. Under the amended Law strengthened regulations on business operators, in which, for example, business operators, who engage in the transfer of ivory products and had previously been required to make notification, became obligated to register as Special International Species Business Operators, and became required to renew their registration every five years. In addition, since July 2019, the registration screening for whole ivory tusks was tightened under the registration system for individuals, etc., in the trade regulations for individuals, etc., set forth in the ACES. Japan explained its aforementioned efforts to the global community at the 18th meeting of the Conference of the Parties to CITES (Cop18) held in August 2019.

Also, in 2020, Tokyo Metropolitan Government has established the “Advisory Council on Regulation of Ivory Trade” intended to consider the measures to be taken by Tokyo as an international city, in response to circumstances concerning domestic and international ivory trade—the growing global concern over ivory trade, triggered by the Olympic and Paralympic

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<sup>1</sup> Ivory: A whole ivory tusk (a tusk that holds its whole form), cut pieces (divided ivory) and processed goods which no longer maintain the whole form shall be hereinafter collectively referred to as “ivory” in the present report.

Games Tokyo 2020. The Council's constituent organizations provided cooperation for discussions at the Advisory Council, as observers or information providers.

As mentioned above, the Council has been accumulating joint efforts from both the Government and the private sector, towards an achievement of the objectives of CITES which aims to conserve species of wild fauna/flora in danger of extinction due to excessive international trade, through the regulation of international trade based on international cooperation, with the slogan of thorough and appropriate control of domestic ivory trade and import and export. In this respect, the present report compiles measures taken after CoP18.

## **2. Progress on Efforts Made by the Stakeholders**

### **(1) Promoting Understanding of and Thorough Compliance with Relevant Laws and Regulations**

#### **1) Patrols and On-Site Inspection of Antique Markets, etc., and Capacity Improvement of Officials in Charge of Trade Monitoring [MOE, METI]**

Under the amended ACES in effect in June 2018, business operators who engage in the transfer of ivory products have become required to register as Special International Species Business Operators. (Specific International Species Business Operators are limited to business operators who engage in the transfer of sea turtle shells.)

The Ministries carried out patrols of antique markets, etc., that were expected to handle ivory, and checked how participants handled ivory and whether they complied with laws and regulations. Specifically, the Ministries confirmed whether, for example, Special International Species Business Operators indicated required business operators' names, etc., when displaying or advertising ivory, and provided guidance for improvement in cases such as where they did not indicate their names, etc., or they failed to indicate them in an appropriate manner. Also, the Ministries informed once again other participants that they were required to register as Special International Species Business Operators in order to handle ivory, how to register, etc. Furthermore, the Ministries carried out on-site inspections for Special International Species Business Operators, and provided guidance in order for them to ensure appropriate handling of ivory in accordance with laws and regulations.

In addition, the MOE, through its regional environment offices located across the country, made efforts to enhance its law-enforcement capabilities by providing trainings for officials in charge of trade monitoring who conduct monitoring of online trade of rare species of wild fauna/flora (including ivory), which are in principle prohibited from being traded under the ACES, and carried out patrols of physical stores and on-site inspections, etc., of breeding and sales facilities, etc.

#### **2) Enhancement of Government Publicity [MOE, METI]**

In April 2021, the MOE renewed the webpages on CITES and the ACES on its website<sup>2</sup> and has disseminated information both in Japanese and English.

The section of "Conservation and Sustainable Use of Wildlife" summarizes information related to Japan's Position on the Use of Ivory (i.e., financial benefit of lawful and sustainable use of ivory can be utilized for the conservation of African elephants and the development of local communities in their habitats), to international cooperation on measures against poaching of elephants in countries inhabited by elephants and against illegal ivory trade arising from such poaching, to debates on ivory trade under CITES, etc. The section of "What is CITES?" summarizes the benefits of Appendix II listing, the introduction of cases where the sustainable use has

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<sup>2</sup> MOE website: CITES and the Act on Conservation of Endangered Species of Wild Fauna and Flora of Japan  
<https://www.env.go.jp/nature/kisho/kisei/en/index.html>

contributed to the increase in incentive for local people in the wildlife habitat areas to conserve species, and the important related resolutions adopted at CoP18. Also, this section introduces the training on taxonomic capacity contributing to illegal trade monitoring that was provided as part of human resources development on the conservation and sustainable use of biodiversity intended for Eastern and South-Eastern Asia. The section of the ACES is intended to unify the information on the details of regulations and procedures by providing the overview of domestic trade regulations for rare species of wild fauna/flora, including ivory, a separated page for the domestic ivory trade control which clearly and concisely explains that trade of whole ivory tusks and ivory products are controlled by the registration system for individuals, etc., and the regime of Special International Species Business Operators, respectively (in Japanese).

With respect to prevention of taking ivory out of Japan, reminders are posted on the website in multiple languages (i.e., English and Chinese (simplified/traditional characters)), which is linked from the home page of the Japanese website.

In addition, various public awareness activities were carried out coinciding with World Wildlife Day (March 3). At zoo and botanical gardens, panel exhibitions on CITES and the ACES are periodically conducted, and, after the COVID-19 pandemic, public awareness of rules, etc., for trade of rare species of wild fauna/flora, including ivory, was promoted by posting of materials on the METI website. The MOE website and videos are also utilized, and, in 2022, advertisements were delivered via SNS and videos were distributed via international broadcasting services.

### 3) Collection of Reports from Registered Operators and Thorough Compliance with Laws and Regulations [METI, MOE, NPA]

In order to ensure comprehension of the state of ivory trade and compliance with laws and regulations in Japan, Special International Species Business Operators (about 6,000 operators as of October 2022) are required to report their ivory trading records and stock/inventory in every fiscal year, in accordance with the provisions of the ACES. With respect to any business operator who fails to submit the report or who submitted the report with doubtful content, the actual condition of the materials and actual things has been confirmed such as by on-site inspection of facilities where business is conducted. In addition, business operators failing to comply with reporting obligations, making a false report, or refusing on-site inspection will be subject to criminal penalties, and those violating an order for action, etc., will be subject to revocation of registration as business operators and/or certain period of suspension of their business.

Also, since 2020, the police have made six arrests for crimes related to illicit ivory trade, and, even now, if there is any case that should be prosecuted as a criminal case based on clue information obtained through cyber patrols or information provision, etc., the investigation will be conducted in accordance with laws and evidence.

### 4) Information Dissemination beyond Boundaries among Ivory Handlers [Japan Federation of Ivory Arts and Crafts Associations]

In order to ensure compliance with laws and regulations and appropriate registration renewal by Special International Species Business Operators, the Federation disseminated information to related organizations handling ivory, as well as the members of the Associations, by sending them a document entitled “Registration Renewal of Special International Species Business Operators” to inform them of registration renewal for Special International Species Business Operators.

The Federation has carried out activities contributing to proper ivory trade by sharing the information on ivory collected by the Federation members among the Federation members and with non-member ivory handlers, as necessary.

Also, the Federation has made efforts to ensure correct information dissemination and compliance with laws and regulations by preparing brochures for Special International Species Business Operators that have compiled information that should be known to such Business Operators on export to domestically and internationally recognized problematic countries without appropriate permission.

5) Promotion of Compliance Information Sharing [National Federation of Associations for Japanese Traditional Musical Instrument]

The Federation has made efforts to ensure proper trading through confirmation of whether the Federation members are Special International Species Business Operators who are allowed to handle ivory and through information sharing among the Federation members. In addition, the Federation has made efforts to ensure compliance with laws and regulation through collaborations with relevant commercial groups related to ivory trade and through exchange of views for proper trading.

6) Thorough Dissemination to Association Members of the Obligations of Special International Species Business Operators [Japanese Seal Engravers Association]

The Association disseminated information and provided guidance to the members of the Association with respect to the obligations of Special International Species Business Operators so that ivory can be traded properly.

## **(2) Import and Export Control**

1) Japan-UK Roundtable on Ivory [MOFA, METI, MOE]

In March 2022, Japanese and UK stakeholders participated in the online Japan-UK Roundtable to introduce their efforts and exchange views.

2) Frameworks for dialogue with Management Authority of China or other Parties [METI]

As part of sharing of information and strengthening of control with import/export authorities of other countries, Japan established a meeting framework with Chinese management authorities and exchanged views online. In addition, Japan has also communicated with other management authorities from time to time.

3) Proper Import/Export Control [METI]

In July 2021, the METI has introduced a system in which musical instrument certificates can be used for non-commercial purpose import/export of musical instruments with ivory, and promoted proper import/export control in this regard. Japan has agreed to mutual recognition of the musical instrument certificate systems with eight countries (i.e., U.S., Canada, U.K., France, Germany, Spain, China and Korea) as of October 2022.

In addition, the annual number of cases of suspension on import/export of ivory in Japan has stayed at only a few cases in recent years.

## **(3) Measures for Preventing Taking Ivory Out of Japan**

1) Awareness-Raising for Foreign Travelers [MOF, METI, MOFA]

Since many foreign travelers were expected to come to Japan for the Olympic and Paralympic Games Tokyo 2020, the Ministries took this opportunity, in collaboration with Tokyo Metropolitan Government, to conduct dissemination activities in June 2021 by displaying posters, etc., to prevent illegal overseas transport of ivory at places where it is easy to catch the attention of foreign travelers and those scheduled to travel, such as customs check areas and embassies.

## 2) Explanation of the Export Permit System and Publicity to Restrain Ivory Sales to Foreign Travelers [METI, MOE]

In March 2021, in order to prevent foreign travelers from taking ivory out of Japan without appropriate permission, the Ministries requested sellers, etc., handling ivory, through industry groups, to provide pre-sales explanation to those who wish to purchase ivory, in order to thoroughly prevent taking ivory products out of Japan. Also, at the time of collecting reports under the ACES, the Ministries requested all Special International Species Business Operators to provide pre-sales explanation to customers on the prohibition of taking ivory out of Japan without appropriate permission.

## 3) Thorough Prevention of Illegal Taking ivory out of Japan [Japan Federation of Ivory Arts and Crafts Associations]

The Federation has urged its members not to conduct any transactions that are likely to lead to taking ivory out of Japan.

## 4) Utilization of “Transaction Confirmation Letters” at the Time of Sales to General Consumers [Japan Federation of Ivory Arts and Crafts Associations]

The Federation has voluntarily prepared “transaction confirmation letters” and posted them on its website, as tools to explain that the products sold are restricted from being taken out of Japan.

## 5) Reminders for Foreign Travelers [Japanese Seal Engravers Association]

The Association has, in the course of selling products at shops, reminded customers that ivory is not allowed to be taken out of Japan, by indicating to that effect in multiple languages at locations where products are displayed in stores. Also, the Association has provided guidance and disseminated information to its members that, if any person who wishes to purchase ivory seems to be a foreign traveler, the members should inform such traveler of the prohibition of taking ivory out of Japan, and offer options of products made of non-ivory materials.

### **(4) Control over E-Commerce**

#### 1) Requests for Online Platform Operators to Cooperate by Establishing Internal Management Systems [METI, MOE]

In September 2021, the Ministries requested online platform operators to cooperate in the following matters.

- In addition, major online platform operators currently prohibit sales of ivory.
- Indication of the ACES in lists of items, etc., with sales restrictions, confirmation matters, pledges, etc.
  - Contacting the relevant sellers when online platform operators find that provided items are likely to violate the ACES.
  - Checking indication of registered matters at the time of advertisement and sales of ivory; preventing taking ivory out of Japan.

#### 2) Efforts by an Online Platform Operator [Yahoo Japan Corporation]

Since November 1, 2019, Yahoo Japan has amended its policy to prohibit all trade of ivory products on the EC platform (e.g., Yahoo! Auctions and Yahoo! Shopping). The dedicated monitoring team of Yahoo Japan has conducted patrols 24 hours a day, 365 days a year, and witnessed very few transactions since then.



## (5) Ensuring Traceability

### 1) Attachment of Results, Etc., of the Radiocarbon Dating on Whole Tusks [MOE]

Since July 1, 2019, the MOE has tightened the screening for whole ivory tusks in the registration of individuals, etc., under the ACES. Specifically, in the case of using “third-party testimony” as evidence of their possession before the effective date of the regulations (i.e., November 4, 1980 for Asian elephants, and January 18, 1990 for African elephants), such testimony alone is no longer enough to register, but will require “a reinforcement supporting that third-party testimony (i.e., objective evidence such as results of the radiocarbon dating on whole tusks etc.”.

### 2) Digitization and Change in the Format of Ledger [METI, MOE]

June 2021, the Ministries prepared the data base for the ledger used for making trading records by Special International Species Business Operators, and changed the format of ledger to the one to enter records by type of product, thereby providing the environment for them to properly perform daily management.

### 3) Recommendation to Use Certified Ivory Product Labels [METI, MOE]

In March 2021, the Ministries requested manufacturers of ivory products not in the form of whole tusk to make sure the legality of products for sale and not to sell dubious products that are likely to lead to violation of law, by applying for labels to the certification body specified under the ACES, and obtaining labels in the case of manufacturing new ivory products, and dealing in ivory products with such labels in the case of selling them, utilizing the system in which they can receive labels if their products are certified as manufactured from legally acquired ivory.

## (6) Others

### 1) Support to Counter-Poaching in African Elephant Range States [MOFA]

For measures against poaching of African elephants and illegal trade of ivory, Japan carried out Japan-funded projects under CITES' Monitoring the Illegal Killing of Elephants (MIKE) Program as follows:

- FY 2019: Japan constructed fences along the border of residential area in the Lower Zambezi National Park in Zambia to minimize the conflict between humans and elephants and contributed to a project for construction of facilities for monitoring illegal poaching. Japan completed the construction and handed the facilities in June 2022 (USD 76,798).
- FY 2020: Japan contributed to a survey of elephants in the Volcanoes National Park in Rwanda, installation of equipment for monitoring poaching, and a project aiming at human resources development for rangers. The projects are on-going (USD 55,371).
- FY 2021: Japan contributed to the survey of causes of elephant death and the project for ivory collection in the Seronga area in Botswana, which is on-going (USD 55,375).
- FY 2022: Japan has received the proposal from CITES Secretariat, and the MOFA is currently selecting a project (budget: USD 52,607)



### 3. List of the Constituent Stakeholders of the Public-Private Council for the Promotion of Appropriate Ivory Trade Measures

\* Joint secretariat

#### Government of Japan

- National Police Agency (NPA)
- Ministry of Foreign Affairs (MOFA)
- Ministry of Finance (MOF)
- Agency for Cultural Affairs
- Ministry of Economy, Trade and Industry (METI)\*
- Ministry of the Environment (MOE)\*

#### Industry

- Liaison group for tackling illegal informations: Telecommunications Carriers Association (TCA), Telecom Services Association (TELESA), Japan Internet Providers Association (JAIPA), Japan Cable and Telecommunications Association (JCTA)
- DeNA Co., Ltd.
- Japanese Seal Engravers Association
- Association for Seal and Stamp Products Companies of Japan
- Nationwide Pawnshop Union Alliance Society
- National Federation of Associations for Japanese Traditional Musical Instrument
- Antique Dealers Crime Prevention Associations Federation of Tokyo
- Safer Internet Association<sup>1)</sup>
- Japan Federation of Ivory Arts and Crafts Associations\*
- Yahoo Japan Corporation\*

#### Academia

- Yoshio Kaneko, Former Professor of Iwate Prefectural University
- Nobuo Ishii, Professor Emeritus of Tokyo Woman's Christian University
- Terada Saeko, Assistant Professor of Tamagawa University

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<sup>1)</sup> Since October 2022, Safer Internet Association has participated in the Council from the perspective of preventing distribution of illegal/harmful information.