

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



Fifty-fourth meeting of the Standing Committee
Geneva (Switzerland), 2-6 October 2006

Interpretation and implementation of the Convention

Species trade and conservation issues

Elephants

CONTROL OF TRADE IN AFRICAN ELEPHANT IVORY

1. This document has been prepared by the Secretariat.

Background

2. At its 13th meeting (CoP13, Bangkok, 2004), the Conference of the Parties adopted an action plan for the control of trade in African elephant ivory (Decision 13.26, Annex 2). This places responsibilities upon the African elephant range States and the Secretariat. The Secretariat is required to report on implementation of the action plan at each meeting of the Standing Committee.

Range State activities

3. The following countries have now submitted progress reports: Botswana, Cameroon, Côte d'Ivoire, Democratic Republic of the Congo, Ethiopia, Gabon, Kenya, Malawi, Mozambique, Namibia, Rwanda, Senegal, Sierra Leone, South Africa, Sudan, Togo, United Republic of Tanzania, Zambia and Zimbabwe.
4. Several of the reports included details of ivory seizures not communicated to the Secretariat or ETIS previously. Mozambique reported significant seizures that occurred during country-wide enforcement actions. The Democratic Republic of the Congo also seized large quantities of ivory during enforcement work directed at markets and hotel shops in Kinshasa. Such actions are important in publicizing that illicit trade will not be tolerated and the Secretariat congratulates these countries.
5. The Secretariat reminds Parties of the importance of reporting seizures using the Elephant Trade Information System (ETIS) data collection forms, so that such information can be entered into the ETIS database and subsequently analysed. The form is available electronically from the CITES website at: <http://www.cites.org/eng/notif/1999/092a1.pdf>.
6. The following countries have not yet submitted progress reports: Benin, Burkina Faso, Central African Republic, Chad, Congo, Djibouti, Equatorial Guinea, Eritrea, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Somalia, Swaziland and Uganda.
7. The Secretariat, where possible, has sent reminders to the above countries but some, such as Somalia, are extremely difficult to make contact with. The Secretariat requests that regional representatives to the Standing Committee assist in this process by encouraging the submission of reports.

Activities by the Secretariat

8. As required by the action plan, the Secretariat continues to publicize the need to combat illicit trade in ivory in all relevant meetings that it attends. The Secretary-General of CITES has written to the Commissioner of Police and Director General of Customs in each African elephant range State, encouraging such agencies to target illicit trade in ivory and provide support to the CITES authorities. A copy of the action plan accompanied the letter and a copy of the film produced by the Environmental Investigation Agency to raise awareness of illegal trade in ivory was also included. This film is also regularly provided by the Secretariat to relevant law enforcement agencies in other parts of the world and is shown at seminars and training events that it organizes.
9. The Secretariat has neither the budget nor human resources to help implement the action plan as effectively as it would wish. Similarly, it has been unable to engage actively with those range States that have yet to submit progress reports. The Secretariat is aware that point 8 of the action plan provides it with a mandate to issue a recommendation for a cessation of commercial trade where a country is found not to be implementing the action plan or where ivory is found to be illegally sold. The Secretariat does not believe that the failure to submit a progress report, in itself, should be considered as a failure to implement the action plan. The Secretariat has, however, advised two countries that it would implement point 8 if action were not taken with regard to sales that it knew was taking place. In both cases, the Democratic Republic of the Congo and Mozambique, action was taken.
10. Given its limited resources, as reported at the 53rd meeting of the Standing Committee (SC53, Geneva, June – July 2005), the Secretariat has sought to prioritize its work and direct its efforts towards those countries that appear to be most affected by illicit trade and those countries that request assistance.
11. In September 2005, the Secretariat, assisted by an officer of the Lusaka Agreement Task Force, conducted a one-day seminar in Kinshasa, Democratic Republic of the Congo, where representatives of various law enforcement agencies were given presentations on the Convention, wildlife law enforcement and where emphasis was placed on illegal trade in ivory. The Secretariat hopes that this was of assistance to the CITES authorities in their subsequent action against illegal sales in the capital city. The Secretariat is grateful to the United States of America, which helped fund this work.
12. In early 2006, the Secretariat examined documents and other information relating to an incident of illegal trade in ivory that had occurred in Zimbabwe in July 2005. This involved one tonne of ivory, which it seems likely would have been transported to China. Worryingly, some of this ivory was alleged to have come from the legal government stocks and had allegedly been acquired by licensed traders during one of the routine and lawful domestic auctions of ivory. This ivory, together with other pieces that presumably were acquired by poaching, had then, apparently in violation of Zimbabwe's domestic controls, been sold to other persons. The Secretariat has reason to believe that one of the traders involved may previously have engaged in such a transaction with ivory from government stocks.
13. The Secretariat had reason to question the adequacy of the response of the authorities in relation to this matter and, in March 2006, wrote at length to the CITES Management Authority of Zimbabwe expressing its concerns and offering advice and assistance. This matter has yet to be resolved and the Secretariat awaits further information from Zimbabwe. It has pointed out to Zimbabwe that this seems to be a serious breach of its domestic controls and could clearly have implications should the Secretariat have to assess Zimbabwe's suitability to trade internationally in the future.
14. The Secretariat hopes to be in a position to report further orally on this matter at the present meeting.
15. In April 2006, the Secretariat noted a survey by TRAFFIC that identified the ready availability of ivory, presumed to be of illegal origin, in markets in Angola. It then wrote to the Permanent Mission of Angola to the United Nations and other international organizations in Geneva, bringing attention to this survey and supplying a copy of the action plan. It also offered technical assistance to Angola in regulating trade in ivory. No response has been received.

16. In May 2006, the Secretariat met with a representative of the Permanent Mission of Egypt in Geneva and provided a copy of a TRAFFIC survey report, which indicates that the illegal trade in ivory, which appeared to have reduced considerably following enforcement actions by the authorities, may be emerging again. The Secretariat hopes to be able to report further orally at the present meeting.
17. Also in May 2006, the Secretariat met with officials of the CITES Management Authority of Thailand and expressed concern that illegal domestic trade in ivory, which appeared to have been reduced considerably around the time of CoP13, seemed to be emerging again. In December 2003, the Secretariat provided detailed guidance to Thailand on how domestic trade in ivory might be regulated, taking into account that the use of ivory from domesticated elephants can be legal but is clearly open to exploitation by unscrupulous traders. However, it appears that relatively little progress has been made in amending Thailand's domestic controls.
18. At the same time, the Secretariat, together with an officer from Interpol, noted that worked ivory is readily found in shops near the major tourist hotels in Bangkok. It understands that a recent survey by TRAFFIC, which has yet to be published, also found ivory of questionable origin widely available in several parts of Thailand. The Secretariat has asked the authorities in Thailand to report progress at the present meeting.
19. In June 2006, the Secretariat, assisted by TRAFFIC East/Southern Africa, held a four-day multi-agency law enforcement training workshop in Khartoum, the Sudan. Special emphasis was placed on ivory trade issues. The authorities in the Sudan have apparently recently made seizures of ivory and submission of ETIS reports is awaited. The Secretariat and TRAFFIC also visited markets in Khartoum and Omdurman to survey the availability of ivory and other wildlife products and met with traders who had registered large ivory stocks with the government. The Secretariat noted considerable enthusiasm among law enforcement staff to implement the Convention and it hopes this will be reflected in an increase in seizures.
20. The Secretariat has reminded the United States of America that analyses of ETIS data show it to be an important destination for illegal ivory. The Secretariat has been advised that the United States of America is considering how best to respond to this, perhaps by public awareness campaigns, but has yet to receive further details.
21. At the time of writing (June 2006) the Secretariat is awaiting the publication of the most recent analysis of the ETIS database and the production of the latest ETIS country reports. It intends to use this information to help determine its priorities for further activities related to the trade in ivory.

Verification work by the Secretariat

22. The Secretariat reported at SC53 the work it had conducted in relation to China and Japan, both of which have requested to be designated as 'trading partners' in relation to the annotation in Appendix II regarding stockpiles of ivory held by Botswana, Namibia and South Africa.
23. The Secretariat remains concerned that China continues to be a major destination for illicit trade in ivory. It is also concerned by the evidence, and intelligence, which indicates that citizens of China based in Africa are engaged in such illicit trade. However, the Secretariat continues to be satisfied that the domestic trade control system established by China meets the requirements of Resolution Conf. 10.10 (Rev. CoP12) (Trade in elephant specimens).
24. The Secretariat intends to complete its verification work in relation to Japan's domestic controls in early August 2006. The Secretariat will ask the Committee to consider a written report on the verification but will be unable to provide that document within the usual deadline of 60 days before the meeting.

Instances of significant illicit trade

25. In September and November 2005, the authorities in the Philippines seized a total of three shipments of ivory, two of which arrived by air and the other by sea. The total weight involved was almost seven tonnes. The Secretariat assisted in communicating information regarding these seizures between relevant national law enforcement agencies in the Philippines, Africa and the Middle East

and to Interpol, the World Customs Organization and the Lusaka Agreement Task Force. However, it is not aware of any persons, outside the Philippines, having been identified as suspects or having been prosecuted.

26. These interceptions reflected excellent work by the border control authorities in the Philippines. However, it was with considerable concern that the Secretariat subsequently learned that a significant quantity of the ivory disappeared before it could be taken under the control of the CITES Management Authority. The Secretariat understands that an investigation into the circumstances is being conducted and it awaits further information.
27. It is not clear whether the Philippines was the intended final destination for all the ivory that was seized. The Philippines has been recognized as a transit point for illegal trade in ivory but recent work in 2006 by enforcement agencies in the country has resulted in a number of seizures of worked ivory and raw ivory. It is not known whether any of this is part of the 'missing' ivory. What is clear, however, is that the Philippines appears to play a more active role in illicit trade in ivory than may have been appreciated previously and that its domestic market may also be significant. If its budget and workload allows and an invitation is received, the Secretariat would like to research the situation in the Philippines at some stage.
28. On 9 May 2006, the Customs authorities in Hong Kong S.A.R., China, intercepted a cargo container arriving by sea from Cameroon that had been fitted with a concealed compartment. This contained almost 4 tonnes of raw ivory. This is yet another example of the excellent targeting work that is conducted by the Customs authorities of Hong Kong S.A.R., who regularly engage in seizures of smuggled specimens of CITES-listed species. The shipment was destined for Macao, although 'mainland' China is thought to be the likely final destination. Indeed, authorities in China have recently intercepted ivory being smuggled from Macao to China.
29. The Secretariat is pleased to report that a number of national, regional and international law enforcement agencies have engaged in close cooperation in following up this seizure and a number of individuals, based in or with links to Cameroon and other countries in Africa and Asia, have been identified. Interpol is assisting in the efforts to trace persons, so that they can be prosecuted. The authorities in Cameroon, assisted by a non-governmental organization, have located two other containers with similar concealed compartments and it appears that this has been an active illicit trade route between Africa and Asia. Details of this concealment method have been included in a CITES Alert.

General observations

30. The incidents described above illustrate that illicit trade in ivory continues in large volumes, is highly organized and involves sophisticated smuggling routes and techniques. However, the most recent seizures also illustrate what can be achieved, both in disrupting smuggling routes and tracking down those responsible, if relevant agencies engage in the rapid exchange of information and effective collaboration and coordination. All too often this does not take place. In the Cameroon to Hong Kong S.A.R. case, the collaboration took place between officials who either had law enforcement experience or had received training in law enforcement (some of them through CITES courses). In the past, the Secretariat has attempted to facilitate such communication and collaboration but is finding it increasingly difficult to do so given its current workload and played little part in the recent cases.
31. The incidents also illustrate what can be achieved through effective targeting, risk assessment and profiling. For this to happen, information on illicit trade must be exchanged and reported to the Secretariat, Interpol and the World Customs Organization, so that it can be disseminated to relevant agencies.
32. The Secretariat believes the authorities in some countries in Africa could do more at their sea and air ports to intercept shipments of ivory but does not intend to identify these publicly, since smugglers will simply choose alternatives.
33. The recent seizures, particularly the large quantities involved, also demonstrate that large numbers of elephants continue to be poached. Range States are encouraged to report significant levels of poaching to the Secretariat, as this can help alert law enforcement and border control agencies to

likely smuggling. A lack of an overview of poaching can also lead to misconceptions. For example, there was speculation that the 6 tonnes of ivory that was seized in Singapore in 2002 originated from west or central Africa but DNA profiling now indicates that the majority was probably from elephants in Zambia.

34. In conclusion, the Secretariat encourages every Party that can assist in combating the illegal trade in ivory to do so and stresses the importance of enforcement measures being maintained. As this report records, the criminals who engage in this trade are determined and if smuggling or dealing is interrupted or halted temporarily, it is likely that such criminals will resume their activities if law enforcement efforts are subsequently reduced.

CITES Secretariat technical mission report

VERIFICATION MISSIONS RELATED TO THE CONTROL OF INTERNAL TRADE IN IVORY IN JAPAN

Background

1. The Conference of the Parties has agreed that declared stocks of ivory held by Botswana, Namibia and South Africa may be traded if a number of conditions have been met. The relevant part of the annotation to the Appendices relating to these African elephant populations is as follows:
 - ii) only to trading partners that have been verified by the Secretariat, in consultation with the Standing Committee, to have sufficient national legislation and domestic trade controls to ensure that the imported ivory will not be re-exported and will be managed in accordance with all requirements of Resolution Conf. 10.10 (Rev. CoP12) concerning domestic manufacturing and trade.*
2. China and Japan advised the Secretariat that they wished to be designated as trading partners in terms of the annotation. Verification work on this subject began in March 2005 and was completed in August 2006. This work consisted of correspondence between the Secretariat and the two countries, discussions relating to internal ivory trade controls and visits to both countries. This report describes the work conducted in relation to Japan. The work in relation to China, which was discussed at the 53rd meeting of the Standing Committee (Geneva, June – July 2005), is described in document SC53 Doc. 20.1 Annex.

Introduction

3. Japan has a centuries-old tradition of using ivory. This led to the country having carvers that produce work of extremely fine and high quality. Japan is well known for its 'netsukes', which are often small but highly-decorated figures. However, Japan is perhaps best known for its use of ivory in the production of 'hankos', where a solid cylindrical block of ivory has the owner's 'signature' carved into one end, allowing the item to be used as a form of signature seal.
4. The historically wide use of this type of signature seal led to hankos being available for purchase in a very large number of retail outlets throughout Japan. Consequently, in establishing an internal ivory control system, the authorities in Japan faced the prospect of potentially having to register significant numbers of traders.
5. Recent Secretariat missions to Japan have identified, however, that the previous widespread use of ivory hankos has decreased. This is because ivory hankos are expensive but also because hand-written signatures are now much more commonly used than seals, since the latter are more open to forgery and fraud. Indeed, several of the hanko retailers visited during verification missions were seen to have very small stocks of ivory hankos, compared to those of other material, and all retailers commented on what they regarded as a dramatic drop in the purchase of ivory hankos in recent years.
6. It is worth noting that the internal trade controls in Japan were assessed by the CITES Secretariat in 1999 prior to the 'experimental' trade in ivory that was agreed at the 10th meeting of the Conference of the Parties (Harare, 1997). The controls were found to be satisfactory and Japan was designated as a trading partner at that time. Japan subsequently authorized the import of ivory from stockpiles held by Botswana, Namibia and Zimbabwe. The Secretariat oversaw that trade and subsequently reported that no problems had been encountered and that all the necessary conditions had been met.

7. Although improvements have been made to Japan's internal ivory trade controls, the basic system is very similar to the one that the Secretariat found to be satisfactory in 1999. The work conducted by the Secretariat in 1999 is described in document Doc. SC41.6.1 (Rev.).
8. Both intelligence and seizure data available in the 1980s and first part of the 1990s indicated that Japan was a significant destination for illicit trade in ivory. However, it was noted that this changed during the latter part of the 1990s, and especially in the last six years, so that the country is no longer a significant destination.

Legislative provisions for ivory trade control

9. CITES is implemented in Japan by primary legislation and through Cabinet Orders that impose regulations which govern the administration of control systems. Imports and exports are governed by Foreign Exchange and Foreign Trade Control Law and Customs Law. However, ivory trade control is primarily achieved through the main domestic legislation that implements the Convention, namely the Law for the Conservation of Endangered Species of Wild Fauna and Flora (June 5, 1992, Law No. 75) and the relevant Cabinet Order. The Law is commonly referred to as LCES. The maximum penalties under LCES are one year imprisonment or a fine of one million yen.
10. In 1999, the orders made under LCES established an ivory trade control system but, at that time, the mandatory registration of wholesalers and retailers did not apply to all sectors of the ivory trade. This complied with the requirements of Resolution Conf. 10.10 (Trade in elephant specimens). However, this Resolution was amended at the 12th meeting of the Conference of the Parties (Santiago, 2002), Japan subsequently amended its Cabinet Order so that all importers, manufacturers, wholesalers and retailers who deal in ivory must register with the authorities.

The ivory trade control system – mandatory provisions

11. As indicated above, all those who engage in commercial trade in ivory must register with the authorities. At the end of July 2006, 280 manufacturers, 579 wholesalers and 10,202 retailers were registered.
12. This registration process is ongoing, since the authorities have found that there are traders who remain unaware of the requirement. In the main, these tend to be antique or second-hand dealers who may possess an ivory object for sale but whose main business is not trade in ivory. Awareness-raising of the requirement to register is conducted through publicity campaigns, using leaflets, posters and items in the media. In addition, contact has been made through relevant arts and crafts associations and by visiting events such as trade fairs. This work has been conducted by the two main authorities responsible for implementing CITES, the Ministry of Economy, Trade and Industry (METI) and the Ministry of the Environment (MOE). They have received considerable assistance from the ivory trade associations and seal engraver cooperatives. However, the work has also involved the National Police Agency, especially since it is responsible for overseeing second-hand dealers. Proactive work to identify individuals and companies that might require to register has also been conducted by reviewing advertisements and 'Yellow Pages' commercial telephone directories. These campaigns and efforts are also used to promote general public awareness of the ivory trade controls.
13. Every person who imports raw ivory or who possesses or acquires raw ivory for a commercial purpose must register that ivory with the government. A registration certificate is then issued for the ivory and its details are entered into a database. Proof of legal origin and acquisition must be provided at the time ivory is registered. At the end of July 2006, 6,181 'raw' tusks were registered with the authorities. These are tusks that have yet to be used in a manufacturing process.
14. All persons and companies that have been registered are obliged to keep ledgers recording transactions, i.e. ivory obtained (and where from), quantities in stock, quantities used for manufacture where relevant and quantities (including products) sold or transferred (and to whom). The ledgers are open to inspection and traders are also required, from time to time, to submit copies of their records. This system is intended to provide a basis for monitoring the flow of ivory in trade.
15. The most recent requirement to submit records resulted in a return rate of 90%. Those who failed to submit records have received reminders and non-compliance will result in visits from the authorities.

A database has been designed to record and review the information received from traders. This will enable the authorities to monitor the flow of ivory and, importantly, detect any trade that is occurring between unregistered individuals or companies. A new format of reporting form is being introduced to facilitate input of data. One reason for apparent non-compliance in the submission of information is that some individuals or companies that initially registered have subsequently stopped trading. During verification work, the Secretariat discovered this for itself when traders that it randomly chose to visit were found to have ceased business.

16. All registered traders are required to display a sticker that identifies them as having been registered and this sticker also, in Japanese and English, advises potential customers that it is against the law to re-export ivory from Japan.

The ivory control system – voluntary provisions

17. A voluntary system, present in 1999, continues to exist whereby manufacturers may apply to receive individually numbered stickers to supply to customers that clearly show that the object being purchased is from legally-imported ivory stocks and complies with the requirements of CITES. Traders participating in this scheme can display a sticker in their premises that describes the scheme.
18. Those who wish to participate apply to the Japan Wildlife Research Center (JWRC), a legally-incorporated foundation, which administers the scheme on behalf of METI and MOE. They must supply details of the products and specify where the raw ivory used for manufacture was obtained. By use of a computerized database, the Center is able to confirm that the raw ivory was of legal origin and confirm that the number of products manufactured is consistent with the quantity of raw ivory used. This is intended to detect the production of a greater number of products than could originate from the quantity of raw ivory and the database is programmed to 'flag' whenever quantities are inconsistent. If this occurs, the authorities will investigate.
19. When the Secretariat first noted this scheme in 1999 it was not convinced that the stickers would be popular with customers, especially since their presence on smaller items might be visually unpleasing and their use on hankos was rather impractical. However, it seems that the scheme remains relatively popular, with over half of all manufacturers participating. It appears that, even if the stickers are not ultimately applied to products, consumers appreciate the reassurance which the scheme offers that products are from legal sources.

Enforcement

20. As identified above, the administration, implementation and general supervision of Japan's internal ivory controls are a matter for METI and MOE, assisted by JWRC. However, where any of these agencies identifies grounds for suspicion, and criminality is suspected, the police authorities will be advised.
21. MOE also engages in Internet searches to identify advertisements of ivory (raw or worked). Depending on the nature of such advertisements (particularly with regard to volume or value) it will contact the person responsible and provide advice on the law, contact the service provider, or advise the police authorities so that a formal investigation can be conducted. In cases where an unregistered tusk apparently from overseas is detected, the Customs authorities will be advised.
22. The Customs authorities are responsible for enforcement work at Japan's borders and, since 2000, a total of 57 cases have been detected where attempts to illegally import ivory to Japan were intercepted. Each of these cases has been reported to the Secretariat, for entry into the ETIS (Elephant Trade Information System) database. The majority of cases related to worked ivory that individuals had attempted to bring into Japan as tourist souvenirs.
23. In early 2005, a significant smuggling attempt occurred in Okinawa when two women attempted to import a large number of hankos that they had hidden in their luggage and about their bodies. Although they were intercepted by Customs officers, the matter has been passed (in accordance with normal practice) to the Okinawa Prefectural Police for investigation. The women were from Taiwan, Province of China. The Secretariat has seen the hankos that were seized and noted that many of them were of a poor quality and certainly not what one expect to be made immediately

available for sale. It is not known whether Japan was intended to be the final destination for these items.

24. The Secretariat is also aware of a major seizure that occurred in Singapore in June 2002, where 6.5 tonnes of ivory was intercepted. Shipping documents indicated that the ivory was intended to be moved to Yokohama in Japan. However, intelligence suggests that Japan would not have been the final destination for this shipment.
25. A working group consisting of METI, MOE, JWRC, the Ministry of Foreign Affairs, Customs (Ministry of Finance), the National Police Agency, individual experts and TRAFFIC East Asia-Japan have helped to design and oversee improvements to Japan's ivory trade controls. The relevant agencies with enforcement responsibilities also meet together on a regular basis to consider CITES implementation matters and this is not restricted solely to ivory.
26. Japan's enforcement agencies seem more aware in recent years of illicit trade in specimens of CITES-listed species and this is reflected by a number of investigations by the police, which have resulted in prosecutions, for example relating to illicit trade in reptiles.

The verification process – 2005

27. In March 2005 a verification team visited Japan. The team consisted of Mr John M. Sellar, the CITES Secretariat's officer for Anti-smuggling, Fraud and Organized Crime, Mr Kazunari Igarashi, Technical Officer, World Customs Organization and Mr Thomas I. Milliken, Director, TRAFFIC East/Southern Africa. The team had discussions with government officials and met with representatives of the ivory industry and non-governmental organizations. It visited registered traders and conducted *ad hoc* inspections at premises in Osaka, Rokugo-cho, Tokyo and Yokohama.
28. Rokugo-cho was specifically selected since a report by a non-governmental organization (NGO) had previously identified this town as being a location where, during a survey conducted by the NGO, it was alleged that ivory dealers had expressed an interest in purchasing ivory of an illegal origin.
29. In its visits to traders, the team made a point of asking whether they had been offered ivory of dubious origin or been asked to engage in illegal activities. The majority responded in the negative. However, in Rokugo-cho, one dealer related a visit that had been made to his premises many months previously by a person, apparently a national of India, who had claimed to have ivory for sale and who had encouraged the trader to acquire this unlawfully. The trader said that he had refused. Two members of the mission team recognized the description of the person involved as potentially matching the representative of an NGO connected with the survey referred to.
30. This incident is recorded because it illustrates the very fine line that exists between work that might legitimately be conducted as part of NGO survey activities and what many legal systems would regard as the behaviour of an *agent provocateur*. The Secretariat understands that the NGO did not inform the authorities in Japan of its findings at the time of the survey or identify to the authorities the identity of the trader. Consequently, it was subsequently extremely difficult to determine whether the trader would be someone who would engage in illicit activities.
31. At the completion of its inspections, the team was able to identify to government officials a number of areas where it believed the internal ivory trade controls could be improved further. Japan immediately showed interest in adapting or further developing the controls and asked that a final verification be postponed so that it could benefit from the suggestions made by the team.
32. For example, the team noted that tusks that were in private ownership prior to the controls taking effect in June 1995 did not require to be registered, unless these were intended for commercial use. However, it observed that some traders it had visited had polished tusks on display, usually as a means of advertising the business. Some of these tusks were found not to have been registered and the traders had consciously not done so, since these were regarded by them as their private property and they had no intention of selling them or using them to manufacture products.
33. Whilst this was not a contravention of the controls, the team believed that it was a situation that could cause confusion or was open to exploitation. It suggested that traders be encouraged to

register such tusks, even if they had no intention of using them commercially. Having adopted this suggestion, MOE distributed leaflets to all ivory dealers and, as a result, 22 tusks were subsequently registered.

34. The team also noted that several traders appeared to have acquired tusks since the experimental trade in 1999, even though no further legal imports of raw ivory had taken place. It asked for an explanation as to the origin of such tusks and was told they had been acquired from persons who had them in their personal possession. The team was advised that it was not uncommon for members of the public to own whole tusks as items of decoration or as an investment. Indeed, it learned that some banks and loan companies were storing raw ivory as security against loans and mortgages. Here too, the team suggested that individuals should be encouraged to register privately-owned tusks, particularly if these were likely to end up in commercial trade. Subsequently, 378 tusks were added to the registration database by the end of June 2006.
35. The team suggested that individuals and companies that registered as traders should be issued with a larger 'sticker' or other means of readily identifying them as legal dealers, since the one issued at the time of the 2005 mission was not particularly noticeable, although it was being displayed. It further suggested that such a device could incorporate text warning of the prohibition of re-exports of ivory from Japan. This suggestion was implemented and in each of the premises of registered traders visited in 2006 the new style of sticker was displayed.

The verification process – 2006

36. Japan was visited again in late July/early August 2006. The mission team again included Mr Sellar, who was accompanied on this occasion by Dr Marcos Silva, the CITES Secretariat's Senior Capacity Building Officer (Training). As before, discussions were held with relevant agencies, such as METI, MOE and JWRC. The databases that are used to monitor the flow of ivory were demonstrated to the team and government officials reported upon the manner in which the trade control systems had been developed.
37. The team was shown a manual that had been published to help enforcement staff distinguish between mammoth and elephant ivory. It had been noted in 2005 that this was needed, particularly as the team observed that traders in the 'Chinatown' area of Yokohama were selling objects claimed to be made from mammoth ivory. The team was also advised of work that was being done by a university in Japan to undertake DNA profiling of ivory.
38. The team was advised of a standard procedure that is being developed to provide guidance for inspection staff on how to respond when they identify non-compliance with trade regulations or detect suspicious circumstances. This is nearing completion and will be widely distributed to those whose work may bring them into contact with the ivory trade. At the team's suggestion, the National Police Agency is to be invited to comment on this guidance before it is finalized.
39. The team heard that the relevant agencies now have a policy of trying, as much as possible, to publicize any investigations and prosecutions regarding illicit trade, to try to deter any other persons who might be tempted to engage in criminal activities.
40. The team visited registered traders in Kobe, Kyoto, Tokyo and Yokohama. However, greater emphasis was placed during this mission on *ad hoc* visits to places where it was thought ivory was likely to be on sale. Although the team did locate a few ivory items on sale in premises that had not been registered, these appeared to be antique objects and the trade in ivory was clearly not the main business. The team had no reason to believe that the objects it observed were of recent origin or had been imported illegally to Japan. Government officials accompanying the team immediately moved to advise the owners of two relevant premises of the requirements of the law.

Conclusions

41. On the basis of the verification work undertaken, the Secretariat is satisfied that the Government of Japan has sufficient national legislation and domestic trade controls to ensure that imported ivory will not be re-exported and that Japan is committed to proper implementation of the requirements of Resolution Conf. 10.10 (Rev. CoP12) (Trade in elephant specimens). It is similarly satisfied that

Japan's enforcement authorities are committed to intercepting attempts to import ivory into the country illegally and investigating instances of illegal domestic trade.

42. In a country with such a long history of trade in and use of ivory, it is a major task to register every single individual or company that might be in possession of ivory for a commercial purpose. However, the Secretariat is satisfied that the authorities have made every effort to do so and that this process continues. It is not surprised that the mission team found some ivory in unregistered premises, similar findings were made by the team in China. Importantly, the authorities in Japan respond appropriately when such observations are drawn to their attention.
43. Japan's ivory control system has obviously been affected by the changes to the relevant Resolution at the time of the 12th meeting of the Conference of the Parties. However, the necessary amendments have been made to Japan's controls and the Secretariat is satisfied that these have taken effect. The element of a voluntary 'certification scheme' as part of Japan's controls is perhaps not ideal and it is not clear why this was not originally made mandatory. However, the Secretariat is satisfied that the mandatory provisions, if properly implemented and monitored (which it appears they are), are an adequate basis upon which to control the trade and enable the authorities to identify attempts to introduce ivory of illegal origin in a criminal manner.
44. The Secretariat recommends to the Standing Committee that Japan should be, once again, designated as a trading partner.