

Japan's Report on Control of Trade in Elephant Ivory and Ivory Market

Japan

15 September 2015

1. introduction

(1) In order to prevent the decrease of wildlife species caused by over-exploitation through international trade, as a Party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (hereinafter referred to as "CITES"), Japan has been aiming for the realization of the conservation and the sustainable use of wildlife based on the scientific knowledge through the cooperation with other countries.

With regard to trade in raw ivory and worked ivory (hereinafter referred to as "Ivory"), Japan controls its export and import by the Foreign Exchange and Foreign Trade Act (hereinafter referred to as "Foreign Trade Act")(December 1, 1949, Law No.228), and also controls domestic sale and distribution based on the Law for the Conservation of Endangered Species of Wild Fauna and Flora (hereinafter referred to as "LCES") (June 5, 1992, Law No. 75)

Based on LCES, it is necessary to follow a prescribed procedure to conduct domestic trade in an internationally endangered species of wild fauna and flora designated by LCES. In particular, regarding Ivory, LCES provides detailed regulations to ensure the domestic implementation of CITES, as ivory industry participants who are engaged in commercial trade in Ivory (hereinafter referred to as "Participants"), such as manufacturers, wholesalers and retailers, make their livings from their processing and sale.

(2) In particular, domestic trade in whole elephant tusk is given legal approval only when each tusk meets the regulation requisites and is registered based on LCES. Furthermore, all Participants must register their names, addresses, locations of the facilities and stockpiles to the authorities concerned.

With the spread of the internet, a new form of its distribution has emerged, for domestic trade in an endangered species of wild fauna and flora, such as internet shopping mall and internet auction. Therefore, taking robust actions against illegal trade in endangered species of wild fauna and flora over the internet has become more important challenge.

In this context, Japan has strongly enforced control of illegal trade in wildlife over the internet including strengthened penalties by the amendment of LCES.

(3) In July this year, the UN General Assembly Resolution on Tackling Illicit Trafficking in Wildlife was adopted. Japan, as a co-sponsor of the Resolution, is fully aware of the increasing responsibility for the sustainable use of wildlife.

Strengthening the controls of international and domestic trades in Ivory, also taking steps to

promote public awareness campaigns, Japan has determined to bolster its efforts to faithfully implement CITES.

2. Framework of Ivory control

Domestic implementation of CITES is ensured based on Foreign Trade Act, in accordance to which the Ministry of Economy, Trade and Industry (hereinafter referred to as “METI”) serves as the CITES Management Authority. The Ministry of the Environment (hereinafter referred to as “MOE”) functions as the CITES Scientific Authority for land animals, including elephants. Also, METI deals with the control over export and import based on Foreign Trade Act, and the Ministry of Finance (hereinafter referred to as “MOF”) handles customs enforcement based on the Customs Act.

MOE and METI implement domestic trade control based on LCES, which was enacted in 1992 for the conservation of endangered species of wild fauna and flora. In order to enforce strict control against violation of LCES, efforts nationwide have been made in cooperation between regulation authorities and enforcement authorities, including enforcement on the ground by Prefectural Police through an information from regulation authorities (under consultation of National Police Agency when it is needed.)

Recently, the situation of illegal trade in Ivory over the internet has closely been watched around the world. At the meeting of the 65th Standing Committee in July last year, it was noted that there is an urgent need to consider the stricter regulation on the illegal trade in Ivory over the internet. In the wake of the meeting, the Ministries concerned, commencing with MOE, METI and the Ministry of Foreign Affairs (hereinafter referred to as “MOFA”) set Liaison Committee to coordinate with each other, and to take preventive measures against illegal trade in Ivory, including ones on trade over the internet in more effective manner. The Committee holds meeting about once every month.

3. Control of International Trade

(1) Trade Control

International trade in species listed on CITES Appendices including Ivory, is controlled by Foreign Trade Act to implement CITES.

A maximum penalty under this law is an imprisonment up to five years and/or a fine up to five million Japanese yen (ca. 45,455 USD as of 2015).

Japan Customs inspect cargoes at ports and airports to prevent the illegal trade in wildlife, including Ivory without the CITES permits.

(2) Ban at Japan Customs

The number of cases where Japan Customs banned Ivory from 2011 onward has decreased, compared with the previous one. There are 4 cases (4 pieces of semi-worked ivory and 27 pieces of worked ivory) banned at the entry into country and 3 cases (9 pieces of raw ivory and 25 pieces of semi-worked ivory) at the departure from country in 2014.



Semi-worked Ivory Banned at Japan Customs



Inspection at Japan Customs

4. Control of Domestic Trade

Domestic trade in Ivory is controlled by LCES. Japan has two different control systems each for whole ivory tusk and others such as worked ivory and ivory cut pieces as industrial materials (As of September 2015).

319 manufacturers, 584 wholesalers, 8,219 retailers have been registered to authorities.

(1) Control over whole tusk

A) In LCES, an original form of ivory (whole tusk) is regarded as a part of the individual, and it is necessary to complete a registration of the whole tusk to MOE when they trade. Whole tusks can be registered only when those are either obtained before the listing of African elephants on Appendix I, so called “Pre-Convention”, or imported legally afterward from Botswana, Namibia, South Africa or Zimbabwe according to the CITES authorization. Only these tusks, which meet requirements above and whose registration is completed, are authorized to be traded, and to be displayed and to be advertised for trading in Japan.

B) A maximum penalty for illegal trading of whole tusks under LCES is an imprisonment up to five years and/or a fine up to five million Japanese yen (ca. 45,455 USD as of 2015). For a corporate body, a fine up to a hundred million yen (ca. 909,090 USD same as above) may be imposed. These penalties of LCES were strengthened by its amendment in June 2013.



The registration card for each registered tusks

C) The following table shows the registered number and weight of whole tusks as of the end of July 2015. The number in the brackets shows the one Japan reported to the CITES Secretariat in February 2015. A public awareness activity on domestic trade rules may be considered to be one of the reasons of increasing the number of registered ivory, since some private owners of “Pre-Convention” ivory, may consider it useful to register them for future transfer.

For example, it can be assumed that the elderly or their families who had owned “Pre-Convention” ivory (whole tusks), registered it for transferring of the tusks from the elderly to their families or others, including a case of selling for inheritance. Such cases seem to increase with the government’s continuing efforts of the public awareness on rules of domestic trade in Ivory. Japanese government continues to encourage private owners to register their whole tusks for figuring out the precise stocks of whole ivory in Japan.

Table1 : The registered number and weight of whole tusks as of 31 July 2015 (The number in the brackets is as of 31 December 2014)

	African elephant	Asian elephant	Total
Registered number of whole tusks	13,521 (12,323)	62 (61)	13,583 (12,384)
Total weight (kg)	154,903.8 (143,300.7)	410.6 (409.8)	155,314.3 (143,710.5)

(2) Control over worked ivory

A) LCES defines worked ivory as an industrial material, and Participants must complete a registration to MOE and METI.

B) Participants are obliged to submit to the authorities of MOE and METI an inventory in which their names, addresses, locations of the facilities, stockpiles and contents of transactions are described.

C) In case that any questionable and unclear points in the contents of inventory are found, MOE and METI carry out an inspection at Participants and give necessary guidance to them.

D) In case of violation against above rules, the following penalties are applied under LCES;

- a) Fine up to five hundred thousand Japanese yen (ca. 4,032 USD as of 2015) for violating of a registration or falsifying of one.
- b) Fine up to three hundred thousand yen (ca. 2,419 USD as of 2015) for not submitting of report, rejecting of an inspection or falsifying of an inventory.

E) The registered number and weight of cut pieces, tips and worked ivory as of 1 September 2015 is as follows. The figure in brackets is the one reported in February 2015

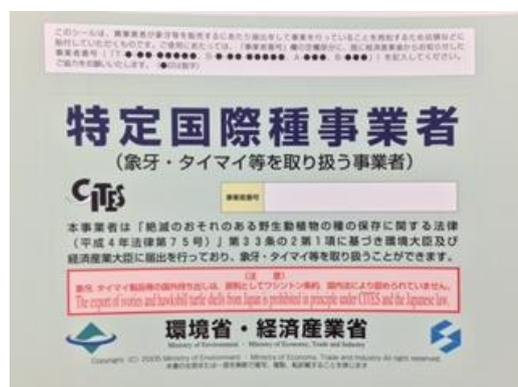
Table2 : Stockpiles of ivory

Cut pieces, tips

Description	Source (FN3)	Total weight (kg)
Cut pieces	legally imported	53,277(52,628)
Tips	legally imported	669(1,423)

Worked ivory

Description	Source (FN3)	Total number
Sign seals	legally imported	754,057(728,565)
Accessories including parts	legally imported	2,784,896(2,809,599)
Furnishing goods including parts	legally imported	58,772(61,031)
Stationeries including parts	legally imported	136(144)
Smoking supplies including parts	legally imported	1,163(1,215)
Buddhist altar articles including parts	legally imported	42,798(43,665)
Musical instruments including parts	legally imported	43,174(44,112)
Tableware including parts	legally imported	16,637(16,696)
Tea utensils including parts	legally imported	12,189(12,889)
Indoor recreational equipment including parts	legally imported	4,367(4,397)
Convenience goods including parts	legally imported	23,040(23,230)
Others	legally imported	10,140(14,948)



Registered Sticker

(3) Inspection

As stated above, the Ministries concerned request Participants who manufacture, wholesale and sell retail to submit the data about stockpiles of Ivory based on LCES and conduct inspection at them to investigate manufacturers and retailers directly. MOE and METI take charges of investigation to check the storage space and stockpile of Ivory. They investigated 98 Participants in 2014 Japanese fiscal year (From April to March).

In the current fiscal year, MOE and METI strengthen the inspection of Participants and already have investigated them in Shizuoka, Niigata and Osaka Prefectures.

The inspection result done so far have shown that the targeted Participants have strictly observed rules on trade in Ivory by LCES, and that no violation has been found yet.



Inspection of Ivory in Osaka Prefecture on June 2015

(4) Control over Online trade

Regarding the domestic trade over the internet in an internationally endangered species of wild fauna and flora in LCES, in the past, in case when suspicious exhibition was found, MOE or METI used to call police or so. At the same time, with the amendment of LCES, regulations on not only displays of physical items of wildlife, but also an advertisement over the internet without actual display of wildlife (for example, placing photos or names of species) have been implemented. With these measures, Japan has realized appropriate controls as a whole.

In particular, as for Ivory, the Ministries concerned have made dedicated efforts to confirm whether or not there is illegally advertising or trading of Ivory over the internet, service of which is provided by the online shopping mall operators (hereinafter referred to as “Shopping Mall Operators”).

Since September last year, Japan has been implementing 3 countermeasures against the illegal trade in Ivory to strengthen domestic trade control over online trade, as follows;

A) Cooperation with major Shopping Mall Operators

The Ministries concerned maintain good relationship with the major Japanese Shopping Mall Operators such as Rakuten, Inc., Yahoo Japan Corporation etc., and they have promoted independent efforts including monitoring illegal trade in Ivory over the internet. There is the enhanced cooperative relationship in which the Ministries

concerned promptly respond to any requests in case Shopping Mall Operators ask for assistance in checking on suspicious exhibition.

B) Cooperation with telecommunications groups

Telecom Services Promotion Conference (hereinafter referred to as “Conference”) composed of national telecommunications groups, is committed to making rules for internet trade and ensuring a profit. Having deepened their relationship with the Conference, MOE and METI have started coordinating to ensure that Conference takes measures to stop sending and to delete information on illegal trade in Ivory from the request of MOE and METI.

C) Monitoring the illegal trade on the internet

With regard to checking of illegal commodity information which Shopping Mall Operators provide in major internet shops, MOE and METI have started to check the illegal trade in Ivory through Shopping Mall Operators’ periodic monitoring.

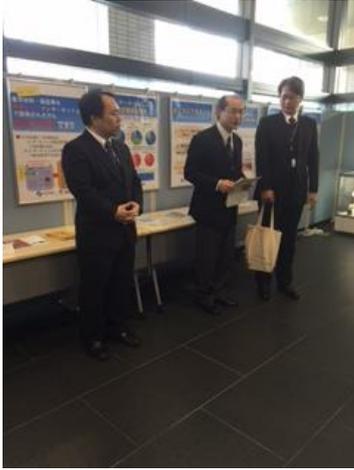
In case that illegal commodity information over the internet would be found on the regular monitoring, MOE and METI call an attention of Internet shop exhibitor (in some case Ministries’ enforcement is needed.). In the case of ignoring their calls, for example, when they do not verify a document or withdraw illegal commodity information, MOE and METI inform Shopping Mall Operators of non-compliance and ensure the measures of removing the illegal display are taken by them.

(5) Enforcement

There are 22 cases (41 persons) of arrests in Japan for illegal domestic trade in wildlife based on LCES in 2014. Regarding to Ivory, 3 persons including pawnbroker were arrested in Tokyo for purchase and sale of whole ivory (about 80 cm) without permits for 25,000 Japanese yen in February 2014.

5. Public Awareness Campaigns

On the occasion of the World Wildlife Day on 3 March 2015, METI and MOE, in cooperation with Shopping Mall Operators and NGO, exhibited a variety of panels about observing LCES on trade in endangered species of wild fauna and flora, especially trade over the internet under the concept of “Fair Transaction Conserves Nature” at METI. At the event, with the items banned at Tokyo Customs being exhibited, the Government officials introduced international and domestic trade control systems and explained the current efforts they have made. It was covered by Japanese major press and enjoys a good reputation.



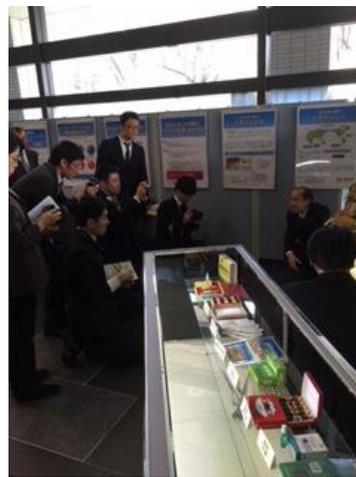
Welcoming by Organizers



Panel and Banned Items



Display of Banned Items



Press Coverage