

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



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

CURRENT STATE AND FURTHER EFFORTS
REGARDING IVORY TRADE IN JAPAN

This document has been submitted by Japan, in relation to agenda item 24 on *National ivory action plans process*, agenda item 27 on *Actions to combat wildlife trafficking* and agenda item 57.2 *Closure of domestic markets for elephant ivory*.

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Report of the Public-Private Council for the Promotion of Appropriate Ivory Trade Measures (Abstract)

1. Objective of the Public-Private Council

In May 2016, the Public-Private Council for the Promotion of Appropriate Ivory Trade Measures (hereinafter referred to as the “Council”) was established, encompassing stakeholders from the government, industry, NGO and academia. The objectives of the Council, which serves as a focal point of expertise from a wide variety of stakeholders, are, amongst others, to further ensure thorough implementation of legal and administrative measures; and to raise public awareness both within Japan and abroad of the various issues pertaining to the trade in ivory and ivory products (hereinafter referred to as “ivory trade”).

Following a series of meetings and consultations amongst its constituent stakeholders, the Council has compiled a report on the state of ivory trade and the planned courses of action to be taken by the stakeholders.

Constituent stakeholders

*: Joint secretariat of the Council.

Japanese Government

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

Industry

- Liaison Group for Tackling Illegal Transactions
Telecommunications Carriers Association (TCA), Telecom Services Association (TELESA), Japan Internet Providers Association (JAIPA), Japan Cable and Telecommunications Association (JCTA)
- Japanese Seal Engravers Association
- Association for Seal and Stamp Products Companies of Japan
- Japan Federation of Ivory Arts and Crafts Associations*
- DeNA Co., Ltd.
- Rakuten, Inc.
- Yahoo Japan Corporation*

NGO

TRAFFIC

Academia

Professor Nobuo Ishii, Tokyo Woman's Christian University
Professor Yoshio Kaneko, Iwate Prefectural University

2. Overview of the Report

(1) State of ivory trade in Japan

In accordance with the Convention on International Trade in Endangered Species of Wild Fauna and Flora (hereinafter referred to as “CITES”), international commercial trade in ivory is prohibited as a general rule in Japan under the Foreign Exchange and Foreign Trade Act. Domestic ivory trade is regulated under the Law for the Conservation of Endangered Species of Wild Fauna and Flora (hereinafter referred to as “LCES”).

While a certain amount of ivory and ivory products that were legally imported in the past exist in Japan, the overall trend in the market size of domestic ivory trade is estimated to be in decline. Taking into account the low number of exposed cases by Japanese customs and the evaluation from the Elephant Trade Information System of the CITES Secretariat, it is unthinkable that large-scale smuggling of ivories into Japan is taking place and that the use of ivories in Japan is contributing to the recent increase in the poaching of African elephants. Nonetheless, bearing in mind the necessity for preventing illegal re-export of ivory from existing domestic market, it is important that Japan continues to thoroughly implement and further strengthen the existing import/export control regime.

(2) Key principles on ivory trade

Any ivory trade should be done in such a manner as to prevent the distribution of poached or illegally sourced ivory. It is also contingent that such trade does not affect conservation efforts regarding African elephants, but instead could contribute to the community development of the range states.

Given this understanding, the constituent stakeholders of the Council have agreed to the following key principles on ivory trade:

- Recognition of the responsibilities in dealing with precious wildlife species.
- Contribution to conservation efforts through the principle of sustainable use.
- Making every effort to have effective management system, enforcement of and compliance with regulations.
- Taking prompt and flexible actions based on scientific and objective findings.

(3) Measures to be taken by the stakeholders

In accordance with the above key principles, the public-sector and private-sector stakeholders of the Council have agreed to take on the following specific measures:

Controlling domestic ivory trade

- No compromise to actions against illegal business operators [MOE, METI]
 - On-site inspections to be reinforced; strict measures to be taken on violators, including administrative punishments and public disclosure of offenders.
- Proactive communications to secondhand dealers [MOE, METI]
 - LCES registration procedures to be effectively propagated to secondhand dealers through NPA.
- Lecture sessions to industry members [Japan Federation of Ivory Arts and Crafts Associations]
 - Lectures by relevant ministries and organizations to be held in order to achieve full understanding of and compliance with LCES regulations.
- Publicity efforts on certified ivory product marks [MOE, METI]
 - Further efforts to promote certified ivory product marks as stipulated under LCES towards consumers.
- Eliminating illegal e-commerce [Platform providers, MOE, METI]
 - Effective measures to be taken including voluntary online patrol, elimination of illegally placed items, and banning of exhibitors that tout overseas shipping.

Import and export control

- Publicity efforts towards industry and travelers [METI, MOF]
 - Customs brokers, logistics operators, and relevant operators urged to thoroughly inform exporters and travelers to make sure that they fully understand the in-general ban on ivory and ivory-product exports
- Cooperation with regulatory authorities of other countries such as the Chinese custom authorities [METI, MOF]
 - Border control to be strengthened through the sharing of information with the Chinese customs authorities, which have publicized cases of

alleged illegal export of ivory from Japan.

Official information provision

- Promotion on regulatory regimes, status and government position on ivory trade through government webpages [MOE, METI, MOFA]

In addition to the above, the constituent stakeholders will deliberate and consider further measures as necessary to achieve the goal of sustainable and responsible trade in ivory and ivory products.

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

Current State and Further Efforts Regarding Ivory Trade
in Japan

September 2016

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1. Background

Wildlife is not only a significant component of the ecosystem but has also been utilized as an indispensable for the bountiful life of humankind. Needless to say, we need to pass it onto the future generations by benefiting from it within a sustainable extent and not driving it to the brink of extinction.

From the late 1960s, there has been a growing international concern about the deterioration of the global environment, and the necessity of a convention for conservation of wildlife through regulation on international trade was proposed in the United Nations Conference on Human Environment in 1972. In 1973, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (hereinafter referred to as "CITES") was adopted. In Japan, CITES entered into force on November 4, 1980. In order to implement the provisions of CITES through the domestic law, those items which are subject to CITES were placed under the import/export control by the Foreign Exchange and Foreign Trade Act (hereinafter referred to as the "Foreign Exchange Law") in 1980.

Furthermore, Japan has taken measures to control domestic trade in CITES Appendix I listed species by enacting the "Law for the Conservation of Endangered Species of Wild Fauna and Flora (hereinafter referred to as "LCES")" in 1993 to complement the implementation of the regulations in range states and of CITES, so that items brought in violation of CITES will not be distributed in the Japanese market.

In many countries, including European countries, the United States and China, ivory has been historically prized and used for ornaments and sculptured works in furniture, musical instruments, and firearms. Also in Japan, ivory has been traditionally used for daily commodities such as small sculptural ornamental button (called "netsuke"), small portable pillcase (called "inro"), hair comb, chopsticks and Japanese musical instruments; and in modern times, for name seals (called "inkan" or "hanko") and accessories among others.

Under CITES, after the listing of African elephant as an entire species in Appendix II, its commercial trade was allowed only by permission. However, as the population of elephants decreased in the 1980s, a decision was made in 1989 to list the species in Appendix I, by which international commercial trade in all the population was prohibited. Although a certain part of the population was later transferred to be listed in Appendix II (downlist), international commercial trade in ivories of African elephants is, in principle, prohibited now.

Meanwhile, Japan conducts import and export control through border control in accordance with the Foreign Exchange Law. At the same time, in regard to domestic trade, ivory and ivory products are subject to control under LCES, and a tighter control has been enforced such as raising of the penalty level against illegal domestic transaction through recently amended LCES.

Although efforts have been made to prevent excessive use of wild fauna and flora through CITES and regulations of each country, smuggling and illegal trade in wild fauna and flora have increased and become organized in recent years. This has not only become a big threat to the conservation of species but also to the society as a whole. Crimes related to wild fauna and flora are unforgivable and all possible efforts should be exerted by the entire world towards their eradication. Poaching of African elephants and illegal trade in ivory are typical examples of crimes related to wild fauna and flora, drawing global attention. Countries and organizations have clearly expressed their “zero-tolerance” attitude to achieve eradication, and are taking a wide array of measures. Japan is also expected to proactively take part in solving this issue.

In recent years, e-commerce has become common as well in the commercial trade in wild fauna and flora including ivory. Measures against illegal trade in wild fauna and flora via e-commerce are now being addressed in CITES-related meetings and other fora, and the interest of international community is growing.

In view of the above-described circumstances, it is necessary to share the present state and issues regarding domestic trade in ivory and ivory products and to consider measures to promote appropriate operation of control. For this propose, a public-private council has recently been established not only by relevant Ministries and Agencies but also by relevant private companies, organizations and experts to collaborate in order to gather the expertise of various stakeholders of both public and private sectors. The public-private council has prepared this report in order to compile the current state of ivory trade in Japan and further measures to be taken by the stakeholders to ensure that ivory trade will be appropriately conducted in Japan.

1-1. State of Ivory Trade

(1) State of global ivory trade

The population distribution of African elephant (*Loxodonta africana*) and trends of poaching and illegal trade vary greatly among states and regions. Moreover, there are also a variety of views concerning the necessity of sustainable ivory trade.

(a) Population and level of threat of extinction

The majority of African elephant population is currently distributed in Eastern and Southern Africa, and especially, the population in Southern Africa has relatively been stable and has maintained a high level¹. However, the African elephant population in Central and Western Africa has drastically decreased, and thus, African elephant as a whole is assessed as VU (Vulnerable II Class) according to the International Union for Conservation of Nature (IUCN) Red List of Threatened Species (2008).

As to the assessment by regions, the population in Central Africa is assessed to be EN (Endangered IB Class), whereas its counterparts in Southern Africa where the population has been kept at a high level are assessed to be LC (Least Concerned species)². The population in Eastern Africa and Western Africa are assessed as VU.

(b) Trends of poaching

According to the latest report³ of Monitoring of Illegal Killing of Elephants (MIKE) of CITES Secretariat, the level of poaching in entire African continues to rise (except 2009) since 2006, and has reached a record high in 2011. Thereafter, a slight downward trend was observed until 2013. However, after that year, there has been no significant changes, and has been assessed to be still far from the level of population recovery⁴.

On the other hand, in terms of trends by regions, in Southern Africa, where the population is maintained at a high level, the poaching level has successfully and continuously been maintained at a low level. In Eastern Africa, the level of poaching has also decreased for four consecutive years since

¹ UNEP, CITES, IUCN and TRAFFIC (2013), "Elephant in the Dust, the African Elephant Crisis", https://www.cites.org/sites/default/files/common/resources/pub/Elephants_in_the_dust.pdf

² The IUCN Red List of Threatened Species <http://www.iucnredlist.org/details/12392/0>

³ CITES CoP17 Doc. 57.5, "Report on Monitoring the Illegal Killing of Elephants (MIKE)" <https://cites.org/sites/default/files/eng/cop/17/WorkingDocs/E-CoP17-57-05.pdf>

⁴ Please refer to the footnote 3 and press release by the CITES Secretariat, "Some positive signs but African elephants continue to face serious threats – CITES" https://cites.org/eng/news/pr/some_positive_signs_african_elephants_continue_face_serious_threats_280716

2011⁵.

(c) Trends of illegal trade

Until 2006, the number of illegal trade in ivory in the world has remained at a level a little over that of 1998, but the number has continued to rise thereafter⁶. According to the latest report by the Elephant Trade Information System (ETIS) of the CITES Secretariat, the level of illegal trade in ivory has reached a record high in 2012 and 2013, and then decreased in 2014⁷. The CITES Secretariat evaluates this as a positive sign in combination with the recent lowering trend of poaching as seen in (b) above. Nevertheless, the situation that African elephant is being threatened is unchanged⁸, and the decrease in illegal trade needs to be continued and enhanced.

Although being one of the consumer states of ivory, according to the latest report by ETIS, Japan is assessed not to be the destination of poached and illegally traded ivory⁹ like it was in the past. Furthermore, while the flow of a large amount of ivory to the final destination (mainly China and Thailand) via transit states in Asia has been pointed out, few concerns are raised for Japan being a transit state¹⁰. Thus, currently, Japan is not regarded to be included in the routes of illegal ivory trade. Meanwhile, the latest ETIS report refers to a case in China, where a Chinese couple was penalized for smuggling a large amount of ivory or ivory products, which were suspected as being illegally exported from Japan. Smuggling of ivory and ivory products out from Japan was pointed out¹¹ here.

(d) Legal international trade

Under CITES, international commercial trade (import and export for commercial purposes) in African elephant is prohibited in principle since 1990.

However, since then, trade in ivory (one-off sales) has been permitted twice (in 1997 and 2007) only for populations listed in Appendix II in several states in Southern Africa¹². Japan was approved to have met the conditions¹³

⁵ Please refer to the footnote 4.

⁶ Please refer to the footnote 1.

⁷ CITES CoP17 Doc. 57.6 (Rev. 1), "Report on the Elephant Trade Information System (ETIS)" <https://cites.org/sites/default/files/eng/cop/17/WorkingDocs/E-CoP17-57-06-R1.pdf>

⁸ Please refer to the footnote 4.

⁹ Please refer to the footnote 1 and 7.

¹⁰ Please refer to the footnote 1.

¹¹ Please refer to the footnote 7.

¹² The ivories that have been approved to be imported are those that were acquired from elephants that had naturally died or those that were disinfested as injurious animals and have not be acquired through the killing of elephants for the purpose of obtaining ivories.

¹³ CITES Resolution Conf. 10.10 (Rev. CoP16), "Trade in elephant specimens"

decided at the Conference of the Parties (CoP) to CITES, and it became a country which was able to import ivory from those states in these two international commercial transactions.

These trades were realized in response to the strong requests from the Southern African states which aim to conserve and sustainably use African elephants. The proceeds generated from these trades were used for the conservation of African elephants, and for the conservation and development of local communities¹⁴ within on adjacent to elephant range states. Apart from these international commercial trades that have been allowed twice, with the exception of the acquisitions prior to the application of CITES provisions, no international trade in ivory for commercial purposes has been made.

(e) Proposals towards CoP17

In the proposal of amendments to appendices with regard to African elephant towards the Seventeenth meeting of the Conference of the Parties to CITES (CoP17), which will be held this year, two of the Southern African states (i.e. Namibia and Zimbabwe) having the population listed in Appendix II request the deletion of Annotation recited in the Appendices to resume international trade in ivory. On the other hand, thirteen states having the population listed in Appendix I request the population of the four Southern African states listed in Appendix II to be transferred to Appendix I in order to make all African elephants listed in Appendix I and thereby continue the prohibition of international trade in ivory¹⁵.

As described above, there are various opinions among range states: there is a request to resume ivory trade by some states that have been successful in conserving African elephants and that would like to utilize legal ivory trade for funding sources to conserve elephants; there is also a request to prohibit ivory trade by states that have already been faced with serious decrease in the population of African elephants. CoP17 will strive to make effective rules for the conservation of African elephants, and discussions will be made on the amendment proposal to the Appendices and on the items related

<https://cites.org/eng/res/10/10-10R16.php>

¹⁴ The document prepared by the CITES Secretariat for the 58th meeting of Standing Committee of CITES, "Report on the One-off Ivory Sale in Southern African Countries"

<https://cites.org/sites/default/files/eng/com/sc/58/E58-36-3.pdf>

¹⁵ CITES CoP17 Prop.14-16, "Consideration of Proposals for Amendment of Appendices I and II"

<https://cites.org/sites/default/files/eng/cop/17/E-CoP17-Prop-14.pdf>

<https://cites.org/sites/default/files/eng/cop/17/prop/060216/E-CoP17-Prop-15.pdf>

<https://cites.org/sites/default/files/eng/cop/17/prop/060216/E-CoP17-Prop-16.pdf>

to the implementation of CITES.

(2) State of ivory trade in Japan

Like other CITES Appendix I listed species, domestic trade in whole ivory tusks is subject to the regulations under LCES and is prohibited in principle. However, trade is exceptionally allowed for those tusks that are registered to the Minister of the Environment. In regards to ivory products, operators can transfer them as part of their business by notifying the business as a specific international species business to the Minister of the Environment and the Minister of Economy, Trade and Industry, and their business is controlled under LCES.

(a) Market size

The market size of ivory trade in Japan is estimated to be continuously shrinking driven by the complete ban of international trade in ivory in 1989, and other factors. An NGO survey report points out that the ivory market has largely contracted by approximately one-tenths, from around JPY20 billion in 1989 to currently around JPY2 billion¹⁶. The membership of the federation of manufacturers of ivory products (Japan Federation of Ivory Arts and Crafts Associations) is also decreasing by half, from 76 operators in 1989 to 37 in 2014.

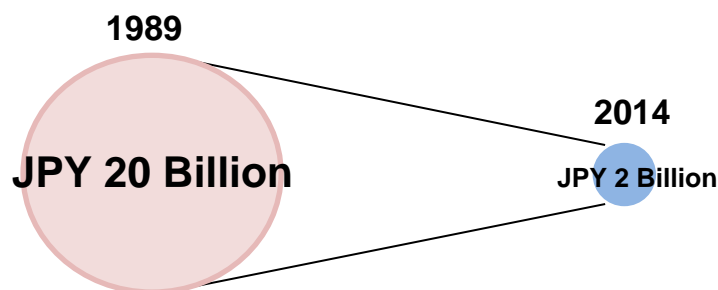


Fig.1 Size of Ivory Market in Japan

(b) Volume of past import and registered of ivories

2,006 tons of whole tusks were imported during the period between the year after Japan joined CITES and the year when international commercial trade of ivory was banned (1981-1989)¹⁷. Meanwhile, the cumulative weight of whole tusks since the beginning of the registration system of whole tusks in

¹⁶ TRAFFIC (2016) "Setting Suns: The Historical Decline of Ivory and Rhino Horn Markets in Japan" http://www.trafficj.org/publication/16_Setting_Suns.pdf

¹⁷ Based on the calculation using data from CITES Trade Database <http://trade.cites.org/>

Japan until the end of 2015 (1995-2015) was about 305 tons¹⁸, which is quite small compared to the amount of import in the past. Based on this situation, it can be assumed that a certain amount of ivories that are not registered still exist in Japan. (Registration is required for the transfer of whole ivory tusks, but registration is not required if they are just possessed.)

Registration of ivory continues to be made today, 30 years after the ban on import, because those ivories that were brought into Japan before the ban on international trade are sequentially being registered. The volume of ivory registration is increasing in recent years. However, since there is no evidence that a large amount of ivories are illegally brought into Japan (as explained later), it is conceivable that the registration of ivories brought in legally into Japan in the past is increasing. The Japanese government assumes that the main reasons for the increase in the registration are due to registration system being informed and known widely, and the disposition of property or inheritance, etc. due to the aging of ivory possessors¹⁹.

(c) State of illegal trade

○Import/Export

In Japan, in order to secure effective border control, the system is prepared so that appropriate and prompt customs procedures can be conducted, such as assignment of specified customs offices located at the airports and seaports for entry where CITES specimens can be imported, allocating specialized officials to the customs offices, and establishing communication channels with the Ministries and Agencies concerned.

In recent years, only a few cases of suspension on the import of ivory and ivory products have been witnessed by the Japanese customs each year, and the items that have been seized were mainly small sized ivory products. Thus, no large-scale smuggling of ivory and ivory products has been confirmed in recent years. Meanwhile, there are reports of cases in which the alleged exporting country of ivories confiscated abroad (China) was Japan.²⁰

○Domestic trade

In regard to the violation of LCES including the illegal trade of ivories, the police endeavors to reveal those cases by exchange of information with the

¹⁸ Includes ivories imported by one-off sales (approx. 89 tons) conducted twice in which import of ivories of African elephants were specially allowed.

¹⁹ The document submitted by Japan to the 66th meeting of Standing Committee of CITES, "View of Japan Regarding the Conservation of African Elephants and Trade in Ivory"
<https://cites.org/sites/default/files/eng/com/sc/66/Inf/E-SC66-Inf-24.pdf>

²⁰ TRAFFIC website news (Japanese) <http://www.trafficj.org/press/animal/n151012news.html>

Ministries and Agencies concerned or gathering of tipping information by monitoring the Internet (cyber patrol). The number of arrests pertaining to ivory trades in violation of LCES in recent years is as shown in Table 1. These include some cases that have resulted from cyber patrols. Arrests have also been made on the violation of the prohibition of advertisement²¹ which has been introduced by the amendment to LCES in 2013.

Table 1 Number of arrests pertaining to ivory trades in violation of LCES

	Total no. of cases	Of which pertaining to ivory	Details of violation regarding ivories
2013	8	1	Prohibition of trade 1 case
2014	17	1	Prohibition of trade 1 case
2015	22	3	Prohibition of trade 1 case Prohibition of display or advertisement 2 cases

※Source : National Police Agency

²¹ Under LCES, advertising for the purpose of selling or distributing whole tusks is prohibited. This is also applicable to posting of photographs to paper media and online websites without the actual display of the whole tusks. However, advertising is permitted only for registered tusks when the fact that it is registered and the registration number are displayed. (Reference: Public service announcement)
<http://www.gov-online.go.jp/useful/article/201312/2.html#anc03>)

(3) Evaluation based on the status of trade both inside and outside Japan

As mentioned above, the domestic market size of ivory trade in Japan is assumed to be shrinking. In addition, even during the relatively short period between the year after Japan joined CITES and the year in which international commercial trade was banned (9 years), over 2,000 tons of ivories had been legally imported into Japan following the due procedures of CITES, which still exist as ivories and ivory products in Japan. These facts lead us to surmise that there is little motive for criminal organizations to risk detection, to bear the transportation cost for smuggling ivory into Japan where a stockpile of ivory exists, and to sell them in Japan disguising that have been legally imported to Japan in the past.

Furthermore, as mentioned above, taking into account the low number of cases exposed by Japan Customs and the evaluation from the Elephant Trade Information System of the CITES Secretariat, it is unthinkable that large-scale smuggling of ivory into Japan is taking place and that the use of ivory in Japan is contributing to the recent increase in the poaching of African elephants.

As mentioned earlier, it is difficult to conceive that criminal organizations would smuggle ivories into Japan and smuggle them out to the third countries when the incentive to smuggle ivories to Japan is lacking. However, triggered by the large-scale detection of smuggling in China last year, there are new concerns that ivory is being smuggled from Japan to China. Although no large-scale smuggling destined abroad has been detected in recent years in Japan, as long as certain amount of ivory legally imported in the past exists in Japan, the potential risk of smuggling destined abroad cannot be totally denied. In light of such concerns, further implementation of a thorough import/export control is required.

In terms of domestic trade, along with the registration system of whole tusks, regulation of advertisement including trade over the Internet²² is introduced, in line with the popularization of e-commerce in recent years. Moreover, efforts are made to secure effectiveness through: cyber patrol by the police and the resulting arrests; on-site inspections by the Ministries and Agencies concerned; and monitoring of online trade that is suspected to infringe LCES and Foreign Exchange Law and guidance and promotion of public awareness based on such monitoring, etc.

²² Please refer to the footnote 21.

At the same time, given that a certain amount of ivory continues to exist in Japan, appropriate measures that meet changes in circumstances, such as diversification of trading methods, must continue to be examined and considered, and efforts must be made to conduct thorough controls, in order to eradicate trades that might violate LCES and Foreign Trade Law.

1-2. Establishment of the Public-Private Council

(1) Objective of the Council

As mentioned earlier, the relevant Ministries and Agencies have endeavored to implement a strict control under the laws so that commercial trade in rare species of wild fauna and flora including ivory and ivory products will be appropriately conducted, and to proactively raise awareness of the public and private companies or organizations involved in ivory trade on the legal system. Moreover, relevant companies and organizations in the private sector are also making their own efforts such as providing information on systems and calling attention to stakeholders and consumers.

However, in order to completely eliminate illegal ivory trade, it is desirable for the relevant Ministries, Agencies and private sector organizations to collaborate more than before, in order to consider and implement more effective measures. In particular, since trading in various goods on the e-commerce market has become common, comprehensive measures including those against illegal trade in ivory and ivory products in this market are called for. Moreover, proactive communication of information on market status and trading system of ivory is important. It is also necessary to recognize the current state of ivory trade in Japan and issues regarding it, and to disseminate those points appropriately inside and outside Japan.

In light of these situations, the Public-Private Council for the Promotion of Appropriate Ivory Trade Measures (hereinafter “Public-Private Council”) was established in May 2016 for the purpose of further promoting measures from various standpoints such as: serving as a focal point of expertise from a wide variety of stakeholders; further ensuring thorough implementation of legal and administrative measures on the trade in ivory and ivory products; and raising public awareness both within Japan and abroad of the various issues pertaining to the trade in ivory and ivory products.

(2) Constituent stakeholders

The Public-Private Council consists of members from the public and private sectors, and NGO.

*: Joint secretariat of the Council.

Japanese Government

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

Industry

- Liaison group for tackling illegal transactions
Telecommunications Carriers Association (TCA), Telecom Services Association (TELESA), Japan Internet Providers Association (JAIPA), Japan Cable and Telecommunications Association (JCTA))
- Japanese Seal Engravers Association
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NGO

- TRAFFIC

Academia

- Professor Nobuo Ishii, Tokyo Woman's Christian University
- Professor Yoshio Kaneko, Iwate Prefectural University

(3) Terms of reference of the Public-Private Council

The task of the Public-Private Council is to report, examine and compile the efforts by each organization, and based on the situation of ivory trade in Japan, to further consideration agenda that should be tackled and to reflect this in the measures conducted by each member. In addition, the Public-Private Council is expected to discuss ways to communicate information on these results or other relevant issues, and to proactively disseminate the information both in and out of Japan.

2. Key Principles on Ivory Trade

As the eradication in illegal trade in species of wild fauna and flora has become a world-wide challenge, it is a major prerequisite that ivory trade in Japan is conducted in by a manner which the distribution of ivory derived from illegal trade and poaching is thoroughly eliminated, not creating negative impact on the conservation of elephants, while contributing to their conservation and to the community development of the range states. With this understanding, our basic views on ivory trade are as follows.

○Recognition of the responsibilities in dealing with precious wildlife species.

It is necessary for those who use biological resources derived from rare species of wildlife including ivory to understand not only that wildlife is an important component of ecosystems, but also that it is indispensable for a bountiful life of human kind. It is also necessary to be aware of the importance of conserving rare species of wildlife, and to endeavor that the handling of these wildlife is conducted appropriately.

○Contribution to conservation efforts through sustainable use.

As stated in a CITES Resolution²³ and as reaffirmed in the G7 Environment Ministers' Meeting in 2016, commercial trade in species of wild fauna and flora may be beneficial to the conservation of species and ecosystems, and to the development of local people when carried out at levels that are not detrimental to the continuation of the species in question. It can be applicable to ivory trade. Proceeds arising from international commercial trade, conducted under a condition that does not affect the survival of the elephants and under a strict control system, can be the source of funds for elephant conservation and the development of local community that coexists with elephants, and will contribute to this end.

○Making every efforts to establish effective regulatory system, and its through enforcement.

In order to strike a balance between conservation of elephants and sustainable use of ivory, ivory trade which does not contribute to conservation must be eliminated. For this sake, it is necessary to establish a strict control system that deters poaching or illegal trade in the countries of origin, transit states and consumer states. In Japan, which is one of the major consumer

²³ CITES Resolution Conf. 8.3, "Recognition of the benefits of trade in wildlife"
<https://cites.org/eng/res/08/08-03R13.php>

states, strict trade system on ivory and ivory products is established and implemented, and thorough legal compliance by corporations is enforced. However, further efforts are necessary in all fronts to eliminate illegal trade.

○ **Taking prompt and flexible actions based on scientific and objective findings.**

In considering new systems and measures, it is necessary to endeavor to collect the most updated scientific/objective facts, to verify the effects of the existing systems based on these facts, to make agile and flexible improvements, and to ensure their maximum effectiveness.

3. Further Measures to Be Taken by the Stakeholders

In order to ensure appropriate trade in ivory and ivory products, the Ministries and Agencies concerned and the relevant bodies have hitherto made strict control of trade pursuant to the relevant laws and regulations, and have raised awareness of the relevant industries and companies. Nevertheless, further measures will be proactively conducted under discussions at the Public-Private Council, whereby expertise held by each organization is gathered and collaboration among organizations across public and private sectors is achieved, in order to further enhance appropriate trade in ivory and ivory products in the domestic market as well as in import/export transactions.

(1) Controlling domestic ivory trade

(a) No compromise to actions against illegal business operators [MOE, METI]

Heretofore, in order to ensure a thorough compliance with LCES, MOE and METI have conducted on-site inspections to business operators (manufacturers, wholesalers and retailers) related to the trade in ivory and ivory products as set forth in LCES.

In order to further ensure the compliance with LCES in the trade in ivory products by business operators, on-site inspections need to be strengthened. Moreover, the target of the inspections should be selected appropriately, based on the operational status of each business operator, and efforts should be made to conduct more effective and efficient on-site inspections to a greater number of business operators.

Moreover, if the business operators do not respond to the reporting orders from the two Ministries mentioned above without justifiable grounds, in addition to guidance and warning, on-site inspections will be conducted as necessary.

If, as a result of the on-site inspections, violations of LCES by the business operators are found, strict measures should be taken such as the implementation and official announcement of administrative punishments (instructions, suspension of business) as necessary.

Though these efforts, strict compliance with LCES by business operators and elimination of illegal business operators, etc. should be enforced.

(b) Proactive communications to secondhand dealers [MOE, METI]

Heretofore, MOE and METI have implemented measures to

disseminate the outline of domestic trade system on ivory and ivory products in accordance with LCES to the public through displays of posters and panels; distribution of leaflets; and holding of public seminars among others.

In addition, handouts to publicize the system have been distributed towards business operators upon the collection of reports, and efforts have been made to disseminate the system.

Moreover, there are cases in which ivory and ivory products are handled by secondhand dealers so that the dissemination of knowledge on LCES has become necessary. Thus, the necessity of registration and filing in accordance with LCES should be notified to the industrial associations of secondhand dealers through NPA.

As a result, LCES should be thoroughly informed to the business operators of second hand dealings, the registration of ivory and filing of business operators should be promoted, and the trade in non-registered ivory, etc. should be prevented.

(c) Lecture sessions to industry members [Japan Federation of Ivory Arts and Crafts Associations]

Japan Federation of Ivory Arts and Crafts Associations, constituted by the manufacturers of ivory products, has endeavored to thoroughly notify its members on the trade system of ivory and ivory products based on LCES. Recently, it has notified the system to its members again based on a directive of METI, and has made alerts on the thorough compliance with relevant laws and regulations.

Furthermore, lectures should be held by Japan Federation of Ivory Arts and Crafts Associations for its members, with the staff from MOE, METI and private organizations as lecturers, in order to: increase the awareness of its members on legal compliance; to thoroughly notify the system even further; to deepen the awareness towards international discussions held in recent years regarding the international environment surrounding ivory; and to ensure the appropriateness of trade in ivory and ivory products even further.

(d) Publicity efforts on certified ivory product marks [MOE, METI]

Manufacturers of ivory products can apply to the accreditation body (Japan Wildlife Research Center) certified by LCES and can receive accreditations and a mark that certify that the products are manufactured from appropriately acquired ivory, provided that they are acknowledged to have met the requirements. By attaching the mark, manufacturers can indicate the

legality of the products to the consumers and the consumers will be able to selectively purchase appropriate products. This accreditation system is expected to have the effect of curbing the distribution of products made from illegally acquired ivory.

Although this system is regarded to have already been widely acknowledged by the manufacturers of ivory products, MOE and METI should further endeavor to disseminate this mark system in collaboration with relevant organizations, and to promote the appropriate understanding among consumers.

(e) Eliminating illegal e-commerce [DeNA Co., Ltd., Rakuten, Inc., Yahoo Japan Corporation, MOE, METI]

The following measures have been conducted by each of the providers of online market place. Under the laws and regulations, these measures are not necessarily required to be directly dealt by the market place providers; however, they are conducted voluntarily in order to eliminate illegal trade and trade that may jeopardize the conservation of species. Although the timings of implementation differ by each provider, many of the measures have already been implemented and those that are not yet implemented are scheduled to be implemented by the providers in the near future.

(i) Elimination of illegally placed items

If, through voluntary online patrols or through information provided by relevant Ministries and Agencies or NGOs, etc., the providers of online market place detect: a) items that do not have registration cards or b) placements by sellers that are not registered, measures such as deletions of items from their websites should be promptly conducted. If the illegality of items is hard to judge, the market place providers should promptly make inquiries to MOE or METI which are in charge of CITES and LCES,, so that measures can be undertaken according to their answers.

For malicious sellers, strict measures should be undertaken not only through deletion measures, but also through measures such as the closure of stores, etc., and the market place providers should cooperate with law enforcement by promptly answering inquiries received from investigative agencies.

(ii) Provision of information to the sellers and buyers

On their own website or on the web pages of the seller, the

providers of online market place provide information on the system related to the trade in ivory and ivory products such as LCES, and on the necessary procedures for such trade, towards the sellers and buyers who use the market place.

(iii) Prohibition of placing of items that state overseas shipping

If, through monitoring conducted by each market place providers or through information provided by the relevant Ministries and Agencies or NGO, etc., the providers of online market place detects placement of ivory and ivory products that state overseas shipping, preventive measures such as deletion of items, etc. should be conducted since these trade may lead to illegal import/export.

Furthermore, the Ministries and Agencies concerned are also regularly monitoring the status of exhibits in the e-commerce market such as Internet auctions, and are strengthening their measures through guidance towards sellers whose legality is suspicious, and through prompt deletion of illegal items in collaboration with the providers of online market place. The relevant Ministries and Agencies should continue to conduct effective and efficient monitoring in order to eliminate illegal placement of items and should strengthen the detection of illegal cases in collaboration with the police.

(2) Import and Export Control

(a) Publicity efforts towards industry and travelers [METI, MOF]

In Japan, the import/export of ivory for commercial purpose has been banned in principle under the Foreign Exchange and Foreign Trade Control Law, based on CITES. The relevant Ministries and Agencies collaborate and do their best to enforce strictly control of the import/export of ivory, including border control.

Especially in terms of exports, considering the logistic structure of freight, etc. in Japan, METI and relevant Ministries have urged that customs brokers, logistics operators and relevant operators thoroughly inform exporters and travelers to make sure that they fully understand the in-general ban on ivory and ivory-product exports.

In addition, MOF has been making efforts to publicize the existence of a **smuggling** hotline number (toll free number at 0120-461-961) for compiling a wide variety of information on the smuggling of ivory and ivory products as well as requesting customs agents, etc. to supply smuggling information.

Furthermore, information on the export control of ivory should be

disseminated to travelers through display of posters at the airports and through establishing of websites (in Japanese, English and Chinese).

Through these efforts, understanding of CITES should be deepened among the relevant business operators and travelers, and appropriate import/export procedures based on CITES should be promoted.

(b) Cooperation with regulatory authorities of other countries such as Chinese custom authorities [METI, MOF]

The most recent ETIS report says that “in the most recent analysis it is apparent that significant quantities of raw and worked ivory have also been seized coming from Japan.” Bearing this in mind, the Government of Japan should promote information sharing with the Chinese customs authorities and management authorities of CITES, and strengthen border control based on the information.

(3) Official information provision

○ Dissemination of information on regulatory regimes, status and government position on ivory trade through government webpages [MOE, METI, MOFA]

For the purpose of promoting further understanding of the matters including views of the Japanese government on the trade in ivory and ivory products, domestic trade systems and the current status of domestic trade, the relevant Ministries and Agencies have endeavored to make explanations in various occasions, such as through reports to the CITES Secretariat, statements made in the conferences for CITES, information provision through websites, explanations to mass media, etc. Such information dissemination is now being strengthened.

Dissemination of relevant information in Japanese and English has already started in fiscal 2015. Materials such as “View of Japan Regarding the Conservation of African Elephants and Trade in Ivory”, “Ivory Trade System (Domestic Trade and Import/Export)”, “FAQ on Ivory Trade” have been released on the government’s website both in Japanese and English.

Disclosure of information in other languages such as Chinese, depending on the target readers, should be considered in the future. In addition, reflecting the discussions among the participants in the Public-Private Council, efforts should be made to develop contents that are easy to understand for the consumers in general. Moreover, depending on the content, publishing of the links to these contents will be requested to the relevant organizations such as

the private-sector participants of the Public-Private Council, in the context of making further efforts to disseminate information on the government's view, system and current status of ivory trade.

The Public-Private Council will not only implement the measures stated above, but will continue to make further deliberations in order to solve the problems related to ivory trade. For example, the participating NGO is proposing deliberation on issues including: system revisions (e.g. verification of the effectiveness of the accreditation system of ivory products, and securing traceability), strengthening of enforcement (e.g. further collaboration with other sectors and agencies of other countries), and international cooperation, etc.²⁴. In the future, the Public-Private Council will make earnest considerations and conduct necessary measures taking into account the opinions of its participants, together with information or points provided or raised from both inside and outside Japan.

²⁴ TRAFFIC (2016) http://www.trafficj.org/ivory2016_council.pdf

4. Conclusion

As one of the consumer states of ivory, Japan is making efforts to eradicate illegal trade based on the measures under LCES, in order to contribute to the conservation of African elephants, an endangered wild animal, and to enable their sustainable use which would support the range states, under the collaboration among the Ministries and Agencies concerned and private institutions. The establishment of the Public-Private Council is a groundbreaking and unprecedented event by which appropriate operation of systems on ivory trade in Japan will be further enhanced through discussions by the stakeholders from both public and private sectors. It is essential that each of the implementing bodies make additional efforts in public and private sectors as compiled in this report; review the status of implementation; disclose the results within and out of the Public-Private Council and reflect them in the consideration of measures from thereon. Through these processes, the Public-Private Council will gather the expertise of a wide array of stakeholders and will promote appropriate ivory trade controls which should completely eliminate illegal trade and provide no room for poached ivories, while carrying out efforts from various viewpoints, including information dissemination both at home and abroad.