

CONVENCIÓN SOBRE EL COMERCIO INTERNACIONAL DE ESPECIES
AMENAZADAS DE FAUNA Y FLORA SILVESTRES



Quincuagésimo cuarta reunión del Comité Permanente
Ginebra (Suiza), 2-6 de octubre de 2006

Interpretación y aplicación de la Convención

Cuestiones sobre el comercio y la conservación de especies

Elefantes

CONTROL DEL COMERCIO DE MARFIL DE ELEFANTE AFRICANO

1. Este documento ha sido preparado por la Secretaría.

Antecedentes

2. En su 13ª reunión (CoP13, Bangkok, 2004), la Conferencia de las Partes adoptó un plan de acción para controlar el comercio de marfil de elefante africano (Anexo 2 de la Decisión 13.26), en el que se asignan responsabilidades a los Estados del área de distribución del elefante africano y a la Secretaría. Se pide a la Secretaría que informe sobre la aplicación del plan de acción en cada reunión del Comité Permanente.

Actividades de los Estados del área de distribución

3. Los países que figuran a continuación han presentado informes sobre los progresos realizados: Botswana, Camerún, Côte d'Ivoire, Etiopía, Gabón, Kenya, Malawi, Mozambique, Namibia, República Democrática del Congo, República Unida de Tanzania, Rwanda, Senegal, Sierra Leona, Sudáfrica, Sudán, Togo, Zambia y Zimbabwe.
4. En algunos informes se incluyen pormenores sobre confiscaciones de marfil que no se habían comunicado previamente a la Secretaría o a ETIS. Mozambique declaró considerables confiscaciones que se realizaron durante la ejecución de medidas de observancia en todo el país. La República Democrática del Congo también confiscó grandes cantidades de marfil durante las actividades de observancia realizadas en los mercados y en las tiendas de los hoteles en Kinshasa. Esas medidas son importantes para poner de relieve que no se tolerará el comercio y la Secretaría felicita a esos países.
5. La Secretaría recuerda a las Partes la importancia de comunicar los decomisos utilizando los formularios de acopio de datos del Sistema de información sobre el comercio de elefantes (ETIS), de modo que esa información pueda incluirse en la base de datos ETIS y ulteriormente analizarse. El formulario está disponible en versión electrónica en el sitio web de la CITES: <http://www.cites.org/esp/notif/1999/092a1.pdf>.
6. Los siguientes países aún no han presentado informes sobre los progresos realizados. Benin, Burkina Faso, Chad, Congo, Djibouti, Eritrea, Ghana, Guinea, Guinea-Bissau, Guinea Ecuatorial, Liberia, Malí, Níger, Nigeria, República Centroafricana, Somalia, Swazilandia y Uganda.
7. La Secretaría, en la medida de lo posible, ha enviado recordatorios a los países anteriores, pese a que es extremadamente difícil ponerse en contacto con alguno de ellos, por ejemplo, Somalia. La

Secretaría solicita a los representantes regionales ante el Comité Permanente que asistan a este proceso, fomentando la presentación de informes.

Actividades realizadas por la Secretaría

8. Como se estipula en el plan de acción, la Secretaría sigue recalcando la necesidad de luchar contra el comercio ilícito de marfil en todas las reuniones en las que participa. El Secretario General de la CITES ha escrito al Jefe de la Policía y al Director General de Aduanas de cada uno de los Estados del área de distribución del elefante africano, alentando a sus organismos a centrarse en el comercio ilícito de marfil y prestar apoyo a las autoridades CITES. A la carta se adjunto una copia del plan de acción y un ejemplar de la película producida por *Environmental Investigation Agency* para fomentar la sensibilización del comercio ilegal de marfil. La Secretaría entrega regularmente esta película los organismos de aplicación de la ley relevantes en otros países y se proyecta en los seminarios y actos de capacitación que organiza.
9. La Secretaría no dispone ni del presupuesto ni de recursos humanos para ayudar a aplicar el plan de acción efectivamente, tal como desearía. De igual modo, ha sido incapaz de ayudar activamente a esos Estados del área de distribución que aún no habían presentado informes sobre los progresos realizados. La Secretaría es consciente de que el punto 8 del plan de acción se prevé un mandato para que formule una recomendación para el cese de las transacciones comerciales cuando considere que un país no aplica el plan de acción o cuando se observa que se vende marfil ilegalmente. La Secretaría no cree que la falta de presentar informes deba considerarse como la incapacidad para aplicar el plan de acción. Sin embargo, la Secretaría ha comunicado a dos países que pondría en práctica el punto 8 si no se tomaban medidas en relación con las ventas que se estaban realizando. En ambos casos, la República Democrática del Congo y Mozambique, se tomaron medidas.
10. Dado sus limitados recursos, como se informó en la 53ª reunión del Comité Permanente (SC53, Ginebra, junio – julio de 2005), la Secretaría ha tratado de establecer prioridades en su labor y desplegar sus esfuerzos en los países más afectados por el comercio ilegal y los que solicitan asistencia.
11. En septiembre de 2005, la Secretaría, con la asistencia de un oficial del Grupo de Tareas del Acuerdo de Lusaka, celebró un seminario de un día de duración en Kinshasa, República Democrática del Congo, en el que se hicieron presentaciones a los representantes de varios organismos de aplicación de la ley sobre la Convención y la aplicación de la ley a la vida silvestre, y en el que se hizo hincapié en el comercio ilegal de marfil. La Secretaría espera que este seminario haya servido de ayuda a las autoridades CITES en su trabajo ulterior contra el comercio ilegal en la capital. La Secretaría expresa su agradecimiento a Estados Unidos por su ayuda financiera.
12. A principios de 2006, la Secretaría examinó documentos y otra información sobre un incidente de comercio ilegal de marfil en Zimbabwe, en julio de 2005. Se trataba de una tonelada de marfil, que al parecer se habría transportado a China. Preocupa el hecho de que se había alegado que parte de este marfil procedía de las existencias legales del gobierno y supuestamente había sido adquirido por comerciantes registrados durante una de las subastas internas legales de marfil. Este marfil, junto con otras piezas que probablemente se habían adquirido mediante caza furtiva, se había vendido a otras personas, aparentemente en violación de los controles nacionales de Zimbabwe. La Secretaría tiene razones para pensar que uno de los comerciantes involucrados podría haber participado previamente en esa transacción del marfil de las existencias gubernamentales.
13. La Secretaría tenía motivos para poner en tela de juicio la idoneidad de la respuesta de las autoridades en relación con este asunto y, en marzo de 2006, envió una carta a la Autoridad Administrativa de Zimbabwe, expresando sus inquietudes y ofreciendo asesoramiento y asistencia. Este asunto aún no se ha resuelto y la Secretaría está a la espera de información adicional de Zimbabwe. Ha señalado a Zimbabwe que esto parece una grave infracción de sus controles nacionales y podría tener repercusiones si la Secretaría tuviese que evaluar la conveniencia de que Zimbabwe participe en el comercio internacional en el futuro.
14. La Secretaría espera poder informar oralmente sobre esta cuestión en la presente reunión.

15. En abril de 2006, la Secretaría tomó nota de un reconocimiento de TRAFFIC en el que se subraya la disponibilidad de marfil, aparentemente de origen ilegal, en los mercados de Angola. Acto seguido escribió a la Misión Permanente de Angola ante las Naciones Unidas y otras organizaciones internacionales en Ginebra, señalando a su atención ese reconocimiento y adjuntado una copia del plan de acción. Asimismo, ofreció asistencia técnica a Angola para regular el comercio de marfil. No se ha recibido respuesta alguna.
16. En mayo de 2006, la Secretaría se reunió con un representante de la Misión Permanente de Egipto en Ginebra y presentó una copia de un informe de TRAFFIC, en el que se indicaba que el comercio ilegal de marfil, que parecía haberse reducido considerablemente tras las medidas de observancia tomadas por las autoridades, podría estar reanudándose de nuevo. La Secretaría espera poder informar oralmente sobre el particular en la presente reunión.
17. Igualmente en mayo de 2006, la Secretaría celebró una reunión con funcionarios de la Autoridad Administrativa de Tailandia y expresó inquietud por el hecho de que el comercio ilegal nacional de marfil, que al parecer se había reducido considerablemente durante la CdP13, parecía estar resurgiendo de nuevo. En diciembre de 2003, la Secretaría había proporcionado asesoramiento detallado a Tailandia sobre la forma de regular el comercio interno de marfil, teniendo en cuenta que el uso de marfil de elefantes domesticados puede ser legal, pero está abierto a la explotación por comerciantes sin escrúpulos. No obstante, parece que se han hecho relativamente pocos progresos en la enmienda de los controles nacionales de Tailandia.
18. Por esas fechas, la Secretaría, junto con un oficial de Interpol, observó que el marfil trabajado se encuentra en las tiendas cercanas a los principales hoteles turísticos en Bangkok. Entiende que en un reciente reconocimiento de TRAFFIC, aún no publicado, se encontró marfil de origen dudoso ampliamente disponible en varias partes de Tailandia. La Secretaría ha pedido a las autoridades de Tailandia que informen acerca de los progresos realizados en la presente reunión.
19. En junio de 2006, la Secretaría, con la ayuda de TRAFFIC África Oriental/Meridional, celebró un cursillo de capacitación de cuatro días para varios organismos de aplicación de la ley en Khartoum, Sudán. Se hizo especial hincapié en las cuestiones relacionadas con el comercio de marfil. Al parecer, las autoridades de Sudán habían realizado recientemente confiscaciones de marfil y se espera que presenten los informes ETIS. La Secretaría y TRAFFIC visitaron mercados en Khartoum y Omdurman para controlar la disponibilidad de marfil y otros productos de vida silvestre y reunirse con los comerciantes que habían registrado grandes existencias de marfil ante el gobierno. La Secretaría observó considerable entusiasmo entre el personal de aplicación de la ley para aplicar la Convención y espera que se traducirá en un aumento de las confiscaciones.
20. La Secretaría ha recordado a Estados Unidos que los análisis de los datos ETIS ponen de relieve que es un importante destino del marfil ilegal. Se ha informado a la Secretaría que Estados Unidos está sopesando cual es la respuesta más idónea, tal vez mediante campañas de sensibilización del público, pero está a la espera de información complementaria.
21. En el momento de redactar este documento (junio de 2006), la Secretaría está a la espera de la publicación del análisis más reciente de la base de datos ETIS y la producción de los últimos informes nacionales ETIS. Tiene la intención de utilizar esta información para determinar sus prioridades en cuanto a las actividades relaciones con el comercio de marfil.

Trabajo de verificación por la Secretaría

22. La Secretaría informó a la SC53 sobre la labor que había realizado en relación con China y Japón, países ambos que habían solicitado que se les designase como "asociados comerciales" en relación con la anotación al Apéndice II sobre las existencias de marfil de Botswana, Namibia y Sudáfrica.
23. La Secretaría expresa inquietud por el hecho de que China sigue siendo un importante destino para el comercio ilícito de marfil. Asimismo, le preocupan las pruebas y la información confidencial que ponen de relieve que ciudadanos de China ubicados en África están involucrados en ese comercio ilícito. Sin embargo, la Secretaría está convencida de que el sistema de control del comercio interno establecido por China cumple los requisitos enunciados en la Resolución Conf. 10.10 (Rev. CoP12) (Comercio de especímenes de elefante).

24. La Secretaría tiene la intención de completar su trabajo de verificación en relación con los controles nacionales de Japón a principios de agosto de 2006. La Secretaría pedirá al Comité que considera un informe escrito sobre la verificación, pero no podrá presentar el documento dentro del plazo límite de 60 días antes de la reunión.

Casos de considerable comercio ilícito

25. En septiembre y noviembre de 2005, las autoridades de Filipinas confiscaron tres envíos de marfil, dos de ellos transportados por aire y el otro por mar. El peso total era de unas siete toneladas. La Secretaría ayudó a comunicar la información estos decomisos entre los organismos nacionales pertinentes de aplicación de la ley en Filipinas, África y Oriente Medio, así como a Interpol, la Organización Mundial de Aduanas y el Grupo de Tareas del Acuerdo de Lusaka. Sin embargo, aparte de Filipinas, no está al corriente de ninguna persona identificada como sospechosa y que haya sido juzgada.

26. Estas intercepciones reflejan la excelente labor realizada por las autoridades aduaneras en Filipinas. No obstante, ulteriormente la Secretaría se enteró con consternación de que una cantidad significativa del marfil había desaparecido antes de que la Autoridad Administrativa CITES pudiese hacerse cargo de él. La Secretaría está a la espera de recibir información sobre la investigación en curso.

27. No se sabe a ciencia cierta si Filipinas era el destino final de todo el marfil decomisado. Filipinas se consideraba un lugar de tránsito para el comercio ilegal de marfil, pero las investigaciones llevadas a cabo por los organismos de aplicación de la ley en 2006 en el país han dado lugar a una serie de decomisos de marfil trabajado y marfil en bruto. No se sabe si este es parte del marfil desaparecido. Lo que sí está claro, sin embargo, es que Filipinas parece desempeñar una función más activa en el comercio ilícito de marfil que anteriormente, y es probable que su comercio interno sea significativo. Si el presupuesto y el volumen de trabajo lo permiten y, si se recibe una invitación, la Secretaría desearía investigar la situación en Filipinas.

28. El 9 de mayo de 2006, las autoridades aduaneras de Hong Kong RAE, China, interceptaron un contenedor procedente de Camerún que se había equipado con un compartimiento oculto, que contenía casi cuatro toneladas de marfil en bruto. Se trata de otro ejemplo del excelente trabajo de selección llevado a cabo por las autoridades aduaneras de Hong Kong RAE, que efectúa regularmente decomisos de especímenes pasados de contrabando de especies incluidas en los Apéndices de la CITES. El envío estaba destinado a Macao, aunque se piensa que el destino final era China continental. De hecho, las autoridades chinas han interceptado en fecha reciente marfil pasado de contrabando de Macao a China.

29. La Secretaría comunica que varios organismos de aplicación de la ley nacionales, regionales e internacionales han aunado esfuerzos para investigar este decomiso y se ha identificado un número de individuos, que viven o tienen vínculos en Camerún y otros países de África y Asia. Interpol presta ayuda para investigar a esas personas, con miras a juzgarlas. Las autoridades de Camerún, con la ayuda de una organización no gubernamental, han localizado otros dos contenedores con compartimientos ocultos similares y al parecer se trata de una ruta de comercio ilícito activa entre África y Asia. En una Alerta CITES se ha informado pormenorizadamente sobre este método de contrabando.

Observaciones generales

30. Los incidentes descritos ilustran que el comercio ilícito de marfil se sigue realizado en elevados volúmenes, está extremadamente organizado y conlleva sofisticadas técnicas y rutas de contrabando. Sin embargo, los decomisos más recientes ponen de relieve lo que puede lograrse, desorganizando las rutas de contrabando y persiguiendo a los responsables, si los organismos relevantes participan en el rápido intercambio de información y la colaboración y coordinación eficaces. Lamentablemente, esto no sucede con frecuencia. En el caso de contrabando entre Camerún y Hong Kong RAE, la colaboración se llevó a cabo entre oficiales que tenían experiencia en la aplicación de la ley o que habían recibido formación en la aplicación de la ley (algunos de ellos gracias a los cursos CITES). En el pasado, la Secretaría intentó facilitar esa comunicación y colaboración, pero ahora encuentra cada

vez más difícil lograrlo debido al actual volumen de trabajo, razón por la cual ha desempeñado una pequeña función en los casos más recientes.

31. Los incidentes ilustran también lo que puede lograrse mediante una selección efectiva, la evaluación de riesgos y el establecimiento de perfiles. Para que así suceda, debe intercambiarse información sobre el comercio ilícito y comunicarse a la Secretaría, Interpol y la Organización Mundial de Aduanas, de modo que pueda difundirse a los organismos relevantes.
32. La Secretaría cree que la autoridades de algunos países en África pueden hacer más esfuerzos en sus puertos y aeropuertos para interceptar envíos de marfil, pero no tiene la intención de divulgarlos, ya que ayudaría a los contrabandistas a elegir otras alternativas.
33. Los decomisos recientes, en particular las elevadas cantidades de que se trata, demuestran que se siguen cazando furtivamente grandes cantidades de elefantes. Se alienta a los Estados del área de distribución a que comuniquen los niveles de caza furtiva a la Secretaría, lo que puede ayudar a alertar a los organismos de aplicación de la ley y de control fronterizo sobre ese contrabando. Una falta de visión general de la caza furtiva puede conducir también a interpretaciones erróneas. Por ejemplo, se especuló que las 6 toneladas de marfil confiscadas en Singapur en 2002 procedían de África occidental o central, pero tras realizar pruebas de ADN se ha comprobado que la mayoría procedía probablemente de elefantes de Zambia.
34. En conclusión, la Secretaría alienta a las Partes que puedan ayudar a luchar contra el comercio ilegal de marfil a que lo hagan, y recalca la importancia de que se mantengan las medidas de observancia. Como se explica en este informe, los criminales involucrados en este comercio están decididos y, aunque el contrabando o el tráfico se han interrumpido o frenado temporalmente, es probable que reanuden sus actividades delictivas si los esfuerzos de aplicación de la ley se reducen como consecuencia de ello.

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.