

CONVENTION SUR LE COMMERCE INTERNATIONAL DES ESPECES
DE FAUNE ET DE FLORE SAUVAGES MENACEES D'EXTINCTION



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Interprétation et application de la Convention

Commerce d'espèces et questions de conservation

Eléphants

CONTROLE DU COMMERCE DE L'IVOIRE DE L'ELEPHANT D'AFRIQUE

1. Le présent document a été préparé par le Secrétariat.

Contexte

2. A sa 13^e session (Bangkok, 2004), la Conférence des Parties a adopté un plan d'action pour le contrôle du commerce de l'ivoire de l'éléphant d'Afrique (décision 13.26, annexe 2) qui confie des tâches aux Etats de l'aire de répartition de l'éléphant d'Afrique et au Secrétariat. Le Secrétariat doit soumettre un rapport sur la réalisation du plan d'action à chaque session du Comité permanent.

Activités des Etats de l'aire de répartition

3. Les pays suivants ont soumis un rapport d'activité: Afrique du Sud, Botswana, Cameroun, Côte d'Ivoire, Ethiopie, Gabon, Kenya, Malawi, Mozambique, Namibie, République démocratique du Congo, République-Unie de Tanzanie, Rwanda, Sénégal, Sierra Leone, Soudan, Togo, Zambie et Zimbabwe.
4. Plusieurs de ces rapports mentionnent des saisies d'ivoire non communiquées précédemment au Secrétariat ou à ETIS. Le Mozambique fait état dans son rapport d'importantes saisies faites lors d'actions de lutte contre la fraude conduites à l'échelle du pays. La République démocratique du Congo a elle aussi saisi de grandes quantités d'ivoire lors d'actions menées sur des marchés et dans des boutiques d'hôtels à Kinshasa. Ces actions sont importantes car elles montrent que le commerce illicite n'est pas toléré et le Secrétariat félicite ces pays.
5. Le Secrétariat rappelle aux Parties l'importance de faire leurs rapports sur les saisies en utilisant les formulaires du Système d'information sur le commerce des éléphants (ETIS) afin que leurs informations puissent être entrées dans la base de données d'ETIS puis analysées. Ce formulaire est disponible sur le site web de la CITES à: <http://www.cites.org/fra/notif/1999/092a1.pdf>.
6. Les pays suivants n'ont pas encore soumis leur rapport d'activité: Bénin, Burkina Faso, Congo, Djibouti, Erythrée, Ghana, Guinée, Guinée-Bissau, Guinée équatoriale, Libéria, Mali, Niger, Nigéria, Ouganda, République centrafricaine, Somalie, Swaziland et Tchad.
7. Lorsqu'il a pu le faire, le Secrétariat a envoyé des rappels à ces pays mais certains, comme la Somalie, sont très difficiles à contacter. Le Secrétariat demande aux représentants régionaux au Comité permanent d'inciter ces pays à soumettre leur rapport.

Activités du Secrétariat

8. Comme requis par le plan d'action, le Secrétariat continue d'insister sur la nécessité de lutter contre le commerce illicite de l'ivoire aux réunions auxquelles il participe. Le Secrétaire général de la CITES a écrit au chef de la police et au directeur des douanes de chaque Etat de l'aire de répartition de l'éléphant d'Afrique pour inciter ces services à cibler le commerce illicite de l'ivoire et à fournir un appui aux autorités CITES. Le plan d'action et le film produit par *Environmental Investigation Agency* pour sensibiliser le public au commerce illégal de l'ivoire étaient joints à sa lettre. Le Secrétariat fournit régulièrement ce film aux agences de lutte contre la fraude d'autres régions du monde et le passe lors des séminaires et des réunions de formation qu'il organise.
9. Le Secrétariat ne dispose pas d'un budget ni de ressources humaines lui permettant de contribuer à la mise en œuvre du plan d'action aussi efficacement qu'il le souhaiterait. De même, il n'a pas pu intervenir activement auprès des Etats de l'aire de répartition qui n'avaient pas soumis leur rapport d'activité. Le point 8 du plan d'action charge le Secrétariat d'émettre une recommandation d'arrêt du commerce avec un pays lorsqu'il n'applique pas le plan d'action ou lorsque de l'ivoire y est vendu illégalement. Le Secrétariat estime que la non-soumission d'un rapport d'activité ne devrait pas être considérée en elle-même comme un manquement à appliquer le plan d'action. Il a cependant informé deux pays – la République démocratique du Congo et le Mozambique – qu'il appliquerait le point 8 si des mesures n'étaient pas prises au sujet des ventes qui, à sa connaissance, ont lieu. Ces deux pays ont pris des mesures.
10. Compte tenu de ses ressources limitées, comme indiqué à la 53^e session du Comité (Genève, juin/juillet 2005), le Secrétariat a établi des priorités pour son travail et a axé son action sur les pays paraissant le plus affectés par le commerce illicite et ceux qui lui ont demandé son assistance.
11. En septembre 2005, le Secrétariat, aidé par un cadre de l'équipe spéciale de l'Accord de Lusaka, a dirigé un séminaire d'un jour à Kinshasa (République démocratique du Congo), au cours duquel des représentants de diverses agences de lutte contre la fraude ont assisté à des présentations sur la Convention, la lutte contre la fraude, où l'accent était mis sur le commerce illégal de l'ivoire. Le Secrétariat espère que cela a aidé les autorités CITES dans leur action contre les ventes illégales d'ivoire dans la capitale et il remercie les Etats-Unis d'Amérique qui ont contribué au financement de ce travail.
12. Début 2006, le Secrétariat a examiné des documents et des informations sur une affaire de commerce illégal d'ivoire survenue au Zimbabwe en juillet 2005, impliquant une tonne d'ivoire qui aurait pu être transportée jusqu'en Chine. Il est inquiétant de constater qu'une partie de cet ivoire était présumé provenir des stocks légaux du gouvernement et avoir été acquis par des négociants sous licence lors d'une vente aux enchères légale d'ivoire. Cet ivoire et d'autres pièces résultant probablement du braconnage ont été vendues à d'autres personnes, semble-t-il en violation des mesures de contrôle internes du Zimbabwe. Le Secrétariat a des raisons de croire qu'un de ces négociants avait déjà participé à une transaction impliquant de l'ivoire des stocks du gouvernement.
13. Le Secrétariat, qui avait des raisons de douter de l'adéquation de la réaction des autorités dans cette affaire, a écrit longuement à l'organe de gestion CITES du Zimbabwe en mars 2006 pour exprimer sa préoccupation et proposer avis et assistance. Cette affaire n'est pas terminée et le Secrétariat attend d'autres informations du Zimbabwe. Il a fait valoir à ce pays que c'était là une sérieuse brèche dans ses contrôles internes, qui pourrait avoir des implications si le Secrétariat devait évaluer s'il conviendrait que le Zimbabwe pratique le commerce international à l'avenir.
14. Le Secrétariat espère être en mesure de faire un rapport oral sur cette affaire à la présente session.
15. En avril 2006, le Secrétariat a pris connaissance d'une étude de TRAFFIC indiquant que l'on pouvait trouver facilement de l'ivoire, présumé d'origine illégale, sur des marchés en Angola. Il a écrit à la mission permanente de l'Angola auprès des Nations Unies et des autres organisations internationales à Genève pour attirer son attention sur cette étude et lui remettre une copie du plan d'action. Il a aussi proposé une assistance technique à l'Angola pour réglementer le commerce de l'ivoire. Il n'a pas reçu de réponse.

16. En mai 2006, le Secrétariat a rencontré un représentant de la mission permanente de l'Égypte à Genève et lui a remis une copie du rapport de l'étude de TRAFFIC, qui signalait une résurgence du commerce illégal de l'ivoire qui avait considérablement diminué grâce à l'action de lutte contre la fraude menée par les autorités. Le Secrétariat espère être en mesure de faire un rapport oral complémentaire à la présente session.
17. Egalement en mai 2006, le Secrétariat a rencontré des cadres de l'organe de gestion CITES de la Thaïlande et exprimé sa crainte de la résurgence du commerce illégal de l'ivoire qui avait considérablement diminué à l'époque de la CdP13. En décembre 2003, le Secrétariat a fourni des orientations détaillées à la Thaïlande sur la manière de réglementer le commerce intérieur de l'ivoire, en tenant compte du fait que l'utilisation de l'ivoire des éléphants domestiques peut être légal mais qu'il peut être exploité par des commerçants peu scrupuleux. Quoi qu'il en soit, il apparaît que relativement peu de progrès ont été faits dans l'amendement des contrôles internes de la Thaïlande.
18. Au moment de la rédaction du présent rapport (juin 2006), le Secrétariat et un cadre d'Interpol avaient remarqué qu'il était facile de se procurer de l'ivoire dans des boutiques près des principaux hôtels pour touristes de Bangkok. D'après une étude récente de TRAFFIC non encore publiée, de l'ivoire d'origine douteuse est disponible dans plusieurs régions de la Thaïlande. Le Secrétariat a demandé aux autorités thaïlandaises de soumettre un rapport d'activité à la présente session.
19. En juin 2006, le Secrétariat, assisté par TRAFFIC Afrique australe/Afrique de l'Est, a tenu un atelier de formation multiagences de quatre jours sur la lutte contre la fraude à Khartoum (Soudan). L'accent a été mis sur le commerce de l'ivoire. Les autorités soudanaises ont procédé récemment à des saisies d'ivoire et des rapports seront soumis à ETIS. Le Secrétariat et TRAFFIC sont allés sur des marchés de Khartoum et d'Omdurman pour voir d'il y avait de l'ivoire et d'autres produits d'espèces sauvages et ont rencontré des commerçants qui avaient enregistré d'importants stocks d'ivoire auprès du gouvernement. Le Secrétariat a noté le grand enthousiasme manifesté par le personnel chargé de la lutte contre la fraude pour faire respecter la Convention; il espère que cela se traduira par une augmentation des saisies.
20. Le Secrétariat a rappelé aux Etats-Unis que d'après les analyses des données d'ETIS, ils sont une importante destination de l'ivoire illégal. Le Secrétariat a été informé que les Etats-Unis envisagent comment réagir au mieux – peut-être en organisant des campagnes de sensibilisation du public – mais il n'a pas encore reçu d'autres détails.
21. Au moment de la rédaction du présent rapport, le Secrétariat attendait la publication de l'analyse la plus récente de la base de données d'ETIS et la préparation des derniers rapports des pays à ETIS. Il compte utiliser ces informations pour fixer les priorités de ses activités sur le commerce de l'ivoire.

Travail de vérification fait par le Secrétariat

22. Le Secrétariat avait signalé à la 53^e session du Comité permanent le travail qu'il avait accompli concernant la Chine et le Japon, qui avaient demandé à être désignés comme partenaires commerciaux dans le cadre de l'annotation relative aux stocks d'ivoire de l'Annexe II détenus par l'Afrique du Sud, le Botswana et la Namibie.
23. Le Secrétariat reste préoccupé par le fait que la Chine continue d'être une destination importante du commerce illicite de l'ivoire et que d'après des témoignages et des renseignements, des Chinois basés en Afrique pratique ce commerce. Quoi qu'il en soit, le Secrétariat estime toujours que le système de contrôle du commerce intérieur mis en place par la Chine remplit les conditions requises par la résolution Conf. 10.10 (Rev. CoP12), Commerce de spécimens d'éléphants.
24. Le Secrétariat à l'intention de terminer début août 2006 son travail de vérification des contrôles intérieurs du Japon. Il demandera au Comité d'examiner un rapport écrit sur cette vérification mais ne sera pas en mesure de fournir ce document dans le délai habituel de 60 jours avant la session.

Cas de commerce illicite important

25. En septembre et en novembre 2005, les autorités des Philippines ont saisi trois chargements d'ivoire – deux arrivés par avion et l'autre par la mer – soit au total presque sept tonnes. Le Secrétariat a

aidé à faire circuler des informations sur ces saisies entre les agences nationales de lutte contre la fraude des Philippines, de l'Afrique et du Moyen-Orient et Interpol, l'Organisation mondiale des douanes et l'équipe spéciale de l'Accord de Lusaka. Cependant, il n'a pas eu connaissance de personnes, hors des Philippines, ayant été identifiées comme suspects ou ayant été poursuivies.

26. Ces interceptions témoignent de l'excellent travail accompli par les autorités de contrôle aux frontières des Philippines. Cependant, le Secrétariat a été extrêmement préoccupé d'apprendre par la suite qu'une importante quantité d'ivoire avait disparu avant d'être passé sous le contrôle de l'organe de gestion. Une enquête a été ouverte et le Secrétariat attend d'autres informations.
27. L'on ignore si les Philippines devaient être la destination finale de tout l'ivoire saisi. Les Philippines sont reconnues comme un point de transit du commerce illégal de l'ivoire mais un travail fait en 2006 par les agences de lutte contre la fraude du pays a entraîné un certain nombre de saisies d'ivoire travaillé et d'ivoire brut. L'on ignore si cet ivoire fait partie de l'ivoire manquant. Ce qui est clair, c'est que les Philippines jouent un rôle plus actif dans le commerce illicite de l'ivoire qu'on ne le pensait précédemment et que son marché intérieur est peut-être important. Si son budget et si sa charge de travail le lui permettent et s'il y est invité, le Secrétariat souhaiterait étudier à un moment ou à un autre la situation aux Philippines.
28. Le 9 mai 2006, les douanes de la RAS de Hong Kong (Chine) ont intercepté un conteneur arrivé du Cameroun par la mer, dans lequel avait été installé un compartiment secret contenant près de quatre tonnes d'ivoire brut. C'est un nouvel exemple de l'excellent travail ciblé réalisé par les douaniers de la RAS de Hong Kong, qui procèdent régulièrement à des saisies de spécimens d'espèces CITES passés en contrebande. Ce chargement était destiné à Macao mais la Chine continentale était sans doute sa destination finale. Et effectivement, les autorités chinoises ont récemment intercepté de l'ivoire passé en contrebande de Macao en Chine.
29. Le Secrétariat est heureux d'annoncer que plusieurs agences internationales, nationales et régionales de lutte contre la fraude ont coopéré étroitement suite à cette saisie et que des individus basés au Cameroun ou dans d'autres pays d'Afrique et d'Asie ou ayant des liens avec eux ont été identifiés. Interpol contribue à retrouver ces personnes afin qu'elles soient poursuivies. Les autorités camerounaises, aidées par une ONG, ont trouvé deux autres conteneurs ayant un compartiment secret; il semble que ce soit une voie active du commerce illicite entre l'Afrique et l'Asie. Des détails sur cette méthode de dissimulation ont été communiqués dans une alerte émise par la CITES.

Observations générales

30. Les affaires décrites ci-dessus montrent bien que le commerce illicite de l'ivoire continue à grande échelle, qu'il est bien organisé et qu'il implique des voies et des techniques de contrebande sophistiquées. Cependant, les saisies les plus récentes montrent aussi ce qui peut être fait pour perturber les routes de la contrebande et traquer les coupables lorsque les services concernés échangent rapidement des informations et ont une collaboration et une coordination effectives. Trop souvent, ce n'est pas le cas. Dans l'affaire de la contrebande du Cameroun vers la RAS de Hong Kong, la collaboration a eu lieu entre des cadres qui avaient une bonne expérience de la lutte contre la fraude ou avaient reçu une formation dans ce domaine (certains dans des cours donnés par la CITES). Autrefois, le Secrétariat s'efforçait de faciliter cette communication et cette collaboration mais il lui est de plus en plus difficile de le faire en raison de sa charge de travail et son rôle a été minime dans les affaires récentes.
31. Ces affaires montrent aussi ce qui peut être fait par le ciblage, l'évaluation des risques et le profilage. Pour y parvenir, il faut que des informations sur le commerce illicite soient échangées et signalées au Secrétariat, à Interpol et à l'Organisation mondiale des douanes afin qu'elles puissent être diffusées dans les services concernés.
32. Le Secrétariat estime que les autorités de certains pays d'Afrique pourraient faire davantage pour intercepter les chargements d'ivoire dans les ports et les aéroports mais ils n'ont pas l'intention de les citer publiquement car les contrebandiers choisiraient tout simplement d'autres alternatives.
33. Les saisies récentes, en particulier celles impliquant de grandes quantités, montrent aussi que qu'un grand nombre d'éléphants continuent d'être braconnés. Les Etats de l'aire de répartition sont

encouragés à signaler au Secrétariat les niveaux élevés de braconnage car cela peut contribuer à alerter les services de lutte contre la fraude et de contrôle aux frontières à une possibilité de contrebande. Le manque d'une vue d'ensemble du braconnage peut aussi entraîner des conceptions erronées. L'on a cru, par exemple, que les six tonnes d'ivoire saisies à Singapour en 2002 provenaient d'Afrique de l'Ouest ou d'Afrique centrale mais le séquençage de l'ADN a indiqué que la plus grande partie provenait probablement d'éléphants de Zambie.

34. En conclusion, le Secrétariat encourage toutes les Parties qui peuvent aider à lutter contre le commerce illégal de l'ivoire de le faire et souligne l'importance du maintien de mesures de lutte contre la fraude. Comme le note le présent rapport, les malfaiteurs qui pratiquent ce commerce sont déterminés et si la contrebande et le trafic sont interrompus ou cessent temporairement, il est vraisemblable qu'ils reprendraient leurs activités si la lutte contre la fraude devait se relâcher.

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.