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# THE LAST IVORY BAN HAVEN

The drivers of Japan's illegal ivory trade and  
the failure of Japan's domestic ivory legislation



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## Background

If there was no ivory market, ivory would not be a commodity and elephants would no longer be a target of poaching. However, legal domestic markets for ivory continue to exist providing cover for traffickers.

More than 20,000 or 30,000 African elephants have been poached since 2010<sup>1</sup>. According to a new scientific study<sup>2</sup>, only 350,000 savanna elephants remained on the African continent in 2014 as the result of reduction of 30% from the preceding 7 years. The remaining population could drop by half, to 160,000, in nine years if nothing changes.

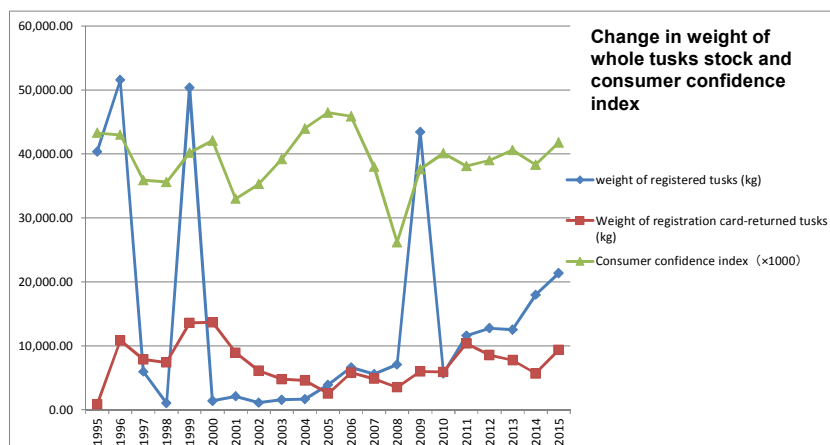
Responding to the situation, major ivory consuming countries have actively stepped forward to close their legalized domestic ivory markets. Two draft resolutions on closure of domestic ivory market will be discussed during the 17<sup>th</sup> meeting of the Conference of the Parties to Convention on International Trade in Endangered Species of wild fauna and flora (CITES) held in September 24<sup>th</sup> 2016 in South Africa<sup>3</sup>.

This report assesses risk for the Japanese domestic ivory market to be abused as a cover for illegal ivory and the effectiveness of Japan's legislation. Based on the analysis and considering the political will of Government of Japan, JTEF makes a recommendation about Japan's remaining options.

## Potential demand for ivory with no small significance saved in Japan since 1994 (“internal driver”)

### \* Production “adjustment” makes it difficult to quantify estimate the potential demand for ivory in Japan

The supply of ivory products has been intentionally controlled through a strong and consistent production “adjustment” by ivory manufacturers driven by the perceived and actual availability of ivory as raw material. When the international ivory ban was enacted, the largest ivory manufacturer in Japan stressed his concern about the runout of his stock and the necessity of a production “adjustment” on ivory hanko as: “If you determined to buy the products actively and actually put the action in practice, (our stock would soon disappear and) we would run out the options for continuing our business”<sup>4</sup>.

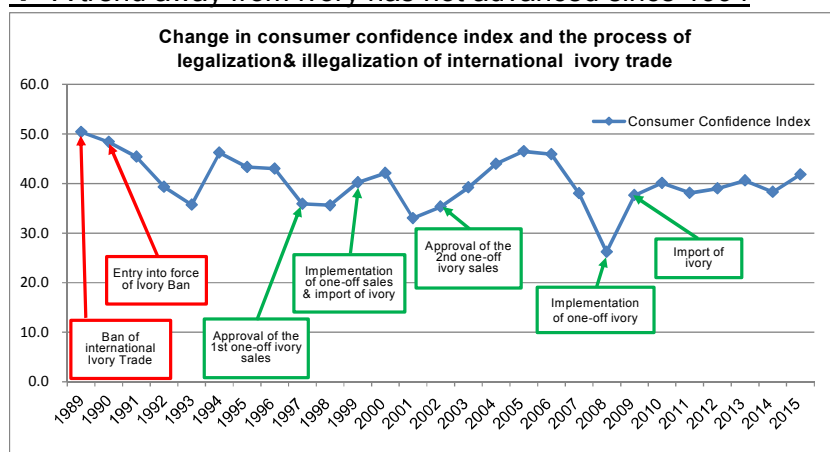


The left figure shows the change in weight of newly registered whole tusks<sup>5</sup> (blue line), weight of tusks the registration card for which were returned when the whole tusks were cut into pieces or otherwise processed (red line), and the consumer confidence index<sup>6</sup> (green line). The change in weight of registration card-returned tusks (red line) has not mirrored with weight of newly-registered tusks (blue line), nor does the consumer confidence index (green line) act

in the way that would be expected due to the influence of the production adjustment. Particularly, it is significant that the weight of registration card-returned tusks was at very low level between 2001 and 2014. In 2002, the manufacturers strengthened production adjustment because the import of the second “one-off” sold ivory, decided in 2002, required more time and was not realized until seven years of negotiations<sup>7</sup>. Furthermore, Japan lost out in the competition with China over the ivory auctions for the second “one-off” sale in 2008 so the production adjustment was continued. In 2015, however, the adjustment appears to have eased a little probably because over 2,100 tusks were registered making more ivory available to manufacturers.

Thus, it should be noted that it is likely to lead to marginalize the potential demand for ivory in Japan’s domestic market if the estimation would be based on the appearance of production as shown in the weight of registration card-returned tusks because it does not coincide with the true potential demand due to the mentioned production adjustment. Similarly, estimating potential demand for ivory in Japan’s domestic market based on annual production amount informed by the ivory industry<sup>8</sup> is inappropriate.

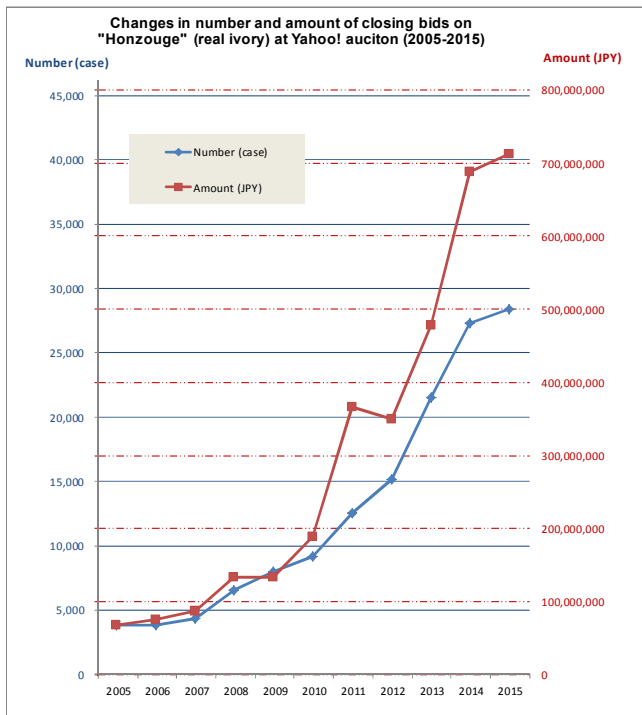
### \* A trend away from ivory has not advanced since 1994



The left figure shows the change in the Japanese consumer confidence index together with the events influencing consumer views of ivory consumption (positive image: green box, negative image: red box). Japanese consumers may have lost some interest in ivory during the chaotic times for Japan’s domestic ivory market when the ivory trade ban was implemented in 1990 and the subsequent

recession took place. However, the interest in ivory by consumers has not declined since 1994 because the events with positive image to ivory consumption (green frame) occasionally took place at the right time to support the bottom of consumer confidence index. Therefore, potential demand with no small significance has been saved in Japanese domestic ivory market since 1994 at latest.

Various types of businesses are utilizing the internet to get new business opportunities for selling ivory goods which is helping Japan's domestic ivory market rapidly expand ("internal driver")



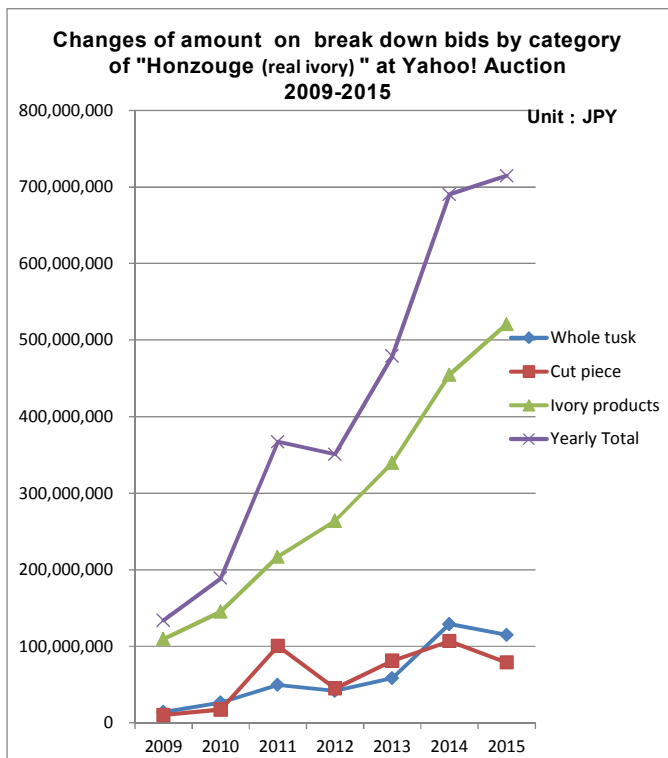
#### \* Auction site

- The number and amount of final closing bids in "Honzooge" (real ivory) on Yahoo! Auction have soared since 2005. Rapid increases were particularly evident in 2011, 2013 and 2014. In contrast, all other items sold on Yahoo! Auctions peaked in 2008. The unique increase of "Honzooge" is very clear (left figure)<sup>9</sup>.
- The bids on "Honzooge" between 2011 and 2015, when increases were particularly noteworthy, amounted to 105,000 - worth over 2.6 billion JPY<sup>9</sup>.

#### \* Shopping site

- During one day in August 2015, advertisements in total of 12,000 in number and 630 million JPY in amount were found at Rakuten-Ichiba and Yahoo! Shopping sites in total. Most of them ads for ivory "hanko" or name seal stamp<sup>9</sup>.

#### \* Various ivory items won final closing bids in huge volume on Yahoo! Auction<sup>9</sup>



- 1,800 whole tusks derived from estimated 1,000 elephants<sup>10</sup> were sold within 7 years between 2009 and 2015.

A whole tusk newly showed up at Yahoo! Auction in September 7<sup>th</sup> 2016 without displaying any information about registration.



- 20 tonnes of cut pieces derived from estimated 6,000 elephants<sup>10</sup> were sold within 7 years between 2009 and 2015.
- Furnishing goods were sold in 26,000 bids at 1,200 million JPY in amount within 7 years between 2009 and 2015.
- Accessories were sold in 23,000 bids at 200 million JPY in amount within 7 years between 2009 and 2015.

Ivory internet trade market in Japan has rapidly developed by various types of businesses including traditional manufacturers, newcomers in small carving business, antiquaries and speculative business, who are interacting with each other to expand their business opportunities<sup>9</sup>. The scale of potential demand for ivory nowadays is considerable in scale. It is concerned that the potential demand for ivory would have taken steps on the road to recovery of the scale before the ivory ban in 1989.



Increasing pressure to redeploy illegal ivory from China & Hong Kong to Japan serving as a “haven” in the near future (“External driver”)

- \* The “Japan-China ivory market” historically formed

The Chinese domestic ivory market, including Hong Kong, has traditionally had a close relationship with the Japanese market. Hong Kong had been the world’s biggest ivory importer until it was overtaken by Japan in 1982<sup>11</sup>, though a considerable portion of the ivory that Hong Kong imported was re-exported to China and Japan<sup>12</sup>.

“The China-Japan ivory market” has grown closer over time because of the increase in movement of people and goods both on business and tourism, and through the internet as a new platform of business. Now, ivory should be understood to move in dynamic way inside the Japan-China market rather than to flow out from one country to another.

Illegal ivory is destined to “the Japan-China ivory market” and attempts to enter in a country or area with high-profit and low-risk. Which is the right country or area has changed depending on each country’s economy or trade policy of the time.

- \* Illegal exports from Japan to China

Recently, the destination of ivory has shifted from Japan to China, and outflow of ivory from Japan is often found (e.g. In Dalian in May 2014<sup>13</sup>, in Beijing in October 2015<sup>14, 15</sup>, in Dalian in August 2016<sup>16</sup>, in Beijing August 2016<sup>17</sup>). Many ivory dealers investigated by EIA also witnessed recent illegal export of ivory from Japan to China<sup>18, 19</sup>.

- \* “Return” of illegal ivory to Japan

Recently, changes in economy, society and law enforcement on the Chinese side are likely influencing the direction of movement of ivory. For example, the stagnation of art and antique markets in China<sup>20</sup>, the corruption busting targeting the antique trade because of use of it for bribery<sup>20</sup>, and strengthening imposition of tax on the imported freights by the agents for purchasing goods in Japan and personally imported freights<sup>21, 22</sup> are all likely to change the present direction of ivory movement from Japan to China gradually to the inverse direction. When the domestic ivory markets in China and HK are closed in the near future, the ivory will likely move from China to Japan as illegal traders used to do. Moreover, the flow poached ivory to Japan is likely to increase, not only from China, but through several trade routes from Africa.

Historical tie of domestic ivory markets between Japan and China & Hong Kong: 1



©Tokyo Customs

The dealer based in HK who smuggled 500kg of cut whole tusks into Kobe Port of Japan in April 2000 started his ivory broker business in 1982 and maintained a close relationship with not only the board member of Japan Ivory Association involved with the case, but also many ivory manufacturers<sup>23</sup>.

Historical tie of domestic ivory markets between Japan and China & Hong Kong: 2



©EIA

A dealer (upper photo) investigated by EIA in 2015 talked about a Hong Kong ivory dealer he has had a longstanding close relationship with: “They said they carried the tusks in a bulk container via Vietnam or Macao”, “He (the Hong Kong dealer) always brings big tusks back cut into some pieces”<sup>19</sup>.

Modus operandi for smuggling ivory

**Large and medium tusks, and large shipments of large cut pieces** must be smuggled by ship. The seized 2.8 tonnes of ivory imported into Osaka port in 2006 was shipped from Malaysia<sup>24</sup>.



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A specialised Japanese ivory broker (left photo) explained that the ivory should be conveyed by chartered boat in the case of ivory shipped from China or Russia to Japan, then transhipped to a small fishery boat on the Japan Sea and enter the country via small fishing harbours<sup>23</sup>.

**Small tusks or small amounts of large cut pieces** can be smuggled by using couriers or groups of couriers who put the ivory into their carryon bags through air travel channels<sup>25</sup>. Provided the weight is no more than 30kg, smugglers can use international mail services or international small package services which is the most risk-free method (explained herein on page 5).

## Effectiveness of Japan's legislation

### Outline of Japan's legislation

The import / export permit mandated by CITES is implemented by the Foreign Exchange and Foreign Trade Act and its bylaws<sup>26</sup>. Import / export of ivory require permission by the Minister of Economy, Trade and Industry because ivory is a part of a species listed in Appendix I to CITES. Compliance with the Customs control regulation domestically is secured by the Customs in line with the Customs Law<sup>27</sup>.

Domestic trade control in ivory is implemented by the Law for Conservation of wild fauna and flora (LCES) and its bylaws<sup>28</sup>. The three main pillars of the control measures are: (i) the domestic trade regulation & registration scheme; (ii) the supervisory scheme over the business related to trade in ivory ("supervisory scheme over the ivory business hereinafter") and (iii) the products certification scheme as a voluntary incentive measure.

### Loopholes in import / export regulation (relevant to the Customs Law)

**1** is a loophole (see Page. 6-7) abused particularly for smuggling ivory packed in international mail which disguises the usage of the contents as "GIFT" or "SAMPLE". In August 2014, international mail containing many cut pieces of ivory of 7cm size or some at diameter of 6cm or some in length with painted surface in blue arrived in Japan.



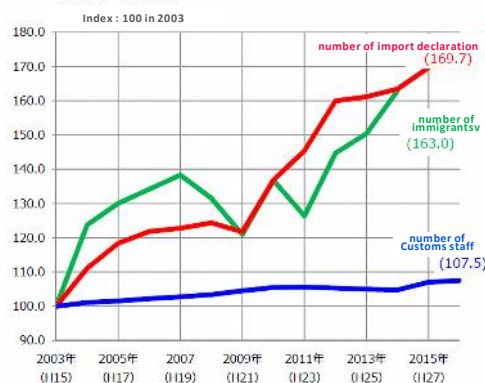
Subsequently, 8 pieces of mail containing ivory reached in Japan from Nigeria or Zimbabwe one after another during a period of 1 year and 4 months<sup>29</sup>. It is unlikely that officials prioritize this type of parcel for inspection because the volume of international mail is as huge as 48,857 pieces in 2015 FY<sup>30</sup>. Most international mail containing ivory likely reaches address without notice.

**2** is a loophole of the notification issued by the Ministry of Finance for implementation of the Customs Law (see Page6-7). When ivory is found in international mail, a notice saying that import / export permit based on FEFT Act is required is sent to the addressee (or sender in the case of exporting mail). The person receiving the notice will naturally ignore it and abandon the mail, then it will be returned to the sender in a foreign country in the case of importing mail, or to the sender himself in Japan in the case of exporting mail after all. The cases of international mail ivory shipments from Nigeria and Zimbabwe used this scheme. Using international mail is an attractive modus operandi for smuggling ivory and an attractive risk-free loophole.

### Reality of the resource-constrained inspection by the Customs

It is also difficult for the Customs offices of Japan to inspect international freight and international passengers thoroughly because it is mandated to handle them swiftly under the competition by sea / airports to serve as the position of hub ports in Asia.

Change in the number of import declaration, immigrants, and the staff at the Custom offices of Japan



The index will increase to 208.9 if the number of immigrants would reach to 40 million including 20 million of foreign visitors and 20 millions of Japanese tourists in 2020.

Source : Ministry of Finance, 2016 <http://www.naccs.jp/archives/unkyou/20150306/kouen.pdf>

The allocation of the personnel cannot keep up with rapidly increasing international freight (and consequent number of applications for customs clearance) as well as international passengers, as shown in the figure above. Thus, Customs has insufficient clearance to meaningfully prioritize ivory without relaxing inspection on other prohibited goods, such as explosives and drugs. Therefore, It is not realistic to overly rely on the Custom's inspections.



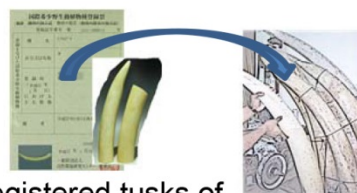
## 9 loopholes of existing legislation for preventing Japan's legalized domestic ivory market from providing cover to illegal ivory

Illegal import and export in whole tusks, cut pieces and ivory products

**1** A legal loophole exempting certain international mail packages including gifts\*, parcels valued unknown\* or ones at no more than US\$2,000 (200,000 JPY) \*Applicable to only importing mail

**2** A loophole in the administrative notification procedure that informs the addressee (in the case of import) or the sender (in the case of export) of parcels that ivory was found at Customs (It will help the smugglers escape.)

**3** A legal loophole: physical inspection for identification or marking is NOT required



→Laundering unregistered tusks of unknown acquisition or origin as registered whole tusk stock by reusing a registration card issued for tusks already cut



→Laundering unregistered tusks of unknown acquisition or origin as registered whole tusk stock by using a registration card fraudulently obtained using fake or faux ivory

**4** A legal loophole: unregistered whole tusks can be legally possessed if there is no intent to sell them

→Laundering unregistered tusks with unknown acquisition or origin as legalized stock of unregistered whole tusks

**8** A legal loophole: ivory business cannot be rejected or terminated if they are found to be non-compliant with LCES

**9** A legal loophole: the supervisory scheme over ivory businesses does not allow the imposition of any administrative penalties based on the scheme on any notified ivory dealer who violates the trade regulation regarding whole tusks

**5** A legal loophole: no objective evidence is required for confirming that the tusk was acquired before the ivory ban implemented in 1990



→Laundering unregistered tusks of unknown acquisition or origin as registered whole tusk stock

**6** A legal loophole: domestic trade regulation is not applied to cut pieces



→Laundering cut pieces of unknown acquisition or origin as if from a legalised stock of cut pieces

**7** A legal loophole: domestic trade regulation is not applied to ivory products



→Laundering hanko, furnishing goods, crafts and etc. made of poached elephants' tusks as if from a legalized stock of ivory products

### Applicable laws and regulations

**1** Customs Law Art.76 Para.1, Cabinet Order Art. 66, Art. 3, Para.3, Sec.1, Art.2, Para.5, Sec.1 and 2

**2** Basic Notification for implementation of Customs Law 76-4-4 (import), 76-2-1, 76-2-5 (export)

**3** Law for Conservation of Endangered Species of Wild Fauna and Flora (LCES) Art.20, Para.1 and, 2

**4** LCES Art.12, Para.1

**5** LCES Art.20, Para. 1  
Cabinet Order Art. 4, Sec.2,  
LCES Art.20, Para 2,  
Ministry Order Art.11, Para.1, Sec.2, Para.2

**6** LCES Art.12, Para.1, Sec.3, Art.17, Cabinet Order Art. 2-5

**7** LCES Art.12, Para.1, Sec.3, Art.17, Cabinet Order Art. 2-5

**8** LCES Art.33-2,  
Cabinet Order Art. 5-2, Sec.1

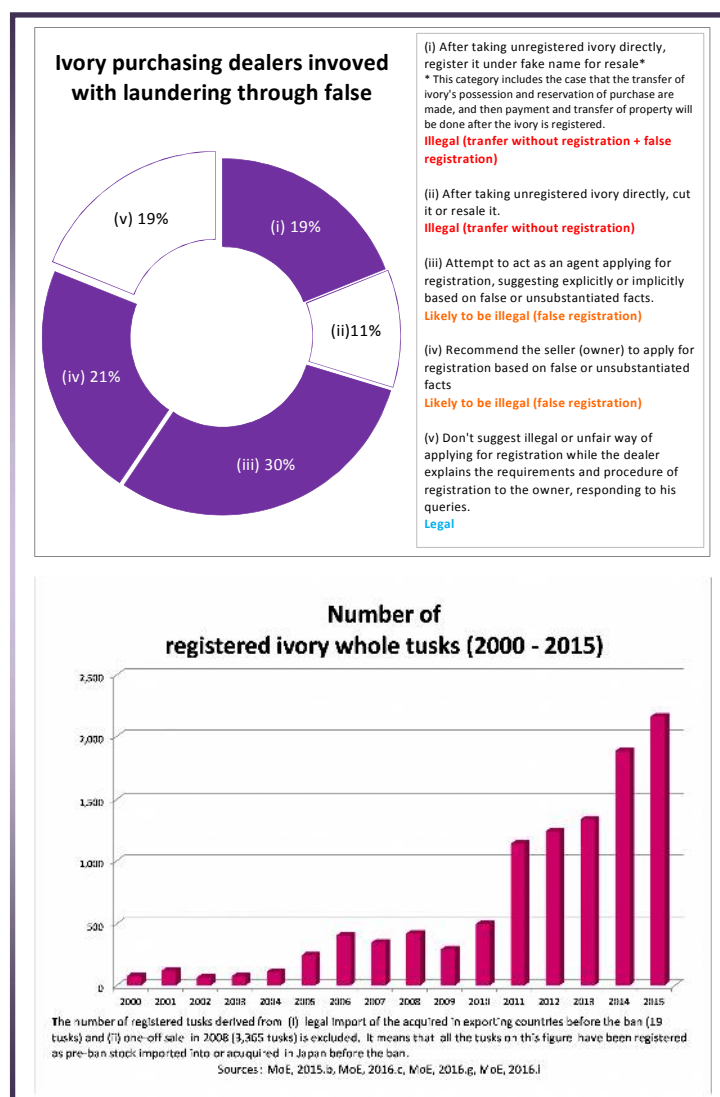
**9** LCES Art.33-2,  
Cabinet Order Art. 5-2  
LCES Art.33-4 Para.1 and 2,  
LCES Article 33 Para.1 which will be applied  
Mutatis Mutandis Pursuant to Article 33-5

## Loopholes in domestic trade control in ivory (relevant to LCES)

**3** is one of the most fundamental problems of the Japanese legislation that regulates domestic ivory trade. The registration organisation has to confirm the legal requirements for registration only through the documents submitted by the applicants, and is not authorised to make physical inspection of tusks. Therefore, the registration organization cannot examine whether a tusk presented for registration is real or fake or to verify species, and cannot otherwise identify the tusk or mark it. This means that it is not possible to securely trace a registered whole tusk. The ivory dealers know the loophole very well and abuse it. The biggest ivory manufacturer in Japan who was convicted for receiving unregistered whole tusks had kept the received unregistered tusks in his work shop with a piece of gummed cloth tape attached, on which registration numbers issued for the other tusks were written to disguise the received tusks as registered<sup>31</sup>.

**4** is the loophole mainly utilized by ivory manufacturers who possess ivory stocks not for trade but exclusively for their manufacturing use. Japanese legislation does not require the registration of whole tusks which are merely possessed but not offered for transfer. A manufacturer investigated by EIA mentioned “we can buy it without registration card because we use it as material. So, we can buy it if you bring it to me, negotiate and give you the check if the deal is made”<sup>18</sup> while he said “we have not registered the tusks because we will use it as material”<sup>19</sup>.

**5** is a loophole abused by 70% of ivory dealers investigated<sup>18</sup> for laundering unregistered whole tusks by fraudulent registration (see right figure). While the whole tusks which are able to be registered for the use of domestic trade are actually limited to ones imported into or acquired in Japan before CITES ban (“pre-convention stock” hereinafter), the requirement have been confirmed merely by the statements of the owner of the tusk and a third party including his / her family members. This means that confirmation of pre-convention stock can be completed simply by having the tusk owner and a family member or a friend write that the owner obtained the tusk before January 18<sup>th</sup> 1990 e.g. “he bought it in XX year of Showa era (Dec.1926 - Jan. 1989)”. To make matters worse, the registration organisation itself abetted the applicant to write a year before the ban by saying suggesting the applicant write Showa era on his application<sup>32</sup>. Thus, it is very easy for anyone to get a whole tusk of any acquisition or origin registered in Japan. As a result, the volume of newly registered whole tusks has increased particularly since 2011 when global ivory seizures exploded. In 2015, over 2,100 tusks were newly registered (see the figure at the bottom right).





**6** is a loophole that demonstrates how limited the scope of Japanese ivory regulation is. Japanese manufacturers would routinely trade cut pieces with certain size (the photos at the upper line were sold at Yahoo! Auction<sup>9</sup>). Smuggled whole tusks are often cut before the import in order to take advantage of this loophole (the photos at the lower line were the cut pieces imported to Osaka Port in 2006<sup>24</sup>). It is clear that regulating merely the whole tusks cannot prevent illegal cut pieces from entering into the Japanese domestic market.



**7** is the loophole related to unregulated ivory products. A tremendous volume of ivory products, with a number of varieties sold at Yahoo! Auction & Shopping, and Rakuten Ichiba have stimulated the domestic market for ivory market in Japan. Such a booming internet trade is likely to continue incentivize traders to sell illegal ivory on the legal market.

#### Variety of ivory products sold in Japan in large quantity



**8** is the loophole related to the weakness of the supervisory power of METI and MoE over the ivory business. Anyone who intends to do business in ivory only has to “notify” these Ministries with basic information. There is no licensing. This means that the Ministries are powerless to reject or terminate a business due to illegal or noncompliant activity. This is much weaker than a licensing or registration system where authorities could reject the application of, or revoke a license or registration.

**9** is the loophole related to the range of the supervisory power of the Ministries over the ivory business. The supervisory scheme over the ivory business were enacted in order to introduce recording and inspection procedures to encourage notified ivory businesses not to deal with an ivory with unknown acquisition or origin with regard to cut pieces and ivory products which are out of control by the domestic trade regulation / registration scheme. Because of this background, whole tusks are totally left out of the supervisory power of the Ministries over the ivory business. As the result, the Ministries are not authorised to impose any administrative penalty (“instruction” and “suspension of business” ) on a notified dealer even if he would seriously violate domestic trade regulation. The inconvenience was revealed in the “Takaichi case” in 2011, who was convicted for receiving 58 unregistered whole tusks but was never imposed any administrative penalty<sup>31</sup>.



## Japan's policy to maintain and enhance the legalized domestic ivory market

The Ministry of Economy, Trade and Industry established and is maintaining the policy that, "The tortoise shell and ivory industries were damaged by the decision of the Government Japan on the Convention in terms of raw procurement as the basis of those industries with small sizes and inconvenience in converting the techniques to a different use, so that GoJ, as national responsibility, shall secure the stable raw procurement by developing captive breeding techniques, down listing those species from Appendix I of CITES"<sup>33</sup>. The METI's policy was positioned as a point of focus in the whole policy of GoJ with regard to CITES. And GoJ has attempted to reopen the ivory trade by covering the policy with a logic directed at international community as: "Japan recognizes that commercial trade 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 survival of the species in question."<sup>34</sup>

Therefore, despite the international trend toward closure of domestic ivory market all over the world, the GoJ aggressively claims: "Government of Japan believes that trade in legitimate ivory and its products does never enhance elephant poaching and ivory smuggling abroad", " Government of Japan does not believe that total prohibition of domestic trade in ivory including a legalized commercial transaction would contribute to conservation of elephants because legitimate economic benefits to be obtained by trade in ivory must be useful for conservation of elephants in range states. Instead, prevention of illegal trade and management of legitimate transaction is considered to be important."<sup>35</sup> And in May 2016, the GoJ set up a " public-private council on the promotion of appropriate ivory trade measure" to "discuss thorough and appropriate implementation of the ivory trade control to allow for the sustainable use of ivory and ivory products (supposing that the existing legislation is appropriate), and information dissemination regarding the trade control (supposing to PR that Japan's existing control deserves to maintain domestic ivory market)". The GoJ is taking an increasingly more confrontational attitude to the proposal of draft resolution for closure of domestic ivory market submitted by the United States and African countries<sup>36</sup>.

In order to change the policy of GoJ continuing 27 years since the international trade ban on ivory, there is a need for more stringent and persistent pressure from the international community.

## Conclusion

The risk is high that Japan's domestic ivory market may provide a cover for illegal trade in ivory.

The "internal driver" of the trade is demand for ivory by the Japanese domestic market which devastated African elephant populations in 1970-1980s. Japanese consumers have not lost interest in ivory despite a few years of chaotic times for Japan's domestic ivory market around the time of implementation of the ivory trade ban in 1989. Furthermore, demand has been stimulated and expanded through the internet as a new trade platform.

The "external driver" of the trade is the "Japan-China ivory market". The "Japan-China ivory market" should be regarded as one market due to their consistently strong ties over many decades. Though the present flow of ivory is mostly from Japan to China, the recent stagnation of the Chinese antique market and strengthened control over imported freights and personally imported freights may lead to some change in the movement of ivory. When the domestic ivory market in China and HK is closed near future, the ivory will very likely move from China to Japan as before.

Moreover, poached ivory is likely to concentrate on Japan not only from China, but through several trade routes from Africa.

Unfortunately, Japan's domestic controls are full of loopholes as explained and categorized in this paper. Violation of CITES Resolution Conf. 10.10 is a consequence of these nine major loopholes. Thus, Japan's legislation and enforcement is far from being capable to prevent the high risk of illegal trade and export.



Compliance of Conf. 10.10 (Rev. CoP16) "Trade in elephant specimens" by Government of Japan		
Conf. 10.10 (Rev. CoP16) "Trade in elephant specimens"	Response of Government of Japan: Law for Conservation of Endangered Species (LCES) and its enforcement	Incompliance of Resolution 10.10 by GoJ
a) regulate the domestic trade in raw and worked ivory	Out of raw ivory, whole tusks without registration are prohibited to be traded, or displayed or advertised for the purpose of selling or distributing.	<ul style="list-style-type: none"> <li>✓ Cut pieces are not regulated.</li> <li>✓ Ivory products except for the whole tusks with whole carved surface* are not regulated. (Those tusks are still regarded as whole tusks on LCES while those are regarded as Ivory products in the Resolution.)</li> <li>✓ There are serious loopholes in registration scheme.</li> </ul>
b) register or license all importers, exporters, manufacturers, wholesalers and retailers dealing in raw or worked ivory	No legal requirement is imposed to those who intend to start business associated with ivory trade. Instead, they can do it without any official screening after they notify their name, address, volume of stocks and so on.	<ul style="list-style-type: none"> <li>✓ Ivory dealers are not registered nor licenced.</li> </ul>
c) introduce recording and inspection procedures to enable the Management Authority and other appropriate government agencies to monitor the movement of ivory within the State, particularly by means of:	i) compulsory trade controls over raw ivory	<ul style="list-style-type: none"> <li>✓ Active monitoring of the movement of whole tusks is impossible because identification and marking are not supposed.</li> <li>✓ In terms of cut pieces, merely the same scheme for ivory products are applied.</li> </ul>
	ii) comprehensive and demonstrably effective stock inventory, reporting, and enforcement systems for worked ivory	<ul style="list-style-type: none"> <li>✓ Copy of the ledgers is requested to submit yearly or biyearly.</li> <li>✓ Information on each trade necessary for securing tractability is not databased.</li> <li>✓ Therefore, it is impossible to monitor the movement of ivory products (and cut pieces). Even if on-the-spot inspection is increased, meaningful results cannot be expected under that situation above.</li> </ul>
Additionally, "Regarding marking" recommends "that whole tusks of any size, and cut pieces of ivory that are both 20 cm or more in length and one kilogram or more in weight, be marked by means of punch-dies, indelible ink, or other form of permanent marking". Nevertheless, any marking is not mandated by LCES when the tusk is registered.		

GoJ must completely close those loopholes if it wishes to maintain a legal domestic ivory market to provide raw material for its ivory industry. To do so, radical reform of the existing legislation and considerable increase in personnel and budgetary resources would inevitably have to be secured. Naturally, instead of making efforts to do so, GoJ is claiming Japan's existing legislation is appropriate and Japan's domestic ivory market does not enhance elephants poaching and illegal trade in ivory. It means there is no political will to make the necessary radical reforms that are necessary. It is obviously unrealistic option for GoJ that it maintains legalised domestic ivory market in future while strictly discharging its responsibility for preventing African elephants from being halved in 2025 as scientists anticipated.

### Recommendation: The only option for Government of Japan

Recognising that Japan's domestic ivory market provides a cover for illegal trade in ivory and understanding the importance of not hindering the effective closure of domestic ivory markets in China and Hong Kong, JTEF recommends that the Government of Japan joins the initiative to close domestic ivory trade and to implement a nearly complete ban on domestic ivory trade particularly by taking the following actions:

- 1) Suspend registering whole tusks on an urgent basis;
- 2) Implement a prohibition on trading, and exhibiting or advertising for the purpose of sales in all ivory items in principle;
- 3) Suspend registration of all ivory while measure of "2)" is implemented;
- 4) Apply the prohibition of "2)" to the whole tusks which were registered before the suspension of "1)" without exception; and
- 5) Cease exempting the Customs Law on international mail that contains CITES-listed species, and amend the notification to stop sending the notice routinely to the addressee or the sender of the mail, which informs that CITES-listed species was uncovered from inside the mail and to strengthen the law enforcement on these international mail.

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  - Cut pieces : 20,385.71kg (total estimated weight : Note.5)  $\div 0.4$  (yield ratio of ivory manufacturing is 0.6 in average : CITES Inf. SC41.6.1 (Rev.))  $\div 4.891$ kg (average weight of a whole tusk sold in a closing bid : Note 9)  $\div 1.88 = 5,543$ ;
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## Japan Tiger and Elephant Fund:

a non-profit and nongovernmental organisation, contributes to protect the world of wildlife representing their voice and interests, so that global biodiversity and the natural environment of human beings will be conserved.

Masayuki Sakamoto, Executive Director of the Japan Tiger and Elephant Fund (JTEF)

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