



Dark Side of Everlasting Tortoiseshell-Crafting in Japan

Japan's Domestic *Bekko* Market
Dependent on Smuggled Raw Material
Risking the Extinction of
Hawksbill Turtles



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Japan Tiger and Elephant Fund (JTEF)

JTEF, a non-profit and non-governmental organization, contributes to protecting the world of wildlife by representing their voice and interests so that global biodiversity and the natural environment of human beings will be conserved. JTEF has committed to combating wildlife crime related to Japan and eradicating unsustainable wildlife trade by researching wildlife markets, analyzing the legal systems, and keeping contact with the law enforcement communities.

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Contents

Executive Summary.....	4
Introduction.....	7
1. Background.....	8
1.1 Threat of extinction to hawksbill turtles.....	8
1.2 International trade in tortoiseshell and Japan's domestic <i>bekko</i> market.....	9
1.3 Response of the government of Japan to the international trade regulations by CITES on hawksbill turtles.....	10
1.4 Controls over the domestic <i>bekko</i> market in Japan.....	11
2. International trade with CITES permits by Japan in hawksbill tortoiseshell after the international trade ban.....	12
2.1 Japan's imports with CITES permits of hawksbill tortoiseshell from 1993 to 2019.....	12
2.2 Japan's exports with CITES permits of hawksbill tortoiseshell from 1993 to 2019.....	12
3. Change in the Raw Shell Plate Stockpiles Possessed by <i>Bekko</i> Dealers.....	12
3.1 Source of raw shell plates.....	12
3.1.1 Imported tortoiseshell with CITES permits as of the obtained in the exporting countries before the international ban.....	12
3.1.2 Stuffed hawksbill turtles.....	13
3.1.3 Hawksbills legally harvested in Japanese waters.....	13
3.1.4 <i>Bekko</i> manufacturers' stockpiles before the international ban.....	13
3.2 Change in raw shell plate stockpiles.....	13
4. Growing Internet Trade in Japan's Domestic <i>Bekko</i> Market – A Survey on the Closing Bids at “Yahoo! Japan Auction”.....	16
4.1 Outline of the survey.....	16
4.2 Results of the survey.....	16
4.2.1 Number of the extracted data on the closing bids.....	16
4.2.2 Number and amount of the closing bids on “hawksbill tortoiseshell and <i>bekko</i> products”.....	16
4.2.3 Further breakdown of “ <i>bekko</i> products”.....	18
4.2.4 The degree of monopolization by specific sellers on “hawksbill tortoiseshell and <i>bekko</i> products”.....	19
4.2.5 Compliance with the domestic trade regulation applicable to “stuffed hawksbill turtle” and “whole shell”.....	19
4.2.6 Compliance with the requirements of the business notification system, which applies to the business involving transfer of raw “shell plate”.....	20
5. Status of Illegal Import of Hawksbill Tortoiseshell into Japan.....	21
5.1 Responses to be taken by Customs when hawksbill tortoiseshell is detected in a shipment.....	21
5.2 Import suspension of hawksbill tortoiseshell at the border.....	22
5.3 The illegal import cases criminally charged.....	24
6. Discussion.....	26
6.1 Illegal import of hawksbill tortoiseshell significantly instigated by Japan's domestic <i>bekko</i> market.....	26
6.2 Failure of effective border controls over the illegal import of tortoiseshell.....	28
6.3 Failure of Japan's controls over the domestic <i>bekko</i> market.....	29
7. Conclusion.....	30
8. Recommendations.....	31
References.....	32
Notes.....	33
Annex1.....	40
Annex2.....	42
Annex3.....	44
Annex4.....	46
Annex5.....	50

Executive Summary

Hawksbill turtles and Japan's *bekko* trade

The hawksbill turtle (*Eretmochelys imbricata*) is one of the seven species of sea turtles and is listed as "Critically Endangered" (CR) in the IUCN Red List. One of the main serious threats to hawksbills is illegal take for the purpose of commercial trade in its tortoiseshell used exclusively as raw material for crafts called "*bekko zaiku* (crafts)" in Japan.

After World War II, Japan grew to be the world largest country importing tortoiseshell equivalent to tens of thousands of hawksbills every year. But, all populations of hawksbill turtles were listed in Appendix I of the "Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)" by 1977 prohibiting international trade for commercial purposes. Japan ratified CITES in 1980, however, it entered a reservation on hawksbill turtles and continued to import tortoiseshell with a voluntary import quota until 1992, two years before withdrawing the reservation in 1994. Since the time when Japan decided to withdraw the reservations in the coming year, the government started actively engaging in diplomatic efforts for having the hawksbill downlisted from CITES Appendix I to II, and the international ban of tortoiseshell lifted, in order to save the domestic *bekko* industry. But in the early 2000s, Cuba, which had been regarded as the future exporter of hawksbill shells to Japan, eventually ceased supporting to lift the ban. The *bekko* industry has sought to develop a captive-breeding operation of hawksbills to harvest the tortoiseshell, however it far from the operational stage; although the government of Japan (GoJ) has supported the research to develop captive-breeding techniques. In consequence, it seemed that the *bekko* stockpiles imported until 1992 will completely run out in the not-so-distant future, and that the *bekko* industry will collapse accordingly.

Unreasonably small decrease of the "legal" stockpiles imported before the ban, which is the only source of raw material for *bekko* crafts

In fact, the *bekko* dealers' stockpiles of raw shell plate, something like scute which hawksbills wear thin on the full surface of their carapace, have decreased by nearly half from 1995 to 1998 at a rate of about 28 tons per year. After that, however, despite the competent authority of the government of Japan having predicted in 2001 the complete consumption of the stockpiles by around 2011, there were still about 47.2 tons remaining in that particular year. Furthermore, even 6 years after that time, about 28.7 tons allegedly still remained in 2017. In fact, the decline of stockpiles between 1998 and 2017 was unreasonably as small as an annual average of 4.0 tons while the rate was to be 2.5 tons provided the period between 2006 and 2017 is focused on. On the other hand, the number of dealers has not decreased. Businesses who have reported their stockpiles in compliance with the legal requirements has hovered within a similar scale for the past 20 years.

Accumulation of "legal" stockpiles with the smuggled *bekko* by the *bekko* dealers

The reason why the reported "legal" stockpiles have unreasonably been spared from depletion was because a considerable amount of smuggled tortoiseshell has constantly, especially between 1994 and around 2006, gone into the stockpiles. The *bekko* dealers have been able to officially report a marginal decline of their "legal" stockpiles, far from the true amount consumed for manufacturing, because the consumption of smuggled tortoiseshell would never reflect in the change of the "legal" stockpiles.

A lot of import suspensions on tortoiseshell were immediately identified in 1994 and onward, when the CITES reservations of hawksbill turtles were withdrawn. A part of *bekko* dealers and trading companies which had catered to *bekko* industry have moved into smuggling. Even the other *bekko* dealers have been willing to buy tortoiseshell smuggled by them. For example, the broker accused in 2021, who had managed a trading company and imported tortoiseshell on behalf of the *bekko* business associations, continued to import it, even after the ban. He said in the court hearing, "I have to respond to the trust of my long-time customers". A total of not less than 4,200kg of

tortoiseshell was suspended by Customs with import between 1994 and 2006, however, it must be only a tip of the iceberg. For example, the criminal group involved in 3 criminal cases, the main culprit, a *bekko* dealer who notified its business in Nagasaki to the authorities at present, had successfully smuggled 690kg of tortoiseshell while 300kg were suspended to import. And, despite the amount is unknown, the offender of 2 criminal cases had continually involved in smuggling during the period of 5 years from the first charge and the second one. Furthermore, the broker aforementioned had regularly engaged in smuggling tortoiseshell for more than 20 years since around 1994 until 2019. These facts suggest that smuggled tortoiseshell has continued to feed the stockpiles of the *bekko* dealers far more than what was suspended at the borders. Thus, the “legal” stockpiles, supposedly having been imported before the ban, are virtually riddled with smuggled items.

The analysis of the past 10 criminal cases in total, charged for smuggling tortoiseshell, revealed the close connection in details, between smuggling occurrence and Japan’s domestic *bekko* market and industry. All of the 10 cases were motivated by the profit to be gained catering to the demand of *bekko* industry for raw material; In 9 out of 10 cases it was planned to supply the smuggled tortoiseshell to a specific *bekko* manufacturer including the smuggler himself; In 8 out of 10 cases, the dealers who notified their business to GoJ at present or the relatives (father) of them were involved in the illegal conducts. A *bekko* dealer (“X”) in charge of the executive member of “Japan *Bekko* Association” at present was suggested as the actual / potential buyer of the smuggled *bekko* In 4 cases out of 10, including the 2 cases his father was involved in.

Persistent demand for *bekko* crafts in Japan, implicated by the active Internet trade

The reason why *bekko* industry has managed to survive on its own, even dependent on criminal activities to obtain the raw materials can be considered because there would be some persistent demand for *bekko* crafts in Japan, which supports a certain scale of *bekko* market. So, the situation of the Internet trade, which is likely to be the most active area of the domestic *bekko* market, was investigated. In practice, the sales of tortoiseshell and *bekko* crafts in Yahoo! Japan Auction, the largest internet auction site in Japan, was focused on. As the result, the sales of them in 2018 and 2019 achieved about 18,000 – 30,000 final bids worth about US\$ 2 – 3 million, based on the data compiled from 1,700 – 1,800 seller’s IDs. Various “Accessories” (relatively low price and mass sales) and “Eyeglass frames” (relatively high price and small number of sales) were the leading *bekko* products on this sales platform. This outcome demonstrated that a considerable scale of product supply is still in demand by Japan’s domestic *bekko* market.

Accountability of the Government of Japan for turning its eyes from the underlying cause for the inevitable *bekko* smuggling

GoJ deserves criticism for taking their eyes away from the reality as described above. Even if the customs could increase their law enforcement efforts somehow, it can be said that still only a part of tortoiseshell will be prevented from entering in the domestic market, based on the indication that many of the 10 criminal cases were characterized with some organized and deliberate process including securing the suppliers in the source countries, arranging regular couriers or persons who would lend street names as the addressee of mail to disguise the true importer, and that smuggling tortoiseshell would probably be easily repeated. However, GoJ failed to eliminate smuggled items from the “legal” *bekko* market. It is impossible for the present controls based on the Law for Conservation of Endangered Species of Wild Fauna and Flora (LCES) to trace the manufacturing and trade process of tortoiseshell from raw shell plates to the finished *bekko* products located in the market. This is because the present controls over the domestic *bekko* market only rely on faithful self-management by the *bekko* dealers through a routine operation of recording their daily trade on ledgers. Whereas GoJ has not been willing to address with the persistent supply of smuggled *bekko* into the “legal” stockpiles, it has provided a lot of subsidies to the *bekko* industry for a quarter century to ensure its survival by procuring the raw material through two ways: lifting the CITES ban and promoting captive-breeding of hawksbill turtles, as aforementioned. But, it failed in both attempts after all, and finished the subsidy at the end of March 2017. At that point, GoJ should have critically predicted when the industry must come to the

end of its life due to the run-out of their “legal” stockpiles without any supply from illegal sources. However, it failed to do so, and worse still it is providing life support to the dying *bekko* industry, under the pretext of various subsidizing programs to promote regional economies. Essentially, the GoJ has been helping instigate the tortoiseshell smuggling.

Steps the Government of Japan has to take to counter the mounting *bekko* smuggling risk

In the meantime, the smuggling attempts started to increase recently, after a 10 years’ rest period. This phenomenon implicates that the *bekko* dealers were struggling due to gradually reducing their “legal” stockpiles even though smuggled shells had greatly increased the stockpiles, particularly in the period from 1994 to 2006. The smuggling pressure on Japan’s border is obviously increasing now; it is also clear that the domestic *bekko* market is instigating that trend. The critically endangered hawksbill turtles will face a growing threat to their survival, if this market still continues to exist.

Under these circumstances, what GoJ has to do is very clear. The domestic *bekko* market is in an abnormal condition: while it is still supported by persistent demand for *bekko* crafts, the only way to secure the raw material for production is to rely on criminal activities. Recently, this market has even been further instigating smuggling tortoiseshell of the critically endangered hawksbills. This kind of market should be closed in a systematic manner as soon as possible, within a certain period.

Introduction

The tortoiseshell of hawksbill turtle (*Eretmochelys imbricata*), a sea turtle species, has been exclusively used as the raw material for craft or “*bekko zaiku* (crafts)”¹ in Japan because of their unique patterns, color and light transmission as well as ease of processing². Japan’s consumption of tortoiseshell became significant and grew after WW II to the largest in the world. This tremendous demand for their shell isn’t the only cause threatening their extinction, but also marine pollution, bycatch in fisheries operations, habitat destruction of egg-laying sites, etc. Therefore, the species was listed in the Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) so that the commercial trade in them was prohibited. Japan finally ratified CITES in 1980 but, at the same time, it placed reservations on hawksbill turtles, which allowed tortoiseshell imports to continue with a voluntary import quota. Japan finally withdrew the reservations in 1994, 14 years after the ratification, only after launching a two pillar plan, working to lift the ban in close cooperation with the *bekko* industry to secure new sources for the raw materials for manufacturing *bekko* crafts and by promoting research of captive-breeding. However, the tortoiseshell trade lobby was lost, and finally Cuba, which had been regarded as the future exporter of hawksbill shells to Japan, eventually ceased supporting to lift the ban. The captive-breeding planning has yet been miles away from the operational stage, too. Under such circumstances, it is logical to predict that the domestic *bekko* market would be nearing its inevitable phase-out due to a lack of the raw material supply. Unexpectedly however, the stockpile of shell plates in Japan is still enough to keep the industry in business. More so, a revived and thriving illegal import of hawksbill tortoiseshell is becoming such a rising concern, that it may be a driver in the continued poaching of hawksbills in the wild.

While CITES is unlikely to allow the legal international trade of hawksbill tortoiseshell in the near future, it has continued monitoring the international trade in marine turtles including hawksbills, and has taken countermeasures to further enforce the controls on them. As a result of a commissioned study finding that a legal and illegal international trade in marine turtles still exists, at CITES CoP18, held in August 2019, it adopted a series of stronger decisions³ which directed the Standing Committee to collect information on illegal trade in various sea turtle populations and make a recommendation to CoP19 on this matter. Based on those circumstances, WWF, TRAFFIC and Japan Tiger and Elephant Fund (JTEF) released a report: “SHELL SHOCKED: JAPAN’S ROLE IN THE ILLEGAL TORTOISESHELL TRADE”. It reveals that recently the tortoiseshell of hawksbill turtles has been increasingly smuggled into Japan and that the online trade could be contributing to an active domestic trade in *bekko* crafts which are originated from smuggled tortoiseshell. And then, it calls for the government of Japan (GoJ) to strengthen law enforcement and tighten the control of stockpiles as well as domestic trade regulations. In addition, it urges the e-commerce companies to introduce a voluntary ban on all sea turtle products across their platforms⁴.

This report shows more details on the topics referred in the previous report, namely the records on tortoiseshell import suspensions at the border, the change of the dealers-owned *bekko* stockpiles, and the online trade in *bekko* crafts. Furthermore, this report will explain the linkage between the illegal import of tortoiseshell and domestic *bekko* market / *bekko* industry through the analysis on all of the illegal tortoiseshell import cases charged by Customs in the past (10 cases in total). This includes the most recent case prosecuted in 2021, of how has smuggled *bekko* entered into the domestic market, and how a *bekko* manufacturer and a specialized broker involved with the smuggling. Finally, it urges GoJ to take steps which go beyond what were recommended in the previous report.

1. Background

1.1 Threat of extinction to hawksbill turtles

The sea turtles appeared on the earth over 100 million years ago⁵, and have been following a long path of evolution while migrating through the vast oceans and using the sea-coastal areas which connect marine and terrestrial areas. Which makes sea turtles symbolic of the marine and coastal environments, and for some species of sea turtles including the hawksbill turtle (*Eretmochelys imbricata*), a symbol of healthy coral reef ecosystems. However, all sea turtle species are threatened with extinction. The present threats include climate change, marine pollution by anthropogenic substances including micro plastics which have become a big topic recently, bycatch in fisheries operations, habitat loss of nesting sites, and exploitation and trade of their eggs, meat and shell⁶. Sea turtles are comprised of seven species belonging to the families Cheloniidae and Dermochelyidae. The hawksbill turtle belongs to the family Cheloniidae⁷.



Hawksbill tortoiseshell traded in Makassar, Sulawesi Island, Indonesia (Source: Field investigations conducted by the author in 2002)

The hawksbill turtle is a middle-sized sea turtle which grows up to a length of 70-90 cm and an average weight of 60 kg⁸, with the name derived from its bird-bill-like thin and hooked beak. Among all the sea turtle species, the hawksbill is the most confined to the tropical zone, distributed in the tropical waters of the Atlantic, Pacific and Indian Oceans. The waters close to Japan corresponds to the northern limit of its distribution area in the Pacific Ocean⁹. The population of hawksbill turtle has been reduced by more than 80% during the past three generations, and it is listed as “Critically Endangered” (CR) on the IUCN Red List¹⁰. The unique and serious threat to hawksbills is the illegal harvest for commercial trade of its tortoiseshell¹¹. Thus, all populations of hawksbill turtles were listed in CITES Appendix I by 1977¹² and were prohibited to be internationally traded for commercial purposes.

The hawksbill turtle has a carapace with reddish or blackish brown mosaic-like patterns on a yellow background, a light yellow plastron and shells connecting those, which are covered by scute-like keratinous shell plates¹³. On the carapace, there are 5 partially overlapping shell plates aligned in the center, 4 plates aligned parallel on either side of them: 13 plates in total (so-called “hai-ko” or “kora” by the *bekko* industry) and 23 small plates to make the circumference of the whole carapace (so-called “tsume” or “tsume-ko” by the *bekko* industry). On the plastron, there are 6 pairs of shell plates: 12 plates in total (so-called “hara-ko” by the *bekko* industry)¹⁴.



Shell plates from the carapace (in left) and ones from the plastron (in right)

1.2 International trade in tortoiseshell and Japan's domestic *bekko* market

Tortoiseshell had been prized as a prestigious material of accessories and other items since the early epoch of Egypt, and then became popular in Europe around the 17th century. However, since celluloid was invented in the 19th century, and after World War II, plastics and other materials were introduced, tortoiseshell became comparatively less important for the European and U.S. markets by the time of the signing of CITES in 1973¹⁵. On the other hand, in Asian countries, since the 17th century, tortoiseshell demand remained high due to its use in tropical sight-seeing souvenirs/gifts. Hawksbill turtles were being harvested in Makassar: the largest city in Sulawesi Island, Indonesia, and the Banda Sea: the sea between Sulawesi Island and New Guinea Island. These tortoiseshell products /shell plates were supplied to China, Java, Ceylon, India and Japan via Canton, Manila and Singapore¹⁶. The demand for shell plates increased in Japan¹⁷ after World War II.

In Japan, crafting using hawksbill tortoiseshell is called “*bekko*” crafts¹⁸. The *bekko* crafts emerged in the *Genroku* era (1688-1704) of the *Edo* Period. Hairdressing items including combs, and luxurious ornaments were manufactured for spouses of the feudal lords and *oiran* or high-class hostesses, etc.¹⁹ Afterward, during the *Meiji* Period (1868-1912) *bekko*-manufacturing industry made rapid expansions as a processing industry for export. After World War II, a high influx of tourists to Nagasaki (a prefecture in the northwestern edge of Kyushu Island and a traditional production center of *bekko* crafts), and a “necklace boom” nationwide led to mass production of *bekko* items²⁰. The import of hawksbill tortoiseshell peaked in 1951 with 177.181 tons²¹ (equivalent to 167,000 turtles²²). After that, Japan imported an average of 44.691 tons per year during the period of 1970-1979, including a noteworthy 73.20 tons in 1973, the year CITES was signed and 63.55 tons in 1979, the year before ratification of CITES²³. In 1980, when Japan ratified CITES, it entered reservations with regard to hawksbill turtles and continued importing tortoiseshell within the self-designated 30 tons of annual import quota²⁴. In 1970-1986, more than 50% of hawksbill shells were imported from the Caribbean and Latin American countries among which Panama and Cuba were the main exporters while about 30% was imported from Asian countries including Indonesia and Singapore²⁵. Japan has maintained its position as the top hawksbill tortoiseshell importer in the world²⁶.



The warehouse of a trading company in Makassar, Sulawesi Island, Indonesia; this company had exported hawksbill tortoiseshell catering to Japanese *bekko* dealers before the international ban. It still had considerable stockpiles of raw shell plates. (Source: Field investigations conducted by the author in 2002)



The warehouse of a master of fishermen / wholesaler of fishery products in Paotre, Makassar; It had considerable stockpiles of raw shell plates. (Source: Field investigations conducted by the author in 2002)

Japan is a rare country for accommodating such a large scale of legal market and manufacturing industry of *bekko* crafts. Four industry associations (3 in Tokyo and 1 in Nagasaki) which organize 49 dealers²⁷ stay in the center of power of today's *bekko* industry in Japan. The number of *bekko* dealers which have notified their business to the government (see 1.4) is 298 as of December 2020²⁸. Those dealers are trading hawksbill shell plates as raw materials for *bekko* crafts among them at a range of US\$125 to \$4,700 per kg (Based on an exchange rate at the time about 0.0094 yen) in 2021²⁹. A variety of *bekko* products including eyeglass frames, accessories, ornaments and various crafts have been openly sold in department stores, specialized shops, jewelry shops, souvenir shops³⁰, and on the Internet³¹.



Bekko crafts on sale at a souvenir / gift shop in Nagasaki in 2003

1.3 Response of the government of Japan to the international trade regulations by CITES on hawksbill turtles

Japan ratified CITES in 1980, however, at the same time, it entered reservations on hawksbill turtles, and continued to import 30 tons of tortoiseshell (equivalent to some 28 thousand turtles³²) per year for the period of 1980-1989³³. However, due to mounting international criticism over the continued trade, Japan voluntarily reduced the amount of import quota further until it finally set it at zero in 1993³⁴. Subsequently it withdrew their reservations on hawksbill turtles in July 1994, so that the international commercial trade in hawksbill tortoiseshell was prohibited in principle³⁵.

While Japan planned to gradually reduce the import quota for tortoiseshell until it finally withdraws the reservations, it started to engage in efforts to downlist hawksbill turtles from CITES Appendix I to II to be able to resume the tortoiseshell trade in the near future³⁶. In particular, it tried to secure a potential trading partner which would export tortoiseshell to Japan and lobbied other countries to support lifting the international trade ban of hawksbill tortoiseshell³⁷. The country singled out as the future trading partner was Cuba because it had been the leading exporter of hawksbill tortoiseshell to Japan before the ban³⁸. GoJ also decided to include US\$7 million (Exchange rate at the time about 0.0074 yen) as an extra budget in the fiscal year of 1991 as a “*Bekko Industry, etc. Relief Measure*” when it finally decided the year to withdraw the reservations on hawksbill turtles as 1994; a “Japan *Bekko Association Corporation Aggregate*” (JBA) was established by the aforementioned *bekko* industry associations as the responsible entity of the subsidy under the supervision by the Ministry of International Trade and Industry (the current Ministry of Economy, Trade and Industry (METI))³⁹. This funding was used for research on hawksbill resources in the Caribbean Sea, dispatched delegates of the *bekko* industry /experts to international meetings to lobby for lifting the CITES ban, promoted the value of the *bekko* industry and researched captive-breeding techniques of hawksbills⁴⁰. An estimated 200 - 300 million yen or US\$1.58 – 2.37 million (Based on an exchange rate at the time about 0.0079 yen) had been annually spent on those projects for a decade beginning in 1992⁴¹. As a distinctive indication of their progress, Cuba made a proposal to transfer its hawksbill from Appendix I to II and allow the export of its tortoiseshell stockpiles to CITES CoP10 (1997) and CoP11 (2000)⁴². In preparation for those CoPs, the JBA sent staff to Cuba⁴³. But both of the proposals were rejected each time⁴⁴. Cuba submitted a similar proposal again in advance of CoP 12 in 2002, but it suddenly withdrew it before the meeting⁴⁵. Later, under the circumstances that no range state of hawksbill turtles had suggested to lift the international ban since 2002, and that there was no clear direction or offering on how to implement a practical breeding program for the sustainable harvest of hawksbill shells in the jurisdiction of Japan, METI decided to finish the subsidy enterprise at the end of March 2017⁴⁶. But, a few years later, METI restarted to fund the *bekko* industry in Tokyo and Nagasaki on the pretext of promoting local manufacturing industries⁴⁷. In addition to the national government, the Tokyo Metropolitan Government (TMG) and Nagasaki Prefecture, etc. have also been providing subsidies to each *bekko* industry in their jurisdictions⁴⁸.

1.4 Controls over the domestic *bekko* market in Japan

Domestic trade in tortoiseshell of hawksbill turtles is controlled by the Law for Conservation of Endangered Species of Wild Fauna and Flora (LCES)⁴⁹. There are two pillars of the controls over the trade; a trade regulation on tortoiseshell maintaining its whole shape; and the controls over the business through a notification system on businesses involving transfer of raw shell plates.

Regulation on trade in tortoiseshell maintaining its whole shape

Tortoiseshells of hawksbill turtles maintaining their whole shape (hereinafter referred to as “whole shell”) along with live or stuffed turtles and the egg⁵⁰ shall not be domestically traded (hereinafter, “domestic trade” includes transfer, receipt, and display or advertisement for distribution or sales purposes) without a prior registration to the Ministry of Environment (MoE)⁵¹. However, the hawksbill turtles captured based on the Fisheries Act within the territorial waters of Japan are exempted from this regulation⁵².

This is accompanied by a set of procedural rules on the registered items and the registration card to be issued to those who received the registration⁵³, for example, the registration-related information including a description that the registration has been received, the registration ID number and the date of registration shall be displayed in the case the registered item is intended to be advertised for distribution or sales purposes⁵⁴.

On the other hand, shell plates composing a whole shell are not subject to this regulation⁵⁵, and then they are able to be traded freely. There has not been any registration record of a whole shell at least between July 1995 and June 2008⁵⁶. This result is considered reasonable because the raw material of *bekko* crafts would generally be traded in the form of shell plates between the dealers concerned⁵⁷. After all, the regulating only whole shells are completely meaningless for controlling the domestic *bekko* market.

Notification system on business involving transfer of raw shell plates

Any person who intends to engage in any business involving transfer of hawksbill tortoiseshell, which is not maintaining its whole shape and not worked, in other words, raw shell plates and a part of them (hereinafter referred to as “shell plate”) is mandated to notify the competent authorities including METI and the Ministry of Environment (MoE)⁵⁸ of the details of the business⁵⁹.

The *bekko* dealers notified their businesses are mandated to comply with the following requirements including;

- ✓ Confirming the name, address and etc. of the transferors of the raw shell plates concerned, and hearing the sources of them from the transferors⁶⁰;
- ✓ Recording the items confirmed/heard as above, weight and major characteristics of the raw shell plates, the date of trade, the stockpiles after each trade and etc. in a document (hereinafter referred to as “ledger”), and keeping it for 5 years⁶¹; and
- ✓ When the dealers intending to display or advertise raw shell plates, they shall show the public in an easily visible way the business-notification-related information including the ID number of business notification, the name as well as one of representatives in the case of a company, the address, and a description of dealing tortoiseshell of Cheloniidae⁶².

The competent authorities are authorized to request reporting and carry out an on-site inspection to the dealers notified their business⁶³.

They are also authorized to give an instruction to these dealers in the case of violation of the requirements above⁶⁴ and further, order a suspension of the operation transferring raw shell plates in whole, or in part, for the specific period of not more than 3 months, if necessary, for no-compliance with the instruction⁶⁵.

2. International trade with CITES permits by Japan in hawksbill tortoiseshell after the international trade ban

2.1 Japan’s imports with CITES permits of hawksbill tortoiseshell from 1993 to 2019

Japan has regularly imported carvings made of hawksbill tortoiseshell in small amount while the other items are rare to find (See Annex 1 about the details). The tortoiseshell which can possibly be used as raw materials among those items are further discussed in 3.1.1.

2.2 Japan’s exports with CITES permits of hawksbill tortoiseshell from 1993 to 2019

Japan has regularly exported carvings made of hawksbill tortoiseshell in small amount while the other items are rare to find (See Annex 2 about the details).

3. Change in the Raw Shell Plate Stockpiles Possessed by *Bekko* Dealers

3.1 Source of raw shell plates

3.1.1 Imported tortoiseshell with CITES permits as of the obtained in the exporting countries before the international ban

The hawksbill tortoiseshell which can possibly be used as raw materials among the imported with CITES permits is considered to be limited to the items which was imported for commercial purposes⁶⁶ with the exception of “carving” and “body” (stuffed turtle)⁶⁷. Specifically, there were only one or two cases of a “carapace” exported from each country of Germany in 2002, France in 2004 and the UK in 1995.

Anyway, even if some of them were provided to some *bekko* dealers, the amount was so small that it would not significantly influence the rise and fall of their stockpiles.

3.1.2 Stuffed hawksbill turtles

Although some stuffed hawksbill turtles are traded for wall hangings by those other than *bekko* manufacturers, it is rare for them to be disassembled for use as raw materials for *bekko* crafts⁶⁸.

3.1.3 Hawksbills legally harvested in Japanese waters

The tortoiseshell originated from hawksbill turtles living in Japanese waters would also be a potential source of raw materials for *bekko* crafts since they are still found there and can be legally harvested even now⁶⁹. The recent records of fishing (bycatch is excluded) on hawksbill turtles in accordance with the Fisheries Act can only be found in Okinawa Prefecture (the Okinawa Sea-area) and Kagoshima Prefecture (the Amami-Oshima Island Sea-area)⁷⁰. In Okinawa, an annual average of 21 turtles had been harvested between 1995 and 2003 under the catch quota set at 25 or so, but the number of catches declined to an annual average of 3 between 2004 and 2018 under the new catch quota which was lowered to 20 or so⁷¹. In Kagoshima, an annual average of 41 turtles had been harvested between 1992 and 2007 under the catch quota set at 50, and then the annual average of turtles caught declined to 21, between 2008 and 2017 under the same catch quota⁷². In 2018, the quota was reduced from 50 to 25, but the catch resulted in only 3 that year⁷³. Although recent bycatch data has not been recorded, these statistics suggest that supply of tortoiseshell originated from the hawksbills legally harvested in Japanese waters to the *bekko* dealers, if any, must be very limited⁷⁴, so its influence on the rise and fall of their stockpiles is relatively insignificant.

3.1.4 *Bekko* manufacturers’ stockpiles before the international ban

The *bekko* manufacturers have produced *bekko* crafts from their shell plates stockpiles obtained before 1993, when the import quota of tortoiseshell was set at zero⁷⁵. Considering that the supply of tortoiseshell from the other sources discussed above, are all marginal, it can be concluded that the *bekko* dealers’ stockpiles imported before the ban are virtually the only legal sources for raw material of *bekko* crafts. Whereas the import ban has continued for more than a quarter century; they should have considerably declined according to the consumption for production of *bekko* crafts. As such, it is very important to examine the status of the stockpiles from the perspective of surveillance over the manufacturers’ attempt to obtain tortoiseshell from illegal sources.

3.2 Change in raw shell plate stockpiles

As aforementioned (in “1.4”) LCES mandates that the dealers involved in transfer of raw shell plates, of which the majority must be *bekko* manufacturers, are required to notify the details of their business to the competent authorities. The information to be notified includes the amount of raw shell plate in their stockpiles. The dealers who notified their business are required to record the specific information on each trade and the subsequent change of their raw shell plate stockpiles in a ledger and follow the requests for reporting, if any, by the authorities. In practice, biannually the dealers would be requested to send a copy of the ledgers for two years⁷⁶. By doing this, the amount of the stockpiles at the end of each fiscal year (FY) is to be entered into a database managed by METI, and then each reporting entity’s stockpiles at each end of FY can be calculated⁷⁷.

The change in the number of *bekko* dealers who notified about their business and submitted a copy of their ledgers as requested by METI⁷⁸ is shown in Table 1.

Table 1 : Change in the number of *bekko* dealers who notified about their business and submitted a copy of their ledgers as requested by METI

Period subject to reporting	1997-1998 (1997.8~1998.7)	1998-1999 (1998.8~1999.7)	2000 (2000.4~2001.3)
FY of request for reporting	1998	1999	2001
Number of business operators who made reports	222	Unknown	161

Period subject to reporting	2002 (2002.4~2003.3)	2003-2004 (2003.4~2005.3)	2005-2006 (2005.4~2007.3)	2007-2008 (2007.4~2009.3)
FY of request for reporting	2003	2005	2007	2009
Number of business operators who made reports	175	Unknown	205	174

Period subject to reporting	2009-2010 (2009.4~2011.3)	2011-2012 (2011.4~2013.3)	2013-2014 (2013.4~2015.3)	2015-2016 (2015.4~2017.3)
FY of request for reporting	2011	2013	2015	2017
Number of business operators who made reports	227	192	189	175

* Reports for the past 2 FYs have been made in odd years since 2003.

Source:

The information provided from the Paper Industry, Consumer & Recreational Goods Division of METI to Sakamoto M. at the meeting on implementation of disclosing the administrative documents ordered by "Disclosure Kei No.1 dated on October 14, 2001"

The written answers dated on March 19, 2003, November 30, 2004, January 31, 2007, February 21, 2012, June 19, 2015, July 7, 2016 and November 27,

In terms of the numbers of reporting entities, even though there are small fluctuations, no significant change is identified. It suggests that the number of dealers in compliance with the legal requirements has hovered within a similar scale for the past 20 years.

Next, Table 2 shows the change in the total amount of the raw shell plate stockpiles in tons, at the end of each fiscal year as recorded in the ledgers of these dealers⁷⁹, with the amount for June 1995, when the business notification system was launched, referred to the written notifications submitted by the dealers who notified their business to the competent authorities⁸⁰.

Table 2: Change in the total amount of the raw shell plate stockpiles at the end of each fiscal year as recorded in the ledgers of the dealers who notified about their business and submitted a copy of the ledgers as requested by METI

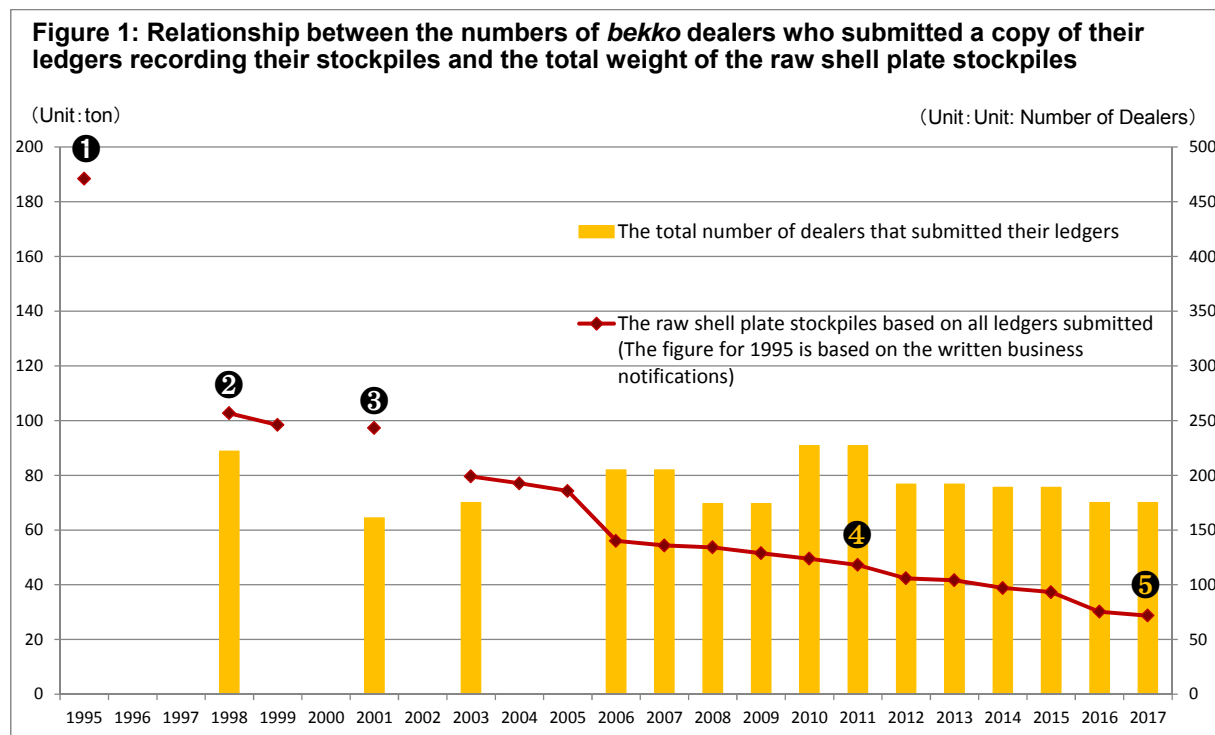
Unit: ton											
Time of stockpiling	1995.7	1996	1997	1998.7	1999.7	2000	2001.3	2002	2003.3	2004.3	2005.3
FY of request for reporting	-	-	-	1998	1999	-	2001	-	2003	2005	2005
Reported stockpiles	188.4	-	-	102.7	98.4	-	97.3	-	79.6	77.1	74.3
Reduction from the previous reporting	-	-	-	85.7	4.3	-	1.1	-	17.7	2.5	2.8
Annual reduction	-	-	-	28.6	4.3	-	0.66	-	8.85	2.5	2.8

Time of stockpiling	2006.3	2007.3	2008.3	2009.3	2010.3	2011.3	2012.3	2013.3	2014.3	2015.3	2016.3	2017.3
FY of request for reporting	2007	2007	2009	2009	2011	2011	2013	2013	2015	2015	2017	2017
Reported stockpiles	56.04	54.36	53.7	51.54	49.56	47.22	42.36	41.64	38.82	37.32	30.18	28.74
Reduction from the previous reporting	18.26	1.68	0.66	2.16	1.98	2.34	4.86	0.72	2.82	1.5	7.14	1.44
Annual reduction	18.26	1.68	0.66	2.16	1.98	2.34	4.86	0.72	2.82	1.5	7.14	1.44

*The figure for June 1995, when the business notification system was launched, referred to the written notifications submitted by the dealers who notified their business to the competent authorities (TRAFFIC, 2000).

Source: The written answers by the competent Division of METI to the questions from Sakamoto M., dated on March 19, 2003, November 30, 2004, January 31, 2007, February 21, 2012, June 19, 2015, July 7, 2016 and November 27, 2019 (in Japanese)

Figure 1 shows the relationship between the numbers of *bekko* dealers who submitted a copy of their ledgers recording their stockpiles: shown in Table 1 and the total weight of the raw shell plate stockpiles: shown in Table 2.



It shows that 188.4 tons of raw shell plate stockpiles recorded in July 1995 (Figure 1, ①) has declined by 85.7 tons at an annual average of 28.6 tons for the subsequent 3 years, and dropped down to 102.7 tons in July 1998 (②). In 2001, METI anticipated that “*When it is considered that the stockpiles including scraps weighs 102.7 tons and that the annual consumption, according to the industry, would remain within 4 to 5 tons per year, we predict that the stockpiles will last 10 years even when factoring in the considerable amount of scraps which will be difficult to use*”⁸¹ (underlined by the author). It should be noted that the figure mentioned: “*within 4 to 5 tons per year*” means the net amount of consumption of shell plates to be usable as raw material, setting aside the “*considerable amount of scraps which will be difficult to use*”; Accordingly, METI would have estimate the net weight of the stocked shell plates usable as raw material as about 40-50 tons in 1998 at the time of the estimation in 2001.

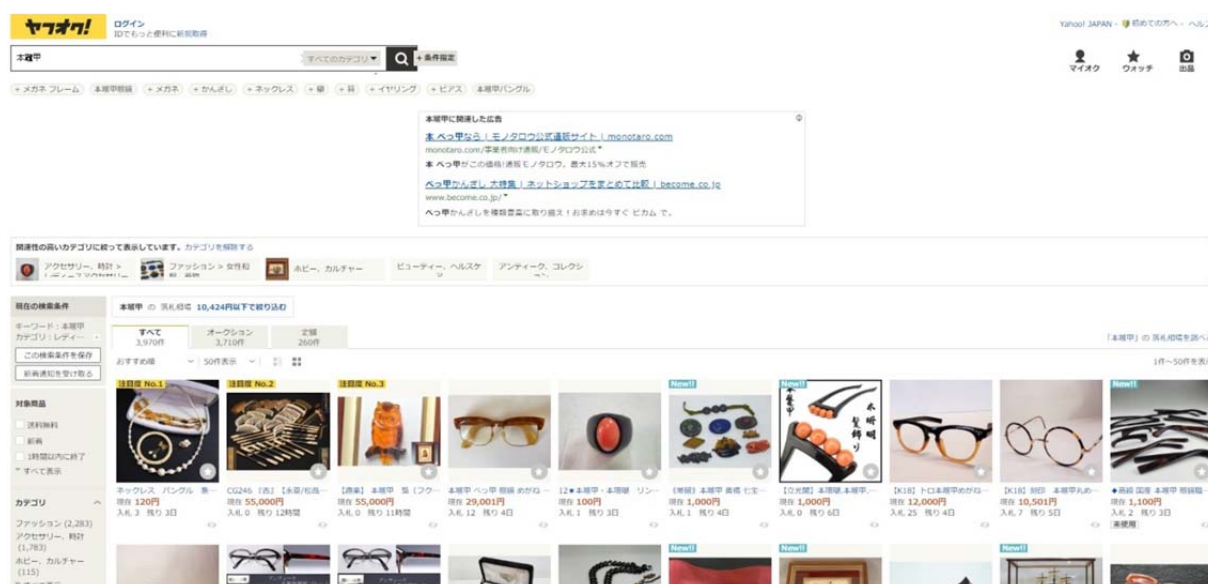
However, over the next two and half years from July 1998 to March 2001, the total weight declined by only 5.4 tons even though the number of reporting entities decreased by 30% from 222 in 1998 to 161 in 2001 (③). Despite the shorter time period (for a half year) between reports, this 5.4 ton decrease between July 1998 and March 2001 is very small when compared to the initial decrease of 85.7 tons in the first period of reporting between July 1995 and July 1998⁸². Afterwards, the stockpiles showed a consistent gradual downward trend, except for a relatively significant reduction between 2005 and 2006. In consequence, a surprising weight of 47.22 tons, even though it may contain scraps, still remained in 2011 (④), the year METI had predicted that the stockpiles would have been completely consumed. Furthermore, even 6 years after that time, 28.74 tons was available in 2017 (⑤). The consumption for the period of 18 years and 9 months from July 1998 (②) to March 2017 (⑤) was only 74.96 tons (from 102.74 tons to 28.74 tons) which means an average decline of only 4.0 tons annually while it comes down to 2.5 tons if the period after 2006 is focused on.

4. Growing Internet Trade in Japan's Domestic *Bekko* Market – A Survey on the Closing Bids at “Yahoo! Japan Auction”

4.1 Outline of the survey

While Japan is considered to be accommodating a considerably large *bekko* market, as aforementioned (in “1.2”), it is difficult to estimate that firm scale. Thus, a survey was conducted to assess the present state of the Internet trade, that may be particularly active in the *bekko* market⁸³, and to compile the quantitative data effectively.

Among the Internet trade platforms, “Yahoo! Japan Auction” was exclusively selected as the subject of this survey for collecting and analyzing the information on the closing bids of “hawksbill tortoiseshell and *bekko* products” from 2018 and 2019. This is not just because Yahoo! Japan Auction⁸⁴ is the largest Internet auction site in Japan⁸⁵ but also because the trade platform had once sold elephant ivory in bulk up until the recent past⁸⁶, the trade of which shares similar common problems with the tortoiseshell trade. The downloaded data was screened for true and correct tortoiseshell items, compiled, categorized, monetarized and examined in relation to their compliance with the domestic trade regulations. Refer to Appendix 5 for survey methodology.



The *Bekko* crafts on sale in Yahoo! Japan Auction

4.2 Results of the survey

4.2.1 Number of the extracted data on the closing bids

The number of downloaded data was 43,393 in 2018 and 33,372 in 2019.

Of these, the number of data on “stuffed (hawksbill) turtle” was 106 in 2018 and 50 in 2019, and one on “hawksbill tortoiseshell” was 39 in 2018 and 7 in 2019.

The number of the downloaded data on “*bekko* products” based on “A” method: singles out the ‘Probably real products’ was 15,029 in 2018 and 14,493 in 2019. The one based on “B” method: singles out the ‘Probably fake’ the number was 9,481 in 2018 and 8,145 in 2019.

4.2.2 Number and amount of the closing bids on “hawksbill tortoiseshell and *bekko* products”

The total number of closing bids on hawksbill tortoiseshell and *bekko* products is shown in Table 3, and the amount of the closing bids is shown in Table 4.

Table 3: Number of closing bids in Yahoo! Japan Auction on hawksbill tortoiseshell and *bekko* products in 2018 & 2019

Unit: Number of closing bids

Year	2018		2019	
Stuffed hawksbill turtle	106		50	
Hawksbill tortoiseshell	Whole shell	39	6	7
	Shell plate	33	3	4
<i>Bekko</i> products (in total)	"A" method	"B" method	"A" method	"B" method
	15,029	9,481	14,493	8,145
Estimated Annual Total	15,174	9,626	14,550	8,202

Table 4: Amount of closing bids in Yahoo! Japan Auction on hawksbill tortoiseshell and *bekko* products in 2018 & 2019

Unit: US \$

Year	2018		2019	
Stuffed hawksbill turtle	5,452		4,750	
Hawksbill tortoiseshell	Whole shell	2,104	210	598
	Shell plate	1,894	333	265
<i>Bekko</i> products (in total)	"A" method	"B" method	"A" method	"B" method
	1,520,591	1,082,884	1,448,139	954,619
Estimated Annual Total	1,528,146	1,090,439	1,453,488	959,967

*Based on an exchange rate at the time about 0.0094 yen

The total number of closing bids on hawksbill tortoiseshell and *bekko* products was between 9,626 and 15,174 in 2018, and between 8,202 and 14,550 in 2019. The total number for the two years equates to about 18,000 – 30,000.

The total amount of money paid was estimated between US\$ 1,090,439 and 1,528,146 in 2018, and between US\$ 959,967 and 1,453,488 in 2019. The total amount for the two years was about US\$ 2 – 3 million.

The change in sales from 2018 to 2019 was only minor with an 8% decrease for both number of bids and the dollar value (Note, in terms of *bekko* products, the intermediate value of the outputs from the “A” and “B” methods was used).

Most of the closing bids were dominated by *bekko* products. In terms of “hawksbill tortoiseshell” to be used as raw material for production, it is usually traded in-person among *bekko* dealers as the common form of “shell plate,”⁸⁷ while “whole shell” products are not commonly traded online.



A hawks bill whole shell (in left) and a shell plate on a side of the carapace (in right), sold in Yahoo! Japan Auction

4.2.3 Further breakdown of “*bekko* products”

The dominant *bekko* products can be broken down in some smaller categories. Each number and amount of the bids is shown in Table 5 and 6 respectively.

Table 5: Breakdown on number of closing bids in Yahoo! Japan Auction on *bekko* products in 2018 & 2019

Unit: Number of closing bids

	2018		2019	
	"A" method	"B" method	"A" method	"B" method
<i>Bekko</i> Products (in total)	15,029 100.0%	9,481 100.0%	14,493 100.0%	8,145 100.0%
Accessories	10,551 70.2%	6,751 71.2%	10,289 71.0%	5,880 72.2%
Ornaments	624 4.2%	456 4.8%	476 3.3%	205 2.5%
Eyeglass frames	1,475 9.8%	1,122 11.8%	1,342 9.3%	870 10.7%
<i>Bachi</i> (plectrum)	1,198 8.0%	393 4.1%	1,170 8.1%	424 5.2%
Others	1,181 7.9%	759 8.0%	1,216 8.4%	766 9.4%

Table 6: Breakdown on amount of closing bids in Yahoo! Japan Auction on *bekko* products in 2018 & 2019

Unit: US \$

	2018		2019	
	"A" method	"B" method	"A" method	"B" method
<i>Bekko</i> Products (in total)	1,520,591 100.0%	1,082,884 100.0%	1,448,140 100.0%	954,619 100.0%
Accessories	512,014 33.7%	368,483 34.0%	511,815 35.3%	337,440 35.3%
Ornaments	77,138 5.1%	52,269 4.8%	61,270 4.2%	27,566 2.9%
Eyeglass frames	689,363 45.3%	546,826 50.5%	624,997 43.2%	471,618 49.4%
<i>Bachi</i> (plectrum)	157,321 10.3%	66,433 6.1%	152,530 10.5%	68,625 7.2%
Others	84,754 5.6%	48,872 4.5%	97,529 6.7%	49,368 5.2%

*Based on an exchange rate at the time about 0.0094 yen

Among the annual total number of closing bids on *bekko* products, “Accessories” occupied more than 70% of the market, with “Eyeglass frames” at about 10% and “Ornaments”, “*Bachi*” and “Others” made up the rest.

Respectively, “Eyeglass frames” occupied less than half and “Accessories” made up a little over one third of the total valued dollar amount of the bids in each year.



Accessories and an eyeglass frame on sale in Yahoo! Japan Auction

Based on this summary, “Accessories” (relatively low price and mass sales) and “Eyeglass frames” (relatively high price and small sales) can be said to be the leading *bekko* products on this sales

platform.

4.2.4 The degree of monopolization by specific sellers on “hawksbill tortoiseshell and *bekko* products”

The figure of seller- ID number identified in the closed bids on “hawksbill tortoiseshell and *bekko* products” was 1,829 in 2018 and 1,713 in 2019 (the number of seller- ID number is not identical to the headcount of sellers because some may own 2 or more ID numbers). The top 5 seller- ID numbers are specified and ranked in Table 7 in the descending order of the number of closing bids’, and in Table 8 in the descending order of their dollar amount of closing bid’s.

Table 7: Top 5 ranking seller- IDs ranked in order by number of closing bids in Yahoo! Japan Auction in 2018 & 2019

2018				2019			
Ranking	Seller- ID	Number of bids	Amount of bids (US\$)	Ranking	Seller- ID	Number of bids	Amount of bids (US\$)
1	A	484 5.0%	12,187 1.1%	1	D	398 4.9%	18,028 1.9%
2	B	402 4.2%	5,295 0.5%	2	A	389 4.7%	11,425 1.2%
3	C	351 3.6%	10,035 0.9%	3	C	305 3.7%	8,325 0.9%
4	E	307 3.2%	19,609 1.8%	4	B	202 2.5%	2,503 0.3%
5	D	261 2.7%	11,413 1.0%	5	F	192 2.3%	5,729 0.6%
TOTAL		9,626 100%	1,090,439 100%	TOTAL		8,203 100%	959,968 100%

*Based on an exchange rate at the time about 0.0094 yen

Table 8: Top 5 ranking seller- IDs ranked in order by amount of closing bids in Yahoo! Japan Auction in 2018 & 2019

2018				2019			
Ranking	Seller- ID	Amount of bids (US\$)	Number of bids	Ranking	Seller- ID	Amount of bids (US\$)	Number of bids
1	G	217,520 19.9%	181 1.9%	1	G	188,176 19.6%	153 1.9%
2	H	32,781 3.0%	25 0.3%	2	H	35,036 3.6%	24 0.3%
3	I	29,238 2.7%	75 0.8%	3	J	31,958 3.3%	144 1.8%
4	K	22,459 2.1%	58 0.6%	4	I	26,052 2.7%	53 0.6%
5	J	20,666 1.9%	112 1.2%	5	L	23,987 2.5%	56 0.7%
TOTAL		1,090,439 100%	9,626 100%	TOTAL		959,968 100%	8,203 100%

*Based on an exchange rate at the time about 0.0094 yen

For Table 7, 4 positions among the top 5 of number of bids were occupied by the identical 4 seller- ID numbers in 2018 and 2019 (A, B, C, D). For Table 8, 4 positions among the top 5 by amount were also held by the identical 4 seller- ID numbers in both 2018 and 2019 (G, H, I, J).

The top 5 ranking seller-IDs identified in the two tables did not overlap with each other at all.

“G”, ranked at the top for amount sold in both years, dominating 20% of the total amount in each year. This is the ID number of a dealer exclusively selling *bekko* eyeglass frames which are typically characterized as high-priced and small-sale *bekko* products.

Besides “G”, the share of the 7 sellers dominated the 4 positions of the top 5 in the 2 tables were 5% or less of the total number or amount. Overall, it was found not to be the case of monopolization by a limited number of dealers. In other words, a lot of sellers using 1,700 - 1,800 seller- ID numbers were dealing with *bekko* products on this platform.

4.2.5 Compliance with the domestic trade regulation applicable to “stuffed hawksbill turtle” and “whole shell”

Under LCES, a stuffed hawksbill turtle or its whole shell⁸⁸ shall not be advertised for distribution or sales purposes without a prior registration⁸⁹. In the case where a registered item is intended to be advertised for those purposes, registration-related information (including the description that a

registration has been received, the registration ID number and the date of registration) shall be displayed⁹⁰. Accordingly, if a stuffed hawksbill turtle or its whole shell is displayed without the registration-related information on the Internet auction site, it constitutes a violation of the requirement aforementioned; or simply, an advertisement of a prohibited item where it has not been registered⁹¹.

The 165 data including 170 items, extracted of closing bids in 2018 and 2019 on stuffed hawksbill turtle and its whole shell (see Table 3) were individually examined, and the display of registration-related information on each bid is shown in Table 9.

Table 9: Display of registration-related information on the advertisement of stuffed hawksbill turtle and whole shell in Yahoo! Japan Auction (2018 & 2019)

Unit: number of items

Year	Form	Number of items	Display of registration-related information			
			YES		NO	
			✓Description as registered	YES	✓Description as registered	YES
			✓Legible display of registration ID number & date of registration	YES	✓Legible display of registration ID number & date of registration	NO
2018	Stuffed turtle	109	2	1.8%	0	0.0%
	Whole shell	7	0	0.0%	0	0.0%
2019	Stuffed turtle	50	1	2.0%	1	2.0%
	Whole shell	4	0	0.0%	0	0.0%

* In 2018, there were 3 closing bids on sales of 2 stuffed turtles, and a bid on sales of 2 whole shells.

In 2019, there was a bid on sales of a stuffed turtle and a whole shell.

* In the only one case on stuffed turtle in 2019 with description as registered and without legible display of registration ID number and date of registration, it described that the stuffed turtle had been registered showing the registration ID number but failed to show the date of registration.

* In the cases on stuffed turtle (2 cases in 2018 and 1 in 2019), which were in compliance with the requirements, the photos of the registration cards were displayed.

In the two years of 2018 and 2019, only 3 (out of 159) of the advertised stuffed turtles and 0 (out of 11) of advertised whole shells were with the proper display of the registration-related information. It means that the advertisement of more than 98% of the sold stuffed turtles and 100% of the sold whole shells could be suspected to violate LCES.



A stuffed turtle of hawksbill sold in Yahoo! Japan Auction with the registration card

However, the hawksbill turtles captured based on the Fisheries Act in the territorial waters of Japan are exempted from this regulation. Though it is difficult to assume the stuffed turtles and whole shells from such sources are prevalent in the market, it cannot be ruled out that there may be some⁹². It is essential for charging the person who has advertised an unregistered item to prove the source of it.

4.2.6 Compliance with the requirements of the business notification system, which applies to the business involving transfer of raw “shell plate”

Any dealer whose business involves transferring raw shell plates of hawksbill is mandated to notify the competent authorities of the details of its business⁹³. The dealers who notified their business are required to display in an easily visible way to the public, their ID number of business notification, etc. when they advertise a raw shell plate⁹⁴. Accordingly, advertising a raw shell plate

without notification-related information on the Internet auction site constitutes a violation of the requirement imposed on the dealers notified their business; transferring the advertised raw shell plates to the bidders without notifying their business to the authorities in advance constitutes illegal operation of the business.

The 37 closing bids of “Shell plate” in 2018 and 2019, identified in Table 3 were individually examined. Table 10 below details the situation of displaying the notification ID number in the advertisements. And, it also shows the compliance with the requirement of the notification system in the 35 bids out of the 37; it was found that 2 bids were made for worked shell plates (polished prisms made of tortoiseshell) though they were advertised as raw material, so these 2 bids were excluded from the following analysis.

Table 10: Display of notification ID number and compliance with the requirements of LCES business notification system applied to the business involving transfer of raw shell plates in Yahoo! Japan Auction (2018 & 2019)

Unit: no.

Year	Number of bids	Display of notification ID number			
		YES	NO		
		Complied with requirement for displaying business-notification-related information in advertisement	Did not compile with requirement for displaying business-notification-related information in advertisement or illegal business operation without notification (when goods were sold to the bidders without any notification)	Undetermined (Unable to judge whether the advertisement was made for business or not)	
2018	31	0 0.0%	30 96.8%	1 3.2%	
2019	4	0 0.0%	3 75.0%	1 25.0%	

* In one case in 2018, the seller expressed itself as “notifying business operator dealing with ivory and hawksbill turtles” and showed only the ID number on ivory business notification (the current business registration ID for ivory business).

* Whether the sellers made the deal for business or not was examined through the information on the sellers' profile recorded in the closing bids data (e.g. contents of the linked seller's own website or description on profession as antiquary) and multiple track records of selling hawksbill shell or *bekko* products at Yahoo! Japan Auction.

The business notification system is applicable to trades which only accounted for 0.1–0.2% amongst the 18,000–30,000 trades that took place in 2018 and 2019.

No case with a notification ID number was identified.

Besides the 2 cases in which the advertisements were unable to be judged whether to be made for business or not, all cases (33) would constitute a violation of some sort under LCES, once the seller actually transferred the goods to the bidder without notification in advance.

The result suggests that the business notification system based on LCES is almost completely ignored by the sellers and that the surveillance by the competent authorities and Yahoo! Japan must not be taking place at all.

5. Status of Illegal Import of Hawksbill Tortoiseshell into Japan

5.1 Responses to be taken by Customs when hawksbill tortoiseshell is detected in a shipment

The procedure of issuing import/export permits for implementing CITES is enforced by METI based on the Foreign Exchange and Foreign Trade ACT (FEFTA). Confirmation of written permissions and border controls over import/export shipments requiring such permits are enforced by Customs based on the Customs Law. Goods which cannot be verified with proper CITES permits cannot be imported⁹⁵; consequently, Customs will suspend the import of the shipments concerned. They can seize the shipments based on the authority to inspect an

“infraction case”⁹⁶ only if the offender can be punishable as a crime under the Customs Law⁹⁷. Otherwise, the goods are returned to the exporter unless the importer voluntarily abandons the ownership of them.

Once customs officers finish the inspection process of an infraction case, the customs director will notify the offender of the requirement to pay a corresponding fine plus the confiscation of the goods themselves (or the value of them instead) (“Notified disposition”). If the infraction is considered particularly serious, enough to justify imprisonment, the customs director will charge the offender immediately and the case is handed over to the prosecutor⁹⁸.

5.2 Import suspension of hawksbill tortoiseshell at the border

As aforementioned, GoJ implemented the zero quotas for importing tortoiseshell in 1993, and then withdrew the CITES reservations on hawksbill turtles in 1994. Considering this, the import suspension records on tortoiseshell between 1994 and 2019 are analyzed in Annex 3; in respect to the years from 1994 to 1997, only the number of import suspensions data were available.

In terms of countries that sourced tortoiseshell to Japan, Singapore was overwhelmingly significant in between 1998 and 2013 (no suspension occurred in 2014), where the tortoiseshell are suspected to originate from Indonesia⁹⁹.



The tortoiseshell stockpiles owned by a master of fishermen / fishery products wholesaler in Sulawesi Island; those would be illegally exported to Japan via Singapore, Java, etc. (Source: Field investigations conducted by the author in 2002)

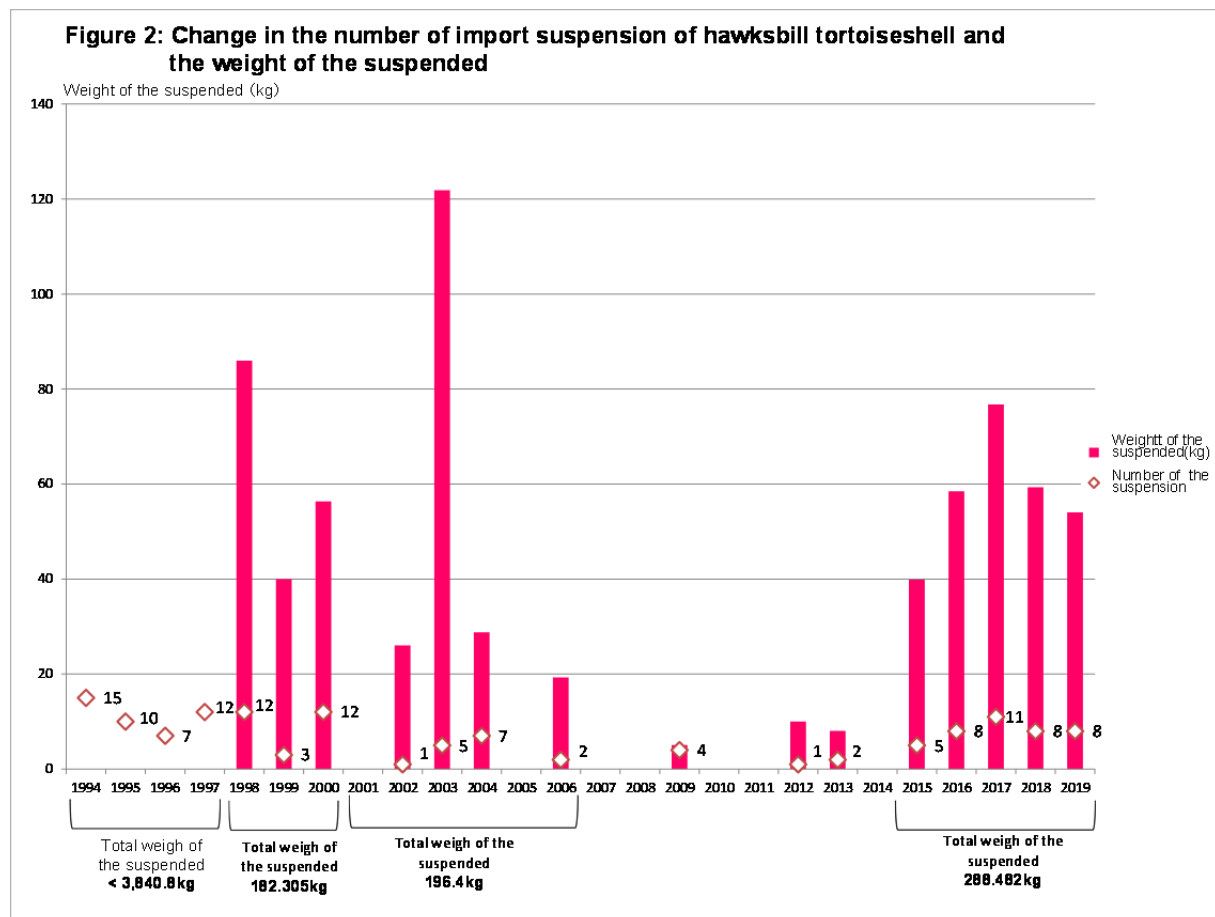


A trader in Java explained the modus operandi for smuggling tortoiseshell: he would hide them in the plates of buffalo horn laid open (in the hand of the person in the photo) (Source: Field investigations conducted by the author in 2002)

Between 2015 and 2019, the Dominican Republic and Haiti, both of which are located on the island of Hispaniola, completely dominated the exporting countries in all suspension records except for one Singapore case¹⁰⁰. Although the Dominican Republic had exclusively exported tortoiseshell since the beginning of the term, Haiti emerged in late 2018 and became the only exporter in 2019. In the criminal case in 2021 to be mentioned in “5.3”, it was revealed that Haiti is used as a consistent source country catering to Japanese demand for tortoiseshell¹⁰¹. However, it would be premature to say that the trade route via Singapore has collapsed, considering that it is a well-established and still an accessible route¹⁰².

Use of international mail has significantly increased since the 2000s, even though smuggling shell in passenger's luggage by air, was more popular in the 1990s. All of the 40 incoming shipments suspended by Customs in between 2015 and 2019 were made by mail. It is probably because the risks of cost and detection in particular, can be considerably reduced: arrangement of couriers is not necessary; and even in the case of detection, the shipment would be just reshipped to the exporter without on-the-spot arrest¹⁰³.

The number of import suspensions of tortoiseshell and the total weight of the suspended, which are extracted from Annex 3 by year, are diagrammed in Figure 2.



A lot of import suspensions on tortoiseshell were identified in 1994, when the CITES reservations of hawksbill turtles were withdrawn so that the international trade were banned, and the years up to 2000 (71 cases in total, with an annual average of 10 a year). The total weight of all the shell suspended between 1994 and 1997 is unknown, however, it should be more than 3,840.8kg (equivalent to 3,600 turtles¹⁰⁴) recorded in the cases criminally charged in the period; they include a case with more than 3,000kg was traded¹⁰⁵. The total weight of the suspended from 1998 to 2000 was 182.305kg (equivalent to 170 turtles¹⁰⁶). Between 2001 and 2006, tortoiseshell was continually suspended up to 196.4kg (equivalent to 180 turtles¹⁰⁷) in total, although the number of suspensions decreased considerably with an annual average of 2.5 cases. And then the occurrence of import suspension slowed to an annual average of 1 case between 2007 and 2014. Since 2015, however, the number of suspensions has started to increase rapidly again with an annual average of 8 cases and it even reached 40 cases in total by the end of 2019. The total weight of tortoiseshell suspended in this period was 288.482kg (equivalent to 270 turtles¹⁰⁸).

5.3 The illegal import cases criminally charged

The cases on the import in tortoiseshell that the customs charged to the prosecutor as violating the Customs Law are shown in Annex 4 in detail, and are summarized in Table11. There are 10 cases in all, including 9 cases which first occurred within 10 years from the international trade ban and then suddenly one case identified in 2021 for the first time in 18 years since the last one.

Table 11: The illegal import cases of tortoiseshell criminally charged as violating the Customs Law (at the time of June 10, 2021) (1/2)

No.	Year of charge	Year of import	Weight	Country of Export	Air/Sea	Mode of transportation	Involvement of the dealers who notified business to the authorities, or their relatives	Connection between the case and Japan's domestic <i>bekko</i> market / industry, and organized / deliberate nature of the case
1	1994	1994	24kg	Dominican Republic	Air	Baggage	Yes	<ul style="list-style-type: none"> • According to Japan <i>Bekko</i> Association (JBA), one of the offenders had, for the past 20 years (from 1974 or so), procured tortoiseshell using his own supply chain in Indonesia and Caribbean region, and brought it to Japan as passenger's luggage, and sold it to <i>bekko</i> artisans in Nagasaki City. • JBA suspected that the offender thought he could gain good profit margins because there were huge discrepancy between the tortoiseshell price in Japan versus in the source countries, where trade in shell had collapsed due to the international trade ban.
2	1994	1994	587kg	Dominican Republic	Air	Commercial cargo		The offender told the enforcement authorities that he thought he could sell the tortoiseshell to <i>bekko</i> industry for a good price for sure because it cannot be imported legally anymore.
3	1996	1996	115.3kg	Singapore	Air	Baggage	Yes	<ul style="list-style-type: none"> • One of the offenders who was entrusted by the main culprit involved in Case No.3, 6 and 7 had visited Singapore 13 times within a few years, and he admitted that he brought tortoiseshell into Japan in the past as well. • See also case No.7
4	1997	1995	3083.05kg	Indonesia	Sea	Commercial cargo	Yes	The representative of the offender (company) told the enforcement authorities that he thought tortoiseshell must be a profitable item now because the raw material for <i>bekko</i> crafts is scarce and that the industry will buy it for a good price because the price has been rising.
5	1997	1997	31.45kg	Singapore	Air	Baggage	Yes	<ul style="list-style-type: none"> • The offender involved in Case 5 and 8 told the enforcement authorities that his relative engaged in producing <i>bekko</i> crafts and would appreciate it if he gives tortoiseshell to him. • The second son of the offender is the representative of the <i>bekko</i> dealer "X" (Nishi-ku, Osaka City) notified its business to GoJ (at the end of December 2020).
6	1998	1998	119.61kg	Singapore	Air	Baggage	Yes	See case No.7.
7	1998	1998	65.71kg	Singapore	Air	Baggage	Yes	<ul style="list-style-type: none"> • This criminal group had successfully imported 690kg of tortoiseshell, worth US\$ 168 million in total from Brazil, Panama and Singapore on 15 occasions since it started smuggling in December 1995. • The main culprit of Case No.3, 6 and 7, a <i>bekko</i> dealer had bought 186kg of tortoiseshell in Singapore around March 1998, and planned to break it up for sending it to Nagoya Airport on 4 occasions. The criminal group succeeded in importing 120kg on three occasions from the end of May to August, but they were finally cracked down on the fourth occasion.

Table 11: The illegal import cases of tortoiseshell criminally charged as violating the Customs Law (at the time of June 10, 2021) (2/2)

No.	Year of charge	Year of import	Weight	Country of Export	Air/Sea	Mode of transportation	Involvement of the dealers who notified business to the authorities, or their relatives	Connection between the case and Japan's domestic <i>bekko</i> market / industry, and organized / deliberate nature of the case
8	2002	2002	26.464kg	Dominican Republic	Air	Mail	Yes	<ul style="list-style-type: none"> • The main culprit of Case No.5 and 8 is the father of X (see Case No.5). • He had continued importing tortoiseshell illegally even after he was sentenced to imprisonment, suspended for some years in the case 5. In fact, he received at least 8 to 10 shipments from Dominican Republic just before he attempted to receive the 3 shipments containing tortoiseshell at this time. X sent money to the major accomplice each time one of those 8 to 10 shipments arrived in Japan. • There was an unknown accomplice in Dominican Republic, who had exported tortoiseshell to Japan via EMS.
9	2003	2003	87.8497kg	Indonesia	Sea	Commercial cargo		<ul style="list-style-type: none"> • The offender told at the trial that he had assumed to sell the smuggled tortoiseshell to X. He met the representative of X three years prior and knew that X had exhibited and sold <i>bekko</i> items in Osaka. He also heard from X that he had bought a lot of raw tortoiseshell in Indonesia before the CITES ban.
10	2021	2019	6.8605kg	Haiti	Air	Mail	Yes	<ul style="list-style-type: none"> • One of the offenders was a <i>bekko</i> broker who has 40 year-career of purchasing tortoiseshell. When he managed a trading company and imported tortoiseshell legally, he was allocated some tons of import quotas from GoJ. He was commissioned to import tortoiseshell by the <i>bekko</i> dealers who were belonged to 6 <i>bekko</i> business associations (out of the total 7 associations), which existed in Japan at that time. He had continued importing tortoiseshell illegally even after it had been banned to respond to the trust of his long-time customers. So, he has not lost influence in the <i>bekko</i> industry even after the international ban. • The broker visited Haiti, contacted the suppliers through a person employed there. • Another offender, a <i>bekko</i> dealer, had paid 30,000 yen (about US\$270) a month to the broker as the consultant fee apart from the success fee. The broker had more clients other than that <i>bekko</i> dealer. • The <i>bekko</i> dealer had also commissioned the broker even to resell the smuggled tortoiseshell in Japan. The offenders referred to the names of 2 <i>bekko</i> dealers at the trial, who bought smuggled tortoiseshell from 10A through 10B. Both of them notified their business to GoJ at the time of December 2020. One of them was X. The document examined at the trial revealed that an additional <i>bekko</i> dealer, other than the above, admitted it had bought smuggled <i>bekko</i> from the offender (<i>bekko</i> dealer).

Source: The specifically quoted news articles and thememo on the court hearings concerned, and the "Infraction Case Record" (Ministry of Finance) of the years concerned and "Import Suspension Record" (Ministry of Finance) of the years concerne.

*Whether the suspects fall under the dealers notified their business based on LCES or the trading facility (or someone involved in it) of those dealers or not was judged referring to the "Registry of the business in connection with a designated internationally endangered species", METI website (in Japanese).

*The incidents of which columns painted in the same color were perpetrated by the same criminal group.

*The incidents of which column of "No." framed by purple border show the case that the *bekko* dealer "X" (Nishi-ku, Osaka City) notified its business to GoJ (at the end of December 2020) or the representative of X, who is an executive member of Japan *Bekko* Association (JBA), were assumed as the user of the smuggled *bekko*.

Firstly, one should focus on the large amount of the smuggled tortoiseshell which had entered into the stockpiles of *bekko* dealers through those offenders discussed above.

The import suspensions of tortoiseshell had regularly occurred since 1994 until 2006. The total weight of the suspended exceeded 4,200kg up to that year. Whereas the criminal group headed by a *bekko* dealer and was involved in Cases 3, 6 and 7 which successfully

smuggled 690kg of tortoiseshell while 300kg were suspended to import. Although the total amount of the tortoiseshell which has ultimately gone into the stockpiles is unknown, the main player of Cases No. 5 and 8 (5/8A in Annex 4), had been involved in smuggling until the crackdown for at least 5 years; the broker involved with Case 10 had regularly engaged in smuggling tortoiseshell for more than 20 years since around 1994 until 2019. Moreover, they had sold the smuggled tortoiseshell to the other *bekko* dealers. These facts suggest that smuggled tortoiseshell has continued to feed the stockpiles of the *bekko* dealers far more than what was suspended at the borders.

Secondly, it is noteworthy that those cases have deep connection with Japan's domestic *bekko* market / *bekko* industry.

All of these cases were motivated by the profit to be gained catering to the demand of *bekko* industry for raw material.

In 9 out of 10 cases, except for Case 2, it was planned to supply the smuggled tortoiseshell to a specific *bekko* manufacturer including the smuggler himself.

In 8 out of 10 cases, the dealers who notified their business to GoJ at the time of December 2020 or the relatives (father) of them were involved in the illegal conducts.

Many cases are characterized with some organized and deliberate process including securing the suppliers in the source countries, arranging regular couriers or persons who would lend street names to disguise the true importer (Cases 3, 6, 7, 8 and 10).

More than one subsequent offence is identified in the case perpetuated by a *bekko* dealer notifying his business to GoJ or a relative of such dealer; The facts suggest that smuggling tortoiseshell by *bekko* dealers / their relatives would probably be easily repeated.

In 4 cases out of 10, the *bekko* dealer ("X") in charge of the incumbent executive member of "Japan *Bekko* Association"¹⁰⁹ was suggested as the actual / potential buyer of the smuggled *bekko* while he has not been charged himself in any of these cases.



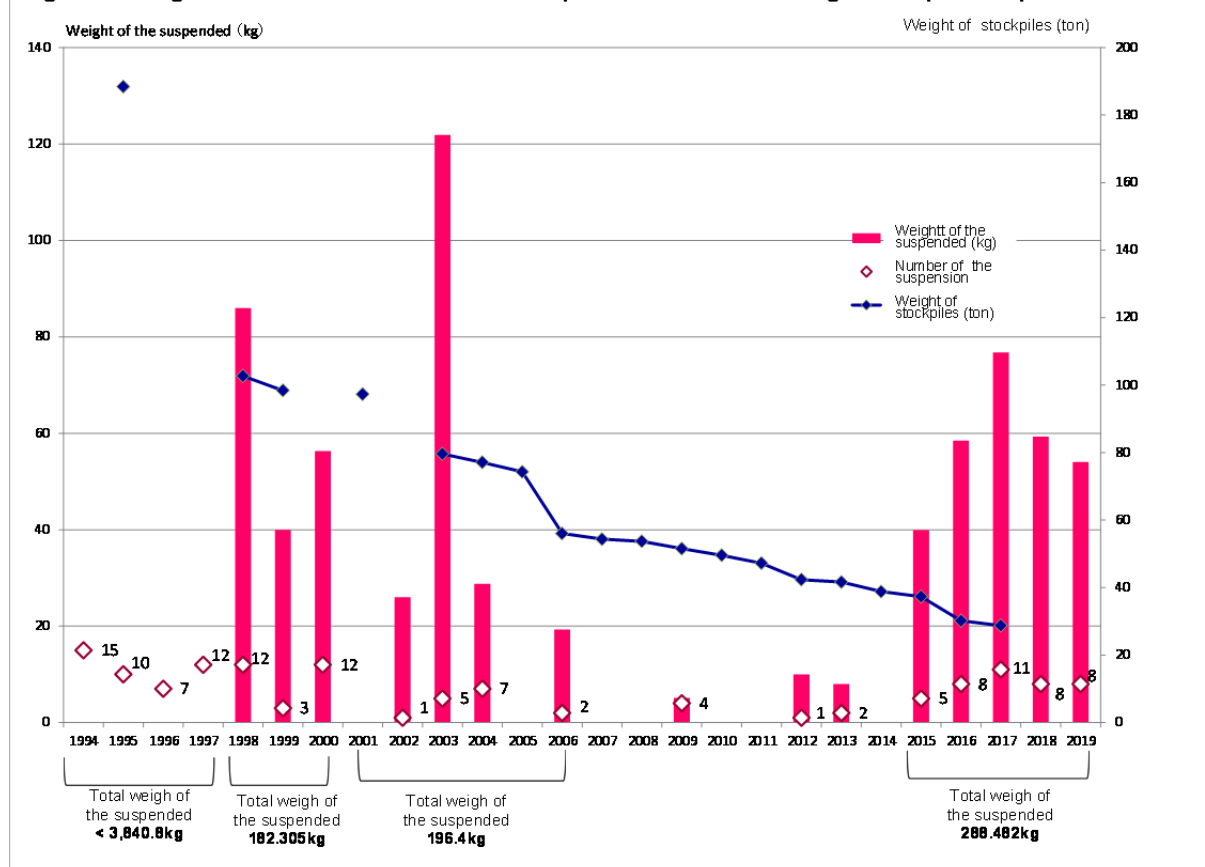
A shell plate on the center of the carapace, sold in Yahoo! Japan Auction

6. Discussion

6.1 Illegal import of hawksbill tortoiseshell significantly instigated by Japan's domestic *bekko* market

The weight of the *bekko* stockpiles owned by the *bekko* dealers who notified their business to GoJ (see Figure 1) and the record of import suspensions on hawksbill tortoiseshell (see Figure 2) are overlapped and compared in Figure 3.

Figure 3: Weight of hawksbill tortoiseshell stockpiles and number & weight of import suspension of it



Japan's withdrawal of the reservation on hawksbill turtles in 1994 meant that raw material for *bekko* crafts production would legally be limited to the existing stockpiles from that moment on unless the ban was lifted in the future. In fact, the stockpiles declined by nearly half during the 3 years between 1995 and 1998. As illustrated in the statements by the offenders involved with the tortoiseshell smuggling during that time, the sense of crisis the *bekko* dealers had on future production of *bekko* crafts led to the increased demand for raw materials which lead to the increased import suspensions of tortoiseshell, ever since 1994. For example, the broker and former owner of a trading company involved with Case 10 (see Table 11; the same applies hereafter), who had imported tortoiseshell on behalf of the *bekko* business associations and continued importing it even after the ban, said "I have to respond to the trust of my long-time customers".

As aforementioned, inrush of smuggled tortoiseshell has continued to feed the stockpiles of the *bekko* dealers far more than what was suspended at the borders, especially since 1994 until 2006. The reduction rate of the *bekko* stockpiles dropped significantly since 1998; especially since 2007, the rate has come to 2.5 ton a year in average. This indicates that the *bekko* stockpiles probably considerably increased thanks to infusions of smuggled tortoiseshell up until 2006. The *bekko* dealers have been able to record a marginal decline of their "legal" stockpiles in the ledgers, far from the true amount consumed for manufacturing, because the consumption of smuggled tortoiseshell would never reflect in the change of the "legal" stockpiles.

Nevertheless, despite the influx of smuggled tortoiseshell especially between 1994 and 2006, the *bekko* dealers were probably unable to completely set aside the old stockpiles imported before the ban; they finally dropped down to about 28.7 tons by March 2017. The rush of import suspensions on tortoiseshell since 2015 is mostly likely because the *bekko* dealers used the "legal" stockpiles but they started to run dry, and needed more smuggled tortoiseshell. Additionally, the GoJ had been supporting the *bekko* dealers with subsidized funding. However, METI had decided to terminate the program "Bekko Industry, etc. Relief Measure Service" at the

end of March 2017¹¹⁰ so it was possible the industry was feeling impatient and seeking to supplement their stockpiles by smuggling more in.

The broker involved in Case 10, charged in the only criminal case on smuggling tortoiseshell in recent years, is a key player who had engaged in importing on behalf of *bekko* industry since the legal importation era, so that he had absolute trust from the members of the industry. In that sense, the crackdown on him is a great achievement by the law enforcement communities. However, it is quite premature to say that the key connection with smuggling tortoiseshell with the industry has been cut. This broker was only one of the 20 trading companies which dealt with legal tortoiseshell after Japan ratified CITES¹¹¹. For more than 20 years, there are other brokers with a similar background to the one cracked down, so someone must have been getting the know-how from those experienced people and are probably still engaging in smuggling tortoiseshell with impunity.

It is safe to assume that all the *bekko* dealers have been permanently involved with smuggling or knowingly purchased the smuggled tortoiseshell. As long as a certain demand for *bekko* crafts exists, the *bekko* industry will have a dire need for the raw materials for manufacturing. Online survey of the sales of *bekko* crafts on the Yahoo! Japan Auction site shows a very active market so the demand is still there. Consequently, the continued existence of the domestic *bekko* market, which is absolutely dependent on smuggling as the sole means of procurement, will continue to instigate a never-ending illegal importation of tortoiseshell.

6.2 Failure of effective border controls over the illegal import of tortoiseshell

Japan's border controls over the smuggling of tortoiseshell is enforced by the customs based on the Customs Law, however, the following serious problems exist.

First, there is a lack of inspection of the shipments which may possibly contain tortoiseshell. Also the offenders involved with the illegal import of these packages remain a mystery to the authorities.

Looking at the precedent criminal cases, e.g. Cases 3, 6 and 7, the key player had smuggled tortoiseshell 15 times before eventually being caught during the 16th attempt. Also, the main culprit involved in Cases 5 and 8 continued smuggling tortoiseshell during the suspended jail term although he was sentenced guilty for the exact same offense in 1997. In fact, he successfully imported 8 -10 shipments via EMS just before the second crackdown in 2002. Most recently, the broker involved in Case 10, might have failed to import tortoiseshell due to being stopped in the past, has never been caught by Customs authorities until 2021, despite his regular attempts to import shells for more than 20 years.

According to the import suspension records, all shipments containing tortoiseshell were sent via mail since 2016; in such criminal cases international mail had repeatedly been used as the way to ship (Cases No.5, 8 and 10). It was probable that only a tip of the iceberg would be detected /prosecuted. That demonstrates that the inspection to detect tortoiseshell, especially on international mail, has not been enforced strictly¹¹². Also, the efforts to crack down on the offenders are not at all sufficient, even when there was a little lead. Furthermore, a specific *bekko* dealer who is an incumbent executive member of JBA, was referred to as a known "user of smuggled tortoiseshell" who was mentioned by the accused in 4 criminal cases (out of 10) including the most recent one in 2021.

Second, as far as the present operational guidelines for Customs law is applied, it is unlikely in principle that the true smuggler can be tracked down, even if tortoiseshell is found in an international mail.

When the customs find a regulated item¹¹³ in the primary inspection on mail¹¹⁴, they shall notify the addressee of that matter without exception¹¹⁵. The addressee who received the notification could decide to simply never respond. Customs will lose the opportunity to identify the true importer of the contraband in question. Consequently, infraction cases are

unlikely to be further inquired about by Customs or have sufficient evidence to even initiate an investigation by the police based on the violation of FEFTA¹¹⁶. The contraband is ultimately returned to the exporters as a matter of this procedure.

6.3 Failure of Japan's controls over the domestic *bekko* market

Japan's domestic *bekko* market has been controlled by LCES since 1995. However, the controls that were put in place are totally ineffective.

First, it is unlikely in practice that the trade in unregistered tortoiseshell will be punished.

The hawksbill tortoiseshell subject to the prohibition of domestic trade without prior registration, only applies to whole shells (i.e. full carapaces). As a standard practice, the trade of tortoiseshell in such form is uncommon because the raw material of *bekko* crafts is traded, in the form of shell plates; already torn off from the carapace and the plastron of the turtles.

Furthermore, it is almost impossible for prosecutors to convict anyone with an unregistered whole shell, because they must prove that the turtle did not come from Japan. Based on the Fisheries Act, hawksbill turtles caught in the territorial waters of Japan are exempted from this regulation. So the burden of proof falls on the prosecutor to prove that a shell was not originally captured in Japan¹¹⁷.



In 2003, an artisan in Nagasaki showed a shell plate aligned in the center of carapace (at left), one on the side of carapace (at center) and one on the plastron (at right), as the common form of raw tortoiseshell for trading.



Scraps of shell plates on the carapace, which were sold in Yahoo! Japan Auction

Second, the current business notification system which was meant to control the *bekko* trade, does not apply to the majority of tortoiseshell sold in the domestic *bekko* market.

The scope of the business notification system is exclusively applied to the businesses involving transfer of raw shell plates. Thus, the business involving transfer of only worked shell plates or finished *bekko* crafts (i.e. wholesaling and retailing) are wholly exempted from

the controls of business. In fact, only 0.1 -0.2 % out of the final bids at Yahoo! Japan Auction were identified as being within the scope of the business notification system.

However, the biggest underlying problem of the controls over the *bekko* dealers is that it is impossible to trace the manufacturing and trade process of tortoiseshell from raw shell plates to the finished *bekko* products located in the market. This is because the present controls over the domestic *bekko* market only rely on “faithful self-management” by manufacturers who report their daily trade through a routine operation of recording on ledgers¹¹⁸. The only thing the competent authorities can do to promote the faithful self-management is to request a report or conduct an on-site inspection. Unfortunately, enforcement of those measures is sluggish partly because the authorities to enforce those measures are weak, due to the nature of the aforementioned control system¹¹⁹.

The controls over the *bekko* dealers are almost wholly based on the trust of faithful self-management by them. Ultimately, most of the offenders of the criminal cases were such dealers or their kin. Moreover, the illegally sourced *bekko* has then been purchased “knowingly” by the other dealers, not directly involved in smuggling themselves: it makes the entire *bekko* industry tainted and dependent on these smuggled items (see 6.1). This signifies that the preconditions of the controls of the business have already collapsed.

7. Conclusion

Since losing the chance to import new tortoiseshell as a result of withdrawing reservations to CITES on hawksbill turtles in 1994, a part of *bekko* manufacturers and trading companies which had catered to the *bekko* industry have moved into smuggling shells. Even the other *bekko* dealers have been willing to buy the illegally sourced tortoiseshell. Though nearly a quarter century has passed since then, a similar number of dealers reported the “legal” stockpiles that are still spared from depletion. Such situations would have been possible only because a persistent and considerable amount of smuggled tortoiseshell has gone into the stockpiles of the *bekko* dealers. Such remaining stockpiles cannot be qualified as “owned since before the ban” any longer.

The *bekko* industry has managed to survive on its own, although it is dependent on criminal activities to obtain the raw materials; the underlying motivator is the existence of a persistent demand for *bekko* crafts in Japan, as indicated in the active sales on Yahoo! Japan Auction on the established domestic *bekko* market.

GoJ deserves criticism for taking their eyes away from the reality as described above. The government has subsidized or propped up the *bekko* industry for a quarter century in two ways: lifting the CITES ban and promoting the development of captive-breeding of hawksbill turtles. However, it failed in both attempts in the end, and finished the subsidy at the end of March 2017. At that point, GoJ should have been able to critically predict when the industry must close, due to running out of their “legal” stockpiles (without any supplemental illegal sources of shell). However, it is providing life support to the dying *bekko* industry, under the pretext of subsidizing promotion of regional economy. Essentially, the GoJ helped instigate the tortoiseshell smuggling.

In the meantime, the smuggling attempts started to increase recently, after a 10 years’ rest period. This phenomenon implicates that the *bekko* dealers were struggling due to gradually reducing their “legal” stockpiles even though smuggled shells had greatly increased the stockpiles, particularly in the period from 1994 to 2006. The smuggling pressure on Japan’s border is obviously increasing now; it is also clear that the domestic *bekko* market is instigating that trend. The critically endangered hawksbill turtles will face a growing threat to their survival, if this market still continues to exist.

Even if the customs could increase their law enforcement efforts somehow, still only a part of tortoiseshell can be prevented from entering in the domestic market. Elimination of smuggled

items from the domestic legal *bekko* market also cannot be expected under the present controls; in the first place, it should be noted that the domestic “legal” *bekko* market has already been tainted with smuggled tortoiseshell.

This Japan’s domestic *bekko* market is in an abnormal condition: while it is still supported by persistent demand for *bekko* crafts, the only way to secure the raw material for production is to rely on criminal activities. This kind of market should be unforgivable.

Under these circumstances, what GoJ have to do is very clear. It needs to close the market in a systematic manner as soon as possible, within a certain period.

8. Recommendations

The Japan Tiger and Elephant Fund recommends the Government of Japan to undertake the following steps expeditiously.

Recommendation1: Banning domestic trade in hawksbill tortoiseshell except for narrow exemptions

GoJ should prohibit to trade (transfer, receive, display or advertise for distribution or sales purposes) any hawksbill tortoiseshell and *bekko* crafts except for a narrow exemption for some items.

In terms of commercial trade, the exemptions should be limited to;

- ✓ A craft with historical or artistic value (i.e. national heritages, important cultural properties or tangible cultural properties legally designated/registered by the State, or tangible cultural properties legally designated by the prefectures)
- ✓ An antique made 100 years or more before
- ✓ Parts and accessories of traditional Japanese musical instrument (to be prohibited after a certain transitional period)
- ✓ A de-minimis worked tortoiseshell, which is fixed and an integral component of a product

Recommendation 2: Securing traceability of the narrowly exempted

GoJ should prohibit the trade in any narrowly exempted worked tortoiseshell unless it receives the registration in advance, which requires identification and traceable marking of the items.

It is also needed to set up a registration system on business operators, which is applied to the business involving transfer of narrowly exempted items.

Recommendation 3: Legal controls over the stockpiles of shell plates possessed by any person

GoJ should legally mandate any person who possesses hawksbill shell plates based on a legitimate title, which is suitable to be traded as the raw material of *bekko* crafts, to notify the details of his/her stockpiles to the competent authorities within a specific period, and authorize them to require a report to the possessors and conduct an on-site inspection with respect to the situation of the shell plates concerned.

Recommendation 4: Emergency measures

GoJ should carry out a thorough on-site inspection of the *bekko* dealers who notified their business to GoJ based on the present laws and regulations as the measure for emergency to conduct a thorough inventory on their stockpiles, to record the details of them, and enforce the administrative disposal decisively against the dealers who have neglected the mandatory recording of their trade in the ledgers.

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Notes

- ¹ Anon. 1996
² Parsons. 1972
³ Decision 18.210-18.217 <https://cites.org/eng/dec/valid17/82236>

⁴ Kitade, et al. 2021

⁵ WWF. 2000

⁶ Mortimer and Donnelly, 2008

⁷ Ibid.

⁸ WWF. 2000

⁹ MoE. 2000

¹⁰ Mortimer and Donnelly. 2008

¹¹ Ibid.

¹² https://speciesplus.net/#/taxon_concepts/7257/legal

¹³ Fishery Agency. 1998, Kamezaki. 2012

¹⁴ Fishery Agency. 1998, Anon. 1996

¹⁵ Parsons. 1972

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Anon. 1996

Incidentally, the word “*bekko*” seems to be often used in Asia, not limited to Japan (Nahill, et al. 2020).

¹⁹ Inoue. 1991

²⁰ Ibid.

²¹ TRAFFIC. 2000

²² Globally, the average hawksbill produced 1.06 kg of tortoiseshell imported into Japan in between 1985 and 1987 (Milliken and Tokunaga. 1987).

²³ Milliken and Tokunaga. 1987

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Japan *Bekko* Association (JBA) website: <http://www.bekko.or.jp/gaiyo/kaiin.html> (in Japanese)

The members of JBA formed the “Tokyo federation of *bekko* associations” and the “Nagasaki federation of *bekko* associations” in each area to receive the national subsidies described later.

²⁸ Registry of the business in connection with a designated internationally endangered species, METI website (in Japanese)

https://www.meti.go.jp/policy/mono_info_service/mono/seikatsuseihin/zougebekkou/downloadfiles/todokedebo.pdf

²⁹ A memo by Sakamoto on court hearing at Tokyo District Court regarding Case of violating the Customs Law (2021,WA, No.407) (in Japanese)

Incidentally, it was reported that the price of shell plates in 1998 was US\$580 –2,410 per kg (Exchange rate at the time about 0.0073 yen. Yomiuri Shimbun news article dated on 29/09/1998: “Three suspects arrested for smuggling hawksbill shell by Aichi Prefectural Police; high price due to CITES ban”).

³⁰ Lam et al. 2011

³¹ Sakamoto. 2000

³² See Note 21.

³³ TRAFFIC. 2000

³⁴ MITI introduced an import quota of zero in January 1993 (Ibid.).

³⁵ Ibid.

³⁶ METI, 2001

³⁷ Sakamoto, 2000

³⁸ TRAFFIC. 2000

³⁹ Japan *Bekko* Association. 1999

⁴⁰ METI. 2004, METI. 2001

⁴¹ METI. 2001

⁴² Prop.10.60, Prop.11.41

At CoP11, Cuba and Dominica also submitted Prop.11.40 with mostly similar contents to Prop.11.41. Cuba on behalf of the proponents withdrew that proposal at the beginning of opening the floor to discussion at the Committee 1. It asked for discussing only Prop.11.41 which includes the condition that a workshop in the Caribbean region is to be held by CoP12.

⁴³ Lam, et al. 2011

⁴⁴ Com.I 10.11 (Rev.), Plen.10.7 (Rev.), Com.I. 11;.12, Plen.11.6

⁴⁵ Cuba withdrew its proposal: CoP12 Prop.30 on August19, 2002.

<https://cites.org/eng/cop/12/prop/index.php>

⁴⁶ METI. 2017, METI. 2018

When the national subsidy finished, 14 dealers in Nagasaki and 40 dealers in Tokyo established a company: "Ishigaki *Bekko* Co., Ltd" in Ishigaki City, Okinawa Prefecture in April 2017, which took over 300 hawksbill turtles (at the time of 2020), and was provided with a manual including the techniques of nursing baby turtles and of captive-breeding of turtles developed through the past research, from the former outsourcing laboratory (the predecessor of the Japan Fisheries Research and Education Agency) (Maruta. 2020). The annual running cost of the company is just over US\$188,000 (Exchange rate at the time about 0.0094 yen), which is covered by the subsidies, etc.

⁴⁷ METI designated "Edo (Tokyo) *bekko*" on June 18, 2015 and "Nagasaki *bekko*" on June 18, 2017 as a "traditional crafts" based on the "Act concerning the Promotion of the Traditional Craft Industries" (Law No.57 of 1974), then it started to provide "subsidies for supporting traditional craft industries" to the "Tokyo federation of *bekko* associations" and the "Nagasaki federation of *bekko* associations" since 2000. See the METI website.

https://www.meti.go.jp/policy/mono_info_service/mono/nichiyo-densan/index.html

<https://www.meti.go.jp/information/publicoffer/saitaku/2020/s200416001.html>

⁴⁸ TMG provides the "subsidy for stabilizing the business of *bekko* and ivory industry" (TMG Bureau of industrial and labor affairs website (in Japanese)).

<https://www.sangyo-rodo.metro.tokyo.lg.jp/jouhoukoukai/shishutsu/R1/shoko/index.html>

Nagasaki Prefecture also provides a subsidy to stabilize the business of *bekko* industry while Nagasaki City supports the industry by compensating it for managing "Nagasaki City *Bekko* Crafts Center" and purchasing *bekko* crafts to use them as an official gift to the supporters to Nagasaki City (Maruta. 2020).

⁴⁹ Law No.75, June 5, 1992

⁵⁰ LCES Article 6 Paragraph 2 Section 4

⁵¹ LCES Article 12 Paragraph 1, Article 17

⁵² "Ministry Order for Implementation of LCES (hereinafter referred to as "LCES Ministry Order") Article 5 Paragraph 2 Section 9. This exemption is also applicable to the other sea turtle species.

⁵³ LCES Article 21 and 22

⁵⁴ LCES Article 21 Paragraph 2, LCES Ministry Order Article11-6

⁵⁵ LCES Article 12 Paragraph 1 Section 4, Article 17 Section 1, "Cabinet Order for Implementation of LCES" (hereinafter referred to as "LCES Cabinet Order") Article 5, 6

⁵⁶ JWRC. 1995-2004, JRWC. 2005-2009

⁵⁷ Milliken and Tokunaga. 1987

⁵⁸ METI and MoE (LCES Cabinet Order Article 12)

⁵⁹ LCES Article 33-2 Paragraph 1, LCES Cabinet Order Article 5, 6, 10 and 11, "Ministry Order on notification of specified business dealing with internationally endangered species and registration of special

business dealing with them” (hereinafter referred to as “Ministry Order on business notification and registration”) Article 2

⁶⁰ LCES Article 33-3 Paragraph 1

⁶¹ LCES Article 33-3 Paragraph 2, Ministry Order on business notification and registration Article 3 and 4

⁶² LCES Article 31 Paragraph 3 as applied mutatis mutandis pursuant to Article 33-5, Ministry Order on business notification and registration Article 8 and 9

⁶³ LCES Article 31 Paragraph 1, 3 and 4 as applied mutatis mutandis pursuant to Article 33-5

⁶⁴ LCES Article 33-4 Paragraph 1

⁶⁵ LCES Article 33-4 Paragraph 2

⁶⁶ In the data surveyed at this time, “scientific” and “travelling exhibition” and “educational” were identified as the purpose code other than “commercial”.

The identified import of “carapaces” and “scales” from Cuba is assumed to be done as a part of the operation of the research program on hawksbill turtle resources in the Caribbean Sea funded by METI (see 1.3).

⁶⁷ See 3.1.2 about the reason why stuffed turtles should be exempted from the possible source of raw materials.

⁶⁸ TRAFFIC. 2000

⁶⁹ The domestic trade in hawksbill turtles (as well as other sea turtle species) captured in accordance with the Fisheries Act is exempted from the regulation by LCES (LCES Article 12 Paragraph 1 Section9, LCES Ministry Order Article 5 Paragraph 2 Section 8 (j)).

⁷⁰ TRAFFIC. 2000

⁷¹ Okinawa Prefecture website:

<https://www.pref.okinawa.jp/site/norin/suisan/kaiku/documents/h31umigame.pdf> (in Japanese)

⁷² A written answer dated on July 18, 2002 to the questions from Sakamoto M. by Supervisor on fisheries, Fisheries Promotion Division, Agriculture, Forestry and Fishery Department, Kagoshima Prefecture

A written answer dated on December 24, 2019 to the questions from Sakamoto M. by Forestry and Fishery Division, Oshima Branch of Kagoshima Prefecture (in Japanese)

⁷³ Ibid.

⁷⁴ Though the northern limit of hawksbills nesting in the Pacific, nesting is rare (Nishizawa et al. 2012). The coastal areas around the Yaeyama Islands are considered a major foraging ground for hawksbill turtles of mixed genetic stocks (meaning of individuals that have originated from multiple nesting beaches, primarily migrated from other countries) (ibid.). Therefore, in the first place, it is concerned that fisheries of hawksbills have continued even within Japanese waters now.

⁷⁵ TRAFFIC. 2000

⁷⁶ Written answers dated on March 19, 2003, November 30, 2004, January 31, 2007, February 21, 2012, June 19, 2015, July 7, 2016 and November 27, 2019 to the questions from Sakamoto M. by the Life Styles Industries Division (Paper Industry, Consumer & Recreational Goods Division) of METI (in Japanese)

⁷⁷ Written answers dated on December 4, 2015 to the questions from Sakamoto M. by the Paper Industry, Consumer & Recreational Goods Division of METI (in Japanese)

⁷⁸ Information provided from the Paper Industry, Consumer & Recreational Goods Division of METI to Sakamoto M. at the meeting for disclosing the administrative documents ordered by “Disclosure Kei No.1 dated on October 14, 2001”

Written answers dated on March 19, 2003, November 30, 2004, January 31, 2007, February 21, 2012, June 19, 2015, July 7, 2016 and November 27, 2019 to the questions from Sakamoto M. by the Life Styles Industries Division (Paper Industry, Consumer & Recreational Goods Division) of METI (in Japanese)

⁷⁹ Written answers dated on March 19, 2003, November 30, 2004, January 31, 2007, February 21, 2012, June 19, 2015, July 7, 2016 and November 27, 2019 to the questions from Sakamoto M. by the

Life Styles Industries Division (Paper Industry, Consumer & Recreational Goods Division) of METI (in Japanese)

⁸⁰ TRAFFIC. 2000

⁸¹ METI, 2001

⁸² Theoretically, it would be possible that the decline of total number of the dealers who continually reported the stockpiles did not influence the change in total stockpiles so much if most of leading operators holding large stockpiles did not comply with the reporting in both years. But, it would be unlikely in a practical sense.

⁸³ The online trade in tortoiseshell products may now surpass the in-person trade (Nahill, et al. 2020).

Illegal wildlife trade on the Internet has become one of the issues requiring urgent action in the CITES community. <https://cites.org/eng/dec/valid17/82150>

E-commerce, social media and tech companies started an initiative for preventing or removing millions of listings of protected wildlife including sea turtles in collaboration with wildlife experts and NGOs.

www.endwildlifetraffickingonline.org

⁸⁴ <https://auctions.yahoo.co.jp/jp/>

⁸⁵ E.g. <http://www.benri.com/info/ranking.php?c=10>

⁸⁶ Yahoo! Japan banned the sales of all ivory products on its e-commerce services on November 1, 2019.

<https://about.yahoo.co.jp/pr/release/2019/08/28a/>

⁸⁷ Milliken and Tokunaga. 1987

⁸⁸ The hawksbill turtles captured based on the Fisheries Act in territorial waters of Japan are exempted from this regulation. See 1.4.

⁸⁹ See 1.4. Anyone who advertised an unregistered stuffed turtle or whole shell for sales purposes will be imprisoned for no more than 1 year or fined no more than 1 million yen: US\$9,400 (1 yen=US\$0.0094), and the legal entity involved will be separately fined no more than 20 million yen: US\$188,000 (1 yen=US\$0.0094) (LCES Article 58 Section 2, Article 65 Paragraph 1 Section 2 and Article 17).

⁹⁰ See 1.4. Anyone who violated the requirement will be fined no more than 300,000 yen: US\$2,820 (1 yen=US\$0.0094), and the legal entity involved will be separately fined the same amount (LCES Article 63 Section 6, Article 65 Paragraph 1 Section 3 and Article 21 Paragraph 2).

⁹¹ If the sellers send the unregistered items to the winning bidders and they receive them, both of them will be imprisoned for no more than 5 years and/or fined 5 million yen: US\$47,000 (1 yen=US\$0.0094), and the legal entity involved will be separately fined no more than 100 million yen: US\$940,000 (1 yen=US\$0.0094) (LCES Article 57-2 Section 1, Article 65 Paragraph 1 Section 1 and Article 12 Paragraph 1).

⁹² See 3.1.3.

⁹³ See 1.4. Anyone who operated the business without business notification will be fined no more than 500,000 yen: US\$4,700 (1 yen=US\$0.0094) and the legal entity involved will be separately fined no more than the same amount (LCES Article 62 Paragraph 1, Article 65 Paragraph 1 Section 3).

⁹⁴ See 1.4. The competent authorities are authorized to give an instruction to notified dealers who have not fulfilled the requirement for displaying notification-related information in advertisement so that they comply with it (LCES Article 33-4 Paragraph 1). If the dealers do not comply with the instruction so that the objective of the business notification system would be difficult to be achieved, the authorities can give an order for suspending the operation transferring raw shell plates completely or partially with a period of no more than 3 months (LCES Article 33-4 Paragraph 2).

⁹⁵ Customs Law Article 70

⁹⁶ Customs Law Article 119 and the following articles

⁹⁷ Customs Law Article 121

⁹⁸ Customs Law Article 138 Paragraph 1

⁹⁹ Milliken & Tokunaga. 1987

¹⁰⁰ As aforementioned, the Caribbean and Latin American countries had become the biggest source of supply of hawksbill shell plates to Japan's market since 1970. The phenomenon came from the quality of the hawksbills shell in the Caribbean Sea, which has been regarded as excellent quality because it is larger and with a tinge more red compared to the shells of hawksbills collected in the Pacific Ocean including Indonesia (Inoue, 1991, Milliken and Tokunaga 1987). In particular, thickness of the shell plates is one of the more important qualities for valuing bekko eyeglass frames, so that Caribbean shell plates including the Cuban ones have been praised as the best (Yamamoto, 1981). As shown by record of import suspensions of tortoiseshell (Annex 3), the Dominican Republic was almost the only exporting country of the Caribbean/Latin American region till 2018. Although the Dominican Republic has regulations in place to protect marine turtles, illegal trade has been significant over the years and some illegal trade continued in 2001 (Fleming, 2001). As mentioned in "5.3", a criminal case heard by the Chiba District Court in 2002 revealed that there was an organized network of dealing in illegal trade of hawksbill shell plates between the Dominican Republic and Japan, which involved the Japanese Mafia.

¹⁰¹ Fleming (2001) reported that small amounts of hawksbill shell were obtained over land from Haiti in the Dominican Republic in 2000. This phenomenon may have been triggered by increased poverty and serious legal disorder in Haiti, and the growing divide in their economy and political stability in the island. See the article of NYR Daily on August 13, 2018.

<https://www.nybooks.com/daily/2018/08/13/between-hope-hate-help-haitians-in-the-dominican-republic/>

¹⁰² It is not guaranteed that the customs would focus their efforts equally and consistently on searching the shipments from any countries at their inspection (Customs Law Article 67) and preliminary inspection for international mail (Article 76 Paragraph 1). Especially, the inspection on mail to which a simple and less regulatory procedure is to be applied (Ibid.) is unlikely to be enough. When the customs judge a shipment at its discretion not necessary to be inspected, they can just notify that matter to the responsible post office staff (Article 76 Paragraph 5), so that it is to be put to delivery. Judging by the fact that the notification is allowed to be done verbally (Customs Law Basic Circular 76-4-2 (4)), the mail actually inspected would be supposedly be limited quite boldly. As a matter of fact, the number of incoming mail reaches to more than 1,000 million a year (Ministry of Finance. 2020). The customs would understandably change the priority of inspecting shipments in line with the export country of them under the international / internal circumstances. Consequently, it should be inevitable that the inspection rate of shipments would be disproportionate depending on the country exporting them.

¹⁰³ Since most of mail suspended with importation was reshipped to the exporters concerned. So, it is notable that import suspension led to the arrest of the importers in Case 10 (see Table 11). It happened under the following special circumstances. The broker sent the tortoiseshell to Japan via EMS as “unaccompanied articles” with him when he returned to Japan by air, received the official stamp from Customs on his declaration form to confirm the unaccompanied articles. The accomplice received the form with the official stamp from the broker and mailed it to the customs office to bring the tortoiseshell into Japan (see the details in Appendix 4). Thus, Customs was able to identify the conduct of customs declaration by a specific importer, so that it can charge the offenders. However, it isn’t the case that a mail is simply sent from abroad.

¹⁰⁴ See Note 22

¹⁰⁵ The case 4 in Table 11

¹⁰⁶ See Note 22.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ See 1.3.

¹¹⁰ There were no future prospects for a legal import of hawksbill tortoiseshell. And there was no hope to operationalize captive breeding of hawksbill turtles for sustainable harvest of tortoiseshell. This captive breeding program had been burdened with a fatal defect from the beginning: the high cost involved in the grow-out of hawksbill turtles to adult size so that their shells are large and thick enough to supply commercial levels of raw material of bekko crafting (Lam et al. 2012).

¹¹¹ Milliken & Tokunaga. 1987

¹¹² See Note 102 about the common reasons for that.

¹¹³ When any person declares such shipments to the customs, they shall prove that they have received the necessary permissions (Customs Law Article 70 Paragraph 1).

¹¹⁴ The proviso to the Customs Law Article 76 Paragraph 1

¹¹⁵ Customs Law Basic Circular (zo-kan0100) 76-4-4

¹¹⁶ See Note 103 about why the case charged in 2021 (case No.10) could be prosecuted although the tortoiseshell was sent via mail.

¹¹⁷ Sasayama. 2018

Nevertheless, the techniques for DNA analysis with remarkable progress these days can make it possible to identify the geographical range of the turtles from a piece of tortoiseshell owned by them (Jensen, et al. 2019); The police will get an opportunity to secure the evidence if it uses the method. Kitade et.al (2021) recommends the law enforcement agencies to do so.

¹¹⁸ Overall, this point and judgement are applicable in to the business registration system (LCES Article 33-6) which is applied to ivory dealers.

¹¹⁹ The competent authorities have requested the *bekko* dealers to submit a copy of the two fiscal years ledgers biannually but have failed to monitor the trade and stockpiles based on the data recorded in the ledgers. METI had stopped to calculate the total weight of the stockpiles at the end of each fiscal year of 2013, 2014, 2015 and, 2016 (A written answer dated on November 29, 2018 to the questions from Sakamoto M. by the Life Styles Industries Division, METI (in Japanese)). After a request from the author for providing the details on those data, METI worked it out and presented them on November 27, 2019. It means METI did not recognize the change in the stockpiles owned by the *bekko* dealers.

The objective of the on-site inspection is only to examine whether the dealers records their trade exactly in the ledgers, however even such measure has not been enforced at least for 6 years and half since 2015 at the time of 21 May 2021 (A written response of METI and MoE to the freedom-of-information requests by JTEF: Notification by MoE on refusal of disclosure dated May 13, 2020, Kan-Ji-Ya No.2005131, Notification by METI on refusal of disclosure dated April 30, 2020, Kokai-Kei No.3, 4, 5, 6 and 7, and the online conversation between the responsible METI official and the author on 21 May 2021).

Request to the businesses to send their notifications, based on surveillance, has practically lacked as well, as exemplified by the sales at Yahoo! Japan Auction site (see 4.2.6).



In a fishing town, Paotre in Makassar (Sulawesi Island, Indonesia) , wholesalers, master of fishermen and individual fishermen flocked around Japanese to sell tortoiseshell (Source: Field investigations conducted by the author in 2002).

Annex 1: Import of hawksbill turtles into Japan by year and item between 1993 and 2018 (1/2)

		bodies	bone pieces	bones	carapaces	carvings	derivatives	ivory pieces	jewellery	leather items leather products	live	scales	shells	skins	specimens
1993	Imp.	-	-	-	-	1	-	-	-	-	-	-	-	-	-
	Exp.	-	-	-	-	-	-	-	-	2	-	-	-	-	-
1994	Imp.	-	-	-	-	1	-	-	-	-	-	-	-	-	360
	Exp.	-	-	-	-	-	-	-	-	1	-	-	-	-	-
1995	Imp.	-	-	-	49	61	-	-	-	-	2	-	-	1	199
	Exp.	-	-	-	300	51	-	-	-	-	2	-	-	-	200
1996	Imp.	-	-	-	460	37	-	-	-	1	-	-	-	-	-
	Exp.	-	-	-	-	2	-	-	-	-	-	-	-	-	525 1kg
1997	Imp.	-	-	-	133g	2	-	-	-	-	5	-	-	-	54 9596g 210ml
	Exp.	-	-	-	-	2	-	-	-	2	5	241	-	-	92 35flasks
1998	Imp.	1	-	-	-	-	-	-	-	-	-	200g	-	-	62
	Exp.	-	-	-	-	2	-	-	-	-	-	8	-	-	60
1999	Imp.	-	-	-	-	2	-	-	-	-	-	-	-	-	165 0.009kg
	Exp.	-	-	-	-	2	-	1	-	-	-	-	-	-	165 9g
2000	Imp.	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Exp.	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2001	Imp.	-	-	-	-	2	-	-	-	-	-	-	-	-	150ml
	Exp.	-	-	-	-	1	-	-	-	1	-	-	-	-	1.5
2002	Imp.	-	-	-	1	6	-	-	-	-	3	-	-	-	-
	Exp.	-	-	-	1	4	-	-	-	-	3	-	-	-	-
2003	Imp.	-	-	-	-	3	-	-	-	-	-	-	-	-	-
	Exp.	-	-	-	-	31	-	-	-	-	-	-	-	-	-
2004	Imp.	-	-	-	-	117	-	-	-	1	-	-	-	-	-
	Exp.	-	-	-	2	28 3.6kg	-	-	-	1	-	-	-	-	-
2005	Imp.	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Exp.	-	-	-	-	-	1	-	-	-	-	-	-	-	-
2006	Imp.	-	-	-	-	7	-	-	-	-	-	-	-	-	-
	Exp.	-	-	-	3	2	-	-	-	-	-	-	-	-	-

Annex 1: Import of hawksbill turtles into Japan by year and item between 1993 and 2018 (2/2)

		bodies	bone pieces	bones	carapaces	carvings	derivatives	ivory pieces	jewellery	leather items leather products	live	scales	shells	skins	specimens
2007	Imp.	-	-	-	-	9	-	-	-	-	-	-	-	-	-
	Exp.	-	1	1	11	-	-	-	-	-	-	-	-	-	-
2008	Imp.	-	-	-	-	5	-	-	-	-	-	-	-	-	-
	Exp.	-	-	-	-	4	-	-	-	-	-	-	1	-	2
2009	Imp.	-	-	-	-	1	-	-	-	-	-	-	-	-	-
	Exp.	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2010	Imp.	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Exp.	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2011	Imp.	-	-	-	-	4	-	-	-	-	-	-	-	-	-
	Exp.	-	-	-	-	4	-	-	-	-	-	-	-	-	-
2012	Imp.	-	-	-	-	4	-	-	-	-	-	-	-	-	-
	Exp.	-	-	-	-	5	-	-	-	-	-	-	-	-	-
2013	Imp.	-	-	-	-	4	-	-	-	-	-	-	-	-	-
	Exp.	-	-	-	-	5	-	-	-	-	-	-	2	-	-
2014	Imp.	-	-	-	-	1.5	-	-	-	-	-	-	-	-	-
	Exp.	-	-	-	-	0.5	-	-	-	-	-	-	-	-	-
2015	Imp.	-	-	-	-	7	-	-	-	-	-	3	-	-	-
	Exp.	-	-	-	-	2 0.077kg	-	-	-	-	-	-	1	-	-
2016	Imp.	-	-	-	-	118	-	-	-	-	-	-	-	-	-
	Exp.	-	-	-	-	80.34	-	-	-	-	-	-	-	-	-
2017	Imp.	-	-	-	-	8	-	-	-	-	-	-	-	-	-
	Exp.	-	-	-	-	1	1	-	-	-	-	-	-	-	-
2018	Imp.	-	-	-	-	1.5	-	-	1	-	-	-	-	-	-
	Exp.	-	-	-	-	1.5	-	-	1	-	-	-	-	-	-

1993-2018 合計	Imp.	1	0	0	510 133g	402	0	0	1	2	10	3 200g	0	1	840 0.9605kg 360ml
	Exp.	0	1	1	317	228.34 3.677kg	2	1	1	7	10	249	4	0	1045.5 1kg 35flasks

* The hawksbill turtle (*Eretmochelys imbricata*) imported by Japan was searched in CITES TRADE DATABASE (<https://trade.cites.org/>). The data were downloaded in the form of the "comparative tabulation reports" and arranged by year and item.

* The items related to tortoiseshell were identified, which include "carapaces", "scales", "shell", "carving" (probably include various worked tortoiseshell), "bodies" (mean stuffed turtles), "bones" and "bone pieces". On the other hand, such items like "chips", "claws", "pieces", "plates" and "scraps" were not found.

* The figures without specific unit were regarded as showing the number (piece(s)).

* "Imp." means the data reported by the country of import: Japan while "Exp." means ones reported by the countries of export.

Annex 2: Export of hawksbill turtles from Japan by year and item between 1993 and 2018 (1/2)

		bodies	carapaces	carvings	derivatives	eggs(Live)	jewellery	leather items leather products	live	scales	shells
1993	Imp.	1	-	5	-	-	-	-	-	-	-
	Exp.	-	-	-	-	-	-	-	-	-	-
1994	Imp.	-	-	8	-	-	-	-	-	-	-
	Exp.	-	-	1	-	-	-	-	-	-	-
1995	Imp.	-	-	-	-	-	-	-	-	-	-
	Exp.	-	-	61	-	-	-	-	-	-	-
1996	Imp.	-	-	1	-	-	-	-	-	-	-
	Exp.	-	-	-	-	-	-	-	-	-	-
1997	Imp.	-	-	1	-	-	-	-	-	-	-
	Exp.	-	-	-	-	-	-	-	-	-	-
1998	Imp.	-	-	-	-	-	-	-	-	4	-
	Exp.	4	-	2	-	-	-	-	-	-	-
1999	Imp.	-	-	-	-	-	-	-	-	5	-
	Exp.	-	-	1	-	-	-	2	1	-	-
2000	Imp.	-	-	1	-	-	-	-	-	-	-
	Exp.	-	-	-	-	-	-	-	-	-	-
2001	Imp.	-	-	-	-	-	-	-	-	-	-
	Exp.	-	-	-	-	-	-	-	-	-	-
2002	Imp.	-	-	-	-	-	-	-	-	-	-
	Exp.	-	-	1	-	-	-	-	-	-	-
2003	Imp.	-	-	3	-	-	-	-	-	-	-
	Exp.	-	-	7	-	-	-	-	-	-	-
2004	Imp.	1	-	2	-	-	-	-	-	-	-
	Exp.	-	-	3	-	-	-	-	-	-	-
2005	Imp.	-	-	117	1	-	-	-	-	-	-
	Exp.	-	-	12 4sets	-	-	-	-	-	-	-
2006	Imp.	-	3	1	-	-	-	-	-	-	-
	Exp.	-	-	4	-	-	-	-	-	-	-

Annex 2: Export of hawksbill turtles from Japan by year and item between 1993 and 2018 (2/2)

		bodies	carapaces	carvings	derivatives	eggs(Live)	jewellery	leather items leather products	live	scales	shells
2007	Imp.	–	–	2	–	–	–	–	–	–	–
	Exp.	–	–	9	–	–	–	–	–	–	–
2008	Imp.	–	–	–	–	–	–	–	–	–	–
	Exp.	–	–	5	–	–	–	–	–	–	–
2009	Imp.	–	1	4	–	–	–	–	–	–	–
	Exp.	–	–	2	–	–	–	–	–	–	–
2010	Imp.	–	–	–	–	–	–	–	15	–	–
	Exp.	–	–	–	–	–	–	–	15	–	–
2011	Imp.	–	–	–	–	20	–	–	–	–	–
	Exp.	–	–	–	–	–	–	–	–	–	–
2012	Imp.	–	–	1	–	20	–	–	–	–	–
	Exp.	–	–	1	–	–	–	–	–	–	–
2013	Imp.	–	–	6	–	–	–	–	–	–	2
	Exp.	–	–	7	–	–	–	–	–	–	–
2014	Imp.	–	–	–	–	–	–	–	–	–	2
	Exp.	–	–	1	–	–	–	–	–	–	–
2015	Imp.	–	–	–	–	–	–	1	–	–	1
	Exp.	–	–	9.5	–	–	–	–	–	–	–
2016	Imp.	–	–	86.01	–	–	–	–	–	–	–
	Exp.	–	–	85.98	–	–	–	–	–	–	–
2017	Imp.	–	–	1	1	–	–	–	–	–	–
	Exp.	–	–	51.5	–	–	44	–	–	–	–
2018	Imp.	–	–	0.5	–	–	1	–	–	–	–
	Exp.	–	–	9.5	–	–	–	–	–	–	–
1993~ 2018	Imp.	2	4	239.51	2	40	1	1	15	9	5
	Exp.	4	–	277.48 4sets	–	–	44	2	16	–	–

* The hawksbill turtle (*Eretomochelys imbricata*) exported by Japan was searched in CITES TRADE DATABASE (<https://trade.cites.org/>). The data were downloaded in the form of the "comparative tabulation reports" and arranged by year and item.

* The items related to tortoiseshell were identified, which include "carapaces", "scales", "shell", "carving" (probably include various worked tortoiseshell) and "bodies" (mean stuffed turtles). On the other hand, such items like, "bones", "bone pieces", "chips", "claws", "pieces", "plates" and "scraps" were not found.

* The figures without specific unit were regarded as showing the number (piece(s)).

while "Exp." means ones reported by the country of export: Japan.

Annex 3: The import suspension on hawksbill tortoiseshell (1/2)

Year	Number of import suspension	Date of import suspension	Form	Country of export	Amount	Weight (Estimated weight) (kg)	Mode of transportation	Disposal of the shipment suspended from import
1998	12	04/03/1998	Tortoiseshell	Indonesia	92(piece)	9.72	Mail	Voluntary ownership waiver
		10/04/1998	Bekko	Singapore	1(item)	(1.06)	Baggage, Air	Crackdown
		10/04/1998	Bekko	Singapore	1(item)	(1.06)	Baggage, Air	Crackdown
		10/04/1998	Bekko	Singapore	1(item)	(1.06)	Baggage, Air	Crackdown
		10/04/1998	Bekko	Singapore	1(item)	(1.06)	Baggage, Air	Crackdown
		10/04/1998	Bekko	Singapore	1(item)	(1.06)	Baggage, Air	Crackdown
		10/04/1998	Bekko	Singapore	1(item)	(1.06)	Baggage, Air	Crackdown
		10/04/1998	Bekko	Singapore	1(item)	(1.06)	Baggage, Air	Crackdown
		01/05/1998	Tortoiseshell	Sri Lanka	29(piece)	(1.653)	Mail	Return shipment
		05/06/1998	Tortoiseshell	Indonesia	26(number)	(1.482)	Mail	Return shipment
1999	3	07/09/1998	Bekko	Singapore	1(bunch)	65.71	Baggage, Air	Crackdown
		07/09/1998	Bekko	Singapore	15(bunch)		Baggage, Air	Crackdown
		22/12/1999	Tortoiseshell	Dominica	20(kg)		Mail	Return shipment
2000	9	22/12/1999	Tortoiseshell	Dominica	10(kg)		Mail	Return shipment
		22/12/1999	Tortoiseshell	Dominica	10(kg)		Mail	Return shipment
		13/06/2000	Tortoiseshell	New Zealand	1(number)	(1.06)	Baggage, Sea	Voluntary ownership waiver
		14/06/2000	Tortoiseshell	Indonesia	1(number)	(1.06)	Mail	Voluntary ownership waiver
		21/01/2000	Tortoiseshell	Singapore	8,000(g)		Mail	Return shipment
		21/01/2000	Tortoiseshell	Singapore	8,000(g)		Mail	Return shipment
		21/01/2000	Tortoiseshell	Singapore	8,000(g)		Mail	Return shipment
		21/01/2000	Tortoiseshell	Singapore	8,000(g)		Mail	Return shipment
		28/02/2000	Tortoiseshell	Singapore	7,000(g)		Mail	Return shipment
		28/02/2000	Tortoiseshell	Singapore	7,000(g)		Mail	Return shipment
2001	0							
2002	1	25/05/2002	Tortoiseshell	Dominican Republic	26,464(g)		Mail	Crackdown
2003	5	28/01/2003	Tortoiseshell	Indonesia	87,849.7(g)		Commercial cargo, Sea	Crackdown
		05/12/2003	Shell plate	Singapore	8.7(kg)		Mail	Voluntary ownership waiver
		05/12/2003	Shell plate	Singapore	8.7(kg)		Mail	Voluntary ownership waiver
		05/12/2003	Shell plate	Singapore	8.6(kg)		Mail	Voluntary ownership waiver
		25/12/2003	Shell plate	Singapore	8.02(kg)		Mail	Voluntary ownership waiver
2004	7	06/03/2004	Shell plate	Singapore	11.94(kg)		Mail	Return shipment
		06/03/2004	Shell plate	Singapore	10.5(kg)		Mail	Return shipment
		08/04/2004	Tortoiseshell	Singapore	1(number)	(1.06)	Mail	Return shipment
		08/04/2004	Tortoiseshell	Singapore	1(number)	(1.06)	Mail	Return shipment
		08/04/2004	Tortoiseshell	Singapore	1(number)	(1.06)	Mail	Return shipment
		12/04/2004	Tortoiseshell	Singapore	1(number)	(1.06)	Mail	Return shipment
		15/08/2004	Tortoiseshell	Unknown	2(number)	(2.12)	Commercial cargo, Sea	Return shipment
2005	0							
2006	2	22/02/2006	Tortoiseshell	Singapore	9.3(kg)		Mail	Voluntary ownership waiver
		10/04/2006	Tortoiseshell	Singapore	10(kg)		Mail	Voluntary ownership waiver
2007	0							
2008	0							
2009	4	18/03/2009	Tortoiseshell	Singapore	1(number)	(1.06)	Mail	Return shipment
		31/03/2009	Tortoiseshell	Singapore	1,050(g)		Mail	Return shipment
		31/03/2009	Tortoiseshell	Singapore	970(g)		Mail	Return shipment
		18/11/2009	Tortoiseshell	China	35(number)	(1.995)	Mail	Voluntary ownership waiver

* There is no description on species identification like "hawksbill turtle" in the import suspension records. However, given the trend of domestic demand in Japan, items related to sea turtle's tortoiseshell can be regarded as hawksbill's one.

*The weight of the tortoiseshell regarding the import suspension on 04/03/1998 was 9.72kg. While the offender returned from Singapore to Japan, the mail was sent from Indonesia as an unaccompanied article. The offender abandoned ownership of the mail containing tortoiseshell, and was required to pay a corresponding fine by the Customs ("Notified disposition") ("Infraction Case Record" (Ministry of Finance)).

*The weight of the tortoiseshell regarding the 2 import suspensions on 07/09/1998 was 65.71kg in total.

* Estimation of weight on the import suspensions which recorded only number of the items instead of weight: The numbers shown in those cases are one, two or some figure not less than 26. For the suspensions with one or two items, a whole carapace was assumed, and a unit weight of 1.06 kg was used (Milliken and Tokunaga, 1987); for the suspension with not less than 26 items, separated scutes or tortoiseshell plates were assumed, and a unit weight of 0.057 kg was used, which was calculated using a known seizure record (1,550 pieces of scutes weighing 88 kg seized in a shipment from Indonesia in 2003) (press release dated May 23rd, 2003, by Osaka Customs and Osaka Prefectural Police Osaka Suijo Police Station).

Annex 3: The import suspension on hawksbill tortoiseshell (2/2)

Year	Number of import suspension	Date of import suspension	Form	Country of export	Amount	Weight (Estimated weight) (kg)	Mode of transportation	Disposal of the shipment suspended from import
2010	0							
2011	0							
2012	1	11/07/2012	Tortoiseshell	Singapore	10(kg)		Mail	Return shipment
2013	2	13/04/2013	Tortoiseshell	China	90(number)	5.13	Baggage, Air	Voluntary ownership waiver
		02/05/2013	Tortoiseshell	Singapore	51(number)	2.907	Mail	Return shipment
2014	0							
2015	5	27/03/2015	Tortoiseshell	Singapore	10.1(kg)		Mail	Return shipment
		02/06/2015	Tortoiseshell	Dominican Republic	10.2(kg)		Mail	Return shipment
		21/08/2015	Tortoiseshell	Dominican Republic	4.7(kg)		Mail	Return shipment
		31/08/2015	Tortoiseshell	Dominican Republic	4.9(kg)		Mail	Return shipment
		28/10/2015	Tortoiseshell	Dominican Republic	10(kg)		Mail	Return shipment
2016	8	02/02/2016	Tortoiseshell	Dominican Republic	8.24(kg)		Mail	Return shipment
		09/02/2016	Tortoiseshell	Dominican Republic	8.16(kg)		Mail	Return shipment
		20/07/2016	Tortoiseshell	Dominican Republic	9.8(kg)		Mail	Return shipment
		21/09/2016	Tortoiseshell	Dominican Republic	5.4(kg)		Mail	Return shipment
		21/09/2016	Tortoiseshell	Dominican Republic	5.3(kg)		Mail	Return shipment
		16/11/2016	Tortoiseshell	Dominican Republic	9.8(kg)		Mail	Return shipment
		2016/12/12	Tortoiseshell	Dominican Republic	5.4(kg)		Mail	Return shipment
		15/12/2016	Tortoiseshell	Dominican Republic	6.4(kg)		Mail	Return shipment
		22/03/2017	Tortoiseshell	Dominican Republic	5.3(kg)		Mail	Return shipment
2017	11	27/03/2017	Tortoiseshell	Dominican Republic	15.6(kg)		Mail	Return shipment
		02/05/2017	Tortoiseshell	Dominican Republic	9.8(kg)		Mail	Return shipment
		02/05/2017	Tortoiseshell	Dominican Republic	9.9(kg)		Mail	Return shipment
		30/08/2017	Tortoiseshell	Dominican Republic	34(number)	1.938	Mail	Return shipment
		12/10/2017	Tortoiseshell	Dominican Republic	32(number)	1.824	Mail	Return shipment
		12/10/2017	Tortoiseshell	Dominican Republic	6.5(kg)		Mail	Return shipment
		02/11/2017	Tortoiseshell	Dominican Republic	6.8(kg)		Mail	Return shipment
		02/11/2017	Tortoiseshell	Dominican Republic	6.5(kg)		Mail	Return shipment
		18/12/2017	Tortoiseshell	Dominican Republic	6.3(kg)		Mail	Return shipment
2018	8	18/12/2017	Tortoiseshell	Dominican Republic	6.3(kg)		Mail	Return shipment
		07/03/2018	Tortoiseshell	Dominican Republic	6.4(kg)		Mail	Return shipment
		22/05/2018	Tortoiseshell	Dominican Republic	6.5(kg)		Mail	Return shipment
		31/08/2018	Tortoiseshell	Dominican Republic	6.2(kg)		Mail	Return shipment
		31/08/2018	Tortoiseshell	Dominican Republic	4.9(kg)		Mail	Return shipment
		02/10/2018	Tortoiseshell	Haiti	3.5(kg)		Mail	Return shipment
		15/10/2018	Tortoiseshell	Dominican Republic	9.9(kg)		Mail	Return shipment
2019	8	18/10/2018	Tortoiseshell	Dominican Republic	9.9(kg)		Mail	Return shipment
		06/11/2018	Tortoiseshell	Haiti	12(kg)		Mail	Return shipment
		07/01/2019	Tortoiseshell	Haiti	4.9(kg)		Mail	Return shipment
		05/02/2019	Tortoiseshell	Haiti	7.6(kg)		Mail	Return shipment
		05/02/2019	Tortoiseshell	Haiti	8.58(kg)		Mail	Return shipment
		06/02/2019	Tortoiseshell	Haiti	12.84(kg)		Mail	Return shipment
		13/02/2019	Tortoiseshell	Haiti	2.6(kg)		Mail	Return shipment
		22/04/2019	Shell plate	Haiti	4.1(kg)		Mail	Return shipment
		14/06/2019	Cut piece	Haiti	6.4(kg)		Mail	Return shipment
		09/2019	Tortoiseshell	Haiti	6,860.5(g)		Mail	Crackdown

*Additional information: The number of import suspensions on tortoiseshell between 1994 (The CITES reservations on hawksbills were withdrawn on July 29 of this year) and 1997 were as follows.

1994: 15, 1995: 10, 1996: 7, 1997: 12 (Written answer to Sakamoto M. on March 24, 2000 by the Inspection Division, Customs Bureau, Ministry of Finance).

Source: "Import Suspension Record" on CITES-related goods (Ministry of Finance). Refer to the Japan Customs website for the data of recent years.:

<https://www.customs.go.jp/mizuguiwa/washington/washington.htm>

Some of those data, however, were partially changed based on the "Infraction Case Record" (Ministry of Finance) and the memo by the author on the court hearings concerned.

Annex 4: The illegal import cases of tortoiseshell criminally charged as violating the Customs Law (at the time of June 10, 2021) (1/4)

No.	Year of charge	Year of import suspension	Weight	Country of Export	Air/ Sea	Mode of transportation	Modus Operandi	Involvement of the dealers who notified business to the authorities / their relatives	Suspects	Summary of the case	Connection between the case and Japan's domestic bekko market / industry, and organized / deliberate nature of the case	Source
1	1994	1994	24kg	Dominican Republic	Air	Baggage	Hidden in the baggage	Yes	<ul style="list-style-type: none"> 1A: Officer of a <i>bekko</i> craft sales company (Nagasaki City) 1B: Officer of a <i>bekko</i> manufacturing company (Nagasaki City); He is the representative of a <i>bekko</i> dealer (Nagasaki City) notified its business to GoJ (at the end of December 2020) 	<p>The suspects bought 800 pieces of tortoiseshell (<i>tsume-ko</i> or <i>small plates to make the circumference of the whole carapace</i>) weighing 24kg (worth US\$ 27,000*) in the Dominican Republic, hiding it in a gunnysack inside of a suitcase, and attempted to bring it to Narita Airport via Madrid by air on 19 Jan. 1994.</p> <p>*Based on the exchange rate at the time of the crime: about 0.0090 yen</p>	<ul style="list-style-type: none"> According to Japan <i>Bekko</i> Association (JBA), 1A had, for the past 20 years (from 1974 or so), procured tortoiseshell using his own supply chain in Indonesia and Caribbean region, and brought it to Japan as passenger's luggage, and sold it to <i>bekko</i> artisans in Nagasaki City. JBA suspected that 1A thought he could gain good profit margins because there were huge discrepancy between the tortoiseshell price in Japan versus in the source countries, where trade in shell had collapsed due to the international trade ban. 	<ul style="list-style-type: none"> NHK News dated on 07/02/1994: "Smuggling hawksbill tortoiseshell; 2 <i>bekko</i> dealers in Nagasaki arrested; Tokyo Customs Narita Branch" Mainichi Shimbun article dated on 08/02/1994: "Smuggling hawksbill turtles prohibited by CITES; 2 suspects sent to prosecutor; Narita" Asahi Shimbun article dated on 25/02/1994: "Hawksbill smuggling embarrassed the <i>bekko</i> industry in Nagasaki"
2	1994	1994	587kg	Dominican Republic	Air	Commercial cargo	Hidden in the cargo		<p>2A: Importer and seller of jewelry and accessories (Kashiwara City, Osaka)</p> <p>*Based on the exchange rate at the time of crime: about 0.0097 yen</p>	<p>2A bought 587kg of tortoiseshell worth US\$ 7.76 million at a jewelry company in Santo Domingo, Dominican Republic, hiding it in amongst 43 cardboard boxes containing cow horns and hooves to be processed into button, and sent them disguised as "cow horns and hooves" to Osaka Itami Airport by air cargo on 2 Mar. 1994.</p>	<p>2A told the enforcement authorities that he thought he could sell the tortoiseshell to <i>bekko</i> industry for a good price for sure because it cannot be imported legally anymore.</p>	<ul style="list-style-type: none"> NHK news dated on 21/06/1994: "Smuggling bunch of tortoiseshell; Osaka trading company charged; Osaka Customs" Sankei Shimbun article dated on 22/06/1994: "Osaka Customs charged a dealer for smuggling 500 hawksbill worth 80 million yen" Asahi Shimbun article dated on 22/06/1994: "Tortoiseshell of 500 hawksbill turtles; Osaka dealer suspected for shipping by air from Central and South America" Yomiuri Shimbun article dated on 22/06/1994: "Tortoiseshell of 500 hawksbill turtles; a dealer charged; Osaka Customs Itami Airport Branch"
3	1996	1996	115.3kg	Singapore	Air	Baggage	Hidden in the baggage	Yes	<ul style="list-style-type: none"> 3/6/7A: <i>Bekko</i> wholesaler (Nagasaki City) ; He is the representative of 2 <i>bekko</i> dealers (both in Nishi-sonogi-gun, Nagasaki) notified its business to GoJ (at the end of December 2020) 3/7B: Importer and seller of traditional medicines (Nagasaki City) 3/7C: Bar manager (Hidaka City, Saitama) 	<p>3/7C who was entrusted by 3/7B who had been also commissioned by 3/6/7A to hide 115.3kg of tortoiseshell worth US\$131,600 in amongst 5 suitcases, and attempted to bring them by 6 people in total, including his and his friend's family members from Singapore to Narita Airport on 21 Mar. 1996.</p> <p>* Based on the exchange rate at the time of crime: about 0.0094 yen</p>	<p>3/7C had visited Singapore 13 times within a few years, and he admitted that he brought tortoiseshell into Japan in the past as well.</p> <p>*See also case No.7</p>	<ul style="list-style-type: none"> Sankei Shimbun article dated on 14/04/1996: "115kg of tortoiseshell seized; the record high amount as for Narita Airport" Chugoku Shimbun article dated on 14/04/1996: "100kg of tortoiseshell seized; highest ever weight for Narita" Mainichi Shimbun article dated on 14/04/1996: "Smuggling 115kg of hawksbill tortoiseshell; a bar manager arrested; Narita"

Annex 4: The illegal import cases of tortoiseshell criminally charged as violating the Customs Law (at the time of June 10, 2021) (2/4)

No.	Year of charge	Year of import suspension	Weight	Country of Export	Air/ Sea	Mode of transportation	Modus Operandi	Involvement of the dealers who notified business to the authorities / their relatives	Suspects	Summary of the case	Connection between the case and Japan's domestic bekko market / industry, and organized / deliberate nature of the case	Source
4	1997	1995	3083.05kg	Indonesia	Sea	Commercial cargo	Hide in the cargo	Yes	<p>•4A: Trading company (Osaka City); He is the bekko dealer (Chuo-ku, Osaka City) notified its business to GoJ (at the end of December 2020)</p> <p>•4B: Representative of 4A (at the time of the conduct and the end of December 2020)</p>	Someone in Indonesia commissioned by 4A hiding amongst 70 cardboard boxes containing 3083.05kg of tortoiseshell in a container and attempted to send them disguised as palm shell from Indonesia to Osaka Port by sea cargo on August 1995.	4B told the enforcement authorities that he thought tortoiseshell must be a profitable item now because the raw material for <i>bekko</i> crafts is scarce and that the industry will buy it for a good price because the price has been rising.	<p>• Asahi Shimbun article dated on 11/03/1997: "2.7 tons of tortoiseshell seized hit the record high; the suspect charged; Osaka"</p> <p>• Yomiuri Shimbun article dated on 11/03/1997: "2.7 tons of hawksbill shell smuggled, raw material for <i>bekko</i>, maximum in the past; Osaka Customs"</p> <p>• Mainichi Shimbun article dated on 11/03/1997: "Smuggling 2.7 tons of <i>bekko</i>; the suspected company manager charged; Osaka Customs"</p> <p>• Chugoku Shimbun article dated on 12/03/1997: "Smuggled tortoiseshell hit the record high of 2.7 tons; a trading company charged"</p>
5	1997	1997	31.45kg	Singapore	Air	Baggage	Hide in the baggage	Yes	<p>5/8A: Unemployed (Amagasaki City, Hyogo); member of the Japanese mafia</p>	<p>5/8A hid 31.45kg of tortoiseshell worth US\$ 25,200 in an oversized suitcase (66cm length, 30cm width and 80cm height) and attempted to bring it from Singapore to Kansai Airport on 25 Aug. 1997.</p> <p>* Based on the exchange rate at the time of crime: about 0.0084 yen</p>	<p>• 5/8A told the enforcement authorities that his relative engaged in producing <i>bekko</i> crafts and would appreciate it if he gives tortoiseshell to him.</p> <p>• The second son of 5/8A is the representative of the <i>bekko</i> dealer "X" (Nishi-ku, Osaka City) notified its business to GoJ (at the end of December 2020).</p>	<p>• Mainichi Shimbun article dated on 13/09/1997: "31kg of <i>bekko</i> seized at Kansai International Airport; a man arrested on suspicion of smuggling"</p> <p>• Asahi Shimbun article dated on 13/09/1997: "A man in Hyogo charged; Kansai International Airport, Osaka"</p> <p>• A memo by Sakamoto M. on the court hearings at Chiba District Court regarding a case on violating Customs Law (2002, WA, No. 2011)</p>
6	1998	1998	119.61kg	Singapore	Air	Baggage	Hide in the baggage	Yes	<p>•3/6/7A</p> <p>•6B: Trader with Singaporean nationality</p> <p>•6C: Person with Japanese nationality</p> <p>•6D: Person with Singaporean nationality</p>	<p>3/6/7A, 6B, 6C and 6D hid 119.61kg of tortoiseshell worth US\$ 48,750 in amongst 7 luggage and attempted to bring them from Singapore to Narita Airport on 10 Apr. 1998.</p> <p>* Based on the exchange rate at the time of crime: about 0.0075 yen</p>	See also case No.7.	<p>•Okinawa Times article dated on 06/06/1998: "Seizure of hawksbill shell at Narita"</p> <p>• Chunichi Shimbun article dated on 22/10/1998: "Mastermind of hawksbill smuggling arrested; Nagoya Airport Police Station; Paid to couriers"</p>

Annex 4: The illegal import cases of tortoiseshell criminally charged as violating the Customs Law (at the time of June 10, 2021) (3/4)

No.	Year of charge	Year of import suspension	Weight	Country of Export	Air/ Sea	Mode of transportation	Modus Operandi	Involvement of the dealers who notified business to the authorities / their relatives	Suspects	Summary of the case	Connection between the case and Japan's domestic bekko market / industry, and organized / deliberate nature of the case	Source
7	1998	1998	65.71kg	Singapore	Air	Baggage	Hidden in the baggage	Yes	<ul style="list-style-type: none"> • 3/6/7A • 3/7B • 3/7C • 7D: Company employee (Kanazawa City, Ishikawa) • 7E: Wife of 3/7C • 7F: Wife of 7D 	<p>3/7B commissioned by 3/6/7A, and 3/7C, 7D, 7E and 7F, who were entrusted by 3&7B (5 persons in total) bought a total of 65.71kg of tortoiseshell (1,440 pieces) worth US\$1.37 million in Singapore; then divided it up into 15 to 18 kg packaged in plastic bags; and hid some 48kg of them in the luggage of 3/7C, 7E and 7F, and some 18kg in the luggage of 7D, and attempted to bring them to Nagoya Airport on 7 Sep. 1998.</p> <p>* Based on the exchange rate at the time of crime: about 0.0073 yen</p>	<ul style="list-style-type: none"> • This criminal group had successfully imported 690kg of tortoiseshell, worth US\$ 168 million in total from Brazil, Panama and Singapore on 15 occasions since it started smuggling in December 1995. • 3/ 6/7A had bought 186kg of tortoiseshell in Singapore around March 1998, and planned to break it up for sending it to Nagoya Airport on 4 occasions. The criminal group succeeded in importing 120kg on three occasions from the end of May to August, but they were finally cracked down on the fourth occasion. 	<ul style="list-style-type: none"> • Sankei Shimbun news article dated on 29/09/1998: "66kg of hawksbill tortoiseshell seized; suspects arrested for suspicion of smuggling; Aichi Prefectural Police" • Chunichi Shimbun news article dated on 29/09/1998: "Smuggling 110 hawksbill turtles worth 10 million yen; 66kg seized: the third highest ever; Nagoya Airport Police" • Asahi Shimbun news article dated on 29/09/1998: "Smuggling 66kg of <i>bekko</i>; 3 suspects arrested by Aichi Prefectural Police; Nagoya" • Yomiuri Shimbun news article dated on 29/09/1998: "Three suspects arrested for smuggling hawksbill shell by Aichi Prefectural Police; high price due to CITES ban" • Chunichi Shimbun article dated on 22/10/1998: "Mastermind of hawksbill smuggling arrested; Nagoya Airport Police Station; Paid to couriers"
8	2002	2002	26.464kg	Dominican Republic	Air	Mail	Hidden in the mail	Yes	<ul style="list-style-type: none"> • 5/8A • 8B: Unemployed (Yao City, Osaka); member of Japanese mafia • 8C: Unemployed (Shimizu City, Shizuoka) • 8D: Driver (Yaizu City, Shizuoka) 	<p>Someone in the Dominican Republic commissioned by 5/8A divided 26.464kg of tortoiseshell worth US\$27,300 into plastic bags of 9 to 10kg, and hid them in amongst 3 cardboard boxes, prepared an invoice disguising the shipments as dried intestines of fish, and send them to 3 persons in Japan via the Express Mail Service (EMS), who were arranged by 8B commissioned by 5/8A to borrow their names in place of the true importer. The EMS arrived at the Tokyo Overseas Mail Sub-branch of Tokyo Customs on 25 May 2002.</p> <p>* Based on the exchange rate at the time of crime: about 0.0081 yen</p>	<ul style="list-style-type: none"> • 5/8A is the father of X (see Case No.5). • 5/8A had continued importing tortoiseshell illegally even after he was sentenced to imprisonment, suspended for some years in the case 5. In fact, he received at least 8 to 10 shipments from Dominican Republic just before he attempted to receive the 3 shipments containing tortoiseshell at this time. X sent money to 5&8A each time one of those 8 to 10 shipments arrived in Japan. • There was an unknown accomplice in Dominican Republic, who had exported tortoiseshell to Japan via EMS. 	<ul style="list-style-type: none"> • Asahi Shimbun article dated on 05/09/2002: "Hawksbill, <i>Bekko</i>, Suspect of instigating smuggling, A resident of Hyogo Prefecture arrested" • A memo by Sakamoto M. on the court hearings at Chiba District Court regarding a case on violating Customs Law (2002, WA, No. 2011)
9	2003	2003	87.8497kg	Indonesia	Sea	Commercial cargo	Hidden in the modified delivery equipment		9A: Trader (no fixed address)	<p>9A, at the opportunity that he imports marble tiles on behalf of a trading company from Jakarta, Indonesia to Osaka Port by ship, bought 1,550 pieces of tortoiseshell weighing 87.8497kg (worth US\$ 25,200) in Indonesia, hid them in a double-bottomed wooden box storing 10 crates containing marble tiles, and attempted to bring them in Osaka Port on 24 Jan. 2003.</p> <p>* Based on the exchange rate at the time of crime: about 0.0084 yen</p>	<ul style="list-style-type: none"> • 9A told at the trial that he had assumed to sell the smuggled tortoiseshell to X. 9A met the representative of X three years prior and knew that X had exhibited and sold bekko items in Osaka. 9A also heard from X that he had bought a lot of raw tortoiseshell in Indonesia before the CITES ban. 	<ul style="list-style-type: none"> • Yomiuri Shimbun news article dated on 24/05/2003: "Smuggling 88kg of tortoiseshell: the trader arrested: endangered hawksbill; Osaka" • A memo by Sakamoto M. on the court hearings at Osaka District Court regarding a case on violating Customs Law (2003, WA, No. 2964)

Annex 4: The illegal import cases of tortoiseshell criminally charged as violating the Customs Law (at the time of June 10, 2021) (4/4)

Annex 4: The illegal import cases of tortoiseshell criminally charged as violating the Customs Law (at the time of June 10, 2021) (4/4)												
No.	Year of charge	Year of import suspension	Weight	Country of Export	Air/ Sea	Mode of transportation	Modus Operandi	Involvement of the dealers who notified business to the authorities / their relatives	Suspects	Summary of the case	Connection between the case and Japan's domestic <i>bekko</i> market / industry, and organized / deliberate nature of the case	Source
10	2021	2019	6,860.5kg	Haiti	Air	Mail	Hid in the unaccompanied articles (mail)	Yes	<p>• 10A: <i>Bekko</i> manufacturer and wholesaler (Nerima-ku, Tokyo) ; His house name and address is recorded as the trading facility of <i>bekko</i> dealer (Nagasaki City) notified its business to GoJ (at the end of December 2020)</p> <p>• 10B: Unemployed (Nagasaki City); <i>bekko</i> broker and former representative of a trading company</p>	<p>10B who was commissioned by 10A visited Haiti, contacted the suppliers through a person employed there, bought 245 pieces of tortoiseshell weighing 6,860.5g, prepared an invoice, and sent them to Japan via EMS as "unaccompanied articles" with him when he returned to Japan. The EMS arrived at the Tokyo Overseas Mail Sub-branch of Tokyo Customs in September 2019.</p> <p>10B, when he returned to Tokyo by air in the same month, received the official stamp from the Tokyo Customs on his declaration form to confirm the unaccompanied articles. In the declaration form, 10B stated that the package did not contain anything regulated by CITES.</p> <p>10A received the form with the official stamp from 10B and mailed it to the customs office to bring the tortoiseshell into Japan.</p>	<p>• 10B has a 40 year-career of purchasing tortoiseshell. When he managed a trading company and imported tortoiseshell legally, he was allocated some tons of import quotas from GoJ.</p> <p>He was commissioned to import tortoiseshell by the <i>bekko</i> dealers who were belonged to 6 <i>bekko</i> business associations (out of the total 7 associations), which existed in Japan at that time. The annual amount of import by 10B was more than 500kg per one business association. Those associations and their members were dependent on 10B.</p> <p>• 10B has not lost influence in the <i>bekko</i> industry even after the international ban: most of dealers have listened to him without opposing.</p> <p>• 10B told at the trial that he had continued importing tortoiseshell illegally even after it had been banned; At times, he thought about stopping it, but in the end he had to respond to the trust of his long-time customers.</p> <p>• 10B had received 30,000 yen (about US\$270) a month as the consultant fee apart from the success fee. 10B had more clients other than 10A.</p> <p>• 10A had commissioned 10B even to resell the tortoiseshell to be smuggled into Japan successfully. 10A and 10B referred to the names of 2 <i>bekko</i> dealers at the trial, who bought smuggled tortoiseshell from 10A through 10B. Both of them notified their business to GoJ at the time of December 2020. One of them was X.</p> <p>• The document examined at the trial revealed that an additional <i>bekko</i> dealer, other than the above, admitted it had bought smuggled <i>bekko</i> from 10A.</p>	<p>• Asahi Shimbun article dated on 25/02/2021: "Suspicion of smuggling hawksbill tortoiseshell; <i>Bekko</i> dealers arrested"</p> <p>• A memo by Sakamoto M. on the court hearings at Tokyo District Court regarding a case on violating Customs Law (2021, WA, No. 407)</p>

*Source: The specifically quoted news articles and thememo on the court hearings concerned, and the "Infraction Case Record" (Ministry of Finance) of the years concerned and "Import Suspension Record" (Ministry of Finance) of the years concerned.

*Whether the suspects fall under the dealers notified their business based on LCES or the trading facility (or someone involved in it) of those dealers or not was judged referring to the "Registry of the business in connection with a designated internationally endangered species"(METI website).

*The incidents of which columns painted in the same color were perpetrated by the same criminal group.

*The incidents of which column of "No." framed by purple border show the case that the *bekko* dealer "X" (Nishi-ku, Osaka City) notified its business to GoJ (at the end of December 2020) or the representative of X, who is an executive member of Japan *Bekko* Association (JBA), were assumed as the user of the smuggled *bekko*.

Appendix 5

Methodology of the Survey on the Closing Bids at “Yahoo! Japan Auction”

The data collection on the final closing bids at Yahoo! Japan Auction was made by using the download service function provided by “Aucfan” which is a multidisciplinary Internet site that allows for researching price comparisons and market rates in Japan¹²⁰. Specific key words¹²¹ were selected so that nearly every single “hawksbill tortoiseshell and *bekko* products” would be covered, and then the data of closing bids were downloaded (hereinafter referred to as “downloaded data”).

First, sales of “stuffed hawksbill turtle” and “hawksbill tortoiseshell” including “whole shell” and “shell plate” were extracted from the downloaded data because whether those items are true and correct tortoiseshell items or not are able to be confirmed by examining details of the data individually thanks to the relatively small number of the bids concerned. However, it was not possible to apply the same method to other items to be included in “*bekko* products” due to the enormous number of downloaded data. Thus, it was decided to examine by keyword, filtering whether those items were made from hawksbill tortoiseshell. However, it proved to be very difficult to completely keep only true and correct “*bekko* products” avoiding certain non-*bekko* products from slipping into true and correct ones from dropping out of the dataset. In order to resolve that problem, two different methods on keyword-filtering for extracting true and correct “*bekko* products” were adopted

“A” method: Singles out the ‘Probably real products’; Prioritizing that nearly every single authentic *bekko* products will be covered (the risk for non-*bekko* products to slip in will be relatively high.)¹²²

“B” method: Singles out the ‘Probably fake’; Prioritizing that nearly every non-*bekko* products will be excluded (the risk for authentic *bekko* products to drop out will be relatively high.)¹²³

The actual number of true and correct “*bekko* products” won’t be far beyond the outcome of “A” method and not to be far below the one of “B” method.

The annual total number of bids and the US\$ amount of each closing bid of “stuffed hawksbill turtle”, “hawksbill tortoiseshell” including “whole shell” and “shell plate”, and “*bekko* products” were compiled.



A stuffed hawksbill turtle sold in Yahoo! Japan Auction



A hawks bill whole shell (in left) and a shell plate on a side of the carapace (in right), sold in Yahoo! Japan Auction

In terms of “*bekko* products”, each data extracted by method “A” and “B” was categorized in the following 5 types of products, and the annual number and amount of each category were compiled.

- ✧ Accessories: pendant, broach, *kanzashi* (traditional hairstyling accessories used by women), etc.



- ✧ Ornaments



- ✧ Eyeglass frames: simple frames and/or frames with lenses



- ✧ *Bachi* (a plectrum for Japanese musical instruments): *bachi* for *shamisen*: a Japanese string instruments (In most cases, the *bekko* is capped on the top of the *bachi* handle which is made of other materials.)



- ◇ Others: daily goods, musical instrument parts other than *bachi*, including pick for *Taisho-kin* (a Japanese string instrument), *Koma*: a “bridge” for *Tsugaru-shamisen*, etc.



Picks on sale in Yahoo! Japan Auction

The degree of monopolization by specific sellers in the whole “hawksbill tortoiseshell and *bekko* products” (in terms of “*bekko* products”, data extracted by “B” method was used¹²⁴) were evaluated.

Under LCES, domestic trade in stuffed turtle or whole shell is regulated by LCES; the compliance of this regulation was examined.

Under LCES, the business involved trade in raw shell plate is controlled through business notification system established by LCES; the compliance of the obligations set out by the system was examined.

Notes

¹²⁰ <https://aucfan.com/>

¹²¹ “*Bekko*” will be commonly written in Chinese character, Japanese syllabary characters or a mixture of them in the trade name of *bekko* products. So, all of them were arranged as the keywords.

¹²² The data include at least one of the following key words were excluded from the whole downloaded data (28,219 cases in 2018 and 18,822 cases in 2019)

- i) some goods that are obviously not *bekko* products(e.g. “carp”, “killifish”, “china” and “mineral”);
- ii) some *bekko*- inspired goods made of other materials than authentic *bekko* (e.g. “*bekko*-style”, “*bekko* design” and “*bekko* ?”);
- iii) new name-brand and mass-market eyeglasses (note: A new authentic *bekko* eyeglasses are commonly order-made and quite expensive.); and
- iv) a set of multiple goods of which the main goods is not made from tortoiseshell.

As the result, 15,029 data in 2018 and 14,493 data in 2019 remained.

¹²³ The downloaded data that include specific keywords suggesting authentic *bekko* items were extracted (e.g. “genuine *bekko*”, “natural *bekko*”, “with *bekko* attached”).

As the result, 9,481 in 2018 and 8,145 in 2019 were obtained.

¹²⁴ In this part, not an absolute value of the number or the amount but a proportion occupied by each seller’s ID number is subject to be considered. For this purpose, it should be necessary and sufficient to employ the dataset extracted by only the method “B” for excluding fake *bekko* products nearly completely.