

Statement concerning the case of illegal wildlife(orangutans,etc) trade

1. Preface

The illegal wildlife trade involving Umeda Wan Wan Land in Osaka has made a landmark case in the history of criminal investigation of illegal wildlife trade in this country, resulting in prosecution of all concerned.

The trial is pending now and we earnestly hope that all that are responsible will be punished with the maximum penalty.

On the other hand, this case has revealed that the systems of the government of Japan are not functioning regarding deterrence of illegal importation at the water's edge (the Customs), restriction of illegal trade within the country (Environment Agency), disposal of confiscated live animals/plants (Ministry of International Trade and Industry, Environment Agency).

This indicates that there exist serious problems for implementing CITES provisions.

We, the undersigned, submit recommendations to the competent authorities as per attached.

2. Regarding the provision of "Law for the Conservation of Endangered Species of Wild Fauna and Flora"("LCES") on ordering the return of confiscated live animals/plants to the country of origin not being applied to this case

It was of great concern whether this case would become the first case to which the provision on ordering the return of confiscated live animals to the country of origin under "LCES" has been applied, but it didn't.

Environment Agency claims, in answer to our questioning, that the guilty party has already volunteered to bear the cost of returning the confiscated live animals to the country of origin and it is deemed unnecessary to apply the provision to this case. But this claim does not hold.

The signification of the provision of ordering the return of confiscated

live animals/plants to the country of origin is not merely in order that the guilty party should be placed responsible for bearing the cost for the return of confiscated live animals/plants. The foremost implication of this provision is that the government concerned should be the one that is ultimately responsible for decision-making as to the disposal of confiscated live animals/plants and risk involved in doing so.

For example, should confiscated live animals spend the rest of their lives in a deteriorated care facility with no hope of being released to the wild as the result of improper selection of such a facility on the government side or die while in transit because of inappropriate handling, the government concerned would be held responsible for the outcome. This provision was enacted for the purpose of urging the government of importing country to become aware of its responsibility for enforcing CITES provisions in an effective manner and to willingly perform its duty.

The government of Japan has already transferred the legal ownership of the confiscated live animals to the government of Indonesia while they are still in Oji Zoo. Thus, the Indonesian consulate general, on behalf of the government of Indonesia, became the exporter and the government of Indonesia importer.

The only further involvement of the government of Japan is to issue a reexport permit and will not be responsible for anything else. It is hard not to come to a conclusion that the government did not apply the provision of "LCES" so as to be able to evade the responsibility.

That is also deemed to be the very reason why the provision on ordering the return confiscated live animals/plants has never been applied to any of past cases after "LCES" was enacted more than 6 years ago.

If we continue to let the executive body of the government deal with this issue in this manner, the provision on ordering the return of confiscated live animals/plants will prove nothing but a dead letter and this will give adverse effects on effective implementation of CITES provisions. We will keep urging the government of Japan/Environmental Agency to establish methods for enabling the provisions of "LCES" applicable in an appropriate manner.

3.Regarding the confiscated live animals that have been returned to the government of Indonesia

For the illegally imported animals that have been returned to the country of origin, we plan to monitor the way the animals are cared for in the rehabilitation facility. We are especially concerned about the way the designated facility for orangutans operates; while this facility has programs for releasing orangutans to the wild, the monitoring data after releasing them to the wild from the facility has not been made available. And there are other unknown factors that we would like to look into.

Also, we plan to coordinate our efforts with experts and work to improve programs for releasing illegally captured/traded/confiscated animals to the wild as well as being involved with the issue of conservation of habitat for wildlife in Indonesia.

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Recommendations

1. Measures for preventing illegal international trade on species listed under Appendices of CITES at the water ' s edge
 - Substantiate a system to identify each species
 - a. Compile manuals and other relevant materials, which are practical to use at the customs.
 - b. Prepare an effectual communication system with experts; especially set up database for information on identifying each species as well as an online system, which enables customs employees to ask for experts ' advice in a timely manner.
 - c. Station specially trained agents for identifying species listed under Appendices of CITES as well as enhancing the education on custom employees.
 - Intensify inspections on daily basis on incoming people and cargo from countries where many animals have been illegally brought in and increase the number of special inspection months.
 - Prepare provisions concerning confiscation of illegally imported live specimens, which vilolates Foreign Exchange Control Law
 - Inflict strict punishment against the violation of the Customs Law.
 - Regulate animal dealing business, of which dealers handle species under Appendices of CITES
 - a. Add provisions concerning animal dealers, including import dealers, in Law Concerning the Protection and Control of Animals (animal protection law)
(This regulation should include the obligation to notify the authority as to the kinds of species listed under Appendices of CITES that a dealer handles)
 - b. Relevant authorities including the customs, the National Police

Agency, Environment Agency, and Ministry of International Trade and Industry, will coordinate their efforts and collect, pigeonhole, and draw up a list of data on animal dealers, who handle animals listed under Appendices of CITES.

2. Measures for preventing illegal domestic trade on CITES listed species

- Include species listed under Appendix II of CITES to the provision on restriction of trade in LCES.
- Effectuate the system of regulatory officers for the conservation of species; especially, establish a system to collect information effectively on trade of species listed under Appendixes of CITES and stationing of regulatory officers at remote sites.

3. Regarding concrete ways of handling illegally traded live wild animals and plants

- Prepare an official action plan including 3 points listed below in accordance with recommendations of CITES Resolutions, Conf. 10.7 (Beginning in January 2000, imported monkeys will be subject to be quarantined. Live specimens that have been denied importation during this process should be included in this plan)
 - Prepare procedures for making a decision in a swift manner as to the ultimate disposal of confiscated live wild animals and plants, including application of return order (in accordance with CITES Resolutions, Conf.10.7, Annex 1-CITES Guidelines for the disposal of confiscated live Animals, and Annex 2-CITES Guidelines for the disposal of confiscated live plants)
 - Establish a system for providing appropriate care to confiscated live animals and plants while the decision is being made on the ultimate disposal method.
- a. Set up a network of available facilities including zoos and ensure the best reception setup possible.

- b. Make the aforementioned system applicable not only to cases when animals and plants are abandoned voluntarily at the custom but also to all cases when the authorities confiscate illegally traded live animals and plants listed under Appendices of CITES (when animals are voluntarily abandoned as the result of banning of importation at the quarantine, when the police confiscate them as the result of enforced investigations, etc)
- Examine the ways of supporting countries, which illegally traded live animals and plants inhabit, including monitoring methods of returned specimens (various methods including Official Governmental Assistance to such countries should also be examined).

The addressees of the statement and recommendations

Minister of International Trade and Industry
Director-General of Environment Agency
Minister of Finance
Director-General of National Police Agency
Chief of Osaka Police Headquarters
Chief Prosecutor of Osaka District Public Prosecutors Office
Minister of Agriculture, Forestry, and Fisheries
Minister of Foreign Affairs

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Indonesian Embassy in Tokyo
Indonesian Consulate General in Osaka