

# **Exotic Pets<sup>1</sup> and Japan**

In 2009 the JWCS formed its Committee on the Exotic Pet Industry. The committee produced a report intended to illustrate the background and to build a foundation for raising awareness of the problems caused by foreign wildlife imported to Japan for the pet industry. It also raised questions which should help to improve the relationship between humans and wildlife.

Here is a summary of the points raised concerning the current situation in Japan.

## **1. The situation regarding wildlife imported to Japan**

### **(1) Mammals**

#### **Problems with Exotic Mammal Pets**

**(by Ando, Motokazu)**

##### 1. The status of Alien mammals

The book “A Guide to the Mammals of Japan”<sup>2</sup> (Abe et.al. 2008) describes 133 species of land mammal including alien species, of which 25 are described as introduced and established species. Similarly in “Handbook of Alien Species in Japan”<sup>3</sup> (ESJ, 2002) lists (including feral animals) 29 alien mammals from abroad and 6 from other parts of Japan. Alien mammal species already make up 20% of the number of mammal species in Japan and are greatly affecting the ecology. An example is the Silver Fox (*Vulpes vulpes fulvus*), introduced for fur production in Hokkaido, which subsequently escaped and crossbred with the local sub-species Ezo Red Fox (*Vulpes vulpes schrencki*) producing mixed coloration animals. It is surprisingly difficult to determine the species of an alien specimen of unknown origin. For example: the hedgehogs found around Ito and Odawara cities, have been identified by some authors them as West European hedgehog (*Erinaceus europaeus*) while others label them Manchurian Hedgehog (*E. amurensis*). Without determining whether reproduction occurs in the wild, it is difficult to decide whether samples found in the wild are genuinely “established” or merely escapees. Ferrets have not been confirmed to reproduce in the wild in Japan but some references treat them as “established” species. Other species such as various Opossums, Crab-eating Macaques, Capybara and Skunk have also been observed.

The origins of these alien mammals are diverse:

1) escapes from the fur industry,

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<sup>1</sup> N.B. In this paper “exotic” is used to refer only to imported wildlife and does NOT include the anthropogenic breeds of domestic cats, dogs, etc.

<sup>2</sup> 日本の哺乳類 “Nihon no ho'nyuu-rui”, Abe et.al. 2008 Tokai University Press

<sup>3</sup> 外来種ハンドブック “Gairai-shu Handbook” Ecological Society of Japan, 2002

- 2) escapes from the food industry,
- 3) escapes from exhibitions, zoo, etc.,
- 4) escaped native and domesticated animals,
- 5) escaped imported pets,
- 6) animals released for hunting,
- 7) animals released for pest control.

Groups 1, 3, and 5 are the commonest.

Escapes from the fur industry mostly occurred around WW2, while those from zoos occurred in an era when regulations were still relatively lax. Escaped pets are a relatively new item starting in the 1980s.

## 2 The law on Import and Keeping of Alien Species

As of 2009, the keeping of exotics pets is subject to various laws regarding alien species, conservation of endangered species, disease control, dangerous animals and animal welfare.

### 1) Problems with Invasive Alien Species (IAS)

#### (1) The Invasive Alien Species Act<sup>4</sup>

The Convention on Biological Diversity<sup>5</sup> (CBD) (1992) treats this matter at a treaty level. Article 8 states:

*“Each Contracting Party shall, as far as possible and as appropriate: .....*

*(h) Prevent the introduction of, control or eradicate those alien species which threaten ecosystems, habitats or species;...”.*

At COP 6, (2002) guiding principles were settled regarding alien species. The same treaty recommends that contracting parties each develop their own national Biodiversity Action Plan, however Japan’s “Second National Biodiversity Strategy<sup>6</sup>” of March 2002 included procedures for handling invasive species. This led to the Ministry of the Environment establishing in 2002 a study group on Invasive Alien Species within its “Initiatives for Nature Conservation”. In 2003, in consultation with the Central Committee for the Environment on the state of countermeasures for IAS, the “IAS Countermeasures Sub-Committee” was formed. In December of the same year, in response to the report from the Central Committee, the MoE started to prepare legislation, enacting the Invasive Alien Species Act in 2005. Recognising that promoting awareness is of prime importance, three slogans were composed concerning prevention of the damage caused by Invasive Alien Species (IAS):

1. No Importation - of alien species which may adversely affect ecosystems in Japan
2. No Release - of alien species into the wild.
3. No Spreading of - species endemic to certain parts of Japan, to other areas.

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<sup>4</sup> Invasive Alien Species Act: 外来生物法 Gai-rai-sei-butsu-hou

<sup>5</sup> Convention on Biological Diversity: 生物多様性条約 Sei-butsu-ta-you-sei-jou-yaku

<sup>6</sup> Second National Biodiversity Strategy: 新・生物多様性国家戦略 Shin Sei-butsu-ta-you-sei-kok’-ka-sen-ryaku

This law prohibits the import, transfer, trade, keeping, transport and release into the wild of certain designated alien species. At the import stage, “Uncategorized Alien Species” (UAS) require a detailed investigation by the Japanese Government before importation, but the regulations on “Living Organisms Required to have a Certificate Attached during their importation (LORCA)” provide only an indirect restriction on imports. As of 2009, Raccoons and 15 other groups are listed as mammal IAS. Though the definition of “alien” is debatable, the Act specifically includes only species which have arrived since the Meiji era, so those such as the Masked Palm Civet (*Paguma larvata*) whose date of arrival is uncertain, are not included. Among the hedgehogs, only the Four-toed Hedgehog (*Atelerix albiventris*) is included neither as an IAS nor as an UAS, while the Ferret too is exempted from restrictions, oddities which may be interpreted as a response to pressure from the pet industry. The aim of the Act is merely to control “invasive” alien species. UAS may be exempted from restrictions if they are deemed to be no danger to the environment, while the Act cannot be applied to species not named in the Act.

## 2) Conservation of Endangered Species

### (1) Foreign Exchange and Foreign Trade Act<sup>7</sup>

The CITES treaty aims to protect the endangered species of each country by controlling international trade. Adopted in 1973, it was ratified by Japan in 1980. It requires licenses for both export and import of species on List I, while those on List II require only export licenses. However, in developing countries, which compose a large portion of exporting countries, the issuing of export licenses is not always impartial. According to Japanese law, Article 52 of the Act, (Import Approval) which states “*For the purpose of achieving sound development of foreign trade and the national economy, ..... any person who intends to import goods may be obliged to obtain import approval pursuant to the provisions of the Cabinet Order,*” may be applied, such that List I species are treated as “Goods Subject to Import Quotas<sup>8</sup>” (the strictest level), while List II species are “Goods requiring Approval<sup>9</sup>”. Thus it adds List II Species to those which require prior import approval from the Minister of the Economy, Trade and Industry. As illegal imports have not ceased in the 30 years the Act has been in operation, the efficacy of this law is debatable. Note that the *concealed* import of live animals is regarded as smuggling and is illegal under Customs regulations.

### (2) Endangered Species Act (ESA)

The Foreign Exchange and Foreign Trade Act’s inability to control the trade in endangered wildlife once it had been imported was a problem. To enable domestic law to meet the requirements of The Convention on Biological Diversity (CBD), the Endangered Species Act (ESA) was enacted in 1992. This law prohibited the trade and distribution of internationally endangered species for transfer, display, etc. This covered most of the Mammals in CITES List I.

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<sup>7</sup> FEFTA: 外国為替及び外国貿易法 (外為法) Gai-koku-kawase-oyobi-gai-koku-boueki-hou

<sup>8</sup> Goods Subject to Import Quotas 輸入割当品目 Yu-nyuu-wari-ate-hin-moku

<sup>9</sup> Goods requiring Approval 輸入承認品目 Yu-nyuu-shou-nin-hin-moku

On the surface at least, pet shops were no longer allowed to display these animals.

### 3) Zoonoses (Diseases carried by animals)

The following Sections (1) and (2) are handled by the Animal Quarantine Service<sup>10</sup> of the Ministry of Agriculture Fisheries and Food<sup>11</sup>. Section (3) is handled by the Ministry of Health, Labour and Welfare<sup>12</sup> Quarantine Station<sup>13</sup>.

#### (1) Domestic Animal Infectious Diseases Control Act<sup>14</sup>

This is the oldest legislation intended to control the introduction of disease at the import/export stage, enacted in 1951 and requiring quarantine for controlled species. It applies to even-toed ungulates (Artiodactyla), horses (Equidae) and rabbits (Leporidae), but if they are unrelated to disease there is no control on imports. It also applies to wild animals of these families, but is unlikely to exert any control over the pet trade.

#### (2) The Rabies Prevention Act<sup>15</sup>

The Rabies Prevention Act, enacted in 1950, was intended to apply to cats and dogs. Though rabies has not been seen in Japan for many years the virus is still detected in dogs and other wild carnivores abroad, and can infect all mammals. For this reason quarantine has been required since 2000 for high-risk species such as raccoons, foxes and skunks. To import these species, notice of numbers and arrival date must be given to the quarantine office at least 40 days in advance. If the animals are from a country recognized as rabies-free (Taiwan, Iceland and 9 other regions) and have been implanted with an ID micro-chip with the required certification of the exporting country's government, they will be held for less than 12 hours. Animals from other areas will be held for 180 days. This is an effective import ban.

#### (3) Infectious Diseases Act<sup>16</sup>

##### (i) Import Bans

Eurasian badger *Meles meles*, Raccoon Dog *Nyctereutes procyonoides* and the Masked Palm Civet *Paguma larvata* are considered high-risk as carriers of SARS, African Soft-Furred Rats *Praomys* spp. are natural hosts for the Lassa fever agent, all bats are prohibited as they may carry Emerging Infectious Diseases (*Nipahvirus*, *Lyssavirus*, etc.) or rabies, while Prairie Dogs may carry bubonic plague. Consequently these animals were banned, regardless of origin, by the Infectious

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<sup>10</sup> Animal Quarantine Service: 動物検疫所 Dou-butsu-ken-eki-jo

<sup>11</sup> Ministry of Agriculture Fisheries and Food: 農林水産省 Nou-rin-sui-san-shou

<sup>12</sup> Ministry of Health, Labour and Welfare: 厚生労働省 Kou-sei-rou-dou-shou

<sup>13</sup> Quarantine Station: 検疫所 Ken-eki-jo

<sup>14</sup> Domestic Animal Infectious Diseases Control Act: 家畜伝染病予防法 Ka-chiku-den-sen-byou-yo-bou-hou

<sup>15</sup> The Rabies Prevention Act: 狂犬病予防法 Kyou-ken-byou-yo-bou-hou

<sup>16</sup> Infectious Diseases Act: 感染症法 Kan-sen-shou-hou

Diseases Act ( 2003), Article 54. Monkeys were also banned to prevent the import of Ebola or Marburg viruses. The only exceptions (requiring proper notification) are for research establishments and zoos, which may import animals for research or exhibition, from specified areas such as the USA, and Indonesia, where Ebola and Marburg infections have not occurred and surveillance systems are in operation. This has made it impossible to import monkeys as pets.

#### (ii) Import Notification System

In 2005 the Notification System for the Importation of Animals<sup>17</sup> was introduced to prevent the import of zoonoses. To import the relevant animals, an import notification must be made including a Health Certificate<sup>18</sup> for each animal issued by the government of the exporting country. Then, if the animal is judged free of disease, it may be imported. The regulations cover mammals and birds, and notes “live rodents, rabbits and other land mammals.” This means that the formerly unrestricted rodents such as Hamsters, Squirrels and Chinchilla, and Ferrets are now subject to regulation. Bringing these animals from abroad as pets is now prohibited. From the way the document is written it appears to be concerned chiefly with rodents and rabbits, but in fact it refers to all land mammals. This has a great impact on the import of wild mammals. Without a long period of quarantine, it is impossible for the exporting government to issue the necessary Health Certificate for animals caught in the wild. Effectively, the import of wild mammals as pets becomes impossible, limiting imports to animals reared in captivity.

### 4) Dangerous Animals

#### (1) The Law concerning Care of Animals

In order to prevent injuries to people from pets and to clarify the responsibility for such injuries, in 2005 it was made necessary to register animals specified as dangerous, by the Welfare and Management of Animals Act<sup>19</sup>. This required the fulfillment of animal management standards for the facility and the implantation of microchip IDs. None of these imported mammals may be considered pets.

#### 5) Animal Welfare

The Welfare and Management of Animals Act states “No one may without reason, kill, injure or torment animals. While respecting the needs of both animals and humans, the animal should be kept in a suitable environment such that it can maintain its natural habits.” Unlike domesticated breeds, wild animals may experience great stress living in an artificial environment. However, since research on this field is still lacking, the Act gives no quantitative standards for “a suitable environment”, which leaves it ineffective.

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<sup>17</sup> Notification System for the Importation of Animals: 輸入動物届出制度 Yu-nyuu-dou-butsubu-  
todoke-de-sei-do

<sup>18</sup> Health Certificate 衛生証明書 Ei-sei-shou-meishi

<sup>19</sup> Welfare and Management of Animals Act: 動物愛護管理法 Dou-butsubu-ai-go-kan-ri-hou (動物愛護法  
Dou-ai-hou)

### 3. The Prospects for Imported Mammal Pets

#### The Situation regarding Trade in Alien Mammals

Controls on the import of foreign wildlife barely existed until the 1970s, being limited to quarantine requirements on imports. In Japan, there are no statistics for import or trade of different species so a quantitative assessment is difficult, but it is clear that many mammals, including rare species and dangerous animals, were imported as pets. Yanagawa (2000) records that pet-shop advertisements included more than 40 species of squirrel. However, due to the laws mentioned above, the number of live animals imported has dropped considerably over the past 10 years. Trade figures from the Ministry of Finance show that the number of live mammals imported dropped from 636,337 in 2003 to 335,417 in 2007, a drop of 47% (Mizutani, 2009). In 2009 a study of pet-shop advertisements was conducted to find out what kind of animals were still being imported despite the present stricter regulations. Some were labeled simply “Hamster” while others used non-standard names derived from coat-colour such as “Golden Bear Hamster”, so it was difficult to determine their proper taxonomy, but Squirrels (Sciuridae) had clearly decreased from the situation 10 years ago. The number of species being imported still seems high but the widely-available pet species are restricted to Hamsters, Gerbils and Ferrets. It was noted that species that were available at only one shop were frequently domestically bred. This may be a consequence of the prohibition on import of Prairie Dogs, Skunks and others.

As far as mammals are concerned, the policy of “No importation” of foreign mammals has had a considerable effect on the IAS problem, on protection of endangered species and on prevention of disease. In particular, the requirement under the Infectious Diseases Act for import notification of all birds and land mammals enables powerful and effective control on imports. Compared to the cautious way the Invasive Alien Species Act has improved controls and increased the range of species covered, the Infectious Diseases Act, which directly affects human mortality, with little lag between the appearance of a problem like SARS and the installation of a remedy, is a powerful tool. Even if the restrictions remain unchanged, fewer captured foreign wild mammals will be imported as pets and the supply will be restricted to those bred from captive animals. The effectiveness of the “No release” part of the IAS Countermeasures depends on the program for promotion of awareness. It is obvious that the installation of effective measures against “Spreading” (i.e. the deliberate introduction) of non-native species will be far more difficult. The limits of what can and cannot be done have become clearer

The situation varies greatly for different kinds of animal. While there are regulations for each species of mammal and bird, there are few for fish and invertebrates. In fact import figures for pet fish decreased by only 12% between 2003 and 2007. People rarely feel there is anything wrong with simply discarding pet fish into ponds and rivers. Different regulations are necessary for the raising of different groups. In addition, as animal welfare and the ethics of keeping wild animals are fields where there is still little research or regulation, far more discussion is required.

## (2) Birds

### Problems with the Import and Trade of Wild Birds as Pets

(by Konami, Yukihiro)

#### 1. The present situation regarding import and trade in birds.

- From 2000 to 2006, the Wild Bird Society of Japan<sup>20</sup> and the National Wild Bird Poaching Countermeasure of Japan<sup>21</sup> conducted a survey of the conditions of native Japanese birds and non-native examples of native species in pet shops throughout the country. This Nationwide Wild Bird Trade Survey was carried out by volunteers between May 10<sup>th</sup> (the beginning of Bird Week) and June 30<sup>th</sup> each year.
- The results show 141 native species being sold. There were also 391 domestically-bred non-native (including domesticated) species.
- Seven species, protected (as sub-species) under the Endangered Species Act<sup>22</sup> were also found :  
Northern Goshawk *Accipiter gentiles*,  
Mountain Hawk-eagle *Spizaetus nipalensis*,  
Peregrine Falcon *Falco peregrinus*,  
Emerald Dove *Chalcophaps indica*,  
Eurasian Eagle Owl *Bubo bubo*,  
Blakiston's fish owl *Ketupa blakistoni*,  
Fairy Pitta *Pitta nympha*.
- Every year there were a number of birds being sold as imported items which were found to have been illegally captured in Japan. Some of the cases led to prosecutions. It is very difficult to determine the origin of a bird from its external appearance. Even after prosecution many of the dealers continued their illegal business as usual.

#### 2. The Necessity and Means for Monitoring and Control of Imported Items

- In order to prevent the sale of illegally captured native birds the Ministry of the Environment has produced manuals to help differentiate between imported and captured native specimens and these are proving an aid in prosecutions. (Of the 141 species mentioned above, only the Japanese White-Eye *Zosterops japonicus* and Japanese Bush Warbler *Cettia diphone* are covered at present.)
- However, even with these tools, specialist skills and knowledge are essential, necessitating additional training for police and government officials. At present such training is not being undertaken and, since fully trained staff are necessary to use the manuals effectively, the lack of personnel is delaying investigations. Moreover, native and imported samples of

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<sup>20</sup> Wild Bird Society of Japan 日本野鳥の会 Ni-hon-ya-chou-no-kai

<sup>21</sup> National Wild Bird Poaching Countermeasure of Japan: 全国野鳥密猟対策連絡会 “Mit-tai-ren”

<sup>22</sup> Endangered Species Act 種の保存法 Shu-no-ho-zon-hou

some species are not distinguishable, making the production of an effective manual impossible.

- To solve the problem at its root, the import of native species and confusingly similar species should be regulated by law.

At present the Wildlife Protection Act,<sup>23</sup> Section 26, protects native species (from poaching) and regulates the import of the same species. However, because only 26 species are covered, and only 16 exporting countries comply with the regulations, the Act is most ineffective. Basically, these rules need to be strengthened.

- The next best solution is the requirement of the amended Wildlife Protection Act, (Section 26, Article 2, “Identification Measures for Designated Imported Species”<sup>24</sup>) for certification by a public organization, of individual imported specimens of designated species, at the point of import. This should clarify the distinction between imported and poached items, and simplify the prosecution of illegal sales.
- Prior to this amendment, importers were provided with private identity certificates, but these led to a problem. They were not issued individually for each bird, nor were they a legal requirement, and consequently were frequently separated from the imported birds they identified and used to camouflage the trade in poached birds.
- To prevent the separation of birds and their certification, birds are ringed on import. These ID leg rings are tamper-proof, and designed such that they cannot be removed from dead birds and used on other specimens.
- However, only 21 species are at present designated so there are still inconsistencies in the trade situation.

### 3. The need for compulsory comprehensive records of commerce

- The import of wild birds has an effect not only on domestic poaching, but also on the problems of Invasive Alien Species and Infectious Diseases.
- Additionally, some non-native species imported as pets have been released or discarded into the wild and have multiplied sufficiently to adversely affect the native avifauna.
- It has been pointed out that birds captured in the wild and kept as pets may carry dangerous infectious diseases such as avian influenza or West Nile fever.
- In order to trace the movements of individual birds and identify sources and routes of infection in the case of an outbreak, it is essential that traders are required to keep full records of all such movements and transactions.

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<sup>23</sup> Wildlife Protection Act 鳥獣保護法 Chou-juu-ho-go-hou

<sup>24</sup> Identification Measures for Designated Imported Species: 特定輸入鳥獣の識別措置  
Toku-tei-yu-nyuu-chou-juu-no-shiki-betsu-so-chi



### **(3) Amphibians and Reptiles**

#### **Reptiles and Amphibians**

**(by Ishibashi, Toru)**

The number of Reptile and Amphibian species being distributed for public consumption can be estimated from information in books and magazines at around 1000, but accurate figures are difficult to obtain.

Some species are bred domestically but most are imported. Imported animals may be divided into specimens captured from the wild and farmed specimens but distinguishing between them is usually impossible. There is also a small number of specimens collected in the wild in Japan.

The Ministry of Finance<sup>25</sup> trade figures provide a little information but do not cover imported items below a certain value, so are not accurate. There is no information at all on individual species.

The problems involved in the import of live animals cannot be handled from the simplistic viewpoint of customs duties on trading items. To clarify the true situation they need to be considered separately from other products and a system of traceability implemented. From a tax point of view products can be charged at fixed rates, but to cope with the different situations for each of the 1000 species traded requires the ability to properly identify each of those species, an impossible challenge at present.

With revision of the Welfare and Management of Animals Act, moves are being made to improve traceability during distribution, but the system does not yet provide full records from the point of import.

## **2. Problems with foreign wildlife: the current situation in Japan**

### **(1) Alien species, Zoonoses and Proper Husbandry**

#### **Alien Species**

While the number of animal species involved is a mere 130 or so, because of the scale of the effects they have on the domestic ecology, most programs to control alien species are aimed at animals. Specifically, carnivores such as mongooses, domestic cats and raccoons may eat vulnerable, endangered endemic species, while others may compete with native species and take over their ecological niches.

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<sup>25</sup> Ministry of Finance: 財務省 Zai-mu-shou

Most of these introduced populations are believed to have originated from escaped or discarded pets. Therefore the most vital part of solving the problem of imported wildlife is to control the behaviour of the people involved in keeping them. From this point of view we have high hopes that the prohibition of trade and keeping of certain species under the IAS Act will effectively prevent the appearance of further animals.

However, many alien species, such as domestic animals, species from other parts of Japan, species which naturalized before the Meiji Era, and microorganisms, are not covered by the law and will not be recognized as problematical until later. In 2007 the Japan Veterinary Medical Association (Small Animals Section, Wildlife Committee<sup>26</sup>) compiled a report on ideas regarding plans to control alien species. With these problems in mind, they recommend that, as a basic principle, ordinary families should not keep exotic wild species as pets. (by Shin'ichi Hayama)

In a survey of the lakes and ponds of Tokyo's public parks, two alien species, the Common Slider *Trachemys scripta elegans* (nt) and the Snapping Turtle *Chelydra serpentina*, were observed to be common and breeding. With the exception of the "Chinese pond turtle" (Reeve's pond turtle) *Chinemys reevesii* (EN), frequencies for native species were low enough to consider them all endangered. All the alien turtle species, except the edible Soft-shelled Turtle, *Pelodiscus sinensis* (VU) originated as imported pets. The species commonly found in the wild are all widely available from pet shops at prices from around 400 to 4000 JPY. When they become difficult to keep they are frequently discarded in the wild. (by Sato, Katahiro)

#### Zoonoses (Diseases common to humans and domestic animals)

As research into zoonoses progresses, it has become clear that imported wild animals are very likely to carry diseases or parasites. Based on these findings, the Ministry of Health, Labour and Welfare has strengthened restrictions, and the numbers of relevant animals imported have dropped considerably.

On the other hand, micro-organisms unrelated to disease are also finding their way to Japan inside the bodies of imported animals. Micro-organisms are normally found in the digestive tracts of animals, especially ruminants, in huge numbers and variety. Compared to the strict controls of Plant Quarantine, the problem of micro-organisms is largely overlooked. (by Nakatsu, Susumu)

#### Proper care of animals

The proper care of foreign wild animals involves the accurate recreation of the climate and diet of the natural habitat. The consequences of failure are seen at veterinary hospitals. Some

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<sup>26</sup> Japan Veterinary Medical Association (Small Animals Section, Wildlife Committee): 日本獣医師会 小動物臨床部会 野生動物委員会 Ni-hon-ju-i-shi-kai Shou-dou-butsumu-rin-shou-bu-kai Ya-sei-dou-butsumu-i-in-kai

examples:

- A Sugar Glider (marsupial) *Petaurus breviceps*, was fed an inappropriate diet which was suspected of causing it to go blind because of cataracts.
- A Burmese python *Python molurus bivittatus* suffered low temperature burns from a heater for pets. This specimen was rather aggressive and consequently difficult to handle, which delayed the discovery of the injury.
- A debilitated Blue-fronted Amazon (parrot) *Amazona aestiva* (LC) was found to have suffered malnutrition due to a diet of nothing but sunflower seeds.
- A common (Spur-thighed) Tortoise *Testudo graeca* (VU) bleeding from a cracked shell was found to be suffering from lack of minerals and sunlight.

Pets suitable for households are the traditional ones that are tame and simple to keep. (by Nakatsu, Susumu).

## (2) Smuggling and Illegal Trade

### Illegal Foreign and Domestic Trade

#### JWCS

#### Smuggling

There are several laws which are relevant to the import of live animals as pets, viz. the Infectious Diseases Act (amended 2005), The Invasive Alien Species Act the Plant Protection Act<sup>27</sup> (Insect pests, etc.), the Washington Convention (CITES) and its domestic embodiment the Endangered Species Act, the Foreign Exchange and Foreign Trade Act and the Customs Act<sup>28</sup> Violation of these laws constitutes “smuggling”.

In Japan, illegal imports are prevented by Customs. Most of the goods confiscated under CITES are traditional medicines or leather goods, while pets constitute only around 5% (2007, including those dead on arrival). In 2008, probably due to the economic situation, pet smuggling decreased considerably.

#### **Live animal imports stopped by Customs under CITES.**

Year	Cases	Animals	Comments
2007	43	527	
2008	8	55	Mammal were all bats. Many turtles/tortoises.
2009(1 <sup>st</sup> half)	3	7	All turtles/tortoises. One dead.

<sup>27</sup> Plant Protection Act 植物防疫法 Shoku-butsu-bou-eki-hou

<sup>28</sup> Customs Act [関税法] Kan-zei-hou

## Funds for Criminal Organisations

When smuggled goods are stopped at Customs, matters can proceed in 2 ways; in some cases the matter ends with the goods being confiscated, but in others arrests may be made. The numbers of cases where arrests<sup>29</sup> were made can be found in the Customs Office's "List of Arrests"<sup>30</sup>. The chart above is a compilation of data on confiscated items, from the "List of Arrests" and from publicized data for individual offences between 2003 and 2007. There is also information for cases in 2008 and early 2009, which is presented in the chart below. There are several examples that illustrate how, in the route from poaching in the wild, through smuggling, to illegal trade in Japan, the pet trade provides funds for criminal organizations.

### **Illegal trading in pets** (Dates are of relevant news items.)

2008	Jan 16	Father and son in Souka City, Saitama, arrested for smuggling 9 Slow Loris from Thailand and selling 3. Father had 8 previous drug offences.
	Mar 22	Insect retailer from O-ita City, arrested in Argentina for smuggling about 100 large South American beetles.
	May 12	3 Japanese men charged for smuggling Radiated Tortoises <i>Astrochelys radiata</i> (CR) from Thailand. (Tokyo Customs Office announcement)
	July 3	Pet shop "Island" in Itabashi Ward, Tokyo, displayed 2 Pygmy Slow Loris. Arrested for selling them in December 2007.
	Oct 2	Pet shop in Adachi Ward, Tokyo, owned by Yamaguchi-gumi crime syndicate, displayed and sold a Pygmy Loris on an internet auction.
	Nov 12	Pet shop "Kuroi Mori" in Choufu City, owner arrested for selling poisonous snakes, re-arrested for smuggling and selling 3 Desert Monitor <i>Varanus griseus</i> , smuggled by air from Egypt.
2009	May 6	Alligator abandoned outside private animal training centre in Asahi City with a letter; "I've lost my job and can't keep it. The shop told me they couldn't take it without a proper certificate."
	June 29	5 Prairie Dogs stolen from zoo in Kita-Kyushu City in February. Before restrictions were introduced they were sold at JPY 30,000. Currently the price is JPY 300,000.
	Oct 22	Japanese citizen was arrested at an Indonesian airport trying to smuggle a Javan Hawk Eagle <i>Spizaetus bartelsi</i> (EN) and other items.

## The Slow Loris.

an example of how domestic restrictions and news of arrests have ended smuggling.

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<sup>29</sup> arrest = custody transferred to the police

<sup>30</sup> List of Arrests: 犯則処分表 Han-soku-sho-bun-hyou

In 2007, the Slow Loris was moved from CITES List II, where it required only approval for import, to List I, where it is a restricted species. In accordance with this certification is now required for domestic trade. However, no import permits have been issued under the CITES treaty since 2000, and import of monkeys as pets was prohibited by the Infectious Diseases Act of 2005.

Nevertheless, due to appearances on TV, the Slow Loris is very popular and until restrictions came into operation was sold at pet shops. To meet the demand smuggling increased.

The purchasers of Slow Loris were frequently not experts in the husbandry of wild animals but ordinary citizens. Even after the imposition of controls on domestic trade, some were bought by the unaware, and when a dealer was arrested in January 2008 (see below), it drew wide notice in the media. Since the publicity around this case, internet requests for Slow Loris meet with the response “Without a permit, you’ll get arrested.”

No Slow Loris have been confiscated by Customs since 2008. This suggests that publicity about keeping them illegally can have a controlling effect for some species. On the other hand, the illegal import and sale of certain species with a dedicated following such as tortoises and butterfly specimens, continues.

#### An example of smuggling, illegal sale and the penalty imposed.

##### The case of the R Company.

This case involves the R Co., a large wholesale pet reptile dealer who tried to sell smuggled crocodiles, turtle, tortoises, iguanas and other species, claiming that they were legal. The management were, as described below, incorrigible offenders against the CITES treaty.

**October 1989**, Lar Gibbon *Hylobates lar*, Leopard Cat *Prionailurus bengalensis* smuggled from Thailand

(Customs violation, 2 years in prison with 3 years' suspension.)

**December 1989**, CITES violation (Smuggling of controlled species)

(Customs violation, fine)

**1993**, Stump-tailed skink *Trachydosaurus rugosus* smuggled from Australia

(Customs violation, prison sentence)

In 2005 he was arrested again and sentenced in 2006, but there is a point of great concern. The penalties under the Endangered Species Act are far too light compared to those under the Customs Act.

The penalties applied to the manager of R. Co. were 2 years 6 months imprisonment (ESA Offences, and Fraud) and fines of 1.8 million JPY (ESA Offences).

The penalties applied to the carrier employed by R. Co. were 3 years imprisonment and a 2 million JPY fine (Customs violations, ESA offences)

Compared to the profits to be made, the fines are negligible. The penalty under ESA for false registration is up to 6 months imprisonment or a fine of up to half a million yen. In comparison, the profit from R.Co.'s sale of False gharial *Tomistoma schlegelii* (EN) was 830,000 JPY per head. Suspension or termination of their business license is not an option. Despite the punishment of the

company, the manager and one employee, R.Co. is still in business and continues to arrange large exhibitions of pet reptiles.

#### Souka City Slow Loris Case

In 2008, a father and son from Souka City (Saitama) were arrested for the smuggling and illegal sale of a Slow Loris. The buyer had taken the animal to a vet and been told that the animal's teeth had been pulled, so it was probably a smuggled specimen. Accordingly, the buyer went to the police and the sellers were arrested. The father had been visiting Thailand every month and since 2003 had always brought home three Slow Loris. He also admitted having disposed of those that died on the way. The father had a record of eight previous drug and other offences.

The son had gathered customers via the internet and sent "luggage" to those in Miyagi, Hokkaido and Osaka, while delivering directly to customers in Saitama and Tokyo. These Slow Loris were sold for 130 ~ 180 thousand JPY each.

The following points were taken into account at the court hearing.

- Smuggling of 9 Pygmy Slow Loris (Foreign Exchange and Foreign Trade Act violation, Customs violation, Infectious Diseases Act violation)
- Illegal distribution of 7 of the above Pygmy Slow Loris (ESA violation)
- Smuggling of 5 Radiated Tortoises *Astrochelys radiata* (CR) (Foreign Exchange and Foreign Trade Act violation, Customs violation, Infectious Diseases Act violation)
- Illegal distribution of 2 of the above Radiated Tortoises (ESA violation)

The father was sentenced to 1 year 10 months in prison and fined 800,000 JPY while the son was sentenced to 1 year 6 months in prison (suspended for 3 years) and fined 400,000 JPY.

These examples demonstrate that the penalties are so light compared to the profits from these offences that their value as a deterrent to repeated offences is completely lacking. This is a serious problem.

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#### References

Sakamoto, Masayuki, JWCS court hearing record

## Members of the Committee

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