

JWCS's opinion on the latest version of Japanese LCES (the Law for the Conservation of Endangered Species of Wild Fauna and Flora)

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Ministry of the Environment Government of Japan,
Wildlife Division, Nature Conservation Bureau

Dear Representative,

JWCS would like to express our sole consideration on the last year's amendment of Japanese LCES. This letter consists four pages; Part One is on pages 1 to 3, and Part Two is on page 4.

Part One

1. Concerned part

Documents required for wildlife registration: described under Enforcement Regulations of the Act, Article #11(1).

2. Summary

JWCS strongly suggests that the Act requires additional documents from registrants to provide adequate information to help the courts come to a reasonable decision. Particularly, data, such as DNA samples and microchip information, of the species involved in the expensive illicit trafficking in the past should be recorded and carefully checked. Data of the related species of the expensive illicit trafficking are under the red flags as well.

3. Opinions and reasons (rationales)

- Increasingly the international society has strengthened the penalties towards wildlife crimes.

On July 1 of 2013, the United States of America launched a Presidential Task Force based on the idea that wildlife crime control would contribute to their national interests. Moreover, on February 13 of 2014, 46 countries (including Japan) agreed upon and issued “London Declaration” at London Conference on the Illegal Wildlife Trade. The Declaration clearly detailed that all of the participating countries and organizations would help each other to strengthen the penalties on wildlife crime. This was in response to the common awareness that wildlife crimes pose large-scale negative consequences to economy, society and environment. On the contrary to this global trend, Japanese law enforcement on wildlife protection seems to have many problems.

<See the links below>

Executive Order -- Combating Wildlife Trafficking,
Website of U.S.A. White House

<http://www.whitehouse.gov/the-press-office/2013/07/01/executive-order-combating-wildlife-trafficking>

London Declaration

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/281289/london-wildlife-conference-declaration-140213.pdf

- Old system prevents law enforcement

Please note: The following discussions are about live-wildlife individual(s) as registration requirements from other products, such as ivories and taxidermies, differ.

In April of 2013, the news reported on the illegal trade in Slow Loris. The owner did not return the wildlife registration card when the registered individual died, and reused the same card on another individual. Unfortunately, it is difficult to prove if the registration card was valid because the old registration system did not request detailed information on the individual species which makes species identification almost impossible. JWCS is concerned that this could lead to the reluctance in further law enforcement because illegal traders cannot be punished unless they are proved guilty.

The fine for transfer of wildlife species without registration cards (violation of the Act, Article #21) is less than 300,000 yen (Article #63) even under the amendment (Act #37, Last revision: June 12, 2013), despite the fact that pet tortoises and Slow Loris are traded for higher prices. This means that the profits of selling Slow Lorises exceed any loss or fine and would therefore not hurt violators. JWCS concluded that the illegal use of wildlife registration cards was

the major pitfall of the Act, and sincerely hopes that harsher penalties will be added to future amendments (i.e., sentencing and higher fines).

- Example of the identification method

Photo

It is vital that photographic images of individual species are attached to registration cards for correct species identification. Preferably, there should be a number of photographs exhibit the individual traits. For live-individuals, the photos should at least identify the biological class, and taxonomic order of the species.

Additionally, the possible change in appearance should be taken into account; individuals may look different as they age, or if they are diseased or injured. Photographs of primates, in particular, should be prepared for the use of fingerprinting and irises analysis for identification.

DNA samples and microchips

The Act on Welfare and Management of Animals requires identification of individual species for specific animals during registration. JWCS strongly believes that the amendment of Japanese LCES, too, should adopt identification measures ,such as submission of DNA samples, microchip information, for species or any of their relatives that were previously involved in wildlife crimes. DNA samples should be handled with great care and the collection and management methods should be in line with the latest scientific knowledge. For example, for live-individuals, hairs of the individuals must contain their hair roots and be kept in shaded area in air-tight sealed bags. For turtles and tortoises, fraction of their tails and nails must be used.

One of the inappropriate uses of microchips is replacement of information from live individuals by those which are died. In order to tackle this problem, registration forms should ask more detailed questions including the date of purchase, and the names and home addresses of the individuals' who microchip their pets.

Registration form for the Care or Keeping of Specified Animals
(Tokyo Prefecture example)

<http://www.fukushihoken.metro.tokyo.jp/douso/shiyou.files/zougen-2.pdf>

Part Two

1. Concerned part

Required field on the registration form: described under Enforcement Regulations of the Act, Article #11(3).

2. Summary

Scientific names and their Japanese counterparts need to be more accurate. Detailed information of live-individuals should include; date of birth, body sizes and weights with the dates of measurements, orientations of the individuals (i.e. wild or captive, imported or domestic, etc.), and breeders names when necessary.

3. Opinions and reasons (rationales)

The primary issue is that species names on the current registration cards are too general. For example, all of the different species of Slow Loris are simply categorized as “Slow Loris”, however, there are eight distinct species of Slow Loris currently recognised on CITES Appendix I. A Slow Loris identification guide * has been established by scientists and distributed for better law enforcement, thus, JWCS expects identification to be more accurate and comprehensive.

Commercially displayed individuals must have registration cards that will allow for purchasers to understand whether the individuals are legal or not. Food labels or pedigree certifications for example, list specific information such as production locations, producers’ names, and information on current and past breeders’ names (at Nihon Ken Hozonkai). Therefore, JWCS thinks information found on species registration cards should be equally as specific (i.e. including pedigree charts). Such information will be very helpful to detect the possible cause of zoonosis.

*Slow Loris identification chart (will soon be modified with new species)

<http://www.jwcs.org/data/JWCSshikibetuLoris.pdf>

Thank you for your attention to this matter.

Respectfully,

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Translated by Junko Matsuoka