



February 15, 2017

Mr. Tsunetaka Tokugawa  
President  
WWF-Japan  
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Shiba, Minato-ku Tokyo 105-0014

Dear Mr. Tokugawa

Thank you very much for your continued dedicated leadership for wildlife conservation in the front of civil society.

We are a non-governmental and non-profitable organization committed to conservation of African elephants and we stand to believe that Japan's domestic ivory market should be closed down.

At so-called resolution on closure of domestic ivory markets was adopted at the 17th meeting of the Conference of the Parties (CoP17) to Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in Johannesburg, South Africa in October, 2016, we submitted this petition to you in request for your cooperation to urge the Government of Japan to comply with the resolution.

As you know, the resolution comprises a part of the Resolution Conf.10.10 amended at CoP17. The major paragraphs are as follows<sup>1</sup>.

The 3rd paragraph

RECOMMENDS that all Parties and non-Parties in whose jurisdiction there is a legal domestic market for ivory that is contributing to poaching or illegal trade, take all necessary legislative, regulatory and enforcement measures to close their domestic markets for commercial trade in raw and worked ivory as a matter of urgency;

The 4th paragraph

RECOGNIZES that narrow exemptions to this closure for some items may be warranted; any exemptions should not contribute to poaching or illegal trade

Last December after CoP17, Hong Kong showed the three steps towards total closure of its market by the

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<sup>1</sup> <https://cites.org/sites/default/files/document/E-Res-10-10-R17.pdf>

end of 2021<sup>2</sup>, following the US which has already fully implemented the legislation for closure of its domestic ivory market, in the same month, China announced that it will prohibit the manufacturing and sales at the designated vendors by the end of March 2017, and that it will ban all sales by the end of December 2017<sup>3</sup>. Among EU countries including France<sup>4</sup> and UK<sup>5</sup> are moving forward to strengthen their regulations on ivory trade swiftly.

It can be observed that these countries accepted the recommendation the recommendation of the 3rd paragraph of the resolution and further, are in discussion with regards to the exact definition of “narrow exemption” admitted in the 4th paragraph e.g. certain antiques, a part of musical instruments and items which contain de Minimis amounts of ivory.

GoJ, however, stands on a totally different position based on the belief that the domestic ivory market in Japan itself should be exempted by the recommendation of closure (the 3rd paragraph)<sup>6</sup>.

In the interim, you announced “the position of WWF Japan / TRAFFIC on ivory trade” between submission of the draft resolution in April and adoption of it in October as follows.

“With regard to Japan’s ivory market, we believe that it is not necessary to close it now because no trend is shown that it is directly contributing to large-scale poaching nor smuggling which are concerned by international community at present. The current legislation, however, cannot guarantee zero percent of the smuggled item would hide behind the market. Therefore, we believe that it is necessary to take a strict measure as prohibition of internal trade in future unless the Government of Japan and the market players would not respond to the issue with a strong will pursuing zero illegal ivory.”<sup>7</sup>

We understand that despite your stand to support the opposing opinion against closure of Japan’s domestic ivory market on par with by GoJ and the market players (including ivory industry and e-commerce businesses), though this statement you clarified your position, that closure of Japan’s domestic ivory market cannot be avoided depending on the responses by GoJ and the market players.

We believe that the market should be closed regardless of adoption of the CITES resolution. In this regard, your current position is in total conflict with ours.

However, the CITES resolution was later adopted at CoP17. Furthermore, many cases regarding illegal export of ivory from Japan to China / HK, and illegal internal trade in unregistered whole tusks have been

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<https://www.hongkongfp.com/2016/12/21/hong-kongs-ivory-trade-to-be-gradually-banned-by-the-end-of-2021/>

3 [http://www.gov.cn/zhengce/content/2016-12/30/content\\_5155017.htm?from=groupmessage&isappinstalled=0](http://www.gov.cn/zhengce/content/2016-12/30/content_5155017.htm?from=groupmessage&isappinstalled=0)

4 <https://www.antiquestradegazette.com/news/2016/government-will-crackdown-on-sales-of-ivory-less-than-70-years-old-from-march/>

5 <https://www.theguardian.com/environment/2017/jan/07/uk-ivory-trade-fuels-poaching>

6 Ministry of Economy, Trade and Industry, meeting notes in Japanese only, slide #10  
[http://www.meti.go.jp/committee/kenkyukai/seizou/zouge\\_torihiki/pdf/003\\_01\\_00.pdf](http://www.meti.go.jp/committee/kenkyukai/seizou/zouge_torihiki/pdf/003_01_00.pdf)

7 <http://www.wwf.or.jp/activities/2016/09/1337529.html>

revealed one after the other recently<sup>8</sup>. Taking this reality into account, there is no question that “a legal domestic market for ivory that is contributing to” “illegal trade” (the 3rd paragraph of the resolution) is at least applicable to Japan’s market. Thus, GoJ should take all necessary measures to close its domestic market as a matter of urgency.

Incidentally, the 2013 amendment of the Law for Conservation of Wild Fauna and Flora (LCES) which is the legal basis of the controls on domestic ivory trade in Japan is under the 3 years-review after its implementation, therefore GoJ has a good opportunity to strengthen the controls. As a matter of fact, GoJ is planning to submit the amendment to LCES to the coming ordinary parliamentary session, however, the major amendment directly influencing the controls is likely to be only strengthening of the supervisory scheme over the business dealing ivory except for whole tusks<sup>9</sup>.

One of the most serious problems is that in registering an ivory whole tusk for trading, no objective evidence is required for confirming that the tusk was acquired prior the ivory ban in 1990. This is a fundamental lack in the system and cannot effectively prevent laundering of illegal ivory. Furthermore, no physical inspection of the tusk is required for identification. These loopholes would make fraudulent registration very easy and invite illegal ivory to flow into the legal market.

The supervisory scheme, regardless of strengthening, cannot be the solution to the problem above because the target of this scheme is the business dealing with ivory cut pieces and products, so trade in whole tusks is outside of the scope of this scheme and is not dealt with.

Furthermore, most of the emphasis that you have been making is unlikely to be included in the 2017 amendments to LCES. Namely, application of internal trade regulation over the cut pieces with certain size, introducing regulation of possession and etc.

Now CITES adopted the regulation on closure of domestic ivory market, and it is revealed that GoJ does not intend to step into drastic strengthening of controls on domestic ivory trade. Under these circumstances, it can be assumed that “the Government of Japan and the market players would not respond to the issue with a strong will pursuing zero illegal ivory”. Furthermore, it can be determined that “it is necessary to take a strict measure as prohibition of internal trade”.

“The Public-Private Council for the Promotion of Appropriate Ivory Trade Measures” established in May 2016 led by the Ministry of Economy, Trade and Industry, Ministry of Environment, Japan Federation of Ivory Arts and Crafts Association and Yahoo Japan, which comprise a co-administrative body, is to

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<sup>8</sup> The examples are as follows:

[Illegal export of ivory from Japan to China]

<http://www.ahcourt.gov.cn/sitecn/mtjjahfy/57146.html>, CITES CoP17 Doc.57.6 Annex, TRAFFIC, 2015,

“Beijing Forest Police smash major wildlife trafficking ring”, October 12, 2015,

<http://www.chinaitimes.com/realtimenews/20150408004529260408>,

<http://www.ecns.cn/m/visual/hd/2016/08-15/102308.shtml>

[Illegal internal trade of ivory exposed in 2016]

Jiji Press 06/06/2016, Nikkei Shimbun 16/09/2016, Kanagawa Shimbun 17/9/2016, Asahi Shimbun

24/10/2016, Shizuoka Shimbun 24/11/2016

<sup>9</sup> It can be concluded so based on the description of the recommendation of Central Environment Council to the Minister of Environment” (in Japanese).

<http://www.env.go.jp/press/files/jp/104293.pdf>

See also the news article of Tokyo Shimbun 10:01/2017 (in Japanese).

<http://www.tokyo-np.co.jp/article/national/list/201701/CK2017011802000246.html>

disseminate Japan's ivory trade policy in Japan locally and overseas, and to enhance appropriate implementation of control over ivory trade suited to Japan. The NGOs advocating closure of domestic ivory market were excluded from the beginning and further the meetings of the council have been held behind closed doors. Thus, we have had no chance at all to access the discussion there.

However, you (your branch of monitoring wildlife trade or TRAFFIC) are the only privileged NGO allowed to attend these council meetings. It's no exaggeration to say that you are the only NGO influential to GoJ and market players including the ivory association and e-commerce businesses.

On this note, we would like to make a plea to you to support a strict measure to prohibit internal ivory trade. Could you work together with us for closure of domestic ivory market in Japan as a matter of urgency?

We would be obliged if you could send us a written response to our request within 14 days after receipt of this letter.

Please note, the matter of elephant conservation, poaching and illegal trade in ivory is drawing increasing attention both locally and internationally. Therefore, as we are all committed to pursuing an open civil society, this petition and your response will be open to and made available to share by the public.

Japan Tiger and Elephant Fund (JTEF)

[http://www.jtef.jp/english/english\\_index.html](http://www.jtef.jp/english/english_index.html)

Tears of the African Elephant

<https://www.taelephants.org/>

Japan Wildlife Conservation Society (JWCS)

<http://www.jwcs.org/english/>