Object: Propositions on the Draft Report on ‘Measures to take for conservation of endangered species of wild fauna and flora’

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<Corresponding section>
Page 7, from line 11
④Promotion of public awareness
<Proposition>
Decrease of demand for endangered species including Appendices listed species of CITES should be added in the concrete actions.
<Reason>
It is to contribute to international conservation of endangered species, corresponding to the CITES Decision 17.44-17.46 Demand reduction as follows:

17.44 Directed to Parties

Parties and technical and financial partners are encouraged to provide the financial and technical support necessary to promote and facilitate the implementation of demand-reduction strategies.

17.45 Directed to Parties

Parties that are destinations for illegal wildlife trade are encouraged to implement demand-reduction strategies and to report to the Standing Committee on the implementation of this decision.

17.46 Directed to Parties

Parties and partners that have implemented demand-reduction strategies and campaigns are encouraged to provide the Secretariat with relevant details on the measures implemented and lessons learnt before the 69th meeting of the Standing Committee, so that these may be shared with other Parties.

<Corresponding section>
Page 8, from line 30
Strengthening control on distribution management in endangered wild fauna and flora

<Proposition 1>

Foreign Exchange and Foreign Trade Act and Customs Law should also be strengthened.

<Reason>

As Appendix II species of CITES are not subject to internationally endangered species of LCES(Law on Conservation of Endangered Species of Wild Fauna and Flora), they are regulated by Foreign Exchange and Foreign Trade Act and Customs Law, but there are clear cases which are in violation of them. For example, 1) Javan slow loris (*Nycticebus ornates)* has been designated as a protected animal since 1973 in Indonesia, its country of origin (Decree No. 66 1973 of Ministry of Agriculture), 2) According to the CITES Trade Database, there are no records of legal import of live individuals of this species from Indonesia or the one native to Indonesia to Japan, 3) There are only 2 cases of export from Indonesia, country of origin, registered by CITES: 2 lorises *(Nycticebus coucang*) to Hungary in 1997, and 2 lorises *(Nycticebus pygmaeus*) to U.S. in 2002, from which we cannot think that they were re-exported to Japan. It was 2007 when Loris *(Nycticebus)* was listed in Appendix I.

In this way Javan slow loris is very rare outside of country of origin, but in the survey of our organization in 2014, it was found that a certain trader was selling 5 Javan slow lorises together. Also, among 114 lorises which were in 93 videos of YouTube uploaded from Japan, 7 Javan slow lorises were identified (Musing 2015). In zoos in Japan, 4 Javan slow lorises have been identified, which means they had been imported against law of Indonesia.

For rigorous practice of Appendix II, Foreign Exchange and Foreign Trade Act and Customs Law, as well as their implementation, should be strengthened.

In strengthening the system of implementation, the cross-sectoral use of tools such as Wildscan by the customs, police, etc. should be considered.

L.Musing,K.Suzuki,and K.A.I. Nekaris 2015 Crossing international borders: the trade of slow lorises (*Nycticebus spp*.) as pets in Japan *Asian Primates Journal* 5(1),2015 12-23.

Wildscan http://www.freeland.org/programs/wildscan/

<Proposition 2>

Article 21 stipulates that an individual organism, etc. from an internationally endangered species of wild fauna or flora for which registration, etc. has been obtained shall be transferred, etc. together with its relevant registration card, etc. In this article, registration should be required just for possession as well.

<Reason>

Article 19 of Wildlife Protection and Hunting Law stipulates that breeding wildlife which is not subject to hunting must be registered. This may enable the police to crack down on illegal possession by confirmation of registration card with owners.

<Corresponding section>
Page 8, from line 31
①Setting of expiry date of registration card
<Proposition 1>
Training and information system are necessary together with setting of expiry date, so that policemen could disclose illegality by checking registration cards.
<Reason>
The system to disclose expired registration cards has not been guaranteed.

<Proposition 2>
Time limit to issue registration cards for 'Acquisition before regulation' should be set as well as expiry date of registration card. As the time passes, to prove acquisitions before regulation will be difficult. When a species is newly listed in Appendix I of CITES and has become internationally endangered species, a certain period should be set for application of registration for 'Acquisition before regulation', and after this period live individuals, parts of individual organisms and processed products should be subject to confiscation.
<Reason>
Regarding the setting of registration period after a regulation is put in force, it is normal procedure in other laws as well, that a right will lapse if the necessary formalities are not gone through in designated period. The same measure should be taken in LCES such as 30 days of submission deadline for notification of 'Receive'.

<Corresponding section>
Page 9, from line 15
②Introduction of a measure of individual identification (microchips, etc.)
<Proposition>
In order that the individual identification is accepted as evidence in case of trial, DNA samples (such as hair, etc. in case of mammals) should be submitted in registration so that registration cards could correspond to products or individuals certainly.

<Reason>
Present registration card is not accepted as evidence of individual identification at trial, which is one of the causes of difficulties for the police to disclose illegal activities. According to the researcher working on DNA of slow loris, DNA examination can prove the parent-child relationship, which means verification of domestic reproduction is also possible. The individual identification measure should be adopted as evidence in the court. Also DNA sample should be submitted in registration, considering disclosure of criminal channels in working with international police organizations.

<Corresponding section>
Page 9, from line 29
③Measures to promote more appropriate registration process
<Proposition>
The penalty for false application should be strengthened as it wastes the registration system itself. Also Minister of the Environment and the Registration Institution should improve capability to distinguish false applications, and tighten cooperation with the police.
Notification of 'Receive' requires only registration mark and number, name, address, etc. but in order to prevent trade with false registration card, it should be accompanied by records of 'receive' which can serve as evidence of trial; in case of live animals, for example, a photo or copy of instruction book issued by pet shops.
<Reason>
Normally shops write the age of animal in instruction book when selling, which will help to know if a buyer was recognizing it was false registration card or not.
In the event of death of the person who transferred, or cessation of shops, these records of 'transfer' would be helpful to prosecute illegal activities.

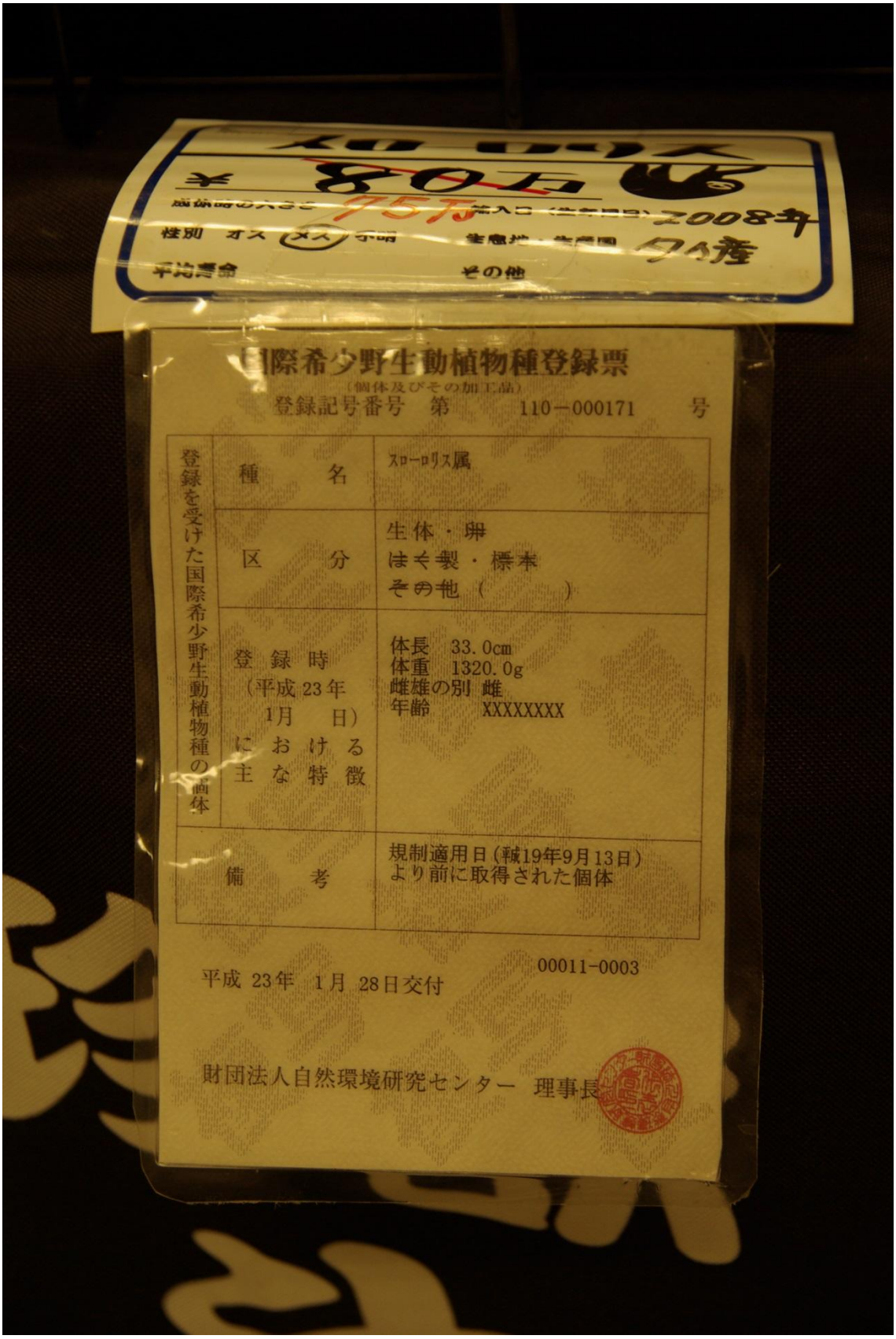
<Corresponding section>
Page 10, from line 4
④Measures to new distribution forms such as internet
By requiring indication of registration date, etc. together with registration mark and number, illegal distribution of individuals with false registration information may be prevented.
<Proposition>

Only indication of registration date cannot prevent illegal distribution of individuals.

<Reason>

As shown in the picture below, a slow loris was sold with the registration card writing ‘Acquisition before the date of the regulation put in force: September 13, 2007)’ and the price card writing ‘From Thailand, 2008’.

This means the indication of the price card ‘From Thailand, 2008’ is illegal if it was acquired before September 13, 2007, but it was not exposed. Thus only indication of registration date cannot prevent distribution of illegal individuals: It is necessary to be used together with strengthened implementation system, such as more effective investigation with above-mentioned IT tool (Wildscan), etc. by the police.


¥ 80万
975
2008年
性別 オス メス 不明
その他
国際希少野生動植物種登録票
（個体及びその加工品）
登録記号番号 第 110－000171 号
登録を受けた国際希少野生動植物種の個体
種名
スローロリス属
区分
生体・卵
はく製・標本
その他（ ）
登録時（平成23年 1月 日）における主な特徴
体長 33.0cm
体重 1320.0g
雌雄の別 雌
年齢 XXXXXXXX
備考
規制適用日（平成19年9月13日）より前に取得された個体
00011-0003
平成 23年 1月 28日交付
財団法人自然環境研究センター 理事長

<Corresponding section>
Page 10, from line 16
⑤Strengthening control of traders of ivory, etc.
<Proposition 1>
Not only ivory traders but also traders of internationally endangered species of wild fauna and flora should be included in Businesses Dealing with Designated Internationally Endangered Species, and registration of business should be required. In case of violation, revocation of registration of business should be added in the penal regulations.
<Reason>
While the Act on Welfare and Management of Animals has administrative sanctions such as revocation of registration of business dealing with animals and suspension of business, there is no such a sanction in sale of endangered species of wild fauna and flora.

<Proposition 2>
'Responsibility of dealers' should be added in Article 2.
<Reason>
Act on Welfare and Management of Animals stipulates responsibility of dealers of animals in its Article 8.

<Proposition 3>
Domestic ivory market should be closed.
<Reason>
It has been 27 years since international trade in ivory was banned in 1989, but even now from 100 to 150 inquiries on new registration of ivory are received per month ('The content of works as registration and authorization institution' by Japan Wildlife Research Center, submitted as material for the 2nd meeting on the state of law on conservation of endangered species of wild fauna and flora in 2016), which means domestic ivory stock is not managed well. In this situation it is not possible to prove that Japan's domestic ivory market is not related with illegal hunting or illegal trade.
International society is requesting strongly the closure of domestic ivory markets in view of not only decrease of elephants but also for conflict and terrorism, and extermination of international criminal syndicate. As a member of international society, Japan should close its ivory market.

<Corresponding section>

Page 11, from line 33

①Order to take measures for illegal taking and transfer, etc.

<Proposition 1>

Article 3 ‘Respect for Property Rights, etc.’ should be deleted.

<Reason>

‘Summary report of inspections on domestic distribution management of endangered species of wild fauna and flora’ issued in March 2012 wrote that ‘it is necessary to pay attention that a general prohibition of possession itself is a very strong regulation and it is limited to things of which possession itself can be a great social threat such as firearms, swords and drugs in our country’. However, environmental crimes have a big scale after guns and drugs, and especially ivory, etc. are recognized as a source of funds for terrorism and international criminal syndicate. From this international situation, it is necessary to change our recognition of trade in endangered species of wild fauna and flora. Criminal proceeds should be confiscated. Thinking of significance and publicness of endangered species of wild fauna and flora, the Article 3 ‘Respect for Property Rights, etc.’ is inappropriate for the times. And it can be an obstacle to disclosure by the police.

<Proposition 2>

Criminal proceeds should be confiscated, parts of individual organisms and processed products should be burned, and live individuals should be confiscated, then they should be utilized for ‘reproduction and public awareness of internationally endangered wild fauna and flora’ by approved zoological and botanical gardens mentioned on line 19, page 8 of the draft report. Regarding parts of individual organisms and processed products of internationally endangered species of wild fauna and flora, their DNA samples should be taken before disposal in order to contribute to investigation of international wildlife crimes.

<Reason>

Individuals obtained illegally may be resold. Fake name-brand products which are prohibited to import at the customs are burned. Live individuals might be reproduced and used for another illegal trade.