

EIA BRIEFING FOR CITES COP18

While many nations are closing their domestic ivory markets in line with CITES Resolution Conf. 10.10 (Rev. CoP17), the Government of Japan (GoJ) continues to make superficial changes to its ivory trade controls which do nothing to prevent illegal trade and only serve to bolster its domestic ivory industry. A two-year ivory registration amnesty campaign which started in 2017 has created a massive new stockpile of ivory tusks in Japan. On July 1st, the GoJ implemented a carbon dating requirement for registering whole tusks for sale, but has done nothing to address the persistent loophole which exempts large amounts of cut ivory from any meaningful oversight. Until Japan's domestic ivory market is closed, traders will continue to exploit loopholes to launder ivory of dubious legality onto the domestic market and illegal ivory exports will continue to find their way to other markets, like China.

JAPAN'S MASSIVE IVORY AMNESTY

- In August 2017, the GoJ launched a two-year tusk registration campaign to encourage the registration of whole tusks in private possession. Registering a tusk makes it lawful to sell on the domestic market in Japan.
- During the campaign the GoJ allowed applicants to register their tusks under the existing system using third-party statements as evidence of legal acquisition and origin. Merely a letter from a friend or relative could be presented as sole proof of legality of origin and acquisition despite widespread fraud involved in such statements.
- More than 3,400 tusks were registered and put on the market during the registration campaign between August 31, 2017, and March 1, 2019, under this inherently flawed system.¹ There was a clear increase in the number of tusks registered in the first year after the registration campaign became established.
- Data collected by GoJ suggests that 100% of the applications to register 1,905 tusks during the first year of the campaign relied on third-party statements (78% were statements by relatives and 20% were by other third parties, and 2% were by previous owners to the present owner).²
- The current stockpile of registered whole ivory in Japan is 160 tons.³
- Japan promoted the registration campaign prior to the tightening of requirements seemingly to legalize as much ivory as possible in order to sustain the industry with new raw material.

CARBON DATING REGULATION EASILY CIRCUMVENTED BY LOOPHOLE FOR CUT PIECES OF WHOLE TUSKS

- In March 2019, Japan's Ministry of Environment released a statement announcing the July 1, 2019, implementation of a new requirement to carbon date ivory tusks presented for registration as a reinforcement measure to prove that the age of a tusk predates the implementation of the CITES 1990 international ban on commercial ivory trade.⁴
- However, the new requirement will not apply to cut pieces of ivory tusks because the law still exempts any cut pieces from registration. This means that to avoid registration and associated carbon dating requirements, all a trader needs to do is cut a whole tusk into two pieces.
- The regulation is also ineffective because it only proves the age of a tusk, not the origin or date of acquisition, and the testing process and analysis is not undertaken by government officials.
- The weight of ivory cut pieces stocked by registered dealers increased by 57% between 2016 and 2017, indicating that dealers have already begun to exploit this loophole.⁵

ILLEGAL EXPORT OF IVORY TO CHINA FROM JAPAN REMAINS A PERSISTENT PROBLEM

- As of July 2019, Chinese officials have seized more ivory from Japan than in all of 2018, in at least 23 seizures and counting.⁶
- Since 2009, nearly 5.4 metric tons of ivory destined for China from Japan have been seized consistently by Chinese authorities, primarily in small packages.⁷
- In the first quarter of 2019 the majority of ivory seizures by China's Hangzhou Customs were mailed from Japan. The office recently declared that it would dedicate special attention to illegal ivory imports from Japan.⁸

CONCLUSION

Japan has been consistently non-compliant with key components of CITES Resolution Conf. 10.10 since it was first adopted, and the lack of adequate controls has enabled a flourishing illegal ivory trade within Japan and sustained illegal exports out of Japan. Recent amendments to Japan's Law for the Conservation of Endangered Species and other measures have failed to eliminate existing loopholes that enable illegal trade. Japan's stockpiling of ivory and failure to implement effective controls to disrupt and constrain illegal trade pose a continuing threat to efforts to close markets to protect Africa's elephants. Recognizing the threat that Japan's domestic ivory market poses to international efforts to combat poaching and the illegal ivory trade, African elephant range states are appealing to Japan to close its ivory market consistent with its obligations pursuant to Resolution Conf. 10.10 (Rev. CoP17). EIA supports the recommendations in CoP18 Doc. 69.5 and appeals to Japan to close its domestic ivory market on an urgent basis.

(1) Japan MoE. (March 22, 2018) Press release regarding increasing rigor of whole tusk registration. <https://www.env.go.jp/press/106580-print.html>

(2) Japan Tiger & Elephant Fund. (May 2019) Compelled to Close: Top 5 Reasons for Closing Japan's Domestic Ivory Market. https://www.jtef.jp/en/wp-content/uploads/2019/06/IvoryReport2019_en.pdf (3) *ibid* (4) Japan MoE. (March 22, 2018) Press release regarding increasing rigor of whole tusk registration. <https://www.env.go.jp/press/106580-print.html> (5) Japan Tiger & Elephant Fund. (May 2019) Compelled to Close: Top 5 Reasons for Closing Japan's Domestic Ivory Market. https://www.jtef.jp/en/wp-content/uploads/2019/06/IvoryReport2019_en.pdf (6) EIA data records. See: China Dialogue.

(May 22, 2019) Seizures of ivory trafficked from Japan escalate. <https://www.chinadialogue.net/article/show/single/en/11261-Seizures-of-ivory-trafficked-from-Japan-escalate> (7) EIA calculations as of 2018, available upon request. (8) Sina. (April 10, 2019) 杭州海关一季度查获69件象牙制品 多为日本象牙轴头. <http://zj.sina.com.cn/news/2019-04-10/detail-ihvhiqax1349063.shtml> (9) AEC. (February 15, 2019) AEC PRESS STATEMENT. https://www.africanelephantcoalition.org/wp-content/uploads/2019/02/FINAL-15-2019-AEC-press-statement_EN.pdf