

Opportunity for Action: Japan's Legal Ivory Trade

Briefing Document for Delegates to the 78th Meeting of the CITES Standing Committee

Summary

- Japan's legal domestic ivory market is contributing to the illegal international trade in ivory.
- Japan should take steps to close its domestic ivory market, including by amending its ivory trade regulations which are undergoing a review this year.
- SC78 should support the implementation of Resolution Conf. 10.10 (Rev. CoP19) on the closure of domestic ivory markets by renewing Decisions 18.117-119 and by establishing an intersessional working group to advance progress on the analysis of ETIS data linked to countries with domestic ivory markets in accordance with Decision 19.99.

CITES & Japan's Legal Ivory Market

Japan's domestic ivory market is the largest in the world and should continue to be evaluated for compliance by CITES Parties:

- Japanese imports of poached ivory perpetuated the elephant poaching crisis that culminated in the CITES ban on international commercial trade in ivory in 1989.¹
- Japan is the only country that purchased ivory in both CITES-approved "one-off" international ivory sales in 1999 and 2008.
- In 2016, CITES CoP17 revised Resolution Conf. 10.10 (Rev. CoP16) to urge all countries with a legal domestic ivory market that is contributing to poaching or illegal trade to take all necessary measures to close their domestic markets for commercial trade in ivory.²
- In 2022, CoP19 adopted Decision 19.99 directing the Secretariat to carry out an analysis, if feasible, of Elephant Trade Information System (ETIS) ivory seizure data connected to each Party with a legal domestic market for commercial ivory trade.³ The purpose of the analysis is to provide necessary information and support to the Conference of the Parties and the Standing Committee to make appropriate recommendations to specific Parties that have not closed their domestic markets for commercial trade in ivory pursuant to Resolution Conf.10.10 (Rev.CoP19) paragraph 5.⁴
- At SC77, the Committee invited the Secretariat to seek input from the Parties on the criteria to be used to identify Parties with a legal domestic ivory market to be included in the analysis. The Standing Committee also invited the MIKE-ETIS Subgroup to consider the Parties' responses, propose criteria for the selection of Parties, prepare research questions, and report back to SC78.⁵
- In SC78 Doc. 65.4, the Secretariat suggests the analysis is challenging and thus not feasible and recommends deleting Decisions 18.117-18.119 (Rev. CoP19) – thereby killing the process for conducting the analysis. The Secretariat also suggests deleting Decisions 18.117-18.119 (Rev. CoP19), requiring Parties with legal ivory markets to report on how those markets are not contributing to poaching and illegal trade.
- While most of the Parties previously regarded as major ivory consumers have already taken "legislative" or "regulatory" measures to close their market for commercial trade in ivory, with limited exemptions for some ivory items that are presumed unlikely to contribute to poaching or illegal trade, Japan alone still authorizes a significant legal market for commercial trade in a wide variety of ivory items.⁶
- An analysis of ETIS ivory seizure data linked to Japan's domestic ivory market would provide insight into the role Japan plays in the international illegal trade and whether it is sufficiently implementing the market closure provisions of Resolution Conf. 10.10 (Rev. CoP19).

¹ Tom Milliken. 1989. The Japanese ivory trade: Tradition, CITES and the elusive search for sustainable utilisation, the ivory trade and the future of the African elephant: technical reports prepared for the seventh CITES Conference of the Parties vol.2. Ivory Trade Review Group

² Res. Conf. 10.10 (Rev. CoP19), paragraph 3 <https://cites.org/sites/default/files/documents/COP19/resolution/E-Res-10-10-R19.pdf>

³ Decisions 19.99 to 19.101 <https://cites.org/eng/dec/index.php/44306>

⁴ <https://cites.org/sites/default/files/documents/COP19/resolution/E-Res-10-10-R19.pdf>

⁵ SC77 Summary Record. <https://cites.org/sites/default/files/eng/com/sc77/E-SC77-SR.pdf>

⁶ EIA and JTEF. 2023. Reality Check: Japan's Legal Domestic Ivory Market Briefing Document for Delegates to the 77th Meeting of the CITES Standing Committee https://eia.org/wp-content/uploads/2023/10/SC77-EIA_JTEF-Japan-Briefing-FINAL_31-Oct-2023.pdf

Japan's Domestic Market for Commercial Trade in Ivory

Japan's market stands out among those Parties that permit some degree of commercial trade in ivory due to the sheer number of ivory items available for sale and the thousands of government-authorized ivory traders, dealers, and wholesalers operating in the country. Japan's approach for managing its domestic trade in ivory is beyond the scope of "narrow exemptions to the closure for some items" as described in the Resolution Conf.10.10 (Rev. CoP19).

- **Broad Extent of Exemptions for Trade:** While Japan insists that it "has been implementing stringent measures to ensure that its domestic ivory market does not contribute to poaching and illegal trade", Japan authorizes a significant legal market for commercial trade in a variety of ivory pieces and worked products.⁷ While the Government of Japan may try to claim its domestic trade is limited, in reality its purported exemptions to trade actually constitute regulations designed to facilitate commercial trade in all kinds of ivory products. Raw and worked ivory, from carvings of whole tusks to tea sets and jewellery, are widely available for trade in Japan.
- **Many Government-Registered Traders:** Thousands of traders are registered by the Government of Japan to trade in ivory. Based on the registry of ivory traders (as of October 7, 2024), there are 5,771 registered traders operating 8,855 facilities engaged in ivory trade business.⁸
- **Massive Stockpile:** Japan's domestic ivory market has huge stockpiles of whole tusks and cut pieces, from which new worked products are made. All of the stockpiles are in the hands of the private sector and all ivory can be manufactured, stocked, and sold. As of 2022, 175.1 tonnes of whole tusks (December 2022) and 75.9 tonnes of cut pieces (March) were stocked, in addition to vast amounts of ivory products.⁹

Why is Japan's Ivory Market a Concern?

Japan's ivory trade controls are riddled with loopholes and ineffective at preventing illegal trade.¹⁰ The regulatory framework is built to facilitate and even encourage trade in ivory, and there are real concerns about Japan being an easy source of ivory for illegal export.

- In Japan, only whole tusks are exclusively mandated to be *registered* for legal trade. In addition to the registration of ivory tusks purchased at two CITES-approved international sales (approximately 50 tonnes in 1999 and 39 tonnes in 2009), more than 155 tonnes of whole tusks that were ostensibly obtained before the international ban, and thus deemed legal, were registered between 2011 and 2019 despite no real proof required for registration.¹¹
- Cut pieces of raw ivory are not registered by the government.¹² Instead, traders report stockpiles of cut pieces without government oversight to confirm legality or the reported volume of the stockpile. As such, to circumvent the registration requirement, a trader would simply need to cut a whole tusk. As of December 2022, 175.1 tonnes of whole tusks were stocked, only a slight decrease of about 2.6 tonnes compared to December 2020.¹³ In addition to the stockpile of whole tusks, the stockpile of cut pieces that were reported by registered ivory traders weighed 75.9 tonnes (as of March 2022), an increase of about 10.2 tons from two years ago.¹⁴ The stockpile of cut pieces rose drastically in comparison to the amount of stockpiled whole tusks from which they were, in theory, sourced.
- EIA documented a steady flow of ivory exported from Japan between 2018 and 2020, primarily to China.¹⁵ Since then, publicly available information on source countries for ivory seizures made by China Customs has become limited. Understanding the extent and nature of seizures linked to Japan would help inform Parties determine appropriate next steps for evaluating Japan's implementation of Resolution Conf. 10.10 (Rev. CoP19).
- In a 2022 analysis of Chinese court verdicts for ivory trafficking cases involving Japanese ivory, JTEF found that many cases qualified for the designation of serious crime as defined in the United Nations Convention against Transnational Organized Crime (UNTOC).¹⁶ Japan, with its openly accessible supply of ivory and limited border enforcement, is an easy target for illegal ivory traders.
- The annual number of foreign visitors to Japan in 2024 was 36,869,900, setting a new record high.¹⁷ Some travellers are intent on bringing ivory back to their home countries. In 2020, a study of Chinese travellers to Japan found that 19 percent planned to purchase ivory products and an estimated 12 percent actually did make an ivory purchase and brought that ivory back to China.¹⁸ Though the government has an awareness campaign intended to inform tourists that exporting ivory is illegal, that increased awareness does nothing to stop those intent on illegally exporting ivory.

⁷ CITES SC77 Doc. 63.1 (Rev. 2) https://cites.org/sites/default/files/documents/E-SC77-63-01-R2_0.pdf and EIA and JTEF. 2023. Reality Check: Japan's Legal Domestic Ivory Market Briefing Document for Delegates to the 77th Meeting of the CITES Standing Committee https://eia.org/wp-content/uploads/2023/10/SC77-EIA-JTEF-Japan-Briefing-FINAL_31-Oct-2023.pdf

⁸ Data compiled by JTEF from the "Special international species business operator registration registry", as of November 5, 2024 (in Japanese) <http://www.iwrc.or.jp/service/iigyousha/files/tourukubo.pdf>

⁹ SC74 Doc. 39 Annex 5 <https://cites.org/sites/default/files/eng/com/sc74/E-SC74-39.pdf>

¹⁰ SC77 Doc. 63.1 (Rev. 1) https://cites.org/sites/default/files/documents/E-SC77-63-01-R1_0.pdf

¹¹ EIA and JTEF. 2022. Ripe for Abuse: Japan's Ivory Market. https://eia.org/wp-content/uploads/2022/10/EIA_US_CoP19_Ivory_report_1022_US_Format_FINAL.pdf

¹² EIA and JTEF. 2022. Last But Not Least: Japan's Domestic Ivory Market Briefing Document for Delegates to CITES Standing Committee 74. https://eia.org/wp-content/uploads/2022/03/Last-But-Not-Least_EIA-JTEF_March-2022.pdf

¹³ Ibid.

¹⁴ SC74 Doc. 39 Annex 5 <https://cites.org/sites/default/files/eng/com/sc74/E-SC74-39.pdf>

¹⁵ SC77 Doc. 63.1 (Rev. 1) https://cites.org/sites/default/files/documents/E-SC77-63-01-R1_0.pdf

¹⁶ Ibid.

¹⁷ EIA. (December 2020) Japan's Illegal Ivory Exports. <https://us.eia.org/campaigns/wildlife/elephants/japan-ivory/>

¹⁸ JTEF (2022) Smugglers' Source: Japan's Legal Ivory Market: An Analysis of Chinese Court Decisions of Ivory Illegally Exported from Japan

¹⁹ https://www.into.go.jp/statistics/data/_files/20250115_1615-1.pdf

²⁰ GlobeScan Incorporated / WWF. (October 2020) Beyond the Ivory Ban: Research on Chinese Travelers While Abroad. <https://www.panda.org/2968516/Ivory-Consumption-Chinese-Travelers>

- Domestic legal markets are vulnerable to the risks associated with illegal international trade in ivory, particularly the illegal export of ivory to other countries. Illegal exports of ivory from Japan to other jurisdictions with closed markets complicate law enforcement efforts to control the illegal trade, undermine behavior change campaigns that seek to reduce demand for illegal ivory, and ultimately demonstrate the urgent need to close Japan's market pursuant to CITES Resolution Conf. 10.10 (Rev. CoP19).

Japan's Opportunity: LCES Review Process

Japan's Law (or Act) for the Conservation of Endangered Species (LCES or ACES) is currently undergoing a statutory review, the first since 2017. Now is the time to make amendments to effectively close the market for ivory. An assessment and drafting are underway and an amendment bill will be submitted to the National Diet in early 2026. Actions regarding the closure of domestic ivory markets, including recommendations for Japan, within CITES are relevant and could influence the Government of Japan's decisions on including the closure of Japan's ivory market in the bill. Japan has a real opportunity during the LCES revision process to make a strong statement supporting elephants by closing its domestic ivory market.

Discussion & Conclusions

Despite CoP17 enshrining, by consensus, the recommendation for the closure of domestic ivory markets that contribute to poaching or illegal trade in Resolution Conf. 10.10, Japan refuses to prohibit the commercial trade in ivory. Parties made this decision to prevent legal ivory trade from creating opportunities to launder illegal ivory and to eliminate the risk of ivory being purchased legally in one country and exported to another thereby fueling demand and undermining enforcement and demand reduction activities. The World Wildlife Crime Report 2024 published by UNODC determined that government policies leading to the closure of key domestic markets have constrained demand and have contributed to the recent shrinking of the ivory market, documented by the collapse in the price of ivory, decreasing seizures of ivory, and decreasing elephant poaching figures.¹⁹

Japan's domestic ivory market continues to pose risks for elephant populations globally. All pre-Convention ivory and ivory imported in the two CITES-approved sales in Japan can be traded, which means a vast amount of ivory is able to be purchased legally by anyone who wants to buy it. The role Japan's existing legal market plays in international ivory trade dynamics should be closely examined, including via the analysis of ivory seizures connected to each Party with a legal domestic market for commercial trade in ivory called for in Decision 19.99. Research questions on the domestic ivory market of each identified Party, including the extent of ivory that is authorized for trade for commercial purposes, and the size of the Party's legal market for commercial trade, including metrics such as the scale of ivory stockpiles, the number of authorized ivory traders, and the import record of CITES-approved "one-off" sales, are relevant as the Parties look to avoid stimulating global demand and sparking another massive poaching crisis.

Recommendations to SC78

- Renew Decisions 18.117-119 (Rev. CoP19), which requests Parties that have not closed their domestic markets for commercial trade in raw and worked ivory to report on what measures they are taking to ensure that their domestic ivory markets are not contributing to poaching or illegal trade.
- On Decisions 19.99, which calls for an analysis of seizures connected to each Party with a legal domestic market for commercial trade in ivory, establish a working group to identify alternatives to complete the analysis so that a substantial outcome can be delivered in the ETIS report to CoP20.

Recommendations to Japan

- Revise its domestic law (LCES) to prohibit commercial trade in elephant ivory in 2026.
- Deliver a policy statement expressing a commitment to the revisions to prohibit commercial trade in ivory and report on the progress to CoP20.

¹⁹ UNODC, World Wildlife Crime Report 2024: Trafficking in Protected Species, Chapter 6, Case study 4 "Elephant ivory"
https://www.unodc.org/documents/data-and-analysis/wildlife/2024/Wildlife2024_Final.pdf