

The Fourth Meeting of the Public-Private Council for the Promotion of
Appropriate Ivory Trade Measures
Summary

Date and Time: Tuesday, March 28, 2017, 15:00-16:30

Venue: Ministry of Economy, Trade and Industry

Members: (“*” indicates Joint Secretariat of the Council)

[Public Sector]

- Ministry of the Environment (MOE)*
- Ministry of Economy, Trade and Industry (METI)*
- National Police Agency (NPA)
- Ministry of Foreign Affairs
- Ministry of Finance

[Private Sector]

- Japan Federation of Ivory Arts and Crafts Associations*
- Yahoo Japan Corporation*
- The Japanese Seal Engravers Association
- DeNA Co., Ltd.
- Association for Seal and Stamp Products Companies of Japan
- Nationwide Pawnshop Union Alliance Society
- Antique Dealers Crime Prevention Associations Federation of Tokyo
- TRAFFIC
- Rakuten, Inc.

[Expert]

- Prof. Yoshio Kaneko, Iwate Prefectural University

[Observer]

- National Federation of Commerce and Industry Associations for Japanese Traditional Instrument

Agenda

1. Addition of Participating Organizations
2. Amendment to “Law for the Conservation of Endangered Species of Wild Fauna and Flora”(LCES)
3. Progress on Efforts made since the Last Council
4. Other Matters

Summary of Discussions

1. Addition of Participating Organizations

The Secretariat explained that MOE and METI had undertaken dissemination of information on laws and regulations regarding elephant tusks and ivory products to antique sector and pawn sector in cooperation with NPA. Following consultation from the Secretariat to the members at the meeting regarding adding new members to the Council, the Council approved unanimously the participation of new members, namely Nationwide Pawnshop Union Alliance Society and Antique Dealers Crime Prevention Associations Federation of Tokyo, both of which had expressed the intention to participate in the Council. Furthermore, National Federation of Commerce and Industry Associations for Japanese Traditional Instrument was approved to join the meeting of the Council as an observer, although not being able to participate as a formal Council member because of its ongoing internal decision making procedure for requesting the Council for membership.

2. Amendment to “Law for the Conservation of Endangered Species of Wild Fauna and Flora”(LCES)

MOE provided explanations with regard to the reasons and specific contents of the amendment of the Law related to ivory, which was decided by the Cabinet on February 28, 2017 to be submitted to the Diet for its approval.

Specific reasons for the amendment are as follows. Despite illicit domestic ivory products trade cases conducted by both business operators that had and had not notified the authorities to engage in domestic commercial trade in ivory had been found, the current laws and regulations do not prohibit those business operators who have conducted illicit activities from continuing their business operations as long as they pay a fine corresponding to the penalty. Therefore, measures to address and improve the current system are needed. Moreover, 17th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES-COP17), held between September and October 2016, adopted a resolution recommending to close domestic markets for ivory that is contributing to poaching or illegal trade with a view to eradicating poaching of African elephants and illegal trade of ivory therefrom. With this aforementioned background and in order to continue appropriate control of the domestic ivory market, more stringent response became necessary, hence amendment of the Law.

The following was explained as specific contents of amendment related to ivory.

- a) The manufacture and sales business for ivory products which is currently based on notification system will be changed to registration system. To be precise, applicant will be examined on application for registration to be able to conduct domestic ivory business, the registration is valid for five (5) years and requires renewal after expiration every five years, and the registration will not be allowed

for the next five years from the time the registration is revoked due to violation of laws and regulations.

- b) Mandatory registration of whole tusks owned by business operators.
- c) Mandatory maintenance of inventory (*kanrihyou*) recording information on whole tusk of which ivory cut pieces and products were sourced.
- d) Mandatory display of information such as registration numbers at the time of advertising and selling ivory products.
- e) Disclosure of registered business operators list.
- f) Strengthening of penalties (introduction of imprisonment with labor and a significant increase in fines, bringing up from five hundred thousand (500,000) yen to one hundred million (100,000,000) yen maximum).

It was also explained that the above-mentioned amendment will enter into force in approximately one year after approval at the current Diet session.

During questions and answers session under this agenda item, MOE responded to questions of the participants by providing explanations as follows:

- a) current use of the mark (certification mark) to certify that a product is made of ivory which was lawfully obtained remains unchanged (voluntary); and
- b) placing ivory products on an internet auction site is not subject to regulation if it is an one-off sale by an individual, which is recognized as a private and non-business activity, however, such activity, even though conducted by an individual, may be determined as a business activity if such individual repeatedly conducts such sales and hence can be subject to regulation as a business operator.

3. Progress on Efforts made since the Last Council

Following reports were presented by members.

Japan Federation of Ivory Arts and Crafts Associations

The Japan Federation of Ivory Arts and Crafts Associations held a seminar for ivory manufacturers including not only the members but also non-members. In the seminar, regulations on domestic ivory trade were made known and it also included case studies as to methods for recording an inventory (*daichou*) recording transactions of ivory products. Fifty-four (54) persons coming from forty-one (41) business operators including members and non-members participated in the seminar.

Association for Seal and Stamp Products Companies of Japan

Fifty-eight (58) business operator members of the Association that are recognized as business operators under the notification system set out in current LCES were informed to thoroughly use the label (certification label) as well as recording of the inventory recording transactions of ivory products.

The Japanese Seal Engravers Association

Thorough recording of ivory transactions in *daichou* was communicated at a meeting in February 2017 convening Association's directors in the country and representatives of respective prefectures of Japan. A leaflet to draw attention of foreign clients to the regulation regarding taking out ivory products overseas which were previously prepared only in Japanese and English versions were translated further into Chinese, Korean, French and Spanish, and were distributed to the respective members for the purpose of raising awareness of foreign clients.

Yahoo Japan Corporation

Yahoo Japan Corporation contributed five million (5,000,000) yen for supporting anti-poaching ranger patrols in Namibia in partnership with UNDP under the recognition that not only measures for domestic trade but also measures against poaching in the African range states are necessary in order to protect the African elephants.

METI

On March 17, 2017, METI, together with MOE, took an administrative action (ordering improvement measures etc.) to an ivory products manufacturer which had violated the obligation under LCES for not recording any of their domestic ivory transactions in *daichou*. However, this case did not have any linkage to illegal trade.

MOE

On November 14, 2016, MOE and METI asked jointly for cooperation of NPA to make aware of regulations on domestic ivory trade to all Japanese prefectural police departments and antique and pawnshop sectors.

NPA

Six (6) cases of violation of LCES involving elephant tusks were handled by police in 2016. In the case of Shizuoka prefecture that was discovered at an on-site inspection by MOE in November 2016 and was then handled by police, police detected the illicit obtention of five (5) non-registered elephant tusks by two companies and others. In this case, there was no evidence of the case being related to smuggling.

4. Other Matters

TRAFFIC provided information on international trends such as tendency in recent wildlife crimes and policies of other countries concerning their domestic ivory markets. TRAFFIC also brought a proposal regarding issues to be discussed at this Council. Participants exchanged opinions on information and proposal presented by TRAFFIC.

During the above exchange of opinions, it was pointed out that despite expressions “ban” and “nearly complete ban” are used to describe regulations of countries and region in the information provided by TRAFFIC, those regulations in fact allow many exceptions.

In view of the matters mentioned above, it was pointed out that continuous observation of other countries’ respective domestic ivory trade regulations is essential, and that, at the same time, there is a need to exercise more stringent control of the Japanese domestic ivory market. One participant posed how efforts promoted by the Council members should be communicated to the international community, and to this end, pointed out the need for strategic communication. Another participant agreed to this remark. Furthermore, in response to the argument raised on the necessity of regularly issuing information on progress on efforts to promote appropriate domestic ivory trade, the importance of discussing how to build strategic communication was shared among the participants.

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