

# THE DIRTY SECRETS OF JAPAN'S ILLEGAL IVORY TRADE



JAPAN'S TWENTY YEARS OF NON-COMPLIANCE  
WITH CITES IVORY TRADE CONTROLS

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For over 25 years as a nonprofit organization, EIA has pioneered the use of undercover investigations to expose environmental crime around the world. Intelligence reports, documentary evidence, campaigning expertise and an international advocacy network enable EIA to achieve far-reaching environmental protection by spurring changes in market demand, government policy and enforcement related to global trade in wildlife and environmental products.

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## SUMMARY

Whole ivory tusks for sale in Japan. EIA 2015.

- With African range states losing their elephants at a rate of approximately 30,000 per year, the international community has come together to combat poaching and support range states. A recent comprehensive aerial survey of African range states confirms that 30 percent of Africa's savannah elephants were lost during the 2007–2014 time period.<sup>1</sup> This is make or break time for CITES to protect the world's remaining elephants.
- Japan's long history of failing to meet CITES commitments to effectively control domestic ivory trade is endangering this global effort. It is a slap in the face to the African elephant range states and an affront to CITES parties, which allowed Japan to twice receive legal ivory shipments from southern African nations (1999 and 2008) with the understanding that rigorous controls were in place to prevent laundering of illegal ivory onto the domestic market and clandestine exports.
- **Japan has systematically failed to comply with CITES obligations** in the following areas:
  - » Failure to verify the legality of origin and acquisition of whole tusks presented for registration;
  - » Failure to control raw and worked ivory by failing to require marking of whole tusks and failing to require registration and marking of cut pieces over 1kg and 20cm in height;
  - » Failure to enact "demonstrably effective" controls over worked ivory;
  - » Failure to adequately regulate the online ivory trade; and
  - » Failure to prevent ivory from being illegally exported to China and Thailand.
- EIA investigations and research over the past 18 months demonstrate that Japan's ivory control system is plagued by loopholes and undercut by weak legislation to such an extent that no meaningful control exists at even the most basic level. The volume of ivory being traded is on the rise, illegal activity is rampant, and abuse of the system is pervasive.

To reverse this unsustainable situation, which is undercutting efforts to save Africa's remaining elephants, EIA calls for decisions urging Japan to close its domestic ivory market no later than Standing Committee 69, and to include Japan as a country of primary concern and to develop a National Ivory Action Plan on an urgent basis.<sup>2</sup>

At CoP17, EIA supports the proposals put forward by Kenya, Gabon, Angola, Burkina Faso, Central African Republic, Chad, Côte d'Ivoire, Ethiopia, Niger and Senegal to re-establish precautionary policies within CITES to secure African elephant conservation, including:

- CoP17 Doc. 57.2 "Closure of Domestic Markets for Elephant Ivory."
- CoP17 Doc. 57.3 "Ivory Stockpiles: Proposed Revision of Resolution Conference 10.10 (Res. Conf. CoP16) on *Trade in Elephant Species*."
- CoP17 Doc. 84.2 "Decision Making Mechanism for a Process of Trade in Ivory."

### JAPAN'S HISTORY OF BROKEN COMMITMENTS TO CITES

Japan joined the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in November 1980, but continued to import ivory until the CITES international commercial trade ban came into effect in 1990. Since 1970, Japan has imported ivory tusks from some 250,000 elephants, including 2,154 tonnes of raw ivory between 1981 and the 1989 ban, more than any nation in the world.<sup>3</sup> Most of this ivory was from elephants poached in Africa's hot spots and laundered through entrepôt nations.<sup>4</sup>

Soon after the 1989 CITES international ivory ban came into effect for all African elephant populations, Japan sought to dismantle it. There were two failed initiatives to obtain approval to import ivory at the eighth and ninth CITES conferences, in 1992 and 1994. Finally in 1997, the Parties to CITES approved a partial dismantling

of the ivory ban and allowed the sale of nearly 50 tonnes of stockpiled raw ivory from Botswana, Namibia, and Zimbabwe to Japan.<sup>5</sup> The ivory was auctioned to Japanese ivory dealers and imported in 1999.<sup>6</sup>

### TRAFFIC CHANGED CONCLUSIONS OF ITS OWN EXPERTS AND BLESSED JAPAN'S IVORY CONTROL SYSTEM

In February 2016, EIA interviewed Judith Mills, who was the Regional Director of TRAFFIC East Asia during the time that Japan was petitioning for the first ivory sale. Mills explained that, in the lead up to the 1997 CITES meeting in Zimbabwe, her staff were tasked with analyzing Japan's domestic ivory trade to ascertain whether Japan was ready to receive imports of legal ivory and had the controls in place to prevent illegal ivory from being laundered into the system. Her staff in Tokyo carefully examined the Japanese system and concluded that Japan was not ready to receive ivory, that in fact there were loopholes that would allow illegal ivory to be laundered into the system.<sup>7</sup> However, during the editing phase, the conclusions of the report were changed, at the insistence of senior staff in Africa, to conclude that Japan was ready to receive limited legal ivory shipments. Citing this report, TRAFFIC and the World Wildlife Fund supported Japan's bid for legal ivory imports.



In 2008, the Parties allowed both Japan and China to legally import 102 tonnes of ivory in a second series of auctions of southern African ivory stockpiles.<sup>8</sup> Poaching of elephants began to increase rapidly across Africa, particularly following the second wave of ivory sales. A recent scientific study confirms that the legal domestic trade in ivory in China and Japan following the 2008 CITES one-off ivory sales had a direct impact on the supply of illegal ivory and demand for ivory – the study documents a 66 percent increase in supply of illegal ivory.<sup>9</sup>

Both CITES-authorized sales were predicated on the adoption and implementation of rigorous domestic ivory trade controls in Japan and China aimed at preventing illegal ivory from reaching their domestic markets in order to prevent an upsurge in poaching. These controls are embodied in CITES Resolution Conference 10.10 *Trade in elephant specimens* (and its subsequent iterations with the most recent being Rev. CoP16), which requires, amongst other safeguards, “compulsory trade controls over raw ivory” and “comprehensive and demonstrably effective stock inventory, reporting, and enforcement systems for worked ivory.”<sup>10</sup>

In addition to the requirements laid out in CITES Res. Conf. 10.10, both of the authorized ivory sales were also predicated on Japan being granted “CITES trading partner” status, qualifying it to purchase legal ivory in the CITES-controlled auctions. A

CITES-appointed team visited Japan before each ivory stockpile sale to review its relevant control systems and laws and to interview government officials to verify that its regulations were sufficient to prevent illegal ivory trade.<sup>11</sup> Despite the revelation of glaring deficiencies during each verification mission, the CITES Secretariat supported Japan’s ivory control system with only minor improvements required.

Unfortunately, Japan has failed to keep its promises to CITES and has been consistently non-compliant with CITES Res Conf. 10.10 since the resolution was adopted in 1997 at the CITES CoP in Harare, Zimbabwe. TRAFFIC has subsequently reported the following problems with Japan’s controls in various reports ranging from 1997 to 2016:<sup>12 13 14 15 16 17</sup>

**TRAFFIC-Documented Ivory Control Failings**

- Incomplete tusk registration, including lack of control over ivory in personal use and businesses operating without proper government notification (documented in 1997, 2002, 2006, 2010 and 2016)
- Incomplete tracking of ivory from raw tusk to finished product (1997, 2002 and 2010)
- Control of cut pieces lacking or insufficient (2002 and 2016)

- Incomplete mandatory display of dealer registration (2010 and 2015)
- Incomplete registration of online ivory traders (2010, 2015 and 2016)
- Flaws in the ivory database (2002 and 2006)
- Problems with the voluntary certification system (1997, 2006, 2010 and 2016)
- Inadequate awareness programs for the ivory industry (2002, 2006 and 2015)
- Inadequate awareness programs for the public (2002, 2010, 2015 and 2016)

A series of EIA investigations has also revealed widespread illegal activities that exploit significant, longstanding loopholes in Japan’s ivory law and widespread ineffectiveness of Japan’s ivory controls, as summarized in Table 1.

Forest elephant in Gabon. PHOTO CREDIT: CAROLINE POTT.



TABLE 1: Summary of Japan’s Compliance Failures

CITES REQUIREMENT	JAPAN’S NON-COMPLIANCE
Proof of legal origin and acquisition must be provided at the time ivory is registered (2006 CITES Secretariat document SC54 Doc. 26.1 (Rev.1) to Standing Committee). <sup>18</sup>	No proof of legal origin and acquisition is required. Statements by family and friends as well as fraudulent statements by “straw men” are readily accepted.
Regulate the domestic trade in raw and worked ivory; compulsory trade controls over raw ivory; maintain an inventory of government-held stockpiles of ivory and, where possible, of significant privately held stockpiles of ivory within their territory (Res. Conf. 10.10)	The registration system cannot identify and prevent illegal tusks from being legalized onto Japan’s domestic market.
Introduce recording and inspection procedures to enable the Management Authority and other appropriate government agencies to monitor the movement of ivory within the State (Res. Conf. 10.10)	Tusks in personal use (not traded) are exempt from registration requirements. Therefore, ivory traders are not required to register all tusks in their possession if they claim they are not for sale.
Whole tusks of any size, and cut pieces of ivory that are both 20 cm or more in length and one kilogram or more in weight, should be marked by means of punch-dies, indelible ink, or other form of permanent marking (Res. Conf. 10.10)	Whole tusks are not required to be marked under Japan’s Law for the Conservation of Endangered Species (LCES). Cut pieces of 1kg and 20cm in height or larger are also not required to be registered and marked.
	Physical inspection of ivory tusks presented for registration is banned under the LCES which only requires photos of the tusk to be presented when registration is sought.
	The LCES does not require registration or marking for cut pieces of ivory of any size, nor does any marking occur.



## JAPAN'S BIGGEST COMPLIANCE FAILURE: THE WHOLE TUSK REGISTRATION SCHEME

In the 2006 Japan ivory verification mission report presented to the Standing Committee, the CITES Secretariat confirmed that Japanese law required that, "Proof of legal origin and acquisition must be provided at the time ivory is registered."<sup>19</sup> In reality, no such proof is required.

EIA investigations have demonstrated conclusively that Japan's whole tusk registration scheme, intended to provide an important firewall to prevent the laundering of illegal ivory onto the Japanese market, has failed to meet CITES requirements to prevent illegal ivory entering from Japan's market.

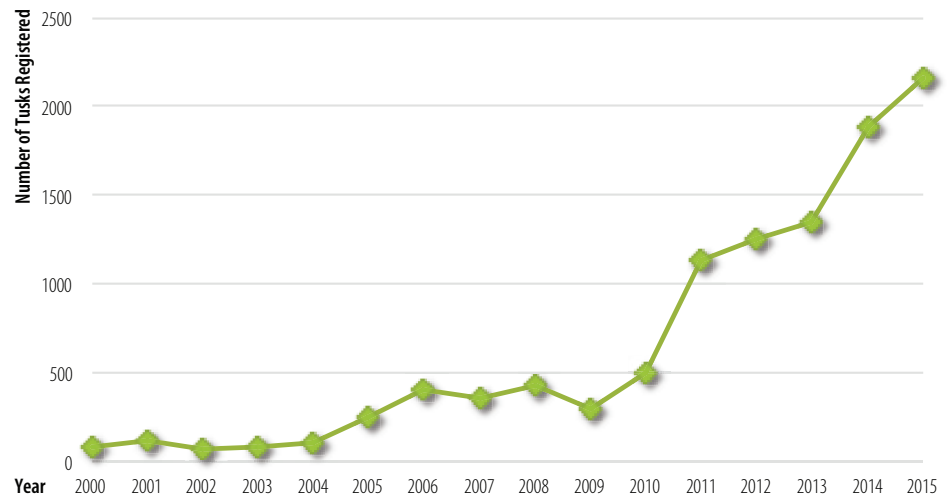
Japan's ivory trade controls are expressed in the domestic Law for the Conservation of Endangered Species of Wild Flora and Fauna (LCES).<sup>20</sup> The registration process is overseen by the Ministry of Environment (MoE), but its implementation is assigned to a non-government organization: the Japan Wildlife Research Center (JWRC).<sup>21</sup>

According to the LCES, persons owning whole ivory tusks in Japan are legally required to register the tusks before they are traded,<sup>22</sup> but ivory traders are not required to register all of the ivory tusks in their possession if they declare they are not for sale. Upon successful registration, the JWRC issues a registration card, which must be returned within 30 days if the owner sells, trades, processes, or otherwise no longer possesses the tusk.<sup>23</sup>

Because the ivory that was acquired through the CITES auctions was immediately registered upon arriving in Japan, the only type of ivory that may currently be legally registered is pre-ban (i.e. pre-1989) ivory. It is important to note that most of the ivory tusks imported between November 1980 (when Japan joined CITES) and 1990 (when the global ban went into effect) were tusks illegally poached in Africa in contravention of the laws in place in the African countries where ivory originated (See Box 1). Thus the current tusk registration scheme is essentially a tool for granting amnesty to massive quantities of illegal ivory imported into Japan before the ban. Furthermore, the LCES is plagued by loopholes, and it is very easy for ivory tusks of any vintage or origin to be registered in Japan and thereby enter the legal domestic trade.

Contrary to the 2006 CITES Secretariat verification report on Japan, the LCES does not require any meaningful proof of legality of origin and acquisition for raw tusks "presented for registration." Under the registration procedure, no official government documentation of legality is required. The JWRC generally accepts both (1) a statement about acquisition written by the person who claims to have acquired the tusk in Japan or imported the tusk into the country, or (2) any other document that purports to support legal acquisition, including a statement by any third party.<sup>24,25</sup> This means that the person who stands to benefit from the tusk registration is relied on as the primary source of proof of legality. The JWRC may request the applicant to submit additional documents to conform with the registration requirements (MoE Order Article 11, Paragraph 2), but it does not insist on the provision of official government documents, such as customs forms, delivery slips, or statements of transfer using a government form. In most cases, a declaration provided by a family member or acquaintance is sufficient to acquire the registration document.

## FIGURE A: Whole Tusks Registered in Japan 2000-2015



Note: These numbers exclude 3,365 tusks imported and registered at the 2008 one-off sale.

Such a system is prone to abuse and, as detailed in EIA's analysis, widespread fraud and illegal conduct by ivory traders is commonplace. Ivory traders use "straw men" to fraudulently register tusks that were neither of legal origin nor legally acquired. The Government of Japan has been aware of the weaknesses in the law since at least 2001 when the JWRC notified the MoE that false statements of transfer or statements of ownership had been submitted as evidence for registration. JWRC queried the Ministry to ask if it could reject applications that did not include a document made by a public agency or if it would be acceptable to request an explanation on the background of the acquisition from the applicant, and if no specific question arose, to request the applicant to "prepare some necessary documents."<sup>26</sup> The Ministry of Environment approved the JWRC's suggestion and confirmed that official documents were not necessarily required. Thus, despite receiving an early warning about significant abuse of the registration process, the MoE did not strengthen the evidentiary requirements for tusk registration. This decision was unchanged when the CITES 2006 Secretariat verification mission report to Standing Committee concluded that "proof of legal origin and acquisition" had to be presented when a tusk is registered.

Aside from creating a ready avenue for laundering illegal ivory onto the domestic market, the evidentiary requirements outlined in the LCES are insufficient to prove legality. The types of statements accepted by the JWRC do not constitute credible evidence. A statement offered by a person for his or her own material benefit is inherently untrustworthy because it is easily

subject to bias and abuse. Furthermore, there is no requirement for the statements to be corroborated by an unbiased or disinterested individual.

Interestingly, the 1997 CITES Panel of Experts report confirms that official documents or affidavits (sworn statements) were required in 1995-1996 when the LCES first came into effect and there was a one-time mass registration of existing ivory stocks.<sup>27</sup> At that time, because most of the existing ivory tusks were unmarked, affidavits by tusk owners were used to register the vast majority of the tusks (approximately 75 percent). Thus, the Government of Japan's threshold for evidence to prove tusk legality has been shockingly low from the outset.

The statements that the MoE has interpreted as acceptable under the LCES as evidence of legal acquisition and origin for the purpose of gaining legal registration of whole ivory tusks have consistently fallen far short of qualifying as *proof* of legality. It is unclear whether the CITES Secretariat understood the lax evidentiary requirements at the time they undertook the 2005 verification missions. However, it is clear that the JWRC, the MoE, and numerous unscrupulous ivory traders in Japan are well aware of its shortcomings.

As a result, thousands of tusks of dubious legality have been registered in Japan and thus *de facto* legalized. From 2011 to 2015, 7,769 tusks were registered in Japan as "pre-ban stock" with little to no evidence of legality provided (see Figure A).

### CITES Panel of Experts 1996

produced by the applicant. In spite of the fact that all tusks traded under CITES rules since 1986 should have been individually marked, adequate documentation could not be found for about three quarters of the tusks, and registration cards were granted for these on the basis of affidavits. The traders were required to register all of their tusks at once. The chairmen of the professional associations of importers and wholesalers of ivory were required to take responsibility for their members who applied for registration, on pain of cancellation of the registration cards.

Excerpt from the 1996 CITES Panel of Experts report Japan chapter.



## BOX 1: JAPAN'S ILLEGAL IVORY IMPORTS BEFORE AND AFTER THE BAN

Since 1970, Japan has imported ivory from more than 250,000 African elephants, with many of these tusks illegally acquired through the poaching of wild elephants.<sup>28</sup>

Japan imported over 5,000 tonnes of ivory, from 1970 to 1988<sup>29</sup> including some 2,154 tonnes after November 1980 when Japan joined CITES. Most of the ivory tusks imported in the 1980s were “from adult mature male and female elephants from intensely poached elephant populations and these important age classes were eliminated from some areas by 1989 as a result.”<sup>30</sup> Reports indicate that ivory tusks imported to Japan at that time were double or triple the size of other nations’ imports.<sup>31</sup> Japan’s vast imports of illegal ivory in the decade prior to the 1989 CITES ban were sourced from Congo Brazzaville (614 tonnes), Central African Republic (521 tonnes), Democratic Republic of Congo (formerly Zaire, 437 tonnes), Sudan (367 tonnes), Tanzania, (117.9 tonnes) Uganda (167 tonnes), and South Africa (122 tonnes).<sup>32</sup>

Illegal ivory has been consistently making its way to Japan since the 1989 ban as well. For example, a 2002 seizure of 6 tonnes of tusks and 40,000 *hanko* name seal blanks in Singapore exposed a well-organized ivory smuggling network that had been operating, undetected, since the mid-1990s and which had successfully shipped huge amounts of ivory to Japan and China.<sup>33</sup> Documentation associated with the seizure indicates that those implicated in the Singapore ivory seizure were able to successfully dispatch five shipments to Japan from 2000 to 2002.<sup>34</sup> Of the 19 suspected ivory shipments from the syndicate since 1994, 15 were destined for Singapore and four were destined for Guangzhou in China.<sup>35</sup> However, information gathered in southern Africa and Singapore confirms that the final destination for many of the shipments routed to Singapore was Japan.<sup>36</sup> No record of investigation has been publicly noted of Japanese enforcement investigations into the syndicate and the shipping company that received the ivory in Japan.

More recently, on August 28, 2006, 2.8 tonnes of cut raw ivory and blank, unpolished *hanko* name seals were also seized from a container ship arriving in Osaka from Pusan, South Korea.<sup>37</sup>

## FRAUD AND ABUSE OF IVORY CONTROL SYSTEM FOSTER ILLEGAL TRADE

The Japanese system, with all of its loopholes and weaknesses, is prone to abuse. EIA investigations confirm that widespread fraud and illegal conduct by ivory traders is commonplace, undermining Japan’s CITES compliance and worldwide efforts to stem the elephant ivory poaching epidemic in Africa.

During summer 2015, EIA investigators undertook an undercover survey of Japanese ivory traders to understand the effectiveness of the Government of Japan’s whole tusk ivory registration system.<sup>38</sup> Investigators uncovered dramatic evidence of ivory traders offering to purchase unregistered ivory of unknown origin and to falsify documents to secure registration.

Thirty-seven ivory dealers were approached to see if they were willing to purchase an unregistered whole tusk. Each had recently offered to buy whole tusks through ads on their websites or had sold them on shopping and auction sites hosted by Yahoo! Japan or Rakuten Ichiba. The investigators posed as average citizens looking to sell a tusk “acquired by the investigator’s late father 15 years ago,” around the year 2000. Only ivory tusks imported prior to the 1989 CITES ivory ban, which went into effect in 1990, may be legally registered in Japan.

Of the 37 ivory dealers surveyed, 11 offered to undertake blatantly illegal activities. Four dealers offered to buy the unregistered ivory and either cut or resell it, and seven others offered to buy the unregistered ivory and register it under a false name. Nineteen additional ivory dealers responded by offering to undertake likely illegal activities. For example, 11 dealers

offered to assist the investigator in acquiring registration using fake declarations, and eight dealers suggested the investigator acquire registration by suggesting, explicitly or implicitly, the use of false information. Several dealers suggested that the tusks could be exported to China or sold to Chinese buyers operating in Japan.

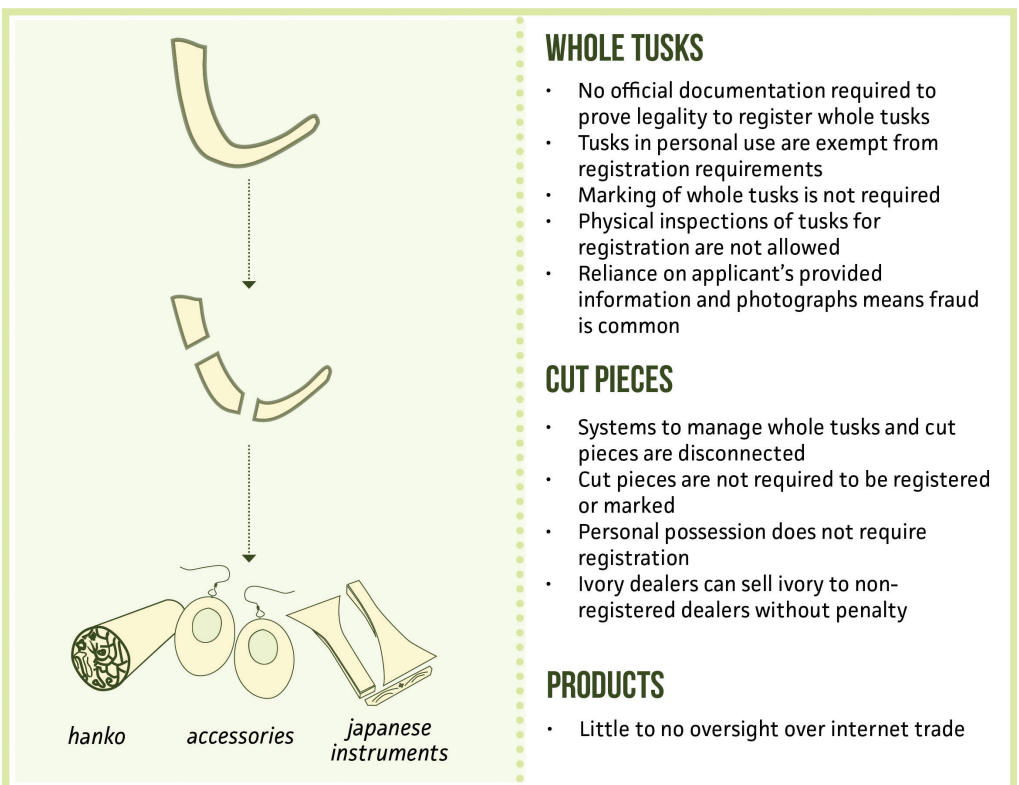
In total, more than 80 percent of the dealers approached offered illegal, or likely illegal advice or services aimed at transferring an unregistered tusk onto the domestic market. Less than 20 percent of the dealers gave responses that were consistent with Japanese law.

“If you want to get a certificate, you can’t write the truth, otherwise it is unlikely you would get it.”

“I’ve done over 500–600 of these cases and no one has ever been questioned about the third party’s statement, not even once.”

“The thing is, we must lie on these official statements.”

## IDENTIFIED LOOPHOLES IN JAPAN'S IVORY TRADE







"I sell [ivory] on a daily basis [to Chinese.] There are some contact persons who will help the buyers bring the tusks back to China." - Nippon Ivory. EIA 2015.



"Illegal [ivory] is OK... Unregistered tusks are better. . . they are cheaper." - USUI Shokai (USUI Firm). EIA 2015.



"Our headquarter is managing foreign buyers. . . It means that the head quarter manages more buyers. You are the fifth buyers making a deal with our shop. We can contact you by some way including email so that you can make a deal even after you go back (to China)." - Shichi-ya Kantei-kyoku (Pawnshop Appraisal Bureau). EIA 2015.



"We sold so many ivory tusks that ivory has been vanishing from Japan. So the price of ivory surged up because (the) Chinese bought all the ivory in Japan. Hong Kong people came here and I cut the tusks into three pieces for them to carry back. But now I don't cut tusks myself as it may suggest I admit [illegal export]." - Watanabe Kogei (Watanabe Craft). EIA 2015.

## DESTINATION CHINA: ILLEGAL EXPORTS OF IVORY FROM JAPAN

The Government of Japan's weak controls and complete lack of enforcement effort are facilitating illegal exports of ivory from Japan to China, undermining the work of CITES to prevent international ivory trade. Evidence collected during a recent EIA investigation confirms what the seizure data over the past decade has indicated: significant quantities of ivory are being illegally exported to China from Japan.

Since 2010, EIA has documented approximately 5.3 tonnes of ivory illegally exported from Japan, which was mostly seized at Chinese ports. These shipments included a significant quantity of whole tusks and raw ivory as well as worked pieces, often alongside other smuggled wildlife products including furs, rhino horn, and narwhal tusks.<sup>39</sup>

In December 2015, EIA investigators met with four different Japanese ivory dealers to determine the extent and characteristics of illegal exports of ivory to China from Japan.<sup>40</sup> The investigators posed as Chinese business people interested in purchasing ivory tusks for export to China. All four dealers that were approached offered to sell ivory to the investigators

knowing they would be illegally exported to China. All of the traders confirmed they have been regularly selling ivory to Chinese buyers knowing the ivory is for illegal export.

For example, one trader, Watanabe Kogei (Watanabe Craft) boasted, "We sold so many ivory tusks that ivory has been vanishing from Japan. So the price of ivory surged up because (the) Chinese bought all the ivory in Japan. Hong Kong people came here and I cut the tusks into three pieces for them to carry back. But now I don't cut tusks myself as it may suggest I admit [illegal export]." Another trader, Nippon Ivory, stated "I sell [ivory] on a daily basis [to Chinese.]" and "There are some contact persons who will help the buyers bring the tusks back to China."

Evidence gathered during the investigation suggests that the illegal export of ivory from Japan to China is still thriving today. Shichi-ya Kantei-kyoku (Pawnshop Appraisal Bureau, a trader representing one of Japan's largest ivory companies) explained:

"Our headquarter is managing foreign buyers. We have four other than you as the buyers making a deal with our shop only. It means that the head quarter manages more buyers. You are the fifth buyers making a deal with our shop. We can contact

you by some way including email so that you can make a deal even after you come back (to China)."

## COMPLICITY OF THE JAPAN WILDLIFE RESEARCH CENTER IN ILLEGAL IVORY TRADE

Abuse of the tusk registration scheme is not limited to ivory traders. EIA investigations undertaken in the summer of 2015 revealed that an official at the JWRC encouraged illegal trade in elephant tusks.<sup>41</sup>

The JWRC official advised the investigator how to resist a potential police investigation should she decide to sell the tusk illegally without registering it. "You need to stay with your story. No matter what they may say to you, you just don't change your story," the official advised.

The same JWRC registration officer also advised the undercover investigator how to fraudulently register a tusk as legal after the EIA investigator claimed to be in possession of a tusk that did not meet the pre-1990 age requirement for registration. The official coached the investigator eight times on how to falsify information in order to secure legalization of the tusk.



Screenshot of ivory products available on Yahoo! Japan Shopping! EIA 2016.

Product Name	Price	Points	Shipping	Store
印鑑セット：開運印鑑高級象牙2点セット（実印15mm、銀行印）	50,900円	509ポイント	送料無料	手彫りのはんこ 甲陽 Yahoo!店
印鑑/本象牙印鑑 政府認定 印鑑ケース付セット/手書き手彫り	5,432円	54ポイント	送料無料	印鑑とハンコケースの花紋印章
印鑑セット：開運守護印鑑高級象牙3点セット（実印15mm、銀行印）	60,700円	607ポイント	送料無料	手彫りのはんこ 甲陽 Yahoo!店
印鑑セット：開運守護印鑑高級象牙3点セット（実印16.5mm、銀行印）	70,400円	704ポイント	送料無料	手彫りのはんこ 甲陽 Yahoo!店
印鑑 実印 象牙印鑑18mm丸ケース付 銀行印 印鑑登	20,000円	200ポイント	送料無料	はんこ屋 氷室工房
本象牙 宅配便 送料無料	8,800円	88ポイント	送料無料	本象牙
印鑑/象牙並材/実印/銀行印/認印/印鑑ケース付/印鑑	410円	4ポイント	送料無料	本象牙
本象牙2本セット 手仕上げ印鑑	31,500円	315ポイント	送料無料	本象牙
印鑑 実印 象牙 銀行印『実印本象牙印鑑2本セット』	31,500円	315ポイント	送料無料	本象牙
印鑑 認印 象牙10.5mm印鑑、はんこケース付 男性 女性 実印	4,500円	45ポイント	送料無料	本象牙
印鑑 銀行印 象牙12mm印鑑、はんこケース付 男性 女性 実印	8,800円	88ポイント	送料無料	本象牙

## YAHOO! JAPAN: THE WORLD'S LARGEST ONLINE RETAILER OF ELEPHANT IVORY

Internet ivory sales in Japan are on the rise and despite some minor tightening of the law regarding internet sales, unregistered ivory is commonly sold on online shopping and auction sites. Moreover, ivory purchased on the internet, particularly from Yahoo! Japan, is implicated in at least two recent seizures of ivory illegally exported to China.<sup>42,43</sup> The rapid rise in internet ivory sales in Japan exemplifies the Government's

ineffective monitoring and an inability or unwillingness to enact meaningful enforcement measures against illegal ivory trade.

The largest internet retailer in the world is Yahoo! Japan. Between 2005 and 2015, Yahoo! Japan Auctions alone generated revenues of over US\$32.3 million (¥3.3 billion) from the sale of elephant ivory products, with more than US\$30 million (¥3.1 billion) occurring in the eight-year period from 2008 to 2015. In 2015, ivory sales earned nearly US\$7 million (¥715 million).<sup>44</sup>

These sales include an ever-rising number of whole tusks. In 2015, 438 whole ivory tusks were sold on Yahoo! Japan, the largest number in recent years (See Figure B). This means that 2015 witnessed the largest sales of ivory on Yahoo! Japan, in terms of volume of ivory sold, value, and quantity of whole tusks.

In 2005, there were roughly 3,800 closing bids for ivory products on Yahoo! Japan Auctions, which by 2015 had increased to more than 28,000 (See Figure C).

FIGURE B: NUMBER OF TUSKS SOLD IN CLOSING BIDS ON YAHOO! AUCTIONS 2012-2015

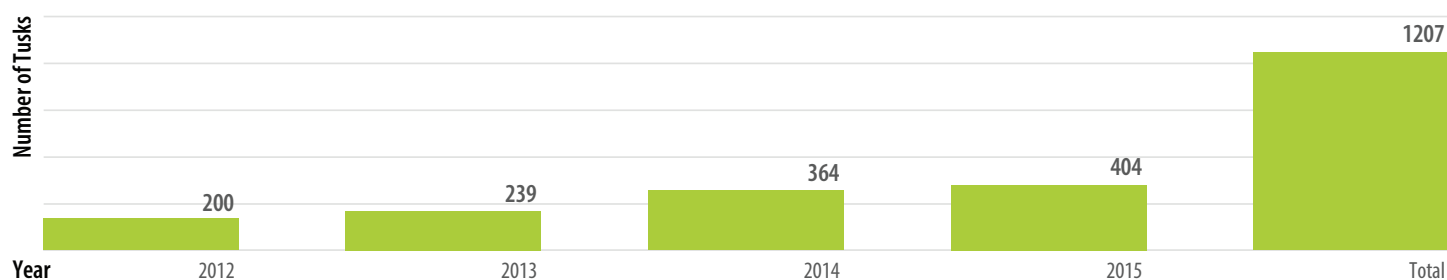
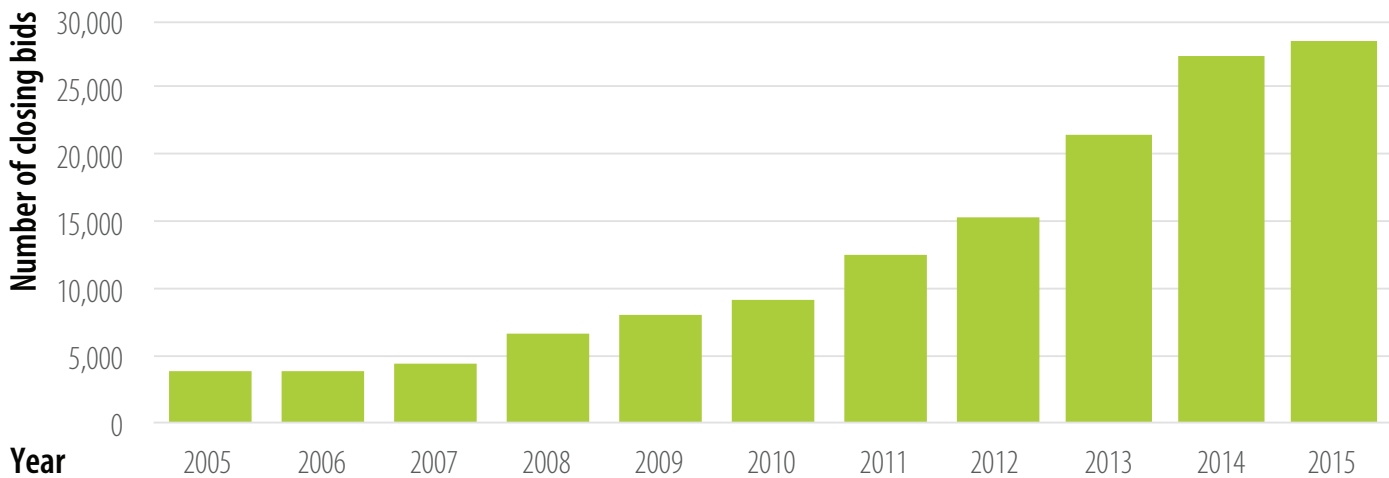




FIGURE C: **TOTAL NUMBER OF CLOSING BIDS FOR “REAL IVORY” ON YAHOO! AUCTIONS**



In addition to auction sites, ivory sales are also increasing on Japan's largest online retail sites, led by Yahoo! Japan and Rakuten Ichiba's shopping sites, which carry increasing numbers of ads offering elephant ivory for sale. Yet online ivory dealers have largely failed to comply with even the most basic legal requirements for such ivory traders operating in Japan, resulting in police investigations.

On a single day in August 2015, Yahoo! Japan and Rakuten Ichiba shopping sites each carried approximately 6,000 different ivory ads. The combined sale price for the ivory products on both sites totaled more than US\$5.1 million. At least 93 percent of all ads were for ivory *hanko* name seals — known to be produced in significant numbers from illegal ivory tusks.

In 2013, the Government of Japan sought to address ivory internet sale loopholes by amending the LCES to introduce new regulations on the advertisement of registered whole tusks. These new regulations mandate that anyone advertising registered whole tusks by any means, including internet trade, must state that “the tusk has been registered” and display the “registration ID.” The regulation came into effect on June 1, 2014. More than a year and half has passed since implementation, but unfortunately, compliance has worsened. The non-compliance rate is currently almost 60 percent.<sup>47</sup>

EIA has repeatedly appealed to Yahoo! Japan and Yahoo Inc. (United States) to end the sale of internet ivory without success. Yahoo! Inc. owns 35.5 percent of Yahoo! Japan shares, while SoftBank Group, Corp (which also has a majority stake in the US-based Sprint Corporation) and its affiliate own 43 percent of Yahoo! Japan.<sup>48</sup> Both Yahoo! Inc. and SoftBank have refused to press Yahoo! Japan to end the trade in elephant ivory, as well as whale and dolphin products, despite numerous appeals.



Former chairman of the Japanese Ivory Association, Kageo Takaichi, at his 2011 arrest.  
PHOTO CREDIT: FUJI NEWS NETWORK.

## BOX 2: TAKAICHI IVORY FOUND GUILTY OF BUYING ILLEGAL IVORY

Takaichi Ivory, Japan's largest wholesaler of ivory *hanko* name seals, was accused by Tokyo Metropolitan Police in 2011 of purchasing 58 unregistered, and thus illegal, whole ivory tusks. It is estimated that up to 1,622 illegal tusks purchased between 2005 and 2010 were processed into ivory *hanko* name seals.<sup>45</sup> These unregistered ivory tusks accounted for as much as 87 percent of the ivory *hanko* name seals produced in Japan during that period. The former president, Kageo Takaichi, his son, and others were prosecuted by Tokyo Metropolitan Police for buying 58 illegal tusks. They were forced to forfeit the 58 illegal tusks and received suspended sentences of one year imprisonment, and Takaichi Ivory was fined a mere US\$12,500.<sup>46</sup>



## CONCLUSION AND RECOMMENDATIONS

Ivory for sale in Japan. EIA 2015.

Japan has failed to comply with CITES ivory control requirements, turning a blind eye to illegal trade, fraudulent registration of undocumented tusks, and illegal export of ivory to China and other Asian nations. Even the most minimal controls requiring ivory traders to notify the Ministry of Economy, Trade and Industry with their details were openly ignored for years with dozens of ivory traders operating on Yahoo! Japan and Rakuten without any detection or intervention by METI. Japan's failure to effectively control its legal domestic ivory trade and crackdown on illegal ivory trade poses a direct threat to Africa's elephants.

Legal ivory trade in Japan has stimulated demand for ivory and made enforcement nearly impossible. Japan's ivory consumption has been steadily increasing for a decade as evidenced by the growing internet trade in ivory — mostly in ivory *hanko* name seals. Japan is the only nation that has a continued strong demand and preference for the hard ivory from Africa's endangered forest elephants,<sup>49</sup> 65 percent of which were wiped out between 2002 and 2013 to supply the ivory trade.<sup>50</sup>

Over 20 conservation organizations, mainly African and Japanese, are now calling on Japan to permanently close down its ivory markets.<sup>51</sup> In an August 2016 statement to the heads of state of Japan and Kenya, on the occasion of the Tokyo International Conference on African Development, the organizations expressed their concern about Japan's illegal ivory trade and called for:

- Japan to permanently close legal domestic markets of ivory, and aggressively close down online trading sites that deal in ivory, all to crush demand.
- Japan to suspend ivory registration immediately, to prevent loopholes that allow fraudulent registration and laundering of illegal ivory.
- Japan to support the Elephant Protection Initiative.
- Japan to strengthen cooperation on elephant conservation initiatives and combating the trafficking of ivory to Japan through joint investigations and mutual legal assistance.
- Japan's Prime Minister and First Lady to jointly issue statements to discourage the selling and buying of ivory in Japan and to initiate an education and outreach campaign to Japanese citizens on the importance of saving elephants by stopping poaching and ending ivory trade.

At CoP17, Japan intends to provide yet another reassurance to CITES that it will improve its domestic enforcement and ivory control measures, largely through better implementation of voluntary measures. Japan has had two decades to enact meaningful controls and has been unable and unwilling to effectively control its ivory trade. Now is not the time for further reassurances, but for definitive action to end the ivory trade in Japan and all ivory consuming nations. Therefore, at CoP17, EIA calls for decisions urging Japan to close its domestic ivory market no later than Standing Committee 69, and to include Japan as a country of primary concern and develop a National Ivory Action Plan on an urgent basis.<sup>52</sup> EIA also supports the following precautionary proposals:

- CoP17 Doc. 57.2 "Closure of Domestic Markets for Elephant Ivory."
- CoP17 Doc. 57.3 "Ivory Stockpiles: Proposed Revision of Resolution Conference 10.10 (Res. Conf. CoP16) on *Trade in Elephant Species*."
- CoP17 Doc. 84.2 "Decision Making Mechanism for a Process of Trade in Ivory."



# WORKS CITED

1. Great Elephant Census (2016).
2. EIA Briefing – Elephants. RECOMMENDATIONS REGARDING CERTAIN AGENDA ITEMS FOR CITES COP17. Available at: [https://eia-international.org/wp-content/uploads/Part-II\\_EIA-Briefing-on-Elephants-for-CITES-COP17\\_Jul-29-2016.pdf](https://eia-international.org/wp-content/uploads/Part-II_EIA-Briefing-on-Elephants-for-CITES-COP17_Jul-29-2016.pdf)
3. Kiyono, H. (1997). The Ivory Trade in Japan. In: STILL IN BUSINESS: The Ivory Trade in Asia, Seven Years After the CITES Ban. S. Nash, Ed. Traffic.
4. Milliken, T. (1989). "The Japanese trade in ivory: tradition, CITES and the elusive search for sustainable utilization." In: The Ivory Trade and Future of the African Elephant, S. Cobb, Ed. Oxford: Ivory Trade Review Group. Traffic Japan
5. U.S. Senate Report (1998), "African Elephant Conservation Act Reauthorization." S.Rept. 105-222. U.S. Government Publishing Office. Available at: <https://www.congress.gov/congressional-report/105th-congress/senate-report/222/1>
6. Kiyono, H. (2002). "Japan's Trade in Ivory after the Tenth Conference of the Parties to CITES." Traffic East Asia-Japan.
7. Mills, J.A. (2015) *Blood of the Tiger: A Story of Conspiracy, Greed, and the Battle to Save a Magnificent Species*. Beacon Press, Boston. Page 67.
8. CITES (2008). "Ivory auctions raise 15 million USD for elephant conservation." Press Release. Available at: [https://www.cites.org/eng/news/pr/2008/081107\\_ivory.shtml](https://www.cites.org/eng/news/pr/2008/081107_ivory.shtml).
9. Solomon Hsiang & Nitin Sekar (June 2016), *Does Legalization Reduce Black Market Activity? Evidence from a Global Ivory Experiment and Elephant Poaching Data*, NBER Working Paper No. 22314.
10. CITES (2013). "Trade in elephant specimens". Resolution Conf. 10.10 (rev. CoP16). Available at: <https://www.cites.org/eng/res/10/10-10R16.php>
11. CITES (2006). "Fifty-fourth meeting of the Standing Committee Geneva (Switzerland)." SC54 Doc. 26.1 (Rev. 1), available at: <https://cites.org/sites/default/files/eng/com/sc/54/E54-26-1.pdf>.
12. Kiyono 1997
13. Kiyono 2002
14. Traffic, WWF. (2006). "Joint briefing for the 54th Meeting of the CITES Standing Committee". Available at: [file:///C:/Users/Intern percent20HFC percent20Forest/Downloads/wwf\\_traffic\\_cites\\_sc54\\_briefing\\_final.pdf](file:///C:/Users/Intern percent20HFC percent20Forest/Downloads/wwf_traffic_cites_sc54_briefing_final.pdf)
15. Ishihara, A. Kanari, K. Saito, T. Takahashi, S. (2010). "The State of the Wildlife Trade in Japan". TRAFFIC.
16. Matsumoto, T. 2015. A Review of Online Ivory Trade in Japan. TRAFFIC.
17. Kitade, T., Toko, A., (2015). "Setting Suns: The Historical Decline of Ivory and Rhino Horn Markets in Japan". TRAFFIC. [http://www.trafficj.org/publication/16\\_Setting\\_Suns.pdf](http://www.trafficj.org/publication/16_Setting_Suns.pdf)
18. CITES (2006). "Fifty-fourth meeting of the Standing Committee Geneva (Switzerland)." SC54 Doc. 26.1 (Rev. 1), available at: <https://cites.org/sites/default/files/eng/com/sc/54/E54-26-1.pdf>.
19. CITES (2006). "Fifty-fourth meeting of the Standing Committee Geneva (Switzerland)." SC54 Doc. 26.1 (Rev. 1), available at: <https://cites.org/sites/default/files/eng/com/sc/54/E54-26-1.pdf>.
20. "National guideline for the conservation of endangered species of wild fauna and flora" adopted by the Cabinet based on LCES (Article 6, Paragraph 1) states that "listed species on CITES Appendix I, except for the species specified in Japan's reservation" are to be selected as "International endangered species of wild fauna and flora" or the subject of the internal trade regulation. "Internal trade regulation" includes:  
- Prohibition on transfers, delivery or receiving (paid or non-paid whatsoever)  
- Prohibition on display and advertisement for the purposes of selling or distribution  
"Internal trade regulation" may include various procedural regulations for making above regulations workable.
21. The Minister of Environment shall assign the actual duty on registration procedure to the organizations registered to the Minister (LCES Article 23 Paragraph 1). Japan Wildlife Research Centre (JWRC) is the only registration organization registered to the Minister so far.
22. Transfers, delivery or receiving (paid or non-paid whatsoever) in whole tusks without registration are prohibited (LCES Article 12, Paragraph 1). Display and advertisement for the purposes of selling or distribution, which include advertisement on an Internet shopping site and an Internet auction site, without registration are prohibited as well (LCES Article 17).
23. LCES Article 22 Paragraph 1
24. "Statement written by the person who internally acquired or imported the tusk, with regard to the background of acquisition (prior to the application of CITES regulation) of individuals, their parts or products thereof" (MoE Order Article 11, Paragraph 1, Section 2).
25. "If such document is not available, any other document can be attached instead, which supports the applicability of the individuals etc. to a specific category of registration requirements" (MoE Order Article 11, Paragraph 1, proviso clause)
26. Ministry of Environment (2002), Improvement of operation on registration of international endangered species of wild fauna and flora in accordance with Article 20, Paragraph 1 of Law for Conservation of Endangered Species of wild fauna and flora (Response by Director of Wildlife, Nature Conservation Bureau, MoE, No 549, 18th January 2002). Tokyo Japan (in Japanese)
27. CITES (2007). "Review of the Proposals Submitted by Botswana, Namibia and Zimbabwe to Transfer their National Populations of LOXIDANTA AFRICANA From CITES Appendix I to Appendix II, Report of the CITES Panel of Experts on African Elephants, 7 February 1997."
28. Kiyono 1997
29. Ibid.
30. Miliken, 1989
31. Ibid.
32. Miliken 1989, Appendix 1
33. EIA (2002). "Back in Business". Available at: <http://eia-international.org/back-in-business>.
34. Ibid.
35. Ibid.
36. Ibid.
37. Sakamoto, M. (2010). Elephant poaching? None of our business: Influence of Japanese ivory market on illegal transboundary ivory trade. *Japan Tiger and Elephant Fund*. Available at: <http://www.jtef.jp/english/text.html>
38. Environmental Investigation Agency (2015). Japan's Illegal Ivory Trade and Fraudulent Registration of Ivory Tusks. Available at: <http://eia-global.org/news-media/japans-illegal-ivory-trade-and-fraudulent-registration-of-ivory-tusks>.
39. Traffic. (2015). Beijing Forest Police smash major wildlife trafficking ring. Available at: <http://www.traffic.org/home/2015/10/12/beijing-forest-police-smash-major-wildlife-trafficking-ring.html>
40. EIA (2016). Japanese Traders Offer Ivory Tusks to Chinese Buyers for Illegal Export. Press release. Available at: <http://eia-global.org/news-media/japanese-traders-offer-ivory-tusks-to-chinese-buyers-for-illegal-export>.
41. EIA (2016). Japanese Wildlife Official Promoted Illegal Ivory Trade. Press release. Available at: <http://eia-global.org/news-media/japanese-wildlife-official-promoted-illegal-ivory-trade>.
42. Beijing Daily. (2013). Chinese Customs Crack down on Ivory Smuggling. (in Chinese). Available at <http://www.cnarts.net/cweb/news/read.asp?id=264355&kind=%D2%D5%CA%F5>
43. Meizi, L. (2014). Couple sentenced after smuggling more than 3,000 kilograms of ivory from online shopping. Xinhuanet. (in Chinese) Available at: [http://news.xinhuanet.com/legal/2014-08/06/c\\_1111962557.htm](http://news.xinhuanet.com/legal/2014-08/06/c_1111962557.htm)
44. Data on closing bids of "hon zouge" were obtained from a download service site, Aucfan (<http://aucfan.com/>).
45. Sakamoto, Masayuki (2013), "What Lies Beneath: Exposing the Loopholes Within Japan's Control of Internal Ivory Trade," Japan Tiger and Elephant Fund.
46. The Asia Times (2013). "Tusks' origins are too easy to hide." Available at: <http://www.thetimes.co.uk/tto/news/world/asia/article3675641.ece>.
47. (JTEF 2016 in litt.)
48. Yahoo! Japan's Shareholder Information, as of March 31, 2016. Available at: <http://ir.yahoo.co.jp/en/holder/status.html>. Accessed August 29, 2016.
49. Nishihara, Tomoaki (2012). Demand for forest elephant ivory in Japan. *Pachyderm* No. 52 July–December 2012.
50. Maisels F, Strindberg S, Blake S, Wittemyer G, Hart J, et al. (2013) Devastating Decline of Forest Elephants in Central Africa. *PLoS ONE* 8(3): e59469. doi:10.1371/journal.pone.0059469. Revised data release: New Data Shows Continued Decline of African Forest Elephants (2013) Wildlife Conservation Society press release, available at: <http://www.wcs.org/press/press-releases/new-data-on-forest-elephants.aspx>.
51. African, Japanese and international conservation NGO's call on President Kenyatta and Prime Minister Abe to agree on measures to save the African elephant. (2016) Available at [https://gallery.mailchimp.com/3020c8a54e53b0491d74af64c/files/Final\\_Joint\\_conservation\\_Statement\\_TICAD.pdf](https://gallery.mailchimp.com/3020c8a54e53b0491d74af64c/files/Final_Joint_conservation_Statement_TICAD.pdf)
52. EIA Briefing – Elephants. RECOMMENDATIONS REGARDING CERTAIN AGENDA ITEMS FOR CITES COP17. Available at: [https://eia-international.org/wp-content/uploads/Part-II\\_EIA-Briefing-on-Elephants-for-CITES-COP17\\_Jul-29-2016.pdf](https://eia-international.org/wp-content/uploads/Part-II_EIA-Briefing-on-Elephants-for-CITES-COP17_Jul-29-2016.pdf)



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