

FAQ on Ivory (February 6, 2020)

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Ministry of the Environment

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Q1. Are elephants on the verge of extinction?

A1. The level of their extinction risk differs among species or by region. As for African elephants in the southern part of Africa, the risk of extinction is considered to be small.

- There are two widely recognized species of elephants: the African elephant (*Loxodonta africana*) and the Asian elephant (*Elephas maximus*).*¹
- According to the International Union for Conservation of Nature (IUCN) Red List of Threatened Species, the Asian elephant is classified as EN (Endangered IB Class). The population of African elephants varies from one region to another, and thus the assessment in the IUCN Red List differs by region as follows.*²
 - Central Africa: EN (Endangered Class IB)*³
 - Eastern and Western Africa: VU (Endangered Class II)*⁴
 - Southern Africa: LC (Least Concern)*⁵
- *African Elephant Status Report 2016*, published in 2016 by IUCN, showed that about 415,000 African elephants inhabited the entire African Continent and estimated that the population declined by about 110,000 over the period from 2006 to 2015. Currently, at least 70% of the total population is estimated to inhabit Southern Africa.

*1: The African elephant is considered as a single species *Loxodonta africana* with two extant sub-species, the forest elephant (*Loxodonta cyclotis*) which inhabits forest areas in Central Africa and the savanna/bush elephant (*Loxodonta africana africana*) which constitutes the rest of the population.

*2: The IUCN Red List has several categories to evaluate the extinction risk of thousands of species. Endangered species are categorized as CR (Critically Endangered), EN (Endangered) and VU (Vulnerable) in order of extinction risks. Species classified as “Least Concern” (LC) are not threatened with extinction.

*3: African elephant populations inhabiting Cameroon, Central African Republic, Chad, the Republic of Congo, the Democratic Republic of Congo and Equatorial Guinea.

*4: African elephant populations inhabiting Benin, Burkina Faso, Cote d’Ivoire, Eritrea, Ethiopia, Ghana, Guinea, Guinea-Bissau, Kenya, Mali, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Tanzania, Togo and Uganda.

*5: African elephant populations inhabiting Angola, Botswana, Malawi, Mozambique, the Republic of South Africa, Zambia and Zimbabwe.

o Further information on the IUCN Red List is available at the following websites.

- African Elephant - IUCN Red List: <https://www.iucnredlist.org/species/12392/3339343>

- Asian Elephant - IUCN Red List: <https://www.iucnredlist.org/species/7140/12828813>

- African Elephant (*Loxodonta africana*) - IUCN Red List, “Further Details on Data Used for the

Global Assessment”’: <https://www.iucnredlist.org/species/pdf/3339343/attachment>

- Thouless, C.R., Dublin, H.T., Blanc, J.J., Skinner, D.P., Daniel, T.E., Taylor, R.D., Maisels, F., Frederick, H.L. & Bouché, P. (2016). *African Elephant Status Report 2016*

https://portals.iucn.org/library/sites/library/files/documents/SSC-OP-060_A.pdf

Q2. Why are the African elephant populations decreasing in some areas?

A2. IUCN Red List describes threats to elephants as follows:

“Poaching elephants for their ivory and meat has traditionally been the major cause of the species’ decline. Although illegal hunting remains a significant factor in some areas, particularly in Central Africa, currently **the most important perceived threat is the loss and fragmentation of their habitat caused by ongoing human population expansion and rapid land conversion.** A specific manifestation of this trend is the reported increase in human-elephant conflicts, which further aggravates the threat to elephant populations.”

- “Threats in detail” section of “African Elephant -IUCN Red List”:

<https://www.iucnredlist.org/species/12392/3339343#threats>

Q3. Why are African elephants poached?

A3. International organized criminal groups and others are suspected to be involved in African elephant poaching and illicit ivory trade to meet careless and irresponsible demand for ivory, which may be legal or illegal. Poaching can be attributed to such organized crime combined with weak governance and poverty in African countries.

- According to a report^{*1} submitted to the Standing Committee of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES, also known as the Washington Convention) and some other documents, there are three major contributing factors of poaching in Africa. The first and second factors are weak governance and poverty in many of elephant range states, and the third is a demand for illicit ivory in consuming nations.
- A report of the United Nations Office on Drug and Crime (UNODC)^{*2} states that non state armed groups, particularly Somali gangs are engaged in poaching for African elephants. A report of the United Nations Environment Programme (UNEP), jointly compiled with relevant bodies and organizations, ^{*3} also reveals possible involvement of highly organized international criminal groups in large-scale trafficking of poached ivory.
- A research paper on changes in the African elephant poaching rates and national/regional differences in poaching was published by researchers in Germany and other countries in May 2019. This paper can be outlined as follows:^{*4}

“Poaching is contributing to rapid declines in elephant populations across Africa. Following high-profile changes in the political environment, the overall number of illegally killed elephants in Africa seems to be falling, but to evaluate potential conservation interventions we must understand the processes driving poaching rates at local and global scales. Here we show that annual poaching rates in 53 sites strongly correlate with proxies of ivory demand in the main Chinese markets, whereas between-country and between-site variation is strongly associated with indicators of corruption and poverty. Our analysis reveals a recent decline in annual poaching mortality rate from an estimated peak of over 10% in 2011 to <4% in 2017. Based on these findings, we suggest that continued investment in law enforcement could further reduce poaching, but is unlikely to succeed without action that simultaneously reduces ivory demand and tackles corruption and poverty.”

*1:

Website of the 65th meeting of the CITES Standing Committee:

<https://cites.org/sites/default/files/eng/com/sc/65/E-SC65-42-01.pdf>

Website of the 16th meeting of the Conference of the Parties:

<https://cites.org/sites/default/files/eng/cop/16/doc/E-CoP16-53-01.pdf>

*2:

United Nations Office on Drug and Crime: http://www.unodc.org/documents/data-and-analysis/Studies/TOC_East_Africa_2013.pdf

*3:

United Nations Environment Program :Illegal Trade in Wildlife and Timber Products Finances Criminal and Militia Groups, Threatening Security and Sustainable Development

<https://www.unenvironment.org/news-and-stories/press-release/illegal-trade-wildlife-and-timber-products-finances-criminal-and>

*4:

“African elephant poaching rates correlate with local poverty, national corruption and global ivory price,” Severin Hauenstein, Mrigesh Kshatriya, Julian Blanc, Carsten F. Dormann & Colin M. Beale
Nature Communications

<https://www.nature.com/articles/s41467-019-09993-2>

Q4. Are import and export of ivory banned throughout the world, including Japan?

A4. Import and export of ivory for commercial purposes are banned, in principle, by CITES.

(International commercial trade has been banned, for Asian elephants since the entry into force of CITES in 1975 and for African elephants since 1990.)

- To prevent species of wild fauna and flora from becoming extinct due to over-exploitation through international commercial trade, CITES aims to regulate their trade by listing in its appendices the species that are considered to need trade control and by grouping them into three categories (Appendices I to III) according to the degree of extinction risk.*^{1, 2}
- The Asian elephant has been listed in Appendix I since 1975, when CITES entered into force, and international commercial trade in their ivory has been banned in principle since then.
- With regard to the African elephant, populations in Ghana were listed in Appendix III of CITES in 1976, and the entire species in Appendix II in 1977. As a result, international commercial trade in African elephant ivory—all kinds, including whole ivory tusks (tusks in their full form), as well as worked ivory products and cut pieces of ivory—was allowed only when an export permit was issued by the CITES Management Authorities of export country. However, as poaching for elephant ivory escalated mainly in Eastern Africa in the 1980s, a decision was made in 1989 to move the African elephant to Appendix I. Since the listing became effective in 1990, international commercial trade (import and export) in African elephant ivory was banned in principle.
- Subsequently, African elephant populations in three Southern African countries (Botswana, Namibia and Zimbabwe) were moved from Appendix I to II in 1997, followed by populations in the Republic of South Africa in 2000. In this regard, the trade conditions for both importing and exporting countries were included in the annotations in the Appendices because of concern over the impact that international commercial trade in ivory from Appendix II elephant populations might have on elephants in other countries.
- After these conditions were met, African elephant ivory was imported twice from the Southern African countries mentioned above under rigorous control in compliance with the rules set by the Conference of the Parties of CITES. The first export was shipped to Japan in 1999, and the second to Japan and China in 2009 (export from the Republic of South Africa took place only in 2009). Aside from these exceptional one-off sales, no international commercial trade in elephant ivory has been allowed since 1990. Each of the elephant tusks imported to Japan in 1999 and 2009 was registered and has been under strict control.
- These two shipments for commercial trade in ivory were conducted to meet Southern African countries' strong request, and the proceeds generated from these trades were used for the conservation of African elephants and their habitats and for the development of local communities within or adjacent to elephant range states.
- Ivory and ivory products obtained prior to the application of the CITES provisions,*³ may be imported or exported if they are proven to have been acquired prior to the CITES application, provided that

a certificate to that effect is received from the exporting country. (Only 17 African elephant ivory tusks were re-exported from Japan with certificates issued based on CITES provisions within the period from 1990 to 2018.)

*1: Further information on CITES is available at the following websites:

Website of the Ministry of the Environment:

<http://www.env.go.jp/nature/kisho/global/washington.html>

Website of the Ministry of Economy, Trade and Industry:

https://www.meti.go.jp/policy/external_economy/trade_control/02_exandim/06_washington/index.html

*2: For the exact species listed in each Appendix category, please refer to Article II of the Convention text at the following websites:

Websites of the Ministry of Economy, Trade and Industry:

- Fauna

https://www.meti.go.jp/policy/external_economy/trade_control/02_exandim/06_washington/download/cites_appendices_fauna.pdf

- Flora

https://www.meti.go.jp/policy/external_economy/trade_control/02_exandim/06_washington/download/cites_appendices_flora.pdf

*3: For Asian elephants, this is before July 1, 1975, when CITES entered into force, and for African elephants, before February 26, 1976, when African elephant populations were listed in the CITES Appendix for the first time (i.e. Ghana population in Appendix III).

Q5. How much ivory had been imported to Japan before ivory import was subject to CITES regulation?

A5. Japan imported ivory (1) before the international commercial trade in African elephants was banned under CITES in 1990, and (2) twice after that, when shipments for international commercial trade were exceptionally authorized in 1999 and 2009. The following amounts were imported:

- (1) Approximately 2,006 tons*¹ during the period between the year after Japan joined CITES (effective since November 4, 1980) and the year when international commercial trade of ivory was banned (1981-1989), and**
- (2) Approximately 89 tons, which entered Japan when shipment for international commercial trade was exceptionally authorized twice, in 1999 and 2009, pursuant to the procedure prescribed by the CITES Conference of the Parties.**

- It is known that Japan had imported ivory before 1980, the year since which statistics are available, although no figures exist regarding the total amount of ivory imported to Japan before the nation became a Party to CITES.
- Ivory import is allowed even after 1990 to the extent that the exporting country issues a certificate proving that the given item had been acquired before the application of the Convention and grants export authorization.

*1: Calculated from data retrieved from the CITES Trade Database (<http://trade.cites.org/>), which is provided by the CITES Secretariat.

Q6. After ivory import and export came under regulation by CITES, Japan was exceptionally authorized to import ivory in 1999 and 2009. Where did this ivory come from? Was it obtained from poached elephants?

A6. African elephant ivory that was shipped under exceptional authorization for international commercial trade in 1999 and 2009 (see A4 for details) was acquired from elephants that had naturally died or those that were disinfested as injurious animals after attacking humans in a manner that caused death or injury or after damaging crops. This means that the ivory was not acquired by killing elephants purposely for their ivory.

- The yearly mortality rate of African elephants is estimated to be a few percent, although it depends on the habitat area or situation. As described in A1, the latest data from the IUCN shows that about 415,000 African elephants inhabit throughout the African Continent. This translates into an annual death toll of 4,150 (assuming a mortality rate of 1%) to 41,500 elephants (assuming a mortality rate of 10%) in the entire continent.
- About 70% of the African elephant's ranges are located outside national parks and other protected areas, and therefore elephants sometimes live relatively close to areas where local people live. In some communities, local authorities killed harmful elephants due to human-elephant conflict including damaging crop fields or injuring or killing people. Similarly, in some places such as national parks, concerning that the overpopulated elephants may drastically alter local vegetation, thereby reducing or extinguishing the other wild species, thus some elephants have been disinfested for population control.

Q7. How were the ivory and ivory products existing in Japan acquired? Are any of them poached or smuggled items?

A7. Ivory products distributed in Japan are those acquired before CITES banned international trade or those made from ivory that had entered Japan through international commercial trade exceptionally permitted in 1999 and 2009.

- As mentioned in A5, according to available statistics, about 2,090 tons of ivory was legally imported to Japan. It is estimated that about 740 tons of this amount was used as raw materials for ivory products (an estimate as of December 2019).
- Registration cards representing 14.7 tons of whole ivory tusks were returned in 2018, mainly due to consumptions as raw material for ivory products. Once a whole ivory tusk is cut into pieces and no longer retains the form of a whole tusk, the registration card must be returned. Given the number of returned registration cards, it is reasonably assumed that there are still whole ivory tusks available for ivory products in Japan.
- **From the situation where plenty of ivory brought into Japan before the ban on international trade are still available, it is assumed that there is little motive for criminal organizations to risk detection and bear the transaction cost of smuggling ivory derived from poaching into Japan .**

Q8. Is it allowed to trade ivory or ivory products within Japan?

A8. In Japan, it is banned to commercially trade (i.e. sell, buy, give, receive, lend or borrow) whole ivory tusks and ivory products, in principle. Commercial trade is permitted only in registered whole ivory tusks and in ivory products that are dealt with by registered businesses. Trading ivory products without such registration is subject to penalty under the Law for the Conservation of Endangered Species of Wild Fauna and Flora*¹ (hereinafter referred to as 'LCES').

- The African elephant and the Asian elephant are designated as internationally endangered species of wild fauna and flora under LCES, and trading in (i.e. selling, buying, giving, receiving, lending or borrowing) ivory and ivory products and advertising or displaying them in stores for selling purposes are prohibited in Japan, in principle. These activities are allowed only when the following rules are observed.
- Whole ivory tusks are authorized to be traded, advertised or displayed in Japan only after they are individually registered in advance based on the establishment that the tusk was obtained before the CITES ban on international commercial trade (i.e. before 1990).
- Those who sell or otherwise transfer whole ivory tusks are required to ensure that the transferred tusk is accompanied by its registration card, which is obtained through the process described above. To display a whole ivory tusk for sale, its registration card must be placed alongside the tusk. To advertise a whole ivory tusk for sale, its registration code/ number must be included in the advertisement, together with a statement indicating that it is a registered tusk.
- Failure to comply with these rules—trade or advertisement of whole ivory tusks without their registration cards or advertisement without their registration code/number and other required information—constitutes a violation of the LCES and is subject to heavy penalty (imprisonment and/or fine*²).
- Commercial trade in ivory products (not in the form of whole ivory tusk) and cut pieces of ivory is permitted for only those who have registered with the competent authorities. When dividing whole ivory tusks, registered business operators must, depending on the condition, prepare a traceable information form of cut piece and worked products of ivory, indicating its source and other relevant information and keep a record for every transaction of cut piece and worked products of ivory. When selling ivory products, registered business operators must present their registration numbers as ivory dealers. Failure to comply with these rules also constitutes a violation of the LCES and is subject to penalty.
- There are no regulations applicable to citizens who purchase ivory products from registered business operators, although purchasers from non-registered business operators are punishable.
- Further information on these rules is available at the following website of the Ministry of the Environment:

<http://www.env.go.jp/nature/kisho/zougetorihiki.html>

*1: Law for the Conservation of Endangered Species of Wild Fauna and Flora:

<http://www.env.go.jp/nature/kisho/hozen/hozonho.html>

*2: Penal provisions applicable to transfer, display, advertisement, etc. of whole ivory tusks:

<http://www.gov-online.go.jp/useful/article/201312/2.html#anc03>

Q9. Why is the registration of whole ivory tusks continuing and the total number of registrations increasing in Japan despite of trade ban on ivory and ivory products?

A9. Japan has a large number of whole ivory tusks that have been legally imported, as described in Q5 and Q7, and the registration of whole ivory tusks continues as of today. The increase in whole ivory tusk registrations in recent years can presumably be attributed to the wider awareness of the rules on ivory trade among the public as a result of outreach efforts by the government in the midst of the growing disposition of property by elderly people.

- As much as about 2,006 tons of whole ivory tusks were imported to Japan just between 1981 and 1989, a period since Japan joined CITES (which entered into force on November 4, 1980) until the year when international commercial trade in ivory was banned (see Q5). It is also assumed that large amounts of ivory had been lawfully imported to Japan even before Japan became a Party to CITES.
- In contrast, the cumulative weight of whole ivory tusks registered between the beginning of the registration system of whole tusks in Japan until the end of 2015 (1995-2015) was about 384 tons (including about 89 tons imported through two exceptionally approved shipments for international commercial trade, all of which were immediately registered after arrival in Japan). This amount is relatively small when compared with the total amount imported, even on the assumption that some whole ivory tusks had been worked into ivory products and consumed before the whole ivory tusk registration system began. These figures suggest that substantial amounts of the tusks legally imported to Japan in the past have not been registered yet.
- No registration is required for the possession of whole ivory tusks. Therefore, it is assumed that many of the personally possessed ivory tusks in Japan have not been registered yet. The main reasons for the increase in the registration are considered to be due to the disposition of property or inheritance, gift before death or due to the aging of ivory possessors.
- In recent years, due to the ivory trade rules and registration system being informed and known widely, it may urge ivory possessors to register and can be another factor of the increase in the number of registrations.
- These explain why Japan still sees whole ivory tusks being registered and the total number of registered whole ivory tusks increasing.

Q10. Why do online sales of ivory continue despite of the ban on international commercial trade in ivory? Is online trade in ivory and ivory products allowed?

A10. Trading in whole ivory tusks and ivory products that were legally imported is allowed as far as the rules are followed. The same rules as applicable to over-the-counter transactions (see A8) apply to online trade (i.e. selling, buying, giving, receiving, lending or borrowing) in ivory and ivory products. International trade in ivory products constitutes import/export, and it is illegal unless an import/export permit is obtained.

- As described in A6 and A7, legally imported whole ivory tusks exist in Japan, and so do products made from them. Therefore, it is not unusual that whole ivory tusks and ivory products are sold online in the country despite the current import ban.
- Those who engage in online trading in whole ivory tusks (including auction, etc.) are required to show that the whole ivory tusk on sale is registered, along with its registration number. Those who engage in commercial transactions of ivory products (e.g., name seals) and cut pieces of ivory must register in advance as a “Special International Species Business Operators’. They are obligated to post the business operator’s registration number when displaying or advertising products and to keep records on inventory of cut pieces.
- As mentioned in A4, export of ivory and ivory products is banned, in principle, and shipping such items overseas without obtaining an export permit is illegal, even if based on online transactions. (Likewise, directly receiving ivory or ivory products shipped from overseas, which constitutes the act of importing, is illegal unless an import permit is obtained.)
- Some online marketplace providers restrict ivory trade on their platforms in accordance with their own rules. Users of such platforms should check the terms and conditions of the platform before trading in ivory online.
- When trading in whole ivory tusks or ivory products online, both the buyer and the seller need to carefully review the rules before proceeding with the deal.

Q11. Does the fact that Japan permits domestic trade in whole ivory tusks and ivory products encourage African elephant poaching?

A11. In recent years, Japan is assessed not to be the destination of poached and illegally traded ivory, and also large-scale illegal imports of ivory have not been detected thereafter.

As mentioned in A5 and A7, the fact that large volumes of ivory legally imported into Japan prior to the CITES application leads us to surmise that there is little motive for criminal organizations to risk detection and bear the transaction cost of smuggling ivory derived from poaching into Japan. Whole ivory tusks and ivory products properly traded in Japan are derived from previously and legally imported ivory. It is not true that ivory trade in Japan encourages poaching for current populations of elephants in Africa and the smuggling of their ivory.

- The Japan Customs strictly controls imports and exports, and no major cases of ivory smuggling into the country have been confirmed in recent years. No smuggling cases of ivory bound for Japan have been exposed in other countries, either.
- According to Elephant Trade Information System (ETIS) reports^{*1} issued by the CITES Secretariat and others, Japan is recognized as neither the destination nor the transit point of illicit elephant ivory.
- Ivory and ivory products that are allowed for sale in Japan are limited to those originated either from ivory which has existed in Japan before the trade ban on international trade under CITES or which was imported through international commercial trade exceptionally authorized twice in the past.

*1: <https://cites.org/sites/default/files/eng/cop/18/doc/E-CoP18-069-03-R1.pdf> (Report presented at the 18th meeting of the Conference of the Parties in 2019)

Q12. Have there been any cases in which ivory illegally obtained outside Japan entered the legal Japanese market after having been laundered as legally obtained one, and was then sold in Japan or shipped to a third country?

A12. None of such cases have been confirmed.

- As mentioned in A11, the Japan Customs enforces strict control over illegal ivory import and export in the first place, and no significant ivory smuggling cases have been confirmed in Japan in recent years.
- Likewise, in other countries, no cases has been confirmed where ivory derived from poaching was smuggled into Japan in recent years.
- As mentioned in A7, there are presumably only small incentives to smuggle poached ivory into Japan.
- In addition, starting July 2019, Japan's whole ivory tusk registration system requires applicants to provide more rigorous corroborating evidence of their self-declaration that the tusk legally came under their possession before the effective date of the regulations. Third-party testimony alone is no longer enough to register. Applicants must supply both third-party testimony and a reinforcement supporting that third-party testimony (dating results obtained by radiocarbon dating or other objective written evidence). This has made it even harder for illegal whole ivory tusks to make their way into the legal market.
- Under such circumstances, it is unthinkable that Japan's domestic ivory market is used as a place for "ivory laundering," where illegally imported ivory is smuggled into Japan and re-exported to the third country by disguising it as legal ivory.
- It should be noted that even ivory and ivory products that were obtained before 1975, when African elephants were listed under CITES, need an export permit before they can be exported from Japan. An export permit is issued only after careful examination of when the ivory was obtained, provided the ivory was legally acquired. Only 17 African elephant ivory tusks (whole ivory tusks) had their permits issued and were re-exported from Japan during the period from 1990 to 2018. (Regardless of ivory control system in the country, the screening is independently conducted for the issuance of export permit.)

Q13. Should Japan further tighten its domestic ivory control system?

A13. Japan intends to review and update its market control system for ivory and ivory products as necessary.

- The control of ivory and ivory products is stipulated by LCES in Japan. A substantial amendment to this law was made in 2017 and came into force in June 2018.
- Under the amended Act, entities dealing with ivory for commercial purposes are controlled as "Special International Species Business Operator" and are subject to diverse requirements to prevent unauthorized business transactions. Penal provisions applicable to violators have also been tightened.
- The government will consider further amendments to the system as appropriate in light of enforcement and execution status of the amended Act.
- However, such issues need careful examination from diverse viewpoints. For example, we should be aware that tightening ivory trade regulations may affect the Japanese people's assets and freedom of economic activities. We should also keep in mind that the true purpose under LCES-based regulation, is to conserve African elephants for current and future generations, and should consider how the trading and other transactions of ivory in Japan will contribute to this purpose.

Q14. Is it more desirable for the conservation of elephants to completely ban trade in whole ivory tusks and ivory products?

A14. The focus should be placed on ensuring prevention of illegal trade and control of legal trade.

Economic benefits gained from lawful ivory trade contribute to elephant conservation in range states.

We should consider thoughtfully whether a ban on all kinds of ivory trade, including properly regulated commercial trade, would be truly beneficial to the conservation of elephants, when elephants are growing in number and more often coming into conflict with humans in some areas.

- Resolution 8.3^{*1} adopted by the CITES Conference of the Parties states that "commercial trade may be beneficial to the conservation of species and ecosystems or to the development of local people when carried out at levels that are not detrimental to the survival of the species in question."
- In fact, crocodiles and vicuñas which are legally allowed to trade under proper regulations, are expanding their populations and habitats.
- Some Southern African countries where populations of African elephants are stable and are listed in Appendix II of CITES, expect that they will acquire funds for elephant conservation and local community development from legal international trade in ivory that has been obtained from naturally dead elephants or culled elephants. Respecting the intentions of these countries, Japan has been stepping up efforts to prevent illegal ivory trade and control legal ivory trade.
- Completely stopping legal domestic trade in ivory in Japan and other countries would mean to deprive ivory counterparties from Southern African countries, which have been successfully increased elephant populations. If lawful ivory trade were completely banned despite the low extinction risk of elephants, lost revenues would result in reducing local funds for nature conservation and could affect surveillance activities for prevention of poaching. Moreover, there are concerns that local people who suffer from damage caused by elephants could become less cooperative to elephant conservation if they lose their future opportunities to sustainably use elephants for now and into the future and would realize that they no longer benefit from living with elephants.
- It is essential to consider what the international community can do to conserve elephants, taking into account the circumstances of countries seeking a way for coexisting with African elephants.

*1: <https://cites.org/sites/default/files/document/E-Res-08-03-R13.pdf> (CITES Resolution 8.3)

Q15. What is the reason that Japan does not close its domestic ivory market? Does it make sense for Japan to continue ivory trade even by creating a complex control system?

A15. There is no justification to decide to close the ivory market in Japan, given that a complete ban on domestic trade in ivory would not contribute to the conservation of African elephants.

- Based on the fact that no major ivory smuggling cases have been confirmed in Japan in recent years, Japan does not believe that ivory trade in Japan encourages ivory poaching and smuggling overseas (see A11).
- Even if illegal ivory enters the Japanese market after slipping through loopholes in laws and regulations, Japan ensures that they are distinguished from legal ivory and excluded from domestic trade under its statutory registration systems for whole ivory tusks and for business operators handling ivory products, which are in place to properly control legal ivory trade (see A12 and A13).
- Some Southern African countries where stable populations of African elephants live and are listed in Appendix II of CITES, expect that they will acquire funds for elephant conservation and local community development from legal international trade in ivory that has been obtained from naturally dead elephants or culled elephants. Japan respects the intentions of these countries (see A15).
- From these points of view, it is unlikely that prohibiting sales of ivory and ivory products in Japan will contribute to the conservation of current populations of African elephants.

Q16. When closing the domestic ivory market has become mainstream in the international community, is it reasonable to say that Japan's policy of maintaining a legal ivory market will be left behind by the global movement?

A16. At the 17th and 18th meetings of the CITES Conference of the Parties, held on November 2016 and August 2019, respectively, the proposal to amend Resolution Conf.10.10 (Rev.CoP17) calling for the closure of all remaining domestic ivory markets was submitted by some countries and discussed by the Parties. In either meeting, the proposal to completely close domestic ivory markets were opposed by many countries, the draft resolution was not adopted. As demonstrated by this fact, many countries oppose the complete closure of domestic ivory markets even at the CITES Conference of the Parties. It is not true that Japan is isolated from the international trend.

- At the 17th meeting of the CITES Conference of the Parties, held in Johannesburg, South Africa, from September 24 to October 4, 2016, the U.S. and 10 African countries, including Kenya, submitted a proposal calling for the closure of domestic ivory trade markets. However, the proposal was adopted unanimously, after being amended to be limited to **the closure of domestic markets contributing to poaching or illegal ivory trade.**
- At the 18th meeting of the CITES Conference of the Parties, held in Geneva, Switzerland, from August 17 to 28, 2019, the proposal was submitted again by Burkina Faso, Cote d'Ivoire, Ethiopia, Gabon, Kenya, Liberia, Niger, Nigeria and the Syria Arab Republic to request the closure of all remaining domestic ivory markets.
<https://cites.org/sites/default/files/eng/cop/18/doc/E-CoP18-069-05.pdf>.
- Regarding the proposal to amend Resolution Conf. 10.10 (Rev.CoP17), the CITES Secretariat released the view in an attachment to the conference documents that there was no reason for adopting this draft resolution, while pointing out that CITES was a convention to regulate international trade and that interference in domestic regulatory affairs might go beyond the scope of CITES.
- The discussion was held at the 7th session for Committee II of the 18th meeting of the CITES Conference of the Parties, on August 21, 2019, about agenda item 69.5 which proposed amendments to "Resolution Conf. 10.10 (Rev. CoP17) on the closure of domestic ivory market."^{*1}
- The proposal to amend Resolution was supported by Angola, Benin, Burkina Faso, Cameroon, Chad, Gabon, Ghana, India, Israel, Liberia, Niger and Nigeria, including Kenya and other jointly proposing countries.
- Botswana, Cambodia, Chile, the Democratic Republic of the Congo, Eswatini, the EU, Japan, Namibia, South Africa, Thailand, U.S. and Zimbabwe did not support the proposal. They expressed the reasons as follows:
 - The focus should be on the implementation of Resolution Conf.10.10 (Rev.CoP17) as no significant changes has occurred since Resolution Conr.10.10 (Rev.CoP17) was adopted

anonymously at COP17.- There is no evidence to indicate that all domestic ivory markets contributed to poaching or illegal trade.

- The proposed amendments fall outside the scope of CITES. They would result in interference in domestic affairs and sovereignty and would set a worrying precedent.
- The U.S., considering that it is important to ensure Parties' domestic ivory markets were not contributing to poaching or illegal trading, suggested an alternative set of draft decisions as follows:
 - The focus should be on the implementation of Resolution Conf.10.10 (Rev.CoP17)
- Parties that have not closed their domestic markets for commercial trade in raw and worked ivory are requested to report to the Secretariat for consideration by the Standing Committee at its 73rd and 74th meeting (CoP19) on what measures they are taking to ensure that their domestic ivory markets are not contributing to poaching or illegal trade.- This draft decision proposed by the U.S. was supported by many countries and accepted unanimously, and the proposal to amend Resolution Conf.10.10 (Rev.CoP17) to close domestic ivory markets in all countries, was not adopted.
- As explained above, many countries opposed the complete closure of domestic ivory markets. There are no concerns that Japan is isolated from the international trend.
- The true purpose of Japan's regulations under LCES is to conserve African elephants for current and future generations (see A13), and as stating in Resolution Conf.8.3 (Rev. CoP13), "commercial trade may be beneficial to the conservation of species and ecosystems or to the development of local people when carried out at levels that are not detrimental to the survival of the species in question." (see A14). In light of the foregoing, Japan continues to address the issue of how to contribute to the international community for elephant conservation, taking into account the situation that the populations of African elephant has been stable in the countries adopting these measures.

*1: For further information on the CoP18 deliberation on agenda item 69.5 "Draft resolution on the closure of domestic ivory markets," please refer to the summary record of agenda item 69.5 of the Committee II session held in the afternoon of August 21, 2019, during the 18th meeting of the CITES Conference of the Parties, which is provided by the CITES Secretariat.

https://cites.org/sites/default/files/eng/cop/18/Com_II/SR/E-CoP18-Com-II-Rec-09-R1.pdf