

IMPLEMENTATION OF THE CITES ON ILLEGAL IVORY TRADE IN JAPAN

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ABSTRACT

Japan is a country that has a domestic market for illegal ivory trade. After the Conference of the Parties (CoP) adopted a resolution regarding the recommendation to close the domestic ivory market, many parties asked Japan to close it. This study aims to describe the implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regime in dealing with the ivory trade in Japan after the recommendation to close the domestic ivory market that contributes to poaching or illegal trade. This research uses descriptive qualitative research methods and is based on the concept of international regimes initiated by Robert O. Keohane. The results show that CITES' implementation in dealing with the ivory trade in Japan was carried out through two events, namely through the CITES governing body and through cooperation between management authorities and TRAFFIC.

Keywords: CITES, Illegal Trade, Ivory, Elephant, Japan

INTRODUCTION

The wildlife crime becomes a threat to the survival of many animal species and their environment. Wildlife crime refers to the taking, trading, importing, exporting, processing, possessing, acquiring, and consuming of wild fauna and flora in contravention of national or international Law. This is because of the high consumer demand for wildlife-based materials such as crafts, jewellery, and medicines that are sold at a profitable value.

In response to the issue of wildlife trade, an international treaty is needed to regulate international trade in endangered species of flora and fauna. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an international treaty adopted in Washington DC, USA on March 3, 1973, that aims to ensure that international trade in wild animals and plants does not threaten their survival. In this regard, CITES regulates the control over trade in rare or endangered species of flora and fauna to protect their sustainability from illegal trade. CITES is voluntarily complied with by countries and regional economic integration organizations. Currently, CITES membership consists of 184 parties.

Elephants are one of the commodities targeted by poachers for their ivory. The global ivory trade and the African elephant poaching crisis have been major wildlife

conservation issues for decades. A decade-long resurgence in demand for ivory, especially in parts of Asia, has triggered a rampant epidemic of elephant poaching. CITES regulates *Elephantidae* under two species, namely the Asian elephant (*Elephas maximus*) and the African elephant (*Loxodonta africana*). *Elephas maximus* and *Loxodonta africana* (except the populations of Botswana, Namibia, South Africa and Zimbabwe) are included in CITES Appendix I, i.e. endangered species and affected by trade, trade in specimens of these species must be subject to strict regulations and are permitted under certain circumstances. Meanwhile, *Loxodonta africana* (Botswana, Namibia, South Africa and Zimbabwe populations only) is included in CITES Appendix II, i.e. species that, although not yet endangered, may become so unless trade in specimens of the species is subject to strict regulations to avoid utilization incompatible with its survival and must be regulated so that trade in specimens of the species can be effectively controlled (CITES, 2022). Under the CITES regime, international trade in Asian and African elephants is prohibited. CITES banned international commercial ivory trade in 1989, with exceptions for pre-Convention ivory and ivory legally obtained before the ban came into force.

In response to the global elephant poaching and illegal trade, at the 17th Conference of the Parties (CoP17) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in October 2016, the parties agreed by consensus to revise Resolution Conf. 10.10. At the CoP17, Resolution Conf. 10.10 (Rev. CoP17) was agreed. This non-binding resolution recommends that all parties and non-parties whose jurisdictions have legal domestic markets for ivory items that contribute to poaching or illegal trade should take all necessary measures to close their domestic ivory markets as a matter of urgency.

The Conference of the Parties (CoP) adopted amendments to Resolution Conf. 10.10 (Rev. CoP17), which are now contained in CITES Resolution Conf 10.10 (Rev. CoP18). Although the resolution is non-binding, many CITES member states with domestic ivory markets have taken action to close their domestic ivory markets in accordance with the recommendations of the CITES resolution. Since July 2016, the United States has enacted a set of domestic regulations on the export, import, and trade of ivory, with an exemption permit for certain antiques. In January 2016, Hong Kong proposed a plan to stop the local ivory trade within five years, and from December 31, 2021, Hong Kong's domestic ivory market was closed. China itself closed its legal ivory market in late 2017. Other jurisdictions that have taken action to close their domestic ivory markets include Singapore, Taiwan, Israel, the UK, and the European Union.

Japan is the remaining country that has an open domestic ivory market. Japan itself has a high supply of ivory with a still-operating ivory industry. In 2015, Japan's domestic ivory market included 319 registered manufacturers, 584 wholesalers, and 8,219 retailers (Sand 2019). As a member of CITES, Japan co-signed the Convention Convention on April 30, 1975; then, CITES came into force in November 1980 in Japan. According to CITES, Japan's stockpile accounts for 89% of Asia's ivory stockpile (275.3

tons) and 31% of the world's stockpile (796 tons), as stated on February 28, 2021, in response to the annual notification released by the Secretariat (CITES, 2022).

CITES established three categories of National Legislation Project classification for monitoring the implementation of national regulations. The classification is based on four minimum requirements that national legislation must meet, namely: specify at least one management authority and one scientific authority; prohibit trade in specimens in violation of the Convention; penalize such trade; or confiscate illegally traded or possessed specimens. In this case, Japan, as a CITES member, is assigned to Category I in the National Legislation Project classification, which means legislation that is generally believed to meet the implementation requirements of CITES.

Although Japan is included in Category I, there are still cases of illegal ivory trade in the domestic market. In the CoP17, there were reports of ivory being illegally exported from Japan to China in sizable quantities, with one Chinese couple arrested, tried, and sentenced to 15 years in prison in China for importing approximately 3.2 tons of raw and processed ivory from Japan over an 18-month period between November 2010 and April 2012. ETIS reported that between 2011 and 2016, there were 148 seizures of illegally exported ivory from Japan totalling 2,423.99 kilograms, consisting of 1,659.85 kilograms of raw ivory and 746.16 kilograms of worked ivory (Kitade & Nishino, 2017). Overall, illegal ivory trade activities recorded in ETIS data show a one-way trend where ivory commodities are illegally exported from Japan to China, representing 95% of all illegal exports by weight (Kitade & Nishino, 2017).

After the CoP17, the international community, including groups and organizations focused on flora and fauna conservation, called for Japan to close its domestic ivory market. In the absence of effective regulation and enforcement, WWF and TRAFFIC called for the closure of Japan's domestic ivory market in accordance with CITES (WWF, 2017). The Environmental Investigation Agency (EIA), a non-governmental organization that investigates and campaigns against environmental crime and abuse, has also called on Japan to join other jurisdictions in closing its domestic ivory market. In fact, members of the African Elephant Coalition of 32 African countries dedicated to the protection of African elephants have been lobbying Japan to close its domestic ivory market for years. However, until then, Japan's domestic ivory market has been open.

The EIA released a report on the flow of ivory legally purchased in Japan and illegally exported. Between 2018 and 2020, there were at least 76 ivory seizures from Japan made across multiple jurisdictions, including 72 seized by Chinese Customs (Agency, 2022). In 2018, there was one ivory seizure in Taiwan, and in 2019, there were two ivory seizures in Vietnam and one ivory seizure in Japan (Agency, 2022). Evidence of seizures of illegally exported ivory from Japan suggests that Japan's domestic ivory market could pose a threat to global efforts to combat illegal ivory poaching and trade. Moreover, Japan's domestic ivory market could have an adverse impact on other jurisdictions that have closed their domestic ivory markets.

The research gap here is that Japan's designation as Category I in the CITES National Legislation Project Classification means that Japan has met the four minimum requirements regarding national laws for CITES implementation. However, the fact that the problem of illegal ivory trade in Japan still occurs is supported by evidence from a number of illegal ivory trade cases; there are reports of seizures of ivory illegally exported from Japan in several jurisdictions. The ivory trade should be well controlled, and illegal ivory trade and exports should be prevented. Japan is a developed country, and seeing this kind of condition is certainly a dark side for Japan in the issue of wildlife crime. Moreover, with the new recommendation of CITES Resolution Conf. 10.10 agreed upon at CoP17, which recommends the closure of legal domestic ivory markets that contribute to poaching and illegal trade, Japan has yet to close its domestic ivory market despite being criticized by several parties. Therefore, it is necessary to analyze CITES' implementation in addressing the ivory trade in Japan after the recommendation to close legal domestic ivory markets that contribute to poaching or illegal trade.

To find out the implementation of CITES in dealing with the ivory trade in Japan after the recommendation to close the legal domestic ivory market that contributes to poaching or illegal trade, here the researchers use the concept of international regimes initiated by Robert O. Keohane. According to Keohane, international regimes are devices to facilitate agreement-making among actors. In this setting, the main function of international regimes is to facilitate mutually beneficial agreement-making among governments (Keohane, 1982). In multi-layered systems, the primary function of international regimes is to facilitate specific agreement-making on matters of substantive significance in the issue areas covered by the regime (Keohane, 1982).

International regimes help the expectations of governments or regime members to be consistent with each other. Regimes are developed in part because actors in world politics believe that with such arrangements, they will be able to make mutually beneficial agreements. Regimes facilitate the making of substantive agreements by providing a framework of rules, norms, principles and procedures for negotiation. According to Keohane, regime agreements are easier when there is a framework for establishing legal responsibility, increasing the quantity and quality of information available to actors, or reducing other transaction costs, such as organizational costs (Keohane, 1982). Regimes are much more important in providing an established negotiating framework (reducing transaction costs) and in helping to coordinate actors' expectations (increasing the quality and quantity of information available to the state).

The institutions and procedures that develop around international regimes gain value as arrangements that enable communication and, therefore, facilitate information exchange (Keohane, 1982). These trans-governmental relationships increase opportunities for cooperation in world politics by providing policymakers with high-quality information about what their counterparts are likely to do. To the extent that they are valued by policymakers, they help generate demand for international regimes.

METHOD

Researchers used qualitative research methods with descriptive research types to answer the research focus. This is due to the object in the form of a social phenomenon in which there is human involvement with its changing nature. With qualitative research, researchers can understand and explain the social phenomena studied to obtain interpretations of meaning based on preliminary research that has been made (Bungin, 2012). Qualitative research analysis can be obtained through data that has been collected from articles, journals, and publication reports, which are then processed with the concepts or theories used so that they can support the results of the analysis. Thus, descriptive qualitative research can present a clear and detailed description of CITES' implementation in dealing with the ivory trade in Japan after the recommendation to close the legal domestic ivory market that contributes to poaching or illegal trade.

The data collection technique used by researchers here refers to the use of secondary data with literature studies. Data are collected from books, journals, theses, news, and articles. Researchers conducted internet searches to obtain online data relevant to the topic of the problem studied, namely the ivory trade in Japan, such as from the official website of the Japanese government (www.env.go.jp, www.meti.go.jp), official reports under CITES consisting of reports from the Secretariat, the Standing Committee, and the CoP available on the official CITES website (cites.org). Data were also obtained from articles, e-books, and official reports reported by several groups and organizations in the field of wildlife conservation, such as TRAFFIC, JTEF, WWF, and EIA, through their official websites.

The researchers limited the scope of the research after the 17th Conference of the Parties (CoP17) in October 2016 until the 74th meeting of the Standing Committee in March 2022. This is intended to make the research more focused and not expand from the intended discussion

RESULT

Ivory Trade Regulation in Japan

Previously, the control of ivory domestic sales and distribution was regulated under the Law for the Conservation of Endangered Species of Wild Fauna and Flora (hereinafter referred to as "LCES") (June 5, 1992, Law No. 75) (CITES, 2016). Under this Law, the original form of ivory (whole ivory) is considered as part of the individual; they are required to arrange for the registration of the whole ivory to the MOE when trading. Whole tusks are allowed to be registered if they were obtained before African elephants were listed in Appendix I, commonly referred to as Pre-Convention, or legally imported thereafter from Zimbabwe, Botswana, South Africa and Namibia in accordance with CITES regulations. Thus, ivory that meets these requirements and has completed registration is allowed to be traded in Japan. The maximum penalty for illegal trade in all ivory under LCES is imprisonment of up to five years and/or a fine of up to five million

Japanese yen. As for export and import controls under the Foreign Exchange and Foreign Trade Act (hereinafter referred to as "Foreign Trade Act") (December 1, 1949, Law No.228), the maximum penalty is imprisonment of up to five years and/or a fine of up to five million yen (CITES, 2016).

Afterwards, a national legal instrument for businesses involved in the domestic ivory trade in Japan is the amended Act on the Conservation of Endangered Species of Wild Fauna and Flora (ACES), which came into effect in June 2018. The following are the key requirements of the amended ACES (Ministry of the Environment Government of Japan, n.d.):

- 1) Registration of businesses interested in manufacturing and sales of ivory products. Applicants are screened through the registration process. Once registered, the registration is valid for five years, and then is subject to renewal every five years. If registration is revoked due to the violation of ACES and its regulations, re-registration will not be permitted for the next five years.
- 2) Mandatory registration of whole tusks owned by business operators.
- 3) Obligation to keep records of the inventory of whole tusks from which cut pieces, etc., were sourced.
- 4) Mandatory display of information such as business operators' registration numbers at the time of sales and advertising of ivory products.
- 5) Publication of registered business operators list.
- 6) Penalties for business operators involved in domestic ivory trade violating the Law. (Introduction of imprisonment with labor and a significant increase in fines, from the previous ¥500,000 to a maximum of ¥100,000,000.).

Based on the CITES report SC70 Doc. 27. 4 Annex 11, stricter controls on import/export under the Foreign Exchange and Foreign Trade Act were amended to ensure the effectiveness of import/export controls. The amended Foreign Exchange and Foreign Trade Act came into force in October 2017. The fine for an individual increased to not exceed 10,000,000 Japanese yen from 5,000,000 Japanese yen, and the fine for a company increased to not exceed 500,000,000 Japanese yen from 5,000,000 Japanese yen (CITES, 2018).

Illegal Ivory Trade Cases in Japan

As reported by TRAFFIC, there was a case uncovered by the police in 2017 of a large ivory chain purchase by two antique companies, with 39 suspects involved and 27 unregistered tusks (Kitade & Nishino, 2017). According to the police, the suspects admitted that they had purchased hundreds of tusks over several years and applied for registration of the illegally purchased tusks.

Nippon Ivory and All Japan Ivory Wholesale Center are the kingpins that participated in the ivory market and were implicated in the illegal ivory trade case. It should be noted that the two kingpins were approved in their business renewal. When the problem occurred, Nippon Ivory was a member of the ivory association in Tokyo. The executive member who had been overseeing all of the company's operations was prosecuted in December 2016 for purchasing 5 unregistered whole tusks for approximately US\$12,610 between February 2015 and June 2016 and was subsequently

fined (Sakamoto, 2022). Furthermore, the company was investigated by the Ministry of the Environment (MoE) and the Ministry of Economy, Trade and Industry (METI), which obtained several reports from EIA and JTEF. Based on investigations conducted by EIA and JTEF, the modus operandi was to illegally purchase unregistered whole ivory, using registration cards issued for other whole ivory that had expired. The unregistered ivory is cut for immediate purchase in pieces that are not legally required to be registered (Sakamoto, 2022).

The All Japan Ivory Wholesale Center was also a member of the ivory association in Tokyo at the time of the problem. In November 2017, there was an arrest of a Chinese sailor who was about to board a container ship in Tokyo harbour. The seizure consisted of 605 pieces of ivory cut 1 cm square and 10 cm long en route to be processed into hanko, weighing a total of about 7 kilograms, and valued at US\$2,790, all carried in paper bags and backpacks (Sakamoto, 2022). Based on the source information, the ivory came from the All Japan Ivory Wholesale Center.

The level of compliance of traders is also a factor that causes illegal trade in Japan. According to a report obtained by researchers from TRAFFIC's 2018 report in 2018, 60% of sellers in antique and tourist markets said it was okay to take ivory from Japan (either for all or some items or to some countries), which was slightly lower than 73% in 2017 (Sakamoto, 2022). There are still some traders who think that small-sized ivory items are safe due to the low probability of detection.

According to a questionnaire conducted in September 2021, 13% of the companies answered that they "will sell or intend to sell to foreigners", 5% of them answered that they "sell or intend to sell without special measures" (92% answered that they will sell or intend to sell if it can be judged that there is no risk of taking it abroad due to municipal approval forms, etc.) (Tokyo Metropolitan Government, 2022). These facts show that until recently, traders had still intended to sell ivory to foreign visitors.

CITES Recommendation on Closing Domestic Ivory Markets That Contribute to Illegal Hunting or Trade

Actions taken to combat poaching and illegal ivory trade were agreed upon during CoP17 held in October 2016. CoP17 recognized that some countries have taken action to close their domestic ivory markets in response to requests from elephant-producing countries. A motion adopted by the World Conservation Congress of the International Union for Conservation of Nature (IUCN) on September 10, 2016, calling on governments to close their domestic markets to commercial trade in raw or worked elephant ivory was also taken into consideration by the parties. After consideration of the formal proposal by the United States and 10 African Parties to close domestic ivory markets, the CoP agreed by consensus to the revised Resolution Conf. 10.10, which is now contained in Resolution Conf. 10.10 (Rev. CoP18). The main recommendations regarding the closure of legal domestic ivory markets that contribute to poaching and illegal trade in the resolution are as follows:

“Paragraph 3: RECOMMENDS that all Parties and non-Parties in whose jurisdiction there is a legal domestic market for ivory that is contributing to poaching or illegal trade take all necessary legislative, regulatory and enforcement measures to close their domestic markets for commercial trade in raw and worked ivory as a matter of urgency; [emphasis added]

Paragraph 4: RECOGNIZES that narrow exemptions to this closure for some items may be warranted; any exemptions should not contribute to poaching or illegal trade;

Paragraph 5: URGES those Parties in whose jurisdiction there is a legal domestic market for ivory that is contributing to poaching or illegal trade and that have not closed their domestic ivory markets for commercial trade in ivory to implement the above recommendation as a matter of urgency; [emphasis added].”

DISCUSSION

CITES' Implementation through the CITES Governing Body

To facilitate agreement-making and cooperation and encourage actors to adopt the norms and principles of the regime, CITES as a regime has a governing body consisting of the Conference of the Parties, the Standing Committee, and the Secretariat. Each of these bodies has its own important role in the smooth operation of the regime so that the objectives of the regime can be achieved.

a) Conference of The Parties

The Conference of the Parties (CoP) is a joint meeting of the CITES' Parties, which is held by one of the Parties every two to three years for about two weeks. Through the CoP, CITES can create a framework for the Convention in the form of recommendations. Recommendations here can be recorded either as a resolution or a decision. Both types of recommendations guide the implementation of the Convention regarding the interpretation of convention provisions, rules and trade control controls used over the years. Resolutions will only be adopted or revised if drafts or proposals for existing resolutions submitted by state parties are discussed and adopted at the CoP.

To address the ivory trade in Japan, the recommendation regarding the closure of legal domestic ivory markets that contribute to poaching or illegal trade from CoP17 was followed by decisions, namely Decision 18.117 to 18.119 regarding the closure of domestic ivory markets adopted by CITES CoP 18 held in August 2019 in Geneva. The decisions are as follows (CITES, 2022):

1) 18.117 Decision directed to: Parties

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 meetings on what measures they are taking to ensure that their domestic ivory markets are not contributing to poaching or illegal trade.

2) 18.118 Decision directed to: Secretariat

The Secretariat shall compile the reports and make them available to Parties in advance of the Standing Committee meetings.

3) 18.119 Decision directed to: Standing Committee

The Standing Committee shall:

- a. Consider the reports under Decision 18.118; and
- b. Report on this matter and make recommendations, as appropriate and consistent with the scope and mandate of the Convention, to the 19th meeting of the Conference of the Parties.

The above decision aims to promote the implementation of the recommendation to close the domestic ivory market. Decision 18.117 states that Parties that have not yet closed their domestic markets to trade in raw and worked ivory are requested to provide a report to the Secretariat for consideration by the Standing Committee at its 73rd and 74th meetings on what measures have been taken to ensure that their domestic ivory markets do not contribute to poaching or illegal trade.

b) The Secretariat

The Secretariat, as part of the CITES governing body, plays many important roles in the implementation of the Convention such as being an advisor, as well as a service for the operation of the Convention, ensuring the provisions of the Convention are respected by conducting communication and supervision, storing various forms of reports or information provided by Parties, disseminating information related to enforcement issues, and so on.

Decision 18.118 states that the Secretariat shall prepare a report and make it available to the Parties prior to the Standing Committee meeting. In this case, CITES' efforts in addressing the ivory trade in Japan through the Secretariat can be seen when the Secretariat released a Notice addressed to Parties No. 2020/026 on March 23, 2020; Parties were asked to provide reports to the Secretariat regarding the information needed in accordance with Decision 18.117. However, the 73rd Standing Committee meeting was postponed until 2020, so the Secretariat released another Notice to Parties (No. 2021/005) on January 18, 2021. Through the Secretariat, CITES can improve the quantity and quality of information available to all members of the regime, as well as help coordinate the expectations of the regime in addressing the ivory trade in Japan.

Japan's 2020 and 2021 reports mention the Japanese Government's response to the notifications provided by the Secretariat:

"Japan has implemented strict measures to ensure that its domestic ivory market does not contribute to poaching or illegal trade... Japan is determined to continue to make its maximum efforts in the sincere implementation of CITES at home" (CITES, 2022)

There are several measures taken by Japan to ensure that its domestic ivory market does not contribute to poaching or illegal trade. First, by amending the Act for the Conservation of Endangered Species of Wild Fauna and Flora (ACES) enacted in June 2018 and strictly monitoring the registration of all ivory. Second, by improving domestic ivory transaction management measures. Third, in the realm of international cooperation, Japan contributes to anti-poaching efforts in the Range States through the CITES Monitoring the Illegal Killing of Elephants (MIKE) program. In addition, Japan is cooperating with China by continuing to seek opportunities to hold annual bilateral meetings between the Management Authorities, which were delayed in 2020 due to the COVID-19 pandemic. Finally, Japan is working to identify ivory stocks.

c) The Standing Committee

The Standing Committee, as part of the CITES governing body, has the task of providing policy guidance to the Secretariat regarding the operationalization of the Convention as well as monitoring the Secretariat's budget management. In addition to these key roles, the Standing Committee provides coordination and oversight, carries out tasks assigned by the CoP, and drafts resolutions for consideration by the CoP (CITES, 2020b). In certain cases, the Standing Committee can make a decision by providing a recommendation for the commercial suspension of one or more CITES-listed species for Parties deemed not to be in compliance with the Convention.

In addressing the ivory trade in Japan, at the Seventy-fourth meeting of the Standing Committee, the Standing Committee encouraged Parties to pay particular attention to the provisions contained in paragraphs 12 and 13 of Resolution Conf. 11.3 (Rev. CoP18) regarding compliance and enforcement issues in addressing the illegal ivory trade. The Committee further requested the Secretariat to include a reminder to the Parties of the provisions contained in paragraph 9 of Resolution Conf. 10.10 (Rev. CoP18) on trade in elephant specimens in the notifications issued annually to remind the Parties of the provisions in Resolution Conf. 10.10 (Rev. CoP18) on funding, inventory and security of elephant stocks. The Committee further requested the Secretariat to assist the Standing Committee in its reporting to the CoP in accordance with paragraph 19 of Resolution Conf. 10.10 (Rev. CoP18), and to include the information contained in document SC74 Doc. 39 in the report requested in accordance with Decision 18.119 paragraph b). The Committee invited the CoP to agree that Decisions 18.117 to 18.119 could be updated and requested the Secretariat to submit these revised decisions to CoP19. Finally, it noted the suggestion from the European Union to invite the Secretariat and TRAFFIC to engage the MIKE ETIS Technical Advisory Group in preparing the ETIS report to CoP19.

Based on the researchers' identification here, the Standing Committee's efforts are still at the stage of considering compliance issues under Decision 18.117. Based on the final report of the Seventy-fourth meeting of the Standing Committee, there is no

specific recommendation from the Committee to the parties regarding key provisions or recommendations in accordance with paragraphs 3, 4, and 5 of Resolution Conf 10.10 (Rev. CoP18). As attached to Decision 18.119, the Standing Committee is requested to consider the report under Decision 18.118, report on this matter, and make recommendations consistent with the scope of the Convention to the 19th meeting of the Conference of the Parties.

CITES' Implementation through Cooperation between Management Authorities and TRAFFIC

Ministry of Economy, Trade and Industry (METI) is the CITES Management Authority of Japan. METI held a bilateral meeting with the CITES Management Authority of China in Tokyo on May 9, 2017, which was attended by relevant Ministries and Institutions. Discussions were held on ivory trade issues during this meeting. Both parties shared information on ivory trade issues and emphasized the importance of cooperation, especially in efforts to eradicate illegal ivory trade. Thus, cooperation between the management authorities of the two countries concerned will increase the chances of achieving the objectives of the regime in dealing with the ivory trade.

Meanwhile, TRAFFIC is an NGO that has developed around the CITES regime. TRAFFIC advises in support of CITES enforcement, which has been a priority for TRAFFIC since its inception. TRAFFIC's contribution is to provide trade information and expert analysis that can support CITES decision-making processes through the Elephant Trade Information System (ETIS). ETIS has been managed by TRAFFIC since its inception and uses elephant product seizure data to develop detailed analysis. To fulfil the CITES mandate, TRAFFIC has pioneered analysis methods for ETIS data that allow seizure data to track trends in the global illegal ivory trade (CITES, 2020a). Thus, here, ETIS as a procedure gains value, which is appreciated by CITES as it helps generate demand for the CITES regime.

CONCLUSION

The results of the research and discussion show that the implementation of CITES in addressing the ivory trade in Japan after the recommendation to close the legal domestic ivory market that contributes to poaching or illegal trade can be seen in two ways. First, through the CITES governing body consisting of the Conference of the Parties, the Secretariat, and the Standing Committee. Second, through cooperation between management authorities and TRAFFIC. Through the Conference of the Parties, decisions, namely Decisions 18.117 to 18.119 related to the closure of the domestic ivory market, have been adopted by CITES CoP18 to promote the closure of the domestic ivory market. Through the Secretariat, by distributing Notices aimed at Parties to provide reports to the Secretariat on the information required in accordance with Decision 18.117.

Through the Standing Committee, the Parties are encouraged to pay particular attention to provisions in Resolution Conf. 11.3 (Rev. CoP18) and Resolution Conf. 10.10 (Rev. CoP18), requesting the Secretariat to assist the Standing Committee in its reporting, inviting the CoP to agree that Decisions 18.117 to 18.119 could be updated, and noting the advice of the European Union. CITES efforts through cooperation between management authorities, namely the CITES Management Authority of Japan, held a bilateral meeting with the CITES Management Authority of China to discuss ivory trade issues. At the same time, TRAFFIC's joint effort is to use ETIS as a procedure to obtain data on seizures of elephant products and compile analysis.

REFERENCES

Agency, E. I. (2022). *Last But Not Least: Japan's Domestic Ivory Market*.

Bungin, B. (2012). *Analisis Data Penelitian Kualitatif*. Jakarta: PT Raja Grafindo.

CITES. (2016). *Rules of Procedure of the Conference of the Parties*. Johannesburg.

CITES. (2018). *Subject: Report on Measures Taken by Japan to Combat Illegal Trade in Ivory*.

CITES. (2020a). Elephant Trade Information System (ETIS). Retrieved August 3, 2022, from <https://cites.org/eng/prog/etis>

CITES. (2020b). Standing Committee. Retrieved July 30, 2022, from <https://cites.org/eng/disc/sc.php>

CITES. (2022). Convention on International Trade in Endangered Species of Wild Fauna and Flora. Retrieved March 8, 2022, from <https://cites.org/eng/disc/text.php#II>

Keohane, R. O. (1982). The Demand for International Regimes. In *International Regimes* (pp. 325–355). University of Wisconsin Press.

Kitade, T., & Nishino, R. (2017). *Ivory Towers: An Assessment of Japan's Ivory Trade and Domestic Market*.

Ministry of the Environment Government of Japan. (n.d.). Japan's Regulation on Domestic Ivory Trade and Restrictions on Taking Ivory Outside of Japan. Retrieved July 27, 2022, from <https://www.env.go.jp/nature/kisho/kisei/en/conservation/ivory/general/>

Sakamoto, M. (2022). *Japan's Tireless Ivory Market: A Trader's Haven Free of Strict Controls*.

Tokyo Metropolitan Government. (2022). *Report of the Japanese Expert Council on Ivory Trade Regulations*.

WWF. (2017). Traffic Study: Japan's Ivory Market Must Close. Retrieved May 6, 2022, from https://wwf.panda.org/wwf_news/?319271/TRAFFIC-Study-Japans-ivorymarket- must-close