



## Briefing: Tokyo Metropolitan Government Subsidies to Ivory Industry Stakeholders

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### Overview

Elephants continue to be poached for their ivory tusks. While most consumer countries have closed their legal ivory markets, Japan's market remains open and its ivory industry supported by the national government. Tokyo's Governor has taken the initiative to address Tokyo's ivory trade and identify how to eliminate its role in the illegal ivory trade; however, Tokyo Metropolitan Government has also paid subsidies annually [yearly average of around 4 million JPY (33,000 USD)] to Tokyo's leading ivory industry association with the goals of igniting the resumption of international ivory trade, increasing the domestic demand for ivory crafts and products, and facilitating the trade in ivory. Tokyo Metropolitan Government must act to align its policies and approaches to support protecting elephants from the trade in their ivory, as declared by Governor Yuriko Koike in 2020.

### Background

- The international commercial trade in ivory was banned in 1989 by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in response to a mass poaching crisis. Prior to the international trade ban, Japan was the world's largest consumer of ivory.
- Japan is the only country to have received ivory twice after the international ivory trade ban went into effect in 1990, importing auctioned ivory from southern African nations in a CITES-approved sale in 1999, and then again in 2009. The ivory imported into Japan was monopolized by leading ivory associations in Tokyo and Osaka.
- In 2016, in response to another poaching crisis, CITES Parties adopted a revised resolution by consensus, recommending that all countries with legal domestic ivory markets that contribute to poaching or illegal trade close them urgently.<sup>1</sup> The main goal is to prevent legal markets from creating an opportunity to launder illegal ivory under the guise of legality,<sup>2</sup> and to reduce the risk that ivory items acquired in a country with a legal market and exported to third countries could fuel the demand for illegal ivory items, undermining enforcement and demand reduction activities.<sup>3</sup> Japan joined that consensus.
- Japan is an outlier in the global community, with thousands of government-registered ivory traders, an industry that continues to manufacture ivory products. Furthermore, there is evidence that such active legal domestic trade is linked to the illegal international trade.<sup>4</sup> However, Japan's market remains open.<sup>5</sup>
- In response to an international appeal, in January 2020, Tokyo's Governor committed to

<sup>1</sup> Res. Conf. 10.10 (Rev. CoP19), paragraph 3 <https://cites.org/sites/default/files/documents/COP/19/resolution/E-Res-10-10-R19.pdf>

<sup>2</sup> CoP17 Doc. 27 "ACTIONS TO COMBAT WILDLIFE TRAFFICKING" submitted by the US <https://cites.org/sites/default/files/eng/cop/17/WorkingDocs/E-CoP17-27.pdf>

<sup>3</sup> CITES SC74 Doc.39 Annex 2 submitted by the EU <https://cites.org/sites/default/files/eng/com/sc/74/E-SC74-39.pdf>

<sup>4</sup> EIA. (December 2020) Japan's Illegal Ivory Exports. <https://us.eia.org/campaigns/wildlife/elephants/japan-ivory/> Sakamoto M. 2022. Smugglers' Source: Japan's Legal Ivory Market; An Analysis of Chinese Court Decisions of Ivory Illegally Exported from Japan. Japan Tiger and Elephant Fund [https://www.jtef.jp/en/wp-content/uploads/2022/10/IvoryNov22\\_E.pdf](https://www.jtef.jp/en/wp-content/uploads/2022/10/IvoryNov22_E.pdf)

<sup>5</sup> EIA&JTEF. 2023. Reality Check: Japan's Legal Domestic Ivory Market [https://us.eia.org/wp-content/uploads/2023/10/SC77-EIA\\_JTEF-Japan-Briefing-FINAL\\_31-Oct-2023.pdf](https://us.eia.org/wp-content/uploads/2023/10/SC77-EIA_JTEF-Japan-Briefing-FINAL_31-Oct-2023.pdf)

undertaking an assessment of Tokyo's ivory trade, and established an Advisory Council composed of experts to make recommendations on steps Tokyo should take.

- After two years of deliberations, the Advisory Council released a report with its official recommendations in March 2022. The Council's recommendations to the Tokyo Metropolitan Government (TMG) include that the Tokyo government should consider legal measures to address trade in ivory.<sup>6</sup>
- However, the TMG administration has not acted to implement the recommendation to consider legal measures since the release of the report.

### **Establishment of TMG Subsidies for Tokyo's Ivory Industry**

Tokyo Metropolitan Government's Bureau of Industrial and Labor Affairs launched subsidies ("Subsidies for business stabilization project in the tortoiseshell and ivory industries,"<sup>7</sup> hereinafter referred to as "TMG subsidies") to the Tokyo Ivory Arts and Crafts Cooperative Association (hereinafter referred to "Tokyo Ivory Association") in 1994 and has continued to disseminate the subsidies until now<sup>8</sup>. The TMG subsidies followed the initiation of a national subsidies program in 1991 sponsored by the then-Ministry of Trade and Industry (MITI), the precursor to the current Ministry of Economy and Industry (METI), which aimed to support the ivory and tortoiseshell industries in Japan.<sup>9</sup>

The establishment of the Tokyo Ivory Arts and Crafts Cooperative Association (hereinafter referred to "Tokyo Ivory Association"), a longstanding recipient of the TMG subsidies for the ivory industry, was approved by TMG in 1967<sup>10</sup>, aiming to promote their sustainable economic activities and improve the economic status of its members.<sup>11</sup> In 1986, after the implementation of the ivory export quota system by the CITES Secretariat,<sup>12</sup> the Tokyo Ivory Association, together with its sister organization in Osaka, established the Japan Federation of Ivory Arts and Crafts Associations in order to "keep close contact with administrative agencies in Japan, deepen mutual exchange with CITES, African elephant range states, other importing countries of ivory, etc., and strive to create a system to promptly respond to changes in the situation"<sup>13</sup>.

In July 1989, after the proposal for uplisting African elephants to CITES Appendix I had already been submitted by Tanzania and other nations, the Tokyo Ivory Association, together with three

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<sup>6</sup> Report of Advisory Council on Regulation of Ivory Trade (March 2022)

[https://www.seisakukikaku.metro.tokyo.lg.jp/cross-efforts/2022/09/images/Zouge\\_Report\\_ENG.pdf](https://www.seisakukikaku.metro.tokyo.lg.jp/cross-efforts/2022/09/images/Zouge_Report_ENG.pdf)

<sup>7</sup> This project has also supported the tortoiseshell industry.

<sup>8</sup> The Grant guideline on subsidies to the projects for stabilizing tortoiseshell industry and ivory industry was established by TMG's Bureau of Industrial and Labor Affairs in 1994 and revised in 1997, 1999, 2007 and 2018.

<sup>9</sup> Japan did not enter a reservation to the amendment to the Appendices, in which all populations of African elephants are transferred from Appendix II to Appendix I, adopted at CITES CoP7 in 1989, so that the international ban of ivory was applied to Japan. MITI immediately began to identify ways to pursue overturning the international ban on ivory to assuage the ivory industry stakeholders who had a complaint to the response of the government to the amendment. The subsidies were aiming to financially support projects by the ivory industry associations to reopen the international ivory trade. The initial budget was 954 million JPY; 200 and 300 million JPY annually for over 10 years were spent for the subsidies, starting in 1992; it ended completely in March 2017.

Ministry of Economy and Industry. 2001. Report on Future of Intervention on Tortoiseshell Industry

Ministry of Economy and Industry. 2003. Assessment on 2002 raw material securing projects on tortoiseshell and ivory

METI. 2017. FY2016 Administrative Business Review Sheet on the Tortoiseshell (and Ivory) Industrial Relief Measures Project

METI. 2018. FY2017 Administrative Business Review Sheet on the Tortoiseshell (and Ivory) Industrial Relief Measures Project

<sup>10</sup> The association follows a group of ivory merchants (not including ivory carvers and craftsmen) during 1904-1905 in order to capitalize on overseas trade during the booming economy provided by the Russo-Japanese War (1904-1905).

Tokyo Ivory Arts and Crafts Cooperative Association. 1986. 100-year History of the Industry  
Website of Tokyo Ivory Arts and Crafts Cooperative Association <https://www.tokyo-ivory.or.jp/>

<sup>11</sup> Statutory of Tokyo Ivory Arts and Crafts Cooperative Association, Article 1

<sup>12</sup> Resolution Conf.5.12 "Trade in ivory from African elephants"

<sup>13</sup> Tokyo Ivory Arts and Crafts Cooperative Association. 1986

other ivory trade consortiums,<sup>14</sup> appealed to the Minister of MITI to oppose a full ban on international commercial trade in ivory, arguing that ivory manufacturing companies would be negatively affected.<sup>15</sup>

Based on this historical context, TMG might still consider the Tokyo Ivory Association to be an organization representing the Tokyo ivory industry that needs government support and protection. TMG's longstanding subsidies for the ivory industry could be viewed as an attempt by the local government, the center of Japan's ivory industry, to provide support to the industry within its jurisdiction by supplementing the state's subsidies to stabilize ivory industry businesses.

## **Subsidies: Purpose and Description**

### Purpose

The subsidies, according to the "Grant guideline on subsidies to the projects for stabilizing tortoiseshell industry and ivory industry"<sup>16</sup> (hereinafter referred to the "subsidies grant guideline" or just "guideline"), were granted to "tortoiseshell and ivory industry groups for their resource survey projects, raw material securing projects or business stability enhancement projects, intending to contribute to stabilizing the small business dealing with tortoiseshell or ivory, which are affected by tightened regulation of international trade in rare wild animals".<sup>17</sup> Of the three types of projects listed here, two fall under the category of ivory industry organizations: the raw material securing projects and the business stabilization projects.<sup>18</sup>

Tokyo Metropolitan Government, and therefore taxpayers in Tokyo prefecture, bears the entire cost of the subsidized projects. Annex 1 to the guideline describes both the raw material securing projects and the business stability enhancement projects. The raw material securing projects are defined in more detail as "projects aiming transfer of elephant ivory from Appendix I of CITES to Appendix II to resume import of ivory". The business stability enhancement projects are defined as "projects aiming for stabilizing ivory businesses, which are affected by the international trade ban of ivory".<sup>19</sup>

### Description of Subsidies Granted Between 2018 and 2022

The following information is based on documents from 2018 to 2022 related to the subsidies, obtained through a freedom-of-information request to the Tokyo Metropolitan Government by the Japan Tiger and Elephant Fund.

Between 2018 and 2022, excluding 2021, subsidies were issued for two projects annually: one raw material securing project and one business stability enhancement project. In 2021, only one raw material securing project was subsidized; a business stability enhancement project subsidy was not granted.

The implemented subsidized projects include:

1. Raw material security surveys – Funding an expert from an organization commissioned by the Tokyo Ivory Association to collect research on ivory stockpiles, elephant populations and ivory trade policy, etc. in potential trade partner countries, and lobby those countries.
2. Public relations activity on ivory crafts and related public awareness – Conducting various activities to increase the demand for ivory crafts and products.
3. Dispatch of the delegation to the CITES Conference of the Parties – Dispatching Tokyo Ivory Association representatives to CITES CoPs to collect information about the resumption of international trade in ivory and lobby relevant participants.

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<sup>14</sup> The four entities submitted the petition include, Tokyo Ivory Association, Osaka Ivory Association, Japan Federation and Japan General Merchandise Import Association (Ivory Committee)

<sup>15</sup> Isamu Motegi. 1993. CITES. Inshin. Motegi Co., Ltd. [http://motegi-kk.com/user\\_data/inshin/index50.php](http://motegi-kk.com/user_data/inshin/index50.php)

<sup>16</sup> 29 San-Rou-Sho-Shi No. 1534 dated on March 15, 2016. The initial version of the guideline was dated on September 27, 1994 (6 Rou-Kei-Shin-Ko No. 356).

<sup>17</sup> Guideline Article 2

<sup>18</sup> Annex 1 to the guideline that defines "name of project", "purpose and contents (of the project)", "contribution rate of the subsidies to the total expenditure for each project", and "beneficiaries of the subsidies"

<sup>19</sup> Guideline Article 3 Paragraph 2, Annex 1

The annual total of the subsidies is 4,106,644 JPY (37,184 USD<sup>20</sup>) in 2018, 4,115,180 JPY (37,743 USD<sup>21</sup>) in 2019, 3,823,160 JPY (35,810 USD<sup>22</sup>) in 2020, 2,721,400 JPY (24,762 USD<sup>23</sup>) in 2021 and 3,890,890 JPY (29,561 USD<sup>24</sup>) in 2022; the annual average comes to around 4 million JPY (33,000 USD).

All three types of projects aim to either ignite the resumption of international ivory trade or increase the domestic demand for ivory crafts and products, which all fall under the umbrella of facilitating the trade in ivory.

### Project Examples: Igniting the resumption of international ivory trade

#### *Raw material security survey in 2018*

In advance of CITES CoP18 in 2019, the Tokyo Ivory Association attempted to carry out a specific plan for engaging with southern African countries to lift the international ivory ban using the TMG subsidies. The association described in the application form dated on June 27, 2018: "It is important to open the possibility for Zambia and Tanzania to submit proposals to transfer their elephant populations from Appendix I to II, along with proposals to lift the ban of trade in ivory owned by the countries (note: Botswana, Namibia, South Africa, and Zimbabwe) in the run-up to CoP18." Thus, "the contracted organization will dispatch an expert to the site and conduct an investigation." Specifically, "the expert will take advantage of the opportunity to meet the relevant countries in South Africa under the auspices of the government to collect information and discuss actions to be taken after the end of 9-year-moratorium<sup>25</sup> on ivory trade on November 7<sup>th</sup>, 2017 and ones towards SC70 and CoP18, and make necessary recommendations from our side (note: the expert from the commissioned organization) to them."<sup>26</sup>

To fulfill the goals of this project, an "expert" was dispatched to the "African Elephant Workshop Meeting" held on August 7<sup>th</sup> and 8<sup>th</sup>, 2018. Five countries joined the meeting, including Swaziland (currently Eswatini), Namibia, South Africa, Zambia, and Zimbabwe. It appears that a meeting was held between this "expert" and representatives of the five countries to "develop a strategy and tactics after the nine-year moratorium on ivory,"<sup>27</sup> but the details are not available because the disclosure request on the description was rejected by TMG.

#### *Raw material security survey in 2021*

In advance of CITES CoP19 in 2022, the Association attempted again to employ a specific lobbying strategy to reopen the international ivory trade using the TMG subsidies. The Association described in the application form dated July 5<sup>th</sup>, 2021: "Currently, Namibia, Zimbabwe, South Africa and Botswana whose president was replaced and policy was changed have elephant populations listed in Appendix II, so that they are the closest to resuming international trade in ivory. Additionally, among the countries including Zambia and Tanzania, which had shown interest in transferring their elephant populations from Appendix I to Appendix II (downlisting), Zambia which submitted a proposal to downlist its elephants to Appendix II and resume ivory trade at CoP18.. Therefore, we will conduct the investigation, specifically, in preparation for CoP19 and beyond to obtain the latest information on African elephants in southern African countries that share the same position as Japan, as well as understand in

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<sup>20</sup> At the exchange rate in yearly-average of 2018 (110.44)

<sup>21</sup> At the exchange rate in yearly-average of 2019 (109.03)

<sup>22</sup> At the exchange rate in yearly-average of 2020 (106.76)

<sup>23</sup> At the exchange rate in yearly-average of 2021 (109.90)

<sup>24</sup> At the exchange rate in yearly-average of 2022 (131.62)

<sup>25</sup> In 2007, CITES CoP14 approved one-off export of the ivory stockpiles as of the end of January 2007, which are owned by the governments of Botswana, Namibia, South Africa and Zimbabwe while it banned those Parties to propose to reopen ivory trade for 9 years after the one-off trade is executed (CITES CoP14 Com. I Rep. 15 (Rev. 1)).

<sup>26</sup> Subsidy grant decision on July 3, 2018 (30 San-Rou-Shou-Shi No.595)

<sup>27</sup> Document regarding confirmation of subsidy grant amount on February 21, 2019 (30 San-Rou-Shou-Shi No.1908)

advance the thoughts and stances of these countries regarding this CITES matter, and provide support to these countries".<sup>28</sup>

Following the project's completion, the association reported on the "development/change of the dispute involving African elephants and ivory trade under CITES", "historical trends in the African elephant population", "details of community-based natural resource management in southern Africa", as well as "information on opinions in favor of international trade in African elephants and elephant specimens that were collected and organized from papers, media articles, etc." "Recommendations on what strategies and actions should be taken toward the 19th Conference of the Parties" were also reported,<sup>29</sup> but the content is not available because the disclosure request on the description of those details was rejected by TMG.

#### *Ivory Association's delegation to CITES Conference of the Parties (CoP19) in 2022*

As described in the Association's application form dated on August 22<sup>nd</sup>, 2022: "In order to enable the survival and promotion of the ivory industry, our representatives will attend the upcoming CoP19 and the 75th and 76th Standing Committee meetings and will carry out the following activities. First, they will clearly demonstrate that Japan has strict domestic ivory trade regulations and that the Japanese market does not contribute to poaching or illegal trade. Through these efforts, we will win the trust of the international community".<sup>30</sup>

In the summary of the project's achievements, "two representatives of the Tokyo Ivory Association were dispatched to CoP19 and the 75th and 76th Standing Committee meetings, which were held in Panama City, Panama for 13 days from November 13 to 25, 2022." The Association reported that "SC77 discussed (agenda item) 66.3 pertaining to seizures related to open ivory markets and decided that criminal seizure data related to illegal international ivory trade will be used to analyze whether the domestic ivory markets are contributing to smuggling and poaching; the results will need to be closely watched." The report also indicates wariness, stating: "As we continue our business toward the future, we are now more than ever keenly aware of the risks associated with exporting ivory overseas. In order to prevent the 'closure of the Japanese domestic market' from being discussed again at CoP20, it is necessary to continue to actively disseminate accurate information regarding legal compliance related to elephants and ivory in cooperation with related Ministries and organizations." Details of ivory association representative's "lobbying activities" at CoP19 are also reported on,<sup>31</sup> but the contents are not available because the disclosure request on the description of that summary was not disclosed by TMG.

#### Project Example: Increasing the domestic demand for ivory crafts and products

##### *Public relations activity on ivory crafts and related public awareness in 2018*

As described in the ivory association's application form dated October 12<sup>th</sup>, 2018: "In order to enable the survival and promotion of the industry that manufactures the traditional crafts designated by TMG, have the stakeholders involved in ivory trade be aware of the progress on ivory import to be permitted at CITES CoPs and expand the ivory demand, the Tokyo Ivory Association will implement" the project: 'Ivory Craft Exhibition and Public Relations on CITES'; There will be "exhibits explaining the outline of the ivory business", the "outline of CITES", and the "progress toward ivory imports" as well as "exhibits of ivory crafts and products". "An ivory carving experience class" will also be held. The Association insists that "these events will help general consumers understand what is CITES, increase their interest in and desire to purchase ivory crafts; an expansion of demand will stabilize and develop the business of ivory dealers in Tokyo." The Association also argues that "Furthermore, as demand expands, we can expect ivory imports

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<sup>28</sup> Subsidy grant decision on July 8, 2021 (3 San-Rou-Shou-Shi No.834)

<sup>29</sup> Document regarding confirmation of subsidy grant amount on February 17, 2022 (4 San-Rou-Shou-Shi No.1902)

<sup>30</sup> Subsidy grant decision on September 7, 2022 (4 San-Rou-Shou-Shi No.1197)

<sup>31</sup> Document regarding confirmation of subsidy grant amount on February 7, 2023 (4 San-Rou-Shou-Shi No.2092)

from countries other than those that we had imported ivory from through the decision of CITES CoP, making further progress towards securing raw materials”.<sup>32</sup>

The Association reported its project achievements, noting that “many visitors attended the exhibition, and general consumers were able to gain a proper understanding of the description of CITES, increasing their interest in and desire to purchase ivory crafts.” The Association also emphasizes that “we were once again aware of the high level of interest in ivory among general consumers, and were convinced that continuous implementation of an ivory experience classes will have the effect of widely promoting the appeal of ivory products and expanding the purchasing base.”<sup>33</sup>

## **Critique of Active Subsidies**

### Project to Ignite Resumption of International Ivory Trade – Lack of Situational Awareness

Within CITES, the international trade in ivory has not been permitted since CoP14, held in 2007.<sup>34</sup> Discussion on a decision-making mechanism (DMM) that was intended to outline a process for any resumption of ivory trade ceased in 2016 at CoP17, after a nine-year deliberation.<sup>35</sup> As these events suggest, the majority of the CITES community is opposed to lifting the international ivory ban, including the majority of African elephant range states. In fact, every proposal submitted to CoP17 in 2016, CoP18 in 2019, and CoP19 in 2022, to reopen ivory trade was rejected by the vast majority of Parties<sup>36</sup>. In the report published by the Advisory Council that was commissioned by TMG, which will be discussed in detail later, the Council pointed out that “it is difficult under the current circumstances to obtain approval from CITES for another one-off sale (i.e., a one-off sale conducted under the CITES control)”.<sup>37</sup>

In fact, South Africa, an elephant range state which previously submitted a proposal to reopen the ivory trade and was also targeted for collecting information and lobbying in the TMG-subsidized projects by the Tokyo Ivory Association, suggested giving up on reopening international ivory trade under the current circumstances. It announced in a draft policy position on the conservation and sustainable use of elephants and other species, that it will not submit an elephant ivory trade proposal to CITES under current conditions. South Africa’s position is based on the perception that lifting the ban is not plausible in the foreseeable future, that the CITES approved one-off ivory sale in 2008 was not appropriately set up to achieve either market-related prices or a meaningful long-term elephant conservation, and that it was not demonstrated that the funds derived from the one-off ivory sales were clearly used for conservation purposes or had an impact on improving the conservation status of elephants.<sup>38</sup> Zimbabwe was the sole proponent requesting to lift the international ban at CoP19, the most recent CITES CoP.<sup>39</sup>

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<sup>32</sup> Subsidy grant decision on October 19, 2018 (30 San-Rou-Shou-Shi No.1069)

<sup>33</sup> Document regarding confirmation of subsidy grant amount on February 21, 2019 (30 San-Rou-Shou-Shi No.1907)

<sup>34</sup> See note 25.

<sup>35</sup> CoP17 Com. II Rec. 3 (Rev.1)

[https://cites.org/sites/default/files/eng/cop/17/Com\\_II/SR/E-CoP17-Com-II-Rec-03-R1.pdf](https://cites.org/sites/default/files/eng/cop/17/Com_II/SR/E-CoP17-Com-II-Rec-03-R1.pdf)

<sup>36</sup> CoP17 (Proposal by Namibia: Support 24, Oppose 100, Abstain 9; Proposal by Namibia and Zimbabwe: Support 21, Oppose 107, Abstain 11). CoP17 Com. I Rec. 13 (Rev. 1)

[https://cites.org/sites/default/files/eng/cop/17/Com\\_I/SR/E-CoP17-Com-I-Rec-13-R1.pdf](https://cites.org/sites/default/files/eng/cop/17/Com_I/SR/E-CoP17-Com-I-Rec-13-R1.pdf)

CoP18 (Proposal by Zambia: Support 22, Oppose 102, Abstain 13, Proposal by Botswana, Namibia and Zimbabwe: Support 23, Oppose 101, Abstain 18). CoP18 Com I. Rec. 11 (Rev. 1)),

[https://cites.org/sites/default/files/eng/cop/18/Com\\_I/SR/E-CoP18-Com-I-Rec-11-R1.pdf](https://cites.org/sites/default/files/eng/cop/18/Com_I/SR/E-CoP18-Com-I-Rec-11-R1.pdf)

CoP19 (Proposal by Zimbabwe: Support 15, Oppose 83, Abstain 17)

CITES CoP19 Com. I. Rec. 9 <https://cites.org/sites/default/files/documents/E-CoP19-Com-I-Rec-09.pdf>.

<sup>37</sup> Report of the Advisory Council on Regulation of Ivory Trade in March 2022

[https://www.seisakukikaku.metro.tokyo.lg.jp/documents/d/seisakukikaku/zouge\\_report\\_eng](https://www.seisakukikaku.metro.tokyo.lg.jp/documents/d/seisakukikaku/zouge_report_eng)

<sup>38</sup> “Draft Policy Position on the Conservation and Sustainable Use of Elephant, Lion, Leopard and Rhinoceros” published by the Department of Forestry, Fisheries and the Environment, South Africa (19 September 2023) Page 14 – 15

<https://static.pmg.org.za/230919draftpolicyconservationsustainableuseofelephantlionleopardrhinoceros.pdf>

<sup>39</sup> CITES CoP19 Prop.4 [https://cites.org/sites/default/files/documents/E-CoP19-Prop-04\\_1.pdf](https://cites.org/sites/default/files/documents/E-CoP19-Prop-04_1.pdf)

Considering the recent track-record of decision-making at CITES and the response of one potential ivory exporting country, issuing subsidies to projects aiming to ignite the resumption of international ivory trade can be regarded as spending public money for a goal that is objectively unachievable and against international opinions. As the result, the expenditure of the subsidies for such projects implemented by the Tokyo Ivory Association obviously cannot “contribute to stabilizing the small business dealing with [...] ivory, which are affected by tightened regulation of international trade in rare wild animals” as intended in the aforementioned subsidies’ grant guidelines. Therefore, it cannot be justified for TMG to continue granting to such Association’s projects for igniting resumption of international ivory trade.

### Project to Increase the Domestic Demand for Ivory Crafts and Products in Conflict

CITES Resolution Conf.10.10 urges the Parties, including those with a legal domestic trade in ivory, to engage in public awareness campaigns, including on supply and demand reduction.<sup>40</sup> Therefore, actions by a government agency that intentionally promote the demand for ivory can be considered noncompliant. Moreover, CITES CoP17 in 2016 adopted a recommendation on the closure of domestic ivory markets by amending Resolution Conf. 10.10<sup>41</sup>; CoP18 in 2019 adopted a series of decisions to strengthen the implementation of the recommendation<sup>42</sup>. In response to these CITES decisions, implementation of the closure of domestic ivory markets has advanced around the world and the demand for ivory has been suppressed worldwide. In 2022, due to the closure of the European Union’s market, Japan has become the sole CITES Party with a significant legal market supported by domestic demand for ivory<sup>43</sup>. Furthermore, even within Japan, major retail businesses including Aeon, Ito-Yokado, Rakuten, Yahoo, and Mercari voluntarily ended ivory sales<sup>44</sup>, clarifying their intention to not to meet consumer’s demand for ivory in Japan.

### **Tokyo’s Approach to Ivory Trade**

Since 2020, Tokyo Governor Yuriko Koike has led Tokyo towards a more progressive approach regarding ivory trade. In May 2019, New York City Mayor Bill de Blasio asked Governor Koike to support efforts to protect elephants by ending the ivory trade in Tokyo.<sup>45</sup> In response to this request, Governor Koike stated her desire to conduct a more thorough investigation on ivory trade and related businesses in Japan and look towards phasing out the use of *hanko*.<sup>46</sup>

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<sup>40</sup> CITES Conf. 10.10 (Rev. CoP19) Paragraph 7 d)  
<https://cites.org/sites/default/files/documents/COP/19/resolution/E-Res-10-10-R19.pdf>

This recommendation was newly added to Resolution Conf.10.10 at CoP16 in 2013.

<https://cites.org/sites/default/files/common/cop/16/sum/E-CoP16-Plen-06.pdf>

<https://cites.org/sites/default/files/common/cop/16/sum/E-CoP16-Com-II-Rec-13.pdf>

<https://cites.org/sites/default/files/eng/cop/16/doc/E-CoP16-26.pdf>

<sup>41</sup> CITES CoP17 Plen. Rec. 4 (Rev. 1), Resolution Conf.10.10 (Rev.CoP17)

<https://cites.org/sites/default/files/eng/cop/17/Plen/E-CoP17-Plen-Rec-04-R1.pdf>

<sup>42</sup> CoP18 Plen. Rec. 3 (Rev. 1) <https://cites.org/sites/default/files/eng/cop/18/Plen/SR/E-CoP18-Plen-Rec-03-R1.pdf>

CITES CoP19 Plen. Rec. 3 (Rev. 1)

<https://cites.org/sites/default/files/documents/E-CoP19-Plen-Rec-03-R1.pdf>

<sup>43</sup> CITES CoP19 Doc. 66.3

<https://cites.org/sites/default/files/documents/E-CoP19-66-03.pdf>

<sup>44</sup> Asahi Shimbun article dated on November 21, 2017 “Major businesses: Mercari, Rakuten... stop ivory trade bows out of ivory trade, in response to international trend”

Kyodo News article dated on March 29, 2018 “YokaDo will request its tenants to stop ivory sales, considering international voices”

Yahoo press release dated on August 28, 2019 “Yahoo will ban the trade of ivory products through Yahoo’s e-commerce service provided from November 1”

<sup>45</sup> <https://www.hsi.org/news-resources/nyc-letter-tokyo-ivory-2020-games/>

<https://www.jtef.jp/ny-mayor-letter-to-tokyo-governor-jap/>

<sup>46</sup> Regular Press Briefing by Tokyo Governor, May 17, 2019

<http://www.metro.tokyo.jp/tosei/governor/governor/kishakaiken/2019/05/17.html>

In January 2020, Governor Koike announced the establishment of the “Advisory Council on Regulation of Ivory Trade” (hereinafter referred to as “Advisory Council”), saying that “We will examine the current domestic trade regulations and consider what measures the Tokyo government should take” and “the Tokyo Metropolitan Government will fulfill its responsibilities to the international community”. In this statement, she emphasized her position that she will act to respond to the international concerns about the open legal domestic ivory market of Japan without feeling shackled by the position of the national government, saying that “The government claims that most of the materials used in ivory products were imported before CITES banned international trade in ivory, and that they are strictly controlled in the domestic market. The government believes that there is no evidence that Japan’s legal market is facilitating the poaching of elephants or illegal trade, which is currently a problem in African countries”, “On the other hand, other nations argue that ivory demand itself is likely to indirectly trigger elephant poaching. In fact, illegal ivory exports from Japan have been reported more than once. It is true that Japan faces criticism like those.”<sup>47</sup>

In December 2020, at the second meeting of the Advisory Council, Tokyo Governor Koike made an introductory remark to say that ivory is primarily used for *hanko*, and that TMG is promoting going “*hanko*-less,” ahead of the national government.<sup>48</sup> In short, Governor Koike revealed that TMG plans to reduce the demand for ivory, focusing on *hanko* as the main ivory product.<sup>49</sup> In the Advisory Council’s discussions, it was emphasized that “demand reduction is important” and “Even if illegal ivory won’t enter into Japanese market, it is likely that Japan’s ivory demand will contribute to increase of ivory demand worldwide and elephant poaching if the demand and potential price of ivory is very high in Japan”.<sup>50</sup>

In March 2022, after two years of deliberations, the Advisory Council released its report and recommendations.<sup>51</sup> In the section “Necessity and Direction of New Measures”, the Council suggested that “To solve these issues, it is necessary to thoroughly prevent export of ivory from Japan by such means as keeping the domestic demand for ivory at an appropriate level and improving the traceability of ivory products, etc., and to demonstrate to the world community that prevention of ivory from being brought abroad is thoroughly secured, and that there is no room for illegal ivory to enter the Japanese market.” The Council’s view is that demand reduction for ivory should be implemented via government measures. Following this assessment, the Council recommended that TMG consider legal or other effective means to limit products that registered business operators are allowed to handle with exceptions that are necessary to protect ivory art and culture<sup>52</sup>. The intent of this recommendation is to prevent registered business operators from meeting general consumer demand for various ivory products.

Based on the Governor’s initiation of the assessment and the recommendations by the Advisory Council, it is obvious that TMG has developed a new approach on ivory trade, which aims to reduce ivory demand and restrict ivory to be legally traded, listening to international concerns on the impact of domestic legal market to elephant poaching and illegal ivory trade.

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<sup>47</sup> Regular Press Briefing by Tokyo Governor, January 10, 2020 <https://www.metro.tokyo.lg.jp/tosei/governor/governor/kishakaiken/2020/01/10.html>

<sup>48</sup> Minutes of the second meeting of the Advisory Council on Regulation of Ivory Trade [https://www.seisakukikaku.metro.tokyo.lg.jp/cross-efforts/2021/01/images/zouge2\\_gijigaiyou.pdf](https://www.seisakukikaku.metro.tokyo.lg.jp/cross-efforts/2021/01/images/zouge2_gijigaiyou.pdf)

<sup>49</sup> The Bureau of Policy Planning that worked as the secretariat of the Advisory Council also reported that TMG will strongly promote “*hanko*-less” through the abolition of *hanko* stamps and digitalization as part of the structural reform of the Tokyo Metropolitan Government (Minutes of the second meeting of the Advisory Council on Regulation of Ivory Trade).

<sup>50</sup> Minutes of the third meeting of the Advisory Council on Regulation of Ivory Trade [https://www.seisakukikaku.metro.tokyo.lg.jp/cross-efforts/2021/01/images/zouge3\\_gijigaiyou.pdf](https://www.seisakukikaku.metro.tokyo.lg.jp/cross-efforts/2021/01/images/zouge3_gijigaiyou.pdf)

<sup>51</sup> Minutes of the seventh meeting of the Advisory Council on Regulation of Ivory Trade <https://www.seisakukikaku.metro.tokyo.lg.jp/cross-efforts/2022/04/images/gijigaiyou7.pdf>

<sup>52</sup> Report of the Advisory Council on Regulation of Ivory Trade in March 2022, “IV. The Tokyo Metropolitan Government’s Measures to Ensure Proper Ivory Trade”, “1 Necessity and Direction of New Measures” and “3 Measures to Ensure Proper Ivory Trade (Recommendations to the Tokyo Metropolitan Government from the Advisory Council)” [https://www.seisakukikaku.metro.tokyo.lg.jp/documents/d/seisakukikaku/zouge\\_report\\_eng](https://www.seisakukikaku.metro.tokyo.lg.jp/documents/d/seisakukikaku/zouge_report_eng)



In summary, TMG's support to increase ivory demand for ivory crafts and products is noncompliant with a CITES Resolution, ignoring efforts by the international community and the private sector in Japan, and moreover, contradictory to TMG's new approach on ivory trade.

### **Review and Consideration of TMG Subsidies**

Global and local circumstances surrounding ivory trade have changed since the inception of the subsidies. Given the TMG's new ivory trade position in particular, all civil services related to ivory deserve attention and consideration. The intent of the subsidies has been to support activities to stabilize activities carried out by the ivory industry association that faces an import ban on the essential material of ivory. However, the social and environmental circumstances have changed over time, necessitating a change and consideration of the subsidies' goals and potential alternative projects to support businesses during another transition. For example, the raw material securing projects may include assistance for conversion of ivory to alternative materials and the business stability enhancement projects may include assistance for job-change. In fact, the text of the purpose prescribed in the guideline (Article 2) does not specifically limit the contents of the projects. Annex 1<sup>53</sup> to the guideline limits the scope of the raw material securing projects to ones aiming to downlist African elephants from CITES Appendix I to II, but it is only because TMG recognized that it was the simplest way to secure raw ivory as of 1994, when the guideline was established. Annex 1 to the guideline should have been amended promptly on the grounds of the recent change of social and environmental situation.

### **Conclusion**

- For many years, Tokyo Metropolitan Government has paid subsidies to Tokyo's leading ivory industry association with the goals of igniting the resumption of international ivory trade, increasing the domestic demand for ivory crafts and products, or facilitating the trade in ivory.
- The issuance of the subsidies for these purposes is in opposition to the directives of CITES resolutions and demonstrates a lack of global situational awareness.
- TMG has developed a new position on ivory trade aiming to reduce ivory demand and restrict ivory to be legally traded since 2020 under the leadership of Governor Koike. The current expenditure of TMG subsidies is undermining Tokyo's new approach to ivory trade.
- TMG has spent taxpayer money on two contrasting and even contradictory civil services, one to bolster ivory trade, and another to reduce ivory demand and limit the extent of legal ivory trade.
- Review of all TMG subsidies in accordance with the TMG's new ivory trade policy is needed urgently, considering all options for the subsidies including abolishment and subsidizing some projects as transitional measures.

### **Recommendations to the Tokyo Metropolitan Government**

1. Stop any issuance of subsidies for projects aiming to help resume international trade in ivory, increase domestic demand for ivory crafts and products, or facilitate the trade in ivory as a matter of urgency by ceasing the ivory industry subsidization program entirely or allocating the funds to projects focused on the conversion of ivory to alternative materials and/or assistance for job-change.
2. Issue a public statement clarifying TMG's policies on ivory trade and the ivory industry to eliminate mixed-messages and demonstrate clear dedication towards reduction of ivory demand and restriction of legal ivory trade in the jurisdiction of Tokyo.
3. Heed the Advisory Council's recommendations and enact an ordinance adopted by the Tokyo Metropolitan Assembly to close the ivory market in Tokyo with only narrow exemptions.

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<sup>53</sup> Annex 1 to the guideline that defines "name of project", "purpose and contents (of the project)", "contribution rate of the subsidies to the total expenditure for each project", and "beneficiaries of the subsidies"