

A “Seigan-syo” (an official petition based on the Japanese Constitution) to be submitted to the House of Representatives on the closure of Japan’s domestic ivory market

I. Points of the petition

1. Two African elephant species, symbols of international biodiversity conservation, are under threat from poaching for their ivory trade. As a result, African savannah elephants have declined by 60% over the past 50 years, and African forest elephants have declined by 86% over the past 31 years. The World Conservation Union (IUCN) Red List assessed the risk of extinction of the two species as “very high”(EN) and “extremely high”(CR) respectively.

2. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), with 185 Parties, has prohibited the international commercial trade in ivory since 1989, but further amended a resolution at the 17th meeting of Conference of Parties (CoP17) held in 2016 to recommend the Parties with legal domestic ivory markets that are contributing to poaching or illegal trade to close their domestic markets for commercial trade in ivory, with narrow exemptions for some items.

The significance of closing domestic ivory markets is to eliminate the cover for ivory that can be illegally brought into each country, as well as to prevent ivory from being legally purchased in each country's market, which can be illegally flowing out of the country, so as not to interfere with international efforts to reduce the demand for illegal ivory and to strengthen law enforcement.

3. Despite the adoption of the recommendation to close the domestic ivory market, the government of Japan decided to maintain the market as is without limiting the ivory items that can be traded commercially. In response to criticism that Japan has not complied with the recommendation, Japan has insisted that the domestic market is not contributing to poaching or illegal trade, and adopted a policy of disseminating information that the market has been strictly controlled by the 2017 amendments to the Law for Conservation of Endangered Species (LCES) to gain the international community's understanding of maintaining the market.

4. However, it is difficult to deny Japan's contribution to the illegal international trade in ivory, especially the significant illegal export of ivory from Japan. According to the data recently published on the Elephant Trade Information System (ETIS) website operated by the CITES Secretariat, Japan was involved in a total of 257 ivory seizures in the 10 years (2010-2019) before the COVID-19 pandemic worsened in 2020, with a total weight of 3.3

tons of ivory seized. According to a report cited in a document submitted by a foreign government to the CITES CoP, 45 cases were found guilty in Chinese criminal courts during the same period from 2010 to 2019, with a significant proportion of the cases being found to be of a highly organized crime nature.

5. The stockpiles of whole tusks registered under LCES and cut pieces reported by businesses registered under the law are enormous. For this reason, it is expected that the risk that cut pieces or scraps, which are produced during processing the stockpiles, as well as finished products that will be legally obtained and could be illegally exported will persist for a long time.

6. Looking at countries around the world, starting with the United States, which had closed its domestic ivory market before the CITES adopted the recommendation, laws and regulations to ban the domestic ivory trade have been implemented in many countries including China, Taiwan, Israel, Singapore, Hong Kong SAR, the European Union, the United Kingdom after the recommendation. As a result, the closure of domestic ivory markets is accelerating worldwide. On the other hand, Japan that has maintained its domestic ivory market and is isolated in the international community has been persistently criticized by the international community at various opportunities including CITES CoP18 (August 2019) and CoP19 (November 2022).

7. In today's Japan, ivory is no longer recognized as having social or economic importance as a material for practical products, with the exception of some crafts that have high historical and academic value. Although ivory is still used for some Japanese musical instrument parts, its full-scale use is still young considering the long history of Japanese traditional music. Japanese traditional music has attracted attention from around the world for its development as accompaniment music for theatrical performances such as *Kabuki*. It will be a great tragedy if its international reputation could be diminished just because of the use of ivory when Japanese traditional music is introduced through the use of performers at international venues. A *nagauta-shamisen* player (Living National Treasure) said, "I don't think elephant ivory and traditional Japanese culture should result in the mutual destruction." "For example, when *kabuki* was created in the *Edo* period, or when *jiuta* was created in Japan, the sound of the *shamisen* and *koto* was different from the sound of today. That's why we need to be a little more flexible in our ears and hearts." The Agency for Cultural Affairs is conducting a subsidy project to develop and commercialize substitutes for the ivory used in *shamisen* picks, and it can be said that social consensus is steadily progressing to phase out the trade in ivory as a material for parts of Japanese musical instruments.

8. The LCES is now under review process on its implementation based on the

Supplementary Provisions of 2017 amendment to the law and the supplementary resolutions that were adopted at the both Environment Committee of the Houses of Representatives and the House of Councilors. The additional resolutions on the closure of domestic ivory market (paragraph 11) implicated that since the closure of domestic ivory markets was becoming a global trend and during the transition period at the time, the domestic market would be allowed to continue for the time being while actively working to tighten regulations, but that future market closures would be considered if necessary, based on an assessment of the international situation. The domestic ivory market should be closed in the next revision of LCES, which is expected to be proposed by the government during the 2026 regular session of the Diet.

II. Matters to be petitioned for

1. A political declaration to close the domestic ivory market will be made at CITES CoP 20 (Samarkand, Uzbekistan) to be held on November 24, 2025.
2. Submit an LCES amendment bill that would amend the current provisions or create new ones necessary to close the domestic ivory market at the 2026 ordinary session of the Diet.
3. The closure of the domestic ivory market to be implemented in the former section means the transfer and display/advertisement for the purpose of sale/distribution of ivory are prohibited while possession of it is not so, with the exception of the following worked ivory items for which they are deemed socially and economically necessary and rational to permit trade.
 - i. Sculptures and crafts designated or registered as cultural properties
 - ii. Sculptures and crafts made more than 100 years ago
 - iii. Japanese musical instruments and their parts and accessories (limited to within a transitional period)
 - iv. Products with de-minimis worked ivory attached (bonded to the extent that they cannot be separated without being damaged)