Japan and the International Wildlife Trade

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Japan's activity in the international wildlife trade is significant because of its small geographical size, high population density and rapid economic growth during the 20th century. While the United States is the world's largest consumer of wildlife, Japan has one of the highest per capita rates of consumption in the world (Brown 1994). For example, in 1996, Japan imported 54% of the world trade total in tortoises, 42.5% of birds and 21.6% of apes (Ishida 1999). Thus, a country of relatively small size is consuming an inordinately large amount of the world's wildlife.

This trend is of profound ecological concern. Of the planet's extant species as of 1990, half will have become extinct by the year 2050 according to current trends (Seager 1995). There is now a wide scientific consensus that a mass extinction episode caused by human activity is occurring on Earth. Yet, the preservation of the planet's biological health and diversity is a foremost imperative for the decent survival of human beings (Greenwire 1998 ; Ehrlich 1997). While threats such as deforestation and global warming bode catastrophic consequences on the horizon, the direct harvesting of animals for uses as pets, traditional medicines (TMs or *kampoyaku*), meat and curios are of immediate concern for preserving biodiversity.

According to Interpol, global commerce in wildlife is conservatively estimated to be a $5 billion (US) a year industry with an estimated 25% of species being sold illegally. Some of the main classes of concern include mammals, birds, reptiles, amphibians and various flora. Asia is a central market with Western and Asian organized crime syndicates among the prominent movers of living wildlife and animal derivatives (Smith 1998). According to the non-governmental Environmental Investigation Agency (EIA), "Hardened and extremely dangerous criminals from the Mafia, the Triads, the Yakuza, the drug cartels and others are implicated in illegal international trade in wildlife" (Bowles 1994). The main body that monitors and attempts to regulate international wildlife trade is the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Despite being a signatory member of CITES, Japan continues to trade in species in direct violation of the treaty. Since 1993, Japan has illegally imported more that 8,000 animals (Ishida 1999). This paper will focus on Japan's consumption of three of the world's most charismatic species of fauna: tigers, whales and elephants.

Tiger Trade

Tiger parts continue to be sold openly in Japan regardless of the severely endangered status of the species (5,000-7,000 remain in the wild). According to both EIA and the Trade Records Analysis of Flora and Fauna in Commerce (TRAFFIC), it is legal under Japanese law to sell products made from tiger bones and penises such as tiger bone pills, capsules and wine in the domestic TM market. Although tigers are listed at CITES under appendix I which forbids international trade, Japan denies wrongdoing since it is claimed that these products were produced prior to the trade ban which was enacted several years ago. Unless tiger products are "readily recognizable" as being of illegal origin, then Japanese authorities (the Ministry of International Trade and Industry (MITI); the customs authorities, et al.) do not deem these sales to be of concern. This rationale provides a major obstacle to the enforcement of CITES since it is clearly unreasonable to assume that no fresh tiger parts are entering the country to supply the trade.

The booming trade in tiger parts for the Japanese market is the main reason that wild tigers are being poached in Asia today. According to the Wildlife Protection Society of India, it is common knowledge among tiger poachers that their kills will supply the Japanese TM market. Known tiger-kills in India have occurred at the rate of 95 cases in 1994, 123 in 1995, 52 in 1996, 88 in 1997, and 41 in 1998. Twenty five tigers have been killed as of June, 1999.

These figures represent only a portion of tigers actually killed for the illegal trade. In addition to tiger parts being sold at "virility" shops across Japan, investigators also found "bear gall bladder, rhino horn, snake, lizard, a monkey head and hand, deer antler, sea horse, seal penis, wolf penis, turtles, insects and a whale fetus" on sale during their investigation (Ridgeway & St. Clair 1999).

In order to close the blatant loophole on tiger parts trade under Japanese law, authorities might consider initiating some of the steps made in the United States where trafficking in illegal TMs is also a major problem. The US "Rhinoceros and Tiger Product Act" of 1998 prohibits sale of all products that claim rhino or tiger part ingredients, regardless of whether they actually do or not. This policy bypasses bureaucratic snags and funding problems associated with carrying out complicated forensic testing of said products. The act also incorporates carrot and stick measures such as educational outreach programs for those involved in the trade in conjunction with stiff penal sentences for offenders (Lochen 1999).

In Japan, sentences for illegal traffickers in animal parts are still weak while public education for alternative substances to TMs is lagging (Sakamoto 1999). In addition, the strengthening of the anti-TM law in the US was due in great part to public pressure on the government to enhance and enforce its own law. This took place through "effort reinforced by petitions to Con-

gress from more than 11,000 members of World Wildlife Fund's Conservation Action Network" (Lochen 1999). Such a level of public participation in Japan seems unlikely at the present time since WWF-Japan itself is primarily funded through the government/corporate sector and enjoys significantly weaker public support than its US counterpart (Kiyono 1997).

Whaling

On the surface, whaling and international trade in whale meat appears to present a more viable argument since whale meat is consumed as food, and not merely as what many critics would consider dubious medicinal purposes or for trivial curios. In addition, viewed holistically, the consumption of whale meat may be no more reprehensible than the consumption of beef. The beef industry is prevalent in the West (and now in developed Asian countries as well) and is at any rate profoundly destructive to the terrestrial environment (Durning & Brough 1991). Having presented this caveat, Japan's record in international whaling does not bode well for protection of marine biodiversity, which in addition to hunting is under severe threat from over-fishing, habitat destruction, climate change, boat traffic and pollution (Von Bismarck & Trent 1996). In the area of cetacean and whale slaughter, Japan remains a conspicuous operator on the world scene. For a century Japan has been one of the main countries responsible for the decimation of many of the world's largest whales. Species such as the blue, fin, humpback and right whales will probably never recover vital populations even though their hunting has been officially banned since 1986 (Avery 1994). Japan continues to carry out "scientific" whaling of minke whales every year but cannot provide a convincing basis for which these hunts take place. Therefore, at the 51st annual meeting of the International Whaling Commission in 1999, a resolution was passed that requires Japan to provide sound scientific justification for the whale hunts or to abandon them all together.

According to Greenpeace (1999), anti-whaling measures gained strong approval at the 1999 IWC meeting and "significantly weakened the efforts by whaling nations Japan and Norway to lift the current ban on global trade in whale products". Among resolutions passed at the IWC meeting:

"Passage of a resolution reasserting the IWC's role as the world authority on whale management". This is significant because the IWC's sister organization, CITES, has been prone to political finagling in disregard to scientific judgment. At the upcoming 2000 meeting of CITES, Japan will once again request to move the whaling agenda to CITES where it yields more leverage.

Japan's motion to conduct all IWC votes by secret balloting was defeated. At CITES however, secret voting has been the norm. This Byzantine procedure favors political maneuvering over sound science.

Japan's proposal to bar Greenpeace from IWC

proceedings failed to gain passage. This proposal reveals Japan's preference for carrying out environmental policy in technocratic insolation, devoid of democratic rigor or scrutiny.

A resolution passed for DNA testing of whales in order to monitor illegal trade in whale meat. DNA tests of whale meat in Japan have routinely revealed fakery concerning the origins of meat. For example, Dall's porpoise meat has turned up in the Tokyo fish market labeled as much higher priced whale meat (Thornton 1999).

A resolution passed raising concern about the Dall's porpoise and mandating increased research into the species' status. Over 250,000 Dall's porpoises have been slaughtered off the coast of Iwate prefecture since the global whaling moratorium in 1986. In 1990, the IWC recommended to Japan a quota of less than 10,000 per year but harvests have never fallen below 11,403 and climbed to 18,500 in 1998. There is now grave concern that the Dall's population has crashed (Thornton 1999).

A telling vote by Japan was its rejection of what Greenpeace called "a proposal by Ireland that would have allowed a limited catch of coastal whales, in exchange for giving up high seas whaling". This vote reveals Japan's position as an uncompromisingly utilitarian one and belies Japan's claim for whaling as cultural heritage as mere posturing.

Ivory Trade

According to TRAFFIC, from 1960 to 1989 Japan consumed no less than six thousand tons of ivory which is roughly equivalent to 600,000 elephants. While there were once millions of elephants roaming Africa and Asia, today Africa itself hosts only a few hundred thousand while the Asian elephant is teetering on the edge of extinction. While ivory consumption throughout the world has an ancient history, the economic boom in East Asia and especially Japan during the 1970's and 1980's had a drastic impact on elephant populations. While many factors weigh on the long term survival of the African elephant, it was the unsustainable ivory trade which led to the 1989 international ivory ban (Nash 1997).

But by March of 1999, CITES member states decided to allow a shipment of approximately 60 tons of ivory from Zimbabwe, Botswana and Namibia to Japan. This ivory is supposed to have come from culled elephants and not from illegally poached elephants. However, some critics have argued that (a) culling itself is a pliable science and often relies on arbitrary and ideological estimates (Styles 1997 ; Hoyt 1994), and (b) there is no way to insure that illegal ivory was not part of the ivory sale (EIA 1997). Recent elephant poaching incidents in Kenya and Angola, as well as the attempted smuggling of 221 pairs of tusks from South Africa to China emphasizes the fact that allowing legal trade in ivory opens the possibility for an illegal shadow trade. The fact that

Namibia has been documented dealing in illegal ivory further undermines proponents' claims for sustainable ivory trade (IFAW 1999 ; Vadjon 1999).

In addition, Japan's system for monitoring the trafficking of illegal animal parts has been shown to be highly flawed. In particular, the ivory signature seals (*hanko*) which are the main consumer item in Japan are small and easily smuggled into the country. Anti-ivory trade advocates have argued that this provides a strong motive for smugglers of ivory. One study showed that consumer demand in Japan is potentially two times higher than the amount of legal ivory now in stock. It is therefore plausible that as long as ivory sales are lucrative-- illegal methods for laundering will be exploited in disregard of domestic and international laws. A large cache of ivory which was confiscated at Osaka International Airport in 1997 is evidence of this trend (Sakamoto 1999).

Unlike whale meat which can be DNA-tested to reliably reveal the species of the whale, testing of ivory is not yet a viable means for ascertaining the country or region of origin of ivory. As TRAFFIC reported prior to the recent renewal of ivory trade, "Seizure information worldwide points to regular, organised smuggling of semi-worked ivory blocks, used in making hankos, aimed at the Japanese market. Once within Japan, these blocks can enter the manufacturing and retail levels virtually undocumented" (Nash 1997). The Report of the CITES Panel of Experts on the African Elephant similarly concluded that :

> The control of retail trade is not adequate to differentiate the products of legally acquired ivory from those of illegal sources. With the system as currently implemented, it is unlikely that the import of [*inzai*] could be reliably detected. More inspections are needed, including physical checking of the stockpiles. A method needs to be devised to allow the verification of scraps and wastes produced.

According to Sakamoto (1999), in order for Japan to comply with CITES recommendations, inspectors must be able to "trace every step of transactions from ivory products in the retail market, such as hankos, back to legally imported raw materials". Sakamoto underlines some key contradictions within the ivory monitoring system. For example, ivory registered in manufacturers' ledgers is according to weight while retailers and wholesalers record ivory by the quantity and physical description of the item. This inconsistency could make it possible for additional, illegally laundered ivory to enter retailer/wholesaler hands.

In April of 1998, the Japanese Cabinet issued an official order to partly amend the Law for the Conservation of Endangered Species of Wild Fauna and Flora (LCES). Sakamoto reports that "some modifications have been made to the management system of domestic ivory trade...The amended legislation and the new management sys-

tem are to come into effect on March 18th, 1999". The amendment to the LCES has technically brought retailers and wholesalers under closer scrutiny. However, "Inspections would have any meaning [sic] only if collected data (records of transactions, interviews with inspected dealers) can be analyzed (e.g. with a special database) and properly evaluated". Under the amended system the number of ivory dealers, hanko retail shops, stationery stores and mail-order companies to be regulated could total as many as 40,000 separate businesses. Alas, but not surprisingly, "The amended system is as complicated and confusing as ever" and will hamper those companies that seek to abide by regulations while undermining law enforcement capabilities. This view is supported by inquiries at hanko shops in central Tokyo (anon., 12/22/98). According to MITI, the government has been campaigning to both wholesalers and retailers that they will need to label their products and not use illegal ivory. Whether this is true or not is irrelevant since it still relies upon the voluntary cooperation of dealers. According to one hanko shop owner who had heard nothing about any changes in the system, his CITES "emblem of approval...puts customers' minds at ease...If there are any changes being introduced, it must be happening at the wholesale level". This dealer was also under the mistaken impression that illegal ivory was mainly used for carvings and accessories. In fact, MITI's own records show that in 1996 and 1997, the hanko market in Japan claimed over 75% of ivory sales with carvings and accessories accounting for only 7%.

Conclusion

A review of Japanese policy pertaining to the import and sale of wildlife species shows that (a) legal loopholes continue to persist in violation of the spirit of CITES and (b) attempts at enforcement and punishment of violators is either legally ineffective or a bureaucratic low priority. Penalties for violators are often too weak to be a disincentive for smuggling. This should come as no surprise since the main body which is meant to implement CITES resolutions is MITI, a body singularly devoted to the imperatives of international trade, economic growth and corporate profits. Three crucial steps that can be made by Japan in order to protect against the consumption of endangered species include :

1. Strengthening Japan's Environmental Agency and allowing it to oversee CITES implementation. MITI's oversight of this matter is a blatant conflict of interest. This is a deeply rooted political problem which will change only from public pressure.

2. Strengthening domestic laws in regards to CITES along with stiffer penalties for violators. CITES is presently pressuring Japan to strengthen laws relating to the tiger trade in preparation for the upcoming June, 2000 meeting of

CITES in Nairobi.

3. A public education campaign aimed at explaining the dangerous role of wildlife consumerism in relation to the global biodiversity crisis. For example, progress has been made by educating air travelers at Narita International Airport through a display case which clearly shows that importing items such as tiger parts or elephant ivory are illegal.

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日本と国際野生生物の取引

国際野生生物の取引（貿易）における日本の活動は、20世紀の間、地理的に小規模ながら、その高い人口密度と急速な経済成長の理由から、重要となっています。

日本は、世界の中でも一人あたりの野生生物の消費が最も高い割合をしめています。

この書類では、虎、鯨、象に関する日本の取引に焦点を合わせ、これらの種が、野生生物の取引の上で政治及び経済にいかに関わっているかを説明していきます。