



Transcription of Conversations with the Japan Wildlife Research Center

September 2015

Environmental Investigation Agency

The First Call

I : I would like to ask about getting a piece of elephant tusk registered.

R : Is this your first time calling? So what you have is a whole piece: like from the base of the tusk to the tip there is a nice crescent shape and you can see clearly through the whole thing? Are you completely sure that this is a real piece of ivory correct? If so, then I will connect you with the person in charge of registration.

S : Hello, I'm connected now. I heard you have an elephant tusk. You may have been asked if this is a genuine piece of ivory, because we may need to send you a registration card, please don't mistake it as an authenticity of ivory. This card doesn't certify that what you have is real or not, it certifies you to be able to buy and sell as an exception (of legal regulation). For example, if you complete the registration process and then go to sell it, but you are told that it is not real ivory...this is the worst case scenario. That is why I was asking, is that ok? You're sure it's real. If so, did you say that it was one tusk?

I : I have 2 tusks.

S : Are they both a crescent shape? Are either of them carved with designs?

I : No.

S : From about how many years ago did you have these pieces, say from the Showa era (1926-1989)?

I : Well my father died and we found this in his house. I was not living with him at the time, but my older sister was living with him. She's quite busy with her work and so I am calling to clear up some things that I didn't understand after looking at your website. Is it ok that I'm calling? I understood the methods for measuring the length. But for the photo, do I need to take one photo per piece is that right?

S : I will ask you to send both the individual photo and of the entire collection together. We will accept a photo of the things as explained (on the website), photos of the single whole piece by itself, and photos of them together.

I : So for the single photo of the tusk, you just need a complete side view of the tusk, and that's all I need to send?

S : For each tusk, the front view and the reverse side. We require you to submit 4 photos per tusk. There is a paper explaining the methods to take the photos of the piece of ivory, we will need both side views (from the left and right), a zoomed-in photo of the pointed tip of the tusk, and the base where the round hole and cut can be seen. So for each single piece of ivory, we will need 4 photos, and photos of both pieces together from the either side. So this time, because you have two tusks, generally you'll need 4 photos per tusk, and two photos of the entire collection, so that makes 10 photos you'll need to submit to us.

I : And for the documents clarifying the circumstances. My father passed away and then we found this ivory but...

S : Oh is that right . . .

I : So, we're not sure the exact time that he came to acquire the tusks, but according to my sister: about 15 years



ago, my father celebrated his special 70th birthday and it was from then that I think she started seeing the tusks but...

S : Oh ... I see... If it was Showa era, like 1985 or 1988 that is ok. If you just can say that it was before that time, then it would be when the African Elephants were not yet protected by the trade bans so anytime during the Showa era then there would be absolutely no question about the time period. But if you enter into the Heisei era and the laws begin to affect those Heisei era years (1989 to present)...so you say it's 15 years ago...that would be ...about 12th year of Heisei (year 2000) and you think it was about that time, well, then, um, about... the laws affect those things that are younger than Heisei 7 (1995), actually. So, if you were to tell me that your father had these things in his possession from the Showa era, then we can start on the process, and there would be no doubt, no problem...

I : But I'm just not sure. We aren't sure who and how he got these tusks...

S : I understand your situation.

I : We aren't sure about that year, my sister said she probably saw it that once during the celebrations, but possibly we had it from earlier times, there's just no way to be sure.

S : In that case, you'll need to confirm the background, and if the story starts from the Showa era, say 1985, for example when your father already had these in his possession, then there would be no question about it. However, if you really want to start your story with the fact that the first time you saw these are 15 years ago and haven't seen it before then, well, then it's after the regulations were put in place, and that would change the situation and you will be unable to get a registration card. So, you'll have to confirm the background. Giving that it was in the Showa era, for say, example "In Showa 60 (1985), I saw my father Mr. XX holding the two tusks". Then we can start talking from as long as it was in the Showa era. You said your father passed away, so in that case, we need the person who inherited the piece to fill out the paperwork, so who would that be?

I : That would be my sister.

S : So then it would need to be your older sister who fills out the paperwork for the registration, and since she would be the applicant, just have her write the history of the tusks and saying that "My father had the ivory since the Showa "whatever" year, and that I currently inherited the ivory, when my father died in "what" year". The story is like that. Just have her write that information down.

I : Probably, we remember seeing it 15 years ago, and possibly he had it even before. Then, you request some supporting documents of the background on your list of paperwork, but we don't have that or official documents issued by public institutions...

S : OK, well, that would be a Customs paperwork and anything like that, but because you're talking about so many years back, it's easy to understand that you may not have the records of these documents anymore. But, of course we can accept something as alternative (for the official document). We would need you to have just one person, possibly a third party, who can write a statement that the ivory was in your father's ownership from the Showa era and he can say it was at your father's place during that time and he saw it there.

I : Yes, my sister and I saw it...

S : Oh, is that the case...well, ideally we would rather have a neighbor, or unrelated friend who just saw the item



and then have them write that down...that would be the very best situation, please try to find such a person. But as the next step, if you just can't find anyone else who saw the ivory, in that case then even a relative is ok. For example you as the witness as long as you say the piece in Showa era it would pass. Right now, it might be hard to recall for sure that you saw it during that time, but please just try to recall. Please be sure you can be the witness. I can help guide you through how and what to write the bare minimum in the witness statement. If you can take a note then that would be fine. It doesn't need to be long, but you can't find this on the internet. There is no set paper that you are required to use, but this is a special correspondence so you can use a computer or word processor to type out your statement. You can write it on lined paper if you want but just be sure to write your name and stamp it with your hanko (personal signature stamp).

I : So, that witness can be me then? It will be difficult to find a person who will remember seeing the ivory.

S : We will need your name, hanko, and the address. The date of your statement, if it is today for example then write Sept 14, and in the very beginning, if there is a title, I think it would be helpful. For the title, just as an example, Mrs. XXX (write out the applicant's or your sister's full name) – can you tell me your sister's full name please?

I : It's XX.

S : Thank you. Make the title "XX's petition regarding two elephant tusks". And you'll need to cover these 4 specific points in your statement. These are:

The 1st point is your relationship to the person who owned the ivory, for example "I am the little sister to XX." This will be your first sentence.

The 2nd point is the most important to mention what year in the Showa era, and for example, "In about Showa 60 (1985), I saw the two pieces of tusks that registrations are being applied for." In the second line, it's the most important to include the time period "about 1985 year" so please be sure not to leave this part out.

The 3rd part is to write the condition of the piece, just as an example, if it was you, "When I realized it, it was displayed in the "Tokonoma (a built-in recessed space in a Japanese style reception room, in which items for artistic appreciation are displayed)" or "It was in the family warehouse" or those kinds of things", and just mention the first time you saw it and just write it out. And finally the last point is to talk about the specific parts of the tusks for example, "The two tusks were polished and very white" and try to describe the features as they are. Basically, this is the 4 things you need to include, but if you are the one writing the statement, then you can include the 5th point to close it, which is to say the sister has now inherited the tusks and that you found them in XX year when your father Mr XX passed away and now your sister XX is inherited them. Now that would be how you write the witness's statement.

I : So, I should just write the details of as the background?

S : Exactly that is how to do it. There is not set type of paper to use, so you can use whatever you have handy, and you can write the statement out with a ballpoint pen or type it out. You have to write in the witness's full name and address with a ballpoint pen, and stamp with the hanko. You can type it regarding the other part. That is the paperwork as supporting statement, and apart from it you need the photos, and your sister as the applicant, needs to fill out the application paperwork, and on the internet as I think you can see, the registration application forms and fill it out as the example shows, and because you have two pieces, you'll need to fill out an additional page of



paperwork. Can you see the website right now?

I : Yes I can open it.

S : On the same page as you can find the PDF file of the application form, #1 you will see the application form, and #3 is the list for special features of the ivory, and on a separate document PDF you will see the form you need to fill out because you have two ivory pieces. On that separate form, you'll need to write down the length and weight of the two tusks. On the website you'll also see there are notes on how to fill out these forms just as you need to.

So you'll need the three pages from your sister's end of the paperwork, and your 1 page statement, with the proof photos of the ivory, that makes one set.

So this is everything you'll need to know for the application process. This is the best way to ensure everything goes smoothly, as I explained earlier. But there may be some confusing things that you may not understand because it is an unusual paperwork for you. If you are willing, you can write a rough draft of everything and mail or fax it to our office and we will go through it once. It would be 4 pages work of paperwork to review to check before you submit it to the office.

I : So you can check it for then?

S : We will call you and be like "this section is lacking ..." and we can go through changes we can suggest for you....This will help improve the chances that you will get approved for the registration.

I : About how long will this take?

S : Yes, for the first step if you're able to complete your part smoothly and get the rough draft written and edited, with the photos submitted. (After we receive them,) it may take about 10 days until I call you, if that's with all the photos and making sure all the documents are in order. In the very end there is a fee of 3,200 yen per tusk, and for two that would come to 6,400 yen but you'll need to make that payment by bank deposit. I will tell the information of where to make the final payment for 6,400 yen when I call you, and from there it will take about 10 days for your sister to receive the registration card in the mail. It will be a little trouble for you.

I : OK, I understand. You said around 1985 right?

S : Yes. Then, first you will write the draft before putting your hanko, You may have to stamp your hanko and sign on your statement later, and your sister must also sign and stamp the documents statement as well. But, It will be troublesome (and time-consuming for your sister) to complete everything even if you assist your sister...so, just first of all send us the fax, please. We have our fax number listed on the website, specifically, you'll find it on the top right side of the page, click on the white letters of "International Endangered Species" and it will take you back to the page with photos of tigers, turtles and etc., on the bottom of that page, you'll get our direct line and fax number. If you can fax those 4 pages of rough draft to us, then we will check it and of course there's no deadline.

I : Who's name should I write the fax to?

S : To me, I am Mr. XX, and this is how you spell it "XX" so please send it anytime.

I : Thank you for your thorough explanation.



The Second Call

I : When I asked my sister about the elephant tusks I mentioned on the phone earlier, one of the two tusks is carved. The tip is smooth and polished but the middle section has so many carvings on it that I can see the other side straight through the tusk.

S : Oh is that so? Well, then it will be subject to registration because the overall shape of the tusk remains even with the carvings. But, frankly speaking, it's a matter of your judgement (whether you apply for registration of those tusks or not). When there is still a half crescent shape to the silhouette of the entire tusk even with carvings, the tusks are possibly registered if requested to us. Even when it has been carved up so much to be far from the original form, it sometimes can be registered successfully as with the "whole shape", because the law prescribes tusks with the "whole shape" are subject to registration. In the meantime, there are others who do not think the tusk is a "whole shape" because it is so carved up. So really, that is up to you to decide "I won't register the tusk."

I : For example, can we sell that piece?

S : That would be the biggest point I think. For example, when you go to sell it, you won't be able to sell it without a registration card, if that's the kind of store with a discipline that it does not buy in those types of tusks without registration cards.

I : In such a difficult situation should I get it registered then right?

S : Um, yes. If you have the overall shape or silhouette of the tusk remaining, then you may be asked for the registration card. So, you could decide to get it registered. As long as you have the registration card, then you can sell it.

I : The base of the tusk is not cut across, and the tip is still whole.

S : So the tip comes down to a point, is it?

I : Yes, it's shaped like a bow, but in the middle is so carved as that I can see opposite side through the tusk.

S : Oh I see. If that is the case, then as I explained earlier, you can probably get a registration for the piece and then you can sell it. So if you have the registration, you are freed from any further requests from the buyer. Having said that, the tusks with a "whole shape" are technically subject to registration. So, when you explain that you don't think this piece is whole because it has been carved into, it's possible the other party will agree with you as not in "whole shape" and still buy the tusk without a registration.

I : My sister was thinking about an auction...

S : Ahh, yes.

I : When she was looking at internet auctions, there was a carved tusk without a registration card. So, she feels her ivory doesn't need it, either.

S : Oh is that so? Because tusks with "whole shape" are officially subject to registration, when, just as an example, you sold in an auction online, even if someone makes a complaint that it is strange because this tusk doesn't have a registration card, you are to state flatly that "I didn't think this was in its 'whole shape' so I didn't feel it was required



to be registered”.

I : Then in that case, would you have an official statement or something to say “That piece is exempt” or “That’s ok” or something?

S : Uuummm, that is , ahhh...We can tell you the piece is in a “non-whole shape” if there is only 10cm left of the tip, but in your case, I think it is more like 5-60cm or even 1 m, right?

I : Yes, that’s true there’s 1m or so.

S : Ok, if it has the size as so and with carvings, it can be said that there is much overall left in terms of shape and it is considerably large, so you’ll just have to say that it has the carvings on it so you have not registered it when you sell it online or try to sell it otherwise without the registration card. It is highly probable that someone were to ask you “Don’t you have a registration card?” because there are all kinds of people searching the related information. In that case, it’s up to your judgement, to decide to register it for avoiding risk being called out for not having a registration, if not, stick to your argument. If you decide you don’t get it, then you can just state flatly that the tusk is not in “whole shape.” No matter who, like buyers on internet or even police, it is making the claim that you need a registration, you should argue “it’s not in ‘whole shape’ ” and “is there a problem?”

I : Just be strong?

S : Just stand your ground. Just say “It is so carved up and it hasn’t retained its “whole shape” and for this reason it doesn’t need a registration and is there a problem with that?” Because this is a case that you have a large tusk and so that it is most likely you will be asked by someone, it’s a matter of how you think about it but you have to decide whether you will get the registration or just stick with this argument. Since you say the silhouette is intact, if you try to get the piece registered, it will probably pass, I think.

I : When my sister was looking at the different auctions, there were some that looked similar but didn’t have a card, so she said probably she can also post hers for sale as well.

S : That person (the buyer) may or may not know the case, but if you were asked (from the buyer), you should respond that it doesn’t need registration because it’s not “whole.”

I : So I just stick with that story, even with the police, then I can get out of trouble?

S : Actually, there is more to it than just that because there are so many other factors. Within the police, there might be those who say this is a tusk with its “whole shape,” and they will scrutinize the law, then whether this is so or not will be a matter of judgement. But if they investigate it seriously, then it is possible they will determine that your tusk is “whole shape.”

I : There’s not a set rule?

S : The law prescribes tusks in “whole shape” are subject to registration. Then, more detailed judgement is a matter of interpretation (of the law). If the police are leaning more and more towards the idea that the tusk is with “whole shape,” there is a small possibility, a small one, but it might happen he might determine that your piece remains “whole shape.” So, it is a hard decision, but you cannot ignore that possibility. So, one option is to register it though there might be some people who are selling the tusks online without registration, but, you might decide it’s better to register the piece just in case.



I : Or, I can just stick with the story (that the tusk is not in “whole shape”), then?

S : If that’s your method, then you need to stay with your story. No matter what they may say to you, you just don’t change your story. I know the determination of if it’s a whole piece or not is a difficult process because the law just mentions as “whole shape.” There are many things to consider, for example there is a potential that anyone could be asking you (about the registration) and another thing you need to consider is that the cost for registration may be 3200 yen.

It’s hard to determine, but just remember we can only rely on the term of “whole shape.”

If the tusk is as large as you say, then the probability would be high that it should get registered. This is just in my humble opinion.

I : I understand.

S : If you would just start with drafting your paperwork, I will work with you.