

ELEPHANTS ON THE HIGH STREET



**An investigation into ivory trade
in the UK**



IFAW

INTERNATIONAL FUND FOR ANIMAL WELFARE

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Executive Summary

For this report, the International Fund for Animal Welfare (IFAW) monitored the trade in ivory within, out of and into the United Kingdom (UK) over a period of several weeks in late 2003 and early 2004, communicating with scores of people selling ivory over the Internet and via outlets in six towns and cities throughout the country. This snapshot of the trade reveals worrying loopholes in existing legal controls and enforcement measures.

IFAW's short investigation has revealed a thriving and uncontrolled trade in ivory on British high streets and over the Internet.

The policing and prosecution of wildlife crime in the UK is far more advanced and better resourced than in most other countries in the world. In this context, the ability of any country to control domestic elephant ivory trade is in serious doubt, particularly those with much fewer resources for law enforcement. Furthermore, IFAW fears that reopening the legal ivory trade will lead to increased elephant poaching and ivory smuggling, making existing controls even more difficult to enforce around the world.

IFAW therefore urges the UK Government to vote against the proposed elephant ivory stockpile sales from Botswana, Namibia and South Africa, and any future sales.

Main findings:

- The UK is the third biggest source of intercepted illegal ivory entering the United States of America (US), which has been singled out by CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora) as a 'problem country' with a large domestic ivory trade likely to provoke illegal elephant poaching if not regulated and brought under control. London's Portobello Road – the biggest antiques market in the world – has been identified as the single major source of this illegal ivory.
- On the basis of IFAW's investigation, nearly all ivory being sold in antique shops, fairs, auctions and art centres in the UK is being sold illegally, without either the required proof of age or necessary permits from the Government's Department for the Environment, Food and Rural Affairs (Defra).

This has created a serious black hole. Documented police cases – and IFAW investigations – show that the UK's high consumer demand for antiques has led to new ivory being carved to look antique and sold on UK high streets. Such an unregulated antiques trade - combined with a lack of police resources to investigate – makes it impossible to gauge the true scale of this activity.

Even if the required Government permits (intended to control trade in endangered species items) are obtained by sellers, a loophole means antiques dealers can 'self appraise' their own pieces – despite the fact that very few of those interviewed by IFAW investigators appeared to have much idea about the age of ivory items they are selling or indeed the properties of ivory.

- The Internet has opened up a huge, unregulated highway by which ivory can enter the country. IFAW has found tens of thousands of ivory items of dubious age and provenance for sale over the Internet. On the auction site www.eBay.com alone these are likely to be equivalent each year to more ivory than the Namibian ivory stockpile proposed to be sold through CITES.

In over 90% of cases followed up by IFAW, Internet sellers – often frequent dealers in ivory – said they were either unaware of the laws about selling the substance, or were aware of the laws but ready to forge documents or break the law in other ways in order to make a sale. Many of the ivory items for sale on eBay are sold directly from China – the world's biggest importer of illegal, poached ivory.

IFAW found numerous other Internet outlets for ivory, including a woman in Cameroon (contacted through an advertisement on a UK classified ads page) running a sophisticated ivory sales business and offering to send a wide range of raw and carved elephant tusks to the UK.

- The UK has better law enforcement capacity (e.g. Police, Customs) to control the trade in endangered wildlife than almost any other country in the world – and yet IFAW's short investigation shows that there is an uncontrolled ivory trade within the UK. The huge scale of air travel, freight transportation and courier mail services to and from the country means the potential for ivory to enter the country is also vast.

Furthermore, once inside the European Union (EU) single market, ivory can move freely. Many existing EU countries devote few resources to tackle wildlife crime and EU enlargement from 15 to 25 countries in May 2004 may create more porous borders which could be exploited by criminals smuggling ivory and other endangered species products.



"Africa lost half of its elephants to poaching during the supposedly 'legal' ivory trade of the 1980s, and if the stockpile sales go ahead now we are sure to see poaching rise again. The financial costs of fighting such increased poaching could be devastating for Kenya and dozens of other poverty-stricken elephant range states.

"The evidence in IFAW's report suggests the existence of a very worrying illegal ivory trade in the United Kingdom, and I would urge the UK Government to think carefully about the full implications before supporting the stockpile sales from southern Africa. It would be a truly ironic tragedy if a decision made by British politicians led to elephants in Kenya, or anywhere else, being gunned down for ivory trinkets to be sold in the UK."

Dr Richard Leakey, prominent elephant conservationist and former head of the Kenya Wildlife Service.



"This investigation is very important as it exposes the illegal ivory trade from the consumer end and shows how this impacts on elephants in Africa and Asia. It is a vital complement to IFAW's efforts in East Africa to protect African elephants from poaching. As this report shows, the illegal ivory trade has reached alarming proportions as enforcement of existing legislation is massively under-resourced worldwide. If the stockpile sales are allowed to go ahead, it will make our efforts and those of wildlife agencies almost impossible."

James Isiche, Director, IFAW East Africa office

Executive Summary

Main recommendations (see section 4 for full recommendations):

The main focus of this report is to highlight the difficulties of controlling the ivory trade, even in a country with more capacity for law enforcement than most other countries, and the implications this has for the proposed ivory stockpile sales. The main recommendations are therefore directed to the **UK Government and other CITES parties**:

- Vote against any re-opening of the legal ivory trade at the 50th CITES Standing Committee meeting in March 2004 and in future CITES meetings.
- Explore with the authorities in elephant range states ways of achieving non-commercial disposal of all current and future ivory stockpiles.
- Destroy any seized ivory and ivory of unknown origin immediately after any related criminal investigations and prosecutions have been concluded.
- Recommend to CITES CoP13 that internal ivory trade controls be systematically reviewed in all consumer states, in addition to the ten CITES parties selected in Decision 12.39, to improve legislation and enforcement measures.
- Encourage increased and more effective international cooperation to tackle illegal wildlife crime through Interpol and other relevant bodies.

IFAW's investigation has also highlighted several deficiencies in control of ivory trade in the UK which should be addressed without delay. In particular, the legal loophole allowing any antiques dealer to appraise the age of an ivory piece must be closed. If the UK trade in antique ivory is to continue, stringent measures must be in place to ensure that any ivory traded is appraised by an independent registered expert as being genuinely antique and that adequate enforcement measures are in place to prevent illegal ivory from entering the market. Recommendations on this issue are directed to the **UK CITES Management Authority in Defra and enforcement agencies**:

- Implement relevant parts of CITES Resolution Conf. 10.10 (Rev. CoP12) 'Trade in elephant specimens' on control of internal ivory trade.
- Close legal loopholes, particularly that which allows any antiques dealer to appraise the age of an ivory piece, and improve administrative and record-keeping systems.
- Make a proposal to EU member states to adopt stricter measures banning the import of newly carved ivory from Zimbabwe.
- Allocate higher priority to and, as part of the spending review, bid for increased resources for detection and prevention of illegal wildlife trade and other forms of wildlife crime.
- Introduce without further delay new regulations to implement the Criminal Justice Act 2003 to enable enforcement agencies to make full use of the increased powers and penalties provided and deter those committing illegal trade in CITES-listed specimens.
- Investigate the use of the Internet for illegal wildlife trade and devise an appropriate action plan to tackle this trade nationally and internationally.

We also recommend to **those involved in the antiques trade and Internet trading sites** to familiarise themselves with the requirements for ivory trade, improve the information available to dealers and consumers, and to act within the law at all times.

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In November 2002, parties to the Convention on International Trade in Endangered Species (CITES) agreed to allow a stockpile sale of 60 tonnes of elephant ivory from Botswana, Namibia and South Africa. The proposed stockpile sale cannot go ahead before May 2004, and then only if certain conditions are verified by the CITES Secretariat to be in place and agreed by the CITES Standing Committee. If the sale goes ahead, it will be only the second time legal ivory trade has been allowed by CITES parties since 1989, when the African elephant (*Loxodonta africana*) was placed on CITES Appendix I and international ivory trade was banned. This followed a decade of elephant poaching on a massive scale when African elephant numbers crashed from an estimated 1.3 million to around 625,000 in 1989.

For this report, the International Fund For Animal Welfare (IFAW) monitored the trade in ivory within, out of and into the United Kingdom (UK) over a period of several weeks in late 2003 and early 2004, communicating with scores of people selling ivory over the Internet and via outlets in six towns and cities throughout the country. This snapshot of the trade reveals worrying loopholes in existing legal controls and enforcement measures. IFAW's short investigation has revealed a thriving and uncontrolled trade in ivory on British high streets and over the Internet.

The policing and prosecution of wildlife crime in the UK is far more advanced and better resourced than in most other countries in the world. This report shows the extent to which the international, illegal ivory trade is already out of control and many elephant populations may already be at risk of extinction. In this context, we argue that the ability of any country to control domestic elephant ivory trade is in serious doubt, particularly those with much fewer resources for law enforcement.

The proposed stockpile sales of 'soft' ivory from southern Africa will not satisfy the demands of existing ivory markets in Asia and elsewhere, partly because the 'hard' ivory of the Asian elephant (*Elephas maximus*) and African forest elephant (*Loxodonta africana cyclotis*), the species most at risk, is particularly sought after by ivory carvers.

IFAW believes that, in this context, legal ivory stockpile sales from southern Africa will lead to increased elephant poaching and ivory smuggling, making existing controls even more difficult to enforce around the world.



African elephant in the Addo Elephant National Park in South Africa

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1.1. The UK's role in supplying US ivory markets

In 2002, CITES identified 10 countries with a currently active internal trade in ivory and said they should adopt "comprehensive internal legislative, regulatory and enforcement measures".¹ These countries were Cameroon, China, the Democratic Republic of Congo (DRC), Djibouti, Ethiopia, Japan, Nigeria, Thailand, Uganda and the United States of America (US).

This resolution followed statistical analysis indicating that international "illegal trade in ivory is most directly linked to the existence of large-scale, unregulated domestic ivory markets in Africa and Asia".² Recent research shows that trade in ivory in many of these countries continues to be brisk.³

The CITES Secretariat's report to the 50th meeting of the Standing Committee in March 2004 (SC50 Doc.21.1) shows that not one of the ten countries has been judged to have both adequate regulatory measures and adequate law enforcement to control internal ivory trade. IFAW believes this demonstrable failure of problem countries to control their internal demand for (usually illegally poached) ivory must be taken into account in the Standing Committee's decision whether to allow the stockpile sales to go ahead.

The UK is the third biggest source of illegal ivory entering the US⁴ which is one of the 10 problem countries identified. Figures from the Elephant Trade Information System (ETIS – a CITES scheme designed to monitor the illegal trade in ivory) show that large, uncontrolled domestic markets such as that in the US stimulate ivory poaching and smuggling in elephant range states.

The US has been required by CITES to establish "a nationwide procedure, particularly in retail outlets, informing tourists and other non-nationals that they should not purchase ivory in cases where it is illegal for them to import it into their own home countries".⁵ However, London's Portobello Road – the world's biggest antiques market and a top tourist attraction for international visitors – remains a major source of the illegal ivory entering one of the 10 countries with a "significant internal ivory market".⁶

Far from having any kind of 'nationwide procedure' in the UK to inform tourists of the laws about ivory, IFAW's investigation found that American visitors were actively encouraged by antique dealers to break the law by smuggling ivory of indeterminate age back home.

1.2. Ivory crimes in the UK

It is currently extremely difficult for police to secure prosecutions on cases involving illegal ivory trade in the UK. Even among those cases prosecuted, none but the most serious wildlife crimes are currently 'notifiable' (collated in national crime statistics), so it is extremely difficult to compile data on such cases – the Government's Department for the Environment, Food and Rural Affairs (Defra) itself has no central records on prosecutions. The following are simply cases of which IFAW has been made aware.

Ivory seizures in the UK

- Police and Customs officers raided a stall in Wandsworth Arndale Centre, London, in 1993, where a woman was selling carved ivory and reptile skin bags. She was cautioned, her property was seized and she was later deported after being found to be in the country illegally.⁷
- In 1996, the owner of a walking stick shop on Portobello Road, London, was found to have travelled by train to the town of Bedford on several occasions to hand over raw ivory to an elderly lady, who then carved it into antique 'looking' walking stick handles for sale in his shop. Several pieces of raw and carved ivory were seized during a 'drop off' at the station canteen. The shop owner – who admitted buying two tusks for £2,000 'from a man in the street' – was fined just £250 with £54 costs at a Magistrate's Court.⁸
- In 1997, police acting on a tip-off entered a small industrial unit in Clerkenwell, London, where several ivory tusks and carving machinery had been seen. They seized many pieces of elephant tusk and an ivory auctioneer's gavel, carved to look like an antique, which was to have been sold on a stall in Portobello Road. The offender was cautioned.⁹
- In November 1997, police seized a quantity of new ivory jewellery from a shop in Tooting, south London. The shop owner was given a formal warning.¹⁰
- In May 1998, a parcel arriving from Hong Kong and declared as hippopotamus teeth was found to contain 87 carved elephant ivory items and a few pieces of mammoth ivory. No permits were presented with the shipment and it was confiscated.¹¹



Ivory gavel carved from 'modern' ivory, for sale as 'antique' and seized by the Police from Portobello Road Market

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- A London taxidermist was sentenced in 2000 to six months' imprisonment – three of them suspended – for offences. Items seized during a police raid included a gorilla skull, a tiger and her young litter and a leopard – as well as a large elephant tusk.¹²
- HM Customs & Excise revealed that they had seized 4,678 elephant products, nearly all ivory carvings, in 36 seizures between 1996 and 2000. Kenya, South Africa, Tanzania, Zambia, Zimbabwe and other African countries were the main source for bulk shipments, though small, privately smuggled items came from countries including Azerbaijan, Germany, Singapore, Thailand and the US.¹³
- In April 2001, Customs seized 445kg of raw ivory (58 tusks) in a consignment of stone carvings from Kenya bound for China.¹⁴
- In October 2003 four large tusks were reportedly found in a consignment of other endangered species products at Felixstowe port en route from Texas to France.¹⁵
- In November 2003, Warwickshire police seized 24 tusks (weighing around 650kg in total), along with a large number of other hunting trophies, including an elephant skull and 14 stools made from elephant feet. The animals involved had been shot in Zimbabwe and South Africa by a father and son, both now deceased, and imported to the UK between 1993 and 2001. Police started to investigate when the family pheasant shooting lodge was put up for sale by executors. They found that no Article 10 certificates were held for any of the items, despite their use for commercial display, and some of the ivory was proved to have been imported to the UK illegally after import permits were refused by Defra. Other permits were also questionable.¹⁶
- The Metropolitan Police Wildlife Crime Unit has made several seizures over the past few years of Xi Lei San, a traditional Chinese medicine which contains elephant ivory and human fingernails.¹⁷



Xi Lei San, a traditional Chinese medicine

1.3. Relative enforcement capacity to control the ivory trade

The policing and prosecution of wildlife crime in the UK is far more advanced and better resourced than in most other countries in the world. Yet our investigations have shown that even on British high streets, the trade in ivory is almost entirely unregulated and uncontrolled.

In this context, it is difficult to believe that any of the much poorer and less developed countries where large scale poaching or smuggling of ivory takes place will be able to effectively control their current black markets – let alone control the likely increase in illegal trade if the southern African stockpile sales go ahead.

UK enforcement

Most UK police forces now have a wildlife crime liaison officer and the Metropolitan Police's Wildlife Crime Unit, which was set up in 1995, has had some notable successes in tackling wildlife criminals in the capital.

However, most wildlife crime liaison officers around the UK take on the job because of a personal passion for wildlife and do this work part-time or on a voluntary basis on top of their regular duties. It is not a police priority and the Metropolitan Police's Wildlife Crime Unit has only recently been provided with dedicated enforcement officers.

Most wildlife crime liaison officers get little specialised training, and historically there has been little communication or coordination between agencies working to combat this crime. Recording of seizures and prosecutions has also been sporadic.

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These problems are compounded by the fact that crimes against non-indigenous wildlife are currently not arrestable offences. This means a suspect could be arrested on the spot for selling a British common frog – but not for selling a highly valuable elephant tusk.

The police have therefore found it extremely difficult to gather evidence for offences such as ivory trading, as a suspect is under no obligation to answer questions.

Although under COTES (the Control of Trade in Endangered Species) regulation, which has been in force since 1997, offenders currently face fines of up to £5,000 or three months in jail, or both, for prosecutions in a Magistrate's Court and an unlimited fine and jail sentence of up to two years in a Crown Court, the maximum sentence has never been applied.

Wildlife trafficking is therefore a crime with little chance of detection, low penalties if caught – and the potential for huge financial returns.

However, things are due to change. When new COTES regulations take effect, hopefully in late 2004, wildlife crime offences in the UK will become arrestable for the first time, and those convicted could face a maximum five-year jail term.

This will put the UK second only to Germany in the European Union (EU) in terms of the penalties which can be imposed for wildlife crime, although only the most serious cases are expected to incur the maximum penalty.

However, at current capacity, the police will still only be able to respond to tip-offs rather than launching proactive investigations. Furthermore, in order to be really effective, changes must be implemented right through to the top of the legal system.

Until now, the judiciary has not been seen to take wildlife crimes seriously.¹⁸ Sentencing guidelines published in late 2002¹⁹ may help, although this has yet to be confirmed by action from the courts.

However, with a small minority of elephant populations today being on CITES Appendix II (EU Annex B), police say the prosecution of ivory offences is likely to remain extremely difficult – regardless of the strength of laws around endangered species crime. Forces can rarely afford to commit resources to following up cases when it is almost impossible for them to prove beyond reasonable doubt that the ivory came from a CITES Appendix I listed elephant.

Other UK enforcement

A **Partnership for Action against Wildlife Crime (PAW)** was launched in 1995 to oversee wildlife law enforcement. It includes members from the UK's CITES Management Authority (Defra), the police, Customs, Crown Prosecution Service and non-governmental organisations (NGOs).

A **National Wildlife Crime Intelligence Unit** was also set up in April 2002, and is part of the Specialist Intelligence Branch of the National Criminal Intelligence Service (NCIS). Its role is to counter organised trade in illegal wildlife and reduce the opportunities for wildlife crime.

Customs

Customs' nine-member CITES Enforcement Team at Heathrow Airport has built up an international reputation for effective enforcement since it was set up in 1992. In fact, traders say Heathrow is now avoided as a transit point.²⁰

There is also one CITES officer at the port of Felixstowe, and Customs Wildlife and Endangered Species Officers have been appointed in each Customs region.

Customs can bring prosecutions in cases of wildlife smuggling and Customs officers in postal depots, for example the major international sorting office at Coventry, have some training in CITES issues.

However, Customs' priorities are set by Government and CITES enforcement has to take its place with others within this scheme, e.g. Class A drugs, firearms and tobacco smuggling. The work of the CITES team is targeted to specific risk areas for illegal imports of CITES-listed species and they assist or adopt detections made by other Customs officers in the course of carrying out their other priority work.

Under the Customs and Excise Management Act (CEMA), offenders face fines of up to £1,000 (or three times the value of the goods, whichever is greater) and/or up to six months in jail in a Magistrate's Court,

More than one million illegally imported endangered species items (including almost 5,000 ivory items) were seized by UK Customs from 1996 to 2000, but only eight prosecutions were undertaken – or one for every 130,800 items seized. Fines levied totalled just £95,175 – which works out at just nine pence for each item.²¹

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and unlimited fines and jail terms of up to seven years in a Crown court. CEMA can be applied even if an illegal specimen found in the UK is proved to have been originally introduced to the EU through another country.

However, prosecutions are few and far between as Customs must prove the offender brought the specimen into the country in a deliberate or organised attempt to break the law. There have been no prosecutions relating to Customs seizures of ivory or ivory products since 1997.²² As with COTES cases, the maximum penalty has never been applied.

Wildlife crime enforcement elsewhere in the EU

In the EU, CITES is implemented by European Council and Commission Regulations. National governments must then incorporate these regulations into national law. While countries can go further than the minimum requirements laid out by the regulations in the strength of national laws, they cannot choose to have weaker controls.

As a result, the control of endangered species crimes across the EU is somewhat patchy, even though all the countries exist in a borderless trade zone. Particularly worrying are countries on the borders of the EU, which may be first points of entry for smuggled products. Portugal and Greece, for example, do not even have any custodial sentences for endangered species smuggling on the statute books.

One investigation found substantial quantities of worked ivory, raw tusks and other endangered species products on sale in Greece, describing the country as a ‘gateway for illegal trade’.²³

Fringe countries, such as Turkey and Russia, have also been singled out as major problem areas for the smuggling of endangered species, with evidence of the activities of criminal gangs controlling the trade. Corrupt Russian and Polish officials have been implicated in recent major cases of cross-border wildlife trafficking.²⁴

EU enlargement – a ticking timebomb for law enforcers?

The potential boost in organised crime activities – including the smuggling of endangered species – with the accession of 10 new countries to the EU this year is of major concern to the European Commission (EC).²⁵

Jason Lowther, wildlife crime law expert at Wolverhampton University, said: "In some accession states, preventing the trade in endangered species is not even on the radar given the many demands on over-stretched law enforcement agencies – the Eastern European countries are of real concern.

"In theory, joining the EU will at least improve on existing national legislation in many countries, if they actually have any. In reality, it could create a much bigger porous border, making it easier for wildlife smugglers to introduce illegal items such as ivory into the EU.

"However, any import offences contravening relevant EC regulations in any part of the EU, if detected in this country, could be prosecuted as if they had happened within the UK."

For information on the many enforcement issues that raise major concerns in elephant range states and ivory trading states outside the EU, please see Appendix 5.

1.4. How does ivory get into and out of the UK?

Legally with Defra permits²⁶

The most recent figures from Defra show that in 2001 the Department issued import permits for 496 ivory carvings, with most pieces being imported from Switzerland (136), the US (134) and Israel (98).

In the same year, 3,222 ivory carvings and two tusks were legally exported, with most going to the US (2,765), Switzerland (138) and Australia (90).

In 2002, 268 items were legally imported, mainly from Switzerland (206) and the US (129).

Legal exports were 2,440, with the major exporters being the US (1,841), Switzerland (127), Japan (12) and Canada (77). A steep decline in people travelling to the UK from the US probably accounts for the fall in export permits granted in 2002.

The figures do not tell the whole story, however, as they simply list the number of items exported or

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imported. An ‘ivory carving’ could be anything from a small piece of jewellery to a huge carved tusk. Assuming a conservative average weight of 100g per piece, however, the UK is trading internationally in several hundred tonnes of ivory each year.

A confusion in Defra’s listing of ivory items means that some are labelled ‘ivory carving’ and others as ‘ivory product’, but do not give any weight. Others give a weight with no description or number of items. Some are labelled just ‘specimen’ with no clue as to whether the specimen is ivory, bone, skin, blood or other parts. For some imports and exports, no information is even available on which country the ivory is being moved to or from.

Post-2002 export figures are not yet available. However, the value of ivory imported into the UK (given in Customs declarations) has grown dramatically to £63,500 for the period from January to November 2003 – up from just £2,700 for the whole of 2002, £100 in 2001 and £700 in 2000.²⁷

Smuggled through airports – and by returning tourists

Ivory is openly on sale in many international resorts, in hotels and even airport duty free shops, giving it the appearance of being ‘legal’. It is still one of the endangered species items most commonly seized by Customs from returning tourists, especially from countries such as Thailand. In 2003 IFAW launched a publicity campaign urging tourists to "Think Twice" before buying souvenirs and help protect endangered species.²⁸

Despite Customs’ internationally acclaimed CITES team at Heathrow Airport, their work is influenced by other Customs priorities, and the numbers of individuals they must deal with are vast. Sixty million passengers pass through Heathrow Airport each year²⁹ and 10 million travelled through the British Airport Authority’s seven UK airports in December 2003 alone.³⁰

The Heathrow Airport CITES team has, however, had some notable successes, and serious smugglers (as opposed to tourists) have reported that the airport is now often avoided in favour of other points of entry. Ports as far away as the remote Shetland Islands have recently been found to be used by criminals to smuggle illegal endangered species products into the country.³¹

IFAW’s investigation has shown that US dealers are smuggling ivory out of the country, while ivory is being brought into the UK by travellers from China and India – generally without interception.

Customs seized 946 ivory items and 66 ivory tusks entering the UK in the past five years.³²

Year	Ivory Tusks		Other items containing ivory		Total seizures
	Seizure nos.	Item nos.	Seizure nos.	Item nos.	
2003	7	22	23	126	30
2002	4	5	18	74	22
2001	6	8	27	649	33
2000	6	19	19	84	25
1999	7	12	11	13	18
TOTALS	30	66	98	946	128

These figures do not include the large shipment of tusks weighing 445kg intercepted at Gatwick Airport in 2001 en route from Kenya to China.³³

By post and courier services

Vast quantities of ivory – including raw tusks – are offered for illegal sale nationally and internationally over the Internet.

Most sellers claim to regularly send ivory with no problem and many have schemes to avoid detection by Customs – ranging from not marking a sender’s address, labelling the item as a gift, or mislabelling it as ‘bone carvings’, ‘antiquities’, or simply missing the word ‘ivory’ out of an item’s description, for example labelling an ivory snuff box as ‘snuff box’ or an ivory bangle as ‘bangle’.

Most Internet sellers contacted by IFAW offered to ship using courier services – including a woman in Cameroon contacted via a UK classified adverts page, boasting a huge stock of raw and carved forest and savannah elephant tusks and rhino horns.

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The number of parcels sent into the UK by courier is enormous. For example, DHL's giant East Midlands airport hub deals with 1,200 tonnes of material every night, has 4km of conveyor belts and can handle 45,000 shipments per hour³⁴, while FedEx deals with 1,100 shipments in the US and EU each day.³⁵

Although Customs officers do monitor the postal and courier service system, with several endangered species seizures having been made at the Royal Mail's international depot in Coventry, it is inevitable – with the volumes of post involved – that illegal items slip through the net.

The CITES Secretariat's Senior Enforcement Officer says the level of smuggling of small specimens that takes place via courier or post is impossible to gauge, but believes it is "significant", adding: "It's like any form of crime; the limit is the limit of the criminal's imagination."³⁶

Container ports

Container ports have been identified as a major smuggling route generally.

Port capacity in South East England is approximately 5.2 million containers (each container measuring 20ft x 8ft), and it is anticipated that the market will grow by up to 50 per cent by 2010 to possibly 7.2 million containers per year.³⁷

Felixstowe and Southampton are the two biggest ports in the region, with 800 lorries entering Felixstowe per hour during the afternoon rush hour. The port operates 24 hours per day, 364 days per year.³⁸

Depending on the size and nature of the contents, it can take more than a day for two officers to search one container manually. Felixstowe has one Customs officer dedicated to CITES enforcement, the only such officer in any UK sea port.

A 2002 visitor to Felixstowe reported: "Although the security systems described to us were very comprehensive in tracking containers into and out of the port and through the handling systems, the port operators have no knowledge of the contents of any container, unless hazardous materials are involved. Their approach is that they are moving 'boxes' and the contents are not important.... Customs and Excise carry out random X-ray tests on containers and are looking mainly for smuggled goods such as cigarettes."³⁹

1.5. The police view

Andy Fisher, head of the Metropolitan Police Wildlife Crime Unit:

"The law concerning trade in ivory is complicated and it is not surprising that people in the UK are confused. There are still too many people here who think that the illegal trade in endangered species is something that happens somewhere in Africa or Asia and do not realise that we in the UK are consumers of endangered species from all over the world.

"The Metropolitan Police has seized thousands of products made from endangered species, including ivory, in London. In most cases the purchasers had assumed that an item on sale was legal or were unaware that it was made from an endangered species. In our experience most consumers will not, knowingly, buy products made from endangered species, but many do so without realising it. Consumers need to ask questions to be as sure as they can be that they are not buying a product made from an endangered species. In the case of ivory, they need to be sure that what they are buying is a genuine antique or has come from a legal source. The seller must be able to produce evidence of this.

"The trade in endangered species is illegal, but if legal protection is to make a real difference to elephants and other endangered species, we need both traders and consumers to have a better understanding of endangered species laws and how they apply to trade in the UK.

"Police enforcement operations are unlikely to be approved without a reasonable chance that they will be successful and this means that we need good evidence. The resumption of limited trade in ivory from some African states means that police need to know which country a particular product came from before we know whether it is legal or not. This makes it more difficult to gather evidence and makes it easier to commit fraud and sell ivory illegally."

SECTION ONE: IVORY TRADE IN THE UK

1.6. Ivory trading in the UK – the rules

In the UK, possessing ivory is legal. It is also legal to sell antique carved ivory (defined as pre-1947), but **only** with documents proving the piece's age, for example a signed statement from the original owner. If not (or if wishing to sell any uncarved ivory, or ivory dated later or of unknown age) the seller needs an Article 10 certificate from Defra.

Under the terms of the new Criminal Justice Act, the most serious offences in breach of these rules could incur a penalty of up to five years in prison – up from the current maximum of two years.

Importing any ivory, carved or uncarved, without the correct papers could be punishable, technically, by up to a seven-year jail term and unlimited fine. Modern carved ivory may only be imported from Zimbabwe, and then only with an export certificate from that country.⁴⁰

The Article 10 certificate

Defra's form GN7 'Additional notes for antique dealers', states: "Applications [for permits] must be supported by documentary evidence as follows: [...] Sellers must be able to prove, should they be required to do so by the police, that specimens sold under the antiques derogation are genuinely worked items acquired prior to 1 June 1947."

With so much of the ivory in trade in the UK being sold on second or third hand by travelling dealers selling items from house clearances or fairs and auctions around the country, any original information about a genuine antique is soon lost.

This means would-be sellers must apply for an Article 10 certificate for each ivory item if they wish to "purchase, offer to purchase, acquire for commercial purposes, display to the public for commercial purposes, use for commercial gain and sale, keep for sale, offer for sale and transport for sale".⁴¹

Defra advises people wishing to obtain a certificate for such ivory to have it appraised by an 'auction house or antiques dealer'. However, this immediately reveals a major problem. Even if a dealer were to obtain an Article 10 certificate (IFAW investigators did not meet even one trader who had such a permit), the system would appear to mean they can appraise the age of the piece themselves – given that most people selling ivory in this country call themselves 'antiques dealers'.

Yet the vast majority of dealers we met during this investigation were woefully ill-equipped to make any appraisal about the age of ivory pieces they were selling. Many had very little idea of the properties of the substance and readily admitted to IFAW that they had no idea of the age of the piece in question, while others confidently claimed an object was antique 'because of the style of the carving' – and were happy to write receipts certifying that the piece was more than 100 years old. Although a few traders did mention having heard of Defra (though few could remember its name), all of these were under the impression that certificates from Defra were only needed for ivory if exporting to the US.

Such a system of self-policing and self-appraising is clearly open to abuse. At least two incidents investigated by police have uncovered new ivory being carved to 'look antique' for sale through antiques outlets – either with, or without, the knowledge of the end seller.

IFAW investigators have seen thousands of pieces of ivory for sale in a period of just a few weeks. However, only 14,939 Article 10 certificates were issued in 2000 (and 14,329 in 1999) for all types of CITES-listed specimens including live animals such as birds or reptiles.⁴²

Exporting and importing ivory

Exporting or importing antique ivory of any age to or from the EU requires an export permit from the CITES Management Authority of the exporting country (in the UK, this is Defra). Importing all non-antique ivory into the UK requires an import permit from Defra unless it is from Zimbabwe, when it only requires an export permit.⁴³

The US black hole – and the UK link

Since 1989, the US has seized more ivory annually than any other country. While it certainly has a large domestic market for ivory, this has more to do with rigorous Customs enforcement than it actually being the world's major destination for smuggled ivory.



Selection of real and fake ivory items

IFAW took two genuinely old pieces of ivory (a bangle and a necklace) plus an old, but plastic, ivory-coloured box to be looked over by three London antiques dealers.

The first insisted that no documentation was required to sell ivory in the UK, only to export it. However, when IFAW insisted, she estimated the jewellery was '1930s' and correctly recognised the box as plastic.

A second viewed all three objects under a magnifying glass. He said they were all ivory, but refused to write a certificate, saying he believed they were no older than 1970s.

The third agreed all three items were ivory and said they were Victorian.

SECTION ONE: IVORY TRADE IN THE UK

Legally imported ivory into the US was valued at US\$164.8 million per year between 1997 and 2001, and 64% of this ivory was imported from the UK.⁴⁴

Meanwhile, illegal seized ivory valued at US\$235,000 per year came from (in order of importance) Hong Kong, Nigeria, the UK, Japan and Cameroon.⁴⁵

The major source of this illegal ivory coming from the UK is from antiques markets, in particular Portobello Road⁴⁶, with dealers and enthusiastic antique-collecting tourists alike being caught out in the legal maze surrounding ivory.



Ivory for sale at Portobello Road Market

One of the major problems is that the EU and US have different definitions of the word 'antique'. In the EU, antiques are judged to be carved items made before 1947. In the US, antiques must be more than 100 years old.

In addition, the majority of UK antiques dealers to whom IFAW investigators spoke seem to have no clear idea about the rules on trading of ivory to the US. Of those contacted by IFAW, some said this was completely illegal, but most seemed to think there was no problem as long as the buyer had a sales receipt claiming the item was 100 years old (almost all were happy to write one on the basis of nothing other than their own 'expert judgement'). Many others thought small amounts were no problem, and a large number simply advised IFAW investigators to smuggle the item through Customs and, if caught, to claim it was made of plastic or some other substance.

The confusion becomes even greater at the US end, where the domestic rules on ivory trading are much stricter than in the EU and are governed by the Endangered Species Act (ESA) and the African Elephant Conservation Act. In addition, the Lacey Act in some cases means people can be found guilty of a crime under another country's legislation.

Under US federal law, antique ivory (over 100 years old) may generally be sold, imported or exported with the correct documentation, as long as it has not been modified with new ivory since 1973. However, some US states may not allow the sale of ivory at all. Pre-1975 Asian ivory may be sold, but only within the owner's state of residence. Pre-Act African ivory may be sold within the country with documentation. No new ivory may be imported (except from trophy-hunted African elephants, with correct documentation and for non-commercial purposes).

As eBay says about ivory on its policies page, "this is a complex area". With some ivory legal, some not, and completely different rules in force in the UK, US and other countries, this creates a smokescreen for those determined to break the law – often turning naïve customers into unwitting criminals. In one case in 1998 even the famous auction house Sotheby's fell foul of the law and had an ivory item seized by US Customs which was being sent from its UK to US branch.⁴⁷

There is no such confusion about items such as tortoiseshell (from marine turtles) which are completely banned.

1.7. Ivory in the antiques world

Antiques collecting is a major pastime in the UK, as reflected in the huge popularity of TV programmes such as Antiques Roadshow, Bargain Hunt and Flog It!

SECTION ONE: IVORY TRADE IN THE UK

London's Portobello Road Market is the world's largest antiques market, boasting 1,500 antiques stores, which attract collectors and dealers from all over the world. There are hundreds of other antiques centres nationwide, as well as thousands of individual antiques shops, antiques fairs, shows and auctions.

Within the world of antiques, ivory is seen as a 'key substance', and is extremely collectable. Japanese ivory netsuke (miniature sculptures), for example, have sold for tens of thousands of pounds at auction. With some pieces of antique ivory commanding such incredibly high sums, forgery is a phenomenon well known to antiques experts. Fake items made of new ivory have also been picked up by police in the UK.

Antiques – the expert view

"Be extremely suspicious of anything that's cheap or good value. Collectors and dealers from all over the world go to markets like Portobello Road. They're not going to leave a genuine bargain for someone like you. I am sure there are people today carving ivory that's not more than five to 10 years old. For a novice collector, this can be an extremely difficult and dangerous area. Always pay by cheque, never cash, always get a receipt, and never buy from a market – only from a member of LAPADA [The Association of Art and Antiques Dealers] or BADA [the British Antiques Dealers' Association]."

Ivory dealer at Kensington Arts and Antiques Fair, January 17, 2004

"LAPADA members are very carefully vetted before they are allowed to join the association. I'm sure they and BADA members likewise all know the relevant rules around CITES. However, we only account for a small minority of the people selling antiques in this country – you can set yourself up at a Sunday car boot sale and call yourself an antiques dealer."

LAPADA spokeswoman.

"Ivory does get faked. European style things are generally safe, but you want to watch out for Asian carvings, especially Chinese. People bring it in with certificates from sellers there claiming they are antiques... but they're not. You see stalls here with loads of Asian ivory carvings and netsuke on them – I would be extremely suspicious about them."

Portobello Road ivory salesman

"Much of the ivory being made now in Hong Kong and China is offered as 'old'. Tea and tobacco staining and other techniques to change the colour and add cracking are intentionally done. These same techniques were in use a hundred years ago because the Chinese venerated older things. It was done not to deceive but to please the eye."

Robert Weisblut, president of International Ivory Society

"IFAW's investigation shows compelling evidence of comprehensive ignorance of the law relating to ivory trading, leading to widespread abuse within the industry. As always, the blame is probably to be laid as much at the feet of the authorities responsible for formulating and communicating the law as it is at the feet of the traders themselves. Portobello Road is the largest antiques market in the world and as such it's hardly surprising that it provides cover for all sorts of nefarious activities. But that only makes it more incumbent upon the trade association to police it more vigorously.

When it comes to a substance such as ivory, it's not just a case of 'oh, the odd case here or there won't matter'. Individual cases can add up to something really significant and have a huge effect on endangered species."

Tom Flynn, Editor of Antiques and Collectables magazine

1.8. A problematic substance and a mammoth legal loophole

Aside from elephants, various forms of ivory can come from a whole range of (mostly endangered) mammals, as well as hornbill birds and the extinct mammoth (*Mammuthus spp.*). On top of this, there is a wide range of synthetic ivory substitutes designed to look almost identical to the real thing and 'vegetable ivory' which is carved from the tagua nut. Some synthetic substitutes actually incorporate powdered ivory, meaning they would be subject to the same legal restrictions as any other ivory item. (See Appendix 6 for more details.)

This profusion of substances aiming to mimic ivory, and the dozens of terms for them, can make this area extremely difficult for police and Customs officers, who are unlikely to have specialised knowledge in this area.

SECTION ONE: IVORY TRADE IN THE UK

Although various tests can be used to differentiate between elephant ivory and that of other mammals, and to tell the difference between ivory and most synthetic substances, none of these methods are foolproof.

Interestingly, however, during our investigations, the self-proclaimed experts selling ivory on the streets of the UK confidently assured us they could identify and date ivory – offering a profusion of contradictory advice and statements which included:

- Ivory feels warmer against your face than bone or plastic.
- Ivory is colder than bone.
- Old ivory goes yellow with age and use.
- New ivory is white.
- Old ivory becomes bright white if you clean it with milk or gin.
- You can tell the difference between old and new ivory because the markings in the ivory change over time.
- Yellow ivory goes white if you put it in the light.
- Ivory stays white if you keep it in the dark.
- Ivory gets darker if you put it in a dark place.
- Asian ivory is darker than African ivory.
- African ivory is darker than Asian ivory.
- The colour of ivory is actually determined by the elephant's diet, and can range from creamy white through rose, brown and even black.

A leading ivory collectors' website makes the situation quite clear, pointing out: **"Dealers and collectors alike are often fooled or misled when it comes to ivory, bone and synthetic figures."**⁴⁸

Even where ivory has been positively and correctly identified, there is of course no test to show how old it is – or when it was carved. Although ivory may change its appearance with age in terms of colour and patina, or develop hairline cracks and accumulate dirt, items can also be made to look older by staining with tea or smoke and deliberate cracking. Without documentary proof of age none of these signs of age are sufficient to prove that an item is an antique.

For more information on the many forms of ivory and synthetic substitutes and their decorative and utilitarian uses, please see Appendix 6.



Zimbabwe National Park's stockpile of ivory

SECTION ONE: IVORY TRADE IN THE UK

A mammoth legal loophole

Mammoth ivory prices have fallen since 1989 because, with global warming and increasing areas of permafrost melting, more and more mammoth carcasses are being exposed and their tusks sold onto the international market. Tusks can be massive, weighing up to 100kg. Those near the surface, which have thawed and frozen several times, are poor quality. However, those from deep ice can be as white and as good quality as elephant ivory.

It is unclear how much mammoth ivory has been retrieved and where it now is, although one mammoth ivory workshop owner said he thought there would be enough raw mammoth ivory to supply the East Asian market for 30 years.⁴⁹ IFAW searches for 'mammoth ivory' on eBay at any one time usually brought up more than 400 items and there are scores of websites dealing solely in selling worked mammoth ivory and uncarved tusks.

The mammoth, being extinct, is obviously not on any CITES Appendix and there are no controls on trading it. This opens a huge loophole – especially as good quality mammoth ivory is actually more expensive than illegal African elephant ivory in China. It is clear that at least some elephant ivory is being illegally exported labelled as 'mammoth ivory' to conveniently bypass Customs.⁵⁰

For example, in 1999 a passenger arriving in the US from Hong Kong was stopped with a consignment of 56 small ivory carvings in his luggage. The man said the carvings were all mammoth ivory – and had receipts from Hong Kong stores to the same effect. However, when sent for testing in the USFWS (US Fish and Wildlife Service) laboratory, ten were found to be made from elephant ivory and only six from mammoths. A further twenty nine were said to be made from 'elephant ivory of an indeterminate source' and ten from 'ivory of an indeterminate source', which means they may not have come from either elephants or mammoths.⁵¹

If one of the world's most sophisticated forensic laboratories cannot definitively identify the source of ivory, then an average ivory buyer – or Customs agent – will stand little chance. This creates a worrying grey area, which makes the life of the illegal trader a great deal easier.



Raw ivory tusk for sale at Portobello Road Market

SECTION TWO: IFAW'S INVESTIGATION

IFAW investigators communicated with dozens of people selling ivory over the Internet and visited antiques markets and shops in Bournemouth, Edinburgh, Hampshire, Hertfordshire, London and York posing as interested ivory buyers over a period of several weeks. Detailed case studies of our antiques and eBay investigations are included in Appendices 1 and 2.

On the basis of IFAW's investigation, nearly all ivory being sold in the UK through antiques dealers and over the Internet is being sold illegally, without either the required proof of age or necessary certificates from Defra.

Most high street ivory dealers interviewed by IFAW said they were aware of new ivory being carved either in the UK or imported from abroad and stained to make it look older by smoking or staining with tea. However, hardly any had any proof whatsoever of the age of the ivory they were selling other than their assumptions about the style of the carving or the colour of the ivory. They were selling their ivory illegally – without documentary proof of the pieces' age or Article 10 certificates from Defra. The message was clear – they wanted to sell their goods as fast as possible without worrying too much about where they had come from.

IFAW asked Tom Flynn, editor of Antiques and Collectables magazine and author of 'Taming the Tusk', which discusses the use of ivory in colonial Belgium, to visit Portobello Road to give his expert opinion. Normally visiting antiques markets as a professional, he found visiting in an investigative capacity 'a real eye opener'.

"The Portobello Traders' Association makes it clear that its members must be aware of the rules around the items they are selling – but the responses I got to questions I asked convinced me that most traders are woefully unaware of the law, if not acting in blatant contravention of it," he said.

"I saw several ivory items claimed to be from the 1920s – the Art Deco period, which saw the advent of clean, modernist lines, which do not require any great level of skilled carving. In many instances, these items looked to have been made in the past 10 to 15 years, while some napkin rings I saw looked as if they had been carved yesterday.

"It is notoriously difficult to judge the age of ivory. It may take only around five to 10 years to develop the natural patina, which is often pointed to as a sign of age, and in any case there are artificial methods of mimicking this effect.

"The antiques trade is constantly accused of not operating within the law, and it does not help itself when it is not seen to be taking any steps to clarify situations such as the grey area surrounding the sale of ivory. Defra should regularly keep the trade associations up to date and the associations should be briefing their members."



Ivory piece chess set for sale at Portobello Road Market

2.1. The Asian connection and African ivory

India

Two ivory sellers in London openly told us they had ivory smuggled into the country by dealers from India for them to sell in London. One of these was a woman selling ivory bangles at Portobello Road. She denied the ivory came from poached elephants, however, saying: "They just cut the ends of the tusks – Indians would never kill elephants because Ganesh is their god." Although 'tusk tipping' is still practised on domesticated elephants in some countries, such as Thailand, the ivory is absolutely illegal for international sale, and the domestic ivory trade is in any case completely illegal in India. The importation for sale of new Asian ivory is totally banned as the Asian elephant is on CITES Appendix I.

In any case, at 10cm in diameter, the ivory for these bangles would have come from poached elephants. Cutting a section of tusk suitable for a bangle with a hollow central section (which is filled with nerve pulp and blood vessels during life) would kill an elephant.

Recent undercover investigations by the Wildlife Trust of India (WTI), IFAW's partner organisation in India, have found the trade in such bangles – traditional Rajput marriage bangles called 'chura' – is still alive and well in the provinces of Rajasthan and Gujarat in western India, with traders offering WTI investigators delivery of chura a few weeks after an advance cash payment.

SECTION TWO: IFAW'S INVESTIGATION

WTI executive director, Vivek Menon, said: "This indicates that there are carving operations going on at secret locations. There are no elephants in western India, and all the evidence shows that these bangles are being made using ivory from elephants poached in southern India. I suspect the bangles on sale in Portobello Road are part of this same trade."

Another woman was selling ivory rings and pendants (some carved in the style of classic Victorian pendants, such as heart shapes) in a Camden Passage jewellery shop in Islington, London. She said this was new ivory that had been smuggled into the country for her by an Indian dealer.

China

IFAW investigators at London's Portobello Road Antiques Market were told by several salesmen that a lot of new ivory is coming into the country from China. Some said it was smuggled in 'as it's so easy to stick a few pieces in your luggage and get it through Customs', while others said ivory was coming in with papers falsely describing it as antique.

Our investigators certainly saw many items of apparently new, crudely carved Asian ivory, including one ivory chess set with pencilled numbers on the base of the pieces, apparently made by the carver. The woman selling the set said she thought it was from the 1950s, "but it's almost impossible to know with ivory, isn't it?"

None of the people selling such ivory items had the Defra Article 10 certificates needed for the legal sale of ivory of uncertain age, and were often very open about having no real idea of the age of the piece for sale – although they were usually happy to write receipts claiming the item was an antique.



Carved ivory tusk for sale at Portobello Road Market

Traditional Chinese Medicine

A particular type of Chinese medicine, known as Xi Lei San – a powder used to treat conditions such as stomach ulcers and ulcerative colitis – is in fact made from ground up elephant ivory and human fingernails. The Metropolitan Police's Wildlife Crime Unit has seized this medicine during several raids – and IFAW found it is still on sale.

Of eight Chinese herbalist shops contacted, two were selling Xi Lei San, two were not, and four said they had a similar product with a different name – but assured us it contained the same ingredients.

Cut out the middleman – buy direct from China

Several hundred stores based in China, and claiming to deal in antiques, operate both on eBay as well as other auction sites – most of them selling significant quantities of ivory items.

Many of these stores are based in the major ivory carving centres of Guangzhou and Shanghai, the scene of China's biggest ever haul of illegal ivory (three tonnes seized in August 2002).⁵² Both cities are also very famous for their fake antiques. It is likely that large quantities of new ivory are being introduced into the market as 'antiques'.

The Horizon Travel Service, providing local advice for businessmen travelling to China warns that "imitation antiques are everywhere" in Guangzhou⁵³, while the Shanghai Star newspaper reported in October 2000 that fake antiques flooding the market were destroying the genuine antiques market.⁵⁴

Many items IFAW found on eBay seemed highly suspicious, for example 'ancient' ivory Buddha beads from the Tang Dynasty (AD 618 to 907), offered by a seller in Xian for a starting bid of US\$1. The beads were described as "very rare" and "museum quality" – though much of this store's feedback from users complained of delivered goods being forgeries. Other strange items included an "excellent and rare Qing Dynasty ivory sword" offered for sale from Shanghai at US\$6.80 and a Qing Dynasty (1644 to 1911) carved ivory Boddhisatva snuff bottle for US\$9.99.

SECTION TWO: IFAW'S INVESTIGATION

Almost all the 'negative feedback' placed on the website by eBay users about Chinese stores complains about the items purchased being obvious fakes – one store even offers to refund buyers' money if his ivory items turn out to be forgeries. From the names given in buyer feedback, it also seems that many frequent purchasers of these Chinese 'antiques' are Western antiques and decorative arts stores.

IFAW asked an Asian ivory specialist member of the BADA (British Antiques Dealers' Association) to check some of the items offered for sale. He said none of these items was more than 30 or 40 years old – and that many had probably been recently carved.

"There are some really very good fakes being made in China and I think even non-novice collectors could be duped," he said. "The supposedly older items, in particular, are very suspect – ivory taken out of a Tang Dynasty tomb, for example, would be heavily oxidised and damaged. There's no way they could be selling such rare and fragile items for so little if they really were genuine."

Some of the Chinese eBay sellers operate under a dozen or more identities, many of which offer the 'same' ivory item. After an item has been won by a bidder an identical item usually appears again on each of the numerous sites, with exactly the same picture and description.

One seller, based in Guangzhou, repeatedly sells identical looking ivory items, such as 'antique' ivory rings for around just \$5 a time, all with the same description, and yet claims on each occasion: "It is not easy to find one like this."

When told by IFAW investigators posing as interested customers that importing such ivory items from China to the UK without any documentation might prove difficult, she immediately offered to label it as 'bone carvings' to rule out any problem with Customs, and said that she never had any trouble with international shipments. Other sellers similarly offered to mis-label items, and most offered a full refund if the item was seized.

Confusing labelling

The description of ivory products being sold from China can be far from clear too. Many sell large numbers of what look like huge carved tusks, confusingly labelled, for example, 'elephant bone like ivory'. One seller claims this is carved elephant bone covered with small ivory panels, although – given the quantity of these items for sale and the regularity with which they appear – it is possible that the bone part at least is actually cow or camel. Even more confusingly, other ivory items are labelled as 'elephant teeth' – the direct translation of the Chinese word for ivory.

African ivory

IFAW approached a gallery owner in Portobello Road to ask if he could source any tusks. The man immediately offered that he had 'a lot of big tusks' for sale in Nigeria, saying: "You should come to Nigeria to select them – I'm going out there next week. You can stay as my guest for a couple of days and then I can put them on the plane. It will be much cheaper for you that way than if I organise the shipping."

When IFAW investigators said they would prefer to pick up the ivory in London, the man offered to send two pairs of tusks, the largest 120cm long, for US\$5,500 plus US\$1,000 to cover the costs of shipping and bribes. He said these would be sent in a container of other items for his store and that the tusks could then be collected there. He stipulated that he should be paid in cash, with half the payment in advance as deposit, and made it clear there would be no invoice or documents.

IFAW also made contact, via a UK classified adverts page, with an ivory seller in Cameroon. She offered to send us raw and carved tusks from the CITES Appendix I-listed forest elephant by courier, and to label the package as 'antiquities' in order to get around Customs. Her alarming offerings (which also included savannah elephant tusks and rhino horns), included male forest elephant tusks of 1.15m (20kg raw at 120 Euros and 18kg carved at 150 Euros) and female tusks of 85cm (15kg raw at 100 Euros and 12kg carved at 120 Euros).

A recent report by TRAFFIC, a wildlife trade monitoring network, related that Cameroon's ivory market is 'active', adding: "As the most efficient shipping and airline hub within the region, Cameroon also functions as a major entrepot and outlet for illicit shipments or raw ivory to destinations abroad."⁵⁵

SECTION TWO: IFAW'S INVESTIGATION

2.2. Ivory on eBay

eBay distances itself from any responsibility for items offered for sale, saying on its site: "Although we are commonly referred to as an online auction web site, it is important to realise that we are not a traditional "auctioneer." As a result, we have no control over the quality, safety or legality of the items advertised, the truth or accuracy of the listings, the ability of sellers to sell items or the ability of buyers to pay for items."

eBay in the UK (www.eBay.co.uk) does have a 'policies' page regarding sale of controlled items. On the sale of ivory, it rightly says: "This is a complex area". However, instead of giving basic information on the relevant legislation, as the US eBay site (www.eBay.com) does, it simply directs would-be sellers to the Defra home page, advising them to look for an answer there.

IFAW found that – even if a seller did want to find out the rules about selling ivory legally – they would be unlikely to have much success here. Two IFAW volunteers searching for relevant information on the Defra site spent in total 45 fruitless minutes before giving up without finding it.



Confiscated ivory tusks of the Forest elephant, Gabon



Confiscated carved ivory products Meru National Park, Nairobi, Kenya

IFAW found tens of thousands of ivory items for sale on eBay during the few weeks of the investigation, and many high street antique dealers complained to IFAW investigators that the Internet is increasingly being used by collectors in the UK in order to 'cut out the middle man'.

Scores of sellers contacted in Australia, Canada, China, the UK and the US offered to sell ivory to IFAW investigators illegally. In some cases this was due to sheer ignorance. In others, sellers were happy to forge documents or evade the law in other ways. Given that many sellers are professionals, selling large quantities of ivory items, the findings are doubly shocking.

Many of the items offered for sale were clearly not antiques, and none of those claiming to be 'vintage' or 'antique' had any supporting documentation to prove their age. Some eBay sellers were not even sure whether their item was ivory or not, while others had no idea whether their ivory was African or Asian. Many descriptions were extremely vague, such as (for a carved African head) "From the sharp features I would guess it is Tanzanian – no idea about the age".

Although IFAW was not legally able to make test purchases of ivory for sale, many sellers made it clear that they regularly trade ivory internationally with no problem.

With traders' general knowledge on ivory trading within their own country so poor, and quite different laws on ivory trading existing in the US and UK, the amount of ivory of dubious origin being illegally traded from one corner of the globe to another via the Internet is enormous.

SECTION TWO: IFAW'S INVESTIGATION

eBay has its terrestrial headquarters in San Jose, California. However, the international eBay 'community' has more than 94.9 million users, with 21 million listings at any one time.⁵⁶ Nielsen Net ratings (www.nielsen-netratings.com) 2003 rates eBay as the second most influential website in UK after Google (www.google.com).

eBay has come under pressure to take more responsibility for its listings, particularly since a human kidney was offered for sale in 1999 for US\$5.7 million and a frozen baby white tiger in 2000.

A spokeswoman for eBay said the company uses 'filters' to prevent the listing of certain illegal items, such as prescription drugs. These do not apply in the case of products such as ivory, however, where eBay simply relies on concerned individual 'community' members and NGOs to highlight dubious items. She said eBay then liaises with the National Criminal Intelligence Service "if appropriate" to consider whether to withdraw the item from sale.

IFAW decided to put this system to the test, and alerted eBay to a pair of raw elephant tusks being sold in the UK without any documentation whatsoever and no proof of provenance. The seller himself, in correspondence with IFAW, admitted he did not know the age of the tusks and had no papers, and said he would be happy to withdraw the tusks if asked to do so by eBay. However, the tusks were not removed from sale, and later sold for £240.

IFAW investigates...

IFAW's concerns about eBay began after a cursory search in late 2003 turned up a wide range of endangered species products for sale via the site, including rhino horn, a cheetah skin bag, lion skins, tortoiseshell – and a pair of raw elephant tusks.

When we started to systematically monitor the quantities of ivory for sale, we found an average of more than 2,000 ivory items (bangles, bracelets, rings, necklaces, earrings, carvings, pendants, netsuke and tusks) newly listed per week (most eBay auctions last for seven days). Assuming a conservative average weight of 100g (the weight of a small chocolate bar), this works out at more than 10 tonnes of ivory being sold each year with little to no regulation – more than the Namibian stockpile proposed to be sold as a result of CITES decisions.

Much of this ivory may be genuinely antique – but as hardly any of it is sold with any reliable proof of age, this is impossible to know. Many items look very new – and some are even advertised as new. In addition, around 450 mammoth ivory items are newly listed each week.

2.3. Ivory elsewhere on the Internet

While eBay is by far the biggest auction site on the Internet, hundreds of other smaller ones exist – many of them selling ivory. These may even be of greater concern than eBay as they have no self-policing policy and it is possible to find illegal items for sale within a few minutes at a key board.

International Ivory Society president Robert Weisblut said: "The Internet can be dangerous. Private websites are totally unregulated and you take your chances dealing with strangers. eBay is somewhat safer, but still there are many risks."

A Google search for "tusks for sale" by IFAW turned up a person in Greece offering a pair of massive elephant tusks weighing more than 101kg, which he claimed were from an extinct species of 'mountain elephant' which apparently used its tusks to help it climb up the steep mountains of Zaire. He said the tusks – which he hoped to sell for 300,000 Euros – had a certificate of ownership in 1949 and that he had been told no additional papers would be required as "the UK is a member of the UN".

IFAW also stumbled upon a partial conversation on the African Drum message board site, off a site which offers African curios and souvenirs such as skins, in which one user offers "Kenyan Ivory, tusks and rhino horn on sale".⁵⁷ Various other users responded to the message, although when contacted by an IFAW investigator the only respondent said: "Hello. There has been nothing in the way of rhino or ivory sold in Kenya for decades. When all sport hunting was banned so was trade in products including ivory."

This was strange given his obvious interest in the products in the chatroom. He did, however, offer to sell IFAW a matched 136kg set of mammoth tusks for US\$24,000.

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Meanwhile, the Lord Jim Inc. website (<http://lordjiminc.com>) announced: "After 45 years in business we are retiring – please make realistic offers on any of the ivory pieces via email," adding "There are multiple sources of ivory such as Mastodon, Mammoth, Walrus and Hippo; unless otherwise stated, ours is Elephant." The site offers a huge range of items, including raw, uncarved tusks, and also gives details for international shipping.

2.4. Sunken ivory

At least three wrecked ships laden with ivory from the colonial era are sunk in or near UK territorial waters. Data from Defra show there have been several recent attempts to salvage the ivory – clear evidence of a local demand for raw ivory.

In the late 1990s, a company salvaged 86 tusks from the 'Benin', wrecked off Start Point in Devon. As the tusks had been raised without legal permits, they were seized by Customs and destroyed.⁵⁸

In 2001, Defra received a query from a French organisation interested in raising approximately 2,000 tusks from a ship in UK territorial waters.⁵⁹

A third company unsuccessfully applied in October 2002 to the Defra CITES licensing team to import 100 tusks from a ship sunk 50 miles off the Isles of Scilly. The applicants have said that in future they may wish to import the tusks for display purposes, perhaps in a museum, and may apply again when they have more definite plans.⁶⁰

The second ship may or may not be the 'Shirala', a 5,306 tonne P&O passenger and cargo ship which was sunk off the Sussex coast by a German torpedo in July 1918 while en route to India. Among cargo including aircraft bombs, telescopes, binoculars, crates of wine, Dundee marmalade (in stone jars) and sheets of paper from the Bank of England to be turned into Rupees, she was carrying elephant tusks being exported for carving. An unspecified number of tusks were raised in 1978.⁶¹

2.5. Other sources of ivory in the UK

Pianos

Some companies still replace the odd broken key with recycled ivory from old pianos. Only one company in the UK, based in Kent, still offers to re-cover full piano keyboards with ivory. A spokesman for the firm said no permit was required to sell the ivory keys as "it's stuff that's been cut up into key pieces for donkey's years". He said they now only re-cover a whole set of keys about once every six months because it is so expensive (around £1,400 + VAT as opposed to £230 for grained celluloid, the synthetic alternative) and because there is little legal pre-ban ivory left in stock.

Bagpipes

Some bagpipe parts were traditionally made with ivory, although most now use ivory-coloured resin substitutes. However, IFAW found several non-antique bagpipes for sale incorporating genuine ivory. One seller in the US contacted via Piper and Drummer Online (www.piperanddrummer.com) offered to sell a set of 1958 bagpipes for US\$3,500 telling us that no paperwork was required. Another, in Scotland, offered to sell a set of pipes with genuine ivory parts from the early 1980s. The seller had heard about CITES, but erroneously told us: "As the pipes were made prior to the CITES agreement then there should be no problem."

Tusks from sport-hunted trophies

Legally imported sport-hunted trophies are believed to be a significant source of raw tusks used, illegally, for carving in the US.⁶²

Annual reports to CITES show that 40 African elephants were imported into the UK as trophies between 1997 and 2002 and 3,812 into the EU since 1996.

Trophies from species listed on CITES Appendix I may only be imported for non-commercial purposes. However, police say Defra's documentation does not make it clear enough that an import permit can be revoked if the trophy is subsequently sold.

3.1. The historical role of the UK and Europe in the ivory trade

The UK played a major role in the large-scale ivory trade from its inception in the 18th century.

The commercialisation of ivory was closely bound up with the slave trade; in fact it has been said that the slave trade would not have been profitable without ivory⁶³, which was 'harvested' and sold on as part of a complex global trade. The city of Liverpool was particularly heavily involved, with more than 40,000 African slaves estimated to have been transported by ships sailing from the port in 1792 alone.⁶⁴

Belgium dominated the trade in West Africa, with vast quantities of ivory plundered in the late 1800s and sold in Antwerp largely financing King Leopold II's colonial expansion in the Congo. African slaves who failed to provide sufficient ivory would be tortured, even having their arms cut off.⁶⁵

The UK remained at the forefront of the trade, however. In 1894, for example, 60,000 tonnes of ivory were imported through Liverpool docks alone⁶⁶, and there were hundreds of billiard ball factories throughout the country. The UK was the world's main buyer of ivory from 1925-29, taking over 50% of exports.⁶⁷

At least three ships laden with ivory from colonial times are known to be wrecked off the UK coast.

As a result of the UK's past heavy involvement in the ivory trade, there is a lot of ivory in peoples' homes and in circulation – much of it either carved here or brought back by people posted around the world in British colonies and military bases.

Ironically in Japan – which has played a large part in fuelling the more recent precipitous decline in elephant populations and which is the prospective buyer for the proposed stockpile sale – ivory is a fairly new arrival. With no elephants of its own, Japan's large scale ivory carving industry only really developed in the past couple of hundred years, when significant quantities of ivory started to be traded into Asia from the European colonies of Africa.

3.2. What is CITES and how does it affect elephants?

CITES is the United Nations 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora and to date has been signed by 164 nations.

Asian elephants (*Elephas maximus*) have been on Appendix I since CITES first came into force. Species on Appendix I are judged to be threatened with extinction and trade in the animals or their parts is allowed only under exceptional circumstances. Any trade requires both an export and an import permit.

African elephants (*Loxodonta africana*) were also placed on Appendix I in 1989 following a decade of poaching which saw the continent's elephant population crash from 1.3 million in 1980 to just 625,000.

However, the well protected elephant populations of southern African countries did not suffer from poaching to the extent of others throughout Africa. As a result, the elephants of Botswana, Namibia and Zimbabwe were moved to CITES Appendix II in 1997 and those of South Africa in 2002. Populations or species on Appendix II are considered to be not currently threatened with extinction, but may become so unless trade in them or their parts takes place under strict controls.

In 1997 CITES parties agreed to allow Botswana, Namibia and Zimbabwe to sell 50 tonnes of stockpiled ivory, the tusks of 2,723 elephants (which had died naturally or been shot in government culls) to Japan. The sale took place in 1999.

In November 2002, CITES parties agreed to allow a further stockpile sale of 60 tonnes of ivory from Botswana, Namibia and South Africa. A request by Zambia to move its elephant populations to Appendix II and sales requests by Zambia and Zimbabwe were turned down.

This sale cannot go ahead before May 2004, and then only if certain conditions are verified by the CITES Secretariat to be in place and agreed by the CITES Standing Committee which next meets in March 2004. However, the decision may not be taken at the meeting in March and could be deferred to a later date.

3.3. Ivory trade in the 1980s and its aftershocks

Although there was a legal quota system for each African country's ivory sales in the 1970s and 1980s, it was simple to flout. By 1989, it is estimated that 90% of ivory in trade was actually from poached elephants.⁶⁸

Poaching was largely stimulated by the rapid increase of wealth and incomes in the Far East, especially

Japan, creating a major mass market for what previously had been a luxury product. During the 1980s, Japan was importing ivory equivalent to the tusks of scores of thousands of elephants each year.

As a result, Africa lost half its elephants in nine short years, with numbers plunging from 1.3 million to only around 625,000 in 1989. (In 1900 there had been an estimated 10 million).⁶⁹ Kenya was one of the most heavily hit countries. From a high of 275,000 in the late 1970s, its elephant population fell to just 20,000 in 1989. The population has still to recover from this massacre, now numbering only between 22,000 and 29,000.⁷⁰

Politically isolated South Africa was a major, and often willing, conduit for poached ivory heading for the Far East during the 1980s. Well-trodden embargo-busting smuggling routes were used. By facilitating trade South Africa enabled rebel groups in neighbouring countries to sell ivory for arms.

Today, we do not know for sure how many elephants exist in the 50 countries of their range (37 in Africa, 13 in Asia). The IUCN Species Survival Commission African Elephant Specialist Group's November 2003 African Elephant Status Report claims the continent holds 400,000 to 660,000 elephants – a huge estimate range. Outside southern Africa, where elephants are largely protected and monitored in parks with well defined boundaries, the numbers are often based on guesswork. This is particularly the case in Central Africa, where elephants are being killed for both ivory and bushmeat, and where the best figures show there could be anything between 16,500 and 196,000 elephants.

Poaching, combined with other threats, is causing the African elephant population to fall at an estimated 15% every ten years overall.⁷¹

The Asian elephant's numbers are estimated at around 35,000 to 45,000⁷² and only a few population monitoring systems are so far up and running there. Many Asian elephants already live in tiny, genetically and geographically isolated populations, which could be wiped out through any resumption of poaching. Only male Asian elephants have tusks, so poaching can skew the gender balance very dangerously. In some areas of India, female elephants already outnumber adult males by more than 100 to one⁷³ – calling their long-term viability into question.

Wild elephant populations in Cambodia, Laos (once known as Lane Xang or 'Land of a Million Elephants') and Vietnam fell by more than 80% between 1988 and 2000 from 6,250 to 1,510. Vietnam is thought to have only around 80 wild elephants, while Nepal has around 70. Sri Lanka's elephant population has fallen by 85% from the year 1900 to just 3,500 in the wild today.⁷⁴

IFAW believes it makes no sense to allow any resumption of the ivory trade when data is so patchy – especially as the 'hard' ivory of the beleaguered elephants of Asia and Central Africa is particularly sought after by ivory carvers.

3.4. International illegal ivory trade today

Ivory trade does not respond to being banned in the same way as some other commodities. In fact, Document 34.1 of CITES 12th Conference of the Parties (CoP12), 'Illegal trade in ivory and other elephant specimens', noted that the amount of illegal ivory seized in the five years after the 1989 ban fell dramatically and then levelled out between 1994 and 1998 – and that the level had increased again since 1999. The first experimental sale of ivory stockpiles, from Botswana, Namibia and Zimbabwe to Japan, was agreed by CITES parties in 1997. The sale went ahead in 1999, comprising almost 50 tonnes of ivory (the tusks of 2,723 elephants) for US\$5 million.

This is backed up by evidence from the field, which indicates that poaching and ivory seizures increase as soon as there is any talk of allowing ivory stockpile sales. With weak systems in place to prevent poaching or smuggling throughout most elephant range states and ivory consuming countries, criminals simply wait for ivory trade to reopen so they can launder poached ivory with legal sales.

IFAW has compiled a list of significant ivory seizures and poaching incidents worldwide since 1997 – see Appendix 4. While this list is by no means comprehensive, it gives a clear indication of the shocking levels of elephant poaching and illegal ivory trade.

A conservative estimate for the total of these cases and numerous smaller seizures collated by IFAW is 110 tonnes – equal to the amount of ivory cleared since 1997 by CITES for legal trade. These seizures represent the tusks of more than 5,000 elephants – most of which would have been illegally poached.

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Given that the capacity of Customs officers to intercept such shipments varies greatly around the world, this figure – disturbingly – is probably only the tip of the iceberg.

The end market for much intercepted smuggled ivory is Japan⁷⁵, showing that demand clearly outstrips legally held stocks.

The other major destination for illegal ivory is China, now the main ivory carving hub in the whole of Asia. In 2002 CITES admitted that half of all ivory seized around the world in 1999 was destined for China⁷⁶, and total estimates of illegal ivory seizures in China between 1998 and 2001 are between 30 and 45 tonnes.⁷⁷ With an economy set to be the second largest in the world after the US by 2010, the country's rapidly growing middle class has the potential to consume enormous quantities of ivory. However, most ivory carved at the moment is destined for export. A 2002 survey showed that China is now the main ivory manufacturing centre for the whole of Asia, with more worked ivory retail outlets than in 1990.⁷⁸ Most ivory workshops do not have licences to deal in ivory, but use mammoth ivory, bone and stone as a cover.

Ivory markets are also thriving elsewhere in Asia. More than 105,000 ivory items were found for sale in 17 towns and cities in South and South East Asia between November 2000 and March 2001 – with 80% of these items being in Thailand.⁷⁹ In 2002 an investigation found 54,000 items in 413 shops in 11 cities in East Asia, with the majority sale in Hong Kong, China and Japan.⁸⁰

In west Africa, a 2002 survey found ivory on sale in Ivory Coast, Senegal and Nigeria representing the tusks of more than 760 elephants, although recent data from IUCN – The World Conservation Union suggest there may be no more than 543 elephants left in the three countries.⁸¹

Since 1989, the US has seized more ivory annually than any other country. Illegal seized ivory valued at US\$235,000 per year came from (in order of importance): Hong Kong, Nigeria, the UK, Japan and Cameroon.⁸²

The poaching to feed this demand continues today. Some of the most recent episodes reported to IFAW include five elephants found dead with their tusks hacked out in Meru National Park, Kenya, in January 2004 and four men arrested in Dar es Salaam, Tanzania, later the same month, in possession of 73 elephant tusks.⁸³ Meanwhile in February 2004, Hong Kong police raided two shops, seizing 2,200 pieces of raw ivory weighing 100kg⁸⁴ and a Canadian woman was arrested on suspicion of smuggling ivory worth US\$155,000 into Canada and the US from Cameroon.⁸⁵

3.5. The UK Government at CITES

At the 50th meeting of the CITES Standing Committee from 15 to 19 March 2004, parties could vote to re-open the ivory trade, by allowing the sale of 60 tonnes of ivory from three southern African stockpiles as soon as May 2004. Even if a decision is not taken in March, parties could take a decision based on advice from the CITES Secretariat and vote by post at any time in the future to allow the sale to proceed – they do not have to wait until subsequent CITES Conferences of the Parties (the next one is in October 2004).

Traditionally a staunch opponent of the ivory trade, the UK Government even attempted to buy up and destroy Mozambique's ivory stockpile as recently as 2002 – in clear recognition of the fact that the ivory trade is detrimental to wild elephants. However, in 2003, the Government injected £60,000 into ETIS (Elephant Trade Information System) – a CITES scheme designed to monitor the illegal trade in ivory – money which IFAW believes would have been much better spent on projects to stop the poaching of elephants, which is likely to be the result of any resumption in trade.

In January 2004, the Minister for the Environment, Elliot Morley MP, stated: "The Government is strongly opposed to the illegal and unsustainable trade in elephant ivory. We will therefore insist at the CITES Standing Committee in Geneva in March 2004 that all of the strict conditions governing the one-off sale are met in full before any trade is allowed to go ahead."⁸⁶

This statement leaves several questions unanswered about the Government's position. It is unclear whether the Government accepts that legal ivory trade, such as the proposed stockpile sales, can be unsustainable, and how it defines "unsustainable". IFAW believes that any legal ivory trade risks leading to increased elephant poaching and illegal ivory trade.

The Government's statement also raises questions about the adequacy of the "strict" conditions for the stockpile sales to prevent poaching and illegal trade and the criteria for assessing whether they have been "met in full". The Government's position is problematic as it fails to recognise that the conditions (as

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defined at CoP12 and in subsequent CITES documents), far from being "strict", are flawed and that several important factors have been omitted and therefore may not be considered in the decision-making process. IFAW has concerns, for example, about the methodology used to collect baseline data on elephant populations, poaching and illegal ivory trade, the lack of independent auditing mechanism to oversee the use of the proceeds from the sales. The proposed process and criteria for assessing whether detrimental impact has occurred as a result of the sales are also inadequate. Furthermore, the conditions do not allow for verification of trade controls in exporting countries or implementation of recommendations to improve law enforcement coordination. See Appendix 3 of this report and IFAW's 2003 paper on the sales for further analysis.⁸⁷

CoP12 approval of further sales was achieved by a small margin and many countries supporting the proposal did so only on the understanding that the conditions would be defined and applied rigorously. Furthermore, the CITES Secretariat states on the CITES website that "it is crucial that decisions taken by CITES on elephant issues are based, and seen to be based, on the best possible information". However, prior to and following the stockpile sale in 1999, Standing Committee members, several African range states and India (the main range state for Asian elephants) raised serious concerns about compliance with the conditions for the sales, including the adequacy of trade controls in Japan and international cooperation on law enforcement. The UK Government must therefore take a vocal and proactive role at the 50th Standing Committee meeting and in future meetings to ensure that this situation is not repeated by raising the concerns outlined in this and other reports and ensuring that they are fully addressed before any sales are allowed to proceed.

The UK Government's position is of great concern as the UK, along with Germany, France and Italy, is influential in the European Union (EU) voting system for CITES, where all 15 EU countries must reach consensus. If they cannot, they must abstain and all 15 votes are lost.

This is what happened at the last CITES Conference of the Parties in November 2002, when the stockpile sales proposals were passed. Each proposal would have been defeated had the 15 EU countries voted against trade rather than abstaining. In addition, some Commonwealth countries and others follow the UK's lead in voting so this would have further influenced the result. With an additional 10 countries due to join the EU in May 2004, there will be the potential for 25 votes at CITES to be lost on crucial conservation issues.

IFAW is calling on the UK Government to take a strong, clear and proactive stance against the re-opening of the legal trade in elephant ivory under CITES.



Tusks seized by Warwickshire Police

Tens of thousands of ivory items are being sold without either proof of age or Defra permits through high street outlets and over the Internet in the UK. The weak legal controls and loopholes in the system – coupled with a low chance of detection and prosecution – are exploited by unscrupulous traders, who import illegal ivory to feed the huge demand in the UK and among international visitors for antiques and collectables. The UK plays a leading role in supplying the domestic market of the US – one of 10 countries singled out by CITES as having a problematic internal ivory trade.

In the grey area which currently exists, antiques sellers and buyers operate in near total ignorance, and risk being turned into unwitting criminals. More seriously, it is impossible to measure how much of the ivory on sale in the UK is from recently poached elephants.

Without much stricter controls and enforcement of those controls, there is every possibility that poached ivory from elephants killed as a result of the current proposed stockpile sales could end up being sold on high streets in the UK.

The UK already devotes more resources to CITES enforcement than almost any other country in the world. Yet IFAW's investigation has shown how easily ivory can be illegally traded into, within and out of, the country with impunity.

In this context, other countries cannot be expected to control ivory trade effectively. Many elephant range states in Africa and Asia are among the poorest countries in the world and already face huge difficulties in protecting their elephant populations from poachers keen to supply legal markets with illegal ivory. The latest report from the CITES Secretariat itself concludes that several countries, including wealthier consumer countries such as Japan and the US, do not have adequate measures in place to control domestic ivory trade.

IFAW's report and many other sources show evidence of widespread, uncontrolled illegal ivory trade on an international scale. This must be a crucial consideration in any decision on the stockpile sales. History has shown that legal ivory trade increases the threats to the world's remaining wild elephants. In these circumstances, allowing legal stockpile sales to go ahead would put already endangered elephant populations at even more risk.

Recommendations

The main aim of this report is to focus attention on the difficulties of controlling any ivory trade, even with the UK's capacity for law enforcement, and the implications this has for the proposed ivory stockpile sales. The main recommendations are therefore directed to the UK Government and other CITES parties.

However, IFAW's investigation has also highlighted several deficiencies in control of ivory trade in the UK which should be addressed without delay. In particular, the legal loophole allowing any antiques dealer to appraise the age of an ivory piece or other 'antique' must be closed. If the UK trade in antique ivory is to continue, stringent measures must be in place to ensure that any ivory traded is appraised by an independent registered expert as being genuinely antique and that adequate enforcement measures are in place to prevent illegal ivory from entering the market.

Recommendations to the UK Government and other CITES parties:

- Vote against any re-opening of the legal ivory trade at the 50th CITES Standing Committee meeting in March 2004 and in future meetings of the Standing Committee and CITES Conferences of the Parties.
- Explore with authorities in elephant range states ways of achieving non-commercial disposal of all current and future ivory stockpiles.
- Destroy any seized ivory and ivory of unknown origin immediately after any related criminal investigations and prosecutions have been concluded.
- Recommend to CITES CoP13 that internal ivory trade controls be systematically reviewed in all consumer states, in addition to the ten CITES parties selected in Decision 12.39, to improve legislation and enforcement measures.
- Encourage increased and more effective international cooperation to tackle illegal wildlife crime through Interpol and other relevant bodies.

Recommendations to the UK CITES Management Authority in the Global Wildlife Division of Defra:

- Implement relevant parts of CITES Resolution Conf. 10.10 (Rev. CoP12) 'Trade in elephant specimens'. There are clear recommendations within the resolution which would improve control of the ivory trade in the UK.
- Introduce without further delay new Regulations on the Control of Trade in Endangered Species (COTES) to implement the Criminal Justice Act approved by Parliament in 2003.
- Initiate a programme of action to raise awareness among those involved in the antiques trade on requirements for trading in antique ivory into, out of and within the UK, and penalties for illegal ivory trade. This should include information about the scale of the international illegal ivory trade and the impact on endangered elephant populations. Annual updates should be sent to antique dealers' associations as reminders.
- Require any outlet trading in ivory or other specimens listed in CITES Appendices I or II to display clearly visible information advising tourists and other non-nationals that they should not purchase ivory or other such specimens in cases where it is illegal for them to import it into their own home countries and giving details of the permits required where applicable.
- Make easily available on the Defra website a basic guide to the requirements and procedures for legal ivory trade and other trade in specimens listed in CITES Appendices I or II, and the potential penalties for illegal trade.
- Encourage eBay and other Internet trading sites to post comprehensive guidelines about national and international trade in ivory and other specimens listed in CITES Appendices I or II.
- Close the legal loophole allowing any antiques dealer to appraise the age of an ivory piece or other 'antique'. This could be through a register of identified experts – anyone wishing to sell ivory would be required to allow appraisal of the piece by a registered expert.
- Improve the system of import and export permits as an incentive to legitimate traders to operate within the law, and consider the viability of a registration system for approved traders.
- Keep a updated and user-friendly database or other record-keeping system of the status of all applications for CITES permits and Article 10 certificates to allow enforcement officials to verify documentation with Defra quickly and easily.
- Establish a centrally-held database of nationwide information on illegal ivory trade and other illegal trade in CITES-listed specimens within, into and out of the UK, in order to monitor trends. This should include records of seizures, investigations and prosecutions. Ensure that information on specimens includes the number of items, description, size and weight.
- Re-introduce a transaction-specific licensing system to enable tracing of all specimens in trade.
- Introduce a permanent marking system for tusks and other unworked ivory to prevent a permit or certificate for one piece being used for several different pieces. This should involve, for example, placing micro-chips in tusks and other unworked ivory in addition to any permits.
- Increase awareness among enforcement officials of the potential for CITES permits and Article 10 certificates to be forged, and explore the use of stamps or improved forgery-proof paper which is already in use in some CITES member states.
- Make a proposal to EU member states to adopt stricter measures banning the import of newly carved ivory from Zimbabwe.

Recommendations to enforcement agencies including Police, Customs and NCIS:

- Allocate higher priority to and, as part of spending review, bid for increased resources for detection and prevention of illegal wildlife trade and other forms of wildlife crime.
- Make full use of the increased powers and penalties provided in the Criminal Justice Act 2003 when introduced by new COTES Regulations.
- Each time a seizure of a CITES-listed specimen is made, file an Ecomessage – a system designed to transmit information on wildlife crime to Interpol.

Recommendations to the National Wildlife Crime Intelligence Unit, National Crime Intelligence Service:

- Investigate the use of the Internet for national and international illegal trade in CITES-listed specimens including ivory and devise an appropriate action plan to tackle this trade.
- Work with Interpol and the authorities in China, the US, elephant range states and other countries from which large quantities of ivory are sold over the Internet to initiate criminal proceedings against the individuals responsible where appropriate.

Recommendations to magistrates and others involved in sentencing of criminals:

- Apply the sentencing guidelines produced in 2002 to provide a strong deterrent to those committing illegal trade in CITES-listed specimens and other forms of wildlife crime.⁸⁸
- Make full use of the increased penalties provided in the Criminal Justice Act 2003 when introduced by new COTES Regulations.

Recommendations to those involved in the antiques trade and others trading in ivory:

- Familiarize yourself with the requirements for trading in ivory and other specimens listed in CITES Appendices I or II.
- Do not buy or sell such specimens without following these requirements.
- Encourage traders' associations to provide full and clear clarification on the legal requirements relating to sale of all CITES-listed specimens and the penalties for illegal trade.
- Make sure that customers residing outside the UK are made aware of the law before buying any such items and under no circumstances encourage them to smuggle items.

Recommendations to eBay and other Internet trading sites:

- Provide clear advice to those trading in ivory and other CITES-listed specimens about the legal requirements and potential penalties concerning the sale of such items.
- Respond to all cases in which potentially illegal endangered species specimens on sale are brought to the company's attention.
- Liaise with Defra, the National Wildlife Crime Intelligence Unit and enforcement agencies on specific cases and the legal requirements for sale.
- Review current internal policies and practices with a view to preventing the use of the Internet for illegal wildlife trade.
- Cooperate fully with any investigation by the authorities into the use of the Internet for illegal wildlife trade.



Ivory walking stick heads – Bedfordshire Police case

© Phil Cummings

Appendix 1: Antiques markets case studies

Portobello Road, London

IFAW investigators found hundreds, if not thousands, of ivory items on sale, as well as many other endangered species products, including gorilla and orang utan skulls, stuffed sea turtles and elephant feet. Not a single trader asked had any papers to prove the age of items for sale. They relied instead on their own 'expert' knowledge – and many offered to write receipts giving a supposed date of manufacture more than 100 years ago. One stallholder said many small new ivory items were coming into the country from China because "it is so easy to smuggle past Customs".

Man with African head carved out of the end of a tusk: "I've got no idea how old it is – the colour doesn't give you much indication, because if you keep it in a dark place it gets darker, if you leave it in the light it's bleached. I would imagine it's 1960s though, because that's when the ban on the ivory trade came in. You don't need a permit to sell ivory in this country, but if you take it to the States you need a certificate to show that you actually personally owned it before the 1960s."

Man selling an ivory gavel marked '1949' (post-1947 ivory may not be sold without an Article 10 certificate): "Ivory is my favourite substance. Loads of these gavels were made for auctioneers and gentlemen's clubs. You don't need a permit to sell it in this country. You get a lot of mammoth ivory coming in from Russia now too, which is quite confusing, because it's often almost impossible to tell the difference between mammoth and elephant ivory."

Man selling two ivory gavels, both labelled 'circa 1890'. "You can just tell the age because of the style and the fact no-one really made them after that date" (despite the fact sellers nearby were selling ivory gavels stamped 1945 and 1949 – and IFAW found another on sale at another London market marked 1970).

The salesman later admitted the larger gavel was "dubious". While the handle looked old, discoloured and had hairline cracks, the solid ivory head was clearly of a different piece of ivory, shiny and white – looked very new. He added: "If you want an export permit you have to send the ivory off to Defas or Defcas or something and it takes about six months for them to send it back. The only places you can export ivory to without a licence are Europe and South Africa."

Another woman was selling **bright, shining white ivory boxes** which had perfectly clean joints and looked as if they had been made extremely recently, but were said to be "1920s".

Another stall was selling a **huge raw tusk** for £300. The man on the stand said he didn't know if any permit was needed to buy or sell it, but was happy to sell it anyway. He had no idea how old it was, though said he thought it "must be 20 or 30 years old, as that's how long the ivory trade ban's been in force". He said he'd had a lot of interest in the tusk that morning already.

A woman selling brownish stained netsuke said they were modern ("1920s") carvings, but made out of old ivory, hence the colour: "Also Asian ivory is darker than African ivory." She admitted there was a problem with faked ivory but "it's not such a problem if you haven't paid much and you find you've been ripped off – the problem is if you pay a lot and then find it's a fake".

A man selling **three Indian statuettes mounted on wood** marked at £85 said he would sell them to us for £35. They actually looked and felt like new plastic, but he insisted they were ivory, probably Edwardian, and offered to write a receipt to say they were dated 1870.

A woman selling a **small ivory carving** (bright white) 'Mata Hari' for £60 said: "It's difficult to tell between bone and ivory. Old and new ivory are different colours because the older stuff will have been handled more – but this item is white because it hasn't been handled, being so delicate. It's definitely very old though. You would be fine taking it to the US, but not in hand luggage. If asked about it, just say it's plastic or that you don't know."

A woman selling a 'Victorian' **ivory dragon carved parasol head** (£125) said there would be no problem in taking it to the US "because it's a carving – you can take ivory anywhere as long as it's been carved."

Camden Passage, Islington, London

The outdoor stalls in the fleamarket area had the most ivory. Not one trader asked had any idea that they would need documentation to sell ivory. Many had no idea either how old their ivory was or where it was from. The usual reply was: "You only need papers if you're selling huge amounts of it."

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One trader, when asked if an item would need any proof of its age to be exported, offered to write a statement saying it was 1920s. "You'd never be stopped by Customs though," he said. "They can tell by the style of the carving and the discolouration that it's pre-1960s."

Another antiques dealer told investigators that ivory was very popular at the moment, with his major buyers being Taiwanese, Americans and Japanese.

"The Asians I think are looking to buy back the heritage they lost when we bought or took it from them during the days of the Empire. They just take it with them through Customs – 99 times out of 100 you're not going to get stopped by Customs if you're carrying ivory, so it's not a problem, though of course it would be stupid for a dealer to do it as you could be blacklisted."

The saleswoman at a jewellery shop said she had sold some ivory that morning to a Colombian tourist. "None of my ivory is antique in terms of being over 100 years old, so it's difficult for Americans to take it back to the US, but I doubt the Colombian Customs are very likely to check for something like ivory. I just told her to wear it under her coat sleeve."

'Pennyfarthing Fayres' antiques fair, Potters Barr, Herts

Of about 40 stalls, around 30% had an ivory item of some sort for sale.

One stall holder, from Bishop's Stortford, when asked if an ivory **letter opener** could be taken to the US, said: "Yes, of course, no problem – all the ivory on sale these days is legal. No elephants have been killed since the 1950s, it is all old (hence legal) ivory which is in circulation." When pressed on whether any paperwork would be needed to take it into the US, he said: "No, no paperwork required, just put it in your luggage'.

Another stall holder, asked the same question about an **ivory thread box**, said: "Look, it's so small they probably wouldn't notice it. If they did just tell them that it is yours and that you carry around with you everywhere – they'll let you go. You'll be fine."

A third salesperson was selling **ivory chopstick holders** and a **bangle**. Although she had no idea of the date, she said they were 'both old', adding: "You can tell because the newer stuff is whiter. There would be no problem taking to the States as it's old ivory – just wear the bangle under your clothes, they'll never know." She went on to say: "I visited Kenya a few years ago and bought an ivory Buddha statue. The man who sold it was very helpful and gave me a receipt to say that it was plastic so I could bring it back to the UK."

Gray's Antiques Market, Davies Street, London

A footman in top hat opens the doors for shoppers at this exclusive antiques market near London's Bond Street. Around 60% of non-specialist stalls were selling ivory, including huge **ivory letter openers**, **babies' teething rings**, **jewellery**, **pipe tampers** and **uncarved tusks**.

One woman was selling an **ivory gavel clearly marked 'Birmingham, 1970'** (£165), while another was selling **bangles** which she estimated to be "1940s to 1950s". The price range was from around £20 for the bangles to £6,000 for an **intricately carved Japanese crab** with moving body parts, said to be nineteenth century.

Not a single seller interviewed gave any sign of knowing that they needed any permit to sell ivory if they could not provide documentary evidence of its age, with three telling us: "The only thing you need a permit for is to export it."

One saleswoman said she sells a lot of ivory – much of it to foreigners. She added that Americans have a problem exporting ivory, but that people can easily get around it by labelling shipments simply as 'jewellery'.

Another salesman confirmed that ivory is highly collectable, but said that prices for large items have fallen somewhat since the ivory trade ban as it is now illegal for Americans (who comprise the majority of collectors) to export it: "If they want to take it out of the country now, they have to smuggle it."

Alexandra Palace Antiques Fair

A salesperson selling a **set of five small elephant carvings** (£30) had no paperwork or any idea how old the ivory was, but said the ivory trade had stopped so it was 'legal', and that there would be no problems taking into the US.

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Another told the IFAW investigator to take an **ivory compact case** "probably 1940s" to the US in hand luggage and "just behave like its yours".

At a third stall with many **oriental carvings and knick-knacks**, the stall holder said he knew ivory he sells is going to the US: "The US are very strict – but they won't notice a small piece in your luggage – ivory doesn't show up on the X-ray machines. They are only looking for guns, knives, booze and fags." He also had a netsuke made of hippo tooth (he thought), which he said was fine: "Anything made of tooth you can take anywhere."

With regards to Europe, he said there are no regulations – it's an open market. He used to trade in Europe when CITES permits were required and he had documentation for all his ivory, but said that when he declared his items to Customs they said they weren't interested in ivory and told him to move along and stop wasting their time.

He mentioned the one-off sales to Japan, and said some of this was coming into the UK on the black market, despite the fact that the stockpiled ivory sold is supposed to only be for internal use in Japan.

Bermondsey Antiques Market, London

Dealers from all over the country congregate at this weekly market, which starts at 4am and is closed by 9am, with some buyers coming from as far away as Europe and the US. There was not a huge amount of ivory for sale, although around 30% of stalls had at least some.

One dealer mentioned unprompted that "there's a lot of new ivory around", though said that "none of the dealers here would touch it as we know our stuff".

Another was selling a huge section of Russian mammoth tusk alongside other Russian artifacts, for £300. He said the tusk would be "great for carving, as it's hardly got any cracks," and added that: "There's loads of it coming out of Russia."

Two dealers mentioned that the market has declined in size with the advent of Internet sales venues such as eBay, though one said that this was "a good way to get rid of your rubbish."

One said: "US dealers come here and take ivory back with them all the time, so it's not a big problem to take it in – they're (US Customs) more interested in tortoiseshell – if it's only a small item you'll be OK."

One customer was seen buying a **three-piece ivory handled carving set** for £100. The trader just wrapped them up in newspaper and handed them over – no certificate or details on the item's provenance or age was asked for or given.

Kensington Arts and Antiques Fair

A Sussex-based dealer told us: "The antiques world is full of fakes, often very good fakes, and ivory is no exception. However, new ivory has a chalky look to it, very white, with sharper edges... old ivory goes more yellowy and has the feeling of 'use' and age. These are differences an amateur might not notice, but you would probably not get the same quality of carving with newer pieces."

When IFAW's investigator pointed out **two ivory letter openers** for sale on her stall, one very discoloured but the other extremely white (the white one marked 1920, only 30 years younger than the former), she just shrugged and said: "Well in that case I suppose it could just be like people's teeth – some people naturally have whiter teeth than others!"

Richmond Antiques Market

Several pieces of ivory were on sale, including an unusual-looking **carved crucifix**. The seller said he was not a dealer, but in fact a senior partner in a well-known London legal firm. The piece had been in his family for about 40 years, but he thought it was from about 1870/1880. When asked about taking the piece to the US, he said: "You don't need papers for old ivory – it's a small piece so it's quite easy to travel with".

A **bangle, etched with Indian elephants** – IFAW was told it was genuine ivory – "you don't get a sheen like that on imitations". When asked about its age, the dealer said "old – probably 1920s". She had no idea where it came from – maybe India – and had no paperwork for it, but said this was not needed for antiques.

IFAW also saw a **small carved Asian elephant**, about 5x4 cm, price £45. The seller said it was definitely ivory, probably Indian, from the late nineteenth century. It would have to be old, because "you haven't been able to get hold of raw ivory to carve for ages".

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York

IFAW visited two antiques centres and found various small pieces of ivory openly on sale, including **cutlery, jewellery and carvings**. One salesman said he only stocked antique pieces that date before 1940 but did not offer any information about how he determines the age of a piece. When asked how he knew how old the ivory piece was he just said: "You can do tests to find out."

In another centre, an American investigator asked about an **ivory bead necklace** on sale for £33, saying that she wanted to take it back to the US with her. The dealer said the necklace was "30 to 35 years old", so "not new". She said she had "never heard of needing papers to get pieces to the US". When asked about the possibility of it getting confiscated by US Customs, the dealer said: "Just stick it in your pocket and go – don't be too honest. I sell things to Americans all the time, we don't do any papers with any of our jewellery".

Bournemouth

Shops visited had quite a lot of **ivory cutlery handles** and a few **netsuke**. When asked about a particular netsuke, the saleswoman said she thought it was 19th century, Chinese or Indian, although there was no way of knowing where it was from or how old it was. She said only antique ivory is available now and that she could state on the receipt that it was 19th century. She didn't think there was a problem of new ivory in trade as "they don't like to kill elephants for it now".

Ringwood, Hants

One saleswoman was selling **wood carvings of elephant heads**, each with two ivory tusks about two inches in length. When asked if it would be a problem taking them to the States she said she would write out a receipt to say they were antiques and that 'it shouldn't be a problem' to get them through Customs.

Appendix 2: eBay case studies

eBay in the UK

These case studies give the details of the items as advertised and extracts from the email responses to IFAW investigators from those offering to sell the items.

• Ivory chess set

This was listed as "vintage... the ivory used is from the Asiatic elephant (not the endangered African species)." When questioned, the seller said there was no documentation to support the claim of 'vintage' and that it was given to her in the 1970s. She added: "I have made enquiries and you would not need an import licence to import into the USA. I should... apply for an export licence... though strictly speaking one would not be needed."

• Ivory bangle with engraved tigers

The seller had dozens of other ivory items for sale on his website. "Hi, the bangle is antique, but I do not have any documents to prove its age. I could obtain a CITES certificate, but this would prove long and expensive."

• Ivory needle holder

No mention of age or origin. The seller was asked if it was genuine ivory and whether there would be any problems taking it overseas. Their response was: "The easiest way for you would probably be to pop it in your purse. Also if they stop you, just say that it's plastic, act as if you don't know its ivory."

• Netsuke frogs in old ivory

The seller was contacted and was asked if there would be any problems with sending it to the US and if it was genuine elephant ivory. The reply was: "Yes it is genuine elephant ivory, very old ivory but the carvings are modern. If you wish to send it to the USA I do it all the time and I don't think Customs are worried about one getting through – it's when you export them in bulk. I have never had any problems anyway. You can always just mark carving on the form."

• Ivory carving of deer

The item was described as 'possibly African...nice condition age about 1950'. When asked if there was anything that could verify its age, the response was "this carving belonged to my friend's mother which she brought in the 1950s. I have no written verification of this but at that time there would not have been a need to have any papers and I'm saying African only because it does not look oriental and impalas are African."

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• Three old ivory elephants

"I have sent things like this before to the States and I'm sure it would be fine. They are old pieces of ivory rather than new pieces which are frowned upon." When questioned further about the best method of sending them, the seller replied with "if you like I could send direct to your friend... if you want to send them yourself, my advice would be to pack them well, label the declaration form as a 'gift of elephant ornament' and you should have no problems."

• Ivory napkin rings

"I brought this on a visit to India in 1977 as a gift. I never gave it and still have it – that is the full story." When questioned about Customs the seller said: "I don't think that Customs ever ask you to unwrap a gift. I have never known it and I have visited the States many times... If questioned, you could say that 'they have been in the family for over 25 years' which would not be a lie, simply not your family. You are taking it in your luggage and you are not going to be asked to fill in a form as to what you are carrying. Just do not send it through the post."

• Vintage ivory earrings

The seller said these were genuine elephant ivory and that he bought them from an auction. When asked about Customs, he stated: "There shouldn't be any problems, I've posted ivory to the States a few times before. No documentation should be required just send as a gift."

• Ivory tooth pendant and chain

"It is real ivory from an elephant...no, I have no papers for it, but my father was a jeweller and he had it in his shop in the 1960s". When asked about sending it to a friend overseas, the seller simply stated: "I use Royal Mail."

• Miniature ivory puzzle ball

The seller acquired this piece approximately a year ago, and said: "There is a ban on the movement of ivory, but there is a specific date. This particular ball I believe was made in the 1920s. I have sent a few of these larger balls to the US without any problem...There should not be a problem. It is only 1 inch across."

• Beautiful hand carved ivory necklace

The seller claimed that he could "guarantee it is real ivory as I deal in a lot of ivory...and do not have papers to prove item".

• Ivory dragon carving

"I don't know the age. I bought the contents of an antique shop from the retired lady owner. I know nothing about it...literally. As the auction says...Possibly in ivory, but I really couldn't say with my hand on my heart. I can only say that it appears well carved from all sides. The bowl has 2 little holes in it. I have seen these holes in other pieces. Is it something to do with their manufacture?"

• Ivory dominoes

Seller had no papers – bought them in a local auction house.

• Ivory/bone antique fruit pocket knife

This seller was also selling many other ivory items on eBay. "Thanks for the interest in my item. I have no information on this knife. I came across it when I was clearing a house. You would need no papers to my knowledge."

• Ivory carving, 22" long, 1.5" wide

"Not much to tell really, bought at an antiques auction in Scotland with some Japanese ivories, no paperwork, hope this helps."

• Carved ivory elephant 'probably from the 1920s'

"Hi, no paperwork, but have sold similar before, cheers." Numerous ivory pieces appeared on the seller's list of other items for sale.

• Carved ivory necklace with miniature elephants

The seller was offering scores of other ivory items through an outlet called Ragged Tiger Antiques and was offering to ship them worldwide. "Hi, I estimate the necklace to be 50s or 60s. I am unable to tell you anything more about it."

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eBay in the US

• Raw ivory tusks

When asked about selling to a buyer in the UK, the seller in the US said: " I have no problem selling you the tusks, as long as you're the high bidder. I checked with FedEx and they said the cost would be in excess of \$350 or higher to ship. Also if you're interested I have a Watasi drum made from zebra skin and many other animal horns mounted."

• Ivory bracelet

In response to a question whether an ivory bracelet carved in the US in 1963 would need any papers to be shipped to the UK, the seller replied: "We ship it as a gift."

• Genuine ivory wave design ring

"This ring is early 1960s. I don't believe any paperwork is necessary even though it is made out of ivory, because it is way under the weight amount."

• Carved ivory necklace

"I have no history on this piece... I always just put merchandise on shipping label."

• Rare ivory tusk geisha pendant

The seller described the item (via email) as being "a genuine elephant ivory pendant, brand new and perfect condition. Made in Hong Kong over 15 years ago." When asked about getting it through Customs, he stated that he "normally declares the ivory pendant as ornament for decoration purpose as gift" adding that "all my UK clients could get it without problem"

• Hand carved ivory dragon bangle/bracelet

This seller was happy to ship the bracelet to the UK, saying he would "declare the item as a 'bracelet' and not mention the word 'ivory' and we should not have any problems". Also claims to have purchased several items from Europe and Far East in this way with no problems.

Ivory on eBay from elsewhere

China

• Classic 'dragon' ivory carved snuff bottle

When asked about Customs possibly seizing the item, the seller stated: "That's no problem for me to send the ivory item to UK. I have many British customers and they all bought ivory from me... There is no problem in passing UK customs." When asked if he could guarantee that they would arrive in the UK he stated that "I only write 'snuff bottle' on the paper."

• Pair of largest elephant bone ivory ornaments

The seller claims that the items are 80 years old and are "made of ivory and elephant bone". When asked about Customs, he stated that he sends many items to the UK, and will "ship it by post office, it does not need to be declared to UK Customs."

• Ivory bone cavaliers

Curiously, the seller first claimed to have bought the items from a Xian antiques exhibition "the old man told me that they are made in Qing Dynasty and he has treasured them for more than 60 years." He added he would label them as 'gift' to get them through Customs. Later, however, he sent a further email saying he had in fact got the set "from my grandfather's grandfather" and they were a personal prize for military honour from the Emperor Daoguang.

• Ivory netsuke

Advertised as being 'genuine antique', the seller said it was 30 to 50 years old. The seller mentioned having sold ivory items to the UK in the past, and told IFAW the item would be less likely to attract the attention of Customs if we bought another netsuke or snuff bottle.

• Qing Dynasty ivory mask with moving parts

"I haven't any documents, but I assure you it's excellent, you will not feel disappointed. You won't worry, if you are still worried about the item I think that when you receive the item everything is ok. Then you can buy other item, will you?"

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Canada

• Two pairs of genuine ivory earrings

This seller has dozens of other ivory items up for sale. The seller, who describes herself as "a crazy ivory collector who is now selling some of my collections with items starting at \$1.00, WOW!!!" was asked about sending the earrings to the UK. She said: "According to the custom, I can't ship them worldwide. However, some international buyers asked me to ship them. What I do is that I don't put my sender address on the mail, but I only mail small items... not big items... because I need to fill out a form for customs for big items. If you are interested in earrings, that should be no problem."

Australia

• Carved ivory Chinese 4-ball pendant

The seller did not know the age of the item. When asked about sending it to the UK and potential Customs problems, the seller stated "technically you are correct. There is a risk. However, if it is labelled simply 'pendant', there are unlikely to be any problems"

Appendix 3: Conditions for the proposed stockpile sales

The conditions agreed by parties to CITES for the sale of the ivory stockpiles from Botswana, Namibia and South Africa stipulate that only the agreed 60 tonnes from registered government-owned stocks (no poached ivory or ivory of unknown origin) may be sold. The stocks may only be sold to buyers verified by the CITES Secretariat in consultation with the Standing Committee to control internal ivory trade and ensure the imported ivory will not be re-exported: the only prospective buyer so far is Japan. Furthermore, the sales cannot take place until baseline information has been provided (e.g. elephant population numbers and the incidence of illegal killing). In addition, all proceeds from the sale must be ploughed back into elephant conservation or community projects in elephant range areas.

Although elephant populations in four out of 50 range countries are now on CITES Appendix II, international commercial trade in ivory from all countries is illegal if it does not form part of a CITES-approved sale. The only exception is Zimbabwe, where ivory carvings may be taken out of the country with an export permit only.

What are ETIS and MIKE?

ETIS and MIKE were established in 1997 after the 10th Conference of the Parties (CoP) to CITES in Harare, Zimbabwe, where the first decision to allow a 'one-off' ivory stockpile sale was taken. There are serious concerns about the effectiveness of both systems.

ETIS (Elephant Trade Information System) is a system to monitor illegal trade in ivory by collating feedback from range, transit and trade states.

MIKE (A system to Monitor the Illegal Killing of Elephants) is very ambitious, aiming to provide detailed information on population numbers and any increase in poaching sparked by the legal ivory trade at selected sites across Africa and Asia in order to provide an 'early warning system'.

The huge range of information required of the MIKE system also includes law enforcement effort used to detect and prevent illegal hunting and trade, other external factors which could lead to killing of elephants such as civil strife, increased levels of human activity and proximity of monitoring sites to international boundaries, changes in elephant behaviour and distribution, presence and number of poaching camps and intelligence reports from the area. It is also planned to conduct counts of live elephants and elephant carcasses every two years to give updates at future CITES conferences.

The anticipated cost of running MIKE for the first six years is up to US\$13.4 million, with an annual cost thereafter of US\$2.4 million, and start-up costs of US\$200,000.⁸⁹

Flaws in the conditions for the stockpile sales

• MIKE will never be able to set the context of 'normal' background poaching or demonstrate any link between stockpile sales and increased poaching, as it was developed against a backdrop of proposed sales – and thus a greater incentive to poach.

• Many MIKE sites are in protected areas where poaching is not an issue. To be effective it should be monitoring all poaching hotspots to give an effective 'early warning' of any increase in poaching.

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- MIKE monitoring is patchy. Many sites in Asia – where elephants are likely to suffer most from any resumption in poaching – have only recently been selected. A director for the programme in East Asia has not even been appointed.
- MIKE will therefore not be able to deliver baseline data from across the full elephant range for several years.
- Even if MIKE were operating at full capacity, with 60 sites across Africa and Asia, it is estimated that it would only have a 90% chance of picking up a 33% change in killing of elephants.⁹⁰ Such a blunt instrument could be disastrous for isolated elephant populations, which could be wiped out before any poaching increase was detected.
- The costs of setting up and running MIKE far outweigh the potential income from the one-off stockpile sales.
- MIKE and ETIS are being funded by donor governments and agencies – including the UK Government – to the tune of many millions of US dollars. However, no equivalent funds have been put into projects to control elephant poaching.
- Document 21.1 for the 50th CITES Standing Committee meeting states "the Secretariat believes that Japan's current internal ivory controls do not meet all the required measures identified in Resolution Conf. 10.10 (Rev.CoP12)".
- The three exporting countries must be able to effectively prevent ivory poaching and smuggling. However, all three exporting countries have been assessed under the CITES national legislation project as having category 2 legislation and have been threatened with possible trade restrictions for failing to meet CITES deadlines for improvement.
- To date, there has been no auditing of the use of the profits from the previous 1999 stockpile sale. Recent media reports claim that 30% of revenue allocated from the sales in Botswana to finance community projects in areas with large herds of elephants have not been utilised⁹¹ – even though Botswana had expressed an immediate urgency to sell its stockpiles for much needed revenue. Use of proceeds of the sale must be overseen by an independent audited financial mechanism.

Appendix 4: Significant ivory seizures and poaching incidents since 1997

N.B. where seizure data include weight, only those seizures weighing more than 500kg are listed – numerous smaller seizures have not been included.

- October 1998 – North Korean diplomat travelling from Cameroon to China is found with 600kg of raw ivory in Paris airport.⁹²
- November 1998 – Chinese Customs in Guangdong find 1.6 tonnes of African ivory hidden in a shipment of ox horns.⁹³
- January 1999 – Customs officials in southern China seize 221 pairs of tusks weighing more than two tonnes entering the country from South Africa.⁹⁴
- April 1999 – Russian Customs seize 537kg of raw ivory in Moscow en route from Lagos to Beijing in the luggage of a North Korean diplomat's wife.⁹⁵
- August 1999 – Customs in Kenya investigate a North Korean diplomat in transit from Cameroon to China in possession of 188 elephant tusks (700kg).⁹⁶
- September 1999 – Customs at Ruili, China, seize 11 elephant tusks.⁹⁷
- September 1999 – two tonnes of Kenyan ivory seized in Dubai.⁹⁸
- October 1999 – 150 tusks (1.5 tonnes) seized in Portugal, apparently en route from southern Africa to China.⁹⁹
- October 1999 – Customs near Beijing seize more than 200 tusks and more than 3,000 pieces of ivory jewellery from workers returning from Africa.¹⁰⁰
- November 1999 – Customs at Roissy Airport, Paris, France, seize 600 carved ivory items weighing a total of 420kg en route from Rwanda to Japan.¹⁰¹

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- An aerial census of Zimbabwe's Zambezi Valley in late 1999 estimates 1,378 elephant carcasses, most no more than one or two years old. More recent anecdotal reports from Zimbabwe suggest that poaching of elephants, and indeed all wildlife, has reached drastic proportions.¹⁰²
- CITES admits that half of all ivory seized around the world in 1999 was destined for China.¹⁰³ Total estimates of illegal ivory seizures in China between 1998 and 2001 are between 30 and 45 tonnes.¹⁰⁴
- Kenya reveals it has seized two tonnes of illegal ivory in 1999 – compared to three tonnes in total in the eight preceding years. Up to half of it may have originated outside the country. At least 57 elephants were killed in the country during the year. In Tsavo National Park alone, 29 animals were killed – five times more than the average for the six previous years.¹⁰⁵
- April 2000, Japanese Customs seize 500kg of ivory coming from Singapore hidden under wooden chopsticks.¹⁰⁶
- April 2000 – Customs in Bangkok, Thailand, seize 488kg of raw ivory hidden in a box of gemstones arriving from Zambia.¹⁰⁷
- May 2000, Taiwanese Customs seize 2.16 tonnes of ivory, including 332 tusks, in a shipment arriving from Cameroon.¹⁰⁸
- August 2000 – 1.5 tonnes of uncut ivory seized in Egypt, smuggled in from Sudan. Between September 1999 and April 2000, authorities made nine other seizures of ivory, including one single seizure of 79 tusks (173kg).¹⁰⁹
- April 2001 – UK Customs seize 445kg of raw ivory found in a consignment of stone carvings from Kenya bound for China.¹¹⁰
- April 2001 – the UN reports that nearly 4,000 out of 12,000 elephants were killed in the Garamba Park in the Democratic Republic of Congo (DRC) between 1995 and 1999. It claims two tonnes of tusks were found in Bukavu (DRC) in late 2000.¹¹¹
- May 2001 – Qingdao (China) Customs find 295 tusks hidden in a container apparently holding wood.¹¹²
- June 2001 – Belgian Customs seize a shipment of ivory from Mali, bound for China, consisting of 45 unworked and 29 worked tusks and 405 ivory items (total 150kg).¹¹³
- In India, nearly 90 elephants are reported killed during 2001, up from 51 in 2000.¹¹⁴
- February 2002 – Tanzanian police seize 1,255 pieces of ivory, weighing three tonnes, in the capital, Dar Es Salaam – the biggest ever haul in the country.¹¹⁵
- March 2002 – a family of 10 elephants is killed in Kenya's Tsavo East National Park, the single largest poaching incident in the country since the ivory trade ban came into force.¹¹⁶
- April 2002 – China breaks a smuggling ring responsible for importing 14 tonnes of illegal ivory since 1999. The accused include a Customs officer at Beijing airport.¹¹⁷
- June 2002 – 6.2 tonnes of ivory are found in a shipment marked as 'stone sculptures' in Singapore on its way from Africa to Japan. This was the single biggest illegal ivory seizure since the trade ban came into force, made up of 532 tusks and more than 40,000 blank hankos (Japanese name seals). The syndicate smuggling the ivory is thought to have organised 18 other successful shipments to East Asia since 1994.¹¹⁸
- July 2002 – Seizures of African ivory in Thailand are reported to have increased one hundredfold since 2001. Documented seizures between April 2000 and July 2003 total 2.17 tonnes.¹¹⁹
- August 2002 – three tonnes of ivory thought to have originated in DRC are found hidden in a container labelled as timber in Shanghai, having arrived from Mombasa, Kenya. This was the largest seizure of ivory since China became a republic in 1949.¹²⁰
- October 2002 – Kenya Wildlife Service reports 81 elephants killed illegally so far in the year compared with only 57 in the whole of the previous year.¹²¹
- October 2002 – 81 tusks (506kg) seized in Hong Kong on board a mainland ship.¹²²
- February 2003 – 33 tusks uncovered in northern Kenya – the second biggest haul in the country since 2000.¹²³

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- July 2003 – 65 tusks weighing 501kg seized at Bangkok Airport – Thailand’s biggest haul in 2003 and the fourth in the year.¹²⁴
- September 2003 – sources from the field report that in the previous two months poaching of elephants in Garamba National Park, DRC (a UNESCO World Heritage Site) "has changed from meat to ivory poaching, taking only the tusks and leaving the carcass. The level of poaching has exploded... once again, there is a viable market for ivory."¹²⁵
- October 2003 – 1.9 tonnes of ivory (279 tusks) seized in Hong Kong disguised as ‘wood carvings’ from Tanzania via Indonesia.¹²⁶
- 2003 – IFAW receives reports of elephant poaching in KwaZulu Natal on the Mozambique border – elephant poaching was previously said to be non-existent in South Africa.¹²⁷
- January 2004 – five elephants poached for their tusks in Meru National Park, Kenya.¹²⁸
- January 2004 – Two Tanzanians, a Sudanese and a Korean arrested in Dar es Salaam, Tanzania in possession of 73 elephant tusks.¹²⁹

Appendix 5: Enforcement problems in elephant range states and ivory trading states

- CITES Resolution Conf. 10.10 (Rev. CoP12) recognised that "the majority of (elephant range states) lack adequate enforcement capacity to ensure the security of their elephant populations".
- None of the exporting countries – Botswana, Namibia and South Africa – has joined the Lusaka Agreement, even though taking up membership of this or a similar law enforcement system was a requirement of CITES Decision 10.1 to allow stockpile sales to go ahead. The Lusaka Agreement Task Force (LATF) carries out proactive cross-border investigations into illegal wildlife trade.
- South Africa has not completed the ratification of CITES legislation at a national level.
- Botswana, Namibia and South Africa are three of the wealthiest countries in Africa. The amount they stand to make from the stockpile sales will be far outstripped by the huge increase in funds for anti-poaching enforcement necessary in scores of other, much poorer, range states. Kenya, for example, with a per capita GDP of just US\$1,100 (compared with US\$10,000 in South Africa)¹³⁰, has strongly opposed the stockpile sales, for fear of them unleashing a lethal new wave of poaching.
- Zambia and Zimbabwe – both reported to be plagued by large-scale elephant poaching – are members of the Southern African Development Community (SADC), which signed a free trade agreement in 2000. Consignments travelling for export through fellow SADC member South Africa may therefore be less likely to be checked by Customs agents – maximising the potential for the smuggling of goods such as poached ivory.¹³¹
- Most ivory imported for carving in Nigeria, Senegal and Ivory Coast has been shown to come from often unstable Central African countries with little or no capacity to control elephant poaching, such as the Republic of Congo (Brazzaville), Cameroon, Central African Republic, the Democratic Republic of Congo and Gabon.¹³²
- Up to half of all ivory seized in Kenya is thought to have been trafficked in from other countries for export from Kenya’s ports.¹³³
- Japan’s confusing internal control system allows ivory to fall into a ‘black hole’ – with different systems used for whole ivory and cut pieces, and no way of monitoring the passage of ivory from tusk to carving. The current registration system has been relaxed still further since June 2003, and requires no screening whatsoever.¹³⁴
- To date there has been only one reported prosecution for illegal ivory trading in Japan, when in April 2000 a former board member of one of the country’s major ivory associations was fined just US\$2,700 for ‘carrying unpermitted commodity’ – just a fraction of the worth of the 500kg of ivory he was smuggling in from Singapore in a consignment of wooden chopsticks.¹³⁵
- A Chinese delegation visiting Kenya in 2002 told the Kenyan Environment Minister that China was against any relaxation of the trade ban, because it did not have the capacity to prevent ivory trafficking into the country or the black market in ivory within its own borders.¹³⁶

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- Some major, commendable, seizures have been made by Chinese Customs. Smuggling ivory or killing an elephant may carry the death penalty in China (the country has only an estimated 250 elephants left due to poaching and habitat destruction). However, the domestic trade goes largely unchecked – even though the country’s reported legal ivory stocks were exhausted long ago.¹³⁷
- In fact, the website of the Chinese Embassy in the UK enthusiastically encourages visitors to explore the country’s ivory carving centres¹³⁸ and the People’s Daily newspaper reporting on the 2001 90th China Export Commodities Fair particularly commented on strong interest from international buyers in the ivory section.¹³⁹
- The change in China from big, government-owned ivory factories to a profusion of small, privately-owned workshops, has made enforcement much more difficult.¹⁴⁰
- Hong Kong traders have been shown to organise smuggling rings which ship African ivory to feed workshops over the border in Guangdong, China. Hong Kong’s massive tourist industry adds to the problem, with the authorities finding it extremely difficult to check such large numbers of passengers.¹⁴¹
- Large quantities of ivory have been shown to be smuggled from Hong Kong into the US under the guise of ‘mammoth ivory’ or ‘hippo teeth’.¹⁴²
- Many countries identified by CITES as being in need of controls on their internal ivory markets are still openly trading in significant amounts of ivory, and have large black markets which are likely to be stimulated by any legal stockpile sale.

Appendix 6: What is ivory?

Ivory is the name given to dentine forming the tusks (overgrown incisor teeth) of many animals, but is particularly used to refer to the tusks of Asian and African elephants and extinct woolly mammoths and mastodons, many of which were preserved in the permafrost of Siberia, Alaska and northern Canada when they died more than 10,000 years ago.

Other animals which have teeth referred to as ivory are hippopotamus (CITES Appendix II), walrus (Appendix III), narwhal (Appendix II), warthog and sperm whale (Appendix I).

Many other animal substances are also used as substitutes, including antlers, the casque on the head of the CITES Appendix I-listed helmeted hornbill (found only in Indonesia) and bone.

There are also various kinds of synthetic alternatives and even 'vegetable ivory'.

The many faces of ivory:

- **Dead ivory** – ivory from an animal that has been dead for a long time, for example from an elephant carcass found in the bush.
- **Hippopotamus ivory** – many of the hippopotamus’ 34 teeth can be used for ivory. The two lower canines can measure up to 60cm long. Hippopotamus ivory is also known as dolphin teeth and seahorse tusks.
- **Dugong ivory** – the female dugong, or sea cow, has hidden tusks up to around 20cm long which are apricot in colour and used for carving in South East Asia.
- **Fictile ivory** – plaster of Paris copies of real ivory carvings.
- **Fossil ivory** – mammoth ivory retrieved from the ground.
- **Hornbill ivory** – the casque of the hornbill used as a type of ivory, also called golden jade.
- **Green ivory** – ivory from a freshly killed animal.
- **Hard ivory** – Asian or African forest elephant ivory.
- **Soft ivory** – African savannah elephant ivory.
- **Vegetable ivory** – this is from the nut of the Tagua palm, or around 20 other kinds of palm, which is very hard and can be carved and polished like ivory. However, the nuts are only egg-sized, so no vegetable ivory carvings are very big.
- **Morse ivory** – walrus ivory. Walrus tusks can grow up to more than 1.5 metres long.
- **Rose ivory** – ivory with a high oil content, used for carving roses in Europe in the 19th century.

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- **Marine ivory** – whale, hippo or walrus ivory.
- **Odontolite** – mammoth ivory which has been coloured (usually blue or greenish) through being buried alongside iron phosphate minerals which leach into the tusk.
- **Scrimshaw** – carved whalebones, walrus tusks and whale teeth, many carved on 19th century whaling ships.

Artificial ivory substitutes were commonly made up until around the 1930s, and include cellonite, xylonite, pyralin, ivorine, ivoroid, ivorite and ivoride. They are often also called French ivory or faux ivory. More recent fake ivories include Hong Kong ivory or Mandarin ivory, which is supposed to be a combination of ground alabaster and plastic.

Confusingly, many of these clever copies have the same lines running through them as ivory, but there are no tell-tale Schreger lines in cross section, for example at the end of a knife handle). Other substitutes include casein made from milk curds, and micarta made from layers of cloth and Bakelite joined under pressure, used for making knife handles, etc. Meerschaum, or hydrated magnesium silicate, was often used for making pipes.

Most worryingly, some ivory resins actually incorporate ground up ivory – which means they would be subject to the same regulations as any other kind of ivory.

Problems with identification

Elephant and mammoth ivory have a tell tale pattern of cross-hatching (also called engine tuning, Schreger lines or herringbone), which can be seen in cross section.

The angle between these lines, when measured with a protractor, should be different in elephants and mammoths, being on average more than 100 degrees in elephants and less than 100 degrees in mammoths.

These lines may not be obvious in some elephant ivory pieces unless they are cut open, while hippo, walrus and other kinds of ivory may also have lines, though not in the same pattern.

There are also tests to distinguish ivory from synthetic materials. First is the 'hot pin' test (a heated pin will sink into most synthetic materials except the most modern ones, but not into ivory, which will give off the smell of burning tooth) – although this cannot show what species the ivory comes from.

A long-wave UV light can also be used to test for ivory. Ivory reflects the light, showing up bright white or blue – but so does casein. Plastics absorb some of the light and look dull.

What is ivory used for?

- In Japan, one of the major uses for ivory is for *hankos* – personal name seals which are used instead of a signature, and which people need to do anything from opening a bank account to buying a car or getting married. Historically, most *hankos* were made from substances such as wood and bone, but with increasing incomes in the 1980s, more and more people sought the luxury of ivory. Up to 60% of the ivory used in carving a cylindrical *hanko* from a tusk is wasted in the process. Blank *hankos* are called *inzais*.
- **Netsuke** – these are miniature sculptures which were traditionally used as toggles to stop a cord tied to a Japanese man's kimono sash from slipping off. The silk cords were used to hang tobacco pouches, pipes, purses or pens, as kimonos had no pockets. Around half of all netsuke were made from ivory, often in the form of small animals or people. Crude modern ivory fakes known as 'Hong Kong netsuke' abound. Antique netsuke signed by the craftsman are highly sought after by collectors and can fetch tens of thousands of pounds at auction.
- Associated items, also frequently made of ivory, include *inro*, which were used as medicine or snuff containers, and *ojime*, or small beads designed to stop the inro and other objects falling off the cord.
- Ivory has long been used to make decorative carvings worldwide. In Japan, carvings larger than netsuke are called *okimono*. Ivory carving centres in China, such as Guangzhou, are famous for their **puzzle balls** – intricately carved spheres, containing several independently moving spheres in a 'Russian doll' effect – sometimes with up to 50 spheres within spheres.
- In China a large amount of ivory is still used to make handles for commemorative **paint brushes**, with the bristles made from the hair of children or newlyweds.

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- **India ink** was made using the black powder obtained from burnt ivory.
- **Doctors' models** or '**medicine ladies**' – In some Far Eastern countries, ivory was used to make models of reclining nude women in anatomical detail. They are thought to have been used by women to show doctors which part of their bodies were causing trouble, without having to actually be examined.
- **Games** – ivory was widely used to make pieces for games such as **chess**, **dominoes** and **mahjong**. Similarly, vast amounts were used to make **snooker** and **billiard balls** and also **cues**.
- **Piano keys**, and parts for other musical instrument parts, such as **bagpipes** were made from ivory. In Japan it is used in making instruments such as *samisen* and *koto*.
- In Victorian times and beyond, ivory was widely used in Europe for a whole host of decorative and utilitarian purposes, including cutlery handles, jewellery, pipe tampers, walking stick handles, binocular casings, babies' teething rings, auctioneers' gavels, letter openers, rulers, glove stretchers, sewing implements, fans and handles for magnifying glasses.

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