

Ivory: The Grey Areas

A study of UK auction house ivory sales -
The missing evidence

TWO
MILLION
TUSKS

100 Years of UK Ivory Trade = Over One Million Elephants Killed

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Two Million Tusks

Two Million Tusks (TMT) are a small team of concerned citizens. Having individually been involved in anti-ivory campaigning, they decided to join forces to investigate the amount of ivory being traded by auction houses in the UK and the extent to which the trade was illegal. Formed in 2016, the team was quickly noticed by leading elephant conservation charities, who are fully supportive of them and this revealing report, which has been prepared in the public's interest to share information and assist the ongoing debate on the UK ivory trade.

Two Million Tusks are named after the one million elephants killed during 100 years of the modern UK ivory trade¹.

Chief Inspector Martin Sims, Head of the National Wildlife Crime Unit, (NWCUC) is also supportive of this study: "Two Million Tusks have highlighted significant issues within the antique industry whereby many auction houses try to sell ivory without even knowing the law nor the provenance/proof of age of the items they are trying to sell."

Report Authors

This report was independently researched, funded and voluntarily prepared by Jane Alexandra, Louise Ravula, Susie Laan and Pete Matthews.

Jane Alexandra and Louise Ravula were invited to take part in the Antiques Trade Gazette 'Round Table' ivory discussion in the summer of 2016. Following this meeting they decided to test the theories put forward by the meeting attendees:

"With ivory there isn't a situation where we ask 'is it 17th century or is it 20th century?' Connoisseurship allows for that knowledge."

TMT will test the auctioneers' ability to confidently age pieces of ivory.

"The fact that a few are acting inappropriately is not a reason to penalise the other 97%."

TMT will test the market to see how many auctioneers are acting inappropriately.

"The members of our trade bodies must show that CITES is rigorously adhered to, that those rules in place are honoured absolutely and offer no defence for anyone who tries to break them."

TMT will test the market to see if CITES rules are being rigorously adhered to.

¹ "An estimated 30,000 tonnes of ivory moved out of Africa into the UK between 1860–1920 and the tusks from at least 1 million elephants became household products for a rapidly expanding middle class." - Tom Milliken, TRAFFIC's ivory trade expert

The Ivory Trade

#JoinTheHerd conducted a survey which found 79% of UK adults think it is already illegal to sell ivory here in the UK² and that 85% think the UK ivory trade should be banned. This is unsurprising as the trade in ivory is largely absent from the high street and seen only by those attending auctions and frequenting antique shops. Ivory is most prevalent online, available through auction house websites and sites such as the-saleroom.com.

Ivory – A Brief History

Ivory has been imported into the UK for centuries: "The evidence in Dutch and English shipping records, at least 25,000 tons of ivory – over a quarter of a million tusks, left West Africa in just the 26 year period between 1699 and 1725"³. In more recent times, figures show the UK is the world's largest exporter of legal ivory: during 2010 to 2015 the UK exported almost four times as much ivory as the next highest exporter, the USA.⁴ Today investigative journalist Bryan Christy notes "We don't call it slave trade, anymore; we call it human trafficking. We call it ivory trafficking. And it still exists today. History has repeated itself. The same places where this man (Tippu Tip) brought slaves and ivory out of Africa is now under siege by rebel groups, by terrorists, by ivory traffickers."⁵

There are many contradictions within the trade around ivory, including the cultural identity and ownership of ivory. The LAPADA representative stated at the ATG 'Round Table' that "Asia should be allowed to have their culture back", when referencing the majority of today's ivory sales being destined for Asia. However, the vast majority of ivory items in the UK were made in the UK for the UK market; a million elephants were killed for the British market alone. For example, some 12,000 elephants a year were slaughtered to provide ivory for billiard balls in the early 1900s⁶. One could argue that actually if it is anyone's culture and heritage which has gone missing it is the African people's and of course the elephants.

Dame Daphne Sheldrick describes the long-term effects of poaching on elephant communities: "We have seen how severely the poaching holocaust has disrupted Elephant society, plunging their social structure into chaos. It has left them traumatised, rudderless and even more vulnerable and fragile."⁷ Coupled with the problems of migrating: "elephants used to roam quite happily across international borders, the influence of poachers in Angola, Zambia and Namibia now limits them to Botswana,"⁸ and the conflict with humans in the search for food, water and land, it leaves elephants in what appears to be a hopeless situation.

²Join The Herd – 2016 global survey conducted by TNS for WildAid, Stop Ivory, Tusk, EIA, ZSL, Global March For Elephants & Rhinos

³ John Frederick Walker Ivory's Ghosts: The White Gold of History and the Fate of Elephants (2009)

⁴ According to research by the Environmental Investigation Agency (EIA) into the CITES database records, August 2017

⁵ voices.nationalgeographic.com/2015/09/04/video-ivory-trade-and-slave-trade-linked-throughout-history

⁶ www.snookerheritage.co.uk/normans-lectures/billiards-snooker-balls/

⁷ Dame Daphne Sheldrick DBE: 1992 UNEP Global 500 Laureate

⁸ Dr Chase - www.bbc.co.uk/news/world-africa-37230700

Executive Summary

Ivory: The Grey Areas explores today's UK auction house ivory trade and captures the desperately needed missing evidence, exposing the extent of the illegal elephant ivory trade.

Two Million Tusks carried out three in-depth studies researching the trade in ivory pieces by auction houses in the UK. Our findings demonstrate two key features of the UK ivory market: first, the widespread flouting of the law by many auction houses and second, the fact that although thousands of ivory pieces are sold each year, the trade is a very small part of each auction house's business, so greater restrictions on the trade would not have any significant economic effect on UK businesses.

In the 19th and early 20th century, more than one million elephants died to fuel the UK's ivory market. This was during a time when ivory was a highly-desirable luxury material for many everyday objects and when factories churned out items such as chess sets, billiard balls, theatre tokens, ornaments and hair brushes from the vast quantities of newly-arrived tusks. Our investigations shine a light on the results of this grisly trade, highlighting the market for ivory that still persists today.



Despite the continuing decimation of critically endangered African elephants, there is still a seemingly insatiable demand for ivory. The ongoing ivory debate reveals numerous grey areas and raises many questions including: Is the selling of antique ivory contributing to the poaching of elephants today? Following an in-depth discussion with the heads of antique trade associations we set out to answer this question. As a result, in 2016 our voluntary group, Two Million Tusks, was born and our work began.

In our first study, we contacted 72 auction houses about 180 ivory lots for sale and for the vast majority (**90%**) of the lots, the auction houses were unable to comply with the legal requirement to demonstrate proof of age for all ivory pieces dated pre-1947. Worryingly, an auction even included an illegal raw tusk and unworked ivory, ready to go under the hammer and then be exported, without any checks.

Our second study proved how insignificant ivory sales are to many UK auction houses. Out of 232 auction houses surveyed in late 2016-early 2017, ivory lots formed only **0.70%** of the total number of lots for sale. An update in Spring 2017 involving 301 auction houses found a similar figure of **0.76%**.

The final study reviewed every auction held by a leading regional auction house over a three year period, 2014 to 2016. This auction house deals in high-end antiques, probably more than any other auction house outside London, yet even for this business, ivory lots formed only **1.49%** of their sales.

Our research reveals the price of the vast majority (**91%**) of ivory pieces sold at auction is £400 or less, which is no different from the price of most items sold at auction (based on our analysis of prices). So, it is not the case that the antiques trade can advance a "quality not quantity" argument.

It is clear the volume and value of ivory pieces sold by each auction house is a very small part of their business. Therefore, tough new restrictions on the UK ivory trade, up to and including a complete ban, cannot seriously be described as a threat to the survival of any auction house.

Many people within the trade have stated they believe there is no link between modern poaching and the sale of antique ivory. However, when auction houses are clearly unable to prove the age of ivory and the age is often misrepresented (supported by evidence within this report) it is reasonable to question whether the ivory for sale has come from an elephant killed after 1947. Ivory harvested post - 1947 cannot be traded without an Article 10 certificate issued by the government. Even if the ivory is genuinely antique, the continued supply of ivory of any age continues to fuel demand and the social acceptance of ivory.

An ivory ban will not result in the wanton destruction of antique ivory, as the trade often proclaim. Antique ivory heirlooms could be kept, shared and passed on, just not sold.

Two Million Tusks' detailed findings leave little room for doubt that the UK legal ivory trade provides opportunistic cover for the illegal ivory trade.

By not previously enacting a promised ivory ban, the UK is now trailing behind other countries. Current UK ivory legislation is inadequate and ineffective, allowing auction houses to trade in breach of the law with almost total impunity. Britain has failed miserably to set an example to the world.

Key Findings:

- ***For 90% of the lots investigated, auction houses did not satisfy the legal requirement to demonstrate proof of age for pre-1947 ivory***
- ***Ivory represents less than 1% of annual sales for many auction houses in the UK***
- ***UK legal ivory trade is providing cover for the illegal trade***

The study presents black and white findings, leaving no grey areas. Two Million Tusks are therefore calling on DEFRA to implement an immediate ban on the trade in all ivory.

STUDY 1: TESTING WHETHER AUCTION HOUSES PROVIDE PROOF OF AGE FOR IVORY ITEMS

Aim

The aim of the study was to test the following theory: auction houses only sell legal pre-1947 ivory, which they are without doubt able to date/age and provide the proof of age that is legally required.

Methods

the-saleroom.com is an online auction website, allowing customers the opportunity to bid online during live auctions, taking place at auction houses around the UK and internationally. As of 21 March 2017, 366 UK auction houses subscribed to the website. It is used for the sale of antiques, fine art and general auction house sales, nationally and internationally.

There are other similar websites but the-saleroom.com appears to be the most prestigious and well known.

This study involved making enquiries about ivory lots to a number of auction houses that use the-saleroom.com website. In addition to ivory lots, all the auction houses were selling fine art, furniture and general antiques and wares. No auction houses exclusively selling ivory were involved in the study (nor were any found). Some were affiliated to one or more trade associations such as SOFAA and NAVA.



Enquiries were made by four members of TMT. They represented people who were novices to the auctioneering process, with only a little knowledge of ivory or none at all. They posed as being interested in buying ivory lots for themselves or as a gift.

All communication with the auction houses was online to ensure consistent record-keeping. No other forms of communication were used by the investigators. The auction houses were contacted either via a facility on the-saleroom.com to manage information requests through their website or by obtaining the email addresses of the auction houses directly from the auction houses' own websites. A screenshot was taken of the webpage showing each lot. Records of the lots and communication were kept.

If a lot was of particular concern at any stage in the process, TMT reported it to the National Wildlife Crime Unit.

Proof of Age - Animal & Plant Health Agency Guidance

Guidance from the Animal & Plant Health Agency (APHA) is that a seller should be able to produce evidence that would be sufficient to demonstrate the age of the piece if challenged in court. The APHA comment that "...when we deal with applications for licenses to export such pieces (which are needed irrespective of age), we would not be satisfied with just a vague statement from an antique dealer that a piece dates from prior to 1947, with no justification or a specific date."

"We would ask for a specific circa date (i.e. c1920 or late 17th century) and if this is solely by the professional opinion of a specialist in the field, then a written statement should be provided; making clear how that circa date was determined and making reference to those physical characteristics of the piece in question which enabled them to make that judgment. Other documentary evidence would also be considered."

This was the clearest guidance TMT have seen on the criteria for what constitutes proof of age and applies by analogy to proof of age for pre-1947 ivory sold in the UK. These criteria were therefore applied during the study to assess whether an auction house had given satisfactory proof of age. When reviewing the descriptions and responses, TMT gave the auction houses the benefit of the doubt.

Pilot Study

A Pilot Study was undertaken for five weeks during 2 November to 5 December 2016.

Enquiries	Number
Number of auction houses in Pilot Study	26
Number of auction houses contacted	26
Number of enquiries made	39
Number of lots questioned	71



An independent person with a Fine Art & Valuation BA (Hons) qualification initially guided and mentored the TMT investigators. The investigators researched the-saleroom.com listings, using the search term 'ivory' and filtered the results to show ivory for sale in the UK. Only elephant ivory results were considered; other types of ivory were ignored. Musical instruments and furniture containing ivory were not included in the enquiries (with the exception of one piece of furniture containing ivory inlay⁹).

From the results, it was decided whether enquiries should be made by TMT investigators about particular lots based on the following criteria:

- **they were mostly made out of ivory; and**
- **they dated from 1800 to the present day.**

One or both of the following criteria were also then applied:

- **they had an unusually low estimate price; and/or**
- **they had unusual colouring.**

The research sometimes led the investigators to other ivory lots within the same auction house.

After the initial period of support from the independent adviser, TMT investigators began conducting their own research, on the same basis using the search term 'ivory'. They then assessed the search results and decided whether to make enquiries using the same criteria set out above.

The investigators disregarded the auction houses' geographical location. All enquiries, replies and responses were included in the study to give a fair and balanced overview.

The enquiries involved requests for some or all of the following: a condition report, proof of age and details of provenance regarding the items in the lot. Depending on the response, follow up enquiries were made seeking further clarification in order to ascertain the true age and origin of the items.

Examples of the enquiries made during the Pilot Study by TMT:

"I would be most grateful if you could send me a condition report for Lot xx, 'A set of Eight 1920's Chinese carved Ivory Models of Horses'. Do you have proof of their age please?"

"Can your valuers please assure me with absolute confirmation this Lot xx (and the others) are pre 1947, which I understand is the legal point. I am sure you can understand my concern especially as I wish to give them as gifts."

⁹ This was a test to see the type of response a question about carbon dating would elicit. The auction house said they don't carbon test 19th century furniture, only much earlier items when the age is in doubt.

"I was intrigued by Lot xx. The man in this set had very odd fingers on his left hand and looked of very poor quality carving. I understand there is illegal ivory on the market and I do not want to be purchasing anything that could be illegal."

Ivory model of a river boat - "Could I please have a condition report on this item including proof of age please?"

Example of a repeated request by TMT to an auction house (AH):

TMT Q1: "I would be most grateful if you could provide further information on lot xxx, in particular the provenance. Many thanks."

AH A1: "All the fans including xxx have come from the same private collection, which is being consigned in parts"

TMT Q2: "Thanks but please send provenance as requested for this item."

AH A2: "Of course lot xxx same private collection."

TMT Q3: "Can you verify the age of these items please? Many thanks."

AH A3: "Lot xxx is prior to 1947, hard to give exact age."

The following table summarises how often satisfactory proof of age was provided for the 71 lots.

Proof of Age	Quantity	%
Satisfactory proof of age provided	6	8.45%
No satisfactory proof of age provided	65	91.55%

Main Study

The Main Study was undertaken for nine weeks during 13 December 2016 to 15 February 2017.

Enquiries	Number
Number of auction houses in Main Study	62
Number of auction houses contacted	59
Number of enquiries made	88
Number of lots questioned	109

During the Pilot Study it became obvious more enquiries were needed to be made. The investigators decided to use a number of aliases during the Main Study (since their names could potentially be recognised by auction house staff and their enquiries might not be answered). In total, eight aliases were used by the four members of TMT.

The Main Study was carried out on the same basis as the Pilot Study, using the same criteria, except that as well as 'ivory', the term 'tusks' was used as an additional search term because TMT investigators had noticed that sometimes tusks were listed purely as 'tusks' without mentioning ivory.

Examples of initial emails sent by TMT to auction houses (AH) during the Main Study:

Elderly man figure - "I'm looking for a gift for my Dad's birthday. He is interested in ivory but I don't really know much about it. It's obviously old, but I'd really like to give as good a piece as my budget will allow. Can you tell me how you can tell how old it is? Is it dated, just wondering how these things work?"

"I am interested in these necklaces. Which one is the bone one please and could I have some proof of provenance for the ivory one? You do not give a date in your description. I would be very interested to know if you can provide this please so I feel more comfortable putting in a bid."

"Please could you give me a condition report for this beautiful brooch and more importantly could you give me some proof of the age? It does look old but it would be very good to know that it definitely is very old with some provenance please?"

As time passed it became apparent that there was an issue or possibly a degree of reluctance for the auction houses in answering questions about provenance and accurate dating of ivory lots. The investigators therefore began to be more direct in their questioning in an effort to obtain provenance and proof of age for the lots in question. Often two to three emails had to be sent seeking clarification and details about proof of age. They also explicitly asked for assurance of age and that the items were indeed pre-1947 and legal. There were five instances where the auction houses were unwilling or unable to share full information about a lot due to client confidentiality. When auction houses hide behind a client confidentiality clause it is unhelpful to the buyer as they do not have the information they need to make an informed purchase.

Example of a chain of emails within the TMT study when more than one request for provenance and age was made and client confidentiality was a reason given for not being able to provide the information:

TMT: "...if you could provide condition reports for each lot and provenance as well. I wish to provide a history of the pieces so the receiver can appreciate the timeline. Would you please give me an idea of accurate dating too, as I understand there is illegal ivory around and want to make sure these are post the legal date. Is that 1976?"

AH: "Appears generally good overall with no obvious losses or restoration."

Two more requests for provenance and ageing were sent by TMT:

Continued on next page

TMT: "Thank you but you have already sent me the condition report. I would like my questions answered please about the history of the lots and confirmation of age etc, see below my reply to your original condition report. This is my third time of asking. I do appreciate you are busy but I would like this information as soon as possible to satisfy myself before I bid. Thank you."

AH: "These items were made before 1947. Unfortunately we are not able to provide any information about their provenance due to client confidentiality except they have come from a private source and were acquired in the early 20th century."

This table summarises how often satisfactory proof of age was provided for the 109 lots

Proof of Age	Quantity	%
Satisfactory proof of age provided	12	11%
No satisfactory proof of age provided	97	89%

Combined Studies

The results from both the Pilot and Main Studies are combined from this point forward.

In total, 127 enquiries were made about 180 lots between 2 November 2016 and 15 February 2017. These were offered for sale across 72 auction houses, located around the country, covering 38 out of 48 counties in England (79%), including four auction houses in Greater London.

Of 366 UK auction houses on the-saleroom.com (as at 21 March 2017), 335 were in England. By the end of the study it was noted the results were all from England. If independent studies of Wales, Scotland and N. Ireland auction houses were conducted, the findings may well be the same as for England.

Enquiries

The table below shows the number of enquiries made within the Pilot and Main Studies.

Enquiries	Number
Number of auction houses	75
Number of auction houses contacted	72
Number of enquiries made	127
Number of lots questioned	180

No enquiries were made to 3 auction houses; they were reported directly to the NWCU.

The table below shows the auction results from the Combined Studies:

Sale Results	Quantity	%
Sold	155	86.1%
Unsold	16	8.9%
Withdrawn	9	5.0%
Total	180	100%

The high percentage of sold items suggests the ivory market is still buoyant.

"There are many other ivory lots, do any interest you?"

Age Range of Lots

This table shows the age range of each ivory lot for sale, based on the description in the auction catalogue. The categories were chosen by TMT.

Age of Lots	Quantity	%
18th century or earlier	2	1.0%
Late 18th/early 19th century	1	0.5%
19th century	53	29.5%
Late 19th/early 20th century	18	10.0%
20th century	19	10.5%
No age given	86	48.0%
Other	1	0.5%

86 lots were given no age, suggesting a degree of uncertainty by the auctioneers. The age of ivory items is intrinsically linked to their value and if the age of the item is known there is the potential to sell the item for a higher price and earn more commission. The provenance is therefore an integral element of the value of antique items: when this is unknown and/or unqualified it calls into question the true age of the items.

Proof of Age

Within the study, investigators were aiming to establish whether auction houses had provided proof of age that meets the APHA criteria.

Examples of satisfactory proof of age taken from TMT study:

"An early 20th century travelling clock, the movement by Brevet, fitted with an ivory case with silver hinges. The silver mounts date it to the 1920's."

"This would have been made in Europe when it was fashionable for gentleman to practice "ornamental turning" using sophisticated lathe equipment circa 1820 perhaps, near perfect."

"The vendor's grandmother owned this elephant bridge in the 1920s, as catalogued."

Examples of unsatisfactory responses from auction houses to questions regarding age:

"We have no doubt lot x is pre 1947 as the ivory is yellowed, modern pieces look completely different."

"...obviously pre 47, but hard to give an exact age."

"The inscription on the base is hand written in ink. So not sure if the date is true, there is no provenance."

"...but we cannot prove age but due to our experience this item is pre 1940's."

"In our opinion they are of the period as they have come from a local source and have been in the family for a while but I am afraid we are unable to offer any guarantee."

Yellowing in ivory can occur for a number of reasons, such as the item residing in a smoker's house, causing nicotine staining. Using yellowing alone to ascertain the age of an ivory piece is not adequate. As the APHA guide makes clear, proper proof of age involves putting forward a positive case to support a particular age or limited age range, rather than simply saying it is "pre-1947".



Based on their responses to TMT's enquiries, auction houses appear to operate on the basis that if they have not been provided with proof of age (eg because the item came from a general house clearance and/or the owner didn't tell them), there is no need for them to enquire any further to establish the history and age of the item. Furthermore, if the item came from a deceased estate, that was cited as their reason for not knowing anything about it, or wanting to provide an opinion.

TMT suggests this is in direct contradiction to the auction houses' assurances of being trained experts and being able to determine the age and origin of items without background information.

The following table summarises how often satisfactory proof of age was provided for the 180 lots.

Proof of Age	Quantity	%
Satisfactory proof of age provided	18	10%
No satisfactory proof of age provided	162	90%

Auction House Responses

The table below shows the type of response received and the reasons for not being able to provide satisfactory proof of age and/or their suggestion that their answers were satisfactory proof of age.

Type of Response to Enquiries About 180 Lots	Number	%
Satisfy yourself about age/If unsure, don't bid	22	12.2%
We don't know/don't have provenance or documentation but in our opinion we think etc	62	34.4%
Client confidentiality	5	2.7%
Private source/ deceased person/ family member so we don't have details	60	33.3%
Trade lot/ house clearance	16	8.8%
Condition report	96	53.3%
Other	12	6.6%
No reply	29	16.1%

The response may fall into one or more categories.

The large number of responses that stated the item came from a house clearance, deceased estate etc (42.1%) (so no information about age could be provided), consistently demonstrates the auction houses are not experts and they are unable to give reliable dates for the age and therefore the legality of the items based solely on their own expertise.

In 12.2% of cases, auction houses replied to say that the customers should satisfy themselves as to the age. This creates the impression that doing so is solely the customers' responsibility and not the responsibility of the auction house (which is of course wrong, since auction houses are themselves committing an offence if they offer items for sale produced pre-1947 without proof of age).

Example of a response by an AH asking the potential buyer to view the lot in person:

"I believe my colleague suggested an age for this particular piece but as you will appreciate we cannot be specific regarding age. I suggest perhaps you would like to view the sale in person so that you may ascertain its age for yourself."

Not only did this auction house say that it was for the potential purchaser to satisfy themselves as to the age of the item, but they also seemed to think it was perfectly understandable that they could not "be specific regarding age". That represents a complete misunderstanding of their legal responsibility. They are offering the item for sale so should be able to provide proof of age.

When auction houses offered an opinion that an item was 'pre-1947', it seemed they were doing so simply for the purpose of reassuring the potential customer that the item was 'legal' rather than because they had any actual knowledge of the age of the item. 'Pre-1947' clearly covers a wide period.

One example was "Lot xx is prior to 1947, hard to give exact age". Another was "We do believe the pieces to be pre-1947. No testing has been done and would encourage anyone wishing to bid to satisfy themselves before doing so."

The latter quote also demonstrates that the auction house believed the only way to date the items was by testing (by which TMT assumes they mean radiocarbon dating). It does not seem to have occurred to them that they could be expected to use their own expertise to assess the age of the items they were selling.

In the majority of cases, the customers' legitimate reliance on the auction house staff to be knowledgeable and demonstrate expertise in the area of ivory appears to be ill-founded and misplaced at best.

Examples within the TMT study of responses about the age of lots where the auction house admits they don't know the age:

"Proof of age not provided (that would cost a few hundred pounds in testing charges) - please satisfy yourself as to the age before bidding."

"Further to your latest email, we think it is pre 47. Our estimates are conservative on Ivory at the present time due to uncertainty at the future of the market."

"We are unsure of the age of both the lots, 20th Century?"

"...unfortunately I do not know or couldn't guess the age of these pieces, whether you can tell from additional pictures I have included..."

One auction house wrote on their catalogue description that they had proof of age in the form of a letter from the vendor:

"The vendor provided this letter to confirm our beliefs that the ivory is of the correct age to sell at auction. Had we not been provided with this extra documentation the pieces would still be appearing at auction. The letter has been written by someone who has never sold at auction before so please bear this in mind and of course if you have personal doubts I would always advise that you refrain from bidding."

TMT were sent the letter by the auction house. It does not satisfy APHA criteria for proof of age and is not suitable provenance. It is interesting to note the auction house were not confident enough in the validity of the vendor's claims of provenance that they added the note that the vendor had never sold at auction before and to refrain from bidding if the buyer had any doubts. However, surely the auction house should have said they would NOT have offered the item for sale, if they did not have the additional documentation?

Radiocarbon Dating

Radiocarbon dating is the only scientific way of confirming the age of ivory. It costs approximately £400 (according to the NWCU) for each sample to be tested. Of the 133 lots sold and where the price is known, only **9%** were sold for more than £400, making the cost of radiocarbon dating prohibitive for the vast majority of items sold within this study.

The following table shows the prices of the 133 lots sold categorised into price bands:

Price of Sold Lots	Number	%
Up to £120	82	61.7%
£121-£400	39	29.3%
£401-£900	4	3.0%
£901-£4000	7	5.3%
£4001-£10000	1	0.7%

Of these 133 lots, **91%** were sold for £400 or less.

Reports to National Wildlife Crime Unit (NWCU):

Action Taken by TMT	Quantity	%
AHs reported to NWCU without making enquiries	3	4%
AHs reported to NWCU after enquiry	12	16%
Total AHs reported to NWCU	15	20%

The Police have been very appreciative of TMT's role in exposing potential illegal ivory trading. According to Chief Inspector Martin Sims, Head of the NWCU: "TMT's investigations and work have been invaluable and all reported suspicious items are being fully investigated."

Some auction houses were willing to share news of the Police and their interventions:

"Alas the police arrived and they are threatening to confiscate the items, they are liaising with the police but the documentation doesn't seem to be enough to sell them. Will keep you posted as to whether they are still for sale. Just seems that being online and all."

In the Main Study there was a raw tusk and an unworked tusk within the same sale, both illegal to sell. A pertinent example:

"Tusk Lot x withdrawn. Possibly not legal to sell. Police say we cannot sell."

The lot showed online as being withdrawn from sale. It is assumed the raw tusk was seized by the Police. However, TMT believe the unworked tusk sold for £75.

Unfortunately, some items that appeared suspicious were not reported to the NWCU. This was because the reply from the auction house was either received too late or the item was noticed or listed too late on the-saleroom.com so there was insufficient time to take further action.

TMT investigators worryingly also found evidence of other illegal endangered species body parts offered for sale including whales' teeth, a stuffed polar bear, snakeskin bags and turtle shells.

The Police do not have the benefit of dealing with ivory on a regular basis. It is unfair and unreasonable to expect police officers to be able to determine the age and legality of ivory when auctioneers are so often unable to do so.

TMT have concerns that people selling potentially illegal ivory items are not being investigated. Legislating a total ivory ban will make the situation much clearer and the overstretched National Wildlife Crime Unit and local Police will have more success in enforcing the law.

This study shows it is common practice for current legislation requiring proof of age for pre-1947 ivory items to be almost universally ignored.

Legal or Illegal?

The widespread disregard by auction houses for legal requirements exists despite the potential penalties for breaking the law. This indicates that auction houses might believe there is little risk of being caught and still less risk of receiving a significant fine, or even less of receiving a custodial sentence.

In some cases, the auction house appeared to be aware that the item was not as old as it purported to be. For example, genuine antique netsukes usually sell for around £80 (in our independent adviser's opinion) yet some netsukes were being sold for substantially less. There were eight netsukes identified in lots that were questioned. Five were estimated as under £30.

There were also examples of auction houses signalling willingness to engage in illegal activity - one was willing to sell and ship out of the UK an illegal raw tusk and some unworked tusks (mentioned above). The auction house recommended a shipping company willing to ship it to Hong Kong (the requested destination) with no mention of CITES permits, or questioning as to the legality of the shipment:

"We would be more than happy to help you with your shipping requirements should you be successful in winning the lots the approximate costing to send to Hong Kong would be £185.00 this includes collection, packing and onward carriage to you in Hong Kong."

Another auction house offered a box of what appeared to be freshly carved napkin rings – the box was cheap plywood topped with a photograph of an elephant and a starting price of just £5.

TMT investigators noticed a number of items that were particularly white, poorly carved and of low value, which suggests the ivory is modern and therefore illegal. If this was



obvious to the untrained eye, it should have been even more obvious to the supposedly experienced eyes of the experts at an auction house – particularly as the law allows them to 'certify' the age of an ivory item and the general public accepts and relies on the opinion and advice of the 'experts'.

The results of TMT's studies support IFAW's observations: "The current law on selling ivory in the UK is barely worth the paper it's written on. The loophole which allows the sale of antique ivory has allowed unscrupulous dealers to sell stained and artificially aged items, laundering modern ivory as something legal. This loophole is supporting the continued slaughter of wild elephants. Furthermore, we know solid, antique ivory pieces are being sent abroad to feed the desire and demand for ivory elsewhere. By allowing the antique trade to continue as it is in the UK we would be complicit in the continued persecution of this species. It really is as simple as that."¹⁰

Withdrawn Lots

Some nine lots were withdrawn from sale after TMT made enquiries. The auction house may have recognised there was a problem with the legality of the item; in one case, after some fairly innocuous questions the auction house said they were withdrawing all of their ivory from sale.

"TMT: "Are you sure about the age of the items? I wouldn't want to buy anything made after the legal date, I can't remember the exact details, is it the 1930's?"

AH: "You are correct the items are required to be pre 1937, [incorrect date given] of which we are confident these items are. However, we are aware that ivory is a very sensitive subject at the minute. Due to this we have withdrawn the lots pending further clarification on the origin of the lots."

Other Materials

While TMT were investigating several lots within the study, the auction houses changed the description of the lots. Where, for example, descriptions of lots changed from being ivory to resin or bone, they were no longer counted as ivory lots for which proof of age was needed and so have been removed from the study findings.

The details can be found within Appendix 1:

"...our ivory expert has been off sick this week, so we cannot confirm these are ivory, but we believe they are. This is a general auction so we offer no guarantees."

They were interesting findings and still pertinent to mention. One auction house was uncertain of the material the lot was made of and consequently asked their customers for

¹⁰ www.ifaw.org/united-kingdom/news/uk-ivory-trade-ban-would-have-minimal-impact-antiques-industry March 2017

their opinions.

"On discussion with customers, the consensus of opinion is that the turtle is bone and the leaf is either bone or resin and that both are of no great age."

It is concerning that not only were they unable to ascertain the material themselves, but they asked the customers and still remained uncertain as to whether the items were bone or resin (having initially described them on the-saleroom.com as ivory).

Another auction house went to check the material a tusk was made from and concluded it was resin. Our investigator asked how they knew it was resin: "I can guarantee that the tusks are resin. We see a lot of ivory and resin pieces come through the saleroom and two of our experienced valuers have both confirmed it to be resin."

TMT's adviser explained to the investigators there is a very simple test to ascertain whether an item is ivory or resin, which is known as the hot needle test. A hot needle is pushed in to the item: if it is resin, the material will give way and the needle will penetrate, if it is ivory it won't go in. It is unclear whether the two valuers at the auction house knew about this test since it was not mentioned by the auction house.

Trade Association Members – Best Practice

Within the responses from the members of SOFAA, the majority did follow the guidelines as set down by the trade association (see below). There is a positive and noticeable difference in the response times, level of detail in responses and clarity of information from trade association members compared to non-members (although see later about the number of trade association members who failed to reply at all).

However, the results of this study suggest there are significant problems with the training, experience and even the willingness of the trade to be responsible traders. 25 auction houses within the study are affiliated to a trade association. Of these 25 auction houses only six met APHA guidelines for satisfactory proof of age.

SOFAA - Guidance Notes for Good Practice Fifth Edition March 2017 state:

Mission Statement

The Society of Fine Art Auctioneers and Valuers seeks to promote and encourage the highest standards of probity and ethics within the profession and to improve knowledge...

Acceptance of Goods

Satisfy themselves concerning any item submitted for sale to enable them to provide a description that is accurate in fact and without being erroneous or misleading.

Condition Reports

these should be honest and open and conducted with reasonable skill and care.

Where they are not available as an integral part of an online catalogue, as protection

for both auctioneer and client, it is recommended that there should only be one report in respect of any lot and it should preferably be provided by e-mail.

NAVA's website states:

"NAVA Propertymark protects and guides consumers, promoting the highest standards of professionalism throughout the auctioneering and valuation industry..... We work to promote high standards through education and qualifications within the sector. NAVA Propertymark experts meet higher standards than the law demands and through this we offer greater protection to consumers."

There is evidence to suggest some trade association members are not following the best practice standards set down by their affiliated associations.

Examples of NAVA and SOFAA members' responses:

TMT Q: "... appreciate it if you could give me some evidence of the exact date of this? I definitely would like some proof of provenance please if that is possible for any of these items."

AH R: "Description - An early 20th century carved ivory brush pot, with erotic scene, together with an early 20th century carved ivory fighting elephant group. Condition Report I would suggest the brush pot is circa 1920s/1930s. There are some natural splits and cracks, the most serious of which are internal."

TMT Q: "Hello and thank you for your reply to my questions. However I did specifically ask for some proof of the date of this Lot and wondered if you could give this to me? I believe it is called proof of provenance?"

AH R: "I believe my colleague suggested an age for this particular piece but as you will appreciate we cannot be specific regarding its age. I suggest perhaps you would like to view the sale in person so that you may ascertain its age for yourself. I hope this helps."

Further example emails received from NAVA and SOFAA members:

"In our opinion the elephant is pre-1947."

"I am afraid we have no proof of provenance. They have been consigned by a local person, who has had them for some years."

"Condition: Elephant ivory, some small chips to the figures. Pot appears generally good. Provenance: From a private UK collection."

During the study it was noted how many auction houses who were members of a trade association replied to enquiries, compared to those who were not members.

The table below shows the responses and trade membership:

Responses to 180 Lot Enquiries	Number	%
Reply received	151	83.9%
AH not trade association member	101	56.1%
AH trade association member	50	27.7%
No reply	29	16.1%
AH not trade association member	13	7.2%
AH trade association member	16	8.8%

Out of the 29 no replies, more trade association members failed to reply than those not affiliated to a trade association. This is despite the fact that only a third of auction houses were members of trade associations, so proportionately you would expect the numbers to be split as they were for the number who did reply (2/3 to 1/3). The fact that a disproportionately high number of trade association members failed to reply is a concern and means those members are failing to act in a professional way in assisting and providing advice to customers who rely on their expertise.

Three auction houses affiliated to at least one trade association were reported to the NWCU.

High End Art

The antiques trade associations tend to focus on high end art (where there is often adequate provenance and documentation to underpin the value) or antiques which incorporate small amounts of ivory (eg furniture, musical instruments) where age and provenance can more easily be established through a more general assessment of the item.

However, there is a substantial amount of ivory being traded in the UK that does not fall into either category and for which the relevant documentation is simply not available, as clearly demonstrated within this study. Holiday trinkets and other more recent items are not the only ivory items of concern.

Qualifications

Historically some degree courses were available, which incorporated the sale and evaluation of antiques and fine art. The Solent University Fine Art & Valuation BA (Hons) degree course was withdrawn in 2005, while Christie's Education continue to offer a MSc and PgDip in Art, Law & Business at a prohibitive price: £36,000 and £28,000 respectively¹¹. NAVA offer a one day course in The Methods and Practicalities of Valuation Work. TMT were unable to locate any specific ivory courses.

TMT welcome new calls from NAVA's Colin Young for auctioneers to be qualified and regulated¹².

¹¹ www.christies.edu/london/courses/masters-art-law-business.aspx

¹² Antiques Trade Gazette, 17 June 2017 issue 2296

However, BADA doesn't consider the lack of training options to be a problem. "Plenty of people have made successful careers in the trade without any formal qualifications, and **antique dealing is one of the few occupations that has no fixed system of training;**..."¹³

Accurately Identifying Works of Art

On their website BADA describe the problems dealers can have in correctly identifying and valuing objects and the pitfalls of investing in art:

"If one dealer describes an item as "19th century in the Sheraton style" and offers you £1,000 and another as "Sheraton" worth £2,000 then you need to ask both dealers more questions. Do not assume that a difference in value means that you are being intentionally diddled, when the simple explanation could well be that one dealer is more experienced in 18th-century furniture than another."

Throughout the study auction houses have consistently demonstrated differences in their experience and expertise in ageing ivory.

"After all, it is unrealistic to expect a general antique dealer to know everything about Western Europe's entire output of cultural goods for the past five hundred years. If the dealer is a member of a well-respected trade association which recognises 18th-century furniture as his specialty, then clearly you are more likely to get an informed opinion about your piece than if he sells 'bric-a-brac' from a local flea market."¹⁴

These same expectations are often applied to 'experts' when dealing with ivory – it is unrealistic to expect all auction houses to be 'experts' in identifying and ageing ivory. TMT are in agreement on this with BADA. The majority of ivory traders (67% in this study) are not from trade associations and are lacking the expertise and experience to accurately age ivory. Even those that are members of trade associations are unlikely to have expertise in every type of item they sell.

Ownership of Goods Sold at Auction

Different rules apply when buying goods at auction, compared to buying items in a shop. "When you buy goods at auction, the buyer enters in to a contract with the owner of the goods, not the auctioneer. This means that if there is a problem with the goods, usually you have to take action against the owner of the goods, not the auction house. The auction house is not obliged to give you the owner's details, so tracing the owner can be difficult. However, the auction house does have some responsibilities; for example, it must not make a false statement about the goods. These responsibilities should be explained in the terms of business of the auction house which must be displayed."¹⁵

TMT have found cases of items being falsely described, (see 'Other Materials' earlier). When items have not been aged within the scope of the APHA's guidelines, they could also be considered to be falsely described.

¹³ www.bada.org/index.pl?id=2210

¹⁴ www.bada.org/index.pl?id=2254

¹⁵ www.adviceguide.org.uk Advice Guide – Buying at Auction

When dealing with items that are made with products from endangered species, the law does place additional responsibilities on auction houses. Anyone offering such an item for sale, including items made out of ivory, has an obligation to comply with the law and needs to be able to provide proof of age for pre-1947 ivory items.

Well-known auction houses have been convicted of offences for failing to do just this.

On occasion, some items may in fact be owned by the auction house, if they have paid a customer for the contents of their house in the form of a house clearance. The owner of the goods is then the auction house and should be disclosed as such. The auction house will then be wholly responsible for the correct identification and listing of that lot. During the study no lots were described as auction house goods.

Proposed Certification Centres for Identifying, Ageing & Selling Ivory

The creation of an ivory centre providing certification for all ivory and responsible for selling the ivory, staffed by qualified ivory experts, has been suggested. In theory this could potentially be a way forward. Ultimately the only truly accurate way to date ivory is to radiocarbon date it. As shown above this isn't economically viable for 91% of the lots within this study, because they sold for £400 (or less), the actual price to radiocarbon date ivory. It would only be worth spending £400 on testing the most valuable ivory pieces, not the vast majority.

Offering certification can have its own issues, as Pablo Picasso's heirs discovered.

"In the early 1980s, after years of legal wrangling and well-publicized squabbling over the settlement of his estate, his heirs established a committee to officially authenticate his works. In 1993, however, that committee was disbanded after disputes among the heirs over the authenticity of a set of drawings. Afterward, two of the heirs—Picasso's daughter Maya Widmaier-Picasso and son Claude Ruiz-Picasso—began issuing certificates of authenticity independent of one another. This created a situation that dealers say has been time-consuming and awkward, particularly because auction houses, faced with dual (and duelling) authentication options, were increasingly requiring certificates from both heirs."¹⁶

Herein lies another problem; TMT discussed the possibility of a central ivory certification and selling centre with the managing director of a leading regional auction house that sells a significant amount of ivory. They were against the idea of a selling centre, purely because they would lose potential income, by not being able to sell the ivory themselves. They also said they will continue to sell ivory while it is legal to do so.

¹⁶ www.artnews.com/2013/01/02/authenticating-picasso/

Supply & Demand

Many people within the trade have stated there is no link between modern poaching and the sale of antique ivory, but the greater the supply of ivory, antique and modern, the more it is socially acceptable, therefore increasing demand for all ivory. It appears the trade doesn't know if many of the ivory items they are selling are legal. As this study has shown, the age of ivory is often misrepresented, leaving little room for doubt that the legal ivory trade provides a cover for the illegal ivory trade.

Consequences of Banning Ivory

Rebecca Davies from LAPADA stated "some of their members will be forced out of business should a full ivory ban be enforced. If there was a blanket ban without significant exceptions we have numbers saying that more than 350 LAPADA members would be seriously affected, with many driven out of business."¹⁷



Mark Dodgson from BADA stated "15% of BADA members would be either driven out of business or severely damaged by a ban and 55% regularly affected by one."¹⁸ The recent study by Portsmouth University found contradictory evidence to that put forward by LAPADA and BADA. "Of those dealers surveyed, 41 percent only sold between 1 and 20 items of ivory per year". Just four dealers out of all those surveyed sold more than 100 items. It is clear that the size and scale of the trade is much smaller than has been estimated and previous figures in relation to the value of the antique ivory trade have been grossly overinflated.

In our research TMT were unable to locate a business purely selling ivory. TMT were also able to establish in Study 2, that ivory formed only **0.70% to 0.76%** of all auction house sales (auction houses selling through the-saleroom.com). Even for an auction house dealing in high end items, ivory formed only **1.49%** of their annual sales during 2014 to 2016 and an even lower proportion of their annual commission (Study 3).¹⁹

The evidence demonstrates trade associations have consistently overestimated the importance of ivory to their business and this is the first time, to our knowledge, that such a comprehensive study has been carried out, providing hard data to disprove the trade associations' inaccurate estimates.

¹⁷ Antiques Trade Gazette pg 15 30 July 2016

¹⁸ Antiques Trade Gazette pg 15 30 July 2016

¹⁹ www.ifaw.org/united-kingdom/news/uk-ivory-trade-ban-would-have-minimal-impact-antiques-industry March 2017

Testing the Theories

Once a ban is in place it is anticipated the monetary value of ivory items will be lost because they can't be traded, but the cultural and historical value will still be very much present. This is contrary to what Victoria Borwick MP and BADA President stated at the Westminster Hall Domestic Ivory Market Debate on 6 February 2017 "Things have to have value in order to be kept, in order to be valued.....Things have to have a value."

TMT refute this and understand that once a monetary value has been placed on an item it creates a market. Many world-renowned immovable great works of art and buildings have no recognised monetary value and yet offer great wealth through their very presence, which is of historical and cultural value as well as artistry. It should be noted TMT do not advocate the destruction of any ivory items.

At the beginning of the study TMT set out the theories to test:

We will test the auctioneers' ability to confidently age pieces of ivory.

This study has proven that 90% of auctioneers (within the study) are not able to confidently age pieces of ivory.

We will test the market to see how many auctioneers are acting inappropriately.

There are many examples of auctioneers acting inappropriately throughout the study, offering clearly illegal items for sale. Many are unsure of the origin, history or prior ownership of the lots they sell.

We will test the market to see if CITES (APHA in UK) rules are being rigorously adhered to.

CITES rules are not being adhered to in the majority of auction houses within the study, as they cannot prove the age of the ivory they are offering for sale.

STUDY 2: RECORDS OF IVORY SALES AT AUCTION HOUSES ACROSS THE UK

Aim

The purpose of the study was to assess the number of ivory lots for sale as a percentage of all the lots available on the-saleroom.com.

Methods

TMT carried out a series of daily 'snapshots' of sales by auction houses on the-saleroom.com website.

The search term 'ivory' was used. Search results not concerning elephant ivory were ignored (eg ceramics and ivory-coloured carpets).

For each daily snapshot, the-saleroom.com website was reviewed and the following information recorded:

- date
- name of auction house
- number of total lots
- number of ivory lots
- ivory lots as a percentage of total lots
- the category of the ivory lot (carvings/figures, paintings etc, see details below)

During January 2017, descriptions of all ivory lots were also recorded.

There were an initial four snapshot periods (comprising Study 2A) and then a later 3 month period was added as an update (Study 2B)

Snapshot	Dates	Duration	Number of Auction Houses
Study 2A			
1	28/11/16 to 04/12/16	1 week	88
2	11/12/16 to 17/12/16	1 week	93
3	01/01/17 to 31/01/17	1 month	191
4	01/02/17 to 15/02/17	15 days	125
Study 2B			
1	01/04/17 to 30/06/17	3 months	301

The total number of individual auction houses identified during Study 2A was 232, spread across the UK.

Study 2B contained 301 individual auction houses across the UK (Study 2B included more daily snapshots than Study 2A and the-saleroom.com has started covering more auctions).

As well as identifying the overall number of ivory lots as a percentage of all lots for sale through the-saleroom.com, the details for each individual auction house were also summarised, as follows:

- name of auction house
- whether the auction house is a member of a trade body (eg SOFAA)
- number of auctions
- number of total lots
- number of ivory lots
- ivory lots as a percentage of total lots
- number of ivory lots in specific categories (carvings/figures, furniture etc)

The data set out below focuses on the aggregated results of our investigations rather than the individual results for each auction house.

Data

Study 2A

Aggregated results over the 4 initial snapshot periods:

Total auctions	805
Total lots	424,335
Ivory lots	2,972
Ivory lots as a percentage of all lots	0.70%

Categories of lots (as a percentage of the total ivory lots):

A Carvings/Figures	35%
B Paintings	10%
C Furniture	9%
D Silverware/flatware	10%
E Misc items incl boxes, jewellery etc	36%

Results are rounded to the nearest percentage point. The categories were chosen by TMT.

Study 2B

Aggregated results over the 3 month snapshot period:

Total auctions	1,594
Total lots	818,825
Ivory lots	6,243
Ivory lots as a percentage of all lots	0.76%

Categories of lots (as a percentage of the total ivory lots):

A Carvings/Figures	33%
B Paintings	10%
C Furniture	8%
D Silverware/flatware	10%
E Misc items incl boxes, jewellery etc	39%

Results are rounded to the nearest percentage point.

Conclusion – Study 2A

Analysing more than 420,000 lots advertised by 232 auction houses spread across the UK during 4 separate snapshots in a 3 month period, it is clear that the trade in ivory represents a very small percentage of the overall volume of trade – only 0.70%.

Ivory did not represent a significant part of the business of any of the auction houses assessed. The highest percentage of any one individual auction house's business comprising ivory items was only 7%.

Of the 232 auction houses, 56 were members of a trade body (usually SOFAA but also NAVA). So even for the members of a trade body amongst this group of auction houses, ivory represents only a very small part of their business.

Only 1 of the 232 auction houses mentioned having Article 10 certificates for their ivory lots, which were all pianos.

Over a third of the ivory lots for sale were carvings/figures (which are usually wholly or mainly made out of ivory).

Conclusion – Study 2B

Analysing nearly 820,000 lots advertised by 301 auction houses spread across the UK over a continuous period of 3 months, it is clear that the trade in ivory represents a very small percentage of the overall volume of trade – only 0.76%.

Ivory did not represent a significant part of the business of any of the auction houses assessed. The highest percentage of any one individual auction house's business comprising ivory lots was 13%, all concentrated in one particular sale. The next highest was 8%, again in one particular sale.

Of the 301 auction houses, 62 were members of a trade body (AAA, NAA, NAVA, RICS & SOFAA). So even for the members of a trade body amongst this group of auction houses, ivory represents only a very small part of their business.

A third of the ivory lots for sale were carvings/figures (which are usually wholly or mainly made out of ivory).

STUDY 3:

THREE YEAR ANALYSIS OF IVORY SALES AT A LEADING AUCTION HOUSE

Aim

This was an in depth study of one regional auction house, Woolley & Wallis Salisbury Salerooms Ltd, Wiltshire over a three year period (2014-2016). The purpose was to assess the:

- extent of ivory sales compared with overall sales
- value of the ivory sales and the associated commission
- type of ivory items for sale

Woolley & Wallis is a high-end auction house and a member of SOFAA. According to their website, from 2010 to the present day they have been the highest grossing regional saleroom in the UK; of twelve lots to make over a million pounds at regional auction houses, they have sold nine of them; and their Asian Art auction in May 2010 was the highest-ever grossing sale for a provincial auction house and eclipsed the equivalent sales at all three of the principal London salerooms.

This auction house was chosen because it was local to one of the TMT team and it was reputed to sell a lot of ivory.

The study did not assess whether Woolley & Wallis were complying with the law on trading ivory in the UK; it simply looked at the quantity of ivory they were selling.

Methods

The search term 'ivory' was used within the Woolley & Wallis website. Search results not concerning elephant ivory were ignored (eg ceramics and ivory-coloured carpets).

For each auction, the following details were recorded:

- date and title of the auction
- number of total lots
- number of ivory lots
- ivory lots as a percentage of total lots
- description of each ivory lot along with:
 - o estimate
 - o hammer price
 - o buyer's premium
 - o vendor's commission

The ivory lots were divided into five different categories (carvings/figures, paintings etc), producing a total number in each category and a percentage of the overall number represented by each category. The descriptions of the ages of the ivory lots were also recorded.

The descriptions of the ages of the ivory lots were also recorded.

Data

Aggregated results for all three years:

Total auctions	102
Total lots	52,884
Ivory lots	787
Ivory lots as a percentage of all lots	1.49%
Total hammer price of ivory lots	£514,070
Total commission on ivory lots	£172,152

Note: Calculation of total commission includes buyer's premium and vendor's commission.

The total number of lots and the number of ivory lots remained relatively constant over the three years.

Categories of lots (as a percentage of the total ivory lots for all three years):

A Carvings/Figures	35%
B Paintings	1%
C Furniture	6%
D Silverware/flatware	22%
E Misc items incl boxes, jewellery etc	35%

Results are rounded to the nearest percentage point (total 99%).

Breakdown of ages based on descriptions in online catalogue:

Age of Lots	Quantity	%
18th century or earlier	63	8.0%
Late 18th/early 19th century	53	6.5%
19th century	358	45.5%
Late 19th/early 20th century	113	14.5%
20th century	64	8.0%
No age given	106	13.5%
Other	30	4.0%

The age categories were chosen by TMT.

Woolley & Wallis overall sales and commission

According to an article in the Antiques Trade Gazette, reproduced on the Woolley & Wallis website, in 2016, they were the leading regional auctioneer for the ninth year. Their 2016 turnover was £22,900,000 (a 67% increase on 2015), which we assume means the overall value of sales.

By contrast to the significant increase in the revenue figure from 2015, in 2016 there was only a slight increase in the number of ivory lots compared with 2015 and the 2016 number was still lower than the number for 2014:- 2014: 282; 2015: 239; 2016: 266

Comparing their overall revenue figure for 2016 and TMT's assessment of the total hammer price for ivory sales, the 2016 figures are:

Total sales revenue:	£22,900,000
Total value of ivory sales:	£169,710
Ivory sales percentage	0.74%

The buyer's premium and vendor's commissions vary according to the hammer price: during 2016, buyer's premium was 22% on the first £500,000 of the hammer price and 12% thereafter. Vendor's commission was 15% for prices up to £999 and 10% thereafter. (Woolley & Wallis changed their charging structure in March 2017, after the period covered by this study.)

For calculating total buyer's premium and vendor's commission, we have assumed that virtually all lots had a hammer price of less than £500,000, so we applied 22% buyer's premium to all lots. For vendor's commission, we assumed an even split between lots that were sold for below £1,000 or above £1,000, so we applied a mid-price of 12.5% for vendor's commissions.

On that basis, on overall sales of £22,900,000 for 2016, the total buyer's premium was £5,038,000 and vendor's commission was £2,862,500 – a combined total of £7,900,500.

Buyer's premium and vendor's commission for 2016 on ivory lots was £56,726, which is 0.72% of £7,900,500.

Conclusion

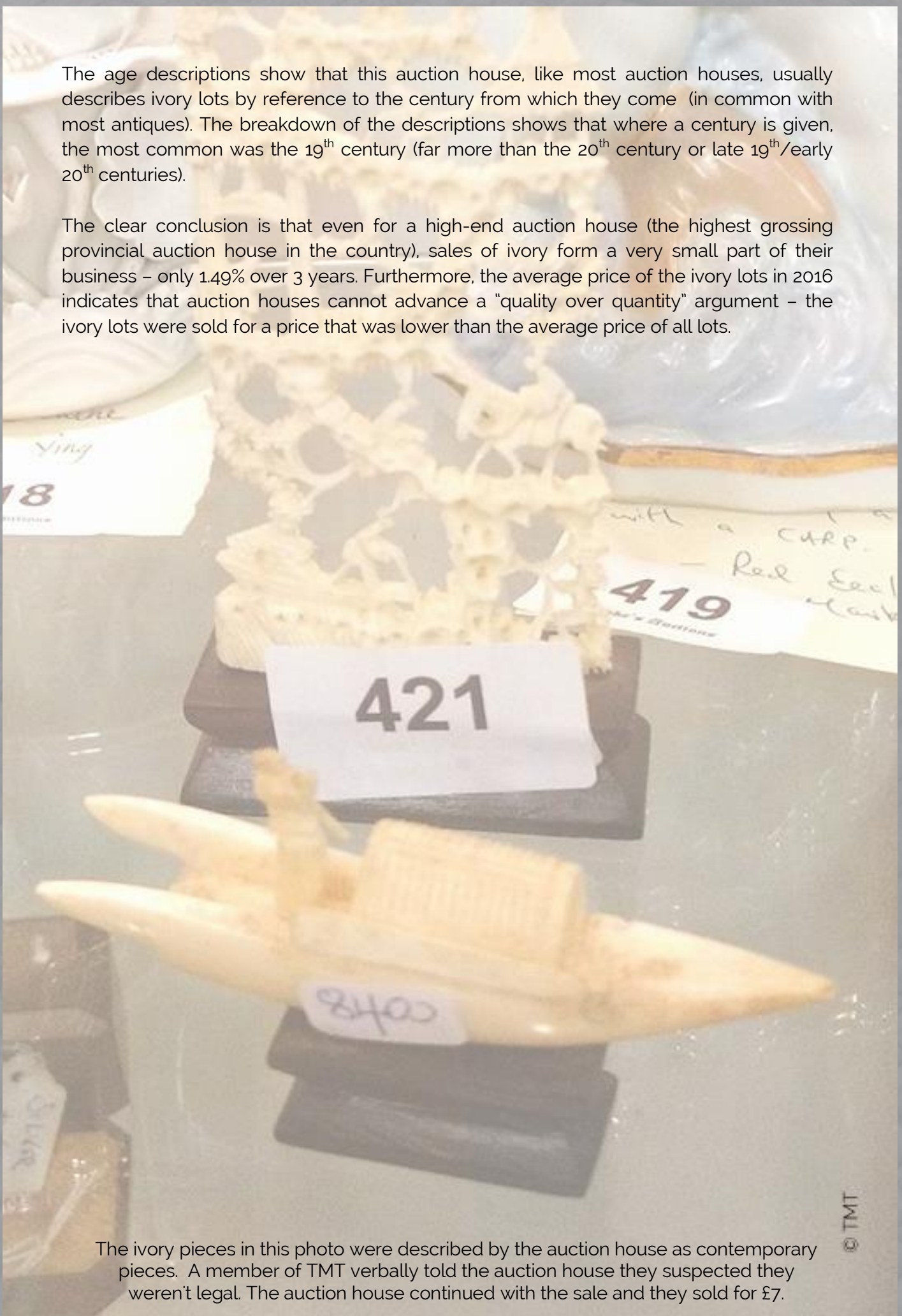
Ivory lots form a very small part of this auction house's business, averaging 1.49% of total lots annually for the three years. This compares with 0.70% for the 232 auction houses covered in Study 2A and 0.76% for the 301 auction houses in Study 2B. The higher figure for Woolley & Wallis is probably to be expected since they deal in high-end lots so may be expected to sell more lots made out of ivory, since it is perceived to be a luxury material.

Total buyer's premium and vendor's commission on ivory lots over the three years was £172,152 (an average for each year of only £57,384).

As a percentage of the overall buyer's premium and vendor's commission on all lots in 2016, ivory represented only 0.72%. The percentage of ivory lots for 2016 compared with all lots was 1.71%. Therefore, since the percentage for buyer's premium and vendor's commission on ivory lots was lower than the percentage for the volume of ivory sales, it means the average price of ivory lots must be lower than the average price of all lots.

The age descriptions show that this auction house, like most auction houses, usually describes ivory lots by reference to the century from which they come (in common with most antiques). The breakdown of the descriptions shows that where a century is given, the most common was the 19th century (far more than the 20th century or late 19th/early 20th centuries).

The clear conclusion is that even for a high-end auction house (the highest grossing provincial auction house in the country), sales of ivory form a very small part of their business – only 1.49% over 3 years. Furthermore, the average price of the ivory lots in 2016 indicates that auction houses cannot advance a “quality over quantity” argument – the ivory lots were sold for a price that was lower than the average price of all lots.



The ivory pieces in this photo were described by the auction house as contemporary pieces. A member of TMT verbally told the auction house they suspected they weren't legal. The auction house continued with the sale and they sold for £7.

Recommendations:

Immediate Actions Required

- ☐ Apply fully enforceable ivory ban, implemented as soon as possible.
- ☐ End to auction house/antique trade self-regulation.
- ☐ Invest in the National Wildlife Crime Unit (NWCUC).
- ☐ Apply much stronger penalties to offenders.
- ☐ Use the substantial fines from convictions to help fund NWCUC.
- ☐ Apply an immediate ban on the export of all ivory.
- ☐ Set up a compulsory education programme for auctioneers and auction houses on wildlife rules and regulations.
- ☐ Commence a public education programme with the aim to reduce the demand for ivory within the UK.

Immediate Guidance for Auction Houses and Antique Dealers:

- ☐ Request full and authentic provenance for each ivory object and definitive proof of age before accepting items to sell. Make all documentation available to view online and to enquirers.
- ☐ Arrange immediate staff training on wildlife policies and endangered species best practice and the laws surrounding them.
- ☐ Report any suspicious ivory to NWCUC or local police.
- ☐ Ensure auction house websites clearly state full guidance and laws on endangered species and prohibited items.
- ☐ Refrain from selling or buying ivory items, to prevent illegal ivory from entering the trade chain.

Immediate Guidance for the Public:

- ☐ Please do not buy ivory. You could be contributing, unwittingly, to an illegal sale. All trade in ivory continues to create demand and the poaching of elephants will continue. When the buying stops the killing can too.

Appendices

Appendix 1

Bone, Resin Faux & Imitation Ivory

Several lots that initially appeared to be made of ivory were not included in the Main Study because upon enquiry, the auction house advised the investigators that the lot/s were not actually made from ivory. Below is an overview of these lots:

1. **Description – Carvings, three lots**

The search term 'ivory' was used. This suggests ivory was within the listing somewhere.

For two lots the reply received was "On further inspection we believe these are not ivory, but resin."

For the third lot the reply was "Sorry no provenance as came from a house clearance." The auction house was not sure, stating 'we believe' they are not ivory. It is still unknown whether the third lot was ivory.

2. **Description – Small ivory turtle**

"On discussion with customers, the consensus of opinion is that the turtle is bone and the leaf is either bone or resin and the both are of no great age."

The auction house had to ask customers if the ivory turtle was in fact made out of ivory or not. They also weren't able to clarify what material the turtle was actually made from. Why don't they know the difference between bone and resin?

3. **Description - Bone items netsuke, three lots**

On enquiry the auction house replied they were actually resin. The auction house described the material incorrectly, why were they listed as bone?

4. **Description - Faux ivory snooker balls**

TMT asked "...are they really faux ivory?" The auction house replied "They are new reproduction items made to look like ivory. They are probably made from a resin."

Another auction houses stated a lot was "Probably resin." Why can't they tell for certain?

5. **Description - Chess set**

This auction house lot entry is now missing from this SOFAA auction house website, despite the rest of the auction being visible. Bone chess sets generally sell for under £80 and ivory/part ivory sell for in excess of £150. Was this chess set really made from bone or could it have been ivory?

6. **Description - Large Chinese carving in the form of a tusk and a smaller scrimshaw type sculpture**

Upon asking about the ivory tusk the auction house replied "We believe the items to have a bit of age, they are both resin." Upon enquiring further they replied "I can guarantee that the tusks are resin. We see a lot of ivory and resin pieces come through the saleroom and two of our experienced valuers have both confirmed it to be resin. There is no grain throughout and the top of the tusk is solid."

Appendix 2

TMT reviewed the websites of all the auction houses within the first study. It was noted how little emphasis was placed on the importance of following CITES regulations and whether elephants and ivory were mentioned. Largely ivory was only mentioned as an example of a product when describing exports and the necessity to potentially obtain a licence. It was disappointing to note the absence of such crucial information about endangered species, with only 8% of auction houses mentioning CITES regulations.

It was also noted whether the auction houses publicly support charities. It was surprising to see how such a wealthy industry neglects their corporate and social responsibility, by failing to support charitable organisations, with only 5 out of 75 auction houses stating they support a charity.

<u>A Review of Auction House Websites</u>				
TMT conducted a rapid review of the websites owned by the 75 auction houses during February and March 2017. The review observed the web content and the findings are noted below.				
The breakdown is defined by: Yes (information was found) OR No (information was not found)				
	YES	% YES	NO	% NO
Terms & Conditions	65	87%	10	13%
CITES mentioned	6	8%	69	92%
Wildlife mentioned	3	4%	72	96%
Ivory mentioned	12	16%	63	84%
Export Licence for animal materials	16	21%	59	79%
Import/Export/Other where ivory mentioned	16	21%	59	79%
Support a charity	5	7%	70	93%

The terms and conditions of business were reviewed on each website (if they were available). Examples of some of the ways in which the auction houses shirk responsibility for the advice, guidance and purported expertise of the auctioneers and their staff on the next page:

"All goods are excluded from the Sale of Goods Act 1979 and sold as seen. Whilst we seek to describe lots accurately, it may be impractical for us to carry out exhaustive due diligence on each lot. Prospective buyers are given ample opportunities to view and inspect before any sale and they (and any independent experts on their behalf) must satisfy themselves as to the accuracy of any description applied to a lot. Prospective buyers also bid on the understanding that, inevitably, representations or statements by us as to authorship, genuineness, origin, date, age, provenance, condition or estimated selling price involve matters of opinion."

"Whether any such statement is made orally or in the catalogue it is an expression of opinion."

"Lots are sold with all faults and defects whether latent or otherwise and the firm is not responsible for the authenticity, provenance, age, attribution, date, quality or condition of any lot. Any statements in the catalogue or given verbally or in writing are statements of opinion and are not to be relied upon as statements or representations of fact."

"Descriptive statements contained in the advertisements or catalogues or made up by the Auctioneer or any member of his staff should be taken as matters of opinion only, and shall not be taken as statement of fact."

"Please note carefully the exclusion of liability for the condition of lots contained in the 'Conditions of sale'."

There is a discrepancy between the supposed expertise of the auction house and the reality of what this means for the customer. Staff only have "opinions", there is the "exclusion of liability" and statements can be "made up". When applying these terms and conditions to ivory lots, it's even more disconcerting because some auction houses say they are "not responsible for the authenticity, provenance, age, attribution, date...of any lot." That is of course not true – the law does make them responsible for providing proof of age for ivory items.

Distance Selling

Little guidance appears available for customers purchasing online and there is great emphasis and onus placed on the buyer to view the lots in person. This is not an option for many people, especially those bidding from overseas.

With a lack of information about the requirement to obtain export permits for ivory items there is a high likelihood that customers could be left with an additional bill before they receive their goods. On the few websites where export permits were mentioned, the customer is told to apply for them post purchase. These can take any number of weeks to be granted, the customer is also charged storage fees for their items for this time.

Further research needs to be undertaken, to establish whether auction houses check customers have obtained the necessary export documentation for ivory before they release the goods for onward transit overseas.

GLOSSARY

ANTIQUES TRADE GAZETTE (ATG): A magazine published by the Auction Technology Group serving the arts and antiques community. The ATG describe the publication as: 'Published every week since 1971, Antiques Trade Gazette has a heritage of authority, integrity and accuracy at the heart of its reporting that make it the essential read for anyone with an interest in the fascinating world of art and antiques.'

APHA: The Animal and Plant Health Agency is an executive agency of DEFRA. APHA carries out management of CITES in the UK and offers guidance about CITES.

ARTICLE 10 CERTIFICATE: A document issued by the Government to allow commercial trade in pieces of worked ivory post-1947.

AUCTION HOUSE: A company that facilitates the buying and selling of assets, such as works of art, collectibles, jewellery and general housewares through a bidding system, earning fees through charging commissions to the seller and the buyer.

AUCTION HOUSE PROFESSIONAL TRADE ASSOCIATIONS:

AAA - Association of Accredited Auctioneers

FRICS - Fellow of the Royal Institution of Chartered Surveyors

NAVA - National Association of Valuers and Auctioneers

RICS - The Royal Institution of Chartered Surveyors

SOFAA - Society of Fine Art Auctioneers and Valuers

AUCTIONEER: The person who presides over an auction, initiating the sale by describing the lot (referenced in the

sales catalogue) and starting the bidding process. Bidders may be physically present in the auction house saleroom or may bid online or on the phone through a representative in the room.

BID: The amount a prospective buyer indicates they are willing to pay for a lot during bidding.

CITES: The Convention on International Trade in Endangered Species of Wild Fauna and Flora is an international agreement between governments. It aims to ensure that international trade in specimens of wild animals and plants does not threaten their survival. The convention came into force on 1st July 1975. CITES is one of the largest and oldest conservation and sustainable use agreements in existence. Participation is voluntary, and countries that have agreed to be bound by the Convention are known as Parties. Although CITES is legally binding on the Parties, it does not take the place of national laws.

CONDITION REPORT:

www.antiquestradegazette.com/guides/information-guides/auction-guide/ quote: 'Most auctioneers provide a condition report for potential buyers unable to attend the saleroom. This should give details of wear, damage and restoration but a written report is no substitute for viewing the object in person.'

DEPARTMENT FOR ENVIRONMENT, FOOD & RURAL AFFAIRS (DEFRA):

The UK Government department responsible for safeguarding the natural environment and supporting the food and farming industry and rural economy.

ESTIMATE: The range of prices, from low to high, that the auction house considers the lot might sell for at auction.

FAUX IVORY: The definition of faux is something that is not real or something that is an imitation. French Ivory can be



considered 'faux' ivory which is made from celluloid, the first synthetic plastic developed in the 1860s. Its discovery significantly contributed to the profusion of mass-produced consumer goods in the late 19th and early 20th centuries.

IVORY: A hard creamy-white substance composing the main part of the tusks of mammals including elephant, walrus and narwhal, often used to make ornaments and other articles.

LOT: One or more items sold in an auction as one unit, allocated a specific number in the sales catalogue.

NETSUKE: A small toggle, often in the form of a carved ivory or wood figure, used to secure a purse or container suspended on a cord from the sash of a kimono.

NATIONAL WILDLIFE CRIME UNIT (NWCU): A police intelligence unit providing operational support to law enforcement. It is the focal point for wildlife crime intelligence and investigation in the UK.

PROOF OF AGE: The evidence that a court of law would expect a seller to produce to demonstrate the age of a piece of ivory. Without that proof, or if the proof were demonstrated to be wrong, then the seller and anyone else offering the piece for sale could be subject to criminal sanction.

PROVENANCE: The place of origin or earliest known history of something. A record of ownership of a work of art or an antique, used as a guide to authenticity and quality.

RADIOCARBON DATING: A method of testing the age of living tissue by measuring the amount of radioactive carbon that it contains. Nuclear weapons testing in the 1950s nearly doubled the levels of radioactive carbon in ivory, as in all living tissue, which assists the process of establishing whether ivory came from an elephant that was alive before or after the 1950s.

RESIN: Any of a large class of synthetic products that have some of the physical properties of natural resins but are different chemically and are used chiefly in plastics.

RAW TUSK OR RAW IVORY: An ivory tusk or piece of a tusk in its natural state.

SCRIMSHAW: The name given to scrollwork, engravings, and carvings done in bone or ivory. Typically it refers to the handiwork created by whalers from the bones and teeth of whales.

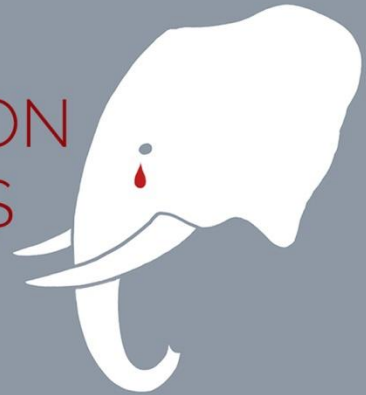
THE-SALEROOM.COM: "is Europe's leading portal for fine art and antiques auctions. Visitors to the site can search and browse catalogues and place bids over the internet in real time, with live audio and video feeds communicating the auction room atmosphere". In 2015, the Saleroom hosted 5,100 live and timed auctions, partnered with over 500 auction houses and sold 634,000 lots online. The Saleroom is wholly owned and operated by Auction Technology Group. In 2015, Auction Technology Group's websites collectively hosted more than 13,000 auctions and generated over £315m in online sales."

UNWORKED IVORY: All ivory that has not been 'worked' (changed from its natural state), including raw tusks and tusks that have been polished and/or permanently mounted but which have not been sufficiently changed from their original form to be considered 'worked'.

WITHDRAWN: The term 'withdrawn' means the lot has been removed from sale. This may be for various reasons and could be a decision taken by the seller or the auction house (eg if the police direct that the lot should be withdrawn because it would be illegal to sell).

WORKED IVORY: Ivory that has been changed from its natural state. For tusks or sections of tusks to be considered worked, they need to be fully carved or shaped into a new form such as a paper turner.

TWO
MILLION
TUSKS



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100 Years of UK Ivory Trade = Over One Million Elephants Killed