



"Embracing Innovation to Conserve the World's Animal Kingdom."

**Ivory Consultation
Area 1E
Nobel House
17 Smith Square
London
SW1P 3JR**

2 November 2017

The United Kingdom Ivory Consultation

In the Department for Environment Food and Rural Affairs (DEFRA) Ministerial Contact Unit (MCU) letter received^[1], it was suggested International Wildlife Bond (IWB) submit input to the welcomed Ivory Consultation. I have endeavoured to outline the full extent of the problem, the United Kingdom's part in fuelling that problem, Conclusions, Recommendations and responses to specific Ivory Consultation questions at Appendix 1 below for consideration.

1.0 The Problem

Back in the early part of the 20th century, there may have been as many as 3 - 5 million elephants.

Today, the wild African elephant population is perhaps less than 400,000^[2] across the entire continent. This population is insufficient to reproduce and sustain that population level^[2] whilst subject to the scourge of poaching for ivory (an estimated 20,000 - 30,000 elephants a year are slaughtered^[2]), human-wildlife conflict and trophy hunting attrition. Therefore, without intervention, the African elephant population is doomed to carry on declining towards extinction in the wild.

The Convention on International Trade in Endangered Species of Fauna and Flora (CITES) released a media statement 24 October 2017^[3] stating that "*African elephant poaching down, ivory seizures up and hit record high.*" But this 'relief' is not universal and is not the light at the end of the tunnel:

"The overall trends in the poaching of African elephants show that the sharp increase in the levels of illegal killing of elephants witnessed since 2006, and peaking in 2011, was first halted, then stabilized, and is now in decline, but at levels that remain too high when viewed continent-wide, with overall elephant population likely to have declined in 2016" – CITES^[3]



"Embracing Innovation to Conserve the World's Animal Kingdom."

"The ETIS [Elephant Trade Information System] analysis indicates that levels of illegal ivory transactions remained as high as in the previous six years, but also estimates that a record quantity of ivory may have been in illegal trade in 2016. This means that, even taking into account the impact of increased enforcement action, the overall quantity of ivory in illegal trade is likely now nearly three times greater than what was observed in 2007" – TRAFFIC^[4]

Asian elephants (population 44,281- 49,731^[5]) are also targeted and threatened by the risks of poaching, habitat loss and elephants taken into captivity to serve for human entertainment - elephant populations in Vietnam and elsewhere in the region are on the verge of extinction^[5]:

"Human elephant conflict (32%), habitat loss and fragmentation (25%), trans-boundary issues (17%), and protection and illegal trade in elephant products (13%) were identified as main threat to elephant conservation..... larger number of captive elephants exists in range countries and lack of standardized elephant registration system has further provided cover for illicit trade in elephants and their body parts, including ivory and this needs to be addressed through appropriate registration systems and monitoring protocols for these captive populations" – CITES^[5]

This CITES report^{[3],[5]} also highlights the mixed messages CITES sends, condoning illicit poaching (with the reported seizure of over 40 tonnes of illicit ivory), but at the same time giving cover to the paid for, 'legal' trade/exploitation of elephants as hunting trophies (including tusks):

*"...trade in *Loxodonta africana* [African elephant] directly from African range states over the period 2014-2015 principally comprised wild-sourced hunting trophies (including tusks). Notable levels of direct trade in wildsourced ivory carvings (7,889 kg of ivory carvings) were also recorded by countries of export, primarily as personal possessions (purpose code 'P'). In total, for 2014 and 2015, African range states reported the direct export of 525 tusks (weight not reported) as well as 15,805 kg (tusk number not reported [mainly exported from Zimbabwe]) of wild-sourced tusks" – CITES^[5]*

Perhaps the reported level of trade in ivory (with a seemingly dubious level of 'personal possessions' permit use) and tusks obtained via trophy hunting reflects a push to take



"Embracing Innovation to Conserve the World's Animal Kingdom."

advantage to trade (and stockpile) ivory before domestic ivory markets start to be shut down in accordance with CITES 2016 decision^[6]?

The African Wildlife Foundation conducted an intensive analysis of the CITES trade database and reported^[7] in October 2017 that between 2001 and 2015, an estimated 81,572 African elephants were killed for hunting trophies (on average, that's around 5,800 elephants per year) – Reference Figure 1 - *"African Mammal Trade – A Look at the African Animal and Animal Product Trade"*:

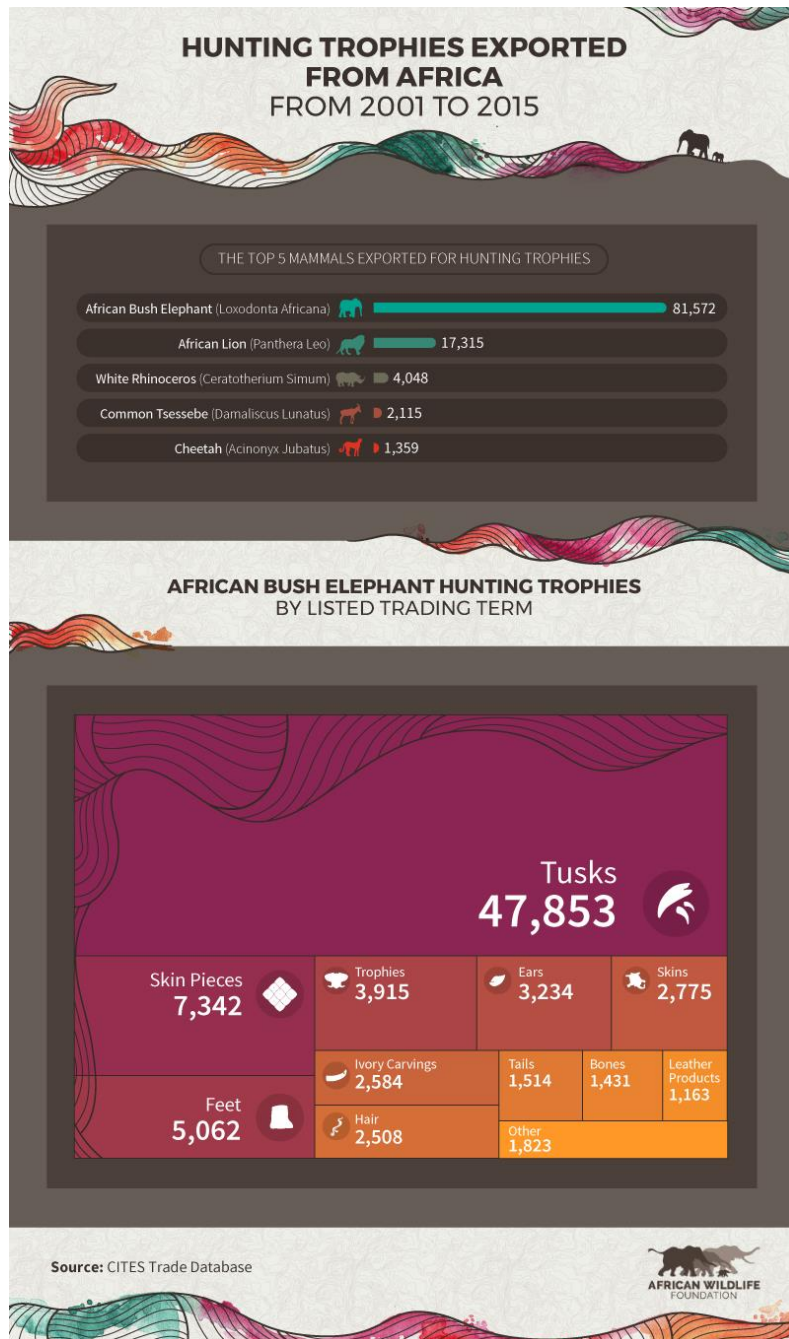
"According to CITES data, the African bush elephant accounted for roughly 4 in 5 animals whose parts were exported as trophies between 2001 and 2015" - African Wildlife Foundation^[7]

If ivory worship is to end, then all trade and the exploitation of elephants needs to end – every life is precious, no matter what dollars are paid to kill and import the resulting tusks/ivory - trophy hunting advocates claim the income derived from 'well-regulated hunting' equates to a *'sacrifice of one, saves the many'* - but these claims lack scientific proof^{[8],[9]}.



“Embracing Innovation to Conserve the World's Animal Kingdom.”

Figure 1 - “African Mammal Trade – A Look at the African Animal and Animal Product Trade^[7],” African Wildlife Foundation, October 2017



Trophy hunting advocates claim that ‘if’ best practice methods are employed, then hunting can be of benefit in protecting habitat (but not necessarily the inhabitants) within hunting concessions. However, this ‘best practice’ is seldom realised and increasingly, the public is



"Embracing Innovation to Conserve the World's Animal Kingdom."

growing intolerant^[8] of immoral/unethical hunting masquerading as 'conservation' (and failing). If money is key to protecting habitat for species' conservation, then the killing part is a redundant element (apart from the lust to take a trophy) – just donate the money to conservation without the killing attrition excused as 'sport.'

Botswana is home to approximately 33% of Africa's elephants. Botswana does not support trophy hunting. So this suggests that trophy hunting is not a pre-requisite for conservation as some try to claim.

General tourism has far greater financial potential to support habitat protection in the vast majority of past and present hunting concession areas, thus support conservation without the excuse of the '*sacrifice of one, saves the many.*' Table 1 below shows that tourism income far outweighs hunting income across Africa.

Table 1 – Trophy Hunting, Tourism Income and Population^{[9],[10]}

	Population ^(a) (million)	Trophy Hunting Revenue ^{(1)(2) (b)} (\$m USD)	Tourism Revenue ^{(2)(b)(c)} (\$m USD)	Trophy Hunting Revenue as % of Tourism Revenue
South Africa	51.4	112	9,547	1.2%
Ethiopia	84.3	1.45	522	0.3%
Cameroon	18.9	2.4	159	1.5%
Tanzania	44.9	32.9	1,457	2.3%
Zambia	11.8	7	125	5.6%
Botswana	2.0	25.4	218	11.7%
Namibia	2.1	32.8	517	6.3%
Burkina Faso	15.7	0.8	72	1.1%
Zimbabwe	11.8	20	634	3.2%
	242.9	234.75	13,251	1.77%

(a) Based on US Census numbers (2009)

(b) All figures converted to 2011 \$ USD

(c) UNWETO (2012)

Note 1 - It is not clear in the context used if 'Trophy Hunting' includes, or excludes 'Canned Hunting.'

Note 2 – It is not clear how Governments set their permitted hunt quotas – It is not often scientific and is suspected to be corruption (reference (1), para4.2, iii) many cases, Government revenue appears the main driver.



“Embracing Innovation to Conserve the World's Animal Kingdom.”

It is claimed by trophy hunting advocates, that the ‘value’ of elephants as potential hunting trophies protects the target species and benefits local communities by trickle-down economics – this claim has been comprehensively discredited with perhaps less than 3% trickle-down evident^{[9],[10]} and has certainly not deterred local human/wildlife conflict from increasingly inflicting elephant mortality:

“Human-elephant conflict, already on the rise, is a symptom of this rapid land transformation and only likely to continue to increase. This is likely to result in increased damage to both people and elephants. Habitat loss and fragmentation will result in increasingly fragmented elephant populations, which are already at high risk of loss of viability” – CITES^[3]

The threats faced by dwindling elephant populations are multiple and stem from both ‘legal’ and illegal sources, in addition to climate change and the effects on habitat and eco-systems.

2.0 Why Hasn’t the International Ban (1989) on Ivory Trading Worked?

With a 1989 global ban on the ivory trade initiated by CITES^[3], how did elephant poaching become such a problem?

Arguably, CITES allowing ivory stockpiles to be released into the market post-ban is a widely accepted reason (among no-trade advocates) that elephant poaching still persists because demand was stimulated^[11].

In 1989/1990 CITES introduced a ban on all ivory trade and ‘uplisted’ the elephant to CITES Appendix I. The ban worked initially to reduce poaching/demand, up to 1997.

However, by 1997 CITES sought to ‘find ways’ (delisting relevant elephant populations by country to CITES Appendix II, where only an export license is required) to meet ‘demand’ for (and allow some to profit from) ivory from stockpiles. CITES permitted the export of 47 tonnes of ‘stockpiled’ ivory to Japan from Botswana, Namibia and Zimbabwe. It would appear that from this ill-judged CITES decision in 1997, “*Pandora’s box*” was re-opened, with the tacit message to previous ivory trading and poaching syndicates that ‘the game was back on.’ Legal trade systems and poorly audited ‘stockpiles’ always allow illicit infiltration to launder poached ivory.

The initial 1997 CITES ill-judged thinking was further compounded in 2000, when South Africa’s elephants were delisted to CITES Appendix II with CITES’ blessing, with 6 tonnes of



"Embracing Innovation to Conserve the World's Animal Kingdom."

'stockpiled' ivory permitted for export to Singapore in 2002. In addition, in 2002 some 60 tonnes of ivory from South Africa, Botswana and Namibia was 'released' with CITES' blessing to Japan.

In 2008, again to *"quell"* demand and *"reduce prices,"* CITES once more (naively in retrospect) blessed 'stockpiles' of ivory to be exported. Since 2008, ivory demand and prices paid have risen exponentially (the price of ivory has skyrocketed from USD \$5/kg in 1989 to a wholesale price of USD \$2,100/kg in China in 2014^[11]), contrary to CITES' misguided belief that the opposite would be true.

3.0 The Global Ivory Trade and Shifting Trading Centres

At the 17th CITES Conference of the Parties (CoP17), 5 October 2016, the Parties failed to return all African elephant populations to the protection of Appendix 1 of the Convention. Botswana was the only country that unilaterally declared that it would protect its elephant population (approximately 33% Africa's elephants) regardless, by ensuring no trade as if their elephants were on Appendix 1.

However, at CoP17 CITES issued a draft decision^[6] for all 183 Parties to the Convention (including the United Kingdom) which:

"RECOMMENDS that all Parties and non-Parties in whose jurisdiction there is a legal domestic market for ivory that is contributing to poaching or illegal trade, take all necessary legislative, regulatory and enforcement measures to close their domestic markets for commercial trade in raw and worked ivory as a matter of urgency."

On 11 September 2016, the International Union for Conservation of Nature (IUCN), Motion 007^[12] called for the *"Closure of domestic markets for elephant ivory."*

The IUCN "URGES the governments of countries in which there is a legal domestic market for elephant ivory, or any domestic commerce in elephant ivory, to make all necessary legislative and regulatory efforts to close their domestic markets for commercial trade in raw or worked elephant ivory."

Note: The IUCN Red List of Threatened Species lists the *Loxodonta Africana* (African Elephant) as *"Vulnerable"* and the *Elephas maximus* (Asian Elephant) as *"Endangered."*

China has sought to curb ivory working/trading within China itself (including Hong Kong SAR). But mainland Chinese openly buy post-1990 (ie. poached) ivory in Laos (Lao People's



"Embracing Innovation to Conserve the World's Animal Kingdom."

Democratic Republic) from predominantly Chinese owned establishments – these are the conclusions of a recent report^[13] prepared by Save the Elephants:

"Mainland Chinese buy over 80% of the ivory items in Laos today.....Nearly all the items seen for sale today originate from illegally imported (post-1990) ivory. There is virtually no law enforcement so shops are able to display these items openly" – Save the Elephants^[13]

If elephant poaching is to decline and give wild elephant populations the chance to stabilise/survive, then enforcement and demand reduction in every jurisdiction are fundamental. Off-shoring Chinese demand for ivory to Laos is not acceptable.

Laos is a signatory to CITES which means ivory trafficking is a crime, but the report^[13] says Laotian authorities barely enforce anti-ivory laws and only one seizure has been made in the country since it joined the convention in 2004:

"In recent years, the ivory trade in Laos has expanded more rapidly than in any other country surveyed, for one major reason: effective law enforcement and control of the illegal international ivory trade are practically non-existent in Laos" – Save the Elephants^[13]

After the 2016 CITES draft decision^[6] Japan's representatives sought to exempt Japan by suggesting its domestic ivory trading industry was *"rigorously controlled"*^[14].

However, Japan's on-going ivory trading gives cause for concern and is anything but *"rigorously controlled:"*

"Given CITES Parties last year recommended the closure of domestic ivory markets that contribute to poaching and/or illegal trade, an overhaul of Japan's market oversight and regulation is urgently needed to ensure it does not undermine the global fight against illegal ivory trade" – Dr Yannick Kuehl, Regional Director for TRAFFIC in East Asia^[15]

"TRAFFIC surveys of Japan's online domestic ivory markets in 2017 have found high volumes of sales across online shopping malls, auction sites and emerging CtoC (Customer to Customer) websites, with thousands of advertisements posted every week. The significant number of ivory products being offered and traded online in Japan is of concern" – "TRAFFIC surveys find thousands of ivory items sold weekly online in Japan," TRAFFIC, August 2017^[16]



"Embracing Innovation to Conserve the World's Animal Kingdom."

Japan requires international scrutiny and pressure to encourage Japan's full compliance with CITES decision^[6].

4.0 Adaptive Criminal Smuggling Syndicates

A TRAFFIC report^[17] released 18 September 2017 revealed that there has been a shift from the illicit smuggling of raw rhino horn, to the illicit workshops being established within South Africa, thus making the smuggling of smaller, worked items more manageable:

".....disturbing new evidence that some criminal networks of Chinese origin operating in South Africa are now processing rhino horn locally into beads, bracelets, bangles and powder to evade detection and provide ready-made products to consumers in Asia, mainly in Viet Nam and China."

CITES' recent news release^[3] has also highlighted this issue specifically to ivory:

".....there is a growing concern and increasing evidence of ivory processing in Africa by Asian nationals for export to Asia. This involves smaller volumes of worked ivory carried through air check-in and carry-on luggage or couriers. It could potentially pose a serious threat, and adequate enforcement efforts to stem this illegal flow are to be deployed."

It should never be underestimated how adaptive and resourceful the criminal networks are when it comes to perpetuating their illicit trade in wildlife parts, be that ivory, rhino horn, tiger bones etc.

5.0 The United Kingdom's Ivory Trade

The question is, is the United Kingdom's trade in ivory fuelling the problem, or is it above reproach?

In September 2016, in an effort to deter trade in 'modern' ivory, DEFRA's announcement^[18] perpetuated support for United Kingdom *"trade in 'worked' items, such as works of art and ornaments dating from before [3 March] 1947"*- where 'worked' is defined for tusks or sections of tusks must be fully carved or shaped into a new form.

Such 'worked,' pre-1947 ivory pieces are designated as *"Antique."* The United Kingdom's over-arching domestic legislation applicable is encompassed in the Control of Trade in Endangered Species (Enforcement) Regulations 1997 (COTES).



"Embracing Innovation to Conserve the World's Animal Kingdom."

In August 2017, the Environmental Investigation Agency (EIA)^[19] announced *"UK is the largest supplier to the world's ivory markets."* This is not a trading 'accolade' the United Kingdom should be proud of for the following reasons:

- EIA Executive Director Mary Rice said: *"UK ivory exports are stimulating consumer demand globally, especially in Hong Kong and China, two of the world's largest markets for both legal and illegal ivory. Even as the Government of China works towards closing its domestic ivory market by the end of 2017, the UK continues to inject a large amount of ivory into China.....The UK Government should stop issuing permits for all ivory exports with immediate effect, not least to show solidarity with the Hong Kong and Chinese governments which have both committed to closing their domestic ivory markets."*
- *"As well as fuelling demand for ivory, the UK's legal trade provides opportunities for the laundering of illegal ivory, both within the country and internationally"* - EIA Executive Director Mary Rice, 10 August 2017

In October 2017, the privately funded initiative, Two Million Tusks (TMT) produced a comprehensive, covert study in association with the EIA, *"Ivory – The Grey Areas"*^[20]. This study provides an alarming insight into the United Kingdom's antique auction houses' lack of adherence to the United Kingdom laws (as announced by DEFRA^[18]) regarding *"Antique"* ivory trading:

- Pilot study - 26 auction house and 71 ivory lots investigated.
- Main study - 62 auction houses and 109 ivory lots investigated.
- Combined - 75 auction houses and 180 ivory lots were investigated.

Over both studies, the TMT study^[20] concluded that 90% of the ivory lots investigated had no conclusive proof of the provenance of the ivory and therefore, no proof of compliance with the United Kingdom law on ivory trading as specified by DEFRA^[18]. As if that was not bad enough, when questioned about the age of the ivory lot being marketed:

- In 48% of ivory lots investigated, the auction house did not give any indication of the age of the ivory being sold in the descriptions provided (and therefore, its legal compliance as *"Antique"* or otherwise);



"Embracing Innovation to Conserve the World's Animal Kingdom."

- Many auction houses (12% of cases) sought to place the burden of proof on the potential purchaser to deduce of their own accord regarding the 'legality' (or otherwise) for a given ivory lot marketed;
- In over 30% of cases, the auction house confessed it did not know the age of the ivory lot in question;
- In one instance, in the Main Study there was a raw tusk and an unworked tusk within the same sale – it should be clear to anyone operating legally within the antiques industry, both these items are illegal to sell in the United Kingdom.

In conclusion, the TMT study^[20] paints a damning indictment on the onus of responsibility United Kingdom auction houses place upon themselves to ensure the ivory pieces they openly market are legally compliant. This is clearly not acceptable and shows a complete lack of self-regulation within the industry with regard to ivory. I can't imagine any other industry being tolerated that showed such a nonchalant and complacent regard for irrefutable due diligence and legal compliance with regard to the items it seeks to 'legally' sell within United Kingdom borders.

6.0 The United Kingdom's Antique Industry's Approach to Dating Ivory

The United Kingdom antiques trade is represented by bodies such as The British Antique Dealers' Association (BADA), British Art Market Federation (BAMF) and similar. These bodies advocate that the antique trade is able to rely upon an expert appraiser's eye to determine an ivory piece's carving style, patina and hence its 'likely' (not categorically proven) compliance with the definition of "*Antique*" (pre-1947) ivory.

6.1 Radiocarbon Dating

Clearly more scientific methods of dating ivory are available than the "*expert appraiser's eye*." Radiocarbon dating of once living organisms can provide a reliable prediction of when such an organism (such as an elephant's ivory) actually ceased to be connected to a living organism and the radiocarbon contained started to decline according to the known exponential decay law.

Carbon dating cannot determine when any ivory piece was 'worked,' but can reliably indicate when the given ivory ceased to be connected to an elephant's tusk, the 'donor' elephant either losing part of a tusk, or all of a tusk – it should be noted, that a tusk is an elephant's tooth and any partial removal of a tusk (ie. the tip portion) is likely to lead to infection and the 'donor' elephant's death. Of course, an



"Embracing Innovation to Conserve the World's Animal Kingdom."

elephant's tusk connects into its skull, so any ivory from a full tusk undoubtedly resulted from an elephant's natural, but most likely unnatural death.

Radiocarbon dating costs approximately £400 per item^[20], but 91% of the ivory lots TMT^[20] investigated were being marketed below £400 in value. However, why shouldn't radiocarbon dating be compulsory for all ivory items and the cost passed-on and/or absorbed by those that wish to perpetuate the worship of ivory and its sale? Even if the ivory piece is a 'precious museum' grade item of 'significant historical and artistic importance' then a sample for conclusive radiocarbon dating is not beyond the remit when faced with the antique industry's otherwise seemingly blatant disregard for conclusive provenance.

If proof of the value of radiocarbon dating in this application is needed, it proved a conclusive indicator of the lack of accuracy and ongoing misrepresentation of ivory lots for sale when the BBC investigative reporter, Hugh Fearnley-Whittingstall (*"Africa's Elephants: Hugh and the Ivory War"* first aired in October 2016^[21]) examined nine ivory pieces purchased on-line in the United Kingdom.

After employing scientific carbon-dating methods, four out of nine pieces were found not to pre-date 1947, with one ivory item dated as taken from an elephant that was growing its tusk in the 1980s. Two other pieces had been re-worked into 'new' pieces, so were also technically 'illegal' as the overall piece could not be considered as a 'worked' item pre-dating 1947. So overall, two-thirds (66.67%) of the ivory items studied by Hugh Fearnley-Whittingstall^[21] were not 'legal' *"Antique"* ivory that could be sold in the United Kingdom.

7.0 The United Kingdom's Antique Industry's Response

To help the elephant 'we' (the United Kingdom) must take our share of the blame and the burden. The United Kingdom antiques trade tries to distance itself and claims that only *"Antique"* ivory (judged by an appraiser's eye) is handled (this claim has been disproved^{[20],[21]}) - but the reality is all forms of ivory worship stimulates undesirable demand, speculation and thereby, perpetuates the on-going elephant slaughter to cash-in.

Prior to TMT's study^[20], the United Kingdom's antique industry's response has been one of denial and self-delusion:



"Embracing Innovation to Conserve the World's Animal Kingdom."

- The United Kingdom antiques industry does not (openly) recognise even a theoretical link between the trading of *"Antique"* ivory and the poaching of elephants;
- The United kingdom antiques industry claimed that it had a *"clean bill of health"*^[22] (sic) as recently as September 2016 with regard to ivory trading.

An August 2016 report^[23] *"A Rapid Survey of the UK Ivory Markets,"* summarised that TRAFFIC's researchers had visited 13 antiques markets and two areas with antiques shops across London, also carrying out online searches to record the number of ivory items on sale. This report was grasped by the United Kingdom antiques industry as a *"vindication"* 'proving' (sic) the industry has *"a clean bill of health"*^[22].

TRAFFIC's report^[23] concluded that there could only be a *"tenuous"* link between the United Kingdom's ivory trading witnessed for the report and elephant poaching today to meet demand for *"Modern"* ivory.

I would suggest TRAFFIC's report^[23] was limited in its scope and the conclusions drawn potentially highly misleading:

- How does TRAFFIC know that these same predominantly Asian buyers witnessed in its report^[23] (Asia, particularly China is a key market for all ivory), by having their appetite for *"Antique"* ivory in the United Kingdom satisfied, are not encouraged to seek ivory of even more dubious origin elsewhere? Thus, both parties (any traders of ivory and the buyers) are fuelling the desire for ivory and potentially stimulating the supply demand for *"pre-Convention"* ^[Note 1] and *"Modern"* ivory, thus exacerbating the elephant poaching crisis;

Note 1 - *"pre-convention"* - Within the EU^[24] this means the 1989 CITES/EU Wildlife Trade Regulations ban implementation date in the Country/State where a given *"worked"* or *"raw"* ivory item was acquired, but in CITES terminology, *"pre-Convention"* means pre-CITES *"Convention,"* when CITES came into being in 1975. Hence, why in the past '1989' was the antique market's preferred benchmark when referring to *"pre-convention"* ivory, as it gave more scope to include ivory from 1975 to 1989.

- I don't think that link is remotely *"tenuous"* when Hugh Fearnley-Whittingstall's BBC series *"Africa's Elephants: Hugh and the Ivory War"*^[21] exposed Asian ivory buyers as seemingly willingly naïve to the plight of any unwilling donor creature, killed for this avid market's purchasing pleasure. When confronted with the



"Embracing Innovation to Conserve the World's Animal Kingdom."

reality that to meet their desire for ivory, elephants are dying at a prodigious rate by the poachers' predacious theft, these same buyers seemed genuinely shocked, appalled and conflicted in their desire for ivory and the negative consequences for 'donor' elephants:

"There's a clear disconnect between individuals saying, 'I'm going to buy it' and 'I support enhanced regulations of the ivory trade'^[25]"

- The researchers from TRAFFIC^[23] visited 13 antiques markets and two areas with antiques shops across London and also carried out online searches to record the number of ivory items on sale. However, very little attention seems to have been given to on-line trade of ivory in the United Kingdom, focusing on ivory pieces on 'physical' display in predominantly London antique markets and shops;
- The report was funded by China's CITES Management Authority – CITES is not impartial when it comes to trade in endangered species (which is often misunderstood):

"CITES deals with international trade, it is not there to deal with the conservation of species in situ – there is a great deal of misunderstanding about that" – said John Sellar^[26], formerly chief of enforcement for CITES

At best, TRAFFIC's "A Rapid Survey of the UK Ivory Markets^[23]" appears superficial. The report glosses over any scientific radiocarbon dating analysis to support its 'evidence' and conclusions, conducting its research on the stalls and markets observed by eye. No items were taken for further scientific examination by TRAFFIC's researchers "due to funding and time restraints, the current survey did not involve further in depth investigation/research into traders or items for sale."

TRAFFIC's report^[23] also failed to adequately analyse the United Kingdom's on-line ivory market apart from looking at ivory items "for sale on UK-based antiques and auction websites, to complement the results obtained during the physical market survey" - how exactly were these on-line items actually 'appraised' for authenticity as pre-1947? By 'trust' in the vendor's own product description presumably – which has been shown by TMT's study^[20] to be unreliable even when an accompanying description is proffered.

How can the United Kingdom's antiques industry continue to try and claim there is no link between its trade of "Antique" ivory and modern ivory linked to poaching, when 90%^[20] of



"Embracing Innovation to Conserve the World's Animal Kingdom."

the United Kingdom trade in ivory has no clear basis to verify its claims that only "Antique" ivory is being traded?:

"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" - Two Million Tusks (TMT) study^[20], "Ivory: The Grey Areas," page 5

8.0 What Would Happen if Ivory Trading Was Banned in the United Kingdom?

During TMT's study^[20], no auction house was found to be exclusively reliant on ivory for its business.

However, the industry has made claims^[28] of impending hardship if a complete ban on all ivory trading in the United Kingdom was initiated.

LAPADA (The Association of Arts & Antiques Dealers) has reportedly claimed *"some of their members will be forced out of business should a full ivory ban be enforced"* – TMT^[20]

BADA (British Antique Dealers' Association) has claimed *"15% of BADA members would be either driven out of business or severely damaged by a ban and 55% regularly affected by one"* – TMT^[20]

These claims appear to gross exaggerations^{[27],[28]} of the potential financial down-side that would be endured:

"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...."with ivory representing perhaps 1% of the trades' sales – TMT^[20]

In a 2017 study^[28] conducted by The School of Law, Portsmouth University, it concluded:

"The key message learnt.....is that most [antique industry dealers and auctioneers] respondents (almost half) admitted that less than 10% of their annual turnover could



“Embracing Innovation to Conserve the World's Animal Kingdom.”

be attributable to the sales of ivory. This is important because it suggests that many businesses are not dependent on the ivory market.”

9.0 Conclusions

It was pleasing to read the announcement^[29] that the “UK will commit an additional £13 million to new measures tackling the illegal wildlife trade” with an increased funding commitment to the International Consortium for Combatting Wildlife Crime (ICCWC) – the 2010 alliance between CITES, INTERPOL, The United Nations Office on Drugs and Crime (UNODC), The World Bank and The World Customs Organisation (WCO).

However, when foreign governments blatantly ignore acting upon a clear ban on ivory trading (such as witnessed in Laos^[13], Japan^{[15],[16]} and Central Africa^{[17],[30]}), then the ICCWC appears to have a hopeless task, no matter what funding it receives.

CITES is not a conservation body per se. It is openly an international body that facilitates trade in endangered species, but often seeks to cover such activity with a veil of ‘sustainability’ that all too often, seems to become a secondary consideration in lieu of trade (and CITES only seems to act to restrict trade when crisis looms). The Parties to CITES are not overwhelmingly represented by conservationists, but business and trade interests. There is no international convention dedicated to the sole purpose of endangered species conservation per se – CITES is not fit (in its current form) for that purpose.

Without a paradigm shift in the ‘use’ of wildlife and its value in the world, many species (including elephants) face insurmountable obstacles to their survival as wild species.

With regard to the United Kingdom’s September 2016 announcement^[18], it simply doesn't go far enough to eradicate illicit activity within the window of ‘permitted’ (but largely unregulated/unscrutinised) ‘legal’ United Kingdom ivory trading activity.

If the United Kingdom can show leadership by example, perhaps key ivory markets in Japan and other Asian nations will follow suit and comprehensively shut their domestic ivory trade for good. In May 2016, the French minister of the Environment, Energy and the Sea, Ségolène Royal took the decision (after Kenya’s stock piled ivory burning, 30 April 2016) to announce an initiative to push for a total ban on ivory sales in France.

In September 2015, the United States and China committed^[31] to:



"Embracing Innovation to Conserve the World's Animal Kingdom."

"Enact nearly complete bans on ivory import and export, including significant and timely restrictions on the import of ivory as hunting trophies, and to take significant and timely steps to halt the domestic commercial trade of ivory."

Gradually, these initiatives to end commercial, domestic ivory trading of any kind will leave nowhere for the unwelcome trade of *"pre-Convention"* and the illegal trade of *"Modern"* ivory to 'hide.' It is also imperative to ensure recipient nations, such as China shut down all illicit ivory trading importation (via Laos for example^[13]), not just 'legal' domestic routes.

It's estimated that 90% of all ivory pieces traded in China are illegal, plus massive illegal stockpiling (totalling perhaps 1,000 tonnes) by speculators of poached ivory took place between 2008 – 2014^{[32],[33]}. The trade has now relocated to Laos^[13] and ivory trading via Japan^{[15],[16]} still represents a significant concern - the point being, ivory trading and future supply/demand is unlikely to end completely, even if all 'legal' domestic ivory markets are closed (due to past stockpiling). Much work and continued pressure is needed to ensure all ivory supply/demand ends so the planet's elephants are left in enduring peace and the scourge of elephant poaching eradicated for good.

In addition, there is little conclusive science that suggests trophy hunting (other than as a theoretical, but seldom realised 'well-regulated, best practice' killing of vulnerable and/or endangered species) contributes to the conservation of a given target species. Where is the evidence (not the theory) that the killing of an estimated 81,572 African elephants^[7] as hunting trophies between 2001 – 2015 helped conserve the species?

Interrogation of CITES' trade database reveals (trade terms for trophies, skulls, tusks, bones etc.) that between 2001 and 2016^[Notes 2 and 3] the following African elephant 'parts' were purchased as for import into the United Kingdom:

- some 386 'tusks' (54 'trophies' - 108 tusks, plus 278 'tusks');
- 9 'skulls'
- 26 'skins'
- 134 'skin pieces'
- 11 'carvings'
- Some 700 'ivory carvings' (most listed as 'P - personal' but also some as 'H – Hunting trophies')



“Embracing Innovation to Conserve the World's Animal Kingdom.”

Note 2 – Entries to CITES’ trade database are always at least a year behind, so it is not yet possible to see any entries for 2017.

Note 3 - All these were from wild (source ‘W’) African elephant origins exported to the United Kingdom (and also Jersey) as hunting trophies (including under the often used disguise of ‘personal’ exports/imports).

If ivory worship within United Kingdom borders and all trade in ivory further restricted, then the loop-hole of ivory imports into the United Kingdom under the disguise of ‘legally’ obtained purchases of ‘hunting trophies’ and ‘personal’ items also needs to be addressed/eradicated. Trophy hunting does not help the elephant species^{[9],[10],[11],[34]}.



Figure 2 - “Sport hunting in Zimbabwe is big business, with hunters such as David Barrett paying \$10,000 for the experience. Barrett, who is British, and others argue that Western hunters provide vital revenue to local communities” - Photograph by Barcroft Media/ Getty – National Geographic^[34]



"Embracing Innovation to Conserve the World's Animal Kingdom."

The 2015 Conservative Party Manifesto (page 55) pledged to *"tackle international wildlife trade"* with a promise to *"press for a total ban on ivory sales."* Now is the time to lead and institute that promised *"total ban"* on ivory trading within the United Kingdom, whilst *"pressing"* for a complete end to all of the world's ivory trading/demand.

In October 2018, the United Kingdom will host a fourth international conference on the illegal wildlife trade. It's important that the United Kingdom is able to show the required leadership with regards to ivory, and all other exploited wildlife.



"Embracing Innovation to Conserve the World's Animal Kingdom."

10.0 Recommendations

The objective of any recommendations must be premised on key objectives and realities:

- To end the perpetuation of ivory worship that stimulates demand for the production of new ivory pieces carved from poached ivory;
- To end ivory worship purely for its monetary value and speculative potential – until that 'worship' of ivory for financial gain, or as a symbol of status and wealth is ended, then demand for fresh sources of ivory will be perpetuated (and elephant deaths to poach tusks will continue);
- No desire to see historical ivory pieces withdrawn from public display in legitimate museums – it is appreciated that there is artistic merit and academic relevance to historical ivory pieces, but this 'value' should not be an excuse to perpetuate purely financial value associated with ivory speculation and trading;
- No desire to see existing historically or artistically relevant ivory pieces crushed or destroyed against the will of a given owner (ie. no compulsory objective to see pre-existing ivory crushed and destroyed unless confiscated by authorities as a result of illicit activity, unless deemed to be of particular artistic or historical importance and thereby donated to a suitable, legitimate museum);
- No desire to see ivory pieces prevented from being passed down/inherited.

1.0 End the Sale of Ivory - The sales of 'worked' "*Antique*" ivory in all forms should be made illegal within United Kingdom borders, along with the existing ban on 'modern' and raw ivory items (with few Exemptions – see Recommendation 3.0 below).

To deter a frenzy of activity to off-load/export ivory (which of itself could serve to stimulate demand and thus undermine the key objective, to deter ivory worship and elephant poaching), it is suggested a swift enactment of an all-encompassing, enduring ban is preferable. If there is a delay, or hope that a future reprieve might materialise and the ban will not be enduring, then ivory will continue to be speculatively stockpiled (which again, potentially stimulates and encourages demand/poaching).

Any ivory that is thus rendered 'surplus to requirements' can be donated under amnesty to secure government vaults, donated to museums if worthy of that distinction for enduring ownership (see Exemptions, Recommendation 3.0 below), or indeed surplus ivory destroyed by appropriate authority. There should not be too



"Embracing Innovation to Conserve the World's Animal Kingdom."

much sentimentality attached to this latter option - living elephants are clearly more worthy of any such sentimentality.

The question will no doubt arise, should any United Kingdom ivory owner be compensated for (post-ban) being prevented from trading and realising the past financial value of a given ivory piece? Based upon the United Kingdom antiques industry's past lack of acknowledgement of even a theoretical risk of their nonchalant activities endangering living elephants, then the United Kingdom antiques industry will clearly find an immediate ban shocking – I personally, have little sympathy with any industry that has had plenty of time to grasp the reality and reform.

Should a private ivory collector/owner be compensated? The blame for the circumstances requiring such a ban are man-made and have been obvious to many for decades - the downside emanating from the inflated financial speculation and ivory worship as a rising asset. If a private ivory collector/owner truly values an ivory piece for its artistic merit, then that should be compensation enough – if the piece was being held and prized as an investment, then that just encouraged others to speculate and seek ivory (no matter what the detrimental consequences for elephants) and deserves no merit/compensation.

2.0 Import and Export of Ivory – There should be an immediate curtailment of all commercial imports or exports of ivory to and from the United Kingdom (no matter the level of ivory content – see Exemptions below).

However, this should not curtail imported, or exported worked ivory for non-commercial purposes, ie. as part of personal possessions during a house move to, or from the United Kingdom; inherited ivory piece being moved upon an executor's instructions etc. Of course, this does open potential loop-holes for abuse, but the risks should be minimal if the penalties for non-compliance and likelihood of detection and enforcement are strong.

Similarly, United Kingdom museums should be able to import/buy worked ivory of cultural value from other countries, but must mitigate the risk of ivory pieces being purchased by an entity fronting as a museum. United Kingdom museums should only be able to sell ivory pieces to legitimate museums in other countries if the proposed receiving museum has an enduring policy that prohibits onward sale to private individuals.



"Embracing Innovation to Conserve the World's Animal Kingdom."

3.0 Exemptions - Some exemptions could be accommodated, for example to permit historical ivory based pieces of special importance to be moved between museums:

- 3.1 Antiques proven to date before 1947 that contain a small amount of ivory could be accommodated. The ivory content means ivory weighing less than 200 grams and amounting to less than 20% of the overall item – this should accommodate historical musical instruments for example;
- 3.2 Independently obtained radiocarbon dating evidence used to verify only pre-1947 ivory is utilised within any piece submitted for exemption.
- 3.3 Legitimate United Kingdom museums could be allowed to buy, loan, exchange, receive donations and bequests, and display ivory, so they can preserve items of artistic, cultural or historical value for the benefit of the public. If museums wish to sell ivory, they would only be able to sell to other legitimate museums;
- 3.4 The above exemptions should not allow any entity to act as a façade (a 'museum') to facilitate, or obtain ivory pieces for private individuals;
- 3.5 Any significant ivory pieces of artistic, cultural or historical value will remain of 'value'- but only 'valued' as museum pieces and not for sale or transfer to, or between private individuals.

4.0 Education and Training - Either there is a wilful lack of awareness of the rules for UK ivory trading within the UK antiques industry, and/or a rapid education programme is necessary. The majority of ivory traders (67% in the TMT study^[20]) were not party to a trade association.

Of the more than 20,000 antiques dealers and auctioneers working in United Kingdom, only around 1,500 are members of a formal trade association^[28]. However, this does not excuse non-compliance with the law as evidenced^[20], but does demonstrate that there is only so much the major trade association can do to reach all United Kingdom antique dealers and auctioneers (and on-line) - so there is massive gap to be filled if the entire United Kingdom trade in ivory is to adopt and enshrine any current, or amended guidelines to match mandatory legal requirement.



"Embracing Innovation to Conserve the World's Animal Kingdom."

5.0 Enforcement - Expecting the National Wildlife Crime Unit (NWCU) to police the entire antiques industry and on-line trading activity is not feasible, without significant additional investment and resourcing. There is currently a rampant online trade^{[19],[20]} with little or no regulation whatsoever.

So, unless there is the additional resourcing for the NWCU readily available, then a complete end to all United Kingdom based ivory trading is imperative – the vast majority of the United Kingdom's 'legal' ivory trading industry clearly cannot be relied upon to self-regulate^[20] and the resources clearly do not exist to police the industry as currently structured – if the ivory trade is comprehensively curtailed (as suggested in Recommendations 1.0 to 3.0 above), then any ivory being 'traded' will be transparent as illicit and should in theory, reduce the enforcement burden over time.

6.0 Increase Penalties for Non-compliance - There is currently a lack of substantive deterrents to encourage compliance^[20]. With a greater emphasis on penalties and enforcement, this might have encouraged the antiques industry's compliance to self-ensure only worked, pre-1947 ivory was being traded (rather than just a moral imperative that the industry does not acknowledge as necessary).

If an all-encompassing ban is to be implemented on ivory trading it should be implemented with short-notice, rather than encourage the off-loading of ivory stock regardless to realise the financial value 'before it is too late.' A clear and pervasive deterrent is needed, in the form of substantive penalties for non-compliance (or the fear is the trade will continue regardless).

7.0 International Pressure - There is no international body that has a mandate for wildlife species conservation - not 'sustainable' trade in target species (as per CITES), but species conservation for conservation's sake. In this absence, then only international diplomacy and pressure can exert influence to deter bad practice detrimental to species' conservation, such as non-compliance, habitat loss, excessive hunting and human/wildlife conflict. There needs to be a paradigm shift in global thinking and the approach to threatened wildlife if it is to be saved for future generations.

8.0 Hunting Trophies - To save elephants (and other so threatened species), then all sources of detriment to the species' survival needs to be addressed – not just the



"Embracing Innovation to Conserve the World's Animal Kingdom."

scourge of poaching, but excessive bad practice trophy hunting that lacks scientific foundations. The fact someone pays to kill wildlife 'legally' should not excuse the killing without further scrutiny and burden of conservation proof (which are both lacking entirely in the United Kingdom's hunting trophy import process).

In addition, if a villager sees wildlife being 'legally' killed by a paying tourist ('hunter') on the villager's door-step with no trickle down benefit to him or his community, how is that a deterrent against the villager also seeking to profit directly from the wildlife around him by becoming a paid-poacher? Trophy hunting's killing breeds more killing and wildlife 'utilisation' for profit.

The United Kingdom should show leadership, accept public opinion and ensure that no hunting trophy (including elephant tusks derived from 'legal' trophy hunting) should be allowed for importation into the United Kingdom. If the United Kingdom seeks to further restrict and control United Kingdom ivory trading in the name of saving wild elephants (as envisaged at Recommendation 1.0 to 7.0 above), then it would be hypocritical to continue to permit the importation of fresh 'modern' ivory from killed elephant into the United Kingdom under the guise of 'legally' obtained hunting trophies (and the on-going risk of the tusks so obtained being offered illicitly for resale and 'worked,' or the passing on of such trophy tusks for other nefarious purposes).

The '*Banning UK sales of ivory*,' DEFRA, October 2017 consultation document^[35] questions have been cross-referenced and summarised at Appendix 1 below for further clarity.

Yours sincerely,

Stephen Alan Wiggins
Founder of International Wildlife Bond (IWB)

Registered Charity No. 1164833
E: stephenawiggins@iwbond.org
Web: <https://iwbond.org/>



"Embracing Innovation to Conserve the World's Animal Kingdom."

Appendix 1 – 'Banning UK sales of ivory'^[34] Question and Responses

'Banning UK sales of ivory'^[34], questions	IWB Response	Notes
Q1. Do you agree with the proposed ban?	Yes	Reference Recommendations 1.0 and 2.0
Q2. Do you have any evidence to present on how our proposed ban will affect elephant conservation and the natural environment, including wider species conservation?	<p>Signatories (Parties to CITES) have a mandate to implement both CITES^[6] and the IUCN^[12] recommended decisions aimed at sustainable wildlife utilisation – including the United Kingdom's Animal Plant and Health Agency (APHA) at the United Kingdom's CITES licensing authority.</p> <p>In 2016, both CITES and the IUCN recommended the closing of all domestic ivory markets in an effort to stem elephant poaching. This would not have happened without a clear intention to enhance elephant conservation and by default, the eco-systems and bio-diversity that wild elephants sustain (elephants wander 12 – 16 hours per day helping to fertilise and spread essential re-seeding of vegetation).</p> <p>Trade in poached ivory is smuggled by organised criminal syndicates - there is little doubt that these syndicates are multi-faceted^[36], not only in terms of wildlife trafficking (rhino horn, pangolin, lion bones, tiger bones, hippo teeth (ivory) etc.), but also narcotics, arms, people smuggling etc. So, to tackle elephant poaching requires a co-ordinated response to stem all activities these criminal syndicates undertake. These syndicates are</p>	Reference para 3.0 <i>"The Global Ivory Trade and Shifting Trading Centres"</i>



"Embracing Innovation to Conserve the World's Animal Kingdom."

	<p>known to be linked to funding terrorism, so eradicating poaching is not just about wildlife conservation and the natural environment, but must be viewed in a much wider global-security context.</p> <p>The European Union funded ENACT^[37] (Institute for Security Studies, Interpol, the Global Initiative against Transnational Organised Crime) is a recent initiative at much wider, transnational co-ordination to tackle poaching, wildlife trafficking and its wider consequences.</p>	
<p>Q3. Do you have any evidence to present on the impact of bans in other countries or jurisdictions on elephant conservation and the natural environment, including wider species conservation?</p>	<p>Bans only work when there are no misguided trade interventions to "quell" demand by allowing ivory releases from stockpiles for example.</p> <p>Internationally agreed, wildlife trade bans can cause the trade to move location, be that illicit or otherwise. It can be seen that China's attempts to curb internal, domestic ivory markets has simply meant that the Chinese are now openly buying illicitly ivory in Laos^[13].</p> <p>Bans only work when internationally applied - CITES is meant to be a Convention that all Parties adhere to – it should not be optional that some countries' authorities and Governments ignore international agreements/law.</p> <p>If such behaviour is over-looked, then CITES cannot be seen as fit for purpose to even try to enforce its own decisions.</p>	<p>Reference para 2.0 <i>"Why Hasn't the International Ban (1989) on Ivory Trading Worked?"</i></p> <p>Reference para 3.0 <i>"The Global Ivory Trade and Shifting Trading Centres."</i></p>



"Embracing Innovation to Conserve the World's Animal Kingdom."

<p>Q4. Do you have any evidence to present on how protecting elephants through the proposed ban would be economically beneficial?</p>	<p>Wildlife tourism is undoubtedly a massive industry generating vital income and employment (some \$13bn^{[9],[10]} is generated per annum across the African continent).</p> <p>If key wildlife species are allowed to be eradicated by the many threats they face, then the wildlife tourism industry will begin to collapse. Anything that helps save iconic wildlife species is bound to have a positive economic benefit by sustaining the wildlife tourism industry.</p>	<p>Reference para 1.0 <i>"The Problem."</i></p>
<p>Q5. Do you have any evidence to present on how protecting elephants through the proposed ivory ban would be culturally beneficial?</p>	<p>Ending the global culture of ivory worship (particularly in China where demand/worship is highest), would perhaps divert income so 'invested' (in to what is basically elephant teeth), into more tangibly beneficial and less morally reprehensible sectors perhaps than wildlife exploitation?</p> <p>Perhaps the Ivory Consultation and its consequences will raise awareness of the ongoing abuse of the elephant species in the name of 'tradition,' 'culture' and 'sport.'</p> <p>In some Asian regions the 'cultural' use of elephants equates to enduring abuse of the so-called revered and idolised elephant species – where human greed, corruption, vanity, self-worship, wildlife torture and exploitation is on public display. And/or, an elephant becomes a tourist ride attraction, again after the elephant's spirit has been broken^[39], the elephant subjugated through brutal</p>	<p>Reference Recommendation 8.0</p>



"Embracing Innovation to Conserve the World's Animal Kingdom."

	<p>beatings with weapons and hooks throughout its miserable, captive life.</p> <p>If elephants are to survive the onslaught ivory worship perpetuates, then the eradication of the ivory worshipping 'culture' in all its forms is a benefit in itself for the world's humanity to pass on to future generations.</p> <p>However, there seems little point in sparing elephants from being poached to meet demand for ivory, only for the elephants so saved to be sacrificed to the trophy hunting 'culture' that needlessly depletes the target species^{[9],[10],[11],[34]} for selfish human 'needs.' Or elephants abused for other morally repugnant human utilisation in the 'wildlife entertainment' industry^[39] for example.</p> <p>If the aim it to truly save elephant and mutually benefit both man and elephants, then all the negative aspects of the exploitation surrounding elephants need to be addressed and eradicated to advance mankind's 'culture.'</p>	
Q6. Do you have any evidence on how our proposed ban would affect the arts and antiques sectors, or individuals who own ivory items?	In terms of antique industry trading, the claims of how important ivory trading is to the industry appear to have been grossly exaggerated ^{[20],[27],[28]} , with no auction house surveyed totally reliant upon ivory to survive, ivory representing perhaps 1% ^[20] to 10% ^[28] of total sales/turnover.	Reference para 8.0 <i>"What Would Happen if Ivory Trading Was Banned in the United Kingdom?"</i>



"Embracing Innovation to Conserve the World's Animal Kingdom."

	<p>In terms of the effect on individuals owning ivory items, the proposed ban only has a downside if the owner was/is speculating on the value of any given ivory piece (speculation on the financial value being the root-cause of ivory worship/poaching).</p> <p>If an ivory piece owner only appreciates the artistic content, then this will be unaffected by the proposed ban on ivory trading.</p>	
Q7. Do you have any evidence about the value, or number, of sales of items containing ivory in the UK?	The August 2017, Environmental Investigation Agency (EIA) study <i>"UK is the largest supplier to the world's ivory markets"</i> ^[19] , supplies ample data on the size of the UK's ivory trading activity.	
Q8. Do you have any evidence about how many UK-based businesses, e.g. those in the fine art, antique or auction sectors, specialise in ivory products?	Despite antiques industry claims to the contrary, apparently none are solely dependent upon ivory ^{[20],[27],[28]} .	
Q9. Do you agree that the government should include an exemption to allow the continued sale of musical instruments containing ivory? Please provide evidence to support your view.	Antiques proven to date before 1947 that contain a small amount of ivory could be accommodated. The ivory content means ivory weighing less than 200 grams and amounting to less than 20% of the overall item – this exemption should accommodate historical musical instruments for example.	Reference Recommendation 3.1
Q10. Do you have a view on what the scope of this exemption should be? Should it be qualified, or refined, further than	See answer to Q9 above.	Reference Recommendation 3.1



"Embracing Innovation to Conserve the World's Animal Kingdom."

proposed?		
Q10 (a). If this category of exemption were implemented as you suggest, what proportion of the existing trade in items containing ivory would you expect to be exempt from the ban? Please provide evidence.	A very small proportion of ivory pieces would be exempted with the criteria envisaged.	
Q11. Do you have any evidence about the current trade in musical instruments for professional use made wholly, or partially, of ivory?	No	
Q12. Do you agree that the government should include a de minimis exemption to an ivory ban? Please provide evidence to support your view.	Yes I would suggest that without " <i>de minimis</i> " exemptions, then the artistic merit and historical importance of some pieces with an ivory content would be relegated to secure vaults, thus depriving those that appreciate the piece purely from an artistic/academic perspective from ready access.	Reference Recommendation 3.0 – " <i>Exemptions</i> "
Q13. Do you have any views on what the scope of this exemption should be? Should it be qualified, or refined, further than proposed?	Yes, qualified as any item with less than 200g pre-1947 ivory content and amounting to less than 20% of the overall item.	Reference Recommendation 3.1
Q13 (a). If this category of exemption were implemented as you suggest, what proportion of the existing trade in items containing ivory would you expect to be exempt from the ban? Please provide	A very small proportion of ivory pieces would be exempted with the recommended criteria envisaged. The vast majority of ivory pieces surveyed in TMT's recent study ^[20] were being offered at around £400 – this would suggest, that the exempted	Reference Recommendation 3.1



"Embracing Innovation to Conserve the World's Animal Kingdom."

evidence.	pieces envisaged are rarely traded.	
Q14. What thresholds of ivory content should be set for a de minimis exemption, by either percentage, volume or weight? What evidence do you have for this?	<p>Yes, qualified at any item with less than 200g pre-1947 ivory content and amounting to less than 20% of the overall item.</p> <p>It is understood, that ivory keys (for example) on antique musical instruments contain less than the suggested ivory content exemption limit proposed. The aim is to permit such instruments to be commercially traded. The assumption is that the desire for such antique instruments is based upon their intrinsic value as a musical instrument and is not dependent, or biased upon purely speculative reasoning based on a given piece's ivory content.</p>	Reference Recommendation 3.1
Q15. Do you think that a de minimis exemption could also capture the majority of musical instruments containing ivory?	Yes	
Q16. How should this exemption operate in practice?	<p>Based upon TMT's study^[20], I do not trust the United Kingdom antiques industry (associations and the myriad of independent traders) to self-regulate and oversee any distinction between a piece that meets the exemption criteria suggested, or otherwise.</p> <p>Therefore, an independent assessment body needs to be established to independently certify all exempted pieces submitted. No piece containing ivory should be commercially tradable within United Kingdom borders unless the piece has been certified thus.</p>	Reference Recommendation 3.2



"Embracing Innovation to Conserve the World's Animal Kingdom."

	<p>Mandatory, independent radiocarbon dating evidence (on a sample basis of an ivory element of the piece) should be obtained as part of the certification process to ensure only pre-1947 ivory is contained within any given piece submitted for exemption.</p> <p>The costs for the suggested assessment and certification body should be paid for by the antiques industry – through credible antique association membership and a submission fee. If this is not acceptable to the industry, then no commercial trade in any items with ivory content should be permitted.</p> <p>Until such an independent assessment body has been established, there should be no grace, or transition period for commercial trading of ivory pieces. Only when an independent certification route is available can any commercial trade in a piece with an ivory content be permitted.</p>	
<p>Q17. Do you agree that the government should include an exemption to our ban to allow the continued sale of items containing ivory of artistic, cultural, or historic significance? Do you have any evidence to support your view?</p>	<p>No, there should be no exemption that perpetuates purely commercial trade of items containing ivory of artistic, cultural, or historic significance.</p> <p>The commercial speculation upon ivory as a commodity to be held in regard for investment purposes, or as status symbol is a key driver for the demand to obtain ivory of modern origin – driven purely by human vanity and greed, not a deeper, altruistic appreciation. This is evidenced by the market dominant Asian demand side's</p>	



"Embracing Innovation to Conserve the World's Animal Kingdom."

	lack of association ^[25] of a peer driven desire for ivory, versus the acknowledgement that ivory is derived from a dead elephant's tusks – there seems to be a willing naivety and disconnect that feeding the insatiable demand side of an increasingly wealthy population of 1.8bn+ for ivory, rhino horn, lions, leopards and tigers etc. (including ingredients for Traditional Chinese Medicines (TCM) of no proven efficacy), elephants and other wildlife are being killed at unsustainable rates and/or subject to inhumane intensive farming ^[40] .	
Q18. What do you think the scope of this exemption should be? How should artistic, cultural, or historic significance be defined?	N/A	
Q18 (a). If this category of exemption were implemented as you suggest, what proportion of the existing trade in items containing ivory would you expect to be exempt from the ban? Please provide evidence.	N/A	
Q19. How do you think such an exemption should operate in practice?	N/A	
Q20. Do you agree that the government should include an exemption to allow continued sales of items containing ivory to museums or between museums? Please provide evidence to support your view.	Legitimate United Kingdom museums could be allowed to buy, loan, exchange, receive donations and bequests, and display ivory, so they can preserve items of artistic, cultural or historical value for the benefit of the public.	Reference Recommendation 3.3 and 3.4



"Embracing Innovation to Conserve the World's Animal Kingdom."

	<p>If museums wish to sell ivory, they would only be able to sell to other legitimate museums.</p> <p>The above exemptions should not allow any entity to act as a façade (a 'museum') to facilitate, or obtain ivory pieces for private individuals.</p>	
Q21. Should any other form of institution/s or organisation/s be covered by this exemption? If so, please state which and provide evidence for your view.	Perhaps items on short-term (less than, or equal to six months) loan should be permitted for proven academic study and research purposes.	
Q22. Do you think we should consider any other exemptions to this ivory ban? Please provide evidence.	No - reference response to Q17 and Q27.	
Q23. Do you have any evidence on the scale, in terms of value and/or volume, of any of these exemptions?	N/A	
Q24. Do you have any views as to which public body should be responsible for enforcing the ban?	National Wildlife Crime Unit (NWCUC)	Reference Recommendation 5.0
Q25. Do you have any views as to the sanctions that should be applicable to those found to be in breach of this ban?	<p>Clearly, the current deterrents and penalties (and incentives to comply with current laws regarding ivory) are insufficient^[20].</p> <p>Punitive financial penalties should apply to try and inspire compliance with the proposed ivory trading ban – perhaps a guide of 10 times the value of the ivory piece(s) that any miscreant vendor is attempting to sell illicitly would be the lightest penalty.</p>	Reference Recommendation 6.0



"Embracing Innovation to Conserve the World's Animal Kingdom."

	<p>All ivory confiscated as a result of illicit activity should be destroyed (crushed) – unless of particular artistic or historical importance, in which case the piece(s) can be donated to an appropriate museum.</p> <p>For the worst offences, dealing in quantities of 'modern' poached raw ivory, or worked 'modern' ivory pieces should be subject to a sentence of up to 5 years' imprisonment. This would provide sentencing on parity with recent increases for animal cruelty^[38], where killing elephants, and/or facilitating the profiteering from 'modern' ivory is clearly based upon animal cruelty.</p>	
Q26. Do you think that it should be for those involved in the sale to demonstrate that an item falls into an exempted category? Do you have any evidence to support this? How might this be enforced?	<p>Yes, the onus of responsibility is on the vendor.</p> <p>However, based upon TMT's study^[20] that responsibility would need to be instigated across all elements of the antiques industry, encompassing association members, non-members, business and private on-line vendors.</p> <p>See suggested certification process for exemptions in response to Q16.</p>	Reference Recommendation 4.0
Q27. Do you have any other comments about this proposed ivory ban?	<p>The importation and potential onward distribution and misuse of ivory as a 'legal' hunting trophy needs due consideration within the proposed ivory ban.</p> <p>All forms of ivory trading such as 'legally buying' an elephant to kill for its</p>	Reference Recommendation 8.0



"Embracing Innovation to Conserve the World's Animal Kingdom."

	<p>tusks/ivory (African elephant hunts cost between USD\$ 11,000 – 70,000 (£8,300 – 53,000 GBP)^[41]) must be considered to ensure there is a clear, all-encompassing disincentive for 'modern' ivory to enter United Kingdom borders.</p> <p>Plus, ending the scourge of trophy hunting imports (such a tusks) sends a clear international message, that the unnecessary killing of endangered wildlife for 'sport' lacks any moral, ethical or scientific justification in modern civilisation.</p>	
--	---	--



"Embracing Innovation to Conserve the World's Animal Kingdom."

References

1. DEFRA MCU letter, Ref DWO417610, 16 December 2016
2. *"The Great Elephant Census - Continent-wide survey reveals massive decline in African savannah elephants,"* Chase et al., PeerJ, June 2016, ref: DOI 10.7717/peerj.2354 - <https://peerj.com/articles/2354/>
3. *"African elephant poaching down, ivory seizures up and hit record high,"* CITES, 24 October 2017 - https://www.cites.org/eng/news/pr/African_elephant_poaching_down_ivory_seizures_up_and_hit_record_high_24102017;
4. *"New analyses reveal elephant poaching and global ivory trafficking continue at high unsustainable levels in 2016,"* TRAFFIC, 27 October 2017- <http://www.traffic.org/home/2017/10/25/new-analyses-reveal-elephant-poaching-and-global-ivory-traff.html>
5. *"STATUS OF ELEPHANT POPULATIONS, LEVELS OF ILLEGAL KILLING AND THE TRADE IN IVORY: A REPORT TO THE CITES STANDING COMMITTEE - SC69 Doc. 51.1 Annex,"* CITES <https://cites.org/sites/default/files/eng/com/sc/69/E-SC69-51-01-A.pdf>
6. *"Draft Decision and Amendments to Resolution Conf. 10.10 (Rev. CoP16) on Trade in Elephant Specimens,"* Convention on International Trade in Endangered Species of Fauna and Flora (CITES), CoP17 Com. II. 6, 5 October 2016 - https://cites.org/sites/default/files/eng/cop/17/Com_II/E-CoP17-Com-II-06.pdf
7. *"African Mammal Trade – A Look at the African Animal and Animal Product Trade,"* African Wildlife Foundation, October 2017 - <http://www.awf.org/campaigns/wildlife-trade-and-seizure-maps/>
8. *"Report on Lion Conservation with Particular Respect to the Issue of Trophy Hunting,"* Wildlife Conservation Research Unit (WildCRU), 26 November 2016 - <https://iwbond.org/2016/12/06/report-on-lion-conservation-wildcru/>
9. *"The Economics of Poaching, Trophy and Canned Hunting,"* IWB, 2 September 2015 - <https://iwbond.org/2015/09/02/the-economics-of-poaching-trophy-and-canned-hunting/>
10. *"The \$200 million question: How much does trophy hunting really contribute to African communities?,"* a report for the African Lion Coalition, prepared by Economists at Large, Melbourne, Australia, February 2013 - <https://iwbond.org/2015/09/03/the-200-million-question/>
11. *"The 'Theatre' of Wildlife Decimation,"* IWB, 7 March 2016 - <https://iwbond.org/2016/03/07/the-theatre-of-wildlife-decimation/>



"Embracing Innovation to Conserve the World's Animal Kingdom."

12. "Closure of domestic markets for elephant ivory," The International Union for Conservation of Nature (IUCN), Motion 007, Final version published 7 November 2016 - <https://portals.iucn.org/congress/motion/009>
13. "The Ivory Trade of Laos: Now the fastest growing in the World," Lucy Vigne and Esmond Martin, Save the Elephants, September 2017, ISBN 978-9966-107-83-1
<http://www.savetheelephants.org/wp-content/uploads/2017/09/2017-Vigne-Lao-Ivory-Report-web.pdf>
14. "Japan gets reprieve in international effort to clamp down on ivory trade," Japan Times, October 2016 - <https://www.japantimes.co.jp/news/2016/10/03/national/cites-calls-nations-end-legal-ivory-trade-bid-end-poaching/#.We8GwbpFzcs>
15. "Ivory seizure exposes Japan's lax domestic ivory trade controls," TRAFFIC, 23 June 2017 - <http://www.traffic.org/home/2017/6/23/ivory-seizure-exposes-japans-lax-domestic-ivory-trade-contro.html>
16. "TRAFFIC surveys find thousands of ivory items sold weekly online in Japan," TRAFFIC, August 2017 - <http://www.traffic.org/home/2017/8/8/traffic-surveys-find-thousands-of-ivory-items-sold-weekly-on.html>
17. "Pendants, Powder and Pathways—A rapid assessment of smuggling routes and techniques used in the illicit trade in African rhino horn," TRAFFIC, 18 September 2017 - <http://www.traffic.org/home/2017/9/17/organized-criminal-gangs-behind-rhino-horn-processing-in-sou.html>
18. "Plans announced to help bring an end to illegal elephant poaching and ivory trafficking," DEFRA announcement, 21 September 2016
19. "UK is the largest supplier to the world's ivory markets," Environmental Investigation Agency (EIA), 10 August 2017 - <https://eia-international.org/uk-largest-supplier-worlds-ivory-markets>
20. , "Ivory – The Grey Area," Two Million Tusks, October 2017 - <https://iwbond.org/2017/10/20/uk-auction-houses-ignoring-legal-ivory-trading-requirements/>
21. "Africa's Elephants: Hugh and the Ivory War," Hugh Fearnley-Whittingstall, BBC, October 2016 - <http://www.bbc.co.uk/programmes/b0813xr2>
22. "Ivory survey vindicates UK antiques industry," Antiques Trade Gazette, 1 September 2016 - <https://www.antiquetrade gazette.com/news/2016/ivory-survey-vindicates-uk-antiques-industry/>
23. "A Rapid Survey of the UK Ivory Markets," TRAFFIC, August 2016 - <http://static1.1.sqspcdn.com/static/f/157301/27217988/1472570776477/UK-ivory-markets.pdf?token=qDagadCiAnIV57AbhoPQS2iUe%2BQ%3D>



"Embracing Innovation to Conserve the World's Animal Kingdom."

24. *"The Re-export of Pre-convention/Antique Ivory from the European Union,"* Report prepared for the European Commission by Victoria Mundy, August 2014 (ref page 6) - https://iwbond.org/wp-content/uploads/2016/08/Ivory-report_Nov-2014.pdf
25. *"Who Buys Ivory? You'd Be Surprised,"* Marc Strauss, National Geographic, 12 August 2015 - <https://news.nationalgeographic.com/2015/08/150812-elephant-ivory-demand-wildlife-trafficking-china-world/>
26. *"CITES species meeting: 'The only game in town',"* BBC News, 23 September 2016 - <http://www.bbc.co.uk/news/science-environment-37389229>
27. *"UK ivory trade ban would have minimal impact on antiques industry,"* IFAW, March 2017 - <http://www.ifaw.org/united-kingdom/news/uk-ivory-trade-ban-would-have-minimal-impact-antiques-industry>
28. *"The Elephant in the Sale Room - An Inquiry into the UK Antiques Trade's Sale of Ivory,"* Caroline Cox, The School of law, University of Portsmouth, 2017 - [http://www.port.ac.uk/media/contacts-and-departments/pbs/law/Ivory-Report-10.3.2017-\(1\).pdf](http://www.port.ac.uk/media/contacts-and-departments/pbs/law/Ivory-Report-10.3.2017-(1).pdf)
29. *"UK leading global fight against illegal wildlife trade,"* DEFRA announcement, 17 November 2016
30. *"Ivory Markets in Central Africa,"* TRAFFIC, September 2017 - <https://iwbond.org/2017/09/07/ivory-markets-in-central-africa/>
31. *"President Xi Jinping's State Visit to the United States,"* White House Press Briefing, 25 September 2015 - <https://obamawhitehouse.archives.gov/the-press-office/2015/09/25/fact-sheet-president-xi-jinpings-state-visit-united-states>
32. *"Analysis of Ivory Demand Drivers,"* D Stiles Ph.D., September 2015 - <https://www.linkedin.com/pulse/real-reason-drop-illegal-raw-ivory-prices-china-daniel-stiles?trk=hp-feed-article-title-comment>
33. *"Is there a plan B for elephants? The next step in saving them is even harder,"* D Stiles Ph.D., The Guardian, 19 November 2016 - <https://www.theguardian.com/global-development-professionals-network/2016/nov/19/elephants-closing-legal-ivory-markets-need-plan-b-elephants>
34. *"Is Trophy Hunting Helping Save African Elephants?"* Adam Cruise, National Geographic, 17 November 2015 - <https://news.nationalgeographic.com/2015/11/151715-conservation-trophy-hunting-elephants-tusks-poaching-zimbabwe-namibia/>
35. *'Banning UK sales of ivory,'* DEFRA, October 2017 - https://consult.defra.gov.uk/international/banning-uk-sales-of-ivory/supporting_documents/IVORY%20CONSULTATION.pdf



"Embracing Innovation to Conserve the World's Animal Kingdom."

36. The Global Initiative against Transnational Organised Crime -
<http://globalinitiative.net/programs/environmental-crime/>
37. *"Spotlight: mitigating the impact of transnational organised crime in Africa,"* The Global Initiative against Transnational Organised Crime, 27 July 2017-
<http://globalinitiative.net/spotlight-mitigating-the-impact-of-transnational-organised-crime-in-africa/>
38. *"Animal cruelty sentences to rise to five years in prison,"* 30 September 2017 -
<http://www.bbc.co.uk/news/uk-41451893>
39. *"Elephant Misery,"* IWB, 26 July 2016 - <https://iwbond.org/2016/07/26/elephant-misery/>
40. *"Unmanageable Animal Exploitation,"* IWB, 8 October 2017 -
<https://iwbond.org/2017/10/08/unmanageable-animal-exploitation/>
41. *"Trophy Hunting by the Numbers,"* Humane Society International, February 2016 -
http://www.hsi.org/assets/pdfs/report_trophy_hunting_by_the.pdf