

Q1. Do you agree with the proposed ban?

Yes - Option 1.

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?

Elephants are called the Gardeners of Eden; walking up to 50 miles (80 kilometres) a day, depositing their dung en route which acts as a vehicle for seed dispersal and the start of new life. This nutrient rich manure also contains undigested seeds and nuts providing a feast for other animals/birds and also replenishes depleted soils, which improves crop cultivation for mankind. Elephants pull down trees and clear bushes opening up corridors for other animals, they dig waterholes with their tusks in dry riverbeds creating a source of water for all, including humans. Their incredible memory retains information of historical pathways that other species depend on too for their survival as the umbrella species. No-one truly knows what will happen to the ecosystems if elephants are driven to extinction, purely for the desire of a tusk in order to create an ivory ornament. Tusks that also fund terrorism, war lords and human trafficking. Ivory is called: The White Gold.

<http://voices.nationalgeographic.org/2015/09/04/video-ivory-trade-and-slave-trade-linked-throughout-history/> www.twomilliontusks.org p3

There is a global call for the conservation of elephants. 183 governments are members of CITES and at their Conference of Parties in 2016 a non binding resolution to phase out domestic ivory markets was accepted. It was announced "There is renewed hope for Africa's elephants today.....elephants and their communities are suffering - and the world must heed the call to put an end to the ivory trade, once and for all."

<https://voices.nationalgeographic.org/2016/10/02/cites-cop17-delegates-adopt-resolution-recommending-closure-of-domestic-ivory-markets-globally/>

At a meeting this month (November 2017) the ministers responsible for wildlife conservation of the IGAD (Intergovernmental Authority on Development) member states; namely Ethiopia, Djibouti, Kenya, Somalia, South Sudan, Sudan and Uganda, have agreed to enforce the Regional Biodiversity Policy and the IGAD Biodiversity Protocol for cooperation on the wildlife anti-trafficking. Recognising the fact that wildlife trafficking and other forms of wildlife crime constitute a serious threat to the resources, communities and IGAD region peace and security, thus the region should work collaboratively to combat the menace. "Wildlife protection is not only the issue of environment, but it is also health, economic and above all peace and security issue on a global scale. Wildlife trafficking has devastating impact on both animals and people. It threatens security, undermines the rule of law, fuels corruption, hinders economic development and affects the natural resources at large."

<http://allafrica.com/stories/201711220844.html>

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?

A successful deterrent to trade, which is working well; is New York, due to strong penalties eg seized ivory being crushed. <https://nypost.com/2017/08/03/2-tons-of-seized-ivory->

[to-be-crushed-in-central-park/](#) During the last crush a campaigner said “Every piece, no matter how polished, represents a beautiful animal that was slaughtered”.

It is good to see TRAFFIC, WWF and IFAW recently released a new report that measures the effectiveness of the US near-total ban on ivory sales. There appears to have been a marked decline in elephant ivory available for sale in 2016 <http://www.ifaw.org/united-states/new-report-shows-US-baseline-ivory-market>

Ivory bans are not necessarily working in many countries because of confused and relaxed laws. A good example is with China’s Ivory Ban 2016 creating a loophole when it was announced that auctions would be allowed to sell “ivory relics”. <https://www.theguardian.com/environment/2016/dec/13/elephant-china-set-date-end-ivory-factories>

The Wildlife Justice Commission (WJC) - shared with the Guardian: Unless Asian countries ivory bans are controlled the markets will simply shift to online sites (WECHAT and FACEBOOK) and backrooms. “Social media provides a shopfront to the world and are allowing traders greater access to customers.” <https://www.theguardian.com/environment/2016/nov/14/wildlife-smugglers-using-facebook-sell-ivory-rhino-horn>

While there isn’t a ban in Australia it is reassuring to note that a leading auction house has imposed its own ban on elephant ivory. The CEO describes his decision process “For me it was an easier decision to cease the trade in unworked pieces; easier because the distance of time and place we tend to construct between the slaughter-origin, as I describe it, and the object is compressed and immediate and discomforting.” <http://www.ifaw.org/australia/news/australias-premier-auction-house-says-no-ivory>

A member of TMT spoke to Rory Young from Chengeta Wildlife. Rory described the ongoing daily struggle African rangers face as they risk their lives, while fighting poachers with ever more modern weapons. He finds it especially appalling that European countries continue to trade in any ivory and endangered animal parts, while rangers are losing their lives in their efforts to protect these endangered species. He would be delighted and rangers lives would be saved if the UK implemented a total ban. <http://chengetawildlife.org/>

Q4. Do you have any evidence to present on how protecting elephants through the proposed ban would be economically beneficial?

Tourism is a huge source of revenue for countries with big game populations. The majestic elephant in its natural habitat is one of the prized ‘Big Five’ that many tens of thousands of tourists on safari holidays spend substantial amounts of money to see. In turn this revenue generates a lucrative income, not only for the travel industries here in the UK and globally, but in the host country too creating vital employment in all the areas of hospitality and tourism. But what would happen if elephants became extinct? Would people pay such large sums to see desolate plains? They would not.

Elephants are iconic, there is no other animal like them, their loss would be economically, environmentally and culturally devastating. A new study has placed a figure on the financial cost of the illegal ivory trade to Africa at an incredible \$25 million every year. Financial models were constructed from elephant and visitor data in 25 countries. This created a “per elephant” value in terms of tourism income, which was then extrapolated to revenue. “The average rate of return on elephant conservation in east, west, and south Africa compares favourably with rates of return on investments in areas like education, food security and electricity,” says Dr. Brendan Fisher, economist at the University of

Vermont. "For example, for every dollar invested in protecting elephants in East Africa, you get about \$1.78 back. That's a great deal."
<http://www.sciencefocus.com/article/nature/elephant-poaching-costs-africa-'25m-year'>

Conservation experts stress that poaching affects societies as a whole, promoting violence and corruption as well as hindering the economic development of entire regions. The new economic argument could be the incentive needed to combat poaching in a world where so much depends on money. <http://www.dw.com/en/elephant-poaching-is-losing-africa-millions-of-tourist-dollars/a-37846014>

According to a meeting this month (November 2017) by IGAD member states (refer Q2) it was proclaimed that the illegal trade of wildlife smuggling constitutes the theft of national and community resources that can generate an estimated \$20 billion a year for transnational organised criminal networks and this money is fuelling international crimes. <http://allafrica.com/stories/201711220844.html>

Q5. Do you have any evidence to present on how protecting elephants through the proposed ivory ban would be culturally beneficial?

Two Million Tusks in their report have referred to effects of the ivory trade on culture in Asia. See the third paragraph, page 3.

“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 1900s. 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.

At the recent APPG Endangered Species meeting James Lewis - Auctioneer spoke about the demand for billiard balls in Asia. The balls are reworked as highly desirable and easily saleable puzzle balls.

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 the Two Million Tusks report www.twomilliontusks.org there is evidence within Study 2, showing the small amount of ivory lots (less than 1%) being sold by auction houses via www.the-saleroom.com Over six months 1.2 million lots were reviewed, of which only 0.76% contained ivory.

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.

In Study 3 we analysed the ivory sales at a leading regional auction house - Woolley & Wallis Salisbury Salerooms Ltd, Wiltshire over a three year period (2014-2016). Please see pages 29 - 32, where we concluded 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.

Through our conversations with the antiques trade and press we believe they are unclear as to how many auction houses operate within the UK (on phoning the leading trade bodies we were given figures of between 200 and 800 auction houses), which leads us to ask if they don't know how many businesses are selling ivory how can they possibly know how much ivory is sold and the value of that ivory? There has been a recent change in attitudes within at least one trade organisation, where they are starting to realise there aren't just a couple of rogue traders but that there are endemic problems, such as traders selling ivory items with no knowledge or proof of the age of the item. This is evident by the recent launch of NAVA's Amnesty for Endangered Animals <http://www.nava.org.uk/news/october-2017/amnesty-for-endangered-species-items/> It is a most welcome change of direction by this particular trade body.

On page 24 of our report we look at the consequence of banning ivory and recall conversations our team members have had with heads of trade organisations.

We therefore do not believe that economically any traders, apart from one specialising in miniatures will be negatively affected. The majority of ivory lots sold at auction are of low value, offering little if any cultural or historical value as evidenced on page 15 of our report.

Any individuals who own a small amount of ivory will only be affected by a ban if they wish to sell their pieces. They will still be free to keep the ivory and able to gift it to others, they just won't be able to sell the item.

We have concerns that loopholes will be available to unscrupulous traders. We have heard talk of an antique shop advising a customer that they can't sell an illegal item, however they can sell them a bag for £200 to put the item in! We have also been advised by a staff member within an antique shop that staff were sent a memo to tell anyone who asks about ivory for sale, that it isn't ivory but bone. We passed this information onto the National Wildlife Crime Unit who said they have committed a crime by showing intent. These are just a couple of examples of scenarios we have encountered, before a ban is even in place. There is an apparent willingness to commit these wildlife crimes with the apparent knowledge that they are likely to go unnoticed, unreported and unpunished.

Q7. Do you have any evidence about the value, or number, of sales of items containing ivory in the UK?

Auction Houses

Although it is difficult to find precise numbers of ivory items for sale in the UK, our recent TMT study 'Ivory-The Grey Areas' found that ivory lots formed less than 1% of the total number of lots for sale. In our report we stated:

'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. [TMT study - www.twomilliontusks.org](http://www.twomilliontusks.org) p5

In study 3 of our report focussing on a regional auction house we found that over 3 years ivory was only 1.49% of their trade. This was reinforced by a newspaper article in the Salisbury Journal where Mr Viney (chairman) stated that ivory was 'a very small part' of their trade. Salisbury Journal 12/10/17 p22 attached.

Boss questions total ivory ban

By Ian Hill

THE boss of a major auction house based in Salisbury has questioned the government's plans to ban the sale of ivory.

On Friday, government secretary Michael Gove announced proposals to prohibit the sale of ivory of all ages, including items made after 1947.

Salisbury auctioneer Woolley and Wallis sells pre-1947 ivory items and chairman Paul Viney has spoken out against a total ban.

He said he could not see how banning the sale of antique ivory would stop the "appalling" killing of elephants in Africa and elsewhere.

"I agree totally that anything pre-1947 should be banned," he said. "But when

you get very good quality ivory antiques, I think we would probably differ with Mr Gove."

The ban would exclude certain items including musical instruments, pieces with only a small proportion of ivory, and works of significant historical, artistic or cultural value, as well as items between museums.

The government says the proposals are being driven by concern for the 20,000 elephants killed by poachers every year.

"The decline in the elephant population fuelled by poaching for ivory shames our generation," said Mr Gove.

"The need for radical and robust action to protect one of the world's most iconic and treasured species is beyond dispute."

Protesters dressed as elephants rallied outside the Woolley and Wallis saleroom in Castle Street last May calling for a complete ban on ivory trading.

At the time, Mr Viney said the firm was "vehemently opposed to poaching of elephants, ivory, rhinoceros horn and any other material taken from endangered species."

He questioned whether antique pieces made of ivory or containing ivory parts should be banned, including chests of drawers, silver tea sets, porcelain miniatures and Japanese carvings.

Mr Viney said the proposed ban would not have a huge impact on his business, as ivory was only "a very small part" of its stock.

He called for more detail on what items would be banned.

Dealers

A quick check after a search revealed 1466 different dealers trading across 4 websites.

Website	Date	No items on website	no of ivory items	%	No of Dealers	No of Dealers with ivory	% of dealers with ivory
http://www.sellingantiques.co.uk/miscellaneous/antique-ivory/	30/10/2017	47610	130	0.27%	440	37	8%
http://www.onlinegalleries.com/	30/10/2017	45662	862	1.89%	307	80	26.06%
https://www.loveantiques.com/antiques	30/10/2017	20957	68	0.32%	190	22	11.58%

https://www.antiques-atlas.com/antiques/ivory	07/11/2017	49104	389	0.79%	817	84	10.28%
---	------------	-------	-----	-------	-----	----	--------

Some of the dealers were trading the same items on multiple sites, so an analysis was done of percentages of ivory sold on each site.

The greater percentages of ivory items recorded on one of the sites was due to 2 companies (recorded in Q8) trading a majority of items. Even though only 1.89% of all items were listed on the site.

The August 2017, Environmental Investigation Agency (EIA) study “*UK is the largest supplier to the world’s ivory markets* 10 August 2017 - also gives ample data on the size of the UK’s ivory trading activity. <https://eia-international.org/uk-largest-supplier-worlds-ivory-markets>

TMT recently sent our report to the auction houses who were part of the investigations. We disclosed to them that they were investigated. A response from one of the auction houses was ‘we are consistently turning away ivory if we don’t think it meets the criteria for sale’ and ‘there is not a single auction house in the UK selling ivory that has been poached or attained in an illegal way’. Our report clearly shows the selling of illegal ivory and therefore despite our findings the auction house is still in denial about the problem and their involvement in it.

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?

In our TMT study ‘Ivory-The Grey Areas’ we found that ivory lots formed less than 1% of the total number of lots for sale, therefore it’s clear that ivory sales comprise only a very small percentage of auction houses’ business. In study 2A we found that out of 232 auction houses surveyed, ivory lots formed only 0.70% of the total number of lots for sale. And in study 2B a survey of 301 auction houses found 0.76% of sales included ivory.

The study also tried to locate any establishments that dealt fully or mainly in items containing ivory, and found none.

Our TMT report focussed on auctioneers so to further research this question, we did an internet search amongst antique dealers across the UK. The majority of dealers had a low percentage of ivory items but 4 companies stood out with higher percentages, only one **Ellison Fine Art** would be likely to be put out of business by a total ban :-

- **Kevin Page Oriental Art Ltd**, stock on 29/10/17 289 items 35 ivory = 12%
- **Rod Naylor Antiques**, stock listed on 7/11/17 Totals 198 items (for sale & sold) 69 ivory = 35% of all stock on page. (For sale :- 19 ivory items for sale, from 84 items for sale = 23% ivory Sold :- 50 ivory items sold, from 114 items sold = 44% of sales)
- **Phillip Mould & Company** 12/11/17 198 items for sale inc 81 miniatures Possibly ivory = at most 41% of stock. However we realise that the value is in the painting and not the medium therefore they could be allowed if de minimis exemptions were to be introduced.
- **Ellison Fine Art** 12/11/17 258 items on site (inc x sold) the majority (95%) of these are painted on ivory. However we realise that the value is in the painting and not the medium therefore they could possibly be allowed in de minimis exemptions.

According to IFAW, <http://www.ifaw.org/united-kingdom/news/uk-ivory-trade-ban-would-have-minimal-impact-antiques-industry> ‘*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 reference to an analysis in a report by Portsmouth University - The Elephant in the Sale Room. <http://www.port.ac.uk/media/contacts-and-departments/pbs/law/Ivory-Report-10.3.2017.pdf> p 32 & 33

'The respondents (both dealers and auctioneers as a single group) were then asked by way of an open-ended question to state, in percentage terms, how much of their turnover was attributable to the sale of ivory goods.

26 (44%) respondents answered that they could attribute less than 10% of their total sales in the preceding year to the sale of ivory items.

- 8 (14%) responded that between 10% and 20% of their total sales were attributable to ivory items.*
- 14 (24%) respondents stated that 20- 40% of their total sales were attributable to sales of ivory items, and nine (16%) stated that between 50% and 75% of their annual sales could be attributed to ivory items.*
- Only 1 (2%) respondent stated that 75- 100% of their annual turnover was directly attributable to the sale of ivory items.*

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.

Two Million Tusks do not agree that there should be any exemption for musical instruments containing ivory with Option 1.

The amount of ivory on violin and cello bows is so small. The musicians want to go freely abroad to play in orchestras, but not to sell their instruments. With or without exemptions for musical instruments it would remain legal to play or travel with the instruments. It would just be illegal to sell the instruments. With some certification the instruments would still be able to be taken overseas, this would prevent anyone bringing in new ivory of any age into the country and allow musicians to return freely with their instruments.

At the moment the exemption in the US has not helped the musicians taking their musical instruments containing ivory overseas without getting CITES certificates. This is not an easy process for them and some decide to even replace the ivory on their violin bow tips before travelling. This is a small amount of ivory - a mere quarter of a gram - but has become a major headache for US orchestras and soloists leaving the country for tours overseas. This would be easier to police and a lot easier for the musicians if there was a complete ban on selling musical instruments containing ivory, but ownership is allowed. "The complexity of the rules and the vagaries of the inspection process have scared off some musicians from traveling with bows....." <https://thesession.org/discussions/41438>

www.washingtonpost.com/entertainment/music/ivory-at-the-tip-of-a-complex-issue-for-traveling-orchestra-member

However if Option 2 is implemented musical instruments could fall under the de minimis exemption.

Q10. Do you have a view on what the scope of this exemption should be? Should it be qualified, or refined, further than proposed?

Two Million Tusks support Option 1, however if Option 2 were to be implemented we would like it to be less than 5% of the item by volume, and if it weighs less than 50 grams pre 1947 to be exempt.

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.

Two Million Tusks would like Option 1 with no exemption apart from de minimis on antique furniture, and miniatures.

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.

No. We do not agree to a de minimis exemption. However we realise that Option 2 would still help to stop stimulating the desire for ivory, by removing items which are used to celebrate ivory, such as solid ivory carvings, but we believe a full ban should be enforced to stop all trade and make ivory unacceptable.

If the Consultation were to elect any de minimis exemption we would urge it to be less than 5% of the item by volume, weigh less than 50 grams and manufactured before 1947. This would only apply to items of significant historical value.

Q13. Do you have any views on what the scope of this exemption should be? Should it be qualified, or refined, further than proposed?

We believe that Option 1 a full ban should be implemented, however we accept that if Option 2 were decided on, it could include :-miniatures; a “de minimis” exemption for musical instruments; furniture items; and loans or items of significant historic value to and between museums.

If there were to be a de minimis exemption, TMT strongly feel it should be for less than 5% of the item by volume, weigh less than 50 grams and the government should include a cut-off date, that is consistent with other EU countries and so remains defined as items worked prior to 3 March 1947, this to be proven by carbon dating. This strict de minimis would therefore prevent the sale of items such as netsukes and billiard balls which are easily carved from new ivory or recarved.

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 evidence.

Although recommending Option 1 A full ban, if exemptions were to be implemented, we would expect very few items to be exempt, these would most probably include items of furniture, with a small amount of ivory inlay, miniatures and musical instruments, mostly valued at under £400 according to our TMT study ‘Ivory - The Grey Areas’ www.twomilliontusks.org From our analysis in Study 2 the percentages of these items are

very small, paintings being only 10% of ivory lots or between 0.07% & 0.08% of all lots surveyed.

<u>Study 2A</u>	total no auctions	Total Lots all auctions	No of Lots inc ivory	% of ivory from all auctions	Carvings/ figures	Paintings	furniture	silverware flatware	Misc items inc ivory, boxes, jewellery .etc
	805	424335	2972	0.70%	1051	301	263	300	1057
					<u>percentages from ivory lots</u>				
					35%	10%	9%	10%	36%
					<u>percentages from all lots</u>				
					0.25%	0.07%	0.06%	0.07%	0.25%
<u>Study 2B</u>	total no auctions	Total Lots all auctions	No of Lots inc ivory	% of ivory from all auctions	Carvings/ figures	Paintings	furniture	silverware flatware	Misc items inc ivory, boxes, jewellery .etc
	1594	818825	6247	0.76%	2082	622	479	605	2459
					<u>percentages from ivory lots</u>				
					33%	10%	8%	10%	39%
					<u>percentages from all lots</u>				
					0.25%	0.08%	0.06%	0.07%	0.30%

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?

We support Option 1 a full ban, however if Option 2 were to be implemented, we (TMT) would urge it to be less than 5% of the item by volume, weighs less than 50 grams and has

been manufactured before 1947. Evidence gained from the TMT report shows the reality that the antiques trade representatives are rather economical with the truth. 90% of lots traded were unable to provide legitimate proof of age. Therefore without an extremely strict system in place the boundaries are likely to be exceeded, so a very low threshold should only be tolerated.

Q15. Do you think that a de minimis exemption could also capture the majority of musical instruments containing ivory?

Yes, a de minimis exemption could capture the majority of musical instruments that contain ivory as it is a mere quarter of a gram of ivory - about 1/100 of an ounce - embedded at the bottom tip of many violin bows and sometimes the bridge is made of ivory but it would be well under 5% of the item at about 0.25g <http://www.chicagotribune.com/entertainment/music/ct-ivory-orchestra-issue-20160104-story.html>

Some early bagpipes may only contain a small amount of ivory in rings, bushings, hemp stops, however accordions and bagpipes may contain up to 270 grams of ivory which would not therefore come under the de minimis exemption of 0.25g <http://www.thebagpipeplace.com/bagpipes-ivory/>

It might be noted that TMT would prefer a complete ban on all ivory for musical instruments as in Option 1. We have found evidence of a US musical instrument restorer who is happy to use mammoth ivory, however it takes a trained eye to distinguish between elephant and mammoth ivory and this (as discussed in our report) opens up another grey area, which could soon be a new problem within the UK. "A full set of projecting mounts, buttons, chanter ball, drone bushes, and mouthpiece will run about \$3,500 to 'ivory up' a half-silver set. A complete set of mounts, ferrules, and ringcaps will run about \$5500 - plus the cost of the pipes themselves." <http://www.cuillinn.com/ivory.html>

Q16. How should this exemption operate in practice?

For option 1- *a complete ban* - no exemption on musical instruments, we would recommend a certification scheme for musicians travelling abroad, and a ban on commercial sales of all musical instruments containing ivory or any other animal bone including mammoth ivory.

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?

The wording is far too ambiguous. Loose terminology (artistic, cultural or historic) would be interpreted in a way that would provide a perfect loophole for abuse. We saw this time and again when investigating the ivory trade in UK auction houses, please refer to our report: www.twomilliontusks.org. Quote from a leading London antique dealer "With ivory there isn't a situation where we ask 'is it 17th century or is it 20th century? Connoisseurship allows for that knowledge'. In other words ivory can fit any purpose or date the dealer chooses through his own 'Connoisseurship'. www.twomilliontusks.org

For 90% of ivory lots investigated by TMT no proof of age could be provided www.twomilliontusks.org p5. Flouting of the law was easy and endemic across the country.

Furthermore, at what point does ivory become artistically, culturally or historically important? Today's illegal worked ivory is culturally significant of our present world. Today's ivory is tomorrow's museum artefact. A complete ban on the selling of any ivory, disregarding age would also make law enforcement much easier.

Q18. What do you think the scope of this exemption should be? How should artistic, cultural, or historic significance be defined?

There should be no exemptions, as the categories would be open to abuse. Please refer to our report: www.twomilliontusks.org

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?

If an exemption was granted then we strongly advise only items of historical importance should fall into this category. These items should be registered to museums and radio carbon tested as standard procedure for verification. However, it further opens questions of who would decide on historical importance? Defra would need to develop a stringent criteria for assessment of ivory items which are proven to be of significant historical importance to enable a sale to a museum.

Two Million Tusks is of the opinion that, as soon as you value an item it becomes a commercial investment and a key driver for demand. Ivory is no different. Significant ivory items for showcasing in museums can still be greatly valued by their sheer presence; visually, culturally, artistically and historically. Ivory does not need a financial attachment to be valuable. www.twomilliontusks.org p25

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.

No we don't agree. However, if an exemption was granted then we strongly advise only items of significant historical importance should fall into this category. These items should be registered to museums and radio carbon tested as standard procedure for verification. DEFRA would need to develop stringent criteria for assessment of ivory items which are proven to be of significant historical importance to enable a sale to a museum. 'Museums should be allowed to buy, loan, exchange, receive donations and bequests, and display ivory, so they can preserve items of cultural value for the benefit of the public. If museums wish to sell ivory, they would only be able to sell to other museums.'
www.banukivorysales.co.uk However, what if an individual wants to open a private museum? Would this be an area for concern? Art museums can be either private or public. A private museum is often the personal art collection of an individual who determines how the collection is exhibited and how the museum is run. A public museum must follow legal and ethical standards, plus it must adhere to its mission statement. <https://>

www.thebalance.com/what-is-the-difference-between-private-and-public-museums-1295696

Please refer to our answer for question 19 - Two Million Tusks believe, as soon as you financially value an item it becomes a commercial investment and a key driver for demand. Ivory is no different. Significant ivory items for showcasing in museums can still be greatly valued by their sheer presence; visually, culturally, artistically and historically. Ivory does not need a financial attachment to be valuable www.twomilliontusks.org

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.

No

Q22. Do you think we should consider any other exemptions to this ivory ban? Please provide evidence.

We don't believe there should be any exemptions to the ban as our report clearly demonstrates there are huge gaps in knowledge within the trade. There are many opportunistic traders and many people with little regard for the moral and ethical dilemma ivory presents. By introducing exemptions it opens up the possibility of loopholes, which can be exploited. Within the report we also demonstrate a lack of knowledge and understanding of legal and illegal ivory within the Police force. It is not reasonable to expect the Police to be able to assess and evaluate ivory when clearly the "experts" are unable to assess and evaluate ivory. For anti-ivory laws to be effective and enforceable it is essential the laws are as straightforward and uncomplicated as possible.

If exemptions are considered to be necessary we would be in agreement with other conservation groups and concede consideration for "antique" miniature paintings which were painted on thin slithers of ivory.

Most were painted between the 17th and 19th Century and new ones are not painted on ivory. The value is not in the ivory, but rather the painting and the frame.. These items are not considered to have contributed to the modern illegal trade in ivory and the ivory cannot even be seen, it was purely used in the same way that a canvas is. There is no danger of such items being reworked or creating the desire to own ivory, which is one of the main drivers of the trade. However this argument for exempting miniatures sounds very similar to arguments the trade may put forward for protecting all ivory items. TMT would argue that the trade have shown they are not able to tell the age and provenance of the items of ivory they sell and it would be dangerous to allow them to continue unchecked in the manner they have been doing for years. Traders have been given fair warning of this potential ban and have therefore had the opportunity to improve the way they handle ivory and do business. Unfortunately profit has always come before the survival of a species.

The volume of ivory in these miniature pieces may be as high as 45% or more - so just having an exemption for antique miniature painting would be all encompassing prior to 3 March 1947. This would again be easy for law enforcement officials to recognise for the purposes of an exemption.

Our studies found that less than 0.7% of auction house trade is in ivory therefore any negative economic impact of any of these businesses is minimal. We believe the trade have over inflated their estimations of how much ivory trade there is and as we mentioned in question 6, the trade bodies are unable to clarify how many auction houses operate in

the UK so any figures they provide on how much ivory is sold is purely a guesstimate. The Portsmouth University study also confirms the low volumes of ivory being sold (when compared to the whole antique trade). <http://www.port.ac.uk/school-of-law/research/the-ivory-project/> This report was welcomed and launched with great fanfare by the antiques trade press. However, when the results were revealed there was great disappointment and frustration at the lack of response from the trade, just 80 traders.

We suspect the majority of traders are indifferent to a ban because they realise it is a small portion of their trade and one would hope that they are in agreement with the British public and acknowledge that all possible efforts to save the elephant should be taken. <https://www.antiquestradegazette.com/news/2015/ivory-research-project-launched/> <https://www.antiquestradegazette.com/news/2015/research-project-begins-into-effect-of-total-ivory-ban-in-the-uk/> These articles talk about the expectations for the report and the following talks about the findings <https://www.antiquestradegazette.com/print-edition/2017/march/2284/news/ivory-report/>

A blog post <https://theivoryproject.wordpress.com/2016/07/14/a-miniature-post-on-miniatures/> on the Ivory Project website describes the horrors behind the painting “Ivory has been prized in cultures since ancient Egypt-in the Bible, Solomon sits resplendent on an ivory throne to pass justice. It is the skin tone favoured in paintings: want for ‘jewels of the elephant’ or ‘white gold’, whatever you call it, is no passing desire. This desire has led to the history that many people claim taints the items today, a messy bloody history of slave trade and exploitation, that makes even items that are culturally historically significant such as portrait miniatures unsettling to some.”

Q23. Do you have any evidence on the scale, in terms of value and/or volume, of any of these exemptions?

From our TMT report of auction houses we have calculated the percentages of ivory items included in lots in various categories, those that would be likely to fall in any exemption category would be less than 30% of any ivory items and less than 0.2% of all lots.^{fig 2}

It should be noted that in many of the lots there were often a number of items and in many cases only a few of the items contained ivory. This was particularly the case in lots including flatware.

Q24. Do you have any views as to which public body should be responsible for enforcing the ban?

Yes, Police officers, National Wildlife Crime Unit, Wildlife Crime Officers in individual police forces and Border Force enforcement officers should be responsible for enforcement. Trading Standards already play a small role and it may be reasonable for this to continue. It is essential that more funding is provided to the National Wildlife Crime Unit and Border Forces and training to the Police officers.

The antiques trade have unsuccessfully self-regulated for many years and it would be considered unwise to allow them to self-regulate by creating their own ivory or endangered species unit now and this should be left to the relevant crime agencies. <https://www.antiquestradegazette.com/news/2016/self-regulation-the-art-market-should-learn-from-the-diamond-industry/>

The heads of BADA and BAMF have spoken of the benefits of self regulation in the attached article (BADA heads to Shanghai preaching the merits of self-regulating trade).

BADA heads to Shanghai preaching the merits of a self-regulating trade

by Laura Chesters

Self-regulation of the art and antiques trade was set to be the focus of a auction conference in Shanghai at the weekend.

Dealer Michael Cohen (inset), chairman of the British Antiques Dealers' Association (BADA), and chief executive, Marco Fogliome were invited to speak at the fourth Chinese Antiques and Artwork Auction International Forum.

The conference was due to hear how the UK trade operates via codes of conduct and vetting, alongside strict UK rules such as on money laundering, fraud and contract law.

Cohen said BADA's "main function is to be a self-regulating body that ensures our



members maintain the highest standards of expertise, quality and integrity".

He praised China's "strong actions to close down its modern ivory market" while providing a "framework for the continued trade in historic and cultural relics made of and containing ivory".

But he warned the "biggest disrupter of the trade is the proliferation of fakes, particularly fakes of Chinese porcelain. When fakes appear in large numbers the trade as a whole suffers."

The Chinese government has already demonstrated its effectiveness in other areas of

regulation. President Xi Jinping's anti-corruption campaign launched nearly five years ago has been deemed a success, while the recent introduction of ivory trade regulation was quickly followed by the closing of 67 ivory facilities.

Clear and open channels

Although significant improvements are required, Fogliome highlighted the importance for "clear and open channels between the UK and China".

He added: "This is an important four-yearly international art and antiques event. It is very clear that the UK and China, as the second and third largest art and antiques markets globally, need to develop even stronger and closer links."

However it is very important to note that it is predominately only high end establishments who have membership of these trade bodies. Our study shows that even with guidance from the trade bodies, traders don't always abide by the rules laid down by the trade bodies as well as the law, please see pages 19 - 22 of our report for evidence of this. In our Recommendations we prioritise, as an immediate action, the end of auction house / antique trade self regulation.

DEFRA should play an active role in the ongoing evaluation of the success of the new regulations and they should seek to update the public on the amount of ivory confiscated along with relevant prosecutions. The success of the ban should be regularly reviewed and legislation amended as and when appropriate.

Q.25. Do you have any views as to the sanctions that should be applicable to those found to be in breach of this ban?

Yes, the sanctions should be appropriate to the severity of the crime. Wildlife crime is serious and should be taken seriously, after all it generates £15 billion per annum. It is the 4th biggest international crime, behind drugs, human trafficking and counterfeiting and policing it should be given a priority. Wildlife crime has heavily depleted some populations (200 species a day become extinct) and brought others to the verge of extinction.

If the antique trade were regulated and licensed, we would suggest that repeat offenders lose their licence to trade. Tough prosecution with significant fines imposed could help fund the woefully underfunded National Wildlife Crime Unit to operate.

Q.26. 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?

The Animal Plant Health Agency guidance currently states a seller should be able to produce evidence that would be sufficient to demonstrate the age of the piece if challenged in court. The study 'Ivory - The Grey Areas' consistently reports that auction houses do not have this evidence when questioned (90% of lots surveyed did not provide adequate evidence). Please refer to the whole report in answer to this question and for the supporting evidence.

Please also see the IFAW Australia ivory report which found similar shocking results across auction houses in Australia. <http://www.ifaw.org/australia/news/shocking-ifaw-report-reveals-how-auction-houses-australia-contribute-illegal-ivory-trade>

Enforcement of these regulations is obviously failing and again our report shows that a full ban - Option 1 is the only viable option if the UK is to completely close its ivory markets. Once a full ban is enacted it will be easier to police as there won't be room for error, as there is now. This of course will only occur if all ivory is banned, not just elephant ivory. It is already becoming apparent that poachers and traders are looking to other species to obtain ivory - <https://phys.org/news/2017-10-rampant-consumption-hippo-teeth-combined.html> also placing their populations under great threat. Mammoth ivory was going to be considered as Appendix 1 at COP17 but we have been unable to find any follow up information on this. It was to be the first time an extinct species is afforded this level of protection. When seeing the devastation to the environment in Russia and Serbia it is very clear why this level of protection must be given to these creatures. <https://www.theguardian.com/world/gallery/2016/sep/01/mining-woolly-mammoths-ivory-siberia-amos-chapple-in-pictures>

There are of course the continuing problems of elephant ivory being passed off as mammoth ivory. There are few differences in the tusks making it virtually impossible for the untrained eye to distinguish between the two species. This is why ALL ivory must be banned, if we are to stand a chance at stopping the poaching in Africa and the desecration of the tundra in Russia. <https://news.nationalgeographic.com/2016/08/wildlife-woolly-mammoth-ivory-trade-legal-china-african-ivory-poaching/>

Q27. Do you have any other comments about this proposed ivory ban?

Elephant Trophy Hunting is another area which requires in-depth investigation.

The deciphering of the CITES database is lengthy and at times mysterious, with obvious discrepancies. For example 'exports' do not match 'import' records. Between 2001-2016 - it was noted that some **386 tusks from around the world were exported** with their final destination marked to be the UK and Jersey. UK import records show however that around only **92 tusks were imported and received**. CITES paperwork approves an export to UK but where do the missing tusks go that never enter the UK? <https://trade.cites.org>

If the UK enacts a full ivory ban, what is going to be the UK's position regarding the international trade of elephant body parts imported and exported by the UK? The present system is already questionable as highlighted above. How could the UK have a full ivory ban and yet still partake in the continued international trophy trade?

While we would strongly recommend using a Statutory Instrument under the Control of Trade in Endangered Species legislation, we have concerns about the reliability and enforceability due to the discrepancies highlighted above. This appears to be the only current option open to us to enforce an ivory ban in the UK and to make sure the ivory ban is in place prior to the Illegal Wildlife Trade Conference in London in October 2018. Primary legislation could take too long and with Brexit being a priority and occupying most Parliamentary time DEFRA may be unable to deliver an ivory ban in the UK prior to October 2018.

A ban is overdue. If we are to stop poaching and the extinction of the elephant a ban must be imposed. Putting a financial value on ivory is allowing illegal ivory into the market place. We must stop ALL trade and exports of any form of ivory including mammoth, whale, hippo, narwhal, walrus and scrimshaw. Any exemptions must be proven to be pre 1947 by carbon dating.

An overarching regulatory body for the Antiques trade should be established and funded by the trade. There are many other issues of concern which came to light while investigating www.twomilliontusks.org some of which are touched upon in the report and which a regulatory body could tackle.