

# The UK Ivory Bill 2018

## The International Fund for Animal Welfare

IFAW is an international conservation and animal welfare organisation that was established in 1969, whose mission is to rescue and protect animals around the world. We rescue individuals, safeguard populations, preserve habitats and have projects in more than 40 countries. IFAW campaigns to end the illegal wildlife trade, stop commercial whaling, end commercial seal hunts and protect elephants. We run companion animal projects to stop dogs and cats suffering around the world. IFAW in the UK has around half a million supporters and advocates, who care passionately about conservation and welfare.

## Why we need an Ivory Bill

African elephants are facing an unprecedented crisis. Populations are plummeting all across the continent due to high levels of poaching; out of a total of perhaps half a million individual animals, scientists estimate that more than **100,000 elephants were killed** by poachers between 2010 and 2012. Populations of one subspecies, the African forest elephant, have declined by 65% since 2002, meaning it could be extinct in the wild in a decade if the trend continues. The latest Great Elephant Census, published in August 2016, estimates the population of savanna elephants at 352,271. In 15 of those countries surveyed, where information on previous populations existed, 144,000 elephants were lost to ivory poaching and habitat destruction in less than a decade. In real terms that represents a **30% reduction in the population in just seven years**, since the last census took place.

This **recent surge in elephant poaching** is driven by consumer demand for their tusks, which are then carved into various objects including jewellery and decorative statues. The past 10 years has seen soaring market prices for ivory products globally and it is now being bought as an investment. The inevitable result of this price rise has encouraged some unscrupulous people to and try to pass off new ivory as antique.

The illegal ivory trade and the existence of **legal domestic markets are helping fuel this trade** and we are seeing ivory, both legal and illegal, being traded on a daily basis within the UK. We have also seen that some major auction houses are still unaware of what is legal or illegal with headlines in 2016 “Christie's Auction House Fined after Trying to Sell Ivory” and “Christie's fined £3250 for offering ‘unworked’ ivory.”

## Ivory Bill

### Timeline

- September 2016 the Government proposes a ban on the sale of ‘worked’ ivory produced after 1947
- However, many groups wanted this to go further, including over 100,000 people who signed a petition calling for a shutdown of the domestic ivory trade
- October 2017 the government announced proposals to introduce a ban on all ivory sales and a consultation was launched and closed at the end of December after 12 weeks
- April 2018 the government published the findings of the consultation after over 70,000 people responded, making it one of the largest consultation in DEFRA's history
- May 2018 the Ivory Bill was introduced to Parliament
- June Select Committee heard evidence from all sectors
- July 2018 at the 3<sup>rd</sup> Reading of the Bill in the Commons a number of amendments were made
- October 2018 the UK will host the Illegal Wildlife Trade Conference in London. This represents an excellent opportunity to encourage other governments to make similar commitments to ending the Ivory Trade once and for all. We hope that the Ivory Bill will receive royal assent in time for the conference.

### Outline of the Bill

The bill prohibits the commercial use of ivory items or those containing ivory regardless of their age. This includes buying and selling ivory or items containing ivory. The bill represents **one of the toughest ivory bans in the world** and showcases Britain's continuing leadership in combatting the illegal wildlife trade. We believe this bill has **the potential to make a real difference to the level of elephant poaching** and can be used to encourage other nations to enact similarly robust legislation. This bill represents the

culmination of a productive **collaboration between NGOs, law enforcement, museums, art dealers, musicians and Government.**

### **Key exemptions**

#### **1. Items of historic/cultural value**

The Bill states some items are exempt from the ban, including:

“The rarest and most important items of their type. Items of outstanding artistic, cultural or historic significance, and made prior to 1918 such items will be assessed by specialists at institutions such as the UK’s most prestigious museums”

#### **2. Museum collections**

Museums and collections which are accredited by Arts Council England, the Welsh Government, Museums and Galleries Scotland or the Northern Ireland Museums Council in the UK, or the International Council of Museums outside the UK are exempt from the ban.

#### **3. Bequeathing, donating or inheriting**

The bill will not prevent someone from bequeathing, donating or inheriting ivory or items containing ivory. The bill only aims to stop the buying or selling of ivory in the UK as well as the keeping of ivory for the purpose of sale. It does not impact the ownership of ivory or items containing ivory for the purpose of passing on to family and friends.

#### **4. Portrait Miniatures**

A specific exemption for portrait miniatures, made before 1919, has been included, as these were often painted on thin slivers of ivory. An amendment has been made (below) to specify the size of a miniature.

#### **5. Musical instruments**

Musical instruments will be exempt from the commercial ban if they have an ivory content of less than 20% and have been made prior to 1975 this will mostly include bagpipes and pianos.

#### **6. De Minimis exemption**

Items with only a small amount of ivory. Such items must be comprised of less than 10% ivory by volume and have been made prior to 1947 at exempt from the bill. For example inlays in furniture.

### **Amendments**

The government have introduced **greater definition to the exemption for miniature portraits** which are painted on to Ivory. These include setting a limit on the surface area of the miniature <8” x 6” inches (320cm<sup>2</sup> Max). And excluding the frame from the measurement of the surface area.

There was also an amendment to allow for the **future inclusion of ivory from other species**, as concerns were raised that the ban on Elephant ivory could lead to an increase in the poaching of other animals such as Hippo. IFAW was pleased to see that the **government have announced that they will shortly begin a consultation** into which species may be brought under the protection of this bill.

### **Key information**

- Elephants are being hunted for their ivory with more than 100,000 elephants killed by poachers between 2010 and 2012.
- The latest Great Elephant Census, published in August 2016, now estimates the population of savanna elephants at 350,000. This is down 144,000 elephants or 30% in seven years, since the last census took place.
- Around 20,000 elephants are still being killed every year for the illegal ivory trade, which is approximately 55 elephants being killed every single day.
- Over 100,000 people signed a petition calling for a shutdown in the domestic ivory trade and over 70,000 responded to the DEFRA consultation

- The UK does play a role in illegal ivory trade, both as an importer and an exporter as well as a transit country, which is illustrated by the high number of ivory seizures made by Border Force.
- Illegal ivory items seized by Police and Border Force in the UK have been falsely antiqued, using artificial stains or ageing techniques, clearly destined for the legal antique market.
- Domestic ivory markets are known to provide cover for the illegal trade in ivory and also reinforce the high value of ivory across the world, sometimes using legal CITES article 10 certificates to conceal illegal ivory.

## Next steps

The Bill now passes to the House of Lords for consideration with the first reading on 5 July and the second reading on 17 July. There are a number of point we believe are worth raising:

1. **The urgency of the bill**

Currently an 20,000 elephants are still being killed every year, so around 55 elephants are dying every day. On 11/12 October the UK will host the Illegal Wildlife Trade Conference in London. The Illegal Wildlife Trade Conference represents an excellent opportunity to encourage other governments to make similar commitments to ending the Ivory Trade once and for all.

2. **Need for appropriate funding for enforcement**

It is vital that the UK has the right level of expertise in place to protect our borders and enforce the law. Permanent funding for the National Wildlife Crime Unit (NWCUC) is vital to ensuring that Wildlife crime legislation is able to be upheld. However, current funding for the NWCUC expires in 2020. We also hope that the CITES Border Force team at Heathrow will have sufficient levels of manpower and resources, as they will be our front line of defence from illegal imports and organised criminal activity coming in to the UK.

3. **The bill has widespread buy-in from all sectors involved in the domestic ivory trade**

The Bill makes a number of appropriate exemptions designed not to unfairly disadvantage those who currently own ivory or items containing ivory, and has come about through wide consultation with NGOs, law enforcement, museums, art dealers, musicians and Government.

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United Kingdom