



Ivory Bill

Factsheet – overview

23 May 2018

Rationale

Elephants are being poached and killed at unsustainable rates for their ivory, despite trade in post-1990 ivory being banned by the Convention on International Trade in Endangered Species (CITES). Rates of decline of African elephant populations, as the direct result of continued poaching, means that populations in some African countries are under serious threat. Populations of African elephants plunged from circa 1.2million in 1980 to circa 600,000 by 1989. This prompted the decision at the CITES Conference of Parties in 1989 to ban the international trade in African elephant ivory. This led to a substantial reduction in poaching and a consequential increase in African elephant numbers. Poaching and the global trafficking of ivory, however, remain at an unsustainable level, with a record quantity of ivory being illegally traded in 2016.

The past five years has seen a slow decline in the levels of elephant poaching, partly attributable to the closure of some key domestic ivory markets, particularly China and the United States. However, legal markets continue to fuel consumer demand and provide cover for an illegal market to operate. Legal markets act as a mechanism by which ‘new ivory’ from recently killed elephants can be laundered into trade, as it is extremely difficult to differentiate illegal ivory from legal ivory. The UK Border Force has seized multiple ivory items which have been subject to artificial stains or ageing techniques, which are clearly destined for the antique market. Studies have shown that where outlets offering legal and illegal ivory side-by-side, revenue and profits become intermingled and difficult to separate.

Legal ivory markets, including for “antique” ivory, send mixed messages to consumers and contributes to maintaining demand for the product and to making ivory a desirable product to own. Evidence suggests that if markets are restricted, and if demand reduction policies and enforcement efforts are in place, the closing down of domestic ivory markets will help save elephants in the wild. A ban on the sale of ivory will make it less socially-acceptable as a commodity, and encourage consumers to think about the origins of their purchase.

Global efforts to combat poaching

A global ban can only work if the largest ivory markets close their markets simultaneously. With the United States and China having already closed their domestic markets or being in the process of closing their domestic ivory markets, the UK is now considered to be the largest supplier of ‘legal’ ivory to the worlds ivory markets, with the majority going to the

Far East. The Far East market is a primary destination for newly poached and illegally-sourced ivory, where illegal and legal ivory are routinely mixed together.

Reports have shown that during periods when restrictions are enforced the demand for ivory is reduced. For example, since the Chinese government announced their decision to ban ivory there has been a dramatic fall in the price of ivory. Furthermore, since the United States imposed stricter ivory regulations there has been a marked decline in the sale of ivory available in United States.

The proposed ban on the sale of ivory in the UK will place the UK at the forefront of global efforts to protect elephants and will reassert the UK's leadership role on conservation issues.

The Ivory Bill

The Ivory Bill will introduce a ban that will be the toughest in Europe and amongst the toughest in the world. It will prevent the poaching of elephants by introducing a total ban, with narrow and limited exemptions, on commercial activities involving ivory in the UK that could directly or indirectly fuel the poaching of elephants. Closing the UK ivory market to all items containing ivory, except those that meet the narrow exemptions, will:

- remove the financial value from ivory;
- reduce the opportunity for new ivory to be laundered through legal markets;
- significantly reduce the flow of ivory from the UK to overseas markets, especially in the Far East, where demand for ivory is strongest;
- send a clear message to the rest of the world that the UK no longer considers ivory to be an acceptable commodity; and
- encourage other countries to take similar actions.

The Bill will not affect the ownership, inheriting, donating or bequeathing of ivory items where this is currently allowed.

Exemptions

The proposals set out in the Bill are both proportionate and robust. They send the clearest possible message that the UK does not tolerate the poaching of elephants for their Ivory, whilst recognising that there are some items that could not contribute to elephant poaching. Views and evidence submitted through the consultation were used to make sure the proposals including exemptions, as defined, can be both implemented and enforced effectively. The five categories of exemption are as follows:

1) De minimis

Items with a volume of less than 10% by volume, and which were made prior to 1947. Items with this volume of ivory are not traded for their ivory content, and as such do not

contribute to poaching. This limit will mean the UK has amongst the toughest approaches to this category of exemption internationally.

2) Musical instruments

Musical instruments with an ivory content of less than 20% and which were made prior to 1975. This will cover the vast majority of commonly used and traded instruments and accessories, such as pianos and violin bows.

3) Portrait miniatures

Portrait miniatures produced prior to 1918. Portrait miniatures are a discrete category of item which, although painted on thin slivers of ivory, are not valued for their ivory content. Sales of portrait miniatures will not fuel, directly or indirectly, the continued poaching of elephants.

4) The rarest and most important items of their type

Items made of, or containing, ivory produced prior to 1918 which are assessed by an independent advisory institution as of outstandingly high artistic, cultural or historical value, and are an example of the rarest and most important item of their type. These items are not valued for their ivory content, and the trade in them will not fuel the poaching of elephants.

5) Museums

Commercial activities which includes sales, loans and exchanges to, and between, accredited museums. This ban will not affect the display of historic, artistic and cultural items to members of the public by accredited museums.

Offences

The government intends to create new offences under this ban. A person in breach of the prohibition could receive either a civil sanction or criminal sanction, depending on the nature of the breach. If a person receives a civil sanction, they could still be subject to a criminal prosecution if they do not comply with the civil sanction.

The following three categories of offences will apply to the commercial use of ivory:

- 1) engaging in a commercial activity without meeting an exemption
- 2) improperly or falsely registering an item for exemption from sale
- 3) causing or facilitating the sale of ivory or other commercial activities

Sanctions

The government intends to introduce a mixed regime of civil and criminal sanctions to be applicable to breaches of this ivory commercial activities ban.

Criminal sanctions for failing to adhere to the ban will be consistent with existing offences concerning for ivory under the Control of Trade in Endangered Species (COTES) Regulations. Those found guilty of a criminal offence under these measures may be liable to a fine and/or a maximum prison sentence of up to five years.

Civil sanctions will consist of: stop notices, monetary penalties, enforcement undertakings and enforcement cost recovery notices. The type and level of civil penalty applied will be dependent on the type and severity of the offence.



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