



SUBMISSION TO THE ADVISORY COUNCIL ON WILDLIFE TRAFFICKING FROM THE POLITICAL ACTION NETWORK OF THE INTERNATIONAL IVORY SOCIETY

The Political Action Network of the International Ivory Society believes that any new regulations promulgated by the U.S. government regarding African elephant ivory ought to take into consideration the following overriding principles:

- (A) The United States government should officially recognize the historical, cultural, practical, and artistic importance of objects made from or with ivory materials that are displayed in its museums; inherited as family heirlooms; used in public ceremonies; preserved for future generations by its collectors, conservationists and investors; and employed by musicians, scientists, businesspeople, and others in the pursuit of legitimate and Constitutionally-protected objectives.
- (B) No matter how much the unnecessary deaths of African elephants at the hands of poachers is abhorred by all conscientious Americans, it is evident that nothing will bring back a dead animal and no demonstrable good will be achieved by banning the future trade or movement of objects made from or with African ivory created before the imposition of the 1989 restrictions adopted by the Convention on International Trade in Endangered Species.
- (C) Because the U.S. 100-year standard to establish objects as “antique” is inconsistent, arbitrary, detrimental to the preservation of many important objects made during the first half of the 20th century as well as a few made more recently, and is not in consonance with standards adopted by members of the European Union or such other countries as the United Kingdom, the United States ought to take the leadership in creating a single standard to encompass older objects as well as the original and early versions of fast-evolving items that become quickly obsolete through technological innovation. We see no public policy benefit being achieved by Americans requiring that any object made from or with ivory be at least 100 years old.
- (D) Objects made from or with various types of ivory are distinguishable, one from the other and by age, by acknowledged experts in various fields, using their experience, their judgment, and available as well as developing scientific tools. Written documentation provided by acknowledged experts to establish either the type or age of an ivory object — a procedure now accepted by the Internal Revenue Service for gifts to museums and by courts in probate matters — should be sufficient to establish the legality of an object made from or with ivory for sale or movement within the United States.
- (E) African elephants are endangered by interests and activities far from the United States. If the U.S. government believes that there is a connection between a U.S. market for ivory objects and the recent deaths of African elephants, then it is obligated to provide actual evidence of that connection. If, in fact, American citizens are not at the nexus of the poaching problem, their previously legal activities should not now become crimes aggressively, but arbitrarily, enforced by Federal agents. Instead, the United States government should employ its resources for the protection of wildlife by aiding those countries legitimately engaged in protecting elephants.
- (F) While we can strive for the most accurate words and best procedures to accomplish our goals with regard to the protection of African elephants and the preservation of objects made with or from ivory, an unimpeachable guarantee toward these ends is not possible. We believe the United States government and non-government organizations must accept the fact that absolute perfection in ivory identification or elephant protection will always elude us. As a result we urge creation of balanced and reasonable policies toward the sale and movement of objects made from or with ivory that protects elephants and still preserves Constitutionally-protected rights.

Specifically, we urge consideration for the following policy positions:

- (1) A worked object made from or with any ivory that is demonstrably made from non-threatened ivory-bearing animals or is older than the 1989 CITES ban — by virtue of documentation; expert analysis; published evidence in books, catalogs, and magazines; independent photographic evidence; competent appraisal; probate records; or other established and accepted methods and indicators — shall be legal for trade within the United States within current law.
- (2) All worked ivory objects, all restored or repaired ivory objects, and all raw ivory tusks and scrap in the United States before January 1, 2014, will be presumed to be in the U.S. legally.
- (3) All worked ivory items and all ivory scrap employed in the United States after January 1, 2014 from raw stock in the country before that date will be assumed to have legal status unless proven to be otherwise by competent authority.
- (4) Any object that contains any ivory amounting to less than approximately 5% of the overall visible surface of the object shall not be considered an ivory object by the United States for purposes of protecting wildlife.
- (5) In substitution for the term “antique,” adopt the term “CLASSIC” or “VINTAGE” to denote any older cultural item, including objects made from or with ivory, that warrant societal protection and preservation for future generations. A target standard of 50-years along with a provision for classic and vintage products developed less than 50 years ago would provide the needed flexibility to preserve culturally valuable artifacts.
- (6) The U.S. government should join in the development of technology and identification systems for a consistent, reliable, and secure way of collecting, marking, cataloging, and marketing the tusks of animals that have died of natural causes as well as the tusks of archeological finds.
- (7) The U.S. government should work with other CITES signatories to establish a secure, not-for-profit, marketplace for the regular and consistent sale of legally obtained, raw African ivory to stabilize the wholesale price of raw ivory and to act as a disincentive to poaching.
- (8) Notwithstanding anything above, should the United States government adopt a policy that effectively renders an object made from or with hithertofore legally-obtained ivory effectively worthless, then the U.S. government should compensate the object’s owner or heirs for the fair market value on June 1, 2014, of those objects under the same principles and procedures now obtaining for real property taken under the cover of eminent domain.

Respectfully submitted by Godfrey Harris
on behalf of the
Political Action Network of the International Ivory Society

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