



Department
for Environment
Food & Rural Affairs

Call for evidence: Non- elephant ivory trade

May 2019



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Introduction

This call for evidence concerns the trade in ivory from species other than elephants taking place within the UK, and exports from and imports into the UK. The species in scope of this call for evidence are:

- Common hippopotamus (*Hippopotamus amphibius*)
- Killer whale, also known as orca (*Orcinus orca*)
- Narwhal (*Monodon monoceros*)
- Sperm whale (*Physeter macrocephalus*)
- Walrus (*Odobenus rosmarus*)
- Common warthog (*Phacochoerus africanus*)
- Desert warthog (*Phacochoerus aethiopicus*)
- Mammoth (*Mammuthus primigenius*)

We are interested in receiving evidence on trade in ivory from these species and are particularly interested to hear from those with a specialist knowledge on the conservation of these species, the trade in ivory from these species, antique dealers and collectors, the musical instrument industry, and any other interested parties.

Background

The Ivory Act 2018 will bring into force one of the toughest domestic bans on elephant ivory sales in the world.

The Ivory Act contains a power that allows the government to seek to extend the ban on elephant ivory sales to other ivory bearing species through secondary legislation. During the Parliamentary passage of the Ivory Bill, Members of Parliament questioned the extent of the trade in ivory from species other than elephants. In response, the government committed to gather evidence on this issue, as set out in this call for evidence.

At present we are not proposing any changes to restrictions on the trade in non-elephant ivory. Instead, we are seeking evidence in order to gain a fuller understanding of the issue.

This document summarises evidence that government is aware of on the trade in ivory from these species. Information gaps remain and there are differing views on the impact of the trade in ivory and associated hunting (legal and illegal) across these species. For

example, government would value further information about the current UK and global markets in non-elephant ivory and if these markets pose a threat to their long-term survival or are linked to illegal wildlife trade.

Evidence provided through this call for evidence will help inform what, if any, action could be taken to further restrict the trade in ivory from one, some or more of these species. Possible actions may include, amending the definition of “ivory” in the Ivory Act 2018 to include ivory from other species or other regulatory measures. If government did decide to propose further restrictions on the trade in ivory from these species, the proposal would be subject to a consultation.

Scope

We are seeking evidence on trade in ivory from non-elephant species. For the purposes of this call for evidence, when we refer to ivory, we mean the hard white material that comprises the tusk or tooth of the species listed in the ‘Introduction Section’.

We are seeking evidence on the trade in items made of, or containing ivory from these species and also evidence on the trade in unworked whole teeth/tusks from these species. For the purposes of this document when we refer to ‘trade’ we are referring to the import and export of ivory into and out of the UK and the use of ivory within the UK. This trade includes both commercial and non-commercial purposes, but this call for evidence has a greater focus on commercial activities (e.g. sale, purchase or hire).

The inclusion of whole teeth/tusks means this call for evidence is broader in scope than the power in the Ivory Act 2018. It is, however, in-line with the wider policy approach taken on trade in elephant ivory; where there is a separate policy already in place in the UK that bans the commercial use and trade in raw elephant ivory regardless of age or origin, and which will continue to operate once the Act comes into force.

The conservation status and threats to these species

The conservation status and threats to these species according to the Red List of Threatened Species, which is compiled by the International Union for the Conservation of Nature (IUCN), is summarised in Table 1 alongside additional information on hunting of these species. The Red List classifies species at high risk of global extinction. Assessments are carried out periodically, and species are divided into nine categories: Not Evaluated, Data Deficient, Least Concern, Near Threatened, Vulnerable, Endangered, Critically Endangered, Extinct in the Wild, and Extinct. Table 1 also provides information on which countries these species are found, estimated total numbers in the wild and background on the hunting of these species for their ivory (and meat).

International Union for the Conservation of Nature (IUCN)

The International Union for Conservation of Nature (IUCN) is a membership union uniquely composed of both government and civil society organisations. It provides public, private and non-governmental organisations with the knowledge and tools that enable human progress, economic development and nature conservation to take place together. IUCN's mission is to:

"influence, encourage and assist societies throughout the world to conserve nature and to ensure that any use of natural resources is equitable and ecologically sustainable".

IUCN periodically assesses the conservation status of species worldwide and publishes this information – The Red List.

IUCN has observer and consultative status at the United Nations, and plays a role in the implementation of several international conventions on nature conservation and biodiversity.

Table 1. The conservation status and threats to ivory bearing species

| Species | IUCN Red List Status | Last Red List Assessment | Estimated number in the wild (total number of individuals) | Where are they found? | Key threats identified by IUCN | Information on hunting of this species |
|---|----------------------|--------------------------|--|-----------------------|--|--|
| Common hippopotamus <i>(Hippopotamus amphibius)</i> | Vulnerable | Jun 2016 | 115,000-130,000 | Sub-Saharan Africa | Illegal and unregulated hunting for meat and ivory, and habitat loss or degradation. | <p>Hunting of hippopotamus is illegal in some countries and limited via quotas in others.</p> <p>Illegal and unregulated hunting of hippopotamus is a particular problem in areas of civil unrest.</p> |
| Sperm whale <i>(Physeter macrocephalus)</i> | Vulnerable | Jun 2008 | 300,000 – 450,000 | Migratory species | Cetaceans (the marine order of Catacea; a whale, dolphin or porpoise) continue to face a number of threats; in particular climate change, pollution, ship strikes and conflict with fisheries. | Commercial hunting is no longer a major threat to this species following international action on whaling. |

| Species | IUCN Red List Status | Last Red List Assessment | Estimated number in the wild (total number of individuals) | Where are they found? | Key threats identified by IUCN | Information on hunting of this species |
|---|----------------------|--------------------------|--|---|---|---|
| Walrus <i>(Odobenus rosmarus)</i> | Vulnerable | Feb 2016 | Atlantic Walrus >25,000 Pacific Walrus >200,000 | Canada, Greenland, Russian Federation, Norway (Svalbard and Jan Mayen), and United States (Alaska). | Climate change and other human induced disturbance at land-based haulout sites (as walrus come ashore, they congregate in large groups known as “haulouts”). For example, low-level aircraft, near-shore passage of vessels and the development of oil and gas fields can have serious effects on hauled out walruses. They are highly susceptible to disturbance and easily panicked into stampedes that can result in high mortality. | <p>Subsistence hunting of walrus for meat and ivory by indigenous communities in Alaska, Canada, Russia, and Greenland is permitted. Quotas are set for walrus subsistence hunting. Indigenous communities in Canada may pass their walrus hunting rights to others, including sport hunters.</p> <p>Continuing global warming and concomitant sea ice declines may impact walrus population numbers meaning that subsistence hunting could have an effect on future abundance.</p> |

| Species | IUCN Red List Status | Last Red List Assessment | Estimated number in the wild (total number of individuals) | Where are they found? | Key threats identified by IUCN | Information on hunting of this species |
|--|----------------------|--------------------------|--|-----------------------|--|--|
| Killer whale <i>(Orcinus orca)</i> | Data Deficient | Jun 2017 | ~50,000 | Migratory species | Cetaceans (the marine order of Catacea; a whale, dolphin or porpoise) continue to face a number of threats; in particular climate change, pollution, ship strikes and conflict with fisheries. | There is no commercial hunting of this species |

| | | | | | | |
|--|----------------------------------|-----------------|------------------------|---|---|---|
| <p>Narwhal <i>(Monodon monoceros)</i></p> | <p>Least concern¹</p> | <p>Jul 2017</p> | <p>50,000 – 80,000</p> | <p>Canada, Greenland, the Russian Federation, Norway (Svalbard and Jan Mayen)</p> | <p>Cetaceans (the marine order of Cetacea; a whale, dolphin or porpoise) continue to face a number of threats; in particular climate change, pollution, ship strikes and conflict with fisheries.</p> | <p>There is no commercial hunting of this species. Subsistence hunting of narwhal for meat and ivory by indigenous communities in Greenland and Canada is permitted. Quotas are set for narwhal subsistence hunting.</p> <p>The high number of threats to this species may exacerbate the impact of ongoing, legal hunting. For instance, the narwhal has been assessed as one of the three Arctic marine mammals most sensitive to climate change.</p> |
|--|----------------------------------|-----------------|------------------------|---|---|---|

| Species | IUCN Red List Status | Last Red List Assessment | Estimated number in the wild (total number of individuals) | Where are they found? | Key threats identified by IUCN | Information on hunting of this species |
|--|----------------------|--------------------------|--|-----------------------------|--|---|
| Common Warthog <i>(Phacochoerus africanus)</i> | Least concern | Feb 2016 | In South Africa at least 22,250. Elsewhere population size is not known. | Sub-Saharan Africa. | Human-caused habitat degradation, loss and fragmentation, alongside competition with livestock for water and food. | Hunted for bush meat and their ivory is sometimes traded. |
| Desert Warthog <i>(Phacochoerus aethiopicus)</i> | Least concern | Dec 2015 | Estimate unavailable - occurs at low densities over most of the countries it inhabits. | Ethiopia, Kenya and Somalia | Human-caused habitat degradation, loss and fragmentation, alongside competition with livestock for water and food. | Hunted for bush meat and their ivory is sometimes traded. |

¹ In 2008 and 2012 the Narwhal was listed as Near Threatened.

| Species | IUCN Red List Status | Last Red List Assessment | Estimated number in the wild (total number of individuals) | Where are they found? | Key threats identified by IUCN | Information on hunting of this species |
|--|--|--------------------------|---|-----------------------|--------------------------------|--|
| Mammoth <i>(Mammuthus primigenius)</i> | Extinct [not assessed by IUCN Red List] | | <p>Significant numbers of mammoths preserved within the permafrost of the Arctic tundra. Climate change is making these preserved mammoth carcasses more accessible.</p> <p>Previously found in the northern, treeless regions, from the British Isles to eastern Siberia and into North America.</p> | | | |

Q1. Please provide any evidence you have on whether the trade (legal and illegal) in ivory from these species threatens their survival.

If so, does this interact with other threats to these species? If yes, in what way?

Q2. Is there any evidence of a link between the **legal** trade in ivory from these species and illegal wildlife trade? (yes/no)

Please explain and provide evidence.

Q3. Does the **legal** trade in ivory from these species contribute to their conservation or protection and/or does it support wider biodiversity conservation? (yes/no)

Please explain and provide evidence.

Q4. How do we best monitor any threat from trade in ivory on these species?

Please provide any evidence and any suggestions on information that is required.

Q5. How do we best identify the point at which a species might become threatened by the trade in its ivory?

Please provide any evidence and any suggestions on information that is required.

What is non-elephant ivory used for?

Ivory from the species in scope of this call for evidence has been used for various purposes throughout history. Ivory from species such as walrus and sperm whale were historically used for producing solid carved pieces. For example, carved, engraved or decorated whale teeth and walrus tusks, known as scrimshaw, were carved by sailors and whalers.

Walrus ivory was used as a carving medium in European cultures from the 11th to the 20th century. Examples include the Lewis chessmen, which date back to the 12th century². In the 17th to 19th centuries walrus ivory was also used in Islamic cultures, for example to carve knife handles and sword hilts. Walrus ivory is sometimes used in the repair of older musical instruments in the UK.

By contrast the narwhal tusk was and continues to be valued for its spiral shape and therefore often kept whole and uncarved. The spiral tusks were historically considered to be curiosities.

² British Museum News.

https://www.britishmuseum.org/about_us/news_and_press/statements/the_lewis_chessmen.aspx

Indigenous communities continue to legally hunt walrus and narwhal and sell ivory as whole, unworked tusks/teeth, or worked items such as jewelry and sculptures. Inuit communities have carved walrus ivory for over 5,000 years.

Common hippopotamus teeth are used in traditional African tribal art. Mammoth ivory is sometimes used in the repair of older ivory musical instruments in the UK.

Q6. Are there any other important or common uses of ivory from these species? If so please provide further information and, if appropriate, indicate if any alternative material can be used.

Q7. Are there any particular examples of items, which are made from or contain ivory from these species that could be considered of outstanding artistic, cultural or historical value and importance? If so please provide further information.

Global trends in the trade of non-elephant ivory

There is limited recent evidence on the global market in non-elephant ivory. For example, TRAFFIC have produced reports on hippopotamus³, narwhal⁴ and walrus⁵ ivory trade but none of the other species included in this call for evidence. The hippopotamus report was focused on the US market and published in 2004, and the reports on narwhal and walrus, although recently published, refer to trade data that is prior to 2009 (due to the delay in reporting and loading trade data from country reports onto the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Trade database).

The TRAFFIC reports suggest that there is a significant global market for ivory from these species (hippopotamus, narwhal and walrus) with an associated significant number of items made of, or containing ivory, and unworked whole teeth/tusks being exported from range countries (countries that the species occupies). They report that the prices fetched in their sales depend on a number of factors, for example the artistic merit of the carving or the quality of whole the tusk/or tooth. More recent evidence on this would be useful in demonstrating if (and how) the global market trend is developing in ivory from these species.

³ TRAFFIC. Tackling the ivories. The status of US trade in elephant and hippo ivory.

https://www.traffic.org/site/assets/files/4054/tackling_the_ivories.pdf

⁴ TRAFFIC. Breaking the ice. International trade in Narwhal, in the context of a changing Arctic.

https://www.traffic.org/site/assets/files/2528/breaking_the_ice_report.pdf

⁵ TRAFFIC Report: Hauling out. International trade and management of walrus

<https://www.traffic.org/publications/reports/hauling-out-international-trade-and-management-of-walrus/>

TRAFFIC

TRAFFIC is a leading non-governmental organisation working globally on the trade in wild animals and plants in the context of both biodiversity conservation and sustainable development. The goal that drives their current conservation strategy to 2020 is to

"reduce the pressure of illegal and unsustainable trade on biodiversity, and enhance the benefits to wildlife conservation and human well-being that derive from trade at sustainable levels".

To achieve this goal, they work with national and international conventions, governments, enforcement agencies, private sector companies and consumers.

They play a key role in advising and supporting the implementation of CITES. They supply trade information and expert analysis to the decision-making process at CITES to ensure that international trade in wildlife remains at sustainable levels.

Q8. Is the ivory from any of these species valued in other parts of the world and why? Please provide any evidence to support your answer.

Q9. What is the value of global trade in ivory from these species?

Q10. Do you have any evidence on if the protection of these species OR the trade in their ivory provide any economic value outside the UK? If so, please provide this evidence and also any evidence you have on any links between this value and the UK.

Q11. Does the UK play an important role in the trade of these types of ivory? (yes/no) If yes, please provide evidence and any evidence you have on who the UKs major trading partners in these ivory are and the extent of this trade?

UK imports and re-exports in non-elephant ivory

Tables 2 and 3 show CITES trade statistics for between 2008 and 2017⁶. They show the number of ivory items imported and re-exported to and from the UK across the CITES listed species considered in this call for evidence.

Table 2. UK ivory imports from non-elephant species between 2008 - 2017⁷

| Species | Total number of items of ivory imported to the UK for any purpose | Total number of items of ivory imported to the UK for a commercial purpose | Total number of whole teeth/tusk imported to the UK for a commercial purpose |
|---------------------|---|--|--|
| Hippopotamus | 147 | 75 | 73 |
| Killer whale | 0 | 0 | 0 |
| Narwhal | 7 | 6 | 0 |
| Sperm whale | 21 | 3 | 0 |
| Walrus | 150 | 46 | 4 |

⁶ Derived from the CITES Trade Database, UNEP World Conservation Monitoring Centre, Cambridge, UK

⁷ The analysis was on the following basis:

- Only UK recorded import data was used.
- Trade terms searched were: ivory jewellery, ivory carvings, carvings, tusk, teeth.
- Source terms searched were: wild, unknown, pre-convention, and Specimens taken in "the marine environment not under the jurisdiction of any State"
- Units were assumed to be number of items. In the one case the number of items was not provided and so it was assumed the import presented 1 item.

Table 3. UK ivory re-exports from non-elephant species from 2008 – 2017⁸

| Species | Total number of ivory items re-exported from the UK for any purpose | Total number of items of ivory re-exported from the UK for commercial trade | Total number of whole teeth/tusk re-exported from the UK for commercial trade | Country destinations for commercial re-exports |
|---------------------|---|---|---|---|
| Hippopotamus | 42 | 25 | 9 | Australia, US, Switzerland, Zambia, Japan, China, Guatemala |
| Killer whale | 0 | 0 | 0 | n/a |
| Narwhal | 23 | 22 | 17 | China, US, Australia, Japan, Singapore, South Korea |
| Sperm whale | 179 | 171 | 26 | US, Switzerland, China, Australia, New Zealand |
| Walrus | 449 | 337 | 4 | US, New |

⁸ The analysis was on the following basis:

- Only UK recorded export data was used
- Trade terms searched were: ivory jewellery, ivory carvings, carvings, tusk, teeth
- Source terms searched were: wild, unknown, pre-convention, and Specimens taken in “the marine environment not under the jurisdiction of any State”
- Units were assumed to be number of items. In 2 case the number of items was not provided and so it was assumed the re-export presented 1 item in each case

| | | | | |
|--|--|--|--|--|
| | | | | Zealand, Hong Kong, China, Canada, Korea, Australia, Qatar, Switzerland, Singapore, Norway, Thailand, Russia, Japan, Turkey, Malaysia, Norway, United Arab Emirates, South Korea |
|--|--|--|--|--|

The UK domestic market

As detailed in the ‘What is non-elephant ivory used for?’ section we are aware that there are antique items made of this ivory and that ivory from walrus and mammoth are sometimes used in the repair of older musical instruments in the UK. Similarly we are aware from the data on UK imports and re-exports for commercial purposes (as outlined in previous section) that traders in the UK undertake trade in whole teeth/tusks from these species. However, we have no information on the scale of trade in ivory from these species within the UK and their value.

Q12. Do you have any evidence on the financial value of items made of or containing ivory from these species in the UK? This evidence could include, for example average prices or the highest and lowest prices.

Q13. Do you have any evidence on how common these items are in the UK? For example, do you have any evidence to demonstrate how often they are sold or how many items are owned by individuals or organisations?

Q14. Are there any businesses in the UK that specialise in ivory from these species? (yes/no). If yes

- a) How many?
- b) What is their income?

Policy and legislation on ivory bearing species

The eight ivory bearing species in scope of this call for evidence are subject to a range of international agreements, and EU and domestic legislation. This section summarises the legislation and policy on trade in ivory from these species in the UK.

International Agreements and EU Policy

Convention on International Trade in Endangered Species of Wild Fauna and Flora

There are restrictions on international trade in ivory under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), an international conservation agreement which aims to ensure that international trade in endangered species does not threaten their survival. A total of 183 countries, including the UK, are Parties to CITES.

The species covered by CITES are listed in three Appendices, according to the degree of protection the Parties to the Convention agree that they need:

- Appendix I includes species threatened with extinction. Trade in specimens of these species, such as ivory, is permitted only in exceptional circumstances.
- Appendix II includes species not necessarily threatened with extinction, but in which trade must be controlled in order to avoid utilization incompatible with their survival.
- Appendix III contains species that are protected in at least one country, which has asked other CITES Parties for assistance in controlling the trade.

The CITES-listing status of the species considered in this call for evidence are as follows:

- Sperm whale CITES Appendix I - listed in 1979
- Narwhal CITES Appendix II - listed in 1975
- Hippopotamus CITES Appendix II – listed in 1976
- Walrus CITES Appendix III - listed in 1977
- Killer whale CITES Appendix II - listed in 1979
- Warthog – not listed in CITES Appendices

- Mammoth – not listed in CITES Appendices

Parties to CITES can adopt stricter domestic measures than those required by CITES.

EU Wildlife Trade Regulations

CITES is implemented in the EU through the EU Wildlife Trade Regulations⁹, which are directly applicable in the UK.

The EU Wildlife Trade Regulations implement CITES in a stricter manner than is required by the Convention. Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein, has four Annexes (Annexes A to D) which list all CITES (and some non-CITES) species according to the degree of protection needed. If a person wishes to trade in a specimen listed in the Annexes then they will need the appropriate documents to do so, which include:

- Permits for importing, exporting or re-exporting Annex A or B specimens.
- A certificate issued under Article 10 of Regulation 338/97 to authorise the intra-EU commercial use or movement of certain Annex A specimens.

The following ivory bearing species are listed in Annex A:

- Killer whale - except those taken by the people of West Greenland under licence, which are treated as Annex B
- Narwhal - except those taken by the people of West Greenland under licence, which are treated as Annex B
- Sperm whale - except those taken by the people of West Greenland under licence, which are treated as Annex B

A permit is needed for the introduction into the EU (import) of any ivory from Annex A specimens in the scope of this call for evidence. A number of conditions must be met before an import permit is issued by the Management Authority (the Animal and Plant Health Agency (APHA) for the UK). The conditions include the Management Authority being satisfied that the specimen will not be used for primarily commercial purposes, and the Scientific Authority (here, the Joint Nature Conservation Committee (JNCC), which is the CITES Scientific Authority in the UK for fauna in the UK) having advised that the import:

⁹ Full details of the EU Wildlife Trade Regulations can be found at the European Commission's website, as follows: http://ec.europa.eu/environment/cites/legislation_en.htm

- would not have a harmful effect on the conservation status of the species or on the extent of the territory occupied by the relevant population of the species; and
- is taking place for certain purposes (relating to the advancement of science; essential biomedical purposes; breeding, research, or education with conservation aims) or for other purposes which are not detrimental to the survival of the species

A certificate is also needed for the re-export of an Annex A specimen. A number of conditions must be met. These include the applicant showing that the specimen had previously been legally introduced to the EU, and APHA being satisfied that there are no factors relating to the conservation of the species which militate against the permit being issued.

There is also a restriction on intra-EU trade of Annex A specimens. The commercial use of an Annex A specimen within the UK or other EU countries is only permitted with a commercial use certificate issued by a Member State Management Authority (APHA, for the UK). There is, however, no requirement to obtain a commercial use certificate for Annex A specimens which fall within the definition of “*worked specimens that were acquired more than 50 years previously*”, that is worked ivory items produced before 3 March 1947¹⁰.

Different rules apply to captive bred species. Specimens of Annex A-listed species are treated as if they were Annex B-listed specimens if they were bred in captivity as defined by CITES. Under certain conditions, these captive-bred Annex A specimens may be used commercially within the EU, provided that a ‘sale exemption certificate’ has been issued by the Management Authority.

The following ivory bearing species are listed in Annex B:

- Hippopotamus
- Walrus

(N.B. Specimens of Killer whale, Narwhal and Sperm whale taken by the people of West Greenland under licence, are also treated as Annex B.)

¹⁰ Article 2(w) of Regulation 338/97 says: ‘*worked specimens that were acquired more than 50 years previously*’ shall mean specimens that were significantly altered from their natural raw state for jewellery, adornment, art, utility, or musical instruments, more than 50 years before the entry into force of this Regulation and that have been, to the satisfaction of the management authority of the Member State concerned, acquired in such conditions. Such specimens shall be considered as worked only if they are clearly in one of the aforementioned categories and require no further carving, crafting or manufacture to effect their purpose.

A permit is needed for the import of an Annex B specimen and various conditions must be met. These include the scientific authority (JNCC, for the UK) having advised that the import would not have a harmful effect on the conservation status of the species or on the extent of the territory occupied by the relevant population of the species.

A certificate is also needed for the re-export of an Annex B specimen and a number of conditions must be met. These include the applicant showing that the specimen had previously been legally introduced to the EU, and APHA being satisfied that there are no factors relating to the conservation of the species which militate against the permit being issued.

In certain circumstances, the conditions for issuing import or re-export permits for Annex A and B specimens are less strict. For example, certain conditions do not need to be met where a specimen:

- falls within the definition of “worked specimens that were acquired more than 50 years previously” (import, re-export)
- is a dead specimen, part or derivative, and the applicant provides documentary evidence that it was legally acquired before the EU Regulations or the Convention became applicable to it (re-export).

There are a number of specific measures in place with regards to hippopotamus specimens. The introduction (import) of hippopotamus specimens into the EU from certain countries is not allowed or is subject to further scrutiny. Imports from Mozambique are currently suspended¹¹. In addition, the EU CITES Scientific Review Group¹² (SRG), in which the UK Scientific Authority, JNCC, participates, have formed a ‘Negative Opinion’ for all imports of hippopotamus specimens from Cameroon (with the exception of 10 hunting trophies per year), having determined that introduction into the EU might have a harmful effect on the conservation status of the species or on the extent of the territory occupied. This means that imports of hippopotamus specimens from Cameroon into the EU are not

¹¹ Under Commission Implementing Regulation (EU) 2017/1915, also known as the ‘Suspensions Regulation’.

¹² The SRG is the EU body which comprises the CITES Scientific Authorities of each Member State and which forms collective opinions on the sustainability of trade in CITES specimens to, and from, the EU. See: http://ec.europa.eu/environment/cites/srg_en.htm.

allowed¹³. The SRG are also consulted by Member States before approval or refusal of any import of specimens from twenty other hippo Range States¹⁴.

The SRG have formed a Positive Opinion for hippopotamus specimens from Namibia, South Africa, Tanzania, Zambia and Zimbabwe; accordingly imports from these countries may be allowed into the EU as long as the conservation and trade status have not changed significantly.

SRG opinions remain valid for subsequent import permit requests and the expectation is that these will be reflected in the advice/opinions given by Member States' Scientific Authorities, unless new information becomes available indicating the opinion needs to be reviewed by the SRG. A full list of current EU opinions and suspensions for CITES-listed species can be found on the Species+ website¹⁵.

The EU Wildlife Trade Regulations have been transposed into UK law with powers under the Withdrawal Act to correct deficiencies, to come into effect upon the UK's exit from the EU. The effect of this is that a very similar CITES regime will exist in the UK post-Exit as is currently in place across the EU.

The International Convention for the Regulation of Whaling

The purpose of the International Convention for the Regulation of Whaling (ICRW) is to "provide for the conservation of whale species and populations and thus make possible the orderly development of the whaling industry". The UK is a Party to ICRW. A global moratorium on commercial whaling has been in place since 1982 (with effect from the 1985/1986 season) and is binding on those Parties who agreed it. Only Iceland and Norway whale commercially under their respective reservation and objection to the moratorium¹⁶, but they do not hunt sperm or killer whales.

¹³ Where trade continues to be of concern, the European Commission may establish a formal import suspension for species/country combination subject to a Negative Opinion. This is done through the above-mentioned Suspensions Regulation, following consultation with the range State concerned and taking into account any opinion of the SRG. Whilst SRG opinions can be revised relatively quickly, on the basis of new information becoming available, formal import restrictions can only be lifted when the Suspensions Regulation is amended.

¹⁴ These 20 countries are: Angola, Benin, Burundi, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Equatorial Guinea, Eritrea, Ethiopia, Gambia, Ghana, Guinea Bissau, Malawi, Niger, Nigeria, Senegal, Sierra Leone, Togo.

¹⁵ The Species+ website can be found here: https://speciesplus.net/eu_legislation

¹⁶ The UK has objected to Iceland's reservation

Convention on the Conservation of Migratory Species of Wild Animals

The Convention on the Conservation of Migratory Species of Wild Animals (CMS) is an environmental treaty under the aegis of the United Nations Environment Programme. The UK is a Party.

CMS aims to conserve terrestrial, aquatic and avian migratory species throughout their range. Appendix I lists endangered migratory species. The Convention prohibits their taking (with limited exceptions) and provides for other conservation measures (e.g. habitat protection). Appendix II lists migratory species that need or would significantly benefit from international agreements or co-operation; and the Convention provides for Range States to conclude legally binding Agreements or politically binding Memoranda of Understanding (MOUs)

Sperm whale is listed on CMS Appendices I and II.

Killer whale and Narwhal are listed on CMS Appendix II

EU Habitats Directive

The EU Habitats Directive ensures the conservation of a wide range of rare, threatened or endemic animal and plant species.

The Habitats Directive lists all cetacean species (the marine order of Cetacea; a whale, dolphin or porpoise) this includes killer whales, sperm whales and narwhal in Annex IV. This means that all cetaceans are strictly protected from deliberate disturbance, capture or killing within Community waters. The same Directive also prohibits the keeping, transport and sale or exchange, of specimens (this includes ivory) taken from the wild from these species, except those taken legally before the Directive was implemented. Post EU Exit, the Habitats Directive, as it exists on exit day, will continue to apply through the UK regulations transposing the Directive (see below), and the regulations will continue to be interpreted in light of the Directive.

Domestic policy and legislation

Control of Trade in Endangered Species Regulation (2018)

The EU Wildlife Trade Regulations are directly applicable to the UK, with enforcement provisions implemented in the UK by the Control of Trade in Endangered Species Regulations 2018 (COTES).

The Conservation of Habitats and Species Regulations (2017)

The Conservation of Habitats and Species Regulations transpose EU Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into the law of England and Wales¹⁷.

The regulations ban the possession or control, transport, sale or exchange, or offering for sale or exchange anything derived from a cetacean species (this includes ivory from killer whales, sperm whales and narwhal) taken from the wild. The regulations also set out circumstances where a licence may be granted to permit these activities¹⁸.

Equivalent provisions apply to the UK offshore marine area through the Conservation of Offshore Marine Habitats and Species Regulations 2017.¹⁹

The Wildlife and Countryside Act (1981)

The Wildlife and Countryside Act lists cetaceans (this includes killer whales, sperm whales and narwhal), and walrus, in Schedule 5. The legislation bans the selling, offering or exposing for sale, or possession or transport for (including ivory) of species listed in Schedule 5²⁰. Similarly it also bans²¹ publishing, or causing to be published, any advertisement likely to be understood as conveying that a person buys or sells, or intends to buy or sell, any part of those species (including ivory). The legislation extends to England and Wales and in part to Scotland²².

In Northern Ireland the equivalent regime is set out in the Wildlife (NI) Order 1985, however, Schedule 5 (animals which are protected at all times) of the 1985 Order does not include the killer whale, sperm whale and narwhal.

¹⁷ The Conservation of Habitats and Species Regulations 2017 apply in England and Wales, and in relation to certain reserved matters in Scotland and Northern Ireland. With regards to devolved matters, the applicable regulations are the Conservation and (Natural Habitats & c.) Regulations 1994 ("the 1994 Regulations") (for Scotland) and the Conservation (Natural Habitats & c.) (Northern Ireland) 1995.

¹⁸ By way of example, in England, Natural England issues a CL07 licence which allows a person to lawfully sell dead specimens (this would include ivory) from cetaceans (this includes killer whales, sperm whales and narwhal) where this is for the purposes of science or education and the ivory was legally taken from the wild before 30 October 1981. In Wales, Natural Resources Wales issue licences to allow the lawful possession or sale or exchange of European Protected Species and UK Protected Species, which includes all species of whale and walrus.

¹⁹ In particular, see regulations 45, 46 and 55

²⁰ These provisions also apply in Scotland in relation to walruses, but the protections for cetaceans are to be found in regulation 39 of the 1994 Regulations.

²¹ This provision does not apply in Scotland.

²² In England, the ban does not apply to those who have a CL07 licence with regards to walrus parts, including ivory, and that ivory was legally taken from the wild before 30 October 1981. In Wales, the ban does not apply if Natural Resources Wales has granted a licence for the specific purpose of the licence.

The Ivory Act 2018

The Treaty on the Functioning of the EU provides for EU Member States to take more stringent protective environmental measures than those adopted in EU law, and the EU Wildlife Trade Regulations also reflect this principle.

The UK's Ivory Act 2018 is made in line with this provision and goes much further than the EU Wildlife Trade Regulations by prohibiting all UK commercial activities in elephant ivory regardless of age, including worked items prior to 1947. This ban will be subject to clearly defined exemptions.

The Ivory Act 2018 received Royal Assent on 20 December 2018. When commenced, it will ban dealing of items made of, or containing elephant ivory, regardless of their age. Dealing means the sale, purchase or hire, and offering to sell, purchase or hire. The ban will apply to dealings taking place within the UK and to exports from and imports into the UK for commercial purposes.

The ban will be subject to the following five narrow and carefully defined exemptions:

- Pre-1947 items containing less than 10% ivory by volume.
- Pre-1975 musical instruments containing less than 20% ivory.
- Portrait miniatures made before 1918.
- Sales and exchanges to and between accredited museums. This applies to museums accredited by Arts Council England, the Welsh Government, the Scottish Government or the Northern Ireland Museums Council in the UK, or, for museums outside the UK, the International Council of Museums.
- Items of Outstanding Value and Importance. An exemption for pre-1918 items of outstanding artistic, cultural or historic value and importance. Such items will be subject to expert advice from a selection of institutions deemed to have the necessary knowledge and expertise to do so.

Section 37 of the Ivory Act contains a power to amend the scope of the Ivory Act by regulations to include ivory from another animal or species (whether extant or not).

International examples of country-level restrictions on the trade in non-elephant ivory

Other countries have restrictions on the import, export and/or the internal sales of ivory from the species considered in this call for evidence, for example:

- Australia adopts stricter measures under CITES and prohibits commercial imports of all cetacean products, this includes ivory from killer whale, narwhal and sperm whale²³.
- Uganda banned the trade in hippopotamus teeth in 2014.
- The US has prohibited the import of marine mammals and their parts and products since 1972. This includes ivory from killer whale, narwhal, sperm whale and walrus²⁴. Four US States - New Jersey²⁵, New York²⁶, California²⁷, and Hawaii²⁸ – ban the sale of mammoth ivory, put into effect alongside the recent ban on elephant ivory sales.

Q15. We are interested in finding out more about other countries' restrictions on trade in ivory from these species. Please provide any information and/or evidence that you are aware of on this.

²³ <https://www.legislation.gov.au/Details/F2017L00349>

²⁴ US Marine Mammal Protection Act 1972: <https://www.fws.gov/international/laws-treaties-agreements/us-conservation-laws/marine-mammal-protection-act.html>

²⁵ <https://www.njleg.state.nj.us/bills/BillView.asp>

²⁶ [http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO:](http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO)

²⁷ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=130694>

²⁸ https://www.capitol.hawaii.gov/session2016/bills/SB2647_HD2_.htm

Full list of questions

For all questions, where we mention ivory or species this refers to the species listed in the introduction and their respective ivory, with one exception the mammoth. As the mammoth is extinct we are only considering consequences of its ivory trade on elephants.

When responding to questions please always indicate which species and/or ivory you are referring to throughout.

Please submit any evidence available to you in support of your responses.

Section: The conservation status and threats to these species

Q1. Please provide any evidence you have on whether the trade (legal and illegal) in ivory from these species threatens their survival.

If so, does this interact with other threats to these species? If yes, in what way?

Q2. Is there any evidence of a link between the **legal** trade in ivory from these species and illegal wildlife trade? (yes/no)

Please explain and provide evidence.

Q3. Does the **legal** trade in ivory from these species contribute to their conservation or protection and/or does it support wider biodiversity conservation? (yes/no)

Please explain and provide evidence.

Q4. How do we best monitor any threat from trade in ivory on these species?

Please provide any evidence and any suggestions on information that is required.

Q5. How do we best identify the point at which a species might become threatened by the trade in its ivory?

Please provide any evidence and any suggestions on information that is required.

Section: What is non-elephant ivory used for?

Q6. Are there any other important or common uses of ivory from these species? If so please provide further information and, if appropriate, indicate if any alternative material can be used.

Q7. Are there any particular examples of items, which are made from or contain ivory from these species that could be considered of outstanding artistic, cultural or historical value and importance? If so please provide further information.

Section: Global trends in the trade of non-elephant ivory

Q8. Is the ivory from any of these species valued in other parts of the world and why? Please provide any evidence to support your answer.

Q9. What is the value of global trade in ivory from these species?

Q10. Do you have any evidence on if the protection of these species OR the trade in their ivory provide any economic value outside the UK? If so, please provide this evidence and also any evidence you have on any links between this value and the UK.

Q11. Does the UK play an important role in the trade of these types of ivory? (yes/no) If yes, please provide evidence and any evidence you have on who the UKs major trading partners in these ivory are and the extent of this trade?

Section: Domestic Market

Q12. Do you have any evidence on the financial value of items made of or containing ivory from these species in the UK? This evidence could include, for example average prices or the highest and lowest prices.

Q13. Do you have any evidence on how common these items are in the UK? For example, do you have any evidence to demonstrate how often they are sold or how many items are owned by individuals or organisations?

Q14. Are there any businesses in the UK that specialise in ivory from these species? (yes/no). If yes

c) How many?

d) What is their income?

Section: International examples of country-level restrictions on the trade in non-elephant ivory

Q15. We are interested in finding out more about other countries' restrictions on trade in ivory from these species. Please provide any information and/or evidence that you are aware of on this.

How to respond

To submit your Call for Evidence response please complete the Call for Evidence questionnaire provided through Citizen Space (Citizen Space is an on-line consultation tool). Alternative methods are outlined below.

This call for evidence closes on 22 August 2019. Please send your evidence:

By responding online through Citizen Space:

<https://consult.defra.gov.uk/communications/non-elephant-ivory-trade>

By email: email address: Non-elephant.Ivory@defra.gov.uk

By post: Ivory Policy Team, Seacole Building, 2 Marsham Street, London SW1P 4DF

Confidentiality and data protection

This Call for Evidence document and Call for Evidence process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this Call for Evidence, including personal data, may be published or disclosed in accordance with the access to information regimes these are primarily the Environmental Information Regulations 2004 (EIRs), the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 2018 (DPA). We have obligations, mainly under the EIRs, FOIA and DPA, to disclose information to particular recipients or to the public in certain circumstances.

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the Freedom of Information Act and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

This Call for Evidence is being conducted in line with the Cabinet Office “Consultation Principles” and be found at: <https://www.gov.uk/government/publications/consultation-principles-guidance>.

If you have any comments or complaints about the Call for Evidence process, please address them to:

Consultation Coordinator

Area 1C, 1st Floor

Nobel House

17 Smith Square,

London, SW1P 3JR.

Or email: consultation.coordinator@defra.gov.uk