

## **Banning UK sales of ivory**

### **Summary of responses and government response**

- In total the government had 71,238 responses, 60,613 of these were from 'campaigns'.
- The museum sector was the 3<sup>rd</sup> most represented sector with 21 responses, the fine art/antiques trade sector being the most represented with 50 responses.
- 87.6% of respondents expressed support for the government's proposed ban.
- In response to the possible exemptions to the ban, between 41 and 54% of respondents expressed **opposition** to having such exemptions.
- Only 15% of respondents expressed support for the exemption for items of artistic, cultural or historical significance and 25.6% for the exemption for museums.

#### **In response to questions allowing the continued sale of ivory to, and between museums:**

25.6% (2,717) of respondents expressed support for the exemption for museums, 41.1% (4,363) expressed opposition, and 33.4% (3,543) did not express a definitive opinion.

Many respondents in favour of this exemption said it was important to protect cultural heritage. It was also argued that museums played an important role in conserving pieces for educational and research purposes. A number of respondents said that museums were unlikely to buy items that would contribute, either directly or indirectly, to the continued poaching of elephants. The National Museums Directors' Council stated that "Ivory has played a major part in artistic creation in Europe, Asia and Africa for millennia, and this must not be erased or forgotten."

Arguments against the exemption included that any exemption could provide a loophole for the continued trade in ivory and that items containing ivory should be loaned, donated or bequeathed to museums, but sales should not be permitted.

Some respondents questioned why museums should be treated differently to private collections.

Many respondents said it was essential that museums were tightly defined to make sure the exemption was not exploited by people seeking to buy and sell ivory. A number of suggestions were put forward for how this could be done including using a definition such as those in tax law, only exempting museums over a certain age, making museums apply for a licence to buy ivory and limiting the exemption to accredited museums. A number of respondents suggested using Arts Council England's accreditation scheme, and those of the equivalent bodies in Scotland, Wales and Northern Ireland.

Some said the exemption should only apply for items that would be used for educational purposes. Similarly, some suggested whenever ivory was displayed it should be accompanied by a warning sign, like those on cigarette packets, detailing the effects of elephant poaching.

Some respondents also suggested that other organisations should be included in this exemption such as the heritage sector, art and antique dealers, and publicly funded galleries.

Other areas suggested for exemption in the consultation were:

- Miniatures
- Japanese netsuke.

## **Policy Statement summary**

Having considered the evidence available, including responses to this consultation, the government confirms it will proceed with a ban on commercial activities concerning ivory in the UK that could directly or indirectly fuel the poaching of elephants.

The government intends to allow the following narrow exemptions to this ban, for items that are not considered to fuel the continued poaching of elephants.

### **De minimis:**

- Items with an ivory content of less than 10% by volume, and which were made prior to 1947, will be exempted from this ban on commercial activities.
- A 10% by volume de minimis threshold will mean the UK has amongst the toughest approaches to this category of exemption internationally. We believe that 10% both meets the need for a strong threshold and will be practical to enforce.
- To fall within this exemption items must have been made prior to 1947. This date is already well-known by those familiar with the EU Wildlife Trade Regulations with as the date from which ivory items currently require a CITES certificate in order to be sold.

### **Musical instruments:**

- Musical instruments with an ivory content of less than 20%, and which were made prior to 1975, will be exempted from this ban on commercial activities.
- An exemption for musical instruments with less than 20% ivory by volume will cover the vast majority of commonly used and traded instruments.
- 1975 is the date at which Asian elephants were first listed under CITES. We have opted for a later date than that applied to the de minimis exemption in recognition that many instruments, such as pianos and violin bows, continued to be made using ivory into the late 20th century. Many of these instruments will be in current use by professional musicians.
- We do not intend to affect the commercial use or performance using musical instruments that may not meet this exemption.

### **Portrait miniatures:**

- Portrait miniatures produced prior to 100 years before the coming into force of this ban will be exempted for commercial activities.
- Portrait miniatures are recognised as being a discrete category of item which, although often painted on thin slivers of ivory, are not valued for their ivory content. Portrait miniatures were painted on ivory primarily between the 17th and 19th centuries.
- Whilst we did not consult on an exemption for portrait miniatures, a number of respondents from the antiques sector, the public and some conservation NGOs, indicated that they believed this exemption would be proportionate and justified. We agree with this assessment as we do not believe that sales of portrait miniatures fuel, directly or indirectly, the continued poaching of elephants.
- Portrait miniatures must have been produced at least 100 years prior to this sales ban coming into force.

### **The rarest and most important items of their type:**

- Items made of, or containing, ivory, which are assessed as of outstandingly high artistic, cultural or historical value, and are an example of the rarest and most important item of their type, will be exempted from this ban on commercial activities. This is because we recognise that there is a, fairly small, number of ivory items that are of outstandingly high artistic, historic or cultural significance and that may be assessed as being rare and important examples of their type, e.g. in their particular category of function, artistic or historical period etc. We do not believe that such items contribute directly or indirectly to the continued poaching of elephants.
- We will empower a limited number of institutions, such as selected museums, to provide advice to the Animal and Plant Health Authority on whether an item should be exempted under this category. This is because we believe it is critical assessments are made by specialists in their fields, and those who have the greatest knowledge and professional experience in their particular field.
- We will also provide statutory guidance to participating advisory institutions on the criteria that items falling under this exemption must meet. This guidance will draw on existing criteria used by government to assess works of art for pre-eminence and national significance.
- Items exempted under this category must have been produced at least 100 years prior to this sales ban coming into force.

### **Museums:**

- Commercial activities which includes sales, loans and exchanges to, and between, museums accredited by the Arts Council England, the Welsh Government, Museums and Galleries Scotland or the Northern Ireland Council of Museums will be exempted from this ban. These accredited museums will also be permitted to sell to, or buy from, non-UK museums accredited by the International Council of Museums.
- We do not intend, through our ban on ivory sales, to affect the display of historic, artistic and cultural items to members of the public by accredited museums. Accredited museums play a vital role in protecting the nation's cultural heritage, and in making our heritage accessible to the public, and as such will be permitted to purchase items that do not meet any of the listed exemptions, but are in line with their acquisitions and ethical policies. Museums accredited by the four UK bodies listed above must abide by strict codes of ethics and standards of governance, including acquisitions policy.

### **Compliance**

Compliance will be via registration. This will be administered by the Animal Plant and Health Authority (APHA).

- Owners with items they wish to sell and which they consider meet the exemption criteria under the de minimis, musical instruments or portrait miniatures categories, will be required to register their items via an online system.
- Owners will be required to pay a small fee for registration. Owners will receive confirmation that this registration has taken place, including a reference number. Buyers, or others involved in the sale of an item, can ask for proof that an item has been registered.
- If an individual wishes to sell an item to an accredited museum, they will be required to register the item, and the relevant institution will be required to confirm that it intends to purchase the item. Payment of a small fee will be required.
- If an owner of an item of ivory believes it would qualify for the rarest and most important items of their type exemption, they too will first be required to register details of this item with the APHA. The APHA will seek the advice of an institution with recognised specialism in the relevant field to assist it in deciding whether the item meets this exemption. Drawing on the advice of relevant specialists, the APHA will decide whether to issue a permit for sale to the owner. The owner will be required to pay a fee.

The current document does not outline if objects will need to be registered for movement between museums.