

# ‘Inadequate controls’

**Daniel Stiles** and **Esmond Martin** find – in their latest investigation, into *Ivory Markets in the United States* – that nearly one-third of all the ivory items on sale there are likely to have been smuggled in, or made from ivory that was smuggled in, since the 1990 ivory trade ban...



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Since 1999 we have slogged through dozens of countries in Africa, Asia, and Europe to investigate the import, export, manufacture, and sale of elephant ivory – both legal and illegal. We are doing this because the trade in ivory adversely affects elephant populations in Africa and Asia, and we consider it important to document and publicise the extent of this threat to elephant survival.

Global demand for ivory artefacts and ornaments has since the mid-19th Century been the direct cause of the premature deaths of millions of elephants. In the 1970s and 1980s ivory markets were spiralling upward as a result of unprecedented economic growth around the world, particularly in Asia, where ivory is a highly prized commodity. Elephants were being massacred to supply the demand, prompting the conservation community and governments to come together to ban international ivory

sales in 1990 under the Convention on the International Trade in Endangered Species (CITES).

Unfortunately, the ban only succeeded in reducing ivory trading and elephant poaching for about five years in most elephant range states. Unscrupulous traders exploited the destitute in Africa to poach for them, and bribed, or collaborated with, corrupt officials to generate new smuggling networks to get ivory to market. Our surveys, along with the work of other organisations, have helped to reveal the tactics and scale of these operations, and to identify where the key markets are, thus assisting governments, CITES, and NGOs to formulate policies and actions to control illegal ivory trafficking. Our investigations show where ivory markets are growing, remaining static, or shrinking.

The United States of America, with the world's largest economy and its most fervent shoppers, was

our most recent challenge. We went twice, in 2006 and 2007, and spent several months visiting 16 of America's main towns and metropolitan areas where ivory is sold.

## Findings

Our investigations found more than 24,000 worked ivory items on sale in 657 outlets. This number is second only to what we unearthed in China (Hong Kong included). New York City had by far the most ivory for sale (*see Tables p. 17*), followed by San Francisco and Los Angeles. It is impossible to know precisely how much of this ivory was imported illegally, or was crafted from illicit raw ivory in the US, as informants were understandably reluctant to incriminate themselves.

Some vendors and craftsmen did, however, let slip things that suggested strongly that some of the ivory pieces they held would

**Illegal merchandise:**  
An antiques shop in Houston, Texas, was found to be contravening US law by offering for sale (above) this undocumented pair of African Elephant tusks.

not have satisfied either CITES or local legal requirements allowing sale. The Endangered Species Act (ESA) and other wildlife legislation in the US conforms with CITES stipulations, but there is some leeway to allow ivory imports and sale. Antique worked ivory, defined as being at least 100 years old, can be legally imported and sold. Sport-hunted trophy tusks can be imported from four African countries, but the raw ivory cannot legally be used commercially.

From the condition and pricing of worked ivory seen, we estimated that about 7,400 items – a little under one-third – could have been made after the CITES ban on international ivory trading came into effect in 1990. Those pieces imported after 1990 would be illegal. Most of these ‘recent’ pieces were found in the western USA, mainly in San Francisco, Honolulu (Hawaii), and Los Angeles. The eastern USA, especially New York City and wealthy towns in Florida, are home to some established legal ivory collectors and traders, which may explain the lower proportion of recent ivory found there.

To find out how many craftsmen are working elephant ivory today, and to identify the raw ivory

sources, prices, and quantities, was a considerable challenge. Ivory carvers are scattered all over the USA. Operating from home workshops, they are not easy to find. We scoured the Internet, and queried contacts found there and through the International Ivory Society, based in the US. We interviewed ivory vendors and craftsmen to gain as much quantitative data as possible.

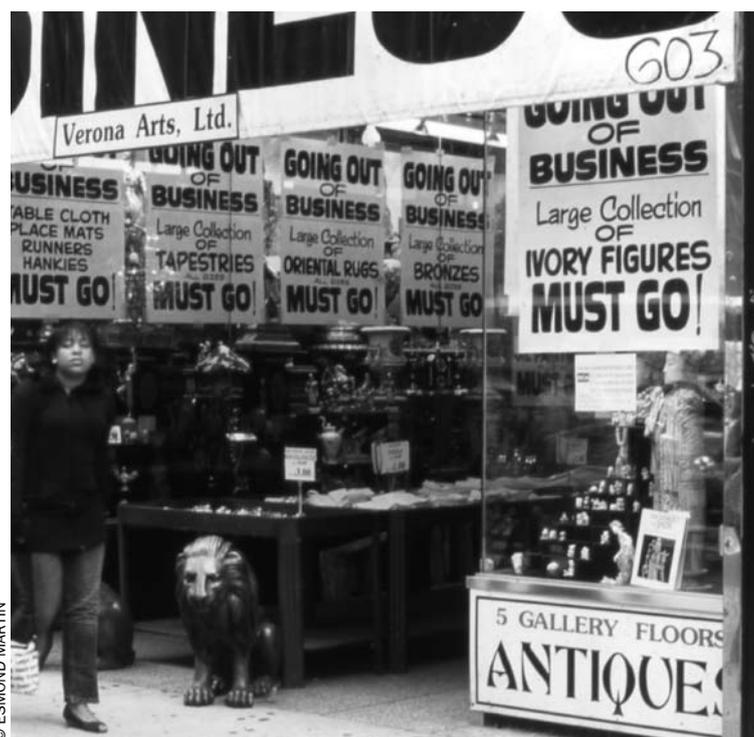
Although the estimates of our informants differed, we think that today there are about 120 people (200 at most) engaged in working elephant ivory in the US. Typically, they make scrimshawed pieces, pistol grips, knife handles, jewellery, ornaments, and pool cue components, while also doing ivory restoration work. Many craftsmen use other types of ivory as well, mainly from the mammoth, walrus, or whale. Trade in the ivory of the last two species is likewise restricted by CITES and the ESA, so in principle only what they call ‘fossil ivory’ can be used. Most American craftsmen do not use elephant ivory at all.

Our best estimate was that the average craftsman was using about 8 kg of ivory a year, resulting in a total annual consumption in

the USA of 960–1,600 kg. For a country the size of the USA, this is quite a modest amount and might be less even than the worked quantity imported legally, which averages roughly 3,300 pieces a year, according to US Fish & Wildlife Service (USFWS) statistics. Craftsmen said raw ivory was freely available and that they experienced no shortage. Since the US government has never conducted a census on raw ivory and maintains no official stockpile, no one knows how much raw ivory exists in the country.

Prices of raw ivory varied considerably, depending on who was selling it, and how, and on its quality. Whole tusks sold through personal networks were generally cheapest, with 1–5 kg tusks going for US\$ 154–220/kg. On the Internet, tusks of this size were being sold for as much as US\$ 346/kg. These prices are considerably lower than those seen today in the Far East, and suggest that demand is lower in the US, which is consistent with our recent information from Asia.

Oddly, smaller tusks were fetching higher prices than large tusks, which is at variance with the ivory pricing we found in Africa,



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**Clearance sale** (far left): One of several shops in New York City that were found to be offering knock-down rates on “large” stocks of worked ivory items. Near left: An ivory craftsman, using hand tools, at work on the East Coast of the US.

Asia, and Europe. In China, Japan, and Thailand, for example, high quality tusks weighing more than 10 kg can today fetch at least US\$ 750/kg, whereas in the US the few that we found were going for just US\$ 264–293/kg.

Solid tusk sections and tips were more costly, with 0.5–1 kg pieces selling at anywhere between US\$ 793/kg and US\$ 1,760/kg.

ivory consumer in the world. In 1909 the US imported almost 350 tonnes of African ivory, most of it used in factories in the state of Connecticut that manufactured ivory piano keys and utilitarian objects. Plastics and cheap worked ivory imports put most of these factories out of business in the 1960s. By the 1970s ivory imports had declined to about 12.6 tonnes annually, falling further to 5.7 tonnes a year until 1989, when the USA imposed a moratorium on most ivory imports through the African Elephant Conservation Act and through revision of the ESA.

Following a brief survey of the US ivory industry in 1979, the National Wildlife Federation estimated there to be about 1,000 scrimshanders and other ivory craftsmen in the country. In the mid-1980s TRAFFIC, the IUCN/WWF wildlife trade-monitoring agency that reports to CITES, thought this number was perhaps 1,400. The estimate of just 120–200 in 2007 therefore represents a significant drop.

No previous study in the US has counted ivory outlets, or items for sale. However, informants told us that many fewer shops are selling ivory now than before the 1990 CITES trade ban. This does not mean there is less ivory for sale, though, as sales of ivory have – like much else – shifted to the Internet, which has also transformed national markets into global ones, making it very much easier to buy articles internationally.

This phenomenon has been a two-edged sword for US ivory craftsmen. On the one hand, it has made it easier for US cottage industry ivory carvers to market their products, but on the other it has increased competition with domestic and foreign ivory merchants, of which the latter generally have the advantage of lower production costs. Based on the assessments of informants, the amount of worked ivory sold in the US over recent years has remained static. Many of our informants are antique

collectors, so they have knowledge of antique ivory imports as well as local production.

A survey of Internet auction and antique sites revealed that most ivory items originate in China and Japan. This held true as well for the ivory items we found in shops and markets in the US.

### Control problems

The USFWS is the main agency responsible for enforcing laws related to wildlife trade, though it is assisted by customs and agricultural inspection services. Each state also has agencies that implement state wildlife regulations. Twenty-two states incorporate federal wildlife laws into state law. There is generally good cooperation between state and federal agencies, but when a wildlife specimen originates outside the US, law enforcement can suffer, and this is especially true of ivory. Once a piece of ivory enters the US, it can move free of inspection within the 50 states. Neither state nor federal agencies regularly inspect shops or antiques fairs for wildlife products.

Most illegal raw and worked ivory enters the US concealed or falsely labelled in packages or ship containers, or is carried in by smugglers. US authorities seize hundreds of ivory items annually. Indeed, the US reports the largest number of ivory seizures of any country in the world to the Elephant Trade Information System, maintained by TRAFFIC. As huge quantities of illegal drugs enter the US in spite of seizures, it can be assumed that ivory gets through as well. The fact that most such ivory we saw on sale was from China and Japan, coupled with the fresh appearance of much of it, reinforces this assumption.

Ivory traders exploit the loophole that allows the import of ivory antiques. If a foreign merchant verifies that an ivory item was made more than 100 years ago, he can obtain a US CITES import permit, which allows him to acquire a CITES export permit

## Ivory Markets in the USA

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Cut slabs, used mainly for making knife and gun handles, were being sold on the Internet for US\$ 150–930/kg. American craftsmen prefer smaller raw ivory pieces, as these save them processing time and require fewer special tools.

### Trends

From publications and visits to towns that formerly hosted ivory factories, we found that ivory use has been in general decline in the US since the early 20th Century, when the country was the largest

The **Daniel Stiles–Esmond Martin** report, *Ivory Markets in the USA*, published by British-based conservation group **Care for the Wild International** (CWI) with research funding support from **Save the Elephants**, **The John Aspinall Foundation**, and **The Humane Society of the United States**, was released on 5 May 2008.

from his government. It is not difficult to fabricate a fake antique, using smoke, dyes, and exposure to heat and aridity, as we have documented in Africa and Asia.

**A**nother problem is the illegal sale of trophy tusks. Informants told us – and we found examples – of the selling of trophy tusks originating in southern Africa. Only tusks imported before July 1975, when CITES came into being, can legally be sold.

### Measures to take

CITES resolutions have called for various actions to be taken by member Parties to control the ivory trade. The US has implemented almost none of them. The main ones the US government should carry out are:

- Prohibit the unregulated domestic sale of ivory. The onus of lawful possession should be placed on the owner;
- Register or license all importers, manufacturers, wholesalers, and retailers dealing in ivory items;
- Establish a nationwide procedure, especially in retail outlets, informing tourists and other non-nationals not to purchase ivory in cases where it is illegal for them to import it into their own home countries; and
- Introduce recording and inspection procedures to enable government agencies to monitor the flow of ivory within the country.

The USA is ahead of most African and Asian countries in which we have worked in terms of controlling illegal ivory imports. It is comparable with the European countries we have investigated. However, given the size of its population and vast buying power, the importance of controlling ivory, and all other wildlife trade, in this consumer-orientated colossus is critical.

## US RETAIL OUTLETS SELLING IVORY

	<i>Number of outlets</i>	<i>Ivory items (minimum)</i>
New York City	124	11,376
San Francisco Bay Area	49	2,777
Greater Los Angeles	170	2,605
Oahu	23	1,867
Palm Beach	10	885
Greater Miami	11	865
Boston & Cambridge	20	758
San Diego	29	684
West Palm Beach	14	529
Dallas	49	322
Houston	44	267
Chicago	18	255
Washington, D.C.	25	236
Las Vegas	21	212
Greater Phoenix	28	208
Atlanta	22	158
<b>Totals</b>	<b>657</b>	<b>24,004</b>

## PAST AND PRESENT US IVORY TRADE INDICATORS

<i>Year</i>	<i>Average wholesale price in US\$/kg for 3–4-kg tusks</i>	<i>2007 equivalents in US\$/kg using GDP inflator index</i>	<i>Craftsmen (both full- and part-time)</i>	<i>Raw ivory imports in tonnes</i>
<b>1979</b>	63	142	1,000	12.6*
<b>1989</b>	100	141	1,400	5.5**
<b>1990</b>	132	182		
<b>2000</b>	176	197		
<b>2002</b>	165	178		
<b>2004</b>	200	209	100–500	
<b>2005</b>	220	227		
<b>2006</b>	187	120		
<b>2006/7</b>	<b>204</b>	<b>204</b>	<b>120–200</b>	<b>1.8***</b>

\* Annual average for the 1970s.

\*\* Annual average for the 1980s.

\*\*\* USFWS reported that 90 tusks were imported in 2006 from African and Asian Elephants. Trophy tusks are large, so an average of 20 kg each was assumed. A further 40,000-odd worked ivory pieces were legally imported between 1995 and June 2007.