

AN INVESTIGATION OF IVORY MARKETS IN THE UNITED STATES



Photo courtesy Kenya Wildlife Service

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**THE HUMANE SOCIETY
OF THE UNITED STATES**

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Executive Summary

The Humane Society of the United States (HSUS) investigated the domestic market for elephant ivory in the United States and made the following findings:

- The United States allows the legal import of thousands of ivory objects every year.
- The United States seizes hundreds, and sometimes thousands, of ivory objects upon import each year, more ivory seizures annually than any other country.
- The United States has a large market for worked ivory, particularly in New York City and San Francisco; these markets are supplied, at least in part, by illegal imports from Hong Kong of ivory objects carved in China.
- The United States has a large market for raw ivory tusks that are then carved into a range of items such as model ships, gun and knife handles, and decorations for baskets; sport-hunted trophies from big game hunters are a significant source of supply of these raw ivory tusks.
- Thousands of ivory objects are offered for sale daily on eBay, the US-based Internet auction company. This trade is completely unregulated, being conducted by anonymous people in unknown locations. Most people offering ivory for sale on eBay admitted, when asked, that they do not know the origin of the ivory they were offering for sale. Some eBay sellers offered to provide HSUS investigators with fraudulent documents to get around laws.
- United States laws and regulations pertaining to ivory trade are confusing and riddled with loopholes that are exploited by those involved in the international and domestic ivory trade.
- Enforcement of laws is made more difficult by the fact that determining whether an ivory object is antique or not (antique ivory over 100 years old may be legally sold in the United States), or whether the ivory is Asian or African elephant (the laws regarding trade in Asian and African ivory are different), or whether the ivory is from the related but extinct mammoth (the trade in mammoth ivory is not regulated at all) is difficult if not impossible even for experts using special equipment.
- Ivory sellers frequently offered to provide fraudulent documents to HSUS investigators indicating that elephant ivory was mammoth ivory, that new ivory was old ivory, or that recently imported ivory was imported a long time ago.
- Those in the ivory business offered tips about how best to smuggle ivory into the United States including placing small ivory items in their luggage in a certain manner to avoid detection by x-ray machines and importing ivory through United States ports, such as Alaska, where there are few United States Fish and Wildlife Service inspectors.
- The United States has not taken the necessary steps to control internal ivory trade that have been recommended by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES): the United States does not register or license all importers, manufacturers, wholesalers and retailers dealing in raw, semi-worked or worked ivory products; does not have recording or inspection procedures to enable appropriate government agencies to monitor the flow of ivory within the United States; does not have compulsory trade controls over raw ivory; and does not have a comprehensive and demonstrably effective reporting and enforcement system for sale of worked ivory.
- There is no real disincentive to smuggling ivory into the United States. Although large-scale smugglers can be fined and imprisoned, small-scale ivory smugglers are usually only required to forfeit the ivory objects.

One of the greatest threats to elephants today is poaching to supply domestic ivory markets. The HSUS investigation points to the need for the United States to urgently address its flourishing and largely unregulated domestic ivory market that is being supplied by illegal sources of ivory and thus is contributing to elephant poaching.

Introduction

In 1989, the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) banned the international trade in African elephant ivory. Such trade in Asian elephant ivory had been banned by CITES since 1975. The 1989 ban followed a decade during which African elephant populations plummeted by more than 50% due to poaching to supply the legal international ivory trade. During this time, CITES tried, but failed, to regulate the legal ivory trade. By 1989, it was estimated that 90% of ivory in the so-called legal trade was actually from poached elephants.

Since 1989 evidence has mounted that the international ivory trade ban is working. Poaching for the now illegal international ivory trade still continues but has slowed considerably as compared to the time when there was a legal ivory trade. That is, the continental African elephant population continues to decline at a rate of about 15% every ten years, as compared to about 50% over the ten year period prior to 1989, when ivory trade was legal. The poaching of elephants for the illegal ivory trade continues simply because while CITES bans international trade in elephant ivory, domestic markets for ivory in countries around the world still flourish. The continuing existence of these markets, including ivory markets in the United States, is one of the greatest threats to elephants today.

To make matters worse, in 1997, CITES agreed to allow a one-time “experimental” export of ivory from Botswana, Namibia and Zimbabwe to Japan; the export occurred in 1999. The purpose of this experiment was to determine if a tightly-controlled legal ivory trade--that is, one shipment of ivory that was carefully monitored by CITES authorities at both exporting and importing ends--was possible without causing any detectable increase in poaching of elephants and/or illegal trade in ivory. In this regard, it is interesting to note that a new report to be discussed at the 2002 CITES meeting¹ states that while the volume of ivory seizures worldwide decreased dramatically in the five years after the ban and leveled out between 1994 and 1998, the volume increased from 1999 to the present. This correlates with the timing of the experimental export and indicating that this may have led to increased illegal trade in ivory worldwide.

Since January 1, 2000, at least 1609 African and 79 Asian elephants were reported poached for their ivory, while 54,462 ivory pieces, 3,892 ivory tusks (equal to 1946 dead elephants), and 11.1 metric tons of raw ivory (equal to about 1400 dead elephants) were seized.

While it is obvious that seized ivory originates from dead elephants, the direct link between poached elephants and seized ivory has been made clear by a number of recent ivory seizures. The fact that nearly all of the recent ivory seizures in China or destined for China originated from Africa are a strong indication that the illegal ivory trade route leads from poached elephants in African countries to China, sometimes in transit through another country. The most recent seizure by Shanghai Customs officials in September 2002 of three tons of ivory from Kenya, was the largest seizure of its kind since China became a country in 1949.² There are further reports that Shanghai Customs have encountered seven smuggling cases of ivory originating from Africa since July 2000.³ The largest haul of illegal ivory in Switzerland occurred in 2001, and involved 20 elephant tusks and 4 kilograms of ivory jewelry that were seized from a Swissair flight scheduled from Kenya, and meant to be flown on to Beijing, China.⁴ As will be demonstrated in this report, ivory from poached African elephants, after being illegally imported to China, is carved into ivory objects, which then are illegally exported, often via Hong Kong, to the United States.

At the 2002 CITES meeting, five countries have proposed to reopen the international trade in ivory. Botswana, Namibia, South Africa, Zambia and Zimbabwe have proposed to export a total of 87 metric tons of stockpiled ivory (the tusks of about 11,000 dead elephants), followed by annual exports totaling 13 metric tons per year (the tusks of about 1600 dead elephants per year), plus the annual export of an unlimited number of ivory carvings for “non-commercial purposes” (such as carvings sold as tourist souvenirs).

These proposals must be considered in light of the fact that the illegal ivory trade is increasing, elephants continue to be poached in large numbers to supply this illegal trade, and flourishing domestic ivory markets, including that in the United States, are driving this illegal trade.

United States Domestic Ivory Trade Laws

United States laws and regulations pertaining to ivory trade are confusing and riddled with loopholes that are exploited by those involved in the international and domestic ivory trade. This also leads to consumer confusion

¹ CITES CoP12 Doc. 34.1. *Illegal trade in ivory and other elephant specimens.*

² Beth Potter, “3 tons of Kenyan ivory smuggled to China”, 9/26/2002 *United Press International*

³ O’Connell-Rodwell, C. and Parry-Jones, R. (2002) *An Assessment of China’s Management of Trade in Elephants and Elephant Products*, TRAFFIC International, p.15

⁴ “Swiss customs intercepts large shipment of smuggled ivory”, 12/20/2001 *AP Worldstream*

about what is legal and what is not. According to a new report to be discussed at the 2002 CITES meeting⁵ since 1989, the United States reported to CITES far more elephant ivory seizures than any other country. While this may be attributed to the vigilance of law enforcement and customs officers at United States borders, or better reporting standards than the rest of the world, it may also be attributed to a flourishing, poorly regulated domestic ivory market in the United States.

In the United States, CITES is implemented through the Endangered Species Act (ESA). CITES currently bans the international commercial trade in both Asian and African elephant ivory. However, there are exceptions to this rule. Generally, any ivory possessed prior to July 1, 1975 is “pre-Convention” and can be traded internationally for commercial purposes. Sport-hunted elephant trophies can be exported and imported but not for commercial purposes. It is important to note that CITES does not address domestic trade in ivory. CITES has not taken the extra step, as it has for other species such as tigers, to recommend to its 160 Parties (countries that have signed and ratified the treaty) that they should ban domestic trade in elephant ivory. In the case of tigers, it was recognized that domestic markets fueled demand for tiger parts; the same is true for elephants.

In addition to CITES rules governing international trade, the ESA also has its own rules governing international trade as well as domestic trade. Under the ESA, the Asian elephant is listed as “endangered” and the African elephant as “threatened”. This means that, in general, it is illegal to import, export or sell Asian elephant ivory on the domestic U.S. market. However, African elephant ivory legally imported to the United States prior to 20 January 1990 (when the 1989 CITES ivory trade ban became effective) may be sold on the domestic market. Furthermore, import, export and sale of ivory that is “antique” (more than 100 years old) are allowed provided that there is documentation showing the age of the ivory.

The other law of relevance is the African Elephant Conservation Act, which banned the importation of raw and worked ivory on 9 June 1989. The ban does not include sport-hunted elephant trophies.

Finally, some jurisdictions within the United States have laws that can affect the legality of the sale of ivory.

Despite the existence of laws that address the domestic ivory trade in the United States, the United States has not taken the necessary steps to control internal ivory trade, as has been recommended by CITES (in Resolution Conf. 10.10 (Rev.)). That is, the United States does not register or license all importers, manufacturers, wholesalers and retailers dealing in raw, semi-worked or worked ivory products; does not have recording or inspection procedures to enable appropriate government agencies to monitor the flow of ivory within the United States; does not have compulsory trade controls over raw ivory; and does not have a comprehensive and demonstrably effective reporting and enforcement system for sale of worked ivory.

To summarize, it is legal to import, export and sell on the United States domestic market certain types of elephant ivory depending on the age of the ivory, the date the ivory was acquired or imported, and whether the ivory is from an Asian or African elephant. These variables are difficult to comprehend much less prove. As will be discussed later in this report, during the course of this investigation, ivory sellers and buyers indicated their willingness to forge documents to indicate an ivory carving was over 100 years in age or, in the case of an elephant tusk, had been legally imported as a trophy prior to 1990. At least one salesperson in another country offered to have fraudulent CITES documents prepared in order to export elephant ivory to the United States.

The problems with proving the legality of ivory items for sale was clearly stated by a member of the International Ivory Society who is also a member of the International Society of Appraisers and a past president of the Oriental Art Society of Chicago:

“...as a dealer in ivory products, I am not sure how I would respond to a customer who asked for a written statement from the seller that clearly states the ivory sold is not restricted. Anything I give the customer would have no legal standing (except to possibly embarrass me in the future), and I have no authority to issue any paperwork with legal standing on ivory issues. Most collectors and dealers of ivory with whom I have talked believe that they have acquired all of their ivory legally, but would be hard pressed to prove it with the necessary paperwork.”⁶

⁵ *Supra* n.1

⁶ Norman Sandfield, *IIS Newsletter* 2002-45

Ivory Forensics

Ivory is a term that can refer to the tusks of Asian or African elephants, or the tusks of extinct mammoths (dug up from the frozen tundra of Siberia or Alaska), or, to a much lesser extent, the teeth of hippos, walrus, sperm whale, narwhal, warthog or boar. Only experts, using special equipment, can sometimes tell the difference between Asian and African elephant tusks, or between elephant and mammoth tusks. Even then, it is not always possible to tell the difference between ivories of these closely related species. The fact that ivory carvings can be made from other mammals, including extinct ones, that are not regulated by international or domestic law, offers an easy means for smugglers to get around legal requirements by simply claiming elephant ivory carvings to be those of another species.

An example of the problems that can arise is demonstrated by a U.S. Fish and Wildlife Service (USFWS) seizure of ivory carvings being imported from Hong Kong. The subject was importing 56 ivory carvings (mainly “netsukes” which are small ivory carvings of animals or people) in his baggage, and told the Wildlife Inspector that they were all mammoth ivory and did not require a permit. He had receipts from Hong Kong shops where he had purchased the items, stating that they were “mammoth tusk carvings”. The carvings were sent to the USFWS National Fish and Wildlife Forensics Laboratory to be tested. Out of the 55 carvings tested, ten were made from ivory from African or Asian elephants (these items were seized), while another 6 carvings were made from extinct elephant ivory from mammoths or mastodons. However, the majority of the carvings could not be determined with accuracy to be either elephant ivory or the ivory from mammoths. In fact, 29 carvings were made from “elephant ivory of an indeterminate source”. Furthermore, ten of the carvings were found to be “carvings made from dentine (ivory) of an indeterminate source”, presumably meaning that it could not be determined even which type of animal the ivory originated from.⁷

If one of the most advanced wildlife forensics laboratories in the world has difficulty distinguishing between ivories, and thus between potentially legal or illegal items, it is almost impossible to expect the average ivory buyer to be able to do so. The only logical conclusion, therefore, is that the demand for all ivory items must be curbed in order to halt the increased poaching of elephants.

The Legal Import of Ivory into the United States

The United States allows the legal import thousands of ivory objects every year (Table 1). **Legally imported ivory** was valued at \$164.8 million per year, on average between 1997-2001. The value of single ivory carvings being imported by major museums exceeded \$1 million each. Most cleared ivory objects originated in Great Britain (64% of the total for 1997-2001). Other top countries of origin were France, Canada, and Japan. Most (77.2%) **ivory carvings** were imported from Great Britain. The companies importing the largest number of ivory carvings were Rare Art Inc., Sydney L. Moss Limited, and Barry Davies Oriental Art Ltd. Many ivory carvings were imported in small quantities by museums and individuals (presumably art collectors). **Ivory jewelry** tended to be imported in small quantities by museums and individuals from a variety of countries of origin, including Great Britain, Italy and South Africa. **Ivory pieces**, that is, pieces of unworked ivory tusk, tended to be imported in small quantities by museums or individuals; most originated in Canada, Germany and Great Britain. The largest importer of **ivory piano keys**, which tend to be imported in groups or multiples of 52 keys was Maximilian's House of Grand Pianos. Most keys were imported from Great Britain, France and Austria. **Pianos with ivory keys** tended to be imported singly or in small groups by individuals or companies; most originated in Great Britain. **Hunting trophies**, which consist of two tusks each, tend to be imported one at a time by individuals rather than in large groups or by companies (except taxidermists); such trophies originate mainly in Zimbabwe, Botswana, and South Africa. **Tusks** tend to be imported one or two at a time by individuals or companies, including taxidermists; most items in the “tusk” category are imported from Botswana and Zimbabwe. It would appear that the “tusk” category is sometimes used to record the import of sport-hunted trophies.

⁷ Details from a USFWS Import / Export Declaration form

Table 1. Cleared Elephant Ivory Imports to the United States, 1997 - 2001

Year / Description	1997	1998	1999	2000	2001	Total
Ivory Carvings	3761	4281	3848	8082	2750	22722
Ivory Jewelry	28	34	11	15	26	114
Ivory Pieces (not manufactured)	0	11	133	32	44	220
Ivory Piano Keys	1366	2884	1636	2967	327	9180
Pianos with Ivory Keys	0	343	145	1004	15	1507
Hunting Trophies (two tusks each)	125	149	209	232	307	1022
Tusks	15	689	68	45	140	957
Total	5295	8391	6050	12377	3609	35722

Data obtained from the United States Fish and Wildlife Service, analyzed by HSUS.

The Illegal Import of Ivory into the United States

The United States seizes hundreds, and sometimes thousands, of ivory objects upon import each year. **Seized ivory** was valued at \$235,000 per year, on average between 1997-2001. The most valuable seized item was an ivory carving imported from France valued at \$17,500. Most seized ivory originated in Hong Kong (21.9% of the total for 1997-2001). Other top countries of origin of seized ivory were Nigeria, Great Britain, Japan and Cameroon. **Seized ivory carvings** originated mainly from Hong Kong and Great Britain. **Seized ivory jewelry** originated mainly from African countries including Cameroon, Ethiopia, Nigeria and Tanzania. The country of origin of most **seized ivory pieces** was Nigeria and Japan, although officials could not determine the origin of many seized ivory pieces. **Ivory piano keys and pianos with ivory keys** were rarely seized (although seized piano keys tended to be in groups or multiples of 52 keys). **Trophies** were rarely seized. **Seized tusks** tended to be from African countries, particularly Zimbabwe and Nigeria.

Table 2. Seized Elephant Ivory Imports to the United States, 1997 – 2001

Year / Description	1997	1998	1999	2000	2001	Total
Ivory Carvings	210	1269	361	170	83	2093
Ivory Jewelry	124	186	413	96	184	1003
Ivory Pieces (not manufactured)	0	1	513	12	556	1082
Ivory Piano Keys	0	104	0	0	103	207
Pianos with Ivory Keys	0	0	0	1	0	1
Hunting Trophies (two tusks each)	2	0	4	1	1	8
Tusks	17	7	3	17	13	57
Total	353	1567	1294	297	940	4451

Data obtained from the United States Fish and Wildlife Service, analyzed by HSUS.

It is clear from Table 2 that most seized items are ivory carvings or ivory jewelry. Although direct shipments of illegal raw ivory from Africa into the United States are rare, in the Spring of 2001 federal agents in Los Angeles seized 260 pounds of ivory in two separate shipments from Nigeria. In one shipment, 22 tusks, ranging from 18-42 inches in length and 150 pieces of tusks, weighing 182 pounds in total, valued at up to US \$230,000, were found concealed in a shipment of dining room chairs. The second shipment containing 14 tusks ranging from 6-20 inches in length, and 200 pieces of tusks, weighing 65 pounds in total, and valued at up to US \$145,000 were found concealed inside beaded wooden statues. Both shipments arrived at Los Angeles International Airport via Lufthansa Cargo. A Gambian national was convicted of smuggling and sentenced to a year and a day in prison. A Liberian national was fined \$1,500 and sentenced to prison for a term of five months. Law enforcement officials called the

ivory smuggling operation the largest ever discovered on the West Coast.⁸ Although it is not certain what the seized ivory was intended for, the smugglers are believed to have run an import-export business out of an undisclosed Hollywood location, where they distributed African artifacts and handicrafts.⁹ It is therefore not inconceivable that the illegal ivory could have eventually ended up in the U.S. market carved into trinkets and jewelry.

The Los Angeles ivory seizure is alarming not only because of the quantity of ivory involved, but of even more concern is the fact that some of the whole tusks that were seized were very small, indicating that they would have had to come from very young elephant calves. Even one of the customs officials involved in the seizure is reported to have said: “Some of (the tusks) were very small, 6 to 8 inches long – it was kind of sad.”¹⁰ This demonstrates that the poaching of elephants is indiscriminate, and that even infant elephants are being killed to feed the insatiable demand for ivory consumer products.

Enforcement of ivory import restrictions by the USFWS is relatively stringent. Importation declaration forms and their attachments analyzed by The HSUS reveal that the USFWS has seized ivory from personal baggage at airports, from cargo shipments, from packages sent through international mail, and even from a personal aircraft. The USFWS even checks legal shipments. For example, in one case ivory billiard balls were shipped from Great Britain with the appropriate CITES permit. However, because the print-type on the permit did not match that of other permits from the United Kingdom, the USFWS Wildlife Inspector did not release the shipment until the permit could be verified with authorities in the United Kingdom. In a letter to the importer, the wildlife inspector wrote: “Both species of elephant are protected by the Convention on International Trade in Endangered Species, and it is important to verify these permits when ivory products are in the commercial trade.”¹¹

Despite this apparent vigilance by the USFWS with regard to imports of ivory into the United States, it is inevitable that there is still illegal ivory entering the country undetected. One of the reasons is a lack of resources. There simply are not enough USFWS agents to fully inspect all shipments imported to and exported from the United States for contraband. Another problem is that those in the ivory trade know how to evade the USFWS. At a workshop of ivory dealers and carvers, a participant explained that the best time to import ivory is on the weekends when USFWS agents are not working, and through small ports of entry, such as Alaska, where there are fewer USFWS agents. IIS members were even advised to place small ivory items in their luggage in a certain manner to avoid detection by x-ray machines.

In any case, there is no real disincentive for illegal ivory importers in the U.S. Although a fine and prison sentence is possible in the large smuggling cases, such as the recent one in Los Angeles, it appears that in the vast majority of cases, importers of illegal ivory at most loose possession of the illegal item by signing an abandonment form agreeing to its forfeiture to the United States.

United States Domestic Trade in Ivory: Overview

Although by far the largest market and demand for elephant ivory appears to be in Asia, particularly China, the United States is also a large market for worked ivory. The HSUS found elephant ivory for sale in shops in San Francisco’s Chinatown, in art shops New York City as well as in the Chinatown area, and at vendor stands at an International Gem and Jewelry Show in Chantilly, Virginia.

The HSUS also found an insatiable demand for raw elephant tusks in the United States that are then carved into a range of items such as model ships, gun and knife handles, and decorations for “Nantucket baskets”. The HSUS investigation found that this market is supplied not directly by illegally imported tusks from Africa or Asia, but rather by sport-hunted trophies that are sold by big game hunters or their relatives to numerous craftspeople in the United States, who then use the raw tusks for a myriad of carving purposes.

⁸ 6/3/2002 *Environmental News Service*; 3/5/2002 *Associated Press*; and Court Documents

⁹ Josh Meyer, 5/3/2001 *Los Angeles Times*

¹⁰ Leon Drouin Keith, 5/3/2001 *The Associated Press State & Local Wire*

¹¹ U.S. Fish and Wildlife Service Importation Declaration Forms and their attachments obtained by The HSUS through a Freedom of Information Act request.

An indication of the interest in and demand for ivory in the United States is demonstrated by the existence of the International Ivory Society (IIS). Despite its name, this group is based in the United States and almost all of its members reside throughout the United States. Membership in the IIS is free, and it exists primarily as a means to network those individuals or businesses with interests in buying, selling or carving ivory. The meetings arranged by the IIS are mainly to assist members in becoming experienced in identifying various types of ivory and ivory substitutes. Although some IIS members have interests in ivory other than elephant ivory, there are also those interested in collecting or carving elephant ivory. This became evident when investigators discovered that most of the elephant tusk buyers contacted during the course of the investigation, were also IIS members. Material received from the IIS reveals that members reside in a broad range of states from East Coast to West Coast, and includes individuals with all manner of interest in ivory including collectors with minimal knowledge of ivory, experienced art appraisers, ivory dealers, carvers, scrimshaw carvers, and gallery owners. As of March 2002, the IIS membership directory had a list of 129 members, while by September 2002 an updated membership directory listed 163 members.

Ivory Offered for Sale in the United States: New York City

Undercover HSUS investigators visited the Chinatown section of New York City, as well as the Manhattan Art & Antiques Center, and attended the International Asian Art Fair and the New York Arts of Pacific Asia Show in New York City in order to assess the extent of ivory for sale in New York City.

Several jewelry shops on Canal Street admitted to selling a selection of ivory jewelry. With regard to gift shops in the area, some salespeople were well informed about the ivory laws, and told investigators that it was not legal for gift shops to sell ivory now. The gift shops in Chinatown that did sell ivory, gave the impression that they did not have all the ivory on display, but rather that it was stocked away somewhere. For example, in a phone communication with one shop, investigators were informed that the shop did not have any ivory carvings now, but would get some together prior to the investigator's visit. Another shop responded in a phone communication that if investigators phoned prior to their visit, they would get some ivory pieces together as the owner has some in stock. In a visit to another store, a gift shop that carried ivory figurines, investigators were informed that the shop owner would go to his warehouse and see if he had more ivory carvings.

Investigators discovered a shop on 5th Avenue that was selling ivory. The salesperson said that most pieces were mammoth ivory, and seemed well informed about the laws surrounding the selling of elephant ivory. They also admitted, however, to having some elephant ivory carvings for sale, saying one piece was 20 years old. The shop seemed to have had experience with the USFWS testing their imports to determine whether they were indeed elephant or mammoth ivory, and the salesperson said at one point that you actually cannot tell if it is real elephant or mammoth ivory, because they are all elephants, and the quality is the same.

A shopping center on 2nd Avenue in New York City seemed to have significantly more ivory for sale than in Chinatown, with several shops displaying a lot of ivory in their cases. HSUS investigators visited one shop in the center where some older elephant ivory carvings were being sold, but also were informed that one piece was very new. The salesperson said that the ivory carving in question was about five years old, and ten years old at the most. When investigators expressed interest in purchasing the item, the salesperson said that he could write whatever they want on the receipt, making the ivory carving centuries older than it really is.

HSUS investigators encountered the same scenario in other shop visited in the same shopping center. This shop was exceedingly willing to write up a statement upon sale, that newer elephant ivory carvings were actually from another century. She also explained to investigators that she would be going to China soon on a buying trip and said that now she gets most of the items from estate sales in China. She noted that otherwise it is difficult to bring the items out of the country, and she does not want to take a chance. To emphasize this point she explained that once she was caught, and everything was taken (presumably by either law enforcement officials in China or the United States). This shows that shop owners in the United States are contributing to the illegal trade in elephant ivory by attempting to import newly carved ivory items directly from China.

Investigators also found the same shop to be selling a 2.5 foot long uncarved elephant tusk. The salesperson told investigators that this tusk was from an Asian elephant, not an African elephant, and that Asian elephant tusks are

much harder to find, and of better quality than African ivory. She said that a designer in Chicago had expressed interest in purchasing this particular tusk.

HSUS investigators visited another store in the same shopping center that had display cases filled with netsuke (small figures of animals or humans carved from ivory). While the salesperson told investigators that most of the carvings were made out of mammoth and hippo ivory, she did share information about what can happen when you try to import illegal ivory as a dealer, and indicated that she would never get involved in it again. Investigators were informed that if you take new ivory from Hong Kong and are caught, Customs will take your ivory and charge you a fine. But if you take out a large quantity as a dealer, they put you in jail. She went on to explain that one of their associates was put in jail for 3 months in relation to an illegal import of ivory worth about \$100,000. Apparently this particular ivory dealer knew the laws, and yet decided to take a gamble to import a lot of illegal ivory.

HSUS investigators also established undercover contact with another seller of ivory items in New York City. This store on Madison Avenue has a website stating, “ivories from elephant, hippo and mammoth are available in hundreds of designs, sizes, and price ranges.” In a phone communication, the salesperson said that they are a wholesaler of ivory, and that they have thousands and thousands of pieces of ivory, including elephant ivory. She said that they have both new pieces and antique ivory, but went on to state that it is illegal to bring elephant ivory into the country. The newer pieces, therefore, are mammoth ivory which looks almost identical in grain and composition to elephant ivory. However, when questioned further about their stock of elephant ivory, she said that they have pieces coming in constantly, and that their elephant ivory pieces are anywhere from ten to 100 years old. The salesperson said that some of their ivory pieces are Japanese and some are Chinese.

Undercover HSUS investigators also visited the International Asian Art Fair in New York City and the New York Arts of Pacific Asia Show in March 2002 in order to assess the ivory market in the United States from the antique and art angle. Conversations with various art and antiques dealers at the events exposed a cavalier attitude towards the trade in ivory, if not possible involvement in illegal activities. One art dealer from London, for example, advised investigators that if they were to purchase an ivory item at their gallery in the United Kingdom, they should just put in it with their personal jewelry in order to import it back to the United States, rather than going through the process of obtaining a CITES document. She did say that since they are dealers and have to bring a lot of ivory into the United States, they themselves need to obtain CITES documents, but she seemed to imply that for just one piece of ivory it would not be worth the time to try and obtain CITES documents. This art dealer went on to explain that there are very strict rules in the United States for importing ivory, which is why they only deal in pieces that are over 100 years old. She complained though that it is a lot of red tape and paperwork.

Another exhibitor at the art fair demonstrated a similar attitude that it is too costly and involves too much paperwork to legally import ivory into the United States from abroad. He described to HSUS investigators a situation three years ago where he was in Japan, and bought a piece of ivory that he just put in his pocket without any documentation, and walked right on through United States Customs without problems. He then went on to describe the cost and trouble that would be involved in importing it legally – you would need to have three different approved appraisals, each requiring a fee. The result, he explained, would be paying up to \$600 in appraisals for a \$2,000 netsuke, which he said is not worth it. He proceeded to tell investigators that this is why they buy all their pieces in the West (presumably meaning Europe), particularly since all the great pieces have already been brought to the West from Japan.

Ivory Offered for Sale in the United States: San Francisco

Investigators, posing as ivory buyers, also visited the San Francisco’s Chinatown. Internet research and phone communications with those who have had some dealings in ivory in the past, led investigators to believe that illegally obtained elephant ivory was being sold in shops in San Francisco’s Chinatown. Upon visiting the area, investigators found numerous shops displaying elephant ivory carvings and large tusks in shop windows.

Investigators spoke with a representative of what appeared to be the largest ivory seller in San Francisco’s Chinatown which also has a shop in Hong Kong. The Hong Kong branch of this shop was also visited by HSUS investigators. The salesperson investigators spoke to in Hong Kong claimed to be an ivory wholesaler, and was found to be selling many pieces of elephant ivory. Investigators were informed that the store’s carving shop is

located in Guangdong, China, where they employ approximately 40 carvers in an assembly line fashion. When questioned as to his source of ivory, the wholesaler at the Hong Kong shop acknowledged only that he has many sources from which he buys. All finished work and unused ivory is stored at the factory in Guangdong. The Hong Kong branch expressed a willingness to sell elephant ivory to investigators, but would not be willing to ship the items back to the United States. Nevertheless, when contacted undercover by HSUS investigators, the San Francisco Chinatown branch of this store stated that they sell elephant ivory, and have over one thousand pieces of it for sale in the shop. When questioned as to the source of their elephant ivory, the San Francisco store said that the ivory comes from Africa, but the work is done in Hong Kong, China or Japan. The salesperson said that some of the elephant ivory for sale is new and some of it is old. With a carving factory in Guangdong, China actively carving elephant ivory, and an ivory wholesaler in Hong Kong selling elephant ivory, it seems highly likely that some of this illegally imported ivory is ending up on the United States market in the San Francisco Chinatown shop.

Undercover HSUS investigators visited another shop in the San Francisco Chinatown area where they were informed by salespeople how ivory smuggled in from Hong Kong is actually sold to shops like theirs. The shop apparently gets its ivory, all of which is elephant ivory, from ivory dealers from Hong Kong. The salesperson informed investigators that these Hong Kong dealers only take cash, and they smuggle the ivory in from China in one or two boxes. He went on to explain that the people from Hong Kong who bring in the ivory, bring it in small boxes, and that there is no regular supply. They show up on average once a month, but there is no set delivery date as the dealers come by at their own convenience. The shop implied that this is how they get some of their ivory pieces. This same shop was also willing to forge a purchase receipt, stating that the ivory item was mammoth and not elephant.

Ivory Offered for Sale in the United States: Virginia

HSUS investigators, posing as ivory buyers, also visited the 36th Annual International Gem and Jewelry Show in Chantilly, Virginia in May 2002, where several vendors were found to be selling ivory items. One California-based company had a lot of ivory jewelry for sale. Baskets full of ivory beads, as well as necklaces, bangles, earrings, and rings of modern designs were offered for sale. Also on display were several carved ivory figurines. The saleswoman stated that these items were all genuine elephant ivory, and that the tusks originated in Africa and were carved in China. She went on to explain that the best ivory carvers were in China. Another vendor at the show from Dallas, Texas, had about a dozen ivory netsuke in his display case. When questioned, he confirmed that they were all elephant ivory, and that they belong to a friend of his who gives him a bunch to sell whenever he goes to shows. This individual did, however, seem knowledgeable about the ivory laws, and stated that if you try and bring ivory into the United States, it will be confiscated, although one can still buy ivory in Hong Kong.

Another vendor at the International Gem and Jewelry Show, from San Francisco, California, exclusively sold ivory, and had everything from large carvings to netsuke and pendants on display. When questioned, however, the salesperson stated that it was all mammoth ivory and that elephant ivory was banned. Investigators were able to find out, however, that the vendor has an ivory carving factory in China, and although the salesperson would not reveal where it was located, she said that she was going back there after the show. She went on to explain that her father-in-law was a carver at the China factory and that her husband was a famous ivory carver who trained carvers in China. She told investigators that she mainly sells her ivory carvings wholesale to retailers, and that the reason she came to the show was to meet retailers. Again, although this business may legitimately only be carving and importing mammoth ivory, the problems in identification discussed above come into play, making it difficult, if not impossible, to prove whether all their items are indeed mammoth ivory, or whether some illegal elephant ivory is part of their business.

The Hong Kong Connection to the Illegal Ivory Trade in the United States

Investigators from The HSUS traveled to Hong Kong in August 2002 to assess the current level of the trade in elephant ivory in the area. Background Internet research by The HSUS was able to ascertain that there are still many companies in the ivory business in Hong Kong, some of them having their own websites through which ivory is

offered for sale. Even the online version of the Hong Kong Yellow Pages has listings for “Ivory Goods Retailers”, though at the time of research only four businesses were listed under this category.

Investigators visited various ivory shops in Hong Kong posing as ivory buyers, and met with those individuals identified as being involved in the ivory business. The HSUS investigation determined that elephant ivory was prevalent in many areas of Hong Kong, from the small trinket shops lining the sides of the road, to the large commercial department stores throughout the island as well as the mainland area. Perhaps as a result of the recent spate of ivory seizures in China, investigators were informed in virtually each instance by shop owners that it would be a violation of Customs Regulations to transport the ivory items out of China. However, ivory salespeople in Hong Kong also acknowledged that small quantities could be concealed in personal luggage without much fear of discovery. Investigators determined that the carving shops in China ranged from small one-man shops to an operation employing 150 carvers.

HSUS investigators discovered that small family-owned businesses along Mody Road in Hong Kong had various types of ivory for sale, such as netsuke, signature seals and similar small pieces, although these shops did not deal in a significant quantity of ivory. Investigators also observed several shops on Queen’s Road that appeared to be devoted strictly to the sale of ivory.

A Hong Kong based, family-owned ivory business, in operation for more than 30 years, were contacted via email to determine whether they sell elephant ivory carvings. The response received was that they specialize in mammoth tusk carvings, and that as African elephant ivory is banned, they cannot import or export the ivory carvings around the world. This particular shop’s knowledge of and apparent adherence to the ivory laws was confirmed when HSUS investigators visited the shop undercover, posing as potential ivory buyers. Posted on the front door of this establishment was a picture of a mammoth and then a brief description of the current CITES regulations pertaining to the export of ivory. Although a salesperson in the shop did admit that a small number of items on display were in reality elephant ivory, he also explained, in detail, that it would be a violation to attempt to transport elephant ivory into the United States. Should a tourist insist upon purchasing elephant ivory, the salesperson stated that he makes it very clear to the purchaser that they are the ones taking the risk. Investigators were also informed that the business is the largest mammoth tusk carving exporter in Hong Kong, with 65% of their product being exported to the United States.

Despite this shop’s portrayal of itself as abiding by the CITES ivory trade ban for elephant ivory, the problems with regard to the identification of elephant ivory versus mammoth ivory discussed above must again be pointed out. This is particularly important with regard to this business as this was one of the shops from which ivory carvings had been purchased in the case discussed above where the USFWS National Fish and Wildlife Forensics Laboratory tested 55 carvings that were being imported into the United States - 10 of the carvings were determined to be made from elephant ivory and 6 from mammoth ivory, while in the case of 29 of the carvings it could not be determined if they were made from elephant or mammoth ivory, and 10 more were found to be from ivory of an indeterminate source. It is not possible to say whether any of the carvings that tested positive as elephant ivory, and were subsequently seized, were sold by this business as they were only one of the shops from which the ivory carvings had been purchased in that particular case. It does, however, demonstrate that should shops like this one be dealing partly or wholly in illegal elephant ivory, there is a chance that it is being exported labeled as mammoth ivory, and that some illegal ivory inevitably slips past law enforcement officials in the United States.

HSUS investigators were able to obtain some information regarding the whereabouts and nature of this business’ ivory carving factory. The salesperson acknowledged that their carving factory was located in Guangdong, China. Investigators were informed that the factory employs several Japanese designers who provide the initial drawings. These drawings are then presented to the carvers to create. The factory employs approximately 150 carvers, and the average carver has an apprenticeship lasting approximately seven to ten years, before becoming a master carver. They usually begin their apprenticeship at the age of 17 years old. The average workday for a carver is approximately four hours long, due to the tediousness of the work and the eyestrain involved. Very few carvers are able to maintain their craft after the age of 40 due to this eyestrain and the amount of dexterity required.

Another ivory business in Hong Kong, uncovered via Internet research, has a website describing themselves as “a place selling genuine ivory and mammoth arts”, and even have a procedure on their website for “overseas orders”. The ivory items offered for sale are jewelry and carved figurines. Email contact was made with an individual from

this business, enquiring about the sale of elephant ivory carvings. The response stated that they have a license for export from the Hong Kong Government, but that they were concerned about exporting ivory carvings to the United States. The suggestion however was made that a small quantity of ivory items could be sent to the United States by mail, and that initially only small items be purchased. In subsequent email communications, this business confirmed that they would ship genuine elephant ivory watch chains (not mammoth) to the United States. Such a shipment of elephant ivory, no matter how small the item or the quantity shipped, would be in direct violation of the CITES ivory trade ban.

Undercover HSUS investigators visited the shop of this business. A variety of ivory items were offered for sale in the shop such as small trinkets, beads, earrings and rings, both in mammoth and elephant ivory. When questioned regarding the sale and export of elephant ivory, the salesperson proceeded to explain the current law, but then acknowledged that he has many customers who transport elephant ivory out of the country. He cited one example of an Israeli businessman who purchases elephant ivory by the suitcase full and is apparently able to transport the material out of Hong Kong and subsequently to his destination. The salesman further stated that while exporting mammoth was not a problem, shipments of elephant ivory would have to be accomplished in small quantities. The shop normally only ships two pieces of ivory at a time, and then in small boxes.

HSUS investigators visited a chain of department stores, again posing undercover as ivory buyers. They sell a variety of merchandise including both elephant and mammoth ivory. All ivory at these stores is maintained within locked display cabinets. Investigators noted that near each display counter was a statement regarding the export of elephant ivory outside of China.

Investigators were also able to speak with an ivory wholesaler at another shop, under the pretext of being shop owners in the United States attempting to identify an ivory supplier. The wholesaler stated that he deals mainly in mammoth and hippo ivory. However, while allowed to examine many carvings on display in the shop, an HSUS investigator was able to identify many of the pieces as elephant ivory. The wholesaler acknowledged that it was illegal to import elephant ivory into the United States. Nevertheless, he admitted that he would be willing to sell elephant ivory, but would not be willing to ship the items back to the United States, emphasizing his point by stating that an individual had been caught the previous year attempting to export two tons elephant ivory and was currently incarcerated in a Chinese prison for life.

The unwillingness of this ivory wholesaler to ship elephant ivory out of Hong Kong seems particularly strange since investigators were informed that this wholesaler currently has several shops throughout the world including a location in San Francisco, California. As noted in an earlier section of this report, HSUS investigators did in fact make undercover contact with the shop located in San Francisco's Chinatown. In a phone communication with the salesperson at the San Francisco shop, investigators were informed that they do sell elephant ivory, and have over one thousand pieces of it for sale in the shop. When questioned as to the source of their elephant ivory, the San Francisco store said that the ivory comes from Africa, but the work is done in Hong Kong, China or Japan. The salesperson said that some of the elephant ivory for sale is new and some of it is old. It is hard to imagine how all of these elephant ivory carvings end up in the San Francisco shop unless it is being exported illegally from Hong Kong or from their carving factory in China.

This ivory wholesaler's carving shop is located in Guangdong, China where they now employ approximately 40 carvers in an assembly line fashion. One carver might do the face, another the hands, while others carved various other details. When questioned as to his source of ivory, the wholesaler in Hong Kong acknowledged only that he has many sources from which he buys. All finished work and unused ivory is stored at the factory in Guangdong.

Investigators, using an undercover front, met with an individual from another ivory business who it turned out was no longer carving ivory and instead was trying to sell his remaining inventory, virtually all of which was elephant ivory. He had approximately 600 various pieces on display, including clear plastic bags containing assorted beads, rings and earrings. As at other locations, this individual attempted to explain that it would be illegal to bring the items into the United States in large bulk. After a short negotiation, however, he was prepared to sell his entire inventory of elephant ivory carvings for a total of less than \$6,500 USD. Although he stated that he could not issue a certification stating that the items were mammoth, he did volunteer to package all the items for transport to the United States if the necessary suitcases were supplied.

Another company, listed in the Hong Kong Yellow Pages as an “Ivory Goods Retailer”, was visited by undercover HSUS investigators. They were informed that the company is a family-owned business, and had originally been devoted to ivory sales, but due to the poor economy in the last several years, had begun to diversify. Investigators were shown both elephant and mammoth ivory carvings, and were advised that large orders could be filled as needed. Investigators were informed that ivory was a difficult item to export from Hong Kong because of the various restrictions, but the shop was prepared to sell elephant ivory, stating that tourists could usually get one or two pieces through Customs in their pockets or suitcases. When questioned as to whom he mainly sells his ivory products to, the shop owner’s son replied that sales were made to the locals. He also indicated that the family was able to employ carvers located in mainland China, and that their factory was located near Canton.

Another company was identified through Internet research, and through contact with the Executive Editor of *Arts of Asia* magazine, to be a department store dedicated to handicrafts with a lot of ivory carvings on display. In an initial email communication with the store, investigators were informed that they have been selling ivory carvings for many years, and that after the ban on trading in African ivory, they are now mainly selling mammoth tusk carvings, though a wide collection of both African ivory and mammoth tusk carvings can be found in their branches. Investigators, therefore, headed to one of the five branches of this store in Hong Kong to assess the extent of elephant ivory for sale.

Investigators found both elephant and mammoth ivory on display within the store, which appeared to be more of an upscale business establishment. As undercover investigators expressed an interest in an ivory chess set, a sales representative arrived. Although he identified several other pieces as mammoth, the sales representative acknowledged that the chess set in question was indeed elephant ivory. The sales representative questioned investigators as to their nationality, but when informed that they were Americans, he made no effort to inform them that it would be illegal to transport the ivory back into the United States. His only concern was trying to make the sale, and in negotiations the price of the elephant ivory chess set was halved - the sale of the ivory being far more important for this particular salesperson than informing potential buyers of possible import/export restrictions.

HSUS investigators, posing as United States art store owners, also visited some small shops in the Central District of Hong Kong. One shop owner’s daughter informed investigators that the store was a family-owned business. She stated that her father at one time was a master carver, however, due to his age and the manual dexterity necessary to carve, he was no longer an active carver. She did give useful insight into the current situation with regard to ivory carving in Hong Kong, stating that the vast majority of carvers now work out of their homes. Their shop currently has as many as 50 carvers at their disposal, though prior to the ivory ban, they had as many as 200 carvers available.

When questioned about the sources of their ivory, this storekeeper stated that their only source is mammoth tusks from Siberia. Now that African ivory can no longer be exported supplies are dwindling, and once their supply is gone they will be forced to use other material. However, during later conversation, investigators were informed that the shop still places orders for elephant ivory. In fact, the salesperson gave investigators a printed color catalog, stating that all the items therein were made out of elephant ivory, though they could also be made out of mammoth. The catalog is 21 pages long, depicting an extensive range of ivory carvings from large carved tusks and large figurines to moderately sized carvings of animals and people to smaller items such as chess sets, netsuke, chopsticks, and jewelry.

Like the vast majority of the stores previously visited, this storekeeper indicated a willingness to sell elephant ivory, but also informed the writers that there were risks involved in importing the product into the United States. The shopkeeper informed investigators that while they frequently sell to locals, they also sell ivory to many tourists from Japan, America and Europe, and that Paris is a major European importer. This is consistent with the findings by Martin and Stiles in 2002 that the main purchasers of ivory in South and South East Asia are tourists and businessmen from Europe (especially the French, Germans, and Italians), Japan, Taiwan, Thailand, Singapore and the United States.

One worrying trend to emerge from The HSUS investigation in Hong Kong is that although the ivory carving industry in Hong Kong seems to be small with older master carvers going out of business or believing it to be a dying art, and no apparent evidence of younger apprentice carvers, several shops claimed to have a carving factory or workshop in Guangdong Province, China. This raises concerns as it suggests that rather than being in a state of decline, the ivory carving industry in China has merely shifted to a location where perhaps enforcement of the laws

are not as strict as in Hong Kong. In a review of China's ivory market in 1999 prepared for TRAFFIC, it was also reported that shopkeepers questioned in mainland China indicated that they obtained their goods from factories based within China, usually in Guangdong Province, though most people were unwilling to give contact details of the factories.¹² The same review conducted for TRAFFIC also reports that customers from Hong Kong purchased ivory in retail outlets in Beijing, Shanghai, Guangzhou, Kunming, and Shenzhen, sometimes with the intent of reselling it back in Hong Kong, as an attractive profit could be made.¹³ A remark by a Chinese entrepreneur living in Hong Kong that the market for ivory in Hong Kong was not saturated, as reported by TRAFFIC¹⁴, raises alarm bells since only the continued poaching of elephants in Africa will be able to "saturate" this market. Just like anti-poaching efforts are being conducted in Africa to protect elephants from poachers, the same resources and drastic measures must be taken to put a stop to the increasing demand for ivory in Asia.

HSUS investigators were able to establish undercover email contact with a carving factory in Guangzhou, China, after receiving contact information from their branch in New York City. Investigators contacted a shop in New York City, New York, enquiring about the purchase of elephant ivory carvings. While the shop stated that they did not sell ivory, the salesperson said that they have a carving factory in Guangzhou, China that does have ivory carvings, but that they are not allowed to export ivory to the United States. When questioned by investigators as to whether the Guangzhou factory had imported ivory carvings into the United States for customers, the New York salesperson replied that he did know one occasion where they had exported ivory to Los Angeles, but that case was in a "bad situation". He did, however, go on to explain that the buyer in Los Angeles eventually obtained a certificate, and was able to get the ivory. The carving factory in Guangzhou, China, was subsequently contacted via email, requesting information about their ivory carvings. The response received was that they do not use ivory any more since ivory trading was internationally banned, and that they now use bone for carving into craft articles. This means that there is either a miscommunication between the two branches, or that the factory in China does still carve some ivory but is unwilling to directly flout export/import restrictions. The latter conclusion would be in line with the findings of HSUS investigators in Hong Kong.

The Domestic Ivory Carving Industry in the United States

During the course of this investigation into the ivory trade, The HSUS was able to determine that the United States also has an ivory carving industry with artisans and craftspeople carving raw elephant tusks into, among other things, model ships, gun and knife handles, statues, and decorations for "Nantucket baskets". The question therefore was where do the United States elephant tusk carvers obtain a ready supply of raw elephant tusks? Numerous businesses were contacted to find out, and HSUS investigators discovered that sport-hunted trophies from big game hunters are a significant source of supply for carvers or collectors of elephant tusks in the U.S.

Hundreds of tusks—over 600 in 2001 alone—are imported to the United States each year as sport-hunted trophies. Whether or not it is in fact legal to sell sport-hunted trophy elephant tusks for carving or any other purposes within the United States turns out to be a nebulous area of the law that even the USFWS officials are unclear about. One thing is clear: since 1990, under the CITES ban, it has been illegal to import a sport-hunted African elephant trophy for commercial purposes, and the CITES permit that accompanies such trophies stipulates that it may not be used for primarily commercial purposes. However, there are apparently no such restrictions on the sale of trophy tusks of African elephants imported prior to that date.

The HSUS contacted the USFWS in the hope that it could help to clarify this area of the law. The response received from an inspector in the Office of Law Enforcement to the question whether a sport-hunted elephant tusk trophy that was legally imported in the 1990s, for example, could be sold within the United States was as follows: There is nothing in the regulations that clearly says you cannot sell your sport-hunted trophy after import. This is particularly true when you start dealing with trophies that were imported in the 1970's and 1980's, prior to the Appendix I listing of African elephants and prior to the commercial ivory import moratorium under the African Elephant Conservation

¹² O'Connell-Rodwell, C. and Parry-Jones, R. (2002) *An Assessment of China's Management of Trade in Elephants and Elephant Products*, TRAFFIC International, Annex 2 – Review of China's Ivory Market, 1999, prepared for TRAFFIC East Asia by James Leung

¹³ *Ibid.*

¹⁴ *Ibid.*

Act. And, because of the unclear nature of the regulations there is little or no enforcement action taken on sport-hunted trophies that are sold if they had been imported prior to the Appendix I listing of African Elephants (prior to 1990). There is some enforcement action taken on sport hunted trophies that were imported under an Appendix I permit that stated they could not be imported for primarily commercial purposes, or on newly imported trophies from Appendix II populations of African elephants (since they are Appendix II solely because they are personal sport-hunted trophies), but it is fairly rare. The USFWS recognizes that this is an area where the regulations should be improved.

The Service is to be commended for wanting to clear up this area of the law in the future, and The HSUS hopes that it will result in closing loopholes that currently make it all too easy for unscrupulous elephant tusk buyers and sellers to find means to commercialize sports-hunted elephant tusks. Undercover HSUS investigators contacted numerous individuals, all of them found through the Internet and eBay (the United States-based Internet auction company) research, who expressed a keen interest in buying raw, uncarved elephant tusks that were sport-hunted trophies. Some surprising results were obtained as a result of this investigation, including the extent of the demand for and trade in raw elephant tusks within the United States, and that while all the individuals contacted had some notion about the laws, they were all too willing to offer a means around the laws.

Investigators with The HSUS discovered that the main elephant tusk buyer within the United States is a private museum in Ohio. The website of this museum claims that they hold all the necessary permits to purchase estate African elephant tusks from within the United States. It also states that the owner of the museum has devoted his life to carving solid ivory model ships. In addition to purchasing ivory, the website of the museum states that they also offer “legal pre-ban ivory for sale to American craftsmen, collectors, and interior designers.” Elephant ivory items offered for sale by the museum include: guitar parts, violin parts, scrap ivory, knife handles, gun grip blanks and slabs, cue parts, inlay and scrimshaw slabs, turning blocks, new ivory piano keys, pre-ban elephant tusk tips, and decorative whole elephant tusks.

During the course of monitoring eBay for ivory sales, HSUS investigators also discovered that the museum is a significant eBay seller. Nearly every week the museum has numerous auctions on eBay for elephant ivory, mostly in the form of slabs, and scrap ivory, as well as tusk tips. On the eBay auctions it is stated that the museum has “current confirmation from USFWS that it is legal to sell this material in the 50 states.” In some eBay auctions, the museum also states that an “Affidavit of Origin” will accompany the piece of ivory. In an attempt to ascertain whether this is really an official document that can prove the legality and origin of the elephant ivory being sold, HSUS investigators established undercover email contact with the museum. The response received was as follows: “An affidavit of origin is a written statement attesting to the age and legality of the specimen. It is a document I sign which shows the year the tusk was brought into the U.S., and the identification number on the tusk.” In other words, it is not an official document, merely something that can be fabricated between the museum and the seller of the tusks. It is unclear what the museum means by the identification number on the tusk, but CITES instituted a marking system for tusks in 1981, where tusks are marked with the code for the country of origin and a combination of numbers. This number is placed by means of punch-dies at the “lip mark” (the hollow end of the tusk). Regarding the particular eBay sale that investigators questioned the museum about, however, it was claimed that the tusk was from an elephant killed in the 1920s and imported into the U.S. in 1974, consequently before any official marking system was introduced. This seems to indicate that while the museum gives the semblance of selling legal elephant ivory, there is no real way to prove that it is legal and could just as well be a fabrication as to the age and origin of the ivory.

That the museum is in fact apparently willing to fabricate stories and find ways around the laws became apparent in the course of undercover phone communications and a visit by HSUS investigators to the museum. The ivory carver and owner of the museum, told investigators that he buys virtually every elephant tusk he comes across, unless the people are not interested in selling it. He explained that he is *THE U.S. market* for elephant tusks, claiming to be the biggest buyer. He bases the price he pays for the tusks on their size and quality. He explained that he usually purchases tusks from other museums, individuals who were big game hunters, missionaries, or people in business or government work overseas who would hunt the elephant or just buy the tusks when they were over there. Investigators were informed that some of the elephant tusks he buys are carved into model ships for the museum, and some are cut into musical instrument parts (piano and organ keys, guitar and violin parts) that are sold.

When questioned about the law regarding the purchase of elephant tusks, the owner told undercover HSUS investigators that if the tusks were from an elephant killed before 1990, he can buy them outright with no problem. If the tusks are from an elephant that was killed after 1990, they cannot be sold until the person who brought them into the country dies. However, he went on to explain that he has a way around the fact that it is illegal to buy post-1990 elephant tusks. His solution, in order to avoid getting caught by USFWS, is for the seller to donate the elephant tusks to him, and then a minute later or before, he would buy a pencil from the seller for whatever the price of the tusks is. He explained that it would be a way of not technically buying the tusks, because technically buying post-1990 tusks is illegal. So if the USFWS asks him if he bought the tusks, he would simply say that they were donated. The owner went on to relate to investigators that he is currently trying to get a reversal of the regulations regarding the purchase of post-ban elephant tusks.

HSUS investigators discovered that another company, also located in Ohio, that is a frequent buyer and seller of elephant tusks and tusk pieces on eBay. The company's website states that they specialize in fossil ivory for artisans and craftsmen. In addition to mammoth and other ivories, however, they also sell small cut pieces of elephant ivory on their website for various purposes such as knife handles, musical instrument parts, inlay material, billiard cues, and pens.

Undercover HSUS investigators contacted and visited the owner of this company in order to find out its role in the trade in raw elephant tusks in the United States. The owner stated that he buys about 30 pairs of elephant tusks a year, some of them from sports-hunters, but he also buys through several taxidermists across the country and through other people that scout for him. He portrayed himself as a wholesale buyer of elephant tusks, and explained that he has a large customer list of interested people he calls when he buys a pair of elephant tusks. Apparently, he turns them over quickly, and sometimes does not even get retail price for them. HSUS investigators were informed that he mainly sells elephant tusks to collectors, and as an example he described how he had just bought a big pair of tusks that were in California, and shipped them to a collector in New England.

The owner of this company gave investigators useful insight into the market for raw elephant tusks in the United States by describing three ways in which the tusks are sold. Firstly, they can be sold directly to collectors or through auction houses. Secondly, they can be sold retail. According to him the retail price in the United States for elephant tusks ranges from \$90-105 a pound, depending on their size, condition, etc. Thirdly, they can be sold wholesale through people like him. He said that he purchases elephant ivory for \$50-70 a pound.

When questioned about the laws, investigators were informed by the owner of the company that it would not be legal for him to buy or sell the tusks if they were from an elephant hunted after 1973. While he at first stated that he requires CITES permits and any original paperwork in order to purchase tusks, he also admitted that if there is no documentation or paperwork for the tusks, it was not a big problem. The owner gave investigators various examples about friends that had run-ins with the USFWS over elephant ivory. Despite this, he also revealed that he would be willing to purchase post-ban elephant tusks without any documentation.

HSUS investigators made contact with another business in Glastonbury, Connecticut, that was found to be regularly auctioning off raw elephant tusk tips and scrap ivory on eBay. The owner of this business worked in the firearms business for over 30 years. The company's website states that they are under special contract to a major American gun manufacturer to do all of their ivory work, and that they manufacture the ivory gun grips in their workshop. Although the owner of this business mostly makes grips for a particular major American gun manufacturer's handguns, he also offers ivory grips for other guns. Their website also states that they are always searching for pre-ban elephant ivory tusks, and that they will trade grips and/or guns for elephant tusks.

In an undercover phone communication, the owner of this company told HSUS investigators that he gets quite a few elephant tusks every year. He said he currently had about 20 or 25 in his workshop, and he is always looking for more tusks. Whenever he sees elephant tusks, he tries to make a deal and buy them. He explained that it is usually hunters or the heirs of hunters who sell him elephant tusks. Investigators were told that sometimes people that have guns ask him to make gun handles from their tusks, and he does that as a part of the payment. He pays anywhere from \$60-90 a pound for the tusks, and usually pays cash.

When questioned about the laws regarding the purchase and sale of elephant tusks, the owner of this company seemed well informed on the issue, and told investigators that he needs confirmation that the elephant was shot prior

to 1989. He went on to state, however, that if there is no paperwork, a potential elephant tusk seller would merely have to write him a letter stating that the elephant was taken before 1989, and the country in which it was killed. This would appear to make it all too easy for unscrupulous tusk sellers and buyers to fabricate facts in order to close the deal. Furthermore, it is questionable whether this letter writing recommended by almost all elephant tusk buyers contacted by The HSUS would have any validity in law.

Although most tusk buyers contacted seemed willing to offer a means around the laws as long as the tusks were located in the United States, they all were very clear that they would not import elephant tusks from other countries. For example, the owner of one company told investigators that he gets many calls from Canada from people wanting to sell him their tusks, but although he would like to buy them, he cannot. He stated that if the sellers can bring the tusks into the United States, and give him a letter verifying that the elephant was shot prior to 1989, then he would take them – but he could not bring them across the border himself.

Perhaps a less well-known use for elephant ivory in the United States is the “Nantucket basket” business where baskets are adorned with carved or scrimshawed pieces of ivory. The website of one company that manufactures these baskets, based in East Freetown, Massachusetts, offers for sale numerous elephant ivory knobs and decorations for the baskets. They also claim to have an ivory shop where the ivory pieces are cut and shaped. To uncover the role of the Nantucket basket business in the trade in raw elephant tusks, undercover contact was established with this company. Investigators were informed that the Nantucket basket business requires a lot of ivory, and the owner even called himself a “hoarder” of elephant ivory. He stated that he buys all the elephant tusks he can, because he worries that one day he will not be able to find ivory any more. He said that elephant tusks get shipped to him from all over the country, and that mostly it is sport-hunters or the estate of a sport-hunter who is selling the tusks. The company pays \$80-100 per pound for tusks.

Consistent with other tusk buyers contacted, the owner of this company seemed to have some notion of the laws surrounding the purchase and sale of tusks in the United States, although he seemed confused about the date, stating that tusks would have had to enter the United States prior to 1983. He went on to state, however, that with regard to the sale of elephant tusks by the hunter himself, there would be no need to worry about paperwork or the origin of the tusks. He said that in fact most people do not have paperwork, and that it is enough to draft a letter and sign it, confirming when the elephant was hunted. He implied that this would keep him out of trouble if USFWS questioned him.

HSUS investigators also established undercover communication with a company based in Brinnon, Washington, that sells via their website ivory belt buckles, ivory cabochon pendants, ivory pistol grips, as well large amounts of ivory blocks for craftspeople. They claim to obtain elephant tusks through sports hunters and estate sales. When contacted, investigators were told that the company pays a standard \$75 per pound for elephant tusks. When questioned about the laws, this company informed investigators that there is no problem with legality – as long as the elephant tusks are in the United States, then no paperwork is necessary. This business owner was under the impression that the only restrictions are with regard to bringing the tusks into the country.

All the elephant tusk buying businesses mentioned above, with one exception, are also members of the International Ivory Society (IIS).¹⁵ Therefore, the President of the Society was contacted undercover by HSUS investigators regarding the legality of selling sport-hunted elephant tusks. His response confirmed the findings above, that while some of his members will only buy pre-ban tusks with accompanying paperwork, others are not as concerned about paperwork.

The Cyber-trading of Ivory

As demonstrated already in the previous section, at least in the United States, the ivory trade is no longer confined to shops, but has entered cyberspace.

During the course of this investigation into the ivory trade in the United States, HSUS researchers also uncovered numerous websites selling ivory, most of them based in the United States. Most of the elephant ivory items for sale

¹⁵ Membership Directory of the International Ivory Society

on the Internet offer no indication as to age or origin of the ivory, and even in those instances where they do, whether the item is in fact legal or illegal is impossible to determine by mere viewing of a photograph on a website. Given all the problems addressed earlier in this report, including unclear laws and regulations regarding the sale of ivory in the United States, and the problems surrounding the identification and age of ivory, all that remains to be said at this juncture is that the Internet has no doubt made it easier for illegal ivory to enter the market.

Some of the many websites discovered by The HSUS to be selling large amounts of ivory items are as follows (this does not include the websites mentioned elsewhere in this report):

www.ivoryhound.com - The person behind this website claims to be a long-time ivory collector and possibly the only dealer trading exclusively in ivory. He also states that he has developed a large Internet clientele to whom he regularly emails special offers. The website sells mostly elephant ivory carvings, including netsuke, snuff bottles, billiard balls, mid-sized figurines, and even raw uncarved tusks.

www.asian-arts.net - Sells elephant ivory erotica carvings as well as a large amount of netsuke. The website has a general statement that all ivory items are genuine "antique" elephant ivory unless clearly noted otherwise in the description.

www.asianartmall.com - Sells ivory netsuke that are all claimed to be mammoth or hippo ivory.

<http://lordjiminc.com/ivory.htm> - Sells a very wide range of ivory items from netsuke to mid-sized carvings to entire tusks, both carved and uncarved. There is a general statement on the website that unless otherwise stated, all the carvings are elephant ivory.

www.ivory4u.com - The website claims that the elephant ivory carvings are all estate pieces, dating prior to the ban on elephant ivory. It states that most of the estate pieces were purchased from private collectors in the United States, or from their heirs, and some were bought in private auctions. This website sells ivory carvings both wholesale and retail. It sells netsuke, mid-sized carvings, puzzle balls, and carved tusks.

This is just a small sampling to demonstrate that an uncontrolled trade in elephant ivory exists in cyberspace. Another problem with the Internet, however, is the auction websites, particularly eBay, where anonymous sellers in anonymous locations can make it virtually impossible to control. The HSUS monitored sales of elephant ivory on eBay during the course of this investigation, and found that the vast majority of those selling ivory on eBay apparently have little to no knowledge about the age or origin of the item they are selling. Some eBay sellers even state that they think the item might be elephant ivory, but they are not sure.

Though eBay has some guidelines on its website regarding the sale of prohibited, questionable and infringing items, unfortunately its stance with regard to the sale of African elephant ivory is vague and incomplete at best, and no mention is made with regard to the sale of Asian elephant ivory on eBay. eBay provides a general list of guidelines for listing certain animals and animal parts on eBay, but recommends that users with questions contact USFWS and their state wildlife regulatory agency. eBay includes ivory in this list of guidelines, and states the following:

"This area is complex, and sellers should consult with the U.S. Fish and Wildlife Service and their state wildlife agency to ensure that the particular item involved may lawfully be sold. Generally, ivory from African elephants may be sold so long as it was lawfully imported into the United States. Woolly mammoth may be sold inside or outside the United States. Hippo ivory may be sold within the United States, but may not lawfully be imported into the United States."¹⁶

In addition, eBay essentially avoids taking any responsibility for the sale of illegal items on its site by stating: "As an eBay user, you are ultimately responsible for making sure that buying or selling your item(s) is legal in the eyes of the law." eBay does, however, offer to check suspicious items and, when appropriate, end auctions or warn sellers.

The HSUS monitored sales of elephant ivory on eBay over a several month period, in an attempt to assess the extent of ivory for sale on eBay on any given day, and the types of ivory items most commonly being offered for sale. The

¹⁶ <http://pages.ebay.com/help/community/png-wildlife.html>

chart below demonstrates the results of the monitoring exercise. It must be stated though that the sales of ivory on eBay are probably even greater than reflected in these numbers, because in order to limit the search, investigators chose specific search terms on eBay. Different or broader search terms may have yielded an even greater quantity of ivory for sale. The categories of ivory listed in Table 3 were created by HSUS investigators in order to gauge the size and type of the ivory items being offered for sale. Whole, raw and uncarved tusks or tusk sections were categorized as “uncarved tusks”. Whole tusks or tusk sections that are partly or entirely carved were classified as “carved tusks”. Small or mid-sized carvings such as netsuke or figurines of animals and people were categorized as “ivory carvings”. “Ivory jewelry” includes necklaces, bangles, rings, earrings and pendants made out of ivory. Slabs, blocks and irregular pieces of unfinished ivory for craft purposes were classified as “scrap ivory”. The “miscellaneous” category includes a range of smaller ivory objects such as toothpicks, knife handles, letter openers, napkin rings, boxes, etc. Ivory netsukes, being a very popular collector’s item, were by far the most common ivory item offered for sale on eBay.

Table 3. Offers for sale of elephant ivory on eBay (all in 2002)

Date / type	11 Feb.	18 Feb.	25 Feb.	11 Mar.	18 Mar.	1 Apr.	8 Apr.	15 Apr.	6 May	27 May
Uncarved tusks	3	4	8	9	10	3	6	13	5	11
Carved tusks	6	13	20	10	12	9	8	14	17	21
Ivory carvings	23	38	46	32	36	28	31	40	26	40
Ivory Jewelry	42	36	62	52	62	37	35	71	45	51
Scrap ivory	6	10	19	4	7	3	10	21	23	18
Misc.	19	10	22	14	21	21	17	25	39	14
Ivory netsuke	777	782	710	709	778	725	711	839	732	770

Though the numbers above are instructive in that they demonstrate that on any given day there is a large amount of unregulated ivory being offered for sale through eBay, they do not reveal whether or not eBay sellers have any knowledge about the restrictions regarding elephant ivory. In order to assess this point, HSUS investigators established numerous email communications with eBay sellers of elephant ivory enquiring about certain items they had up for auction. The responses received from eBay sellers revealed that most of them were either completely ignorant about the import/export restrictions for elephant ivory, or were indeed prepared to flout the laws.

In one instance, for example, an eBay seller from Argentina was offering for sale a carved elephant tusk, no mention being made as to the age or origin of the tusk.¹⁷ In an undercover email communication, HSUS investigators enquired about the specifics of the tusk, and whether the seller could ship the item to the United States. The response received was that the seller received the tusk as a gift from his uncle, and knows neither the age nor in what country it was acquired. He nevertheless went on to note that he had recently sold two ivory figures to the United States, which he sent by express mail service. He made no mention of the laws or whether he had permits or documentation to accompany the tusk. The only remark of this eBay seller regarding the laws was: “Of course you should know the laws of Customs of your country, for the entrance of this ivory piece.”

In another instance an individual in Italy had up for auction on eBay a pair of uncarved elephant tusks, again with virtually no information as to their origin.¹⁸ When contacted, the seller responded that all he could say about the tusks is that he bought them when he worked in Africa in the 1980s. He said he could ship them to the United States for \$150. This seller made no reference to permits nor to the legalities involved in importing the tusks into the United States.

¹⁷ Ebay Auction Item #876874611

¹⁸ Ebay Auction Item #875128173

Another carving for sale on eBay from Austria was claimed to be made partly of elephant tusk and partly of elephant molar teeth.¹⁹ When contacted, the seller said that they often ship to the United States, so there should not be a problem. However, no mention was made whether this item could be legally imported into the U.S.

HSUS investigators also came across those eBay sellers who were willing to forge documents in order to ship their ivory items. For example, one eBay seller in the United States was contacted regarding a carved elephant tusk he had up for auction.²⁰ He stated that he believed the tusk was made in the 1920s or 1930s, but was not positive of its age or origin, although he believed it was African. In response to the question whether he would be able to ship the tusk internationally, for example to the United Kingdom, the eBay seller said that they can ship it to the United Kingdom, and would mail it by regular mail. He went on to explain that the buyer would be responsible for any taxes United Kingdom Customs may apply. Suggesting that this may be less expensive if he labeled the tusk as an antique over 100 years old, or perhaps as a gift, he said he would be willing to label it however the buyer wished.

In a similar situation another eBay seller, this time located in the United Kingdom, had a carved elephant tusk up for auction.²¹ He responded to a query about this particular item by saying that he has no information about it at all, other than the fact that he bought it at an antiques fair. He was, however, willing to export it to the United States, and stated in an email communication that he was unsure of import restrictions in the United States, but implied that he could mark the item as a gift and label it as antique ivory.

The most blatant attempt of an eBay seller at forgery in order to ship elephant ivory items internationally was uncovered to be that of a business located in Utrecht, Netherlands. After monitoring eBay auctions of this seller, investigators followed up with undercover phone communications and a visit to their place of business in the Netherlands. This business had numerous eBay auctions for ivory items including blocks of uncarved ivory, carved beaded elephant ivory necklaces, ivory bangles, ivory pendants, earrings, as well as a large carving, and a carved tusk. On their eBay auctions, this seller gives the buyer the option to import the ivory items legally or illegally. They offer a cheaper shipping rate without a CITES permit, but state that it is “at your own risk”. The shipping rate with an official CITES permit “so you can legally import it, even into the USA” is more expensive.²²

Intrigued by this peculiar offer on an eBay auction to knowingly ship elephant ivory illegally without CITES permits, HSUS investigators made undercover contact with the company. The person in charge of eBay sales at the shop informed investigators that in order to send ivory out of the country, you need permits that cost a lot of money. He said that for each ivory item you need to pay about 45 Euro to get a permit to send it over the border. According to him, when he sells a lot of expensive ivory goods, that is not a problem, but when he sells cheap items such as jewelry, it is a problem. He went on to explain that with regard to the ivory jewelry he has for sale on eBay, he will put a paper in with it that says it is marble instead of ivory, and then ship it to the United States. His reasoning was that you cannot get a permit that costs 45 Euro for a piece that only costs 20 Euro.

When undercover HSUS investigators visited the shop in the Netherlands, they were shown a collection of ivory carvings and trinkets, some of which the shopkeepers stated to be less than 10 years old. When questioned once again as to how such items could be shipped to the United States, investigators were informed that the shop would write a receipt saying the larger items were decorations and the smaller items were marble, admitting that this is something they have done numerous times in the past without being caught. The salespeople went on to explain that they could even send two separate invoices – one via the post, but separate to the items, stating they were ivory. The other, shipped with the ivory items, would say they were decoration items or marble.

This clearly demonstrates that in addition to the eBay sellers who are genuinely ignorant about the import/export restrictions surrounding elephant ivory, there are those who are very well-informed about the laws, but have developed means to deliberately flout them by mislabeling products and sending them without the legal paperwork.

¹⁹ Ebay Auction Item #1098214284

²⁰ Ebay Auction Item #876880904

²¹ Ebay Auction Item #859989006

²² Ebay Auction Item #869200080

Conclusion and Recommendations

While a great deal of attention recently has been given to the study of ivory markets in Asia, this is the first report of its kind to address the current ivory market in United States. Before the international ivory trade ban imposed by CITES in 1990, the United States was one of world's the leading consumers of ivory. The results of this investigation indicate that the United States was never fully weaned from the ivory trade.

The United States domestic ivory market can be characterized in five ways. First, there is the highly lucrative market for "antique" ivory objects, such as carvings—some worth millions of dollars each—that are imported legally, mainly from Europe, and traded domestically in the high-end art market. Secondly, there is the market in relatively less expensive, non-antique Asian-style carvings, including the very popular small carvings of animals or people known as netsuke; the supply for this market appears to rely, at least in part, on illegal imports of ivory from Hong Kong that was carved in China. Thirdly, there is a lucrative market in raw tusks, supplied by hunters who have imported the tusks as sport-hunted trophies. Fourthly, these tusks, in turn, supply a large domestic ivory carving industry, which turns the tusks into arts and crafts objects, gun and knife handles, and the like, which are, in turn, sold on the domestic market. Finally, based on the large number of seizures upon import of ivory objects from Africa, such as jewelry and carvings, it would appear that at least a portion of the ivory market in the United States consists of African-style objects imported illegally from African countries.

While it may be possible, in theory, to have a regulated domestic trade in ivory objects, it is impossible in practice. This is because those involved in the ivory trade know how to circumvent laws, as was demonstrated by the results of this investigation. It is legal to import and sell "antique" Asian or African ivory and shopkeepers routinely offered to prepare fraudulent documents for HSUS investigators about the age of ivory they were offering for sale. It is clearly illegal to sell the tusks of sport-hunted elephant tusks imported after 1990 yet tusk buyers offered to buy such tusks from HSUS investigators. It is clearly illegal to import ivory to the United States without proper permits, yet HSUS investigators were advised by those in the ivory trade about how to do so. It is legal to sell mammoth ivory, which is an unregulated substance, so shopkeepers selling elephant ivory are willing to prepare fraudulent documents that the ivory is mammoth ivory and not elephant. The fact that even forensics experts, with special equipment, cannot always determine the age of ivory or whether it came from an Asian elephant, African elephant, or extinct mammoth, makes it even easier to circumvent laws.

The CITES ban clearly worked. It stopped the legal ivory trade, thus cutting off a major avenue by which tusks of poached elephants entered the "legal" ivory trade. However, elephant poaching and ivory seizures have continued, albeit at much lower levels than before the CITES ban. This is simply because as long as legal domestic market for ivory exist in the United States or elsewhere, elephants will be poached to supply these markets. And, if these domestic markets grow, as they certainly are in Asia, and may well be in the United States, this will place even more pressure on wild elephant populations.

Recommendations

- The HSUS recommends that new domestic legislation is needed to ban the import, export and domestic trade in ivory the United States, without exception.
- As an interim measure, The HSUS urges the USFWS to send a clearer message to sport-hunters and those in the domestic carving industry that the sale of all tusks imported as trophies is illegal. Trophies, after all, are supposed to be for "personal use" and not for commercial sale.
- The HSUS recommends that the United States government advocate that CITES recommend to the 160 Parties to CITES that they ban domestic markets in ivory, as CITES has done for tigers.
- The HSUS recommends that CITES Parties reject proposals to allow the international ivory trade to resume in any form as this ivory market expansion will only lead to additional poaching pressure on wild elephant populations.