



STATE IVORY MORATORIA OUTREACH

Frequently Asked Questions

1) Isn't ivory already illegal to sell?

Yes and no. In 1989, the Convention on the International Trade in Endangered Species (CITES) banned the international commercial trade in ivory. In the U.S., the import, export, interstate trade and commercial sale of ivory removed from the wild after the CITES ban (and in some cases even earlier) is illegal, with a few exceptions. In many cases, documented ivory predating the 1989 ban (called "pre-convention" ivory) can be traded. However, laws vary by state and by species.

2) How will stopping the sale of legal ivory help save elephants?

Legal domestic ivory markets are an enforcement challenge and often serve to provide cover for laundering of ivory from illegally killed elephants in Africa. With limited enforcement, minimum penalties in addition to elaborate forgery schemes, traffickers are able to get illegal ivory into the US market. Once ivory is within a state's borders, it becomes almost impossible to distinguish pre-convention ivory from illegal ivory. As long as demand for ivory remains high and enforcement effort is low, the legal trade will continue to serve as a front and criminal syndicates will continue to drive elephant poaching across Africa.

3) Why is it so difficult to distinguish illegal ivory from legal ivory?

There is no way to visually identify the age of raw or worked ivory. While there is expensive technology that can accurately age a whole tusk or a significant portion of a tusk, it is not advanced enough to use this technology for the majority of smaller ivory trinkets found in U.S. markets.

4) Aren't there other species of ivory? If so, shouldn't states stop the trade in all ivory, not just elephant ivory?

Yes, while African elephants are feeling the greatest pressure from growing demand for ivory, ivory also comes from several species including Asian elephants, walrus, narwhals and mammoth to name a few. While enforcement and public education become much easier with a moratorium on all ivory species, there are complexities associated with including all species. For example, the conservation status of the various species ranges widely so different laws may apply. Another challenge depending on the state or region may be First Nations hunting rights. The decision to focus a state moratorium on elephant versus all ivory species comes down to your state legislature's political appetite for a broader moratorium. In general, state enforcement agents can be trained to visually identify elephant ivory

from other species should a broader moratorium not be feasible.

5) To what extent is ivory consumption in the U.S. contributing to the African elephant poaching crisis?

While the largest ivory consumer nation is China, it may surprise many to learn that the U.S. has one of the largest markets globally. As the U.S. reaches out to China and other countries to crack down on the illegal ivory trade it is important for us to stop the trade within our own borders and lead by example.

6) How can state level action help stop the killing of African elephants?

States have an opportunity to lead the way during this critical time for Africa's elephants. By establishing moratoria on the sale of all elephant ivory and ivory products, states can eliminate the significant enforcement challenge posed by the legal ivory trade, raise consumer awareness, reduce poaching pressures on elephants, and set a critical example for other state and federal lawmakers as well as other countries.

7) What activities do states have the power to change?

States may stop the commercial sale of ivory within their borders, particularly intrastate retail sale where no interstate trade takes place. However, federal law currently prevents states from adopting more stringent laws pertaining to import, export and interstate trade of pre-convention ivory. Conservation organizations are working to effect similar changes at the federal level. Action is needed at all levels.

8) What if my state legislators want to stop ivory sales but are concerned about how to handle antiques that are over 100 years old?

The sale of antique ivory leaves a significant loophole remaining for the illegal ivory trade. False appraisals abound as appraisers cannot make a true visual assessment and often base their appraisal on the seller's word. In fact, antique appraisers have no state or federal license requirements. Unless there is very clear unambiguous documentation pertaining to the product's origin (E.g. original U.S. manufacturer's traceable serial number) and the ivory piece can be subjected to radiocarbon dating, antiques should not be exempt.

**For additional questions and guidance, contact Christina Manto, WCS Manager,
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