

U.S. Efforts to Control Illegal Elephant Ivory Trade and Internal Markets

For centuries elephants have been hunted for their tusks, either for trophies or as a canvas for the centuries-old art of ivory carving and jewelry making. Although the tusks or teeth of several mammal species (warthog (*Phacochoerus aethiopicus*), walrus (*Odobenus rosmarus*), hippopotamus (*Hippopotamus amphibius*), sperm whale (*Physeter catodon*), and killer whale (*Orcinus orca*)) are considered to be ivory, the tusks from Asian elephants (*Elephas maximus*) and African elephants (*Loxodonta africana*) are most desired by the global ivory market. This demand led to devastating declines in the number of these giant animals particularly in the 1970s and 1980s. Despite international efforts to control the ivory trade and stop the decline of elephant populations, prices and demand remain high, thus causing continued elephant poaching and illegal ivory finding its way into international and domestic markets.

The most recent studies estimate African elephant populations at about 600,000, a decrease of about 50% over the past 40 years. Asian elephants numbered around 80,000 near the beginning of the 20th century, but today's populations are less than half that, with about 20,000 living in India and the remainder scattered throughout other Asian countries.

What U.S. laws and international agreements protect elephants?

Both African and Asian elephants are protected under the U.S. Endangered Species Act (ESA)¹ and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)². The U.S. Fish and Wildlife Service (Service) is the principal Federal agency responsible for implementing and enforcing the ESA and CITES. CITES regulates the international commercial and noncommercial movement of both



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elephant species, including their ivory and ivory products. The ESA complements CITES in controlling domestic and international movement of elephant ivory, and by prohibiting or regulating interstate commerce in the species.

The African elephant was first listed in CITES Appendix III in 1976 and moved to Appendix II the following year. In 1978, the species was listed as Threatened under the ESA. In 1990, after nearly a decade during which African elephant populations dropped by almost 50%, the species was moved to Appendix I of CITES. In 1997, some recovering populations were moved back to Appendix II with strict limitations on trade in ivory. In 1988, the U.S. Congress passed the African Elephant Conservation Act (AfECA), which established a fund for conservation and management programs for African elephants as well as their habitat. Through the AfECA, a moratorium on the import of African elephant ivory was established in 1989. This moratorium makes it illegal to import raw African elephant ivory into the United States from any country unless certain conditions are met, or to

export any raw African elephant ivory from the United States.

The Asian elephant was listed in CITES Appendix I in 1975 and as Endangered under the ESA in 1976. In 1997, the U.S. Congress passed the Asian Elephant Conservation Act, which established a fund for the conservation and management of Asian elephants and their habitat. Because of their status under CITES and the ESA, all commercial trade in Asian elephants and their parts and products is prohibited.

Recognizing that, even with the listing of elephants under CITES, greater monitoring was needed to combat illegal trade, CITES established the Elephant Trade Information System (ETIS) in 1997 to monitor illegal trade in elephant specimens and maintain a record of seizures of illegal ivory.

The ETIS seizure database has grown from around 4,000 law enforcement cases from 40 countries or territories in 1997 to include over 10,000 cases from 77 countries and territories worldwide today.

¹See the Service's fact sheet "U.S. Endangered Species Act: Permits for Non-native Species or Import and Export of Non-native and Native Species" for more information on the ESA (<http://www.fws.gov/international/pdf/esa.pdf>).

²See the Service's fact sheet "Convention on International Trade in Endangered Species" for more information on CITES (<http://www.fws.gov/international/pdf/CITESfall01.pdf>).

How is trade in elephant ivory regulated and what enforcement efforts are being taken to control elephant ivory trade in the United States?

The United States is committed to combating illegal trade in ivory and has made significant seizures of illegally imported ivory. From 1989 to 2007, the number of seizures of illegal ivory made by the Service accounted for about 30% of all the reported seizures in the world. Since the vast majority of seizures in the United States were small quantities, we do not believe that there is a significant illegal ivory trade into this country. However, although we believe that it is small, the United States does have an internal ivory market. The U.S. public and other international travelers often unwittingly purchase and import ivory products into the United States only to have them confiscated at the ports. We hope to reduce global ivory traffic by informing international travelers of the domestic and international laws controlling the movement of ivory through outreach efforts such as this fact sheet.

In general, export of raw African and Asian elephant ivory from the United States is prohibited. Import of raw African elephant ivory, with the exception of sport-hunted trophies, has been banned since the 1989 moratorium. African elephant ivory can be legally owned or bought and sold within the United States providing it meets ESA requirements and State laws. Worked African elephant ivory acquired before its 1978 ESA listing or antique ivory (over 100 years old) may be imported or exported for non-commercial purposes or, in limited situations, for commercial purposes with a certification from the Service. To date, no commercial import of non-antique African elephant ivory has been permitted under the AECA.

African elephant ivory within the United States that was imported prior to the 1989 ban, imported as sport-hunted trophies, or obtained as the result of Federal law enforcement action is considered legal.

Asian elephant ivory that was purchased prior to its 1976 ESA listing may be sold to others residing in your State, if allowed by your State's natural resource management agency. However, the sale or commercial transfer of Asian elephant ivory across state lines is regulated and must meet specific requirements of the ESA.



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What can the public do to help reduce the volume of ivory illegally imported into the United States?

Even though the United States has seized large amounts of ivory coming into the country, effectively keeping it out of the market, ivory continues to be imported into the United States illegally. We urge U.S. citizens and all other travelers not to purchase ivory and other wildlife products while abroad unless they have verified that the product is legal and may be brought into their home country.

Anyone planning to import any ivory or ivory products into the United States should contact the Service's Office of Law Enforcement prior to importation.³ Additionally, anyone considering selling or trading ivory within the United States should contact the Office of Law Enforcement, as well as his or her State wildlife agency. As more countries implement similar outreach programs, we hope that the demand for ivory will drop, resulting in a decrease or end to elephant poaching and an increase in the populations of these ancient and magnificent animals.

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