



Asian Elephant Ivory

Are Asian elephants protected?

Asian elephants (*Elephas maximus*) are protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), a treaty which monitors and regulates international wildlife trade to prevent over-exploitation. The species is listed in Appendix I, and elephants or their parts and products, including ivory, may not be traded for primarily commercial purposes.

Additional safeguards are provided Asian elephants by their listing as endangered under the U.S. Endangered Species Act (ESA). Under this law, you cannot sell or offer for sale across state lines or overseas; import; export; or take (which includes harass, harm, or kill) any elephant or elephant product, unless you meet requirements of the ESA.

What kind of Asian elephant ivory or ivory products are affected by these laws?

Any tusk, piece of tusk, ivory carving, or ivory pieces such as piano keys, jewelry, or bagpipe fittings.

What do I need to know to decide what I can do with ivory items?

Decide:

- What kind of ivory it is—if you do not know, see below.
- Age of the ivory—when the item was manufactured or the elephant was removed from the wild.
- Whether the item has been repaired or modified with any new ivory and, if so, when.
- Date the ivory was last bought, sold, or held in the course of a commercial activity.

What can I do if I do not know the age or kind of ivory?

Contact a specialist such as an art

historian, appraiser, or museum curator. If you know who manufactured the item, contact the manufacturer for information. If documentation of the kind of ivory or age is based on an expert's opinion, obtain an affidavit and include the expert's credentials.

Can I sell, import, or export antique ivory?

Yes, the item can be sold if it is a *bona fide* antique and if the sale of ivory is allowed in your State of residence. Check with your State conservation agency. An ivory article can be imported or exported for commercial or non-commercial purposes if it is a *bona fide* antique and accompanied by:

- Documentation that shows the article is at least 100 years old and has not been repaired or modified with any new ivory since the effective date of the Act (December 28, 1973).
- A CITES Pre-Convention Certificate from the Management Authority of the exporting country.

What is pre-Act (under the ESA) Asian elephant ivory?

Worked or raw ivory must meet the following criteria:

- Was acquired or removed from the wild prior to June 14, 1976, the listing date of the Asian elephant under the ESA.
- Has not been held in the course of a commercial activity (i.e., bought, bartered, offered for sale, leased) since that time.
- Is accompanied by a pre-Act affidavit as outlined in the regulations at 50 CFR 17.4.
- Is imported or exported for non-commercial purposes and accompanied by a CITES Pre-Convention Certificate, showing it was acquired



Asian Elephant, CITES Appendix I

before July 1, 1975.

Can I sell my pre-Act ivory?

Pre-Act ivory can be sold only to others residing in your State. However, once the ivory has entered commerce, it loses its pre-Act status.

Can my shipment of ivory transit the United States?

Yes, if the ivory is a *bona fide* antique or noncommercial pre-Act item, and accompanied by the appropriate ESA and CITES documents.

When are Permits Needed?

If the ivory does not qualify as antique or pre-Act, you may apply for a permit for scientific research, or for enhancement of propagation or survival of the species in the wild for the following activities:

- **Import and Export.** CITES import and export permits are required in addition to ESA permits. CITES permits are issued when the export or purpose of the import will not be detrimental to species survival; specimens were legally acquired; and the import is not for primarily commercial purposes.
- **Interstate and foreign commerce.** In addition, ivory may be advertised for sale **provided** the advertisement contains a statement that the item

may not be sold until an ESA permit has been obtained from the Service. The sale of ivory to another resident of your State is not restricted by the ESA. Check with your State conservation agency to meet State requirements.



What steps do I need to follow to import or export ivory?

For information on import/export of ivory, including licenses, ports, clearance, and document validation, contact the Office of Law Enforcement by phone at 703-358-1949 or by email at lawenforcement@fws.gov.

1. All persons engaging in business as an importer or exporter of wildlife must obtain an Import/Export License.
2. The shipment of ivory must enter and leave the United States through a

port designated for wildlife shipments or a non-designated port if you have an Exception to Designated Port Permit. If a *bona fide* antique, it may be shipped through a Customs Service port designated for the import/export of antiques.

3. All shipments must be marked on the outside of the container with the names and addresses of the exporter and importer, as well as an accurate identification of the species and numbers of items in the container.
4. Notify the Service inspector at the intended port of import or export 48 hours prior to conducting the activity.
5. Provide the following documents to the Service inspector at the port: CITES permits or certificate; antique or pre-Act documentation, as appropriate; Wildlife Declaration Form (3-177); and copies of airway bill, or bill of lading and invoice.

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