



MAKER'S BENCH

Issues with Elephant Ivory, Instruments and Bows

by John Waddle

On February 11, 2014, a press release was issued from the office of the White House, Office of the Press Secretary, that announced a “National Strategy for Combating Wildlife Trafficking.” According to the press release, the Strategy will “strengthen U.S. leadership on addressing the serious and urgent conservation and global security threat posed by illegal trade in wildlife.”

In addition to the strategy, it was announced that a ban on commercial trade of elephant ivory would enhance the efforts to protect iconic species like elephants and rhinos by prohibiting the import, export or resale within the United States of elephant ivory except in a very limited number of circumstances.

Taken together, the report says, these actions will help ensure that the United States is not contributing to poaching of elephants and illegal trade in elephant ivory.

Part of the announcement is that banning the commercial trade of elephant ivory will “enhance our ability to protect elephants by prohibiting commercial imports, exports and domestic sale of ivory, with a very limited number of exceptions.” This ban, the announcement says, will be the best way to help ensure that U.S. markets do not contribute to the further decline of African elephants in the wild.

According to the press release, to begin implementing these new controls, federal departments and agencies will immediately undertake administrative actions to:

- Prohibit Commercial Import of African Elephant Ivory: All commercial imports of African elephant ivory, including antiques, will be prohibited.
- Prohibit Commercial Export of Elephant Ivory: All commercial exports will be prohibited, except for bona fide antiques, certain noncommercial items, and in exceptional circumstances permitted under the Endangered Species Act.
- Significantly Restrict Domestic Resale of Elephant Ivory: “We will finalize a proposed rule that will reaffirm and clarify that sales across state lines are prohibited, except for bona fide antiques, and will prohibit sales within a state unless the seller can demonstrate an item was lawfully imported prior to 1990 for African elephants and 1975 for Asian elephants, or under an exemption document.”
- Clarify the definition of “Antique.” To qualify as an antique, an item must be more than 100 years old and meet other requirements under the Endangered Species Act. The onus will now fall on the importer, exporter or seller to demonstrate that an item meets these criteria.
- Restore Endangered Species Act Protection for African Elephants: “We will revoke a previous Fish and Wildlife Service special rule that had relaxed Endangered Species Act restrictions on African Elephant Ivory trade.”
- Support Limited Sport Hunting of African Elephants: “We will limit the number of African elephant sport-hunted trophies that an individual can import to 2 per hunter per year.”

According to an article by Kathleen Kirkwood, published by the Star Tribune August 12th 2014: “In 1979, there were an estimated 1.3 million African elephants; by 1989 numbers fell dramatically, to 600,000. An international ban temporarily slowed poaching, but numbers are still falling. In 2012, an estimated 35,000 elephants were killed for their tusks, which equates to about 96 per day, or one every 15 minutes. Conservationists now estimate that there are 400,000 left, and without action, these numbers could dwindle further.”

Ivory has always been the best material for bow tips. It is hard and tough. It is not easy to carve, but once it is glued on to the tip of a bow, it will protect the bow for a long time. There are still old bows with original ivory tips. A bow maker could buy one ivory tusk, and it would be enough ivory for tips, frogs, and adjusters for the rest of their life. Some contemporary bow makers did that, when it was legal to do it, and now can't use the ivory, even though they bought it when it was legal to buy.

Ivory was also used occasionally for the decorative inlay around the edges of many bowed, stringed instruments, or in the fingerboards, tailpieces, or even for the nut or the saddle. Sometimes, ivory was used for the collars and pips on pegs, as the saddle in the tailpiece, and the pip in the end-pin of the violin or viola.

Many alternatives have been, and are being used for tips. Cow bone is common; plastic; various synthetics; mammoth tusk; silver, or gold. Cow bone isn't as strong as ivory, doesn't glue on as well, and is more prone to cracking. Plastic is also not as good. There are many plastics, and bowmakers are trying to find something that will work, but so far we haven't found one that we are excited about. Mammoth tusk is a problem because it looks too much like ivory, and can easily be mistaken for ivory.

Most bow-makers who use metal tips, pin them to the head with three to six pins through the metal and into the pernambuco. This can last years, but sometimes is a problem because of the wood shrinking and cracking where the pins are.

There are two things I can recommend:

The first, if you haven't already done it, is to get a certificate for your bow or instrument that describes each part and what it is made of. It can be hard to determine sometimes if the tip on a bow is elephant ivory or mammoth, plastic or bone, but a qualified expert's opinion could be important to have. It's a good idea to know what you have. If you're not sure, you might want to get an appraisal, or a certificate, which describes who made the instrument or bow, where it was made, how old it is, and what each part of the instrument or bow is made of. If possible, you should also keep records of each repair that is done on your instrument or bow. It's really not difficult. Just keep a file someplace where you can find it again, and put in it all the documents pertaining to your instruments and bows. It seems simple, but it often surprises me when I talk to my customers and so many have no records at all of these details.

The second is to obtain a “passport” for your instrument or bow. The link to download the form is: <http://www.fws.gov/international/>

permits/by-activity/musical-instruments.html

Many people don't know that to get an elephant tusk, it is necessary to either wait until the elephant dies of natural causes, or kill it. Live elephants won't let you saw off their tusks. In Africa, only the male elephants grow tusks. Unfortunately, African elephant populations have been falling for many years do to loss of habitat, and illegal poaching, and it is now to the point where it is critical that appropriate steps are taken so that they are saved from going extinct.

CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) was drafted as a result of a resolution adopted in 1963 at a meeting of members of IUCN (The World Conservation Union). The text of the Convention (<http://www.cites.org/eng/disc/text.php>) was finally agreed at a meeting of representatives of 80 countries in Washington, D.C., the United States of America, on 3 March 1973, and on 1 July 1975 CITES entered in force. The original of the Convention was deposited with the Depositary Government in the Chinese, English, French, Russian and Spanish languages, each version being equally authentic.

CITES lists species of fauna and flora in three categories afforded different levels or types of protection from over-exploitation. Appendices I, II and III are found at <http://www.cites.org/eng/app/appendices.php>.

Appendix I lists species that are the most endangered among CITES-listed animals and plants (see Article II, paragraph 1 <http://www.cites.org/eng/disc/text.php#II> of the Convention). They are threatened with extinction and CITES prohibits international trade in specimens of these species except when the purpose of the import is not commercial (see Article III <http://www.cites.org/eng/disc/text.php#III>), for instance for scientific research. In these exceptional cases, trade may take place provided it is authorized by the granting of both an import permit and an export permit (or re-export certificate). Article VII (<http://www.cites.org/eng/disc/text.php#VII>) of the Convention provides for a number of exemptions to this general prohibition.

Appendix II lists species that are not necessarily now threatened with extinction but that may become so unless trade is closely controlled. It also includes so-called "look-alike species," i.e. species whose specimens in trade look like those of species listed for conservation reasons (see Article II, paragraph 2 <http://www.cites.org/eng/disc/text.php#II> of the Convention).

International trade in specimens of Appendix-II species may be authorized by the granting of an export permit or re-export certificate. No import permit is necessary for these species under CITES (although a permit is needed in some countries that have taken stricter measures than CITES requires). Permits or certificates should only be granted if the relevant authorities are satisfied that certain conditions are met—above all that trade will not be detrimental to the survival of the species in the wild. (See Article IV <http://www.cites.org/eng/disc/text.php#IV> of the Convention.)

Appendix III is a list of species included at the request of a Party that already regulates trade in the species and that needs the cooperation of other countries to prevent unsustainable or illegal exploitation. (See Article II, paragraph 3, <http://www.cites.org/eng/disc/text.php#II> of the Convention.) International trade in specimens of species listed in this Appendix is allowed only on presentation of the appropriate permits or certificates. (See Article V <http://www.cites.org/eng/disc/text.php#V> of the Convention.)

The U.S. Fish and Wildlife Service is the American agency that enforces laws having to do with endangered species as defined by CITES. The U.S. Border Patrol is an American federal law enforcement agency. Its mission is to detect and prevent illegal aliens, terrorists and terrorist weapons from entering the United States, and prevent illegal trafficking of people and contraband. It is an agency within U.S. Customs and Border Protection, a component of the U.S. Department of Homeland Security. With over 21,000 agents, the U.S. Border Patrol is one of the largest law enforcement agencies in the United States.

African Elephant ivory now falls into the category of illegal contraband, and may be seized by the U.S. Border Patrol, if you leave the U.S. and try to come back into the country with ivory, unless you can show that your instrument or bow is exempt because it is an antique.

John R. Waddle is a violin maker, dealer, and restorer whose shop is in St. Paul, Minnesota. He is a 1981 graduate of The Violin Making School of America in Salt Lake City, Utah, and has had his own shop in St. Paul since 1986. John is a member of both the American Federation of Violin and Bow Makers, and the Violin Society of America. †