



African Elephant Ivory

Why and How are African Elephants Protected?

Poaching for ivory is the most immediate threat to the future of the African elephant (*Loxodonta africana*). The species is listed as threatened under the U.S. Endangered Species Act (ESA) with a special rule that allows for certain activities that are normally prohibited. The African elephant is also protected by the Convention on International Trade in Endangered Species (CITES). Most populations are listed in Appendix I and their products may not be traded for primarily commercial purposes. Populations of elephants in Botswana, Namibia, and Zimbabwe are included in Appendix II to allow for limited trade in specific products only. However, ivory may **not** be imported to the United States from these countries or any other country under the African Elephant Conservation Act, a U.S. law that bans the import and export of ivory with few exceptions. These provisions are intended to eliminate any trade in illegal ivory.

What Kind of African Elephant Ivory or Ivory Products are Affected by These Laws?

Raw and worked ivory, i.e., tusks, pieces of tusk, ivory carvings, or pieces like 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.
- whether the ivory is worked (carved) or raw. *Raw ivory* means a tusk, or piece of tusk, which is unpolished or polished, unaltered or minimally carved, including ivory mounted on a stand or part of a trophy.
- 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.

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), and

▫ a CITES Pre-Convention Certificate from the Management Authority of the exporting country.

Can my Shipment of Ivory Transit the United States?

Yes, as long as African elephant parts and products remain under Customs control and are accompanied with proper CITES documents (i.e., Pre-Convention Certificate).

Can I Buy or Sell African Elephant Ivory in the United States?

Yes, not just antiques but any legally possessed ivory may be bought or sold in the United States. Before you buy or sell ivory, check with your State conservation agency to determine requirements.

What African Elephant Ivory, Other Than Antiques, Can I Export From the United States?

Raw African elephant ivory cannot be export or re-exported.

Worked ivory acquired (i.e., taken from the wild) *before* February 4, 1977, can be ex-ported for commercial or non-commercial purposes with a Pre-Convention Certificate from this office. Contact the CITES Management Authority of the importing country as some countries require an import permit.

Worked ivory acquired *after* February 4, 1977, can be exported only for non-commercial purposes, and only with a CITES export permit from this office as well as a CITES import permit from the foreign country's Management Authority.

Worked ivory acquired or possessed in the United States can be exported by U.S. res-idents as accompanying personal effects. However, most CITES countries do not recognize this special exemption. To prevent any possibility of your items being seized, contact the Management Authority of the country you will be visiting to determine its requirements.

What African Elephant Ivory Can I Import Into the United States?

Raw ivory cannot be imported into the United States except as a personal *sport-hunted trophy* with appropriate CITES permits. The ivory of sport-hunted trophies cannot be re-exported

or sold within the United States as conditioned under a CITES import permit. Contact this office for a fact sheet on African elephant sport-hunted trophies.

Worked ivory can be imported for non-commercial purposes if accompanied by a CITES *Pre-Convention* Certificate issued by the Management Authority of the exporting country that shows the ivory was acquired before February 4, 1977.

Worked ivory acquired and/or possessed in the United States by *U.S. residents* for non-commercial purposes and legally exported with documentation from the Service can be re-imported as accompanying personal effects or household goods. Contact the exporting country's Management Authority for information on export requirements.

Worked ivory can be imported for non-commercial purposes as accompanying personal effects or as part of the household goods of *non-U.S. residents* moving to the United States. This can be done provided the ivory was legally acquired in their country of usual residence and legally exported from their country. Contact the exporting country's CITES Management Authority, as they may require CITES export documents.

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 appropriate regional office of the Service's Law Enforcement Division.

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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