



The Rt Hon Lord Goldsmith

Minister of State (Minister for Pacific and the Environment)
Department for Environment, Food & Rural Affairs (DEFRA)
2 Marsham Street
London SW1P 4DF

The Rt Hon George Eustice MP

Secretary of State for Environment, Food and Rural Affairs
Department for Environment, Food & Rural Affairs (DEFRA)
2 Marsham Street
London SW1P 4DF

28 July 2021

Dear Minister,

Re: Ivory Act implementation

As a group of 15 conservation NGOs, we are writing to you to express our concern about the unreasonable delay in the implementation of the Ivory Act 2018. Further, we responded to the March 2021 DEFRA public consultation on implementation of the Act and we would like to highlight certain important problems with the Government's proposals in the hope that you will be able to address them.

Our biggest concern is the continued delay in bringing the Act into force. We welcomed and supported the Government's introduction of the Ivory Bill and were encouraged by its rapid progress through Parliament. We appreciate that the judicial review challenge, Brexit and the pandemic have contributed to the delay, but they do not justify what will be a three-year period since the Act received Royal Assent in December 2018, if it does not come into force before the end of this year. In that time, we have seen steps taken by others to introduce domestic ivory trade bans, which have meant that the Government no longer is showing the leadership role it claimed when introducing the Act.

Our response to the recent public consultation set out in detail a number of concerns along with suggestions for improvements to the regulations and guidance which we hope will prove useful. For your benefit, we have enclosed a brief summary of our main points.

We urge you to ensure that the Ivory Act comes into force expeditiously this year and to consider our concerns and recommendations regarding implementation of the Act. We would

be very happy to answer any questions and offer support as appropriate to help deliver the Government's contribution to ending the scourge of elephant poaching for ivory and its devastating effects on elephant populations.

Yours sincerely,

Maria Mossman, Founder
Action for Elephants UK

Dr Mark Jones, Head of Policy
Born Free Foundation

Georgina Lamb, Chief Executive
David Shephard Wildlife Foundation

Mary Rice, Executive Director
Environmental Investigation Agency

John Scanlon, Chief Executive
EPI Foundation

Vera Weber, President
Fondation Franz Weber

Emily Wilson, Head of Programmes
FOUR PAWS UK

Claire Bass, Executive Director
Humane Society International UK

James Sawyer, UK Director
International Fund for Animal Welfare

Elly Pepper, Deputy Director,
International Wildlife Conservation
Natural Resource Defense Council

Daniela Freyer, Co-founder
Pro Wildlife

Charlie Mayhew, Chief Executive
Tusk Trust

Sue Lieberman, Vice President
International Policy
Wildlife Conservation Society

Paul de Ornellas, Chief Adviser- Wildlife
WWF-UK

Matthew Lowton, Conservation and
Policy Officer
Zoological Society of London

*Enclosed: Brief Summary: Key Concerns On UK Government's Proposal For Implementation Of
The Ivory Act 2018*

BRIEF SUMMARY: KEY CONCERNS ON UK GOVERNMENT'S PROPOSAL FOR IMPLEMENTATION OF THE IVORY ACT 2018¹

1. We oppose the idea of allowing applications for registration or certification before the Act comes into force. Once the relevant systems are in place, the Act should be brought into force immediately; otherwise, there will be yet more delay for reasons which we do not think are justified.
2. We are very concerned at the vague description of an "expert" who would be able to verify the age of ivory items. There are no qualifications necessary to become an antiques dealer and it is one of the fundamental problems with the current legislative regime that verification of age is largely unregulated.
3. No expert should be able to verify the age of an item that they are buying, selling or hiring; otherwise, there will be a clear conflict of interest.
4. Any expert providing a verification of age should be named and should take responsibility for their opinion: they should be liable if their opinion is negligent.
5. The level of the proposed fees for all purposes is too low, particularly if the APHA is to have the resources to carry out a meaningful number of spot checks on applications. We recommend investing sufficient resources to implement and enforce the Act.
6. It is extremely important that applicants should be obliged to provide supporting documentation including proof of the item's age and why it meets the other criteria for the relevant exemption. At present, there is no such requirement, apart from a photograph (or photographs). Even for the rare and most important exemption, there is no explicit requirement to provide evidence.
7. The APHA should maintain a publicly accessible website containing details of all items that have been registered or for which exemption certificates have been issued, along with copies of the supporting documentary evidence.
8. The group registration system should be limited to items of the same type that are owned by the same person.
9. The rare and most important exemption should be exactly that: not the rare "and/or" most important exemption, which seems to be suggested by some of the proposed guidance.
10. On any subsequent dealing in an item for which an exemption certificate has been granted, the applicant should be obliged to confirm that the item still meets the conditions of the exemption, which at present it seems they will not have to do.

¹ Detailed summary of concerns and recommendations have been provided as part of the March 2021 DEFRA public consultation on implementation of the Ivory Act 2018.