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11th January 2018

Noelle McElhatton
Editor
Antiques Trades Gazette

Dear Madam,

I read with considerable concern, in the Gazette of the 13th January, the approach taken by BAMF to DEFRA's proposed "complete ban" as they may have given the Government the impression that they speak for a large constituency when, in fact, they represent only a limited number of dealers while there are estimated to be millions of people who have quite properly acquired sculpted ivory over the years not to mention the many who, having no financial interest in the debate, are concerned to protect culture, history and art where sculpted ivory has played such a prominent role in the world.

In my capacity as Chairman of the PMSA, I have sent you a copy of the letter accompanying our submission to the "Consultation" which sets out our approach to the matter.

Yours Faithfully



John Lewis

PMSA



Public Monuments
and Sculpture
Association

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Sir Michael Hintze AM
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Timothy Llewellyn OBE
Dr. Jennifer Montagu CBE, LVO, FSA, FBA
Sir Nicholas Penny FSA, FBA

11th January 2018

Noelle McElhatton
Editor
Antiques Trades Gazette

Dear Madam,

We have read with interest the attempt at justification by BAMF of a bureaucratic regime to govern the sale of sculpted ivory and enclose herewith a copy of the letter accompanying our Submission to the "Consultation" which is being conducted by DEFRA on the matter. It would, no doubt, be interesting for your readers to see the Submission made on behalf of BAMF.

Yours faithfully

John Lewis
Chairman

PMSA



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29th December 2017

International Team – Ivory Consultation
Area 1E
Nobel House
17 Smith Square
London SW1P 3JR

Dear Sirs

Re: Ivory

We observe that your "Consultation Paper" does not expressly include charities such as the P.M.S.A. as one of those to which your "Consultation" has particular relevance but, while wholeheartedly supporting the international efforts to protect African, Indian and other Asian elephants, our stated mission is to encourage interest in, protect and conserve sculpture, so that sculpted ivory very much concerns the P.M.S.A. as the former has played such an enormous role in European, Indian and Near, Middle and Far Eastern Culture and Art over thousands of years.

When, last year, DEFRA stated that there would be a Consultation on the proposed UK ban on ivory trading, those concerned naturally assumed that this would raise and hopefully answer many of the doubts about a complete (with only very minor exceptions) ban, but the questions you have raised seem all to be in an effort to obtain information to justify a political decision already made in order to capture what, because of the strength of its voice from a minority, is wrongly identified as the prevailing zeitgeist. However, in an attempt to answer both your questions and those, we respectfully suggest, you should have asked, we submit the following with the wish that you

avoid "Virtue Signalling" with all the collateral damage we describe below: -

Any ban should be restricted to ivories from elephants under threat

1. Any ban should cover only ivory from Asian and African elephants under threat and, for instance, specifically exclude marine and mammoth ivory, as defined under current CITES regulations.

No evidence to support banning historically sculpted ivory will help to preserve living elephants

2. We question whether the apparent success of well-funded public campaigns, by those who are clearly revolted by ivory sculpture in any form, to impose such a ban (to include ivory sculpted many years in the past and, in many cases, taken from elephants which died of natural causes), will have any effect whatsoever, if indeed they ever hear of it, on the poacher in the depths of Africa or the consumer in India, or the East. More importantly, there is a significant distinction to be made because no plausible evidence has been produced to show that the selling or buying of sculpted ivories produced in the past has any relevance to modern ivory sold in such areas of the world, so that Government will have great difficulty in justifying a complete ban with the results we set out in this letter. It is also important to appreciate that few of the figures such campaigns quote for the export of ivory from the UK are correct in their implication (please note the 2016 TRAFFIC Report and others), not only because the European system of counting is different from the UK, but because many objects of ivory are imported to the UK only for the purposes of sale and exported again.

Ban would destroy time honoured routing of sculpture to museums

3. The very limited exceptions you are proposing for the ban will destroy the time-honoured routing (auctions to dealers to collectors to museums) of donations to museums of ivory sculptures. To give some idea of the religious and cultural importance attached throughout history to sculpted ivory, the Victoria and Albert Museum and the British Museum currently possess many thousands of European sculptures in ivory and many others in their Eastern Collections (only recently the latter purchased some 6,000 pieces of sculpted ivory dating from the 9th to the 7th Century BC) quite apart from the numerous examples in other museums, the Royal Collection and our great Country Houses.

Sculpted ivory of great cultural and religious importance for thousands of years

France seizing opportunity to take overseas market

It is of interest that France, having originally said it would impose a complete ban, has very recently adopted the more sensible attitude that items sculpted before the CITES date in 1947 should merely, and only, be notified to the French government when sold. This means that the pre-eminence of London, both in expertise and markets, for the sale of the increasingly important Indian, Near, Middle and Far Eastern Art market will, in the event the Government proceeds on the basis outlined in the Consultation Paper, be substantially undermined, and inevitably pass to Paris, when the Government and British Tourism Industry is doing everything they can to attract business and visitors from such areas. In addition, the currently proposed complete ban will insult those countries who revere their historic tradition of sculpted ivory such as China and Japan.

Detrimental effect of ban on Tourism

More
"experts"?

Views on
what is
"significant"
(dependent on
definition)
vary each year
and is less
precise than
dating

4. We ask whether the increased bureaucracy implied by D.E.F.R.A.'s Statement to assess what is artistically, historically or culturally "significant" will not only be costly and time consuming but also clog up the system. This is quite apart from the fundamental fact that "experts' " views as to what is "significant" (depending upon the interpretation placed on that word) vary from year to year, let alone decade to decade. Indeed, we estimate that many of the objects of sculpted ivory currently on public display would not currently be regarded as "significant", yet they are of considerable historical importance. We would cite here the plethora of sculpted ivory produced in the Art Deco era of the 1920s and 1930s where individual pieces are not of significance, but the sheer volume is of considerable historic artistic and sociologic interest. Furthermore, in order to decide whether an artefact is so significant (whatever that means) it has to be placed in context; that is to say dated, so that abandoning the 1947 (or later) rule merely adds to rather than reducing complications.

Retrospective
Demonization
of, and
confiscation of
all value from,
millions of
households

5. We question to what degree DEFRA has taken into account the interests of those many people who have quite legitimately made both emotional and financial investment in sculpted ivory over previous decades. Does the State intend to compensate them for their loss of total value due to the proposed retrospective demonisation and, in effect, outlawing of their possessions, as hitherto these objects have been available in extremis to raise, in many cases, much needed capital? We include in the above the descendants of those returning from their posts abroad during our colonial history and soldiers returning from their duties in the Far and Middle East and those who have inherited from them.

In the interest of our wishing to be constructive, we would therefore urge you to consider:

- (a) Stricter enforcement of the rules and a possible increase in penalties.
- (b) A complete ban on ivory trading but with the exception (inter alia) of those ivory artefacts complying with the CITES 1947 rule – as dating is so much more precise than the value judgement involved in judging importance. Objects shown clearly, whether by provenance, documentation, scientific or other methods, to have been sculpted before the relevant date could be made exceptions to an overall ban.

If you do insist upon the 1947 rule being ignored (despite the fact that many other countries including France, as mentioned above, seem to be happy with it) ensure that the interpretation of "significant" takes the mildest of definitions from the O.E.D. such as "of interest" but even here we see difficulties of the bureaucracy and definition referred to in paragraph 4 above.

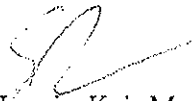
- (c) As to items worked after the relevant date in 1947, as the preponderance of sculpted ivory of interest was created before that date we would suggest a slightly more vigorous definition of "significant" might be appropriate between the 1947 date and that in 1975 when Asian elephants were added to CITES lists. We also suggest this 1975 date as it would have signalled to those interested in purchasing ivory sculpted subsequently that the situation was

changing. Again, with this suggestion there are considerable difficulties as referred to above.

(d) For any sculpture sculpted after (say) the 1975 CITES date a complete ban would not do so much damage, whilst giving a clear signal as to modern ivory.

(e) To avoid too much bureaucracy, we would suggest that certificates not be mandatory for pre or post 1947 (or 1975) sculpture so that if an owner has clear evidence of the date the ivory was sculpted it could be produced prior to or during any prosecution as a defence.

Yours faithfully



John Lewis, Keir McGuinness, Robert Lisney
pp The Public Monuments and Sculpture Association