Rethinking Ivory: Why Trade in Tusks Won't Go Away

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JOHN FREDERICK WALKER

TSAVO WEST, Kenya—Two years ago, in what was billed as a defiant message to elephant poachers, Kenya's President Mwai Kibaki arrived by helicopter at a dusty airstrip in Tsavo West National Park to set fire to five tons of seized contraband ivory.

A military band in crisp khakis blared out anthems and marches, mostly on key, traditional dancers stomped energetically, and a series of government officials introduced each other at length in the lead-up to the president's speech. It wasn't easy to hear them over the dry wind that whipped through the flapping tents sheltering hundreds of guests on rows of plastic chairs, but a local politician got rapt attention and applause when he complained about lack of protection from crop-raiding elephants. His plea delivered a mixed message at an event aimed, Kibaki intoned, at sending "a clear signal to poachers and illegal traders." But elephant conservation is never simple.

After the speeches, Kibaki stepped up to the stack of tusks heaped high on the red earth. Surrounded by top figures in his administration, foreign dignitaries, a who's who of the Kenyan conservation scene, and an international media crush recording it all, he carefully poked a long, lit torch at the waiting pyre, jumping back as flames leapt toward him.

Years of ineffective efforts to stop elephant killings have afflicted many elephant advocates with a conceptual short circuit that fuses ivory with slaughter. The result is anger directed at ivory itself, as if demonizing the creamy-white carving material will snuff out its warm allure, as well as the poaching that feeds it. The current mania for tusk bonfires is a prime example. Viscerally satisfying and searingly visual, the fires tap into a deeply shared rage that says, "Enough is enough—just burn it all!"

In television broadcasts, the Tsavo West conflagration appeared a vivid replay of the iconic 1989 ivory sacrifice when then-president Daniel arap Moi set fire to several thousand elephant tusks in Nairobi National Park. Widely published photos of that smoking pile focused global attention on a decade of elephant poaching, igniting the outrage that led to a multinational ban on cross-border trade in ivory that same year.

The positive effects of the 1989 ivory bonfire gave elephants a reprieve before poaching returned. Two decades later, the Tsavo West burn looked like it would fizzle out before the message was sent. Most attendees left while the heap of ivory still smoldered. Even interlaced with timber and blocks of paraffin and drenched with flammable glue, a stack of tusks is a slow, balky burn. Tusks are giant incisors, and like human teeth—always the last recognizable bits of bodies charred in a house fire—these blackened curves remained stubbornly intact, a reminder that it's not so easy to get rid of ivory. It would take hours more to char these elephant teeth beyond use.

Kenya's second-round burn did inspire Gabon to set fire to five tons of its own confiscated ivory last year, but neither event had any perceptible impact. A steady stream of media reports and images of dead elephants with their faces chain-sawed flat for the ivory they once bore, still grimly document the rising elephant carnage in

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many sub-Saharan countries. Asia's small and scattered elephant population also suffers from sporadic poaching, but it's Africa's 10-times-larger population that's under direct siege.

MILITARIZED POACHING

What's different about today's elephant crisis is that poaching has gone professional. Criminal gangs still find recruits among impoverished rural villagers in elephant habitats for whom a modest bribe represents a fortune. But increasingly, well-armed cadres, sometimes working in collusion with corruption-riddled wildlife and parks departments, are using night-vision goggles, rocket launchers, even helicopters to mow down herds of elephants for their ivory.

Now that militant groups like the waning Janjaweed in Sudan, the Lord's Resistance Army, and especially Somalia's violent al-Shabab are involved in ivory trafficking, protecting elephants could become wildlife conservation's version of the War on Drugs, a hugely expensive, dangerous exercise there'd be no hope of winning.

Most elephant habitats can't be effectively patrolled. Many herds are found outside parks and reserves, crossing borders at will, traversing miles of bush, jungle, and semi-desert in search of food and water. Besides, more boots on the ground won't address the appetite for ivory that has always driven poaching. Throughout human history, whenever demand for ivory has outpaced available supply, elephants have paid the price.

Global lust for elephant teeth is again sucking log jams of ivory out of Africa at the cost of an unsustainable 25,000 dead elephants a year, out of a continent-wide population of about 500,000. From container loads of tusks to carry-on bags bulging with carved trinkets, ivory has even been going to Spain, New Zealand, and Turkey, to mention three hitherto unsuspected destinations. Mostly, though, it's headed for Asia, where ivory has long been venerated, and above all China, widely thought to absorb most of the contraband ivory bleeding from Africa.

Understandably, the plight of elephants loomed large at the 178-nation Convention on International Trade in Endangered Species (CITES) conference that took place in Bangkok this year, stealing attention from polar bears, snake-necked turtles and other at-risk species. Despite marked progress on combatting the global trafficking of illegal tusks, animal advocates joined in lamenting "the failure of CITES to stop the poaching."

GOVERNMENTS NEED TO SHOW THEY CARE ABOUT THE PLIGHT OF RURAL AFRICANS WHO HATE ELEPHANTS FOR THREATENING THEIR CROPS AND SAFETY.

Still, a controversial—and to many, counterintuitive—step was taken toward that goal: the establishment of a CITES working group of African and Asian nations who would investigate and propose "a process of trade in ivory" plan for member states' approval in three years' time. After nearly a quarter-century of bitter debate, an inconvenient truth is being acknowledged. If we care about elephants, we have to manage trade in ivory instead of simply trying to end it.

It will be an uphill battle to restore trade in tusks. Wiping out the market for ivory worldwide is now the idée fixe of a large swath of conservationists, for whom even raising the idea of resuming ivory commerce is abhorrent.

THE BIG BURN FANTASY

Fired by desperation, a number of elephant advocates—not just animal agenda groups, but respected conservationists—have even proposed torching all existing (and future) ivory stocks in Africa in the hopes of killing off the ivory trade permanently. But the Big Burn theory doesn't make any sense.

IT'S A FANTASY TO THINK THAT THE DESIRE FOR THIS ALLURING MATERIAL, SOUGHT AFTER AND FOUGHT OVER SINCE PRE-HISTORY, WILL EVER COMPLETELY FADE AWAY.

Persuading three dozen African countries, the range states where elephants are found, to agree to sell their stockpiles, and moreover, to agree on price, would be the diplomatic equivalent of a Himalayan climb. The total cost of buying existing stockpiles, hundreds of tons across the continent, could reach hundreds of millions of dollars. The last time ivory was sold legally it went for nearly $70 a pound. Subsequently, the Chinese government has sold small quantities from its legal stockpile at seven times that price to its carving factories.

African states aren't going to give it away. During centuries of colonial exploitation, vast amounts of ivory were expropriated for the benefit of foreigners. Now non-governmental organizations based in the same powers that once profited from ivory commerce are urging Africans to give up the idea of trading in it. But governments need to show they care about the plight of rural Africans who hate elephants for threatening their crops and safety. They can't ignore additional revenue streams that can reduce human-elephant conflict and help defray the costs of elephant conservation. If developing African states are going to destroy a significant natural resource they've been hoarding in the hope of eventual sale, they'll expect to be well-compensated in return, a steep and never-ending test of the international community's political will and resources.

Moreover, while the world supply of ivory would be significantly diminished, making the commodity scarcer, it would also render the remaining stockpiles of tusks in non-African states far more valuable, setting off a potential firestorm of speculation. Elephants would be walking around with ever-more precious ivory, making them attractive targets to high-stakes poachers willing to satisfy intractable demand for a forbidden, now ultra-rare organic treasure. And nothing in this wildly expensive dream-scheme directly addresses the problem of global demand. But trying to crush demand altogether, like the effort to stop the trade in tusks forever, won't succeed and won't help elephants.

The attraction to ivory is deeply embedded in many world cultures, from ancient Egypt to Europe to the Far East. Its beauty, tactile qualities, and ability to be finely carved has allowed the creation of an extraordinary array of cultural treasures. It's a fantasy to think that the desire for this alluring material, sought after and fought over since pre-history, will ever completely fade away. Instead of trying to extinguish demand at immense cost, it would make far more sense to control, shape, and harness it to provide badly needed funds to ensure a future for elephants, which are steadily losing ground in Africa—and not just because of poaching. The multifaceted efforts of elephant conservation are extremely costly.

THE SPEARED ELEPHANT

Two weeks after the Tsavo West burn, Geoffrey Chege, chief conservation officer at the private wildlife sanctuary Lewa Conservancy, is on a rhino darting operation with a team of rangers, a security detail, and a Kenya Wildlife Service veterinarian. Suddenly, he receives a call. There is an elephant at the northwestern boundary of Lewa with a spear in its head.

On the truck ride there, an all-too-familiar story emerges. The region is suffering from a prevailing drought, giving rise to frequent conflict between local people and wildlife competing for scarce water and vegetation. At the bleak scrubland escarpment on the conservancy's border with community grazing land, the Borana herder who'd contacted the rangers is still there, surrounded by his thin, bleating goats. He gestures at a distant desiccated hill.

Another herdsman had brought his parched cattle to a waterhole there when an elephant arrived, drinking the shallow source nearly dry. Desperate, he threw his spear—the herder hefts his own man-tall weapon to demonstrate—sinking it high in the elephant's forehead. It was a female elephant, with a *mtoto*, its little one. The pair were now here, threading their way through the thin trees below us. He points; the rangers nod. The slow-moving elephant comes into focus, dust-brown as her surroundings, her calf hidden behind her.

The vet picks up his tranquilizer rifle, and accompanied by two armed rangers, creeps down the hill and hides in the valley. Another team tramps down noisily behind the elephants, herding them past the waiting vet, who fires a drug dart into the distracted female. She begins stumbling, and then finally sinks to the ground. The *mtoto* leaves his mother's side for the trees as the full team scrambles down into the valley.

It's difficult to get a good sense of just how big these animals are until you're close enough to touch their immense flanks of bark-rough skin and ponder their drum-sized feet. The team crawls over her, working quickly to check her vital signs and holding her trunk up to make sure she can breathe freely. The wooden shaft of the spear was snapped off, leaving the blade sunk into the crown of her head above her right ear. The deep, badly infected wound between the thick skin and the skull must have been painful, making her short-tempered and dangerous. The foot-long double-edged blade slides out with gobs of pus and tissue. As soon as the wound is cleaned and treated with antibiotics, the vet announces it's time to retreat. He is about to administer the antidote to wake her, and she is not going to appreciate any company upon reviving. Half way up the rocky trail we see the calf come out of hiding and tap his trunk on his mama's prostrate form. Slowly staggering to her feet, she shakes herself, then shambles off, her *mtoto* sticking close.

The incident ends on a feel-good note, but most human-elephant conflicts don't. Well-funded teams of rangers and vets like Lewa's are rarely on standby. Nature documentaries that showcase images of elephants living out their complex social lives in a largely empty landscape, peopled solely by reverent researchers who follow their movements at a respectful distance in Land Rovers, are woefully misleading. Those attractive, carefully cropped close-ups are embedded in a far larger, more complex, and often brutal reality of growing human populations encroaching on elephant habitats, setting up clashes where both lose, but inevitably, elephants give way.

With elephants in long-term retreat across much of the continent, those who care about them should not be telling

Africans to write off legal ivory sales. An on-going beneficial ivory trade can be based solely on tusks obtained from natural mortality. The revenue stream from this humane harvest could pay for vital projects, from wildlife corridors to tracking herds to anti-poaching efforts, allowing elephants and human development to co-exist where they can, for as long as they are able.

CONSERVATION VS. BLOOD IVORY

Elephants are now rightly regarded in many quarters as more important than the ivory they bear. But after decades of effective campaigns stigmatizing ivory use ("Only Elephants Should Wear Ivory"), the substance itself has become curiously suspect. In some parts of the world, ivory is tainted, as if it was blood-stained in its essence, rather than by circumstance. It's true that behind every piece of ivory is a dead elephant. But that doesn't always mean the elephant was killed to obtain the ivory. The question is, how did it die? Was it poached—cut down in a hail of bullets? If it was, that ivory is forever stained. It's "blood ivory."

But elephants die of natural causes too. Picture an old bull sinking into a grassy stream bank, the location of its remains marked by wheeling vultures. The worn, blunt tusks taken from its carcass can pass into human hands guilt-free. The pachyderm is dead. The ivory is pure, unblemished. Call it "conservation ivory."

There's quite a lot of this untainted, blameless ivory. The roughly 500,000 elephants remaining in sub-Saharan Africa produce at least 100 tons of ivory annually from natural mortality alone. Wildlife and parks departments across the continent routinely recover a portion of those tusks, depending on terrain (more in open bush, very little in jungle) and available manpower. Historically, recovery rates for "found" ivory in national parks have varied from nearly 30 percent to—more commonly—under 10 percent.

These are warehoused along with tusks from elephants that have to be shot out of necessity. The Kenya Wildlife Service alone shoots dozens to hundreds of elephants a year, from a juvenile that falls into a ditch and has to be put out of its misery to elephants that continually raid crops and kill villagers who try to stop them. Since these elephants aren't being shot for their ivory, but for responsible management reasons, their tusks can also be considered conservation ivory. In addition, tusks are recovered from illegal killings due to human-elephant conflict. If the female elephant treated by the Lewa team had died from her spearing, her stubby ivories would have been removed and added to the Kenyan stockpile.

Most wildlife products are consumptive. To eat sushi, tuna must be killed. It's only trade in poached ivory—blood ivory—that depends on the illegal killing of elephants. Ivory obtained from natural mortality is uncompromised, and as such, a legitimate source for legal trade.

THE IVORY BAN & CRITICS

The 1989 CITES-imposed ban didn't outlaw ivory, or address buying, selling, or possessing it within national borders. That's regulated by each country's laws. The ban prohibits international trade in raw and worked ivory, meaning tusks and carvings, with certain exceptions for antiques and sport-hunted trophies. In the post-ban era, CITES signatory countries with elephant populations not threatened with extinction have twice successfully applied to sell their non-poached ivory stocks. Two stand-alone sales from southern African countries have been permitted—a 50-ton sale to Japan in 1999 and a 108-ton sale to Japan and China

in 2008. Under international supervision, the latter raised $15 million for elephant conservation in the selling countries.

Kenya and its many supporters have long opposed reopening any trade, arguing that even one-off sales "send the wrong message." In 2009, after five elephants were killed and their tusks hacked out in Tsavo Park, Patrick Omondi, now senior assistant director of the Kenya Wildlife Service, claimed that the 2008 sale "has restarted the demand for ivory, and illegal poachers and smugglers are happily back in business." Trade opponents and the media have repeated the assertion that legal ivory sales encourage poaching so often that it's taken for fact. But TRAFFIC, the authoritative wildlife trade monitoring network, found illicit trade in ivory remained flat for nearly a decade after the first one-off ivory sale, before it again began climbing. If one-offs drive illicit trade, ivory smuggling in Japan should have risen with the overall trend, but it's actually declined dramatically.

While these sales help countries with stable or growing elephant populations to benefit by selling stocks of non-poached ivory, they fail buying countries whose carving industries depend on a steady supply. Trade prohibitions, economists remind us, don't always work as intended. Shutting off legal flow of a desired product (alcohol, drugs, tobacco, and the like) ensures that demand will turn to a black market. Without a legal trade to define what constitutes legitimate commerce and demand, the desire for ivory remains inchoate and indiscriminate. That means more, not less poaching.

CHINA'S IVORY MARKET

A legal market is supposed to undercut the black market, but China, which has one, is increasingly implicated in ivory smuggling. After a crackdown on illegal ivory, China was designated an approved buyer (along with Japan) for the 2008 sale, and bid successfully on 62 tons of non-poached ivory. Five tons a year is doled out to designated factories from China's government stocks, keeping prices high for legal elephant ivory carvings. In addition, 60 tons of legal woolly mammoth ivory are imported annually. To many affluent Chinese, the availability of legal ivory means that all ivory in the market is legal, a confusion easily exploited by criminal enterprises.

That may be one reason China's booming ivory market is swollen with illegal ivory. According to TRAFFIC, China's illicit trade has risen steadily for more than 15 years, and now accounts for some 40 percent of the worldwide trade in contraband ivory—other estimates go as high as 70 percent. China's State Forestry Administration, which oversees ivory in the People's Republic, admitted last year that China is a destination for illegal ivory, but said it didn't think the amount "illegally entered into the Chinese market is huge."

BLOOD IVORY CAN BE STIGMATIZED BY EQUATING IT WITH ELEPHANT KILLINGS, AND ITS POSSESSION SHOULD BE A WELL-PUBLICIZED SERIOUS CRIME.

Like the enigmatic smile on an ivory Buddha, the limited information available is hard to interpret. Hong Kong, China's main entry point for smuggled ivory, only inspects 1 percent of the 60,000 containers that pass through the port each day. Yet customs officials seized nearly 7 tons of ivory in the last quarter of 2012. Some illicit ivory doubtless slips into the legal system, despite complex controls. More importantly, the venerable, unregulated

pre-ban ivory trade never really disappeared. It came back to life under lax enforcement, and since 2008 functions as the black market twin of the legal market.

For smugglers, the legal trade system is the attractive front window of China's national ivory shop. With 37 registered ivory carving factories and 145 registered retailers, it lends respectability to shadow businesses lurking in the back of the store with their own sources, stockpiles, carvers, and outlets. As investigations have shown, unregistered vendors are found openly selling illegal ivory, a tip-off that inspections and confiscations by the authorities are rare events.

There's a stark lesson here. If a legal ivory market isn't protected and supported by massive enforcement targeting illegal ivory, it's easily co-opted as a cover for illicit trade. China is allowing widespread abuse of its ivory market, and in the process projecting the false idea that ivory commerce can't be controlled. Stung by mounting criticisms, the country has been tentatively stepping up enforcement, including sending text messages warning Chinese tourists in Kenya not to buy ivory.

Whether this pushback will include a serious crackdown remains to be seen. Considering the government's direct stake in the business, we can only hope that China has the political will to clean house. The rest of the world has little leverage that can be applied to China over this issue, other than making it clear that its culturally important ivory industry has no future if elephants disappear.

There is one pressure point. China wants a steady, legal flow of tusks. But it can't expect international support for that until it cripples its illegal ivory trade. At this year's meeting in Bangkok, CITES signatories demanded that China—and seven other countries—produce hard action plans and target dates for combatting illicit ivory trafficking, or face possible wildlife trade sanctions after July 2014.

PARSING A LEGAL IVORY TRADE

China's two-faced ivory market demonstrates the difficulties of structuring a trustworthy ivory trade. Still, it's worth the effort. Without a well-regulated trade in tusks, all the potential value of ivory from natural mortality that accumulates year by year can never be realized for elephants and the countries that harbor and protect them. Such a trade would have to operate under the 1989 ban, which would stay in effect, forbidding cross-border commerce in ivory except under strict international supervision.

Participating would be African countries with demonstrably well-protected elephant populations that have already been allowed to sell stocks—Botswana, South Africa, Namibia, Zimbabwe. With the future addition of countries with elephant populations that might qualify, such as Tanzania and Zambia, these half-dozen countries, sheltering nearly three-quarters of Africa's elephant population, could be expected to recover 15 to 20 tons of conservation ivory annually from their herds—an amount likely to meet legitimate Asian demand. Non-trading range states, particularly those with threatened populations, need a role in this system and possibly a share of revenues from it for their elephant conservation.

Selling countries would need demonstrably effective domestic policies that will counter illegal trade and poaching, close markets hawking ivory curios to tourists, and replace weak, wrist-slap penalties for wildlife crime. To achieve approved-buyer status, countries such as Japan and China would have to demonstrate similar domestic enforcement regimes to choke off any parallel black market in ivory. Effective

enforcement requires more than policing. It must shape demand with far-reaching education campaigns to persuade consumers to shun illegal ivory. Blood ivory can be stigmatized by equating it with elephant killings, and its possession should be a well-publicized serious crime. Concern for elephants, social stigma, or simply the risk of capture and punishment would lead most ivory consumers to lose interest in illegal ivory, especially if there were a legally, socially acceptable alternative like certified conservation ivory.

Girding the legal market with rigorous enforcement drives down demand that exceeds legal supply, and in any case ensures that there's no easy way to bring poached ivory to a black market. In a heavily enforced environment, a well-structured legal trade becomes the model for the proper disposition of legitimate ivory—in effect a permanent education campaign. Restricting ivory transactions to conservation ivory would, in a profound shift, reform an ancient trade. For the first time in its long history, the commerce would be grounded on elephant well-being, not on tusks of unknown or questionable origin. Ivory value could come to depend on non-poached certification—part of an ivory object's appeal deriving from confidence in its provenance. Any lack would be a cause for rejection.

Many aspects of a truly secure conservation ivory regime are obvious and were outlined in part in a recent report—"Decision-Making Mechanisms and Necessary Conditions for a Future Trade in African Elephant Ivory"—commissioned by the CITES Secretariat. Developing a tracking system incorporating state-of-the-art technology and methods such as GPS-enabled cameras, 3D computer imaging, DNA sampling, microchip tracking, and a comprehensive databank would make it possible to follow specific tusks from initial recovery by rangers in the field to warehousing, auctions, transit, and carving factories, right down to the objects they yield and the certification of purchases and resales. If non-conflict diamonds can be laser-inscribed with a unique ID number to certify provenance, for example, then a system can be devised to tag far bulkier tusks and the carvings made from them.

Various issues remain, like what to do with ivory confiscated from poachers. Including it in salable stocks blurs the crucial difference between blood ivory and conservation ivory. Public support for renewed ivory trading depends on distinguishing certified elephant-friendly ivory from tainted ivory taken from elephants killed for their tusks. While it might seem a waste to incinerate national patrimony, quantities of recovered poached ivory would diminish with the global implementation of a well-regulated legal ivory system.

IT'S SELF-DEFEATING TO INSIST THAT RESUMPTION OF LEGAL TRADE SHOULD BE OFF THE TABLE UNTIL THE CURRENT ELEPHANT CRISIS IS BROUGHT TO AN END.

For many animal advocates, elephants have intrinsic worth. For them, any talk of commerce suggests Africa's herds have only economic value. Yet these trade opponents are quick to point out the importance of these splendid creatures for sub-Saharan tourism. If the dollar value of elephants in that regard is a pure bonus on top of their inherent worth, then so too are funds from the sale of ivory they naturally leave behind. That's why an ivory trade is not only desirable, but inevitable.

UTOPIAN AND UNREALISTIC?

Pioneering Kenyan elephant researcher Iain Douglas-Hamilton, trailed by quote-hungry reporters at the Tsavo West ivory burning, stood next to the blaze and spoke of a "flare-up in illegal killings" of elephants not seen for decades. A veteran of these infernos, he was at the famous 1989 Nairobi torching of tusks, and last year witnessed the one in Gabon. Despite being a vocal supporter of the Big Burn theory, Douglas-Hamilton stops short of dismissing legal trade altogether, suggesting instead that it be indefinitely postponed. "At present," he wrote in a recent blog post, "any call for re-opening a well-regulated legal trade is utopian and unrealistic." He has plenty of support for this view. The World Wildlife Fund says "excessive focus on the issue of legal ivory trade" distracts attention from illegal trafficking.

But it's self-defeating to insist that resumption of legal trade should be off the table until the current elephant crisis is brought to an end. Lack of well-regulated legal trade in ivory has forced demand underground where it continues to drive poaching. What's "utopian and unrealistic" is trying to stop elephant slaughter by burning existing and future ivory stocks and prohibiting trade in the vain hope of extinguishing all demand. As a policy, it's locked into the status quo, which could be catastrophic for elephants in the near- and long-term.

It's time to accept that a reformed legal trade will play an indispensible part in any realistic plan to reduce elephant killings and ensure that detailed planning for eventual resumption keeps pace with enforcement progress. In Bangkok, the CITES effort to establish a working group to study the issue escaped derailment by trade opponents, but the group itself could still become an unwieldy mix of African and Asian elephant range states plus other "stakeholders," such as the United States and United Kingdom—a potential recipe for stalemate.

Even so, the working group has a rare opportunity to bridge sharp divisions among countries on ivory policy. By positing how ivory trade might function in years to come, it permits parties to envision how it could work before governments have to take a position on implementation. Otherwise, there may be nothing new for elephants at the next CITES conference in 2016 in South Africa. Three years from now, the attempt to find a way forward for elephants through ivory commerce could founder on all manner of political issues. Even if it doesn't, the system that results won't be perfect. But in the end, the success of a future trade in tusks will be measured by one standard: Has it reduced poaching? ●