



THE INSTITUTE OF CONSERVATION

Banning UK Sales of Ivory:

Consultation Response

21 December 2017

The Institute of Conservation (Icon) welcomes the opportunity to respond to the [DEFRA's consultation](#) on banning UK sales of ivory. Icon is a membership organisation and charity which brings together those with a passion for the care of cultural heritage. Icon raises awareness of the cultural, social and economic value of caring for heritage and champions high standards of conservation. We represent nearly 3,000 individuals and organisations. Icon's membership incorporates not only professional conservators and heritage scientists, but many others who share a commitment to improving understanding of and access to our cultural heritage. Most of our members are UK-based but many also work internationally. Icon accredits conservators (Accredited Conservator-Restorers) who have reached a proficient level of practice, judgement and ethics across Icon's professional standards which they have to maintain through on-going professional development.

We have responded to questions we consider relevant to our membership and sector.

Q1: Do you agree with the proposed ban?

Yes.

Icon is a registered charity and the UK professional body for the conservation of cultural heritage. Icon raises awareness of the cultural, social and economic value of caring for heritage and champions high standards of conservation through its Professional Accreditation qualification. As conservators, Icon wholeheartedly supports elephant conservation efforts and agrees with the government's proposed ban to halt sales that contribute either directly or indirectly to the poaching of elephants.

We believe that the conservation of the elephant and items of cultural significance containing ivory are not mutually exclusive. Consequently, Icon welcomes the proposed exemptions to allow the continued sale of items, which contain a small percentage of ivory, items of artistic, cultural and historic significance, and of ivory to and between museums.

Icon proposes a further exemption to the ban allowing the continued sale of old ivory to Icon-Accredited conservators specialising in the conservation and restoration of historical objects containing ivory of artistic, cultural or historic value. Icon Accreditation is a professional qualification that demonstrates that a conservator shows a high degree of competence, sound judgement and in-depth knowledge of the principles, which underpin conservation practice. These conservators may in some cases require old ivory in order to preserve significant items containing ivory, such as furniture, decorative objects, books, jewellery, clocks and musical instruments. We believe that the requirement for Icon Accreditation would ensure the appropriate legal, ethical and professional use of this significant material.

Q2. Do you have any evidence to present on how our proposed ban will affect elephant conservation and the natural environment, including wider species conservation?

No.

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Q3. Do you have any evidence to present on the impact of bans in other countries or jurisdictions on elephant conservation and the natural environment, including wider species conservation?

No.

Q4. Do you have any evidence to present on how protecting elephants through the proposed ban would be economically beneficial?

No.

Q5. Do you have any evidence to present on how protecting elephants through the proposed ivory ban would be culturally beneficial?

No.

Q6. Do you have any evidence on how our proposed ban would affect the arts and antiques sectors, or individuals who own ivory items?

Yes.

The proposed ban could affect heritage conservation practitioners specialising in the conservation and restoration of objects of cultural significance of which some may contain ivory. This includes conservators working in museums, libraries, archives, historic properties, and private practices with varied client lists, such as historic houses, museums, libraries, archives, churches and dealers in commercial art and the antiques market. These clients are owners and custodians of a range of items of cultural significance that may contain ivory, including furniture, clocks, musical instruments, decorative objects, books and jewellery.

Changes of temperature and humidity can cause ivory to expand and contract, potentially leading to warping and fracturing. Physical damage can result in loss of original material. Replacement materials, such as old ivory, are required to address breaks, losses, and flakes. The proposed exemptions to the ban will allow for the trade of ivory of artistic, cultural or historic significance. However, Icon-Accredited conservators are prevented from cutting up and using ivory contained in other items of historical or cultural significance. Icon's Code of Conduct stipulates that accredited conservators should "strive to conserve cultural heritage so that it can continue to be used for education and enjoyment, as reliable evidence of the past and as a resource for future study." Conservators thus require old, but culturally and historically *insignificant*, ivory to address significant losses in ivory items. The inability to source such material could have an impact on their ability to carry out conservation and restoration treatments on important objects.

Icon's Professional Standards require conservators to assess their responsibilities both to cultural heritage and wider society and to consider alternative and valid methods in their practice. We thus encourage the use of substitute materials, such as vegetable ivory and plastics, to be considered in ivory treatments. However, in some cases, retaining material integrity may be more appropriate. In these cases, Icon urges DEFRA to consider an exemption for the supply of ivory through the UK's existing confiscated stock to Icon-Accredited conservators (See Q21).

Q7. Do you have any evidence about the value, or number, of sales of items containing ivory in the UK?

No.

Q8. Do you have any evidence about how many UK-based businesses, e.g. those in the fine art, antique or auction sectors, specialise in ivory products?

Yes.

Icon's Conservation Register lists 29 businesses working in the conservation, restoration or analysis of ivory. The Conservation Register is a list of conservation-restoration practices providing commercial services in a variety of specialisms, willing to undertake private work. Icon does not have any evidence on the number of conservation businesses working in ivory that are not covered by the Register. Further, the Register does not include accredited conservators working in museums or institutions unable to accept private work.

Q9. Do you agree that the government should include an exemption to allow the continued sale of musical instruments containing ivory? Please provide evidence to support your view.

Icon is not responding to this question.

Q10. Do you have a view on what the scope of this exemption should be? Should it be qualified, or refined, further than proposed?

No.

Q10 (a). If this category of exemption were implemented as you suggest, what proportion of the existing trade in items containing ivory would you expect to be exempt from the ban? Please provide evidence.

Icon is not responding to this question.

Q11. Do you have any evidence about the current trade in musical instruments for professional use made wholly, or partially, of ivory?

No.

Q12. Do you agree that the government should include a de minimis exemption to an ivory ban? Please provide evidence to support your view.

Yes.

Many items of artistic, historic or cultural significance contain an element of ivory as ivory was historically an abundant material that was easily worked and carved. Such items include clocks, musical instruments, decorative items, furniture, books and jewellery. These items often do not derive their value from their ivory content, but rather from their craftsmanship, utility or history. Further, the ivory content is often an integral structural element and its removal could be detrimental to the item's condition. Historical items of cultural significance containing ivory should be exempt from the ban.

Q13. Do you have any views on what the scope of this exemption should be? Should it be qualified, or refined, further than proposed?

No.

Q13 (a). If this category of exemption were implemented as you suggest, what proportion of the existing trade in items containing ivory would you expect to be exempt from the ban? Please provide evidence.

Icon is not responding to this question.

Q14. What thresholds of ivory content should be set for a de minimis exemption, by either percentage, volume or weight? What evidence do you have for this?

Icon is not responding to this question.

Q15. Do you think that a de minimis exemption could also capture the majority of musical instruments containing ivory?

Icon is not responding to this question.

Q16. How should this exemption operate in practice?

Icon is not responding to this question.

Q17. Do you agree that the government should include an exemption to our ban to allow the continued sale of items containing ivory of artistic, cultural, or historic significance? Do you have any evidence to support your view?

Yes. However, the exemption should specify that this refers to historical items only. Otherwise there is a risk of new “cultural” or “artistic” objects being created out of ivory and sold.

The Icon Professional Standards state that an accredited conservator “acts with awareness of and respect for the cultural, historic and spiritual context of objects and structures” and “is able to handle value-conflicts and ethical dilemmas in a manner which maintains the interests of cultural heritage.” Accordingly, Icon advocates the protection of cultural heritage, including historic items containing ivory.

Since antiquity, ivory has been widely used for the creation of works of art. These artworks fill our museums and historic houses and form an important part of our cultural heritage. The items are evidence of human artistic and technical achievement and the history of global encounters, tastes and trade. The proposed exemption would allow for such items to be collected, displayed and conserved for the appreciation and education of future generations.

The objects were created in an entirely different historical, cultural and ethical context, with ideas and beliefs that we would consider alien. The use of what is now an illegal material should not lead us to outlaw past artworks or prevent us from appreciating the beauty of their craftsmanship or the meaning and significance of their history. The absence of an exemption could lead to unnecessary destruction and confiscation, which could be interpreted as an act to censor an uncomfortable past. It would also miss an opportunity to use the historic artworks to facilitate discussion on the brutality of the ivory trade and changing attitudes to the material’s use.

Q18. What do you think the scope of this exemption should be? How should artistic, cultural, or historic significance be defined?

In the event that Icon-Accredited conservators are asked to carry out conservation work on an item that is exempted because of its artistic, cultural or historical significance, the significance can be defined by the Icon-Accredited conservator utilizing a standardized methodology, which relies on comprehensive research into the item’s history, provenance and context. Such an assessment would ensure that items, whose value only derives from their ivory content, would not fall under the exemption category, and that items of artistic, cultural or historic value are preserved.

A number of publications guide heritage professionals in making assessments of significance. Historic England’s guidance for assessing heritage significance is based on an understanding of material, history, stakeholders, values, context and comparative examples. The Getty Conservation Institute’s *Assessing the Values of Cultural Heritage* focuses on methods of establishing cultural significance through a “toolbox approach,” comprising expert analysis and stakeholder consultation. The Collections Council of Australia’s methodology weighs an item against four primary criteria (historic, artistic, scientific and social) and four comparative and modifying criteria (provenance, rarity or representativeness, condition or completeness, and interceptive capacity).

Icon suggests a dedicated group of accredited heritage professionals develop a standardized methodology for assessing the significance of items containing ivory. The framework should be easy to use but comprehensive in considering the many potential dimensions of significance.

Q19. How do you think such an exemption should operate in practice?

Icon proposes an Animal and Plant Health Agency (APHA) certification scheme that includes an assessment of significance, developed and carried out by accredited heritage professionals. The assessment of significance would enable APHA's decision on an item's inclusion in the exemption.

Icon-Accreditation guarantees high standards of practice and ethics through rigorous assessment and continuous development. Accreditation provides a clear method of sourcing technically proficient, experienced and specialist professionals. We believe that the appointment of accredited heritage specialists will assure high quality across assessments of significance and contribute to the exemption's transparency and robustness.

Icon-Accredited conservators, can be accessed via our Conservation Register. Accredited conservators are skilled in undertaking assessments of significance, as determined by Icon's Professional Standards, which state that a conservator has "the ability to assess cultural heritage" and "understands the significance and context of the heritage to be assessed."

Further, conservators are familiar with carrying out due diligence on items containing sensitive materials. Conservators encounter a large variety of antique items, which may include animal materials under trade restrictions. The Icon Code of Conduct ensures conservators work within the required legal framework and take steps to identify illicitly traded cultural objects. There is a robust complaints procedure in place to investigate members of Icon and apply sanctions in the event of a breach of the Code of Conduct.

Q20. Do you agree that the government should include an exemption to allow continued sales of items containing ivory to museums or between museums? Please provide evidence to support your view.

Yes. As with Q.17, however, the exemption should specify that this refers to only historical items of artistic, cultural or historic value. Otherwise there is a risk of new items being created out of ivory and sold.

The Icon Professional Standards state that an accredited conservator "acts with awareness of and respect for the cultural, historic and spiritual context of objects and structures" and "is able to handle value-conflicts and ethical dilemmas in a manner which maintains the interests of cultural heritage." Accordingly, Icon advocates the protection of cultural heritage, including items containing ivory.

Since antiquity, ivory has been widely used for the creation of works of art. These artworks fill our museums and historic houses and form an important part of our cultural heritage. The items are evidence of human artistic and technical achievement and demonstrate the history of global encounters, tastes and trade. The proposed exemption would allow for such items to be collected, displayed and conserved for the appreciation and education of future generations.

The objects were created in an entirely different historical, cultural and ethical context, with ideas and beliefs that we would consider alien. The use of what is now an illegal material should not lead us to criminalise past artworks or prevent us from appreciating the beauty of their craftsmanship or history. The absence of an exemption could lead to unnecessary destruction and confiscation, which could be interpreted as an act to censor an uncomfortable past. It would also miss an opportunity to use the artworks to facilitate discussion on the brutality of the ivory trade and changing attitudes to the material's use.

Q21. Should any other form of institution/s or organisation/s be covered by this exemption? If so, please state which and provide evidence for your view.

We believe that the exemption should include Icon-Accredited individuals specialising in the conservation and restoration of objects containing ivory of artistic, cultural or historic value.

These individuals cater to a varied client list including historic houses, museums, libraries, archives, churches and dealers in commercial art and the antiques market. These clients are owners and custodians of a range of items of cultural significance that may contain ivory, including furniture, clocks, musical instruments, decorative objects, books and jewellery. The conservation of these items may in some circumstances require old, but culturally and historically insignificant, ivory (See Q6).

Icon is mindful of the UK's existing stockpile of impounded ivory in the Border Force's collection. The storage of this confiscated material is undoubtedly resource-heavy. We propose that Icon-Accredited conservators are given the opportunity to apply to use this existing stock for the purposes of conserving and restoring historical items of artistic, cultural or historic significance. Access to the existing stock could be considered in exceptional cases, when the use of substitute materials has been assessed and deemed inappropriate.

There is a precedent for illegal materials being made available for the purpose of conserving cultural heritage. For example, in England, a supplier can, with the approval of Historic England, supply lead paint to be used in the maintenance or restoration of Grade I or II listed buildings, scheduled monuments and fine or decorative works of art created before 1992. This exemption recognizes that the use of authentic materials can help retain the character of heritage.

We recommend the exemption being limited to Icon-Accredited conservators. Accreditation is a robust method to monitor the ethical use of materials as Icon Accreditation guarantees high standards of practice and ethics through rigorous assessment and continuous development. Icon's standards ensure accredited conservators work within the required legal framework and consider the ethical basis of their profession.

In practice, the supply of old ivory could be administered through an application process. This would require applicants to provide proof of the conservator's Icon-Accredited status, evidence of the historical item's artistic, cultural or historic significance and need for treatment, evidence that the material will be used solely for conservation or restoration purposes and proof that substitute materials have been considered and deemed inappropriate.

Q22. Do you think we should consider any other exemptions to this ivory ban? Please provide evidence.

No.

Q23. Do you have any evidence on the scale, in terms of value and/or volume, of any of these exemptions?

No.

Q24. Do you have any views as to which public body should be responsible for enforcing the ban?

We consider the APHA the most natural choice for enforcing the ban and issuing certificates for items that fall within the exemption categories.

Q25. Do you have any views as to the sanctions that should be applicable to those found to be in breach of this ban?

No.

Q26. Do you think that it should be for those involved in the sale to demonstrate that an item falls into an exempted category? Do you have any evidence to support this? How might this be enforced?

Yes.

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Q27. Do you have any other comments about this proposed ivory ban?

Icon would like to raise the question of the future of the UK's existing stockpile of impounded ivory, such as the Border Force's collection.

Other countries, such as France and the United States, have destroyed ivory stockpiles as a part of a symbolic strategy against the ivory trade. Icon acknowledges the power of such symbolism but would like to stress the risk of confiscated ivories of artistic, cultural or historic significance being destroyed in the process. In 2015 two heritage professionals identified two "pieces of interest" within a pile of ivory set for destruction in New York. If the government intends to consider a strategy of destruction, Icon strongly advocates a pre-screening process involving accredited heritage professionals as a part of any event to destroy works.