

Musicians'
Union



Musicians' Union
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MU response -proposed banning of UK Ivory Sales. **November 2017**

1. Part 2: Proposals

What are we proposing?

Q1. Do you agree with the proposed ban?

The Musicians' Union (MU), Musical Industries Association (MIA) and the Association of British Orchestras (ABO) support the principles of an Ivory ban. We welcome and support the proposal for amusical instrument exemption. To not exempt these highly valuable and culturally significant items would be to the detriment of musicians, their livelihoods and the cultural heritage of the UK.

2. Part 3: Impact and call for evidence

Conservation:

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?

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?

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

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

The evidence we have is based on the age and value of musical instruments. The protection of Elephants is also something our members value highly, they have informed us of this. Putting this ban in place will be culturally beneficial

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as with a musical instrument exemption comes the recognition that ancient and modern worked ivory has been used to the advantage of the creation of highly valuable instruments at a time when alternative materials were not available. Destroying or devaluing these instruments will have a detrimental cultural impact and a financial impact on Musicians.

UK business

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

We believe this question is best answered by those organisations directly involved in the Arts and Antiques sector. However, without the exemption, instruments and their associated accessories such as bows will lose their value. This will have a financially devastating effect on the Musician who will have been looking to the value of their instrument as a 'nest egg' for a dignified and respectful retirement, or the ability to pass their instrument on so that others may benefit culturally or financially from any transfer or sale.

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

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?

Exemptions

Musical instruments

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.

Yes, we agree that the ban should include a standalone exemption for musical instruments and their associated accessories such as violin, viola, cello and double bass bows. To not exclude these highly valuable and culturally significant instruments would be to the detriment of musicians, their livelihoods and the cultural heritage of the UK. As identified in the 'Context' section of the DEFRA consultation musical instruments '*Contribute neither directly nor indirectly to ivory poaching*' and, '*the intrinsic value of the [instrument] is not due to its ivory content*'.

We have attached to this consultation a database of evidence from MU members that outlines a range of instruments and their associated accessories and the minimal amount of ivory contained within. Appendix 2.

We would be happy to agree a definition for the purposes of this issue of a musical instrument such as "A musical instrument is a crafted product that has been designed and made with the primary intent of facilitating a musical performance"

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

We believe the scope of this exemption should be defined as; '*Musical Instruments and their associated accessories*'. Whilst a Bow on its own produces no musical sound it is without doubt a fundamental part of the instrument. A bowed stringed instrument has, by definition, the requirement of a bow to produce musical sound. Other instruments that use additional parts, which, as a standalone item make no musical sound themselves, however are designed with one specific purpose in mind- as an accessory to an instrument which, when combined, do make a musical sound.

There is evidence of instruments and their associated accessories being manufactured with small amounts of ivory up to 1980 and potentially beyond. We know from Peter Beare violin maker and member of <http://www.eila.org/> that Mammoth Ivory is the material used in bow making since the 1980's. However, as detailed in the proposal from DEFRA a musical instrument should be covered under that exemption and the need to carbon date a piece of Ivory which would effectively destroy the instrument should not be necessary.

There is also the issue of repair and where an instrument remains the property of the owner but requires shipping overseas and back for repair.

Asian Ivory has not been used in instrument manufacture. We understand that there is pressure to agree a 1975 cut-off date, however as that date refers to when Asian Elephants were listed under CITES Appendix I not African (there first listing was Appendix III) it is not helpful.

African Elephants were moved to CITES appendix II in 1989 and then to Appendix I on 18 January 1990. Therefore, we believe the scope of this exemption should be extended to 1989. We do not believe that this date will in any way have a negative effect on conservation.

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.

We would expect that exemption to apply to all musical instruments. From the evidence supplied to the MU we are aware of the following main categories of instruments such as, but not limited to: Accordions; Bagpipes; Bassoons; Banjos; Clarinets; Cello Bows; Flutes; Pianos; Recorders; Serpents; Violin Bows; Viola Bows, however we do not believe this list to be exhaustive. To allow these valuable instruments to be traded would ensure the cultural exchange and significance of these instruments would be preserved but also in many cases allow a musician who relies heavily on the value of their instrument to provide financial provision for a dignified retirement from the profession.

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

We have a statement from Gary Bridgewood of Bridgewood and Neizert – violin makers in London which we have attached as an appendix to this response (Appendix 1), outlining the value of some of the bows and the dates of manufacture also in support of the need to sell valuable instruments as a means of support in later life.

De minimis

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

Whilst we understand a ‘de-minimis’ amount is being proposed we believe the primary consideration should be the musical instrument exemption first and foremost. There are, on rare occasions, certain specific instruments such as a Theorbo dated in 1670 which contains more than a 300 gram de-minimis, however, this would be an item of significant cultural value and more a museum/heritage piece rather than a working instrument. That said, by definition, it’s a musical instrument and therefore further exempt. Of the evidence we have gathered we cannot find instruments that contain more than 300 grams or 20% of the fabric of the instrument but that is not to say that they don’t exist. We believe the musical instrument exemption should be the primary consideration of the exemption. The de-minimis amount we understand is there to cover many other objects but should not be the overriding criteria for musical instruments.

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

See our response to Q10.

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.

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?

We think that 300 grams and 20% is reasonable for the other sectors, however should a musical instrument contain more but was made prior to 1947 that would fall into the antique category AND the musical instrument exemption and if made after 1947 it should simply fall into the musical instrument exemption.

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

It could yes, however we do not believe it should be the defining qualification. We understand that the dating of Ivory is only possible by certain methods which if applied to a musical instrument and its associated accessory would destroy the integrity, tonal quality and value of the instrument. Therefore, the exemption for musical instruments would be the defining exemption as opposed to the 'de-minimis'.

**Q16. How should this exemption operate in practice?
Items of significant artistic, cultural or historical value**

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?

In the case of musical instruments – yes, we do believe this should be allowed to continue. The UK has a significant amount of highly skilled baroque and ancient music ensemble's that are wholly reliant on period instruments to be available to recreate the unique sounds that can only be replicated on period instruments. Furthermore, places of historic and cultural artistic significance such as Shakespeare's Globe Theatre (SGT), Royal Shakespeare Company (RSC) and the Historic Royal Palaces (HRP) which engage musicians on a regular basis to recreate original music from ancient history. These musicians are engaged because of their ability and ownership of period instruments. The MU has a long-standing collective bargaining agreements with SGT and RSC for the engagement of musicians and is in talks with the HRP on a similar basis. The ABO who represents Orchestras in the UK will be able to provide evidence of such ensembles, however the MU has members working in ensembles such as, but not limited to; The Avison Ensemble; The English Concert; The Sixteen; The Gabrielli Consort; Dunedin Consort. London Handel Orchestra. Our members also work globally with such ensembles and therefore the safe passage for their instruments across the world is fundamentally important. We welcome the clear message within the consultation document that it is not intended to *'affect the display of ivory and ivory products in, for example, museums, galleries, stately homes or other similar places, or the ability of musicians to travel abroad with their instruments, including for concerts, where this is currently permitted'*.

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

Q18 (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.

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

Allowing the continued sale of ivory to museums.

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.

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.

General questions on exemptions

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

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

3. Part 4: Enforcement

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

Q.25. Do you have any views as to the sanctions that should be applicable to those found to be in breach of this ban?

Q.26. 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?

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

Appendix 1. From Gary Bridgewood of Bridgewood and Neitzert instrument retailers:

You can see some examples of bows, which typically are the most common items to have ivory, some examples;

1. an original ivory frog on a bow from

1770 <https://bridgewoodandneitzert.london/product/baroqueclassical-violin-bow-by-john-dodd-london-c-1770-2/>

2. an original ivory frog on a bow from

1790 <https://bridgewoodandneitzert.london/product/baroquetransitional-violin-bow-by-john-dodd-branded-norris-barnes/>

3. an ivory frog on a bow, I don't know the date but in my expert opinion it is likely to have been made 1970's or early

80's <https://bridgewoodandneitzert.london/product/baroque-cello-bow-walter-mettal/>

4. The majority of violin bows have used ivory to protect the head and tip, mammoth from memory was introduced in the early to mid 80's I think I first saw it offered by a German supplier Gunther Dick fine tools, this bow dating from 1930's is an example of typical orchestral musicians bow <https://bridgewoodandneitzert.london/product/violin-bow-by-louis-bazin-2/>

Instruments tend not to have ivory as a material used in their manufacture, when it has been used it is occasionally for the top nut, this is at the end of the fingerboard where the strings are positioned in their string slots before passing over into the pegbox and onto the pegs for tuning. The weight is in the region of 3.5 grams for violin and viola and 6.5 grams for cello.

I have just weighed some tips which have their ebony or fibre lining and the heaviest for bass is no more than 4.5 grams, I weighed a baroque cello frog of ivory which weighed 13.5 grams which included its brass eye which is screwed into the underside and allows the thread of the adjuster to pull the frog and hair tight in order to play, this part for cello only weighs 1.2 grams. The total weight of this cello bow is 75 grams, the weight of the frog is 12.3 grams with the weight of the eye removed, the weight of the adjuster and screw is 5.4 grams, the weight of the screw is 2.7 grams so the weight of ivory for the adjuster is 2.7 grams. The total weight of ivory in this bow is 15 grams, which is 20% of the weight of this bow.

It would be really helpful if these items for musicians could be made exempt from the cut off of 1989, the real difficulty is proving the age of the ivory used, the identification of ivory compared to mammoth or bone, as experts it is clear the difference between bone and ivory/mammoth but less so with ivory and mammoth.

It must be borne in mind that many musicians use their instruments as an investment for their retirement and bows for instance that no longer carry their original parts can be seriously devalued.

The British Musicians' Union was established in 1893 and represents over 30,000 musicians working in all sectors and genres of music. As well as negotiating on behalf of its members with all the major employers in the industry, the MU offers a range of services tailored for the self-employed by providing assistance for professional and student musicians of all ages.

More info: theMU.org