

Written evidence submitted by Amir Mohtashemi Ltd (IVB08)

Authority to comment

Amir Mohtashemi is a leading specialist in Indian and Islamic art. His experience in this field spans 25 years and today his advice is sought by private collectors and museums worldwide.

Summary

The gallery Amir Mohtashemi deplores the poaching of elephants and understands the need for new legislation to regulate the trade of ivory. A total ban without exemptions, however, would be detrimental to the antiques sector, private collectors, dealers and museums. Dealers will sustain substantial losses, while private collectors will see the value of their collections diminish. Museums will also suffer because there will be no further opportunity to add to their growing collections of objects, which may happen to contain ivory.

Furthering this opinion in the second reading of the Ivory Bill, Michael Gove has indeed acknowledged that there is a worldwide acceptance of the need for exemptions to reflect past uses of ivory where it was deployed for artistic or cultural reasons to produce certain specific artefacts at specific times that have a particular value. For example, he has granted exemptions for certain items such as musical instruments and portrait miniatures due to their artistic value, stating that people are not buying them for their ivory content. Furthermore, there has been reference made by NGOs such as WWF stating that it does not believe that the exemptions will have a negative impact on the poaching of elephants or the illegal ivory trade.

In this submission we would like to request an amendment to the 'rare and important' exemption to include an exemption for pre-1947 worked ivory. In the below points we would like to explain that an exemption for pre-1947 worked ivory will not contribute to poaching, and is important for the preservation of culturally, historically and artistically significant objects, and that these objects are not collected for their ivory alone.

Explanations

- 1. There is no evidence to suggest that the trade in genuine pre-1947 worked ivory items of cultural, historical or artistic importance contributes to the continued poaching of ivory, as pre-1947 worked ivory is not collected or traded for its ivory content. The size and weight of the ivory is irrelevant to its value and it is the significance of the item that determines the value.**

The below object, for example – an early 19th century object from Sri Lanka depicting a royal figure – was formerly in our gallery and then sold to the National Heritage Board Museum,

Singapore for £10,000 GBP. There is a similar example held in the Metropolitan Museum of Art, New York, Acc. No. 2010.142. The historical and commercial value of this object will prevent it from entering the circulation where there is a danger of it being re-used to make a cheap trinket. We discovered this item in a private UK collection and subsequently placed it in a museum.



When comparing this piece to modern, low-value trinkets on the market such as the below example priced at £40 - £80 GBP, it is clear that our high value item would not be re-used to make a cheap trinket. People are not collecting items of historical and cultural importance for the ivory itself, rather, for the significance and preservation of the overall object.

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LOT
1012

AFRICAN IVORY BOAT WITH 5 FIGURES, L. 52 CM. 27.00 % BUYER'S PREMIUM ON THE

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African ivory boat with 5 figures, l. 52 cm.

2. As exemptions have already been recognised for musical instruments, furniture and portrait miniatures, the same process should be applied to all objects dating to pre-1947. Without this extension we risk losing culturally, historically and artistically significant items in our museums and private collections.

Our gallery has sold many objects to museums and private collections. An example includes the below image of an extremely rare 17th – 18th century Indian cabinet we sold to the Islamic Arts Museum in Malaysia. A similar example is housed in the Victoria and Albert Museum, London, Accession Number LOAN: POTELIAKHOFF.1 TO 27.



Should the 10% de minimus criteria come into effect as per the Bill, this cabinet would not have passed and therefore a magnificent cultural object would be condemned.

Solution

Michel Gove noted that the Bill was not referring to the pre-1947 threshold because of the difficulty, in practice, of proving pre-1947 provenance. Dating to pre-1947, however, is the same technique as dating to pre-1918 or 1975, both of which the Government has accepted is possible. With this in mind, could we not consider the option of having a panel of experts to manage this process. This panel would be made up of experts in the field ranging from museum curators to collectors, academics or ex-dealers. To fund this process a fee would be charged for every application, such as the existing process in place with CITIES licenses. A higher charge for such a certification plan will eradicate low-value and suspect items circulating in the market, and will ensure dealers take full responsibility for their purchases and sales. Furthermore, the certificate can accompany the object through its life further protecting authentic and old items containing ivory.

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