

1925

E.AFRICA  
W.AFRICA  
S.AFRICA

163

31016

Reg.  
Rec. 8 JUL 25.

DATE

6th July, 1925.

FOREIGN OFFICE

INCULCATION:-

*Cressy to ...  
to ...*

PROTECTION OF ELEPHANTS AND RHINOCERI.

U.S. of S.

*M. ...*

States as to difficulty anticipated in obtaining consent of other signatories of proposed convention to a reduced weight limit for tusks from N. and S. Rhodesia; requests shewing that Rhodesian elephant is smaller species. States conditions under which other Governments would be urged to adopt 1914 convention.

U.S. of S.

U.S. of S.

U.S. of S.

Previous Paper

Gov. 5208/25 N. Rhod.  
See F.O. 2725/25 Kenya  
See Gov. 28351/25 Uga.

MINUTES

(1) This was sent to "Doms Dept." when it arrived, but it is, I think, primarily for T.T. Dept. I am sorry that it was delayed in the Dept. I have now put up S.A.pp. (G.G./38246/24 Doms U.S.Af. and previous papers).

(2) The F.O. have misunderstood the position as to S. Rhodesia. S. Rhodesia will, of course, have to be consulted as to any international convention or arrangement which it may be decided to try to secure: but it is in N. Rhodesia, not N. and S. Rhodesia that the special difficulties exist.

(3) As regards weight limit for export in the Union, see G/G/45980/23 Doms U.S.Af. and G.G./38246/24 Doms U.S.Af.

A.C.C.P.

28.7.25.

~~Mr. Machig.~~  
~~Mr. Green.~~

To take the two points which specially affect N. Rhodesia:

(1)

Subsequent Paper

*no. 2 11917*

(1) Weight.

The representations of the Government that the present limits of 22 lbs the pair, and 11 lbs the single tusk, should remain in force in N. Rhodesia were based chiefly on the experience of Mr. Tagart, the Secretary for Native Affairs. I presume we should have to ask <sup>the Govt</sup> ~~him~~ for the exact statistics <sup>and date</sup> referred to by the Foreign Office.

(2) Rights of the Paramount Chief of the Barotse.

These are explained in Sir D. Chaplin's despatch in 30471/23 S.A.H.C. As modified by the 1924 Agreement with Yeta, they are, briefly, that the Paramount Chief owns all elephants in the Barotse district, and all ground tusks of animals dying from natural causes or misadventure are his property: in this connexion it is pertinent to quote Sir D. Chaplin that "the elephants which do damage to native gardens are generally the smaller and younger animals, and natives can hardly be expected to refrain from taking what steps they can to protect themselves because the animals may be cows or not full-grown".

If Yeta cannot dispose of his ivory, these rights are <sup>to</sup> ~~his~~ unless to him.

The Governor has given us a definite assurance in 52022 (same Ordinance) that "it is emphatically the policy of this Government to give all reasonable protection to the elephant of the Territory." And he goes on to say that "the imposition of restrictions in regard to elephant upon the Paramount Chief would involve a breach of faith."

We told the F.O. in letter of 30th April that the Secretary of State was not prepared to express a definite opinion with regard to <sup>the</sup> ~~Barotse~~ <sup>Basutoland</sup> without further reference to the Governor. And it may be thought desirable to do so at once. But I consider that

5205/25.

(not sent on.

that the effect of appearing to impose restrictions on Yeta, who probably wouldn't understand fully any suggestions as to treating his ivory as Government ivory, would be most unfortunate: it is only recently that the agreements with Yeta regarding unpaid labour and game licences have been concluded and we do not want to disturb him again now that the Governor has so greatly improved the position in <sup>the</sup> ~~Basutoland~~ <sup>Basutoland</sup>.

For these reasons I should ~~be~~ <sup>be</sup> inclined to let the matter drop, and to explain accordingly to the Society for the Preservation of the Fauna of the Empire.

*I mentioned this yesterday to the A-Gods, the Chief Secretary of N. Rhodesia and he was emphatically of the opinion that this question should not be raised with Yeta if possible. He was sure he would submit proposals, and he felt that it would put that side of the way of the big job to Govt. working of the system of administration of justice in Basutoland, namely of justice. I agree. Equ 307/25. 307.25*

*And I think as regards the first point, I think we may have gone too far in*

telling the 70. That the general had said that the  
A.R. Loderie & his kind elephants were smaller than  
others. I can find no real statement - Not he  
said us that they had lighter tasks, which is not  
the same thing.

5207-

I am inclined to work in the Sec. of the P. Zoo.  
Society & say that in connection with reasons for the  
presence of elephants it has been ~~stated~~ <sup>intended</sup> that the  
minimum number of elephants for tasks or export is  
less than 44, I should be glad to help  
if I cannot in any other way. The general had said that the elephants  
these are <sup>very</sup> important and <sup>very</sup> small tasks. These  
written to ~~discuss~~ <sup>discuss</sup> the effect of <sup>any</sup> <sup>group</sup> <sup>of</sup> <sup>individual</sup>  
very, he has stated that the elephants in their  
condition ~~could~~ <sup>could</sup> <sup>not</sup> <sup>be</sup> <sup>used</sup> <sup>for</sup> <sup>work</sup> <sup>of</sup> <sup>44</sup> <sup>or</sup> <sup>less</sup>  
that <sup>it</sup> <sup>is</sup> <sup>not</sup> <sup>advisable</sup> <sup>to</sup> <sup>use</sup> <sup>them</sup> <sup>for</sup> <sup>work</sup> <sup>of</sup> <sup>less</sup> <sup>than</sup> <sup>44</sup>  
and <sup>it</sup> <sup>is</sup> <sup>not</sup> <sup>advisable</sup> <sup>to</sup> <sup>use</sup> <sup>them</sup> <sup>for</sup> <sup>work</sup> <sup>of</sup> <sup>less</sup> <sup>than</sup> <sup>44</sup>  
his <sup>is</sup> <sup>not</sup> <sup>advisable</sup> <sup>to</sup> <sup>use</sup> <sup>them</sup> <sup>for</sup> <sup>work</sup> <sup>of</sup> <sup>less</sup> <sup>than</sup> <sup>44</sup>  
I hope to submit

from Africa

any further communication  
subject, please quote  
A 2246/2115/60

31015

FOREIGN OFFICE.

S.W.1.

6th July, 1925.

8 JUL 1925

Under-Secretary of State,  
Foreign Office,  
London, S.W.1.

Sir,

I am directed by Mr. Secretary Chamberlain to reply to your letter of the 30th April last enquiring whether, provided that a scheme to safeguard native rights can be devised to the satisfaction of certain British African administrations, the question of an international convention for the protection of the African elephant and rhinoceros on the lines of that agreed upon in May 1914 could in Mr. Chamberlain's view, be re-opened with a prospect of success.

2. In this connection I am to state that it would appear to Mr. Chamberlain at first sight somewhat difficult to suggest to other signatories of the proposed convention that the weight limit for tusks agreed upon in 1914 should now be generally reduced in order to conform to conditions obtaining in Northern and Southern Rhodesia.

3. There might, however, be some prospect of arrangements for the recognition of a reduced weight limit for tusks from Northern and Southern Rhodesia if evidence could be provided to show that the Rhodesian elephant is of a smaller species or growth than the African elephant generally. I am accordingly to request that Mr. Chamberlain may be furnished with any statistical or other data that may be available on this subject, and

Under-Secretary of State,  
Colonial Office.

may be informed what would be the highest limit, as near to twenty two pounds as possible, acceptable to the authorities of Northern and Southern Rhodesia. It will be remembered that the French Government, as will be seen from Foreign Office letter A 6961/479/60 of the 30th September 1921, have been informed that His Majesty's Government are "not in a position to interfere" with certain native rights of hunting or ownership of elephants in Rhodesia. It has, however, occurred to Mr. Chamberlain that it might be possible, if a lower weight limit were thus fixed for Rhodesia, to induce the natives affected voluntarily to forego their rights.

4. I am to explain that, failing reliable evidence to show the smaller size of Rhodesian elephants Mr. Chamberlain would not, as an alternative, feel inclined to revert to any proposal, based on the guaranteed native rights, for according exceptional treatment to Rhodesia, since in the face of the replies of the French Government to previous suggestions to this effect, (Foreign Office Letters A 1377/479/60 of the 2nd March 1921, and A 8779/479/60 of the 23rd November 1921) Mr. Chamberlain feels that it would be useless to approach the French Government again on these lines.

5. If, however, evidence of the nature asked for can be provided, and, on the assumption that the Union Government of South Africa would now be prepared to accede to the terms of the convention agreed in 1914, and that the convention, in such case will also apply to

South

To  
18989/21  
S.A.W.

To  
5402/21  
To S.A.W.  
5-258/11  
S.A.W.

South West Africa, Mr. Chamberlain would be prepared, as indicated above, to urge on other governments concerned the desirability of adopting the 1914 convention, with a special provision to meet the facts of the case in regard to Rhodesian elephants.

6. The only alternative suggestion that occurs to Mr. Chamberlain is that put forward by the Society for the Preservation of the Fauna of the Empire, viz. that a prohibition of export should be imposed at all African ports on tusks of lower weight than twenty two pounds or on ivory derived from such tusks. Nothing in this proposal could, so far as Mr. Chamberlain is aware, be held to conflict with native rights of hunting or ownership of elephants, for it would appear evident that His Majesty's Government in guaranteeing these rights could at no time have intended to guarantee to the natives an absolute right to dispose of ivory in neighbouring, e.g. Portuguese territories any more than His Majesty's Government were in a position to impose upon these territories any corresponding obligation.

7. So far as he is in a position to form an opinion, Mr. Chamberlain is disposed to doubt whether a prohibition of export would be efficacious or practically enforceable, but, if Mr. Amery were satisfied on that head, Mr. Chamberlain would be prepared, as an alternative measure, to propose to other governments concerned a general system of prohibition of export of under-sized ivory from African parts.

I am,

Sir,

Your obedient Servant,

*Robert Chamberlain*

Greasy 18.9

*Donner 13/11/25*

*Ans'd  
19.7*

*Ind*

C. D.  
R. 14 AUG  
D. 14

*JC*

- Mr. Strachey.
- Mr. J. Shackburgh.
- Mr. Davis.
- Mr. G. Grindle.
- Mr. Mallett Smith.
- Mr. Ormsby-Gore.
- Mr. Amery.
- See memo*

RAFT.

14 August

1925

Secretary  
The Royal Zoological  
Society,

Sir,

I am, etc., to inform you that, in connection with the measures which it has been proposed to take for the protection of elephants, it has been contended that the minimum weight allowable for tusks on export from Africa, which has been generally taken at 44lbs. the pair, should be reduced to half that weight in the case of tusks exported from Northern Rhodesia on the ground that elephants in Northern Rhodesia and Nyasaland carry much lighter tusks than elephants elsewhere.

2. The purpose of the <sup>imposition of a minimum weight</sup> proposed measures is to prevent the export of immature ivory, but it is stated that full-grown elephants in Northern Rhodesia and Nyasaland rarely have tusks weighing as much as 44lbs, so that it would be incorrect to assume that any lower weight is evidence of immaturity.

3 I am to enquire whether you are in a position to confirm or dispute this statement.

I am, etc. *(s) S. A. Mackay*  
for Under Secretary of State