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Foreign Office

1913

10 Apr.

Last previous Paper.

10/10756
neg

Ivory Legislation

Leads for obsrv. dep. p. Cairo forwarding memo by Capt. of game preservation dept. Sudan. Submitting proposals in regard to regulations for preventing illicit trade in ivory.

Sir G. Fiddes

Mr. A. L. Butler's memo is interesting. He points out that to be effective the measures which he proposes must be enforced rigidly by all admin. We had better sound the F.O. with ref. to them (70/10756). A 31st March & previous date that the laws have recently reduced the amount for tusks from 22 lbs to 14 lbs, + also with ref. to them (70/34276 (112)). that we do not yet know what time the F.O. are going to take - + say that the first thing to be done appears to be to get these

899318 ans 2 April 1913

Copy sent to Mr. Fiddes

FOR THE W.L.S. DEPT. - 24 ALBANY ST. LONDON, W.1.

Next subsequent Paper.

10/14069

... that the limit for trucks is
the S.A.P. is about 30 lbs + that the
limit is also being imposed in regard
+ that the amount of on the point
... that if the weight limit
will be brought to the value of the
... of these put in a copy of
... to S.A.P. regarding for even
L.P.P. ?

See 8/10/13
in the
UNSI
under 7

H. J. R.

14/17/13 P.D. 17.4.13

Ch. N. 13

18.4.13.

18.4.13

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In any further communication on this subject, please quote No. 14261/1913
The Under-Secretary of State
Foreign Office,
London.



The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies and, by direction of the Secretary of State, transmits herewith ~~copy of the minutes of the~~ observations, ~~copy of the~~ for

Foreign Office.
April 10, 1913.

Reference to previous letter
Colonial Office No. 25237, September 8, 1912.

Description of Inclosure

Name and Date.	Subject.
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The Agent and Consul General,
at Cairo
No. 6 Africa. March 21.

Prevention of illicit trade
in Ivory.

respecting

* No.

19329-12

Sir,

I forwarded to the Airdar the correspondence which you transmitted to me with your office on September 24th. last on the subject of the proposed regulations to prevent illicit trade in ivory. I now have the honour to enclose herewith a memorandum drawn up at the Airdar's request by Mr. A. B. Butler, Superintendent, Game Reservation Department, Sudan Government. Mr. Butler makes the following recommendations:

A. The necessity of fixing the weight not less than twenty five pounds below which it shall be illegal to export elephant tusks from any African port.

B. That all elephant tusks under this weight shall be declared to be contraband and, wherever possible, confiscated by the administration concerned.

C. The desirability of the compilation of detailed export returns of ivory at the various customs posts.

Mr. Butler further points out that to be effective these measures must be enforced rigidly by all administrations in Africa.

In reference to the foregoing the Airdar remarks that in the present circumstances the question of confiscation and the disposal of confiscated ivory in Abyssinia would appear to present considerable difficulties, but admitting that useful cooperation by the Abyssinian authorities is unlikely, it may be noted that all produce for export from Abyssinia has, at present, to pass through customs stations which are under European control.

Although

the right honble,

Sir Edward Grey Bart. M. P.

etc. etc. etc.

Although, to bring ^{into} effect operations, regulations, such as these now proposed, would have a very great effect on the exchange of arms for ivory on the Sudan-Abyssinian frontier in the immediate future, it should be remembered that any restrictions imposed on the ivory trade must assist in checking the arms ~~tra~~ traffic as the two are largely interdependent.

The Sirer puts forward a suggestion which, although not of primary importance, is ~~per~~ worthy of consideration, viz: that all ivory thus confiscated be disposed of either in Africa, as being preferable to allowing it to be marked with Government stamp and sold in the country of origin, or in any neighbouring African state.

I have the honour to be with the highest respect,

Sir,

Yours to the order,

Wm. G. ...

Edward ...

GAME PRESERVATION DEPARTMENT

C. O.
1925
OCT 10 1925

SHARLOTT

October 31st

Confidential

His Excellency the Governor General,

Your Excellency has asked me to give my views on the proposals contained in the attached correspondence.

1.

With regard to the first suggestion:

That an international agreement should be made by which a universal weight of 25 or 30 lbs. should be fixed, below which, it is illegal to export or possess ivory.

I believe there can be no doubt, if all the European nations possessing territory in Africa would combine in agreeing to a minimum weight of 30 or even 25 lbs., and would rigidly enforce the prohibition of export and the confiscation of all tusks under that weight in all cases, that such united action would do more to check the persecution of the elephant than any other regulations which could be devised. Other forms of control, however excellent on paper, are too difficult, if not impossible, to enforce throughout the immense areas concerned.

As has been pointed out, an absolutely complete agreement

agreement among the nations interested is essential to the success of the scheme, which would be entirely spoiled by one or two of them holding back. So long as any African Ports remained open to the export of underweight ivory to them that ivory would gravitate, to the benefit - in customs dues - of the revenue of the territory which was frustrating the efforts of its neighbours, and at their expense.

It is greatly to be hoped, that a complete agreement can be arrived at.

As regards the minimum weight to be fixed I consider that 30 lbs. is the best to adopt for Africa as a whole. A limit of 25 lbs., however, if less effective, do so much good that it would be better to accept this if the difference of 5 lbs. seemed in any way likely to affect the success of negotiations towards a general agreement.

In connection with this point it is necessary to prevent the spring up of any trade in small manufactured articles of ivory, such as could be made out of tusks below the weight limit, as a means of evading the standard.

I take this opportunity of suggesting that the Customs at all ports of export in Africa should be directed to show in their annual returns the exact number of tusks composing the export. It would surely be very little trouble to do this, and the figures would show the exact number of elephants the ivory represented. The figures usually furnished in Customs returns show only the gross weight and value, and thus do not afford this most important information, or enable the average weight of the tusks exported to be calculated. I regard this as an extremely important point.

It is impossible to foresee how far the stopping of trade in ivory under 30 lbs. weight would affect revenues derived from retail. Here again, if more detailed Customs figures were available, classing ivory by weight, this could be seen at a glance. On the whole I believe the fall in such revenues would be less than might be imagined, as a reduction in the total export of ivory would tend to increase the price, and moreover, the amount of ivory confiscated would increase considerably, its whole value, instead of a

small percentage of it, thus accruing the revenue.

And against any loss involved the continuance of a source of revenue otherwise likely to become exhausted in the near future would be greatly prolonged, if not entirely ensured.

A weak point in the scheme which seems unavoidable is that the Governments of African colonies can continue to sell underweight "confiscated" ivory. Returns of the market and weight of the tusks confiscated should be published by every country concerned.

Another question suggests itself for consideration: Should the nations signatory to an agreement to prohibit the export from Africa of all tusks under 25 or 30 lbs. weight allow the open sale by auction in Europe of ivory below that weight other than the market tusks which have been put on the market after

~~Government confiscation.~~

It is, of course, not to be anticipated that on the adoption of a universal minimum weight limit for ivory the killing of all elephants with tusks under that weight will automatically stop. For some time, until experience has shown traders that it really is

impossible

impossible to export small tusks, and that all attempts to deal in them result only in loss by confiscation, things will remain much as they are, and during this period a large amount of ivory would be confiscated. The killing of cow and buffalo elephants cannot be stopped altogether, and a certain amount of this wasteful destruction is bound to continue. Pitfalls and native traps will not discriminate; natives hunting in districts where control is impossible will not, when wild with excitement, spare undersized beasts that hobble with burned feet out of the blazing fire ring, nor will mounted hunters in the eagerness of the chase be over particular. The small bull will still fall to the rifle of the excitable sportsman who "couldn't see its tusks when he fired", or "could have sworn it was bigger". But when four elephants with 20 lb. tusks are no longer as good as one with tusks of 80 lbs., but on the contrary represent no cash value at all, the regular pursuit of small elephants will languish, and an immense reduction of their wasteful slaughter will be achieved.

Regarding 

Regarding the second proposal.

That the regulations governing the killing of elephants and the trade in ivory and rhinoceros horns should be made to coincide as far as possible in the territories of all nations concerned.

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I think this proposal involves far greater difficulties. It seems to be entirely dependent on the local abundance or scarcity of these animals, and other local conditions, whether (a) one, two or no elephants should be allowed on a sportsman's or official's licence, or whether (b) natives should be allowed to kill them at all, or whether any restriction beyond the size limit should, or could, be enforced. I think each territory would have to make its own regulations on these points, and they would necessarily differ widely.

The suggested regulations are:-

1. Possession of ivory and rhinoceros horns should only be legal.
 - (a) Under the Game Laws, i.e., when obtained legally by the holder of the necessary licence.
 - (b) When purchased from Government, i.e., ivory which had been confiscated by Government, and afterwards sold by auction for export bearing an indelible Government stamp.

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2. It should be illegal to possess ivory under any circumstances which weighs less than 30 lbs per tusk.

To the last clause I would add "other than confiscated ivory which has been sold by the Government and bears the Government stamp".

These regulations do not appear to allow licensed natives to kill elephants at all, even if above the size limit. In my opinion this is much too sweeping. Certainly it would be for the Sudan, where it would be impossible at present over large areas to licence natives, or to tell whether ivory brought in was killed by licensed hunters or others.

The game laws of each territory should specify whether natives may or may not kill elephants without a licence, provided they are of the standard size, and the clause (a) could then read "In accordance with the game laws".

The present status of the Elephant in the Sudan is such that it would really be unnecessary for us to fall into line with other territories, which are less fortunate in this respect regarding details of licensing, limit numbers allowed to be shot, and regulations

Governing

10

governing killing by natives.

Estimates of the numbers of elephants existing in the different African territories are scarce. In 1904 Sir Alfred Sharpe obtained from the various District Collectors in British Central Africa their estimates of the probable numbers of elephants in their districts. The total amounts to 605 elephants only. In a covering letter to Sir Clement Hill Sir Alfred wrote "I should put the number of elephants at more like 1500 than 600".

As regards the Sudan, I am convinced, after 12 years experience that the number of elephants at present existing in our area is immense. Personally I feel positive that it cannot be estimated in less than five figures. I have many reasons for believing that 10,000 would be a low estimate. There may be far more. I do not believe the elephant could possibly be exterminated in the Sudan under any circumstances for a very long time, taking into consideration the vast area of almost unpopulated marsh country in which they can find refuge. The stock generally speaking must be decreasing, as the slaughter of them is large and grows steadily, but the apparent decrease

in the last 12 years has been nothing like what I should have expected, which shows how large the stock must be. Yet the killing of them, young and old, goes on at an increasing rate, and their great numbers must, unless steps are taken in time, steadily give way under the growing persecution.

Apart from any question of sentiment, or of our moral obligation to preserve the most imposing of existing forms of animal life, and from the economic view alone, this destruction is foolishly and pitifully wasteful. I do not believe the average weight of tusks of all the elephants killed by natives in the Sudan would be more than 20 lbs., so great is the destruction of animals carrying ivory smaller than this. This means that, on the average, these great beasts are being slaughtered before they have attained more than one-third, one-fourth, or one-fifth of their potential ivory value. It is surely time to check such a waste. If only it could be made impossible to obtain any price whatever throughout the continent for tusks under 30 lbs weight an immense decrease, if not a complete cessation, of the killing of these immature animals would follow. In the Sudan I believe that this alone would ensure the continuance of the species in

large numbers even if the bigger tusks became very scarce. The enforcing of Game Laws in Africa should become easier in the future, when the country is more closely administered. It is necessary now to take measures to ensure that the existing stock of elephants is not irreparably exhausted before that time.

Our present regulations for preserving the elephant in the Sudan may be summed up as follows. Only two may be shot by the holder of (a) "A" Game Licences. Natives are allowed to hunt them by native methods, the employment of firearms being prohibited, and licensed traders are allowed to purchase the ivory, but all tusks under 10 lbs in weight are confiscated. And there is a Sanctuary in which all killing of game is illegal. The defect of these regulations lies in the impossibility of enforcing them. Most of the ivory comes naturally from the wildest, remotest, parts of the country, where it is absolutely impossible for provincial Governors, with the means at their disposal, to exercise control over native hunters. The employment of firearms cannot be stopped, and increases rapidly. Underweight tusks are readily disposed of, finding a way out of the country through Abyssinia and by Djibouti, and by other channels

channels. The absence of funds to patrol the sanctuary makes it impossible to check the killing of elephants in the interior of it.

All this sounds very hopeless, but it is not really so. In parts the armed hunters are not very numerous; some tribes dare not enter the territory of others to hunt; and there are vast marshes where it is practically impossible to follow the elephants.

If only all tusks under 30 lbs weight could really be made absolutely worthless to the hunters I should not be at all pessimistic about the future of our elephant herds. It would no longer be profitable to organize the pursuit of those herds among which the big tusks were known to be scarce. I know that our limit weight of 10 lbs is ridiculously small, but it is useless for us to raise it so long as underweight tusks can find a ready sale and outlet which with our great extent of frontier, we cannot possibly check, and to do so would only be to sacrifice a certain amount of revenue from royalties uselessly.

It appears to me impossible to improve matters unless unanimous action among the nations concerned can be arranged.

I attach for Your Excellency's consideration a table which I have prepared, giving as nearly as I am able the figures for the years 1906 to 1911 representing (1) the total weight of ivory legitimately exported from the Sudan (2) its gross value (3) its royalty value to the Government (4) two estimates of the number of elephants which these figures represent, and (5) the number of elephants killed by European sportsmen and officials under Game Licenses.

These figures require some explanatory remarks.

(1) The Customs figures published show the actual amount of ivory exported during the first nine months only of each of these years. I have added to these a third of the export of the first nine months to

present that of the last three. (2) and (3) Gross values and royalties are calculated in the same way.

(4) In the column (A) I have calculated the number of elephants represented by taking 30 lbs. as the average weight of tusks exported. I have obtained this average weight from 1,771 tusks exported during the last twelve months, the weights of which have been supplied to me by the exporters. These tusks, the ivory of 865 elephants, aggregated 51,452 lbs an

average of just over 25 lbs each. There was a fair proportion of fine large tusks among them, and the number is sufficiently large to enable the average weight to be taken as representative of the total export. But I believe that for every ten elephants with Ivory up to the 10 lb standard at least one is killed with underweight tusks which find another outlet. I do not think that this is at all too high an estimate, and I have added a column B, which allows for this, and represents, in my opinion, no exaggerated estimates of the number of elephants whose ivory has been exported in the last six years. It shows that from 1906 to 1911 the ivory of about 13,000 elephants has been exported. The progress of the increase is remarkable: (1906) 822, (1907) 1076, (1908) 1149, (1909) 2392, (1910) 3479, and (1911) 4040. But the increase in elephant hunting has been even greater than these figures indicate. During the period from 1906 to 1908 or 1909 about 75% of the ivory was old buried tusks. Within the last two years the proportion of this has decreased, and I should put it now at about 50% only of the whole, the remainder being freshly killed ivory. It is not possible to trace the exact source of origin of all this ivory, and a good deal of

it is probably obtained outside our boundaries, but the number of elephants now being killed annually within and around the boundaries of the Sudan must be at least two thousand and the slaughter is rapidly increasing. Only an immense stock of elephants could have stood such a drain during the last few years without a much more apparent decrease than seems to have resulted so far, and unless the slaughter is checked now it will soon assume proportions against which the slow breeding rate cannot hold their own. It will be seen from the figures given how comparatively trifling is the number of elephants killed by sportsmen and that the limitations placed on them are necessitated mostly by the amount of destruction done otherwise. Moreover the elephants killed by sportsmen for the most part will carry in ivory tusks whose destruction is not regrettable. Further the sportsman pays considerable sums in licence fees, in addition to the royalties which alone are derived from the elephants killed by natives, and he spends large sums of money locally. I am not, therefore in favour of putting closer limitations on the class of hunter who does least killing and least wounding, exercises most discrimination as to the size of the elephants he

kills, and contributes most to the Government revenue.

RHINOCEROSSES.

As regards the preservation of the Rhinoceros. In comparison with some other parts of Africa the number of these animals in the Sudan is small. Moreover it includes a great part of the existing stock of the great White, or Square mouthed Rhinoceros. Consequently they require more protection than would be necessary in other parts.

In addition to the European demand for horn there is, as has been pointed out, a large use of it in the East in ground or powdered form as an aphrodisiac. Also a widespread oriental belief that a rhinoceros-horn cup is a safeguard against poison make them a sort of after-thought. It is curious how such a fallacy can continue to find credence. I have been assured by well educated Chinamen that if poison were put into such a cup it would begin to fizzle, and the cup would melt. Probably the effect of some strong corrosive acid on the horn being observed gave rise to the idea.

Probably much good would result if by general agreement a limit weight for rhinoceros horn was fixed also, with the prohibition of the export of it in powdered form, and of the sale of small manufactured articles.

articles, to prevent underweight horn being utilized in any form. But I am not sure that this check will be as effective as in the case of ivory, the horn of a small rhinoceros not being the most valuable part of the animal. At the present time the bulk of the rhinoceros horn which is sold in the Sudan comes in from the country north of the Bahr el Arab and west of 28° E. beyond our frontier. Large numbers of these horns actually weigh as little as 1 or 2 lbs a piece. The value of these is very low, only about 2/- a lb. whereas the price paid for good sized horns is 5/- or 10/- a lb., and as high as 20/- for very long horns approaching a yard in length. It is not probable that the natives who kill these small rhinos do so for the sake of the horns only. Their hides are greatly sought for making shields, and in the district I have mentioned I am afraid they would continue to be killed for their hides and meat, the horns being considered only as an extra trifle. The worst of the rhinoceros horn question is that it is the White Rhinoceros which produces the longest and most valuable horns.

To sum up, I regard the proposal to establish one weight standard for ivory throughout Africa as the soundest that has yet been brought forward for the protection

protection of the elephant. As to the advisability of bringing other regulations into line in different territories where different conditions prevail I am more doubtful.

I must beg Your Excellency's indulgence for the length to which these remarks have extended, but the question seems to me a very important one, and the proposal now made to afford more hope of its solution than any previous action.

(Signed)

A.L. Butler.
Superintendent,
Game Preservation Department.

Khartoum,

1st November, 1912.

Table showing approximately number of Elephants represented

ivory exported from the Sudan from 1906 to 1911.

Year.	1. Total weight of ivory ex- ported. lbs.	2. Gross value L.E.	3. Value of Revenue L.E.	4. Number of elephants re- presented taking average weight of tusks = 30 lbs.	5. With 10% added for ele- phants with small ivory finding other outlets.	6. Elephants killed by sportsmen or officials.
1911.	220,365	73,461	11,020	3,673	4,040	66
1910.	188,808	63,695	9,553	3,163	3,479	87
1909.	130,000	44,404	6,200	2,166	2,382	62
1908.	62,758	29,000 ^x	4,350	1,045	1,149	35
1907.	58,740	34,609	5,340	975	1,076	36
1906.	44,800	27,166	4,060	748	822	38
			1,774	Total	12,948	Total 301

^x In 1908 the price of ivory fell about 25% owing to financial depression in Europe and America.

(Signed) A. L. Butler,
Superintendent
Games Preservation Department.

4th November, 1912.

C.D.
23 APR

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COLONIAL OFFICE

DRAFT.

The Under Secretary of State
Foreign Office
London.

MINUTE.

- Mr. Stansfeld 22.4.13
- Mr. Borthwick 23.4.13
- Sir G. Fiddes 23
- Sir H. Just
- Sir J. Anderson
- Lord Emmott.
- Mr. Harcourt.

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25 April 1913

Sir,
I am directed by the Secretary
Harcourt to acknowledge the receipt
of your letter of the 11th inst. of
April 10th, 1913, containing the
observations a copy of a letter
dated March 20th 1913, from
His Majesty's Agent and Consul
General at Cairo, enclosing a
memorandum by Mr. S. H. Smith
on the subject of regulations for
the prevention of illicit trade
in ivory.

* No 11925

19330-12

Copy of 11925 and 1
The copy to be for SAP
copy to be for C.F.F.

