

E. AFRICA  
GENERAL  
17867

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17867  
Recd. 15 MAY 14

Foreign Office

1914  
15 May  
at previous Paper.

Ivory legislation. Conference.

Sends for Concurrence draft letter  
of instructions to British Delegates.

Mr. J. Fiddes

See also 7.0.  
1783.

Concern in the terms of the 8th?

H. J. R  
15/5/14

Pr. 15. 5. 14

U. 16. 5. 14

H. 16. 5. 14

(I have told  
the 2nd by  
telephone  
H. J. R  
(19/5/14)

~~Pr. 16. 5. 14~~

Subsequent Paper.  
18016

In any further communication  
on the subject, please quote  
No. 20312/14.

FOREIGN OFFICE

May 15th, 1914.

Post address:  
The Under Secretary of State,  
Foreign Office,  
London.

17867  
REC'D  
MAY 15 1914

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Sir:-

16530  
With reference to your letter of the 9th instant, I  
am directed by Secretary Sir E. Grey to transmit to you  
herewith the draft of a despatch which it is proposed,  
subject to the concurrence of the Secretary of State for  
the Colonies, to address to the British delegates on the  
forthcoming International Game Conference.

I am,

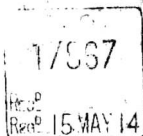
Sir,

Your most obedient,

humble servant,

*Wansley*

Under Secretary of State,  
Colonial Office



F. O.,

225

May

1914.

*Draft*

R. G. Van der Hart  
 B. Woodman  
 N. Buxton

Sir:-

His Majesty's Government having decided to convene an International Conference with a view to concerting measures for the protection of the Elephant and the Rhinoceros in Africa, I have to inform you that you are appointed as British Delegates on that occasion. The Conference will meet at this Office on the 19th instant.

It will be apparent to all those who are concerned in the preservation of Game in Africa that in the case of the elephant and rhinoceros, the work is being made far more difficult by the lack of co-operation and uniformity of laws dealing with these animals, among the several Powers owning possessions in Africa, and it is highly probable that it will only be by International combination that the ultimate and complete

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complete extermination of the elephant and rhinoceros in Africa can be prevented. The danger of extermination is due primarily to the fact that both these animals carry products of considerable value, namely ivory and rhinoceros horn; they are consequently hunted and killed chiefly for these products, and the attempt to prevent this gives rise again to the smuggling or illegal trade in these articles.

It is almost always the case that the areas of the African territories over which supervision is necessary are so extensive, and in some districts the nature of the country renders patrolling so difficult, and smuggling so easy, that it is impossible entirely to put a stop to the illicit trade in ivory and rhinoceros horn, both of which have a sufficiently high commercial value to render the undertaking worth the risk: and although in some territories all trade in ivory and rhinoceros horn is prohibited and

these

these articles can only be legally exported under a game licence, still it is obvious that a good deal of ivory and rhinoceros horn is smuggled over the borders and finds its way out eventually at the sea-ports of neighbouring territories, to the enrichment, of course, of the customs revenues of these countries. No matter how strictly game laws may be enforced in some territories, it is certain that, so long as there is practically no restriction on the trade and export of ivory and rhinoceros horns at other ports, the illicit slaughter of elephants and rhinoceroses will always continue, the ivory and horns being smuggled out of these countries from which their export is prohibited and being taken to those ports where they can be disposed of without difficulty. This is a state of affairs which can obviously only be effectively dealt with by international co-operation,

namely

namely by the prohibition of all free trade in ivory and rhinoceros horns and the restriction of their exportation.

Very briefly the laws proposed for international adoption are these:-

(1) That a weight of 25 lbs. or, if possible, 30 lbs. should be universally agreed upon by all the Powers in Africa as the legal weight and that the killing of elephants whose tusks weigh less than this should be prohibited. This is the only weight which will protect the cows and young breeding bulls, but the question of a legal weight is not so important an international measure as the prohibition of all trade in ivory, and difficulties of agreement on this point should not be allowed to put an end to negotiations on the other points.

(2) That it shall be illegal to possess ivory or rhinoceros horns of whatever weight throughout the whole of Africa except:-

(a)

(a) Under a license to hunt elephants and rhinoceroses issued by Government, or

(b) When confiscated and sold by Government. These regulations are extremely clear and simple and aim at putting a stop to all trade in ivory and rhinoceros horns except as allowed by license - probably the only way in which the slaughter of these animals can be regulated and prevented. Once this is done the petty trader will experience such difficulty in exporting and disposing of his ivory that it will greatly check the demand, so that the native hunter will have no market for their ivory, and, with few exceptions, no object in killing elephants. For it should be borne in mind that ivory has actually no intrinsic value in Africa, its value being only potential and subject to the possibility of exportation to foreign markets.

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The objection will no doubt be put forward that all nations will not agree to such proposals because it would entail a considerable loss to their revenues derived from Customs duty on exported ivory.

However in actual practice it is not certain that there need be any loss to the revenues from ivory, at any rate for a considerable time; for whereas at present the revenues from traded ivory are derived only from the customs dues charged upon the ivory when exported, that is to say only from a percentage of the value of the ivory, under the proposed regulations the whole or a great part of this traded ivory which will then be illegal, will fall into the hands of the Governments concerned and will be confiscated and the revenues will be enriched by the full value of it. The revenues from the export of ivory shot under license will of course be as before.

before. This has actually been proved to be the case in the British East Africa Protectorate where the proposed laws are already in force. Eventually it is to be hoped that a time will arrive when the illicit slaughter of elephants and rhinoceroses will have been so much suppressed that there will be little or no smuggled ivory to confiscate, and, as a consequence, the revenues from this source will fall, but there will still remain the revenue from ivory exported under licence which will then be a permanent asset. Under present conditions, however, it is undoubtedly only a matter of time before the elephants and rhinoceroses are completely exterminated, with the result that the revenue from ivory will be extinguished.

It is of course not proposed to limit the number of elephants and rhinoceroses which may be allowed on a licence, as these are obviously matters for the decision of the local authorities of the several

Draft.

several Powers concerned. These Powers who wish to allow large numbers of elephants to be killed under a licence will still be able to do so, but the important point of the British proposals is that, by putting a stop to the trade in ivory and rhinoceros horns all over Africa, except under licence, it will render useless and thus prevent the smuggling of ivory and rhinoceros horns from one territory to another and consequently stop the slaughter of these animals to a great extent. Each nation will then be assisting its neighbours to preserve their elephants instead of assisting in their destruction as at present.

While His Majesty's Government do not contend that elephants and rhinoceroses are in any immediate danger of extermination in Africa, they realize that such measures as have been proposed may not be introduced without considerable delay, and that, even when brought into force, it will be some years before they will produce the desired

desired result in checking the destruction of elephants and rhinoceroses. In the meantime it is not open to doubt that these animals, and particularly the rhinoceros, are rapidly decreasing in numbers all over Africa.

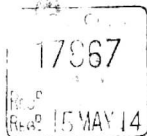
At the request of the French Government His Majesty's Government will not submit to the Conference a formal Convention binding on all the Powers concerned, but they propose that the Delegates should sign a Protocol recommending for the consideration of their respective Governments certain measures which, for the sake of convenience and in order to ensure uniformity, have been embodied in a draft International Regulation. Copies of the draft Protocol and Regulation are enclosed herewith, and these documents should be submitted

submitted to the Conference as a basis for discussion and their intention explained in the sense of these instructions.

You are, however, given full latitude to accept any changes as regards the details and form of the proposals therein contained, so long as the general principle of prohibition laid down in paragraphs 1 and 2 of the draft Regulation is maintained.

It is, however, of the utmost importance to the success of such measures as may be adopted that they be promptly and uniformly applied by each Government concerned and this view should be impressed on the Conference.





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PROTOCOLE.

LES soussignés, désignés par leurs Gouvernements respectifs, à savoir :

Pour l'Allemagne,  
&c. &c. &c.

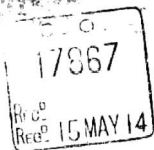
ayant été délégués par leurs dits Gouvernements à l'effet de délibérer sur les dispositions qu'il convient d'adopter pour assurer la conservation des éléphants et des rhinocéros en Afrique, sont unaniment d'accord pour soumettre à leurs Gouvernements respectifs le Règlement ci-annexé.

Les États signataires du présent Protocole notifieraient leur adhésion, par la voie diplomatique, au Gouvernement de Sa Majesté britannique, qui en avisera les autres Gouvernements intéressés. Le Règlement entrerait en vigueur dans chaque colonie, possession et protectorat des États signataires du présent Protocole aussitôt que possible après leur adhésion unanime.

Il incombera aux autorités compétentes d'établir, au moment de l'entrée en vigueur du Règlement, des peines sévères pour toute infraction de ses dispositions.

Les soussignés recommandent en outre à leurs Gouvernements respectifs que le rapport statistique prévu à l'alinéa 10 du Projet de Règlement soit communiqué par la voie diplomatique, à la fin de chaque année, au Gouvernement de Sa Majesté britannique, qui se chargera de transmettre ensuite aux Gouvernements intéressés un recueil complet des statistiques qui lui seront parvenues.

(Signatures.)



## ANNEXE.

*Projet de Règlement international pour la Protection de l'Éléphant et du Rhinocéros en Afrique.*

1. IL est interdit à toute personne en Afrique (1) de posséder de l'ivoire et de la corne de rhinocéros, (2) de trafiquer dans ces objets et (3) de les exporter du continent, sauf dans les cas suivants :

(a.) Lorsqu'ils ont été acquis par une personne munie d'un permis de chasse délivré par le Gouvernement local (voir alinéa 5 ci-dessous).

(b.) Lorsqu'ils ont été achetés au Gouvernement local (voir alinéa 4 ci-dessous).

2. Il est également interdit à toute personne en Afrique d'avoir dans sa possession une défense d'éléphant pesant moins de 13 kilog. ou bien le fragment d'une défense qui, si elle avait été entière, aurait pesé moins de 13 kilog. Sont seuls exclus de cette prohibition les défenses ou fragments de défenses portant l'estampille officielle prévue à l'alinéa 4 ci-dessous.

3. Tout ivoire et toute corne de rhinocéros acquis d'une manière autre que celle prévue à l'alinéa 1<sup>er</sup> et toute défense pesant moins de 13 kilog. sera confisquée, à défaut de preuve d'acquisition à une date antérieure à la date de l'entrée en vigueur du présent règlement. Aucune preuve ne sera admise un an après cette date.

4. L'ivoire et la corne de rhinocéros confisqués par les Gouvernements locaux seront frappés d'une estampille officielle et pourront ensuite être vendus pour l'exportation par l'autorité compétente.

5. Le permis de chasse prévu à l'alinéa 1<sup>er</sup> (a) doit spécifier le nombre des éléphants et des rhinocéros qu'il est permis au détenteur de tuer. La fixation de ce nombre reste dans les mains du Gouvernement local.

6. Un permis de chasse comporte le droit d'acquies et d'exporter les défenses (l'ivoire) et les cornes des animaux spécifiés dans le permis. Sur présentation de ce document au chef de poste du district où la chasse a lieu, un permis d'exportation sera délivré par celui-ci. Dans le cas où ces objets seront vendus en Afrique, le permis d'exportation doit accompagner les objets vendus.

7. Le commerce dans l'ivoire et dans la corne de rhinocéros acquis selon les dispositions du présent règlement est assuré sans aucune restriction, il n'est permis pour l'exportation de ces objets que les objets acquis en Afrique. L'exportation prévue à l'alinéa 6 ci-dessus doit être effectuée par le port d'exportation prévu à l'alinéa 6 ci-dessus.

8. L'exportation de l'ivoire et de la corne de rhinocéros pulvérisées est absolument défendue.

9. Lorsqu'une personne est accusée de posséder ou d'avoir vendu ou exporté de l'ivoire ou de la corne de rhinocéros acquis en contravention du présent règlement, il suffira de mentionner dans l'assignation ou dans l'acte

d'accusation que les objets en question ont été acquis en contravention de la loi et il incombera à l'accusé de faire valoir des preuves suffisantes pour établir le contraire.

10. Les autorités douanières doivent relever les statistiques de l'ivoire et de la corne de rhinocéros exporté par le port. Un rapport annuel sera publié dans la forme suivante :

### IVOIRE.

Éléphants tués en vertu d'un Permis de Chasse.	—	Confiscation.	—
Nombre de défenses au-dessus du poids légal Nombre de défenses au-dessous du poids légal Nombre total .. Poids total .. Valeur totale au port d'exportation		Nombre de défenses au-dessus du poids légal Nombre de défenses au-dessous du poids légal Nombre total .. Poids total .. Valeur totale au port d'exportation	

### CORNES DE RHINOCÉROS.

Rhinocéros tués en vertu d'un Permis de Chasse.	—	Confiscation.	—
Nombre de cornes .. Poids total .. Valeur totale au port d'exportation		Nombre de cornes .. Poids total .. Valeur totale au port d'exportation	

F.O. 17887/4 Africa

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*Law*

19 May 1914

Sir,

I am directed by Mr Secretary Harcourt to acknowledge the receipt of your letter of the 15<sup>th</sup> of May (N<sup>o</sup> 20312/14) and to request you to inform ~~you~~ that ~~say~~ Mr E. Frey that he concurs in the terms of the despatch which is proposed to address to the British delegates on the International Conference for the preservation of the African Elephant and Rhinoceros, a draft of which accompanied your letter.

DRAFT.

*Per U.S. S.*

*J.O.*

MINUTE.

- Mr. Harper 18/5/14
- Mr. Bottomley 18/5/14/p
- Sir G. Fiddes.
- Sir H. Just.
- Sir J. Anderson.
- Lord Emmott,
- Mr. Harcourt.