

E. AFRICA  
GENERAL

C. O.  
24150

Recd  
Recd 4 JUL 14

24150

Sign Office

Ivory legislation. Conference.

1914

3 July

previous Paper.

22968

Sends Report of British delegates. Propose  
& approve proceedings of the delegates

Mr. G. Fisher

Concerns the proposed  
approval of the proceedings of the  
British delegates? will you please send a copy  
of it and duplicate one with copy  
of our reply to the file of the  
S.A.B. copies. ~~with that he can see~~  
~~that Mr. Woodman~~ saying that Mr.  
Woodman has pleasure in bringing Mr.  
Woodman's past service to his notice?

Copy sent to Mr. Fisher 10 July 14  
20.01.14. 20.01.14. 20.01.14.

H. J. R.

4/11/14

67/14

67/14

Mr. Woodman

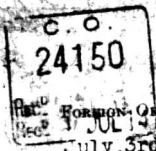
subsequent Paper

26828

In any further communication  
on the subject, please quote

No. 27471/14.

and address  
The Under-Secretary of State,  
Foreign Office,  
London.



363

July 3rd, 1914.

Sir:-

I am directed by Secretary Sir E. Grey to transmit herewith copy of the Report of the British delegates to the International Conference for the preservation of Elephants and Rhinoceroses which held its sittings in London from the 19th. to the 22nd. May last.

Sir E. Grey proposes, with Mr. Secretary Harcourt's concurrence, to approve the proceedings of the British Delegates, who were in no way responsible for the complications regarding the Arms Traffic introduced by the German Government which have delayed the signature of the Agreement.

I am,

Sir,

Your most obedient,

humble Servant,

*W. Langley*

Under Secretary of State,  
Colonial Office.

CONFIDENTIAL

C. O.  
24150

Rec'd  
Rec'd 4 JUL 14

361

Sir,

THE International Conference for the Preservation of Elephants and Rhinoceroses concluded its final sitting on Friday, the 22nd May. The rapidity with which the business of the Conference was carried out was due largely to the universal recognition by the delegates of the necessity of the objects of the Conference and the mutual advantage to all the Powers concerned which would follow such an international agreement; and also to the general concord of the proceedings and the conciliatory spirit and rational tone displayed by the several delegates.

The principal difficulty experienced in obtaining the assent of any delegate to the proposals was in the case of the Belgian delegate, who raised several objections to the scheme, and insisted that 13 kilog. was far too high a standard for legal weight of ivory in the Belgian Congo, and maintained that 8 kilog. was the utmost to which the Belgian Government would be able to agree. However, after a good deal of discussion it was finally suggested that a weight of 10 kilog. should be adopted, and this was ultimately agreed to by the Belgian delegate.

It may be taken as a matter for congratulation that the Belgian Government sent to the Conference, in the person of Colonel Henri, Vice-Governor-General of the Congo, a delegate whose opinions and recommendations evidently carry great weight with his Government. For although considerable difficulty was experienced in gaining his concurrence in the proposals, it may now be taken as almost certain that the Belgian Government will accept his recommendations.

On the other hand, it would have been a most disappointing experience and one which might well have taken place had a delegate of little importance been sent to represent the Belgian Congo, who would readily have agreed to any proposals put before him, but whose recommendations might later have been repudiated by his Government, thus overthrowing the whole work of the Conference.

In the case of the delegates of the Imperial German Government a large number of amendments and objections were raised, but they all proved to be in the nature of minor alterations or misunderstandings, and were easily disposed of without substantially interfering with the purport of the proposals. The German delegation were strongly in favour of adopting a weight limit of 13 kilog., and in fact, would have been willing to agree to regulations even more stringent than those put forward by the British delegation, and it may be confidently anticipated that the German Government will accept the proposals now agreed to. In view of this, it is a matter of some surprise that so much difficulty has been experienced in obtaining the signatures of the German delegates to the proposals to which they had so readily agreed at the Conference. There can be little doubt that this attitude has been taken up with the object of attempting to force upon the Powers represented at the Conference the somewhat irrelevant subject of restrictions upon the importation of arms and ammunition.

Although this subject has an important bearing upon the destruction of elephants and rhinoceroses in some parts of Africa, it has also obviously a far greater political importance than was represented by the present Conference.

Some useful suggestions, making the meaning of the regulations more clear, were added by the French delegates, who readily agreed to accept the proposals, as did also the delegates of the remaining Powers, Italy, Spain, and Portugal.

On the whole the results of the Conference may be taken as most satisfactory, in fact, far more so than was to be expected, for it is no easy matter to obtain the sympathy and co-operation of the European Powers concerned on the subject of the preservation of game in Africa.

It is not intended to maintain that the present regulations agreed upon for international adoption are entirely complete, and provide absolutely for the preservation of the African elephant and rhinoceros, and it will be understood that these regulations are not as stringent as the British delegates would like to have seen introduced. However, when consideration is given to the very lax laws on this subject which were previously in force in many parts of Africa it will be seen at once that the present regulations, when brought into force throughout the whole of Africa, will form a very great advance upon past conditions. Notwithstanding the doubts as to the efficacy of the proposed regulations expressed by the Imperial German Government, which, it may be noted, appear to have carried an ulterior motive, the two main principles of the agreement, namely, the prohibition of free trade in, and export of ivory and rhinoceros horn, and the universal fixation of a legal weight for ivory of 22 lb., must act powerfully in reducing the value of illicit ivory and horn, which in due course will lessen the encouragement given by the trade to the slaughter of elephants and rhinoceroses.

It will no doubt be met by opponents of the scheme that although the European Powers represented at the Conference may accept the agreement on paper, they will not administer the regulations, and the state of affairs will remain much the same as before. There is, of course, some truth in this, but in reply it must be pointed out that in any case it is impossible to control or improve the morality and personal honesty of the officials of some of the territories concerned, who will always remain subject to the temptations of bribery and illicit trade in ivory. But, on the other hand, it must not be forgotten that whereas before the present agreement it was impossible for any Power to resent or interfere in any way with the evil doings of its neighbours as regards elephants, ivory, and rhinoceroses. Now the international agreement forms a basis upon which it is quite possible for one territory to make representations to its neighbours should they, by their treatment or neglect of the agreement, cause loss and embarrassment outside their own borders. In delicate cases such representations could conveniently be made through the medium of the several customs which have been organised for the preservation of game and wild animals, so that pressure may be brought to bear upon the delinquents by members of their own nation.

Some brief explanation is necessary concerning the

legal weight limit of 10 kilog. (22½ lb.). It will be seen that the international adoption of this figure as a universal legal weight throughout Africa does not in any way prevent any Government from adopting as a legal weight limit in their own territory a figure higher than 10 kilog. provided, of course, that the transit through such a territory of ivory of the agreed international limit of 10 kilog. must be allowed. It will probably be objected at once that no Government would be so short-sighted as to adopt a local weight limit higher than the international limit in force in neighbouring territories, because it would lead to the loss by smuggling across their borders of all the ivory between these two weights, say, for example, 15 kilog. and 10 kilog. At first this appears a formidable and valid objection. In reality it is utterly worthless, as may be seen at once by a glance at the various legal weight limits in force in different territories in Africa at present, which comprise the following figures: 15 kilog., 2 kilog., 5 kilog., 12 kilog., 6 kilog., and 14 kilog., and even no weight limit at all. It must surely be apparent that the discrepancies of these figures at present in force expose the territories concerned to far greater evils and losses from smuggling than will ever be the case from a universal international weight limit of 10 kilog., and a special local limit of 15 kilog. in some territories.

A statement of the principal points on which the final draft Protocol and Regulations differ from the draft originally submitted to the Conference by the British delegation is annexed to this report.

We feel we cannot close this report without referring to the invaluable and generally appreciated services rendered by Mr. Craigie as secretary of the Conference. These services involved a great deal of labour, both before and after the sittings of the Conference, and we hope that they may meet with some recognition.

Without taking into consideration grammatical and other slight alterations in the wording of sentences which do not alter their meaning, the Protocol and Regulations, as finally approved and agreed upon by the delegates at the present Conference, differ from those originally proposed on the following points:—

#### Protocol.

*Paragraph 2.*—A definite period of "six months" is laid down for the promulgation of the regulations from the date of their acceptance by the Powers concerned, instead of leaving it to be carried out "as soon as possible."

*Paragraph 4.*—A new paragraph is added to the effect that it is proposed that the designs of the stamps for marking ivory and the forms of the permits for the export of ivory and rhinoceros horn, as laid down in the regulations, shall be communicated to all the Powers concerned through the agency of the British Government; and that these stamps and permits shall be recognised as valid in the territories of all the Powers which sign the agreement.

*Paragraph 6.*—It is recommended that the Statistical Report mentioned in article 11 of the approved regulations shall be furnished by the Powers concerned to the "International Bureau of Commercial Statistics at Brussels" instead of to the British Government.

*Paragraph 7.*—A new paragraph is added to the effect that the delegates taking into consideration the fact that the present regulations necessarily do not entirely safeguard the elephant and rhinoceros, wish to recommend to their respective Governments the desirability of forming in each territory reserves suitable for the preservation of these animals.

*Paragraph 8.*—A new paragraph is added to the effect that the delegates recommend their respective Governments to take steps to bring the present regulations to the notice of those States in Africa which were not represented at the Conference, and to invite them to join in adopting measures which will be for the mutual advantage of all the Powers concerned, and which the Powers represented at the Conference have pledged themselves to enforce in their own territories.

#### Regulations.

*Article 1, Paragraph (c).*—This new paragraph was added at the request of the delegates of Portugal, Belgium, and Spain, in order to cover cases arising

Since the Conference terminated, Mr. Woonan has had an opportunity of discussing paragraph 8, with the Hon. W. Thegegi, Abyssinian Government, who thought it quite possible that the Abyssinian Government might be induced to join the agreement in conjunction with the European Powers, although it would be unlikely that the regulations would be administered in a practical and effective manner. However, if Abyssinia only accepted the agreement on paper, it would be a matter of importance, as this would give the French power to hold up and confiscate illegal ivory at Djibuti, which at present forms an outlet for much ivory from the interior, and the Sudan.

indirectly from paragraphs (a) and (b), e.g., ivory purchased or obtained from persons who had killed elephants under licence or from persons who had obtained confiscated ivory from Government. Also any special cases allowed under local authority, as, for example, in *bona fide* cases of found ivory, the Governor or other authority may, in some territories, have power to allow the finder to retain the ivory or a part of it.

In some respects it is to be regretted that this paragraph was added, as it undoubtedly forms a weak point in the regulations, and leaves a door open for considerable abuse, and it appears almost unnecessary.

*Article 2.*—A legal weight limit for ivory of 10 kilogram was agreed upon, instead of the 13 Kilog suggested in the original proposals. This weight of 22 lb. is a very great advance over past conditions when applied to the whole of Africa. It will entirely protect the majority of cows and also a good percentage of breeding bulls, while, as already pointed out, it does not interfere with the higher standards of other territories. In view of the fact that in the Congo, and in some parts of German and French territory, the legal weight limit was only 5 Kilog, it was scarcely to be hoped that the rather high standard of 10 Kilog would be accepted, and it may be considered as highly satisfactory that such a figure as 10 Kilog was agreed upon.

*Article 3.*—The date for the acceptance of proof of legal possession of ivory or rhinoceros horn before the promulgation of the present regulations was altered from one year to eighteen months. A matter of comparatively no importance.

*Article 4.*—It was decided that all ivory and rhinoceros horn, whether confiscated by Government or obtained under licence, must, if exported or used for purposes of trade, be either marked with a recognized Government stamp or accompanied by a permit granted by a competent authority. This is rather more complete than the original import of article 4, and is, in fact, the law on this point in force in the African Protectorates. Articles 7 and 8 were necessarily amended to conform with article 4.

*Article 6.*—The import of this article was always intended to be contained in article 5, but at the special request of the Belgian delegation a new article was added as No. 6, which gives ample powers to local government authorities for the protection of crops or property from the depredations of elephants, or even to entirely exterminate the elephants in a district if necessary.

*Article 10.*—The original article 9, of which the new article 10 is only the fragmentary remains, would have been of great importance in the practical administration of the regulations, as has been abundantly proved in the East Africa Protectorate where it is in force at the present time. The greatest difficulty was experienced in satisfying the High Court of the East Africa Protectorate that, as regards the question of *onus probandi*, offences under a special ordinance such as a game ordinance, are in no way similar to offences under the common law. The presence of the licence entirely separates the two cases. It was found impossible to bring the delegates at the present Conference to an

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understanding and appreciation of this point, and it had consequently to be given up. Article 10 as it stands at present is little more than useless, and might almost as well have been deleted.

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When the Conference terminated on the 22nd May all the delegates, except those of the Imperial German Government, expressed themselves as satisfied with the proposals and ready to sign the protocol. The German Delegation stated that, although they were satisfied with the proposals and were prepared to sign the protocol, their instructions from their Government compelled them to sign both the protocol for the preservation of elephants and rhinoceroses and also the protocol for the restrictions on arms and ammunition, and they stated that to enable them to sign the first protocol alone without the second it would be necessary for them to obtain authority from Berlin. It was then agreed that the delegates should meet again on Monday, the 25th, when the German delegates anticipated that a reply would have been received from Berlin.

Unfortunately, the reply from the Imperial German Government was not a satisfactory one. The question has given rise to difficulties also with the French Government and still remains unsettled. Correspondence on the subject is proceeding.

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C. D.  
R. 7 JGL  
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70726150 Ca.  
General

361

DRAFT.

Mr. U.S. of S.  
70

9 July 1914

MINUTE

Mr. *de la Haye*  
Mr. *Read*  
Mr. G. Fiddes.  
Mr. H. Just.  
Mr. J. Anderson.  
Lord Emmott.  
Mr. Harcourt.

Sir,  
I am etc. to acknowledge receipt  
of your letter No. 27471/104  
of the 30th of July trans-  
mitting 2 copies of the  
Report of the British  
delegates to the Inter-  
national Conference  
for the Preservation of  
Elephant and Rhinoceros  
in Africa, who request  
you to inform Sec. Sir E.  
Grey that he concurs  
in the proposal to

Very truly yours  
Wm. Harcourt



to approve the proceedings  
of the British delegates.

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F.O/24150  
Ed.  
General

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Supp. East Conf.

Gen. Sir H. Bellfield

July 1914.

Sir,  
I have the honor to  
transmit to you, for  
your info., a copy of  
encl. with the F.O.  
relating to the International  
Conference for the Pre-  
servation of Elephants  
& Rhinoceros in Africa,  
together with a copy of  
the Report of the British  
Delegates, of whom  
Mr. R. B. Woodman  
was one.

2. I have much  
pleasure in conveying

Recd 7/17/14  
Read 7/17/14  
20/14

from F.O. 3 bundles  
24150

to F.O.  
571 minutes

to you notice the  
good service rendered  
by W. Woodman at  
the Conference