

Confidential Filing

Barron Trading in Ivory

ENVIRONMENTAL
AFFAIRS

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3004

June 1989

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
14.6.89							
21.6.89							
15.1.90							
27.3.90							
<p>Series closed</p> <p>PREM 19/2963</p>							



Foreign and Commonwealth Office

London SW1A 2AH

27 March 1990

File Review

It sounds thorough.

COO 27/3

Sen Charles

Hong Kong: Ivory

Our decision to enter on behalf of Hong Kong a six month reservation on the CITES ban on all commercial trade in ivory has provoked criticism in this country. You might welcome an account of the present position and in particular of the progress Hong Kong is making in introducing legislation to implement the ban before the reservation expires on 17 July.

The legislative process is on schedule. A draft enacting Bill was presented to the Executive Council on 20 March and is due to be introduced into the Legislative Council on 4 April, with a view to enactment in early May. In order to give legal backing to the CITES ban, the Animals and Plants (Protection of Endangered Species) Ordinance is being amended to provide that the Director of Agriculture and Fisheries shall not issue any further import and export licences for commercial trade in ivory and other highly endangered species. The Legal Advisers at the Department of the Environment have already seen a copy of the legislation in draft. The legislation will come into effect when the reservation expires.

The Hong Kong Government do not expect any serious opposition to the Bill. The fact that we acceded to Hong Kong's request to enter a six-month reservation on their behalf should help to ease the passage of the legislation through the Legislative Council, which would otherwise have been at risk.

In the meantime the Hong Kong Government have been taking advantage of the breathing space provided by our reservation to encourage ivory workers to find

/alternative



alternative jobs or to undertake retraining. The Labour Department has opened a special register to help place workers in new jobs. At the same time, the Executive Director of the Vocational Training Council has examined the retraining needs of ivory workers and is liaising with them over enrolment on retraining courses. So far the response has been poor; but it is too early to judge the success of these programmes.

The Hong Kong Government have also continued to enforce strict licensing and monitoring measures designed to ensure compliance with existing regulations. There has been a total ban on imports of ivory into Hong Kong since June 1989. No ivory can leave Hong Kong without an export license and no licenses are issued for exports to countries which have implemented the CITES ban. Since 12 January, possession licenses have also been required for all commercial ivory and personal effects in excess of 5kg. Movement of ivory between dealers is recorded and their records of the stock holdings are adjusted accordingly. A special customs task force has been created to investigate and suppress any illegal trade through Hong Kong and maximum fines for violating legislation on endangered species have been increased five-fold, accompanied by confiscation of illegal consignments.

As you may be aware from press reports, there have been claims that our decision to enter a reservation has led directly to an increase in poaching in Africa. The Lord President challenged these accusations in the House on 22 February, offering to investigate any evidence of complicity by Hong Kong ivory traders in illegal trading. No evidence has so far been produced.

A discrepancy has recently come to light between the latest figure given by the Hong Kong authorities for the size of Hong Kong's ivory stockpile (474 tonnes) and the figure which they gave last year (670 tonnes). There is no truth in the suggestion that almost 200 tonnes of ivory have simply disappeared from the territory and may have been illegally exported. The original figure was an estimate based on voluntary declarations by Hong Kong's ivory traders before the CITES Conference in October 1989. Following the introduction in January of a statutory requirement for the registration of all commercial ivory stocks, it became clear that this estimate had been too high. Part of the difference was also due to the fact that some 50 tonnes had been exported in the interim.

/The position



The position is further complicated by the fact the 116 tonnes out of the total stockpile of 474 tonnes was found to have no CITES documentation. The reason for this is that some of the ivory was imported before CITES controls were introduced or had become detached from its CITES documentation in the course of a number of transactions. Although the Hong Kong authorities have found no evidence that any of these stocks were illegally imported, they have decided not to allow any ivory which does not have CITES documentation to be exported from the territory. There should thus be no possibility of any ivory which could have been illegally acquired reaching the world market through Hong Kong.

I am copying this letter to the Private Secretaries of OD(K) members and to Sonia Phippard (Cabinet Office).

Yours ever

A handwritten signature in blue ink, appearing to read 'R N Peirce'.

(R N Peirce)
Private Secretary

C D Powell Esq
10 Downing Street

CONFIDENTIAL
FM HONG KONG
TO PRIORITY FCO
TELNO 325
OF 2412DDZ JANUARY 90
INFO PRIORITY WASHINGTON, OTTAWA, NAIROBI, NEW YORK, EC POSTS

*Cd. be used in
case of questions.*

WASHINGTON TELNO 171: AFRICAN ELEPHANT IVORY

1. IT MAY HELP YOUR CONSIDERATION OF SAVAGE'S QUESTIONS IF WE WERE TO GIVE INITIAL COMMENTS.

2. ON THE QUESTIONS AT PARA 3 OF TUR, OUR COMMENTS ARE :-

(A) DURING THE SIX MONTH RESERVATION, ALL COMMERCIAL EXPORTS OF IVORY WILL REQUIRE AN EXPORT LICENCE ISSUED BY THE HKG. SUCH LICENCES WILL ONLY BE GRANTED IN RESPECT OF EXPORTS TO NON-CITES PARTIES OR PARTIES WHICH HAVE ENTERED APPROPRIATE RESERVATIONS. EXPORTS COULD, THEREFORE, BE SENT TO CHINA AND SOUTH KOREA AND WE HAVE NO LEGITIMATE MEANS TO PREVENT THIS:

(B) ANY LICENSED EXPORTS MAY BE EITHER RAW IVORY (I.E. TUSKS, CUT PIECES) OR WORKED IVORY (E.G. CARVED PIECES):

(C) ONLY IVORY LEGALLY OBTAINED, LEGALLY HELD AND IN POSSESSION OF CITES DOCUMENTATION MAY BE EXPORTED:

(D) NO. HONG KONG BANNED IMPORTS OF RAW IVORY ON 16 JUNE 1989 AND INTRODUCED A SIMILAR BAN ON WORKED IVORY ON 18 NOVEMBER 1989. NO COMMERCIAL QUANTITIES OF IVORY MAY NOW BE IMPORTED. PERSONAL EFFECTS IN EXCESS OF 5KG REQUIRE AN IMPORT LICENCE WHICH WILL ONLY BE GRANTED ON THE PRIOR PRODUCTION OF AN EXPORT LICENCE. CLEARLY, WITH AN INSIGNIFICANT DOMESTIC MARKET, GREATLY DIMINISHED EXPORT POTENTIAL AND STRINGENT CONTROLS, THERE IS NO INCENTIVE TO REPLENISH STOCKS.

3. AS REGARDS PARA 4(B) OF TUR, OUR POSITION UNTIL THE COMING INTO FORCE OF APPENDIX I FOR THE AFRICAN ELEPHANT ON 18 JANUARY, WAS THAT THE HKMA (THE CITES AUTHORITY IN HK) WAS OBLIGED TO EXAMINE ALL APPLICATIONS FOR EXPORT LICENCES ON THEIR INDIVIDUAL MERITS. THERE WAS NO REQUIREMENT UNDER CITES RULES FOR HIM TO CONSIDER THE STATED DESTINATION AS A MATERIAL FACTOR. FROM 18 JANUARY, HOWEVER, WE REGARD THE STATED DESTINATION AS BEING A MATERIAL FACTOR AND

WILL NOT ISSUE LICENCES TO COUNTRIES WHICH HAVE BANNED IVORY
IMPORTS.

WILSON

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MR C FOLLAND DOE BRISTOL
DR RUNDELL EAFD ODA

GUIDANCE

NNNN

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c: Ivory
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10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

15 January 1990

HONG KONG AND THE IVORY TRADE

The Prime Minister has seen the latest exchange of correspondence between your Secretary of State and the Foreign Secretary on the case for a six month moratorium for Hong Kong before implementing the ban on trade in ivory. She thinks that we must enter a reservation on Hong Kong's behalf. She notes that your Secretary of State accepts that Hong Kong's case is a reasonable one. The fact that imports of ivory to Hong Kong will be banned immediately should help gain understanding for the colony's particular difficulties. For more general reasons, she does not believe that we can add to those difficulties at present, even if the price is some criticism of the United Kingdom.

The Prime Minister therefore supports the Foreign Secretary's intention to enter a reservation on Hong Kong's behalf, and hopes that both departments will make a concerted effort in briefing the media to explain the reasons for it.

I am copying this letter to Richard Gozney (Foreign and Commonwealth Office) and to Sir Robin Butler.

C.D. POWELL

Roger Bright, Esq.,
Department of the Environment.

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FCS/90/011

SECRETARY OF STATE FOR THE ENVIRONMENT

Hong Kong and the Ivory Trade

- attached*
1. Thank you for your letter of 12 January, which has reached me here in Hong Kong.
 2. I have discussed the issue with those responsible here for implementing the ivory ban. They are planning comprehensive legislation and are confident that the Hong Kong legislature will have a majority to adopt it.
 3. They are equally clear that, without a six month moratorium, the legislature will simply refuse to implement the necessary legislation. I therefore see no alternative to our entering a reservation. At the same time, the Government of Hong Kong would make a firm public statement saying that imports of ivory would be banned immediately, setting out a very strict regime which will apply when the ban is implemented and making clear that, in the meantime, ivory will be exported only to those countries (mostly in Asia) which are not parties to the ban.

/4.

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4. I agree the public handling will not be easy but we have a perfectly good case to make, namely that Hong Kong, the world's largest market for ivory, has accepted the ban, and that this represents a major advance. Because several thousand people make their living from carving, they need a few months in which to adapt. It is better to allow a few months adaptation and then have the whole-hearted support of the people in Hong Kong in implementing the ban than to be unable to get the ban implemented at all.
5. In the light of the answers I have had about the Hong Kong legislation and the strictness of the controls, I propose to enter a reservation on 18 January.
6. I am copying this minute to the Prime Minister and to Sir Robin Butler.

R.H.P. Sorey
for (DOUGLAS HURD)

Foreign and Commonwealth Office
15 January 1990

(Approved by the Foreign
Secretary in Hong Kong)

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2 MARSHAM STREET
LONDON SW1P 3EB
01 276 3000

The Rt Hon Douglas Hurd MP
Foreign and Commonwealth Office
Downing Street
LONDON
SW1A 2AL

My ref:
Your ref:
12 January 1990

Dear Foreign Secretary,
HONG KONG AND THE IVORY TRADE

Thank you for your letter of 11 January. I am grateful for the efforts you have made to try to find a satisfactory solution to this difficult question.

I fully understand the arguments for entering a reservation on behalf of Hong Kong. In practical terms I accept that it would provide a reasonable breathing space to allow Hong Kong to get its house in order before falling fully into line with CITES - although, given the general acceptance of a total ban on trade, I do rather wonder where they hope to be able to dispose of their stocks.

It is already clear however from media reports and the volume of correspondence I have received on this issue that to do so would lead to an international outcry. It is widely felt that allowing the Hong Kong stocks to enter trade would create a loophole through which further amounts of illegally taken ivory could be laundered and would undermine the decision to ban trade. For us to enter a reservation to allow this to happen would be seen as reneging on our commitment to conserving the African elephant. We would lose much of our credit which we have deservedly earned in the international community for our stand on this issue at a time when I believe we should be doing our utmost to enhance our environmental credentials.

I fear therefore that I must urge you again to reconsider.

I am sending a copy of this letter to Sir Robin Butler.

Yours sincerely

PP
CHRIS PATTEN
(Approved by the Secretary of State and signed in his absence)

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File to
c: XV (3)



10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

19 December 1989

HONG KONG AND THE IVORY TRADE

The Prime Minister has seen a copy of the Foreign Secretary's minute of 7 December to the Secretary of State for the Environment, and the latter's reply, about Hong Kong's request that we should enter a reservation under Article XV(3) of the Washington Convention so that traders have time to dispose of their existing stocks of ivory.

The Prime Minister has considerable sympathy with Hong Kong's request for such a reservation, provided that stringent steps are being taken to control and monitor trade in ivory during that period, and the breathing space offered by the reservation is not abused. The problems faced by Hong Kong are genuine, and cannot simply be ignored.

I am sending a copy of this letter to Roger Bright (Department of the Environment).

C.D. POWELL

Stephen Wall, Esq.,
Foreign and Commonwealth Office.

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2 ak



Dear Minister

2 MARSHAM STREET
LONDON SW1P 3EB
01 276 3000

The Rt Hon Douglas Hurd MP
Foreign and Commonwealth Office
Downing Street
LONDON
SW1

I think Hong Kong, case

My ref:

Your ref:

is better than 18 December 1989

Mr. Patten admits
(see Foreign Secretary's minute attached)

Dear Foreign Secretary

Thank you for your letter of 7 December proposing that the United Kingdom enter a reservation on Hong Kong's behalf to the decision taken at Lausanne to place the African elephant on Appendix I of the Convention.

I do appreciate the sensitivities of anything relating to Hong Kong at the present time. I also appreciate the special circumstances in the Colony and recognise the considerable lengths to which the authorities, and the industry, have gone to ensure that the present stocks of ivory there are monitored and controlled. But all these measures were fully explained to the Conference before the parties there voted overwhelmingly to reject a proposal that would have allowed trade in existing stocks. And you will recall we attracted considerable criticism from the UK press and the environmental lobbies generally for our decision to abstain from the vote on the issue.

If, under Article XV(3) of the Washington Convention, we were to make the reservation you propose, it would seem that the United Kingdom would be treated as a State not party to the Convention with respect to trade in the African elephant, although we would wish to make clear that the reservation was in respect of Hong Kong and for no longer than July 1990.

Thus to enter a reservation would be in my view ill advised. It would be misunderstood by the public at large. It would attract further, and no doubt well orchestrated criticism. It would be difficult to defend. We would be seen as acting in a manner inconsistent with our hitherto unwavering support for the Appendix I listing (and its consequences), and the lead we gave to the rest of the Community in the months leading up to the Lausanne Conference. I believe that the political arguments against entering a reservation are substantial.

I cannot therefore give you the confirmation you seek.

I am copying this letter to the Prime Minister.

Chris Patten

pp CHRIS PATTEN

(approved by the Secretary of State)

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and sig



ENV AFFAIRS : 11/01/01, June 01





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cc: J.C.

Amer FCW
RM am
CDA
E/ri

FCS/89/216

SECRETARY OF STATE FOR THE ENVIRONMENT

Hong Kong and the Ivory Trade

1. As you know Hong Kong faces serious difficulties following the decision taken at the CITES Conference last month to ban all international trade in ivory. Hong Kong has long been the centre of the world's ivory trade and has by far the largest stockpile. This amounts to over 600 tonnes and had a value before the Conference of about £83 million. Some 3000 people are directly engaged in the trading and carving of ivory. Despite these difficulties, and the hardship which will inevitably be inflicted on those whose livelihoods depend on the trade, the Hong Kong Government have resolved to implement the ban and to introduce the necessary legislation. This should have a significant impact on the international effort to save the African elephant.

2. The Hong Kong Government are, however, understandably under strong pressure to alleviate the immediate difficulties of those affected by the ban. The Governor has formally asked us to help in either of the following ways:

/(a)

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- (a) to press for the establishment of a special fund, sponsored by the main CITES parties, to purchase the ivory that is legally held by traders in Hong Kong; or
- (b) to enter a reservation on Hong Kong's behalf, to remain in force for a period of six months after the expiry of the 90 day grace period, so that the traders have time to dispose of their existing stocks, and to enable a retraining scheme for ivory craftsmen to be implemented.

3. The idea of establishing an international buy out fund is not a practicable proposition. There is no provision for this in the CITES Convention. Few countries would be willing to contribute to such a fund. We should therefore quickly scotch this idea, before unrealistic expectations are raised in Hong Kong.

4. The alternative proposal, that of entering a reservation on Hong Kong's behalf, is feasible. There is a provision in the Convention for states to enter reservations (Article XV(1)(C)). There is also a precedent for this procedure: the UK entered a reservation for Hong Kong in 1977.

5. I am very reluctant to countenance any delay in implementing the ban but there are strong arguments for Hong Kong in this case.



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6. The Governor of Hong Kong has told us that, such is the strength of feeling in the territory about this issue, the Legislative Council would be likely to block or delay the legislation needed to implement the ban, unless he can clearly show that the British Government have acted on behalf of Hong Kong to mitigate the effects of the ban. A failure by Hong Kong to pass the necessary legislation would put the UK in breach of the Convention. There are no precedents in the last 75 years for our overriding the Hong Kong Government and Legislature. Were we to do so now, it would provoke a row in the colony and set a precedent which the Chinese might be only too happy to follow after 1997.

7. We will be criticised for entering a reservation. We can argue that compliance by Hong Kong is a big gain and that our action is a necessary step to ensure total compliance. We might also point out that there is a long established tradition of the Government acting on behalf of Hong Kong in international fora where Hong Kong has no independent voice (eg in the GATT before Hong Kong became a party in its own right in 1986).

8. We shall ensure that during the six months' grace period stringent steps are taken in Hong Kong to control and monitor trade in ivory. The Hong Kong Government have introduced the following measures:

(a) All ivory stocks in Hong Kong must be identified and registered with the Hong Kong Management Authority; a computer data base has been set up to monitor the movement of all registered ivory.

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(b) All companies dealing in commercial quantities of ivory will be required to take out possession licences.

(c) The export of all commercial quantities of all forms of ivory will require a licence.

(d) A Special Task Force has been set up within the Customs and Excise Department to investigate and suppress any illegal ivory trade through Hong Kong.

(e) Maximum fines for violating Hong Kong's endangered species legislation have been increased 5-fold to HK\$50,000 (about £4000). Any illegal consignments are of course confiscated.

9. These measures should ensure that as far as possible the six month breathing space will not be abused and that no new ivory would enter Hong Kong during that period.

10. The Hong Kong authorities are pressing ahead with a retraining programme for ivory workers; and they will urge the traders to take maximum advantage of the time available to run down their stocks. The principal legal outlets open to them are countries who are not party to CITES such as South Korea, Brunei, certain Middle Eastern countries and Taiwan; and any party countries who might enter a reservation. There would of course be no question of exporting ivory to countries who were parties to CITES; nor of any extension of the ban beyond the six month period: thereafter the ban would be total.

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11. I should be grateful for confirmation that you are content for a reservation to be entered in accordance with the procedure outline above. I would like to make our intentions known in Hong Kong as soon as possible.

12. I am copying this minute to the Prime Minister.

DH.

(DOUGLAS HURD)

Foreign and Commonwealth Office

7 December 1989

GENERAL DIST.

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AND TO DESKBY 171100Z UKDEL KUALA LUMPUR

FROM UK DELEGATION TO CITES

ROUND-UP: 16 OCTOBER

SUMMARY

1. COMMITTEE I VOTES FOR APPENDIX I LISTING OF AFRICAN ELEPHANT THROUGHOUT AFRICA WITH PROVISION FOR THOSE STATES ABLE TO PROVE THEIR POPULATIONS ARE CAPABLE OF EXPLOITATION TO APPLY AT NEXT CITES CONFERENCE TO HAVE THEM DOWNGRADED TO APPENDIX II. UK, EC PARTNERS AND US VOTE IN FAVOUR. FIVE AFRICAN COUNTRIES SUBSEQUENTLY THREATEN TO ENTER RESERVATIONS.

DETAIL

2. COMMITTEE I'S PROCEEDINGS FOR AFTERNOON OF 16 OCTOBER STARTED WITH SCIENTIFIC OPINION FROM WWF ON STATUS OF AFRICAN ELEPHANT THROUGHOUT CONTINENT. WWF BELIEVES THAT, IN CENTRAL AFRICA, ELEPHANT IS ENDANGERED IN EQUATORIAL GUINEA, ZAIRE, CENTRAL AFRICAN REPUBLIC AND POSSIBLY IN CAMEROON AND CONGO, BUT NOT IN GABON. IN SOUTHERN AFRICA THEY SAY ELEPHANT IS ENDANGERED IN ZAMBIA AND MOZAMBIQUE, BUT NOT IN ZIMBABWE, BOTSWANA, SOUTH AFRICA AND NAMIBIA. SIMON LYSTER OF

WWF THEN MADE AN IMPASSIONED PLEA FOR THOSE COUNTRIES WHO HAD MANAGEABLE ELEPHANT POPULATIONS, SUCH AS ZIMBABWE, TO ACCEPT A MORATORIUM UNTIL THE NEXT CITES CONFERENCE - AS PROPOSED IN THE SOMALI AMENDED PROPOSAL - IN THE INTERESTS OF THE ELEPHANT THROUGHOUT AFRICA. AFTER HEARING FURTHER PRESENTATIONS FROM SOUTHERN AND CENTRAL AFRICAN COUNTRIES WHO DISPUTED THE WWF SCIENTIFIC OPINION (EG CAMEROON AND SOUTH AFRICA) CHAIRMAN PUT THE ISSUE TO A VOTE. A PRELIMINARY CARD VOTE ON WHETHER OR NOT THE BALLOT SHOULD BE SECRET WAS DEFEATED WITH THE UK JOINING THOSE WHO VOTED FOR AN OPEN BALLOT.

3. THE COMMITTEE HAD BEFORE IT FOUR SEPARATE PROPOSALS ON WHICH TO VOTE. A TWO-THIRDS MAJORITY WAS REQUIRED FOR A PROPOSAL TO BE ACCEPTED. THE FIRST, A ZIMBABWE PROPOSAL ON SPLIT LISTING FOR SOUTHERN AFRICAN STATES, WAS DEFEATED BY A LARGE MAJORITY. THE UK, EC PARTNERS, AND US VOTED AGAINST ON THE GROUNDS THAT COUNTRIES COVERED IN THE PROPOSAL FOR APPENDIX II LISTING INCLUDED SOME WHOSE MANAGEMENT SYSTEMS WERE UNPROVEN EG MOZAMBIQUE. THE SECOND PROPOSAL, FROM GABON ON SPLIT LISTING FOR CENTRAL AFRICAN STATES, WAS DEFEATED BY AN EVEN LARGER MAJORITY; THE UK, EC PARTNERS AND US AGAIN VOTED AGAINST. THE THIRD PROPOSAL WAS A PACKAGE OF SIX, ALL PROPOSING STRAIGHTFORWARD APPENDIX I LISTING WITH NO SPLIT LISTING. THE UK, EC PARTNERS AND US VOTED FOR THESE PROPOSALS BUT THE REQUIRED TWO-THIRDS MAJORITY WAS NOT ACHIEVED. COMMITTEE I THEN CONSIDERED AN AMENDED SOMALI PROPOSAL (FAXED TO MAED) FOR APPENDIX I LISTING FOR ALL AFRICAN ELEPHANT POPULATIONS WITH PROVISION FOR THOSE COUNTRIES WISHING TO DOWNGRADE TO APPENDIX II TO PRESENT THEIR CASE TO THE PARTIES TO CITES. AS THIS CAN ONLY BE DONE AT CONFERENCE THE PROPOSAL MEANT A TWO-YEAR (AT LEAST) MORITORIUM. THIS PROPOSAL WAS PASSED TO WIDESPREAD ACCLAMATION, WITH 76 COUNTRIES IN FAVOUR, 11 AGAINST, AND 4 ABSTENTIONS (INCLUDING JAPAN). IMMEDIATELY AFTERWARDS ZIMBABWE, BOTWANSAN, MALAWI, MOZAMBIQUE, ZAMBIA AND BURUNDI ANNOUNCED THEIR INTENTION TO TAKE RESERVATIONS, WHICH WOULD MEAN THAT THEY DID NOT CONSIDER APPENDIX 1 TO APPLY TO THEM.

COMMENT

4. THE SOMALI PROPOSAL WAS PROBABLY THE BEST COMPROMISE WHICH THE COMMITTEES, AFTER 6 DAYS OF DEBATE, COULD HAVE REACHED. SUBJECT TO PLENARY DECISION THE ELEPHANT WILL NOW BE ON APPENDIX 1 WITH THE SITUATION TO BE REVIEWED AT THE NEXT CITES CONFERENCE. IT IS UNFORTUNATE THAT A NUMBER OF SOUTHERN AND CENTRAL AFRICAN PRODUCER COUNTRIES HAVE THREATENED TO ENTER RESERVATIONS BUT SIGNIFICANT THAT NO CONSUMER COUNTRY HAS DONE SO. THOSE AFRICAN COUNTRIES WOULD THEREFORE HAVE GREAT DIFFICULTY IN TRADING IN ELEPHANT PRODUCTS

SHOULD THEY WISH TO DO SO. PLENARY SESSION OF THE CONFERENCE WILL VOTE ON THE ISSUE LATER IN THE WEEK. WITH SUCH A LARGE MAJORITY IN COMMITTEE I IT IS UNLIKELY THAT PLENARY WILL DO OTHER THAN ENDORSE THIS DECISION.

5. VOTING ON RESOLUTION 5.11 (EXISTING STOCKS) WILL PROBABLY TAKE PLACE ON 17 OCTOBER. HONG KONG WILL AGAIN BE ALLOWED TO PUT ITS CASE FOR EXEMPTION.

SANKEY

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be PC

10 DOWNING STREET

From the Private Secretary

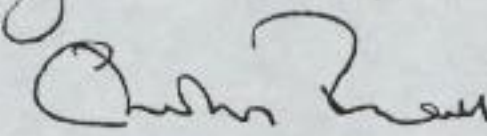
17 October, 1989.

Dear Stephen,

CITES

I should record that the Prime Minister told the Foreign Secretary tonight that she thought we ought logically to vote in support of Hong Kong in the current dispute over the treatment of existing stocks of ivory. At the most we should abstain. It would go entirely against our principles on property and the undesirability of legislation with retrospective effect, as well as our duty to look after the interests of Hong Kong, to vote for a complete ban on trade in these stocks. She asked the Foreign Secretary to convey this to the Secretary of State for the Environment.

I am copying this letter to Roger Bright (Department of the Environment).

Yours sincerely,

(C.D. Powell) T

Stephen Wall, Esq.,
Foreign and Commonwealth Office.

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2 MARSHAM STREET
LONDON W1P 3ER
01-278 3000

Charles Powell Esq
Private Secretary to the
Prime Minister
10 Downing Street
LONDON
SW1

My ref:

Your ref:

9 October 1989

Dear Charles

CONSERVATION OF THE AFRICAN ELEPHANT

You asked for briefing on the line which the British delegation to the CITES conference will be taking. I attach a briefing note.

DOE Ministers have agreed that the UK should not take any initiative which might be seen to conflict with our support for Appendix 1 listing. With such a sensitive subject the press and media are continually looking for a weakening in our position.

Yours

CEJ Bush

KATE BUSH
Private Secretary

CONSERVATION OF THE AFRICAN ELEPHANT

1. The Government announced in June its support in principle for the transfer of the African elephant from Appendix II to Appendix I of the CITES Convention, which would mean a complete ban on trade in ivory. This was endorsed by EC Environment Ministers who agreed however that because of the complexity of some of the issues it would be right to listen carefully to the arguments put forward at the CITES Conference this month before reaching final decisions. This is a matter in which the Community has competence.
2. Discussion at the conference will focus on two issues. First, those Southern African countries which have increasing elephant populations and wildlife management programmes partly financed by trade in their ivory will press for some compromise which allows them to continue to trade under strictly controlled conditions. If that is not agreed, and the conference votes for Appendix I listing without exceptions, there is a strong possibility that these countries will enter a reservation thereby effectively opting out of any trade ban. The loop-hole this would create could be far more detrimental to the conservation of the elephant than allowing limited trade. Secondly, Hong Kong, while supporting Appendix I listing, wish to be allowed to trade their existing substantial stocks of legal ivory. The Hong Kong Government will be able to make their case at the conference (where they will formally form part of the UK delegation). It is however likely to be opposed by those in favour of Appendix I listing because of the potential loop-hole continued trading would provide for illegal ivory.
3. DOE and FCO Ministers have agreed that the UK delegation at the conference should be prepared to accept compromises on both points if our European partners agree (subject to final clearance with Ministers). Should our Community partners decide to vote against a compromise in favour of the Hong Kong position, we should abstain. On neither issue however would we take any initiative which might be seen to conflict with our general support for Appendix I listing.



Charles Powell Esq
 Private Secretary to the
 Prime Minister
 10 Downing Street
 LONDON
 SW1

Dear Charles

CONSERVATION OF THE WYVERN

You asked for briefing
 to the CITES committee
 note.

DOE Ministers have agreed
 initiative which will be
 Appendix 1 listing. The
 media are continuing to

Yours

CE SR

KATE BUSH
 Private Secretary

CONSERVATION OF THE AFRICAN

1. The Government will support the transfer of the Appendix I of the CITES Convention to trade in ivory. The Government who agreed however on the issues it would be brought forward at the time of the decisions. This is a matter of competence.

2. Discussion of the possibility of financing by trade in ivory the elephant trade in Africa while supporting their existing wildlife conservation. Government will be able to take (where they will be able to) It is however a matter of Appendix I listing of the trading would be a matter of

3. DOE and FCO Ministers have agreed that the conference should be prepared to accept the points if our European partners agree subject to (with Ministers). Should our Community partners be against a compromise in favour of the strong position we should abstain. On neither issue however would we take any initiative which might be seen to conflict with our general support for Appendix I listing.



Minister for Housing
Environment and Countryside

Department of the Environment
2 Marsham Street
London SW1P 3EB
Telephone 01-276 3450

28 June 1989

Dea Grey

Following our recent discussions on the import of antique ivory, I undertook to write to you to clarify how such imports would be affected by our recently announced UK ban on all worked and raw ivory and the proposed Community ban.

I recognise your concern about this matter and appreciate that there is some force in the argument that trade in genuine antiques has no impact on efforts to conserve the African elephant. I am therefore sympathetic to allowing such trade to continue, subject to safeguards to ensure that it does not create a loophole through which illegal ivory might enter trade.

So pending the introduction of the proposed European regulation, I would have no objection to considering applications for the import of genuine antiques from outside the Community (intra-Community trade is not affected by the existing UK import ban or the proposed Community-wide ban). Before allowing such imports however, we would of course require positive evidence of the age and origins of the articles concerned, and the onus would be very much on the prospective importer to supply this. Customs and Excise do not have the manpower or the scientific expertise to authenticate such items, and would be likely to detain any which are not accompanied by an import permit from my Department.

Although the precise terms of the proposed EC regulation are still being considered, it is unlikely that trade in genuine antiques will be affected by the new regulation. Our European partners and the Commission share our view that such trade has no effect on the conservation of the African elephant.

Exports of ivory antiques from the UK are not affected by the existing measures we have taken, which are aimed solely at restricting imports.

There remains the question of how an "antique" should be defined. In European law, an antique is an article over 100 years old, but it is likely that antiques or objets d'art containing ivory which can be proven to have been made before 1976 (the date on which CITES restrictions were first applied to the African Elephant) will also be effectively exempt from the proposed Community import ban.

I hope this will help to clarify the position. I am sending a copy of this letter to Peter Carrington.

Yours truly
Malcolm

THE EARL OF CAITHNESS

The Rt Hon The Earl of Gowrie

Rle

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PRIME MINISTER

I fear your answer to Ron Davies' written PQ on ivory yesterday has not killed his interest. He has put down another one, for written answer on Friday, asking a lot more detail. A copy is attached.

I think it is very unlikely that the subject will come up tomorrow afternoon, and if it does it should be quite sufficient simply to refer to the answer you have already given (copy also attached). Ron Davies' line is a snide and unpleasant angle, but there is little substance to it since you have quite properly declared the items to the Customs as soon as you were made aware of the requirements. (And the world is coming to a poor pass if, as Ron Davies suggests, you have to determine the "origin and legality" of gifts to you from other heads of government!).

I will put a draft answer to you tomorrow when I have cleared the line with Customs.

DOMINIC MORRIS

21 June 1989

PM2ASG



File

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

15 June 1989

Dear Roger,

IVORY

The Prime Minister mentioned in Cabinet this morning the representations which she has received from Lord Gowrie about the complete ban on trade in ivory, including worked ivory. She has asked me to follow this up and say that she believes that Sothebys and Christies have a valid point in suggesting that there ought to be a cut-off date - perhaps 1945 - and that the ban should not apply to objects produced before then. This would allow trade in genuine antique ivory, and objects containing it, to continue. She thinks it would be very helpful if your Secretary of State or Lord Caithness could discuss this matter direct with Lord Gowrie.

I am sending a copy of this letter to Neil Thornton (Department of Trade and Industry), Richard Gozney (Foreign and Commonwealth Office) and to Roger Lavelle (Cabinet Office).

Yours sincerely,
Charles Powell

CHARLES POWELL

Roger Bright, Esq.,
Department of the Environment

FILE
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IVORY

At last week's Environment Council, Lord Caithness subscribed to a total ban on trading in ivory, including worked ivory. Lord Gowrie and Lord Carrington have both been on to me to express great concern about the rather blithe way in which we rushed into this without thinking of the consequences for the antique business - consequences which are much heavier for the United Kingdom than for other Member States given that we dominate the business.

Lord Gowrie says that both Sothebys and Christies fully support the objectives of the ban. But they say there really ought to be a cut-off date of say 1945, and the ban should not apply to objects produced before then. They point out that a very large number of antique articles contain bits of ivory, for instance violins. They think it would have been wiser for DOE to have consulted before rushing into this.

Lord Gowrie and Lord Carrington would like to come and see you. But as a first step, you might like me to write to DOE, expressing your concern that this point was not taken more fully into account and asking that it should be remedied rapidly in our national legislation. You might also mention it to Mr. Ridley in the margins of Cabinet tomorrow. Agree?

C. D. POWELL

14 JUNE 1989

MRMAFC

BACKGROUND

There has been increasing public concern about the illegal poaching of African elephants and the entry into trade of ivory from these sources. Pressure to transfer the African elephant from Appendix II to Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) thereby prohibiting virtually all commercial trade in ivory, has recently increased. In the light of the declining population of African Elephants and the outcome of discussions he had with wildlife experts during an official visit to Kenya, Lord Caithness announced on Tuesday 23 May the Government's decision to support the proposal to include the species on Appendix I of CITES. At the Environment Council meeting on 8-9 June, Lord Caithness will call on his European colleagues to lend their support to the proposal. He will also urge them to agree to an immediate ban on the import of ivory into the EC under the terms of the existing EC Regulations. A unilateral ban on trade is unlikely to have any significant effect on the total trade. The UK accounts for only about 1.2% of world trade and that trade would simply find an outlet elsewhere.

Listing the African elephant on Appendix I of CITES will make trade in new ivory illegal; trade in ivory legally acquired before the Appendix I listing came into force would normally be allowed. The introduction of Appendix I controls should reduce the ability of poachers to put their illegal ivory into trade. It will not, of course, prevent poaching. The African countries concerned will need help with measures to conserve their populations of elephants. At present we are considering with the ODA what additional assistance the UK might be able to offer.

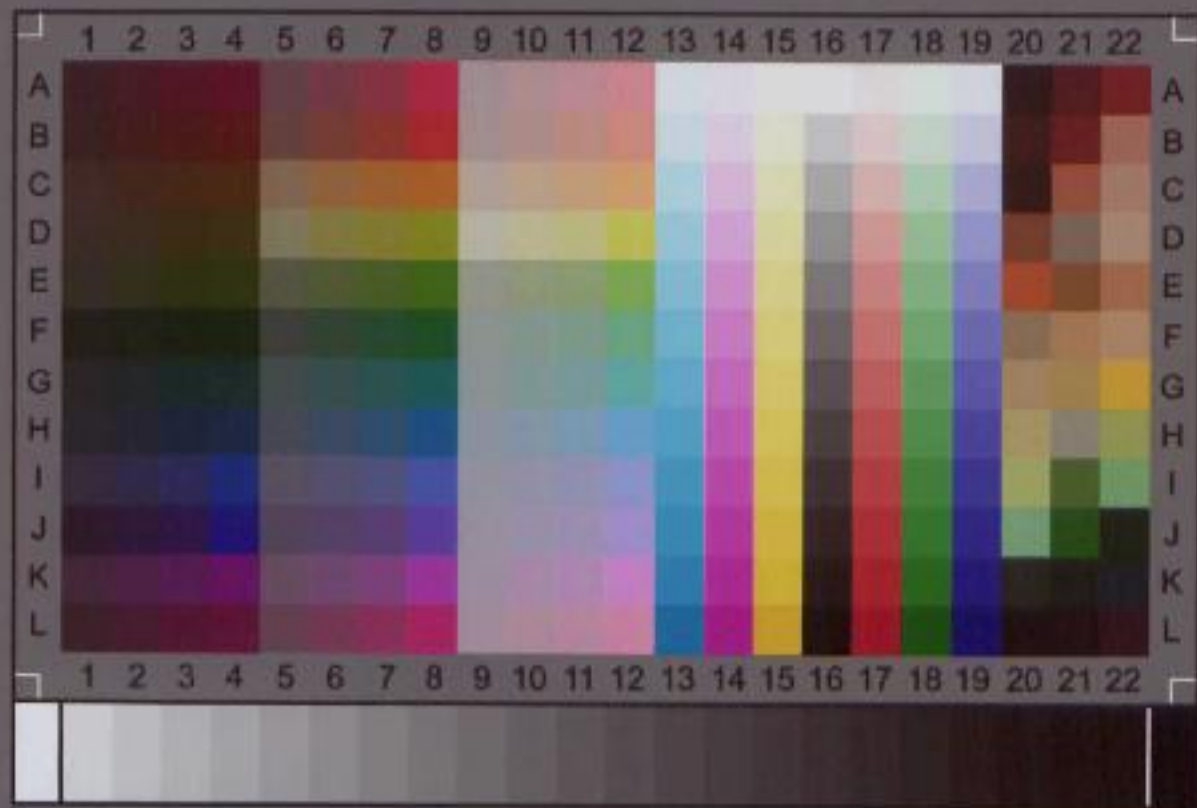
Hong Kong has been heavily criticised as a centre for illegal trade in ivory. Hong Kong has a high degree of autonomy on many issues and this includes trade in endangered species. The PCO have been in touch with Hong Kong to inform them of our change in policy and they are considering what line they should take. Hong Kong have strictly adhered to the conservation and enforcement measures called for by CITES and recently strengthened their controls on worked ivory.

B

DRAFT BRIEFING FOR THE PRIME MINISTER ON THE AFRICAN ELEPHANT

Line to Take

I am fully aware of and share public concern about the plight of the African elephant. At the Environment Council meeting on 8-9 June, Lord Caithness will be calling on his European colleagues to support the transfer of the African elephant from Appendix II to Appendix I of CITES and to introduce an immediate ban on imports into the Community under the terms of the existing EC Regulations.



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