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ELEPHANTS



HEARINGS
BEFORE THE
COMMITTEE ON
MERCHANT MARINE AND FISHERIES
HOUSE OF REPRESENTATIVES
NINETY-SIXTH CONGRESS

FIRST SESSION

ON

H.R. 4685

A BILL TO PROVIDE FOR THE CONTROL OF THE IMPORTING
INTO, AND THE EXPORTING FROM, THE UNITED STATES OF
ELEPHANTS AND ELEPHANT PRODUCTS

JULY 25, 26, 1979

Serial No. 96-13

Printed for the use of the
Committee on Merchant Marine and Fisheries



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1979

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ELEPHANTS

WEDNESDAY, JULY 25, 1979

HOUSE OF REPRESENTATIVES,
COMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, D.C.

The committee met, pursuant to notice, at 2:30 p.m., in room 1334, Longworth House Office Building, Hon. James L. Oberstar presiding.

Present: Representatives Oberstar, de la Garza, AuCoin, and Evans of the Virgin Islands.

Staff present: Martin Howell, professional staff; Len Sutter, majority counsel; Bernard Winfield, clerk; May Kido, majority secretary; and George Mannina, minority professional staff.

Mr. OBERSTAR. Good afternoon. The Merchant Marine and Fisheries Committee will please come to order.

This afternoon the committee commences the first of 2 days of hearings on H.R. 4685, a bill to provide for the control of the importing into, and the exporting from, the United States of elephants and elephant products.

On behalf of Chairman Murphy, I want to thank the sponsors of the legislation. But I especially want to single out our colleague, Tony Beilenson, who, both in the previous Congress and this year, has led the way on this important issue as a diligent Member expressing his own concern on the fate of the African elephant. His staff has worked with the committee staff to generate H.R. 4685, of which he is a cosponsor.

[The bill and departmental reports follow:]

(1)

To provide for the control of the importing into, and the exporting from, the United States of elephants and elephant products.

JUNE 28, 1979

Mr. MURPHY of New York (for himself, Mr. BEEUX, Mr. PRITCHARD, Mr. EMERY, and Mr. BEILENSON) introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

To provide for the control of the importing into, and the exporting from, the United States of elephants and elephant products.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3	SHORT TITLE
---	-------------

SECTION 1. This Act may be cited as the "Elephant
Protection Act of 1979".

6 FINDINGS AND POLICY

7 SEC. 2. (a) The Congress finds and declares that there
8 has been a drastic decline in the population of elephants in

1 some countries in East Africa, that there has been a gradual
2 and steady decline in the population of elephants throughout
3 many of the African countries, and that one of the causes for
4 this decline is the illegal killing of elephants for their ivory
5 tusks.

6 (b) It is the policy of the United States—

7 (1) to actively pursue through international initia-
8 tives the establishment of effective controls on interna-
9 tional trade in products from elephants such as ivory;

10 (2) to provide all appropriate forms of aid to na-
11 tions acting to prevent the destruction of elephant
12 habitats and the exploitation of elephant populations;
13 and

14 (3) to develop effective programs to conserve ele-
15 phants.

16 DEFINITIONS

17 SEC. 3. For purposes of this Act—

18 (1) the term “elephant” means a member of the
19 species *Loxodonta africana*, the African elephant;

20 (2) the term “elephant product” means any part
21 of an elephant or any product derived in whole or in
22 part from an elephant;

23 (3) the term “person” includes any individual,
24 partnership, association, corporation, trust, or any

1 other organization subject to the jurisdiction of the
2 United States;

3 (4) the term "Secretary" means, unless otherwise
4 specified in this Act, the Secretary of the Interior; and

5 (5) the term "State" means any of the several
6 States, the District of Columbia, the Commonwealth of
7 Puerto Rico, the Northern Mariana Islands, Guam, the
8 Virgin Islands, American Samoa, the Federated States
9 of Micronesia, and any other territory or possession of
10 the United States.

11 PROHIBITED ACTS

12 SEC. 4. (a) It is unlawful for a period of six months
13 beginning on the effective date of this Act for any person—

14 (1) to import into the United States or export
15 from the United States any elephant or elephant prod-
16 uct;

17 (2) to transport in interstate commerce any ele-
18 phant or elephant product imported in violation of this
19 Act;

20 (3) to sell, receive, acquire, or purchase any ele-
21 phant or elephant product which has been imported in
22 violation of this Act and which has moved in interstate
23 commerce; or

1 (4) to attempt to commit, solicit another to
2 commit, or cause to be committed any offense defined
3 in this section.

4 (b) Notwithstanding subsection (a), the Secretary may
5 grant a permit, under such terms and conditions as the Sec-
6 retary may prescribe, for the importation or exportation of
7 any live elephant held in captivity prior to the date of pas-
8 sage of this Act, provided it is imported or exported for zoo-
9 logical, educational, scientific, or exhibition purposes.

10 PERMITTED EXPORT AND IMPORT

11 SEC. 5. (a) Beginning six months after the effective date
12 of this Act the Secretary may grant a permit, under such
13 terms and conditions as the Secretary may prescribe, allow-
14 ing the importing into or the exporting out of the United
15 States of elephants and elephant products if the Secretary,
16 after consultation with the wildlife management authorities of
17 the government of the nation in which such elephant or ele-
18 phant product originates, finds that—

19 (1) a management program for elephant conserva-
20 tion in the nation in which such elephant or elephant
21 product originates has been developed or is being effec-
22 tively developed, which—

23 (A) provides for elephant population evalua-
24 tions based on the best available data on the total

1 numbers, age, sex-class distributions, geographic
2 distribution, and annual recruitment of elephants;

3 (B) provides for evaluations of historical and
4 present habitats of elephants, including the status
5 of vegetation (species composition and relative
6 abundance), soil conditions, available water (in-
7 cluding spatial and temporal distribution), and
8 seasonal variability in climate;

9 (C) provides for monitoring and managing
10 such pressures on elephant populations as habitat
11 loss, poaching, natural mortality, sport hunting,
12 and culling or other deliberate population regula-
13 tion;

14 (D) provides for adequate enforcement of do-
15 mestic and applicable international laws and regu-
16 lations concerning elephant conservation;

17 (E) provides that the export of elephant or
18 elephant products from such nation will not be
19 detrimental to the maintenance of stable elephant
20 populations in such nation; and

21 (F) provides that any living elephant import-
22 ed or exported will be prepared and shipped so as
23 to minimize the risk of injury or damage to health
24 and will not be cruelly treated; and

1 (2) the nation in which the elephant or elephant
2 product originates has established a mechanism to reg-
3 ulate and administer the handling in commerce of ele-
4 phant products, which includes sufficient recordkeeping
5 and marking requirements to assure that legal and il-
6 legal traffic in such products can be traced and ac-
7 counted for.

8 (b) If the elephant or elephant product is imported into
9 the United States from a nation other than the nation in
10 which the elephant or the elephant product originates, the
11 Secretary shall grant a permit allowing such importing only
12 if the Secretary finds that the nation exporting the elephant
13 or elephant product to the United States has established a
14 mechanism to regulate and administer the handling in com-
15 merce of elephants and elephant products which mechanism
16 includes sufficient recordkeeping and marking requirements
17 to insure that such products can be traced as having originat-
18 ed in a nation meeting the requirements of subsection (a),
19 having been legally imported into the nation in question, and
20 having been exported without commingling with other ele-
21 phant products not subject to the requirements of subsection
22 (a).

23 (c) The Secretary may grant a permit, under such terms
24 and conditions as the Secretary may prescribe, after the end
25 of the period of six months occurring after the effective date

1 of this Act for the exportation of any live elephant held in
2 captivity in the United States prior to the date of passage of
3 this Act provided it is exported for zoological, educational,
4 scientific or exhibition purposes. Such a permit may also au-
5 thorize the importation of the same elephant into the United
6 States.

7 (d)(1) The Secretary may grant a permit, under such
8 terms and conditions as the Secretary may prescribe, allow-
9 ing, for scientific purposes or to enhance the propagation or
10 survival of the affected species, any act otherwise prohibited
11 by this Act.

12 (2) The Secretary may grant any permit under para-
13 graph (1) only if the Secretary determines to his satisfaction
14 that such permit—

15 (A) was applied for in good faith;

16 (B) will not operate to the disadvantage of the
17 species; and

18 (C) will be consistent with the findings and policy
19 contained in section 2 of this Act.

20 (e) The Secretary shall submit a report to the chairman
21 of the Committee on Environment and Public Works of the
22 Senate and the chairman of the Committee on Merchant
23 Marine and Fisheries of the House of Representatives not
24 later than six months after the date of the enactment of this
25 Act which includes any terms and conditions prescribed by

1 the Secretary under subsections (a) and (d) and any proce-
2 dures established by the Secretary for the granting of permits
3 under this section.

4 PENALTIES

5 SEC. 6. (a) No person who the Secretary determines has
6 violated this Act may import into the United States or export
7 from the United States any elephant or elephant product
8 during the period ending on the date one year after the deter-
9 mination with respect to such person is made, the date a civil
10 penalty is assessed against the person under subsection (b),
11 or the date the person is convicted under subsection (c),
12 whichever occurs first.

13 (b)(1) A civil penalty of not more than \$10,000 for each
14 violation may be assessed by the Secretary against any
15 person who knowingly violates this Act or any regulation
16 promulgated under this Act and against any person primarily
17 engaged in business as an importer or exporter of wildlife or
18 wildlife products who violates this Act or any regulation pro-
19 mulgated under this Act. A civil penalty of not more than
20 \$5,000 for each violation may be assessed by the Secretary
21 against any person, except a person engaged in business as
22 an importer or exporter of elephants or elephant products,
23 who otherwise violates this Act or any regulation promulgat-
24 ed under this Act. No penalty may be assessed under this

1 subsection unless such person is given notice and opportunity
2 for a hearing with respect to such violation.

3 (2) Any person against whom a civil penalty is assessed
4 under this subsection may not import into the United States
5 or export from the United States an elephant or elephant
6 product for a period of one year after the first such penalty is
7 assessed and for a period of two years after any subsequent
8 penalty is assessed under this subsection.

9 (3) Each violation shall be a separate offense. Any civil
10 penalty may be remitted or mitigated by the Secretary. Upon
11 failure to pay a civil penalty assessed under this subsection,
12 the Secretary may request the Attorney General to institute
13 a civil action to collect the penalty in a district court of the
14 United States for any district in which such person is found,
15 resides, or transacts business, and such court shall have juris-
16 diction to hear and decide any such action. The court in de-
17 ciding the action shall only consider the record made before
18 the Secretary and shall sustain the action of the Secretary if
19 it is supported by substantial evidence on the record consid-
20 ered as a whole.

21 (4) Hearings held during proceedings for the assessment
22 of civil penalties shall be conducted in accordance with sec-
23 tion 554 of title 5, United States Code. The Secretary may
24 issue subpoenas for the attendance and testimony of witnesses
25 and the production of relevant papers, books, and documents,

1 and may administer oaths to witnesses. Witnesses summoned
2 shall be paid the same fees and mileage that are paid to wit-
3 nesses in the courts of the United States. In the case of con-
4 tumacy or refusal to obey a subpoena served upon any person
5 pursuant to this paragraph, the district court of the United
6 States for any district in which such person is found, resides,
7 or transacts business (upon application by the United States
8 and after notice to such person) shall have jurisdiction to
9 issue an order requiring such person to appear and give testi-
10 mony before the Secretary or to appear and produce docu-
11 ments before the Secretary, or both, and any failure to obey
12 such order may be punished by such court as a contempt
13 thereof.

14 (c)(1) Any person who knowingly violates this Act (or
15 any regulation promulgated under this Act) shall, upon con-
16 viction, be fined not more than \$20,000 or imprisoned for not
17 more than one year, or both. Each violation shall be a sepa-
18 rate offense. In the case of the second and any subsequent
19 criminal conviction for a violation of this Act, the person con-
20 victed shall be fined not more than \$30,000 or imprisoned for
21 not more than two years, or both.

22 (2) Any person who is convicted of violating the Act
23 under this subsection may not import into the United States
24 or export from the United States an elephant or elephant
25 product for a period of one year after the first such conviction

1 and for a period of two years after any subsequent conviction
2 under this subsection.

3 FORFEITURE TO THE UNITED STATES

4 SEC. 7. (a) Any elephant or elephant product purchased,
5 acquired, received, transported, or sold contrary to this Act
6 (or any regulation promulgated under this Act) and any
7 vessel, vehicle, aircraft, or other equipment used to aid in the
8 transporting, selling, receiving, acquiring, or purchasing of an
9 elephant or an elephant product contrary to this Act (or any
10 regulation promulgated under this Act) shall be forfeited to
11 the United States.

12 (b) All applicable provisions of law which are not incon-
13 sistent with this Act and which relate to (1) the seizure, for-
14 feiture, and condemnation of a vessel for violation of the cus-
15 toms laws; (2) the disposition of such vessel or the proceeds
16 from the sale of the vessel; or (3) the remission or mitigation
17 of such forfeiture, shall apply to the seizures and forfeitures
18 under this Act, except that all powers, rights, and duties con-
19 ferred or imposed by the customs laws upon any officer or
20 employee of the Treasury Department shall, for the purposes
21 of this Act, be exercised or performed by the Secretary or by
22 such persons as the Secretary may designate.

23 ENFORCEMENT

24 SEC. 8. (a) The Secretary, the Secretary of the Treas-
25 ury, and the Secretary of the Department in which the Coast

1 Guard is operating shall enforce this Act and all regulations
2 promulgated under this Act. Any Federal or State agency
3 shall provide to the Secretary, with or without reimburse-
4 ment, any personnel, services, or facilities requested by the
5 Secretary to assist in enforcing this Act.

6 (b)(1) Any person authorized by the Secretary to enforce
7 this Act—

8 (A) may detain for inspection and inspect any
9 package, crate, or other container (including its con-
10 tents and all documents) imported into, or exported
11 from, the United States;

12 (B) may execute and serve for the enforcement of
13 this Act any arrest warrant, search warrant, or other
14 warrant or civil or criminal process issued by any offi-
15 cer or court of competent jurisdiction;

16 (C) may search or seize, with or without a war-
17 rant, as authorized by law; and

18 (D) may make arrests for any violation of this Act
19 without a warrant if the person has reasonable grounds
20 to believe that the person to be arrested is committing
21 the violation in such person's presence or view.

22 (2) Any elephant or elephant product seized under sec-
23 tion 7(a) shall be held by a person authorized by the Secre-
24 tary to hold the elephant or the elephant product pending
25 disposition of civil or criminal proceedings, or the institution

1 of an action in rem for the forfeiture of such elephant or
2 elephant product, except that the Secretary may (in lieu of
3 holding such elephant or elephant product) permit the owner
4 or consignee to post a bond or other surety satisfactory to the
5 Secretary.

6 (c) The several district courts of the United States (in-
7 cluding the courts enumerated in section 460 of title 28,
8 United States Code) shall have jurisdiction over any actions
9 arising under this section. For the purpose of this Act,
10 American Samoa shall be included within the judicial district
11 of the District Court of the United States for the District of
12 Hawaii. The judges of the district courts of the United States
13 and the United States magistrates may, within their respec-
14 tive jurisdictions upon proper oath or affirmation showing
15 probable cause, issue such warrants or other process as may
16 be required for the enforcement of this Act and any regula-
17 tions promulgated under this Act.

18 (d)(1) Upon the recommendation of the Secretary, the
19 Secretary of the Treasury shall pay either \$5,000, or one-
20 half of the penalty or fine paid as required by the judgement
21 finding a criminal conviction or civil assessment under section
22 6 for a violation of this Act, whichever is less, to any person
23 who furnishes information which leads to such conviction or
24 assessment.

1 (2) Any officer or employee of the United States, or of
2 any State or local government, who furnishes information or
3 renders services in the performance of his official duties, is
4 ineligible for payment under this subsection.

5

ADMINISTRATION

6 SEC. 9. The Secretary is authorized to promulgate such
7 regulations as may be appropriate to enforce this Act, and
8 charge reasonable fees for expenses to the Government con-
9 nected with permits or certificates authorized by this Act in-
10 cluding processing applications and reasonable inspections,
11 and with the transfer, board, handling, or storage of elephant
12 or elephant products seized and forfeited under this Act. All
13 such fees collected pursuant to this subsection shall be depos-
14 ited in the Treasury to the credit of the appropriation which
15 is current and chargeable for the cost of furnishing the serv-
16 ices. Appropriated funds may be expended pending reim-
17 bursement from parties in interest.

18

COORDINATION WITH OTHER LAWS

19 SEC. 10. This Act supersedes, with respect to elephants
20 and elephant products, the Endangered Species Act of 1973
21 (16 U.S.C. 1531 et seq.), sections 42 through 44 of title 18,
22 United States Code, and the Tariff Act of 1930, and any law
23 or regulation of any State which—

24

(1) permits what is prohibited by this Act or by
25 any regulation promulgated under this Act; or

1 (2) prohibits what is permitted by this Act or by
2 any regulations promulgated under this Act.

3 EFFECTIVE DATE

4 SEC. 11. (a) This Act shall take effect ninety days after
5 the date of the enactment; except that during this ninety-day
6 period, the Secretary—

7 (1) shall forbid the importation into the United
8 States of any worked ivory which is imported with the
9 intention of being sold in the United States; and

10 (2) shall limit the importation into the United
11 States of raw, unworked ivory to no more than 500
12 pounds by any one person importing such ivory, but in
13 no case shall the total amount of such imports exceed
14 10,000 pounds.

15 (b) If the Secretary determines that the 10,000-pound
16 limit on the importation into the United States of raw, un-
17 worked ivory imposed by subsection (a)(2) will be reached
18 within the next-ten day period, the Secretary shall publish an
19 emergency notice in the Federal Register giving ten days
20 notice that the limit will be reached and no further importa-
21 tions of raw, unworked ivory after the end of such ten-day
22 period will be permitted for the remainder of the ninety-day
23 period.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., October 30, 1979.

Hon. JOHN M. MURPHY,
Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: It is our understanding that the full Committee will be marking up H.R. 4685, "The Elephant Protection Act of 1979" on October 31, 1979.

We oppose this legislation at this time and recommend that the Committee defer action on this bill until such time as this Department and other interested groups have had an opportunity to review a study of the elephant which has recently been completed by Dr. Iain Douglas-Hamilton and Ian Parker.

As the Committee is aware, the Fish and Wildlife Service entered into an agreement with the International Union for the Conservation of Nature and Natural Resources for that study. We have just received it within the last two weeks.

It is our view that review of this document, which contains the most up-to-date information on the status of the elephant, particularly in Africa, will enable the Congress and the Administration to work together to develop a plan to protect the elephant which will reflect the current needs of and threats to the survival of the species.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD J. MYSHAK,
Acting Assistant Secretary.

DEPARTMENT OF JUSTICE,
Washington, D.C., October 31, 1979.

Hon. JOHN M. MURPHY,
Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for the views of the Department of Justice on H.R. 4685, a bill "To provide for the control of the importing into, and the exporting from, the United States of elephants and elephant products." On July 25, 1979, Deputy Assistant Attorney General Anthony C. Liotta testified before your Committee and stated that the Department of Justice could not make specific comments on this bill until it had analyzed the study on elephant populations prepared for the Department of the Interior by Iain Douglas-Hamilton. The Department of Justice expects to receive a copy of that study within the next few days and will be in a position to comment on this legislation after we have reviewed that document.

Sincerely,

ALAN A. PARKER,
Assistant Attorney General.

SMITHSONIAN INSTITUTION,
Washington, D.C., July 16, 1979.

Hon. JOHN M. MURPHY,
Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of July 5, 1979 requesting the views of the Smithsonian Institution on H.R. 4685, a bill to provide for the control of the importing into, and the exporting from, the United States of elephants and elephant products.

While we certainly share your concern for the protection of elephants, we defer to the agencies and departments of the Executive branch on the most appropriate means of doing so.

Sincerely yours,

S. DILLON RIPLEY, *Secretary.*

DEPARTMENT OF STATE,
Washington, D.C., July 25, 1979.

Hon. JOHN M. MURPHY,
Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives.

DEAR CHAIRMAN MURPHY: Thank you for giving the Department of State an opportunity to comment on H.R. 4685, a bill providing for control of the importing into, and the exporting from, the United States of elephants and elephant products.

The Department of State shares the concern that underlies H.R. 4685. It is important that populations of both African and Asian elephants be maintained at viable levels. The Asian elephant is an "Endangered" species under the terms of the Endangered Species Act of 1973 and is listed on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The African elephant does not as yet have a similar protected status, since it is "Threatened" under the Act and is on Appendix II of the CITES list.

I would like to offer a few comments which I hope will be helpful in determining action to be taken by this Committee:

First, I urge that the Administration be given a sufficient period of time to digest the data which Dr. Iain Douglas-Hamilton will submit in the course of these hearings. His study of the status of African elephant populations with reference to the ivory trade and other pressures, commissioned by the U.S. Fish and Wildlife Service, is now close to completion. We expect that the data and information from this study will be invaluable to the United States and the international community in evaluating and justifying measures which will give the proper degree of protection to this species. It is probable that a period of two months will be required for the Administration to review Dr. Douglas-Hamilton's study results and to develop an overall framework.

Second, the Department feels that greater efforts should be directed to improving the wildlife management capabilities of the range states. Many of the countries with elephant populations have begun to assemble wildlife management and scientific expertise only recently. The Department of State can explore with the Agency for International Development the possibility of providing assistance for training game wardens and wildlife biologists, for development of methods of resolving man-elephant conflicts, for determination of safe cropping rates, and for additional status studies.

Third, the consumer nations and the producing nations must work together to resolve wildlife management conflicts. CITES offers an important mechanism for achieving these objectives. If the U.S. decides that the African elephant requires additional protection as an "Endangered" species, we must work to upgrade its status to Appendix I of CITES. In any event, the U.S. should assist the CITES Secretariat to assume a broader investigatory role with respect to this species, bringing pressure on CITES countries to conform to established guidelines, present and future.

The United States also should approach non-party nations and urge them to join CITES. This tactic was successfully used recently in the case of the moratorium on the commercial taking of whales.

A strengthened CITES, with both consumer and producer nations working together to control trade, is the most effective forum open to the United States. We must be careful to protect it as an institution, especially if we are moving unilaterally on a particular issue.

We do, however, have concerns about certain provisions of the Bill which require management capabilities which may not exist in producer countries and regulatory procedures which may be difficult to enforce by the U.S. We defer to the judgements of the Departments of the Interior and Justice, respectively, on the technical aspects of these two issues; and also on the potential impacts of unilateral restrictions by the U.S. on the survival of elephant populations.

In summary, the Department of State understands the important role that wildlife plays in global ecosystems and agrees with the Committee and other witnesses that wildlife must be protected from overharvesting. This may be the time for the U.S. to take action to afford greater protection to the African elephant, action designed to ensure broad-based support from other nations. The State Department is ready to play a lead role in gaining international support for whatever measures are deemed appropriate.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.
Sincerely,

J. BRIAN ATWOOD,
*Acting Assistant Secretary
for Congressional Relations.*

DEPARTMENT OF THE TREASURY,
Washington, D.C., July 23, 1979.

Hon. JOHN M. MURPHY,
*Chairman, Committee on Merchant Marine and Fisheries, House of Representatives,
Washington, D.C.*

DEAR MR. CHAIRMAN: I am responding on behalf of the Secretary to your recent letter inviting Treasury Department testimony at your hearings on H.R. 4685, legislation to provide for the control of the importing into, and the exporting from, the United States of elephants and elephant products.

Although we would anticipate that the Department's U.S. Customs Service would ultimately be involved in supervising the actual importing of this merchandise into the United States, the Interior Department has jurisdiction over and develops Administration policy for protection of endangered species. In view of this, Treasury would prefer to submit a written report on H.R. 4685 in lieu of testifying at your hearings. Since I am also advised that the Interior Department's Fish & Wildlife Service has commissioned an outside study on the African elephant and the ivory trade for purposes of determining possible remedial action to protect this species. I believe it would be preferable for us to review that study in advance of commenting on H.R. 4685. I hope this arrangement will be satisfactory to you and other Members of the Committee.

Please let me know if I can be of further assistance.

Sincerely,

GENE E. GODLEY,
*Assistant Secretary,
Legislative Affairs.*

Mr. OBERSTAR. This committee, in December 1977, held a hearing on the status of the African elephants in response to reports the committee received at that time of decimation of herds of these magnificent animals from which supply was made to the international trade in ivory and other elephant products.

At that time, the Honorable Robert Herbst, Assistant Secretary of the Interior for Fish and Wildlife and Parks, and Mr. Keith M. Schreiner, Associate Director, Federal Assistance, U.S. Fish and Wildlife Service, Department of the Interior, both testified that it would be premature to list the elephant as an endangered species. Subsequent conversations with the Department of the Interior officials revealed that they believed that their statutory authority, correctly implemented, would allow them to control the illegal flow of ivory into the United States. These officials contended there was no need for remedial legislation. They were wrong.

Evidence has now been submitted to this committee that makes it obvious that the Department of the Interior has been woefully ineffective in controlling the illegal importation of ivory into the United States, not only from member States of CITES, but also from other countries. For example, copies of import declarations have been submitted to the committee wherein the country of origin was cited as Kenya, which has banned the export of all wildlife products since 1977. Other import declaration licenses simply listed Africa as the country of origin. Seven listed India, yet the Asian elephant has been listed as an endangered species since June 14, 1976, making all importations of Asian ivory illegal. All of the

ivory on these declarations was allowed to enter into the United States.

Legislation is clearly required to control the illegal trade in elephant products. Such legislation could either ban the importation of ivory or ivory products into the United States, or effectively regulate the imports and exports of elephant products into the markets of the United States.

As revealed in previous hearings the issue is a complicated one with no easy answers. H.R. 4685 has had input from the Department of the Interior, environmental groups and scrimshanders who use raw ivory. The committee has also received comments from some African States and from trophy hunters. All of these groups with diverse perceptions will be ill-served if the uncontrolled poaching and illegal traffic in elephant products is allowed to continue unabated.

Chairman Murphy has already stated his intention and determination to preserve for future generations the priceless wildlife heritage which we have enjoyed in our lifetime. We cannot stand idly by and see the great herds which once roamed through the whole of Africa to become extinct through the illegal actions of international ivory entrepreneurs.

Taking such action is what this legislation is all about.

Very briefly, a summary of the bill: It will impose a 6-month moratorium on all imports of elephants and elephant products in order to protect these majestic animals while the Interior Department develops appropriate regulations.

After the 6-month moratorium the bill authorizes the Secretary only to permit the importation of elephant products from those nations that are aggressively managing and conserving elephant populations. Everyone admits that our efforts to protect the world's elephants will be fruitless unless we cooperate with those African nations that are making a good-faith effort to conserve these species.

Second, before these regulations are implemented, however, the Secretary of the Interior is required to submit a report to this committee and to the Senate Committee on Environment and Public Works informing us of the criteria and procedures to be followed in issuing permits for the importation of elephants and elephant products.

Third, at the request of the Secretary of the Interior, the bill will not become effective for 90 days. During this period, the importation of worked ivory would be permitted if it is not for resale. This will protect American citizens who unwittingly purchase worked ivory souvenirs abroad. To protect American citizens engaged in the scrimshaw industry, we are going to allow raw ivory to be imported not in excess of 5 tons, one-fourth of their quarterly need.

Furthermore, no individual person, company, et cetera, will be allowed to import over 500 pounds as personal effects.

I would like to add more of a personal note. After the hearing that we had in 1977 and the rather dramatic information that was presented to the committee at that time, I personally was intrigued enough to obtain a copy of Dr. Douglas-Hamilton's magnificent work, which I believe was his doctoral thesis on the African ele-

phant. I read it from cover to cover. I encouraged a number of other people to read it.

I would say rarely have I been as impressed and disturbed and concerned by a piece of literature as I have by that book.

I would personally hope that as a result of these hearings and the legislation pending before us we would be able to carry forward in legislative form the magnificent wildlife preservation goals that Dr. Douglas-Hamilton has set forth in his book, and to which he has dedicated virtually his lifetime.

Our first witness today is our colleague, Congressman Beilenson from California.

Welcome. You may proceed with your statement.

**STATEMENT OF HON. ANTHONY C. BEILENSEN, A U.S.
REPRESENTATIVE FROM THE STATE OF CALIFORNIA**

Mr. BEILENSEN. I will be brief. I thank you very much for your comments about our own efforts in this particular matter.

I would also like to take this opportunity to thank you and the very able committee staff, not only for allowing me to testify before you today, but also for the personal time and interest and effort that Chairman Murphy and the entire committee staff gave in working with us to find what we thought might be the best way of stemming the slaughter of the world's largest and perhaps most magnificent land mammal.

I would also like to thank the representatives of wildlife protection and conservation groups, most of whom are here today, for their valuable and caring efforts in this area.

Mr. Chairman, as you know, I have been concerned with the plight of the elephant for many years, and authored legislation in the State of California which banned the importation and sale of ivory and other elephant products within that State.

Because the actions of one State could not have much impact upon the ivory trade and its concomitant destruction of elephants, and because it was nearly impossible to stop the smuggling of elephant products across State lines, I introduced H.R. 10083 last year and H.R. 2826 this year to ban the importation of elephant products into the United States. Because of your concerns and efforts last year, the African elephant was put on the threatened list by the Department of the Interior in an attempt to insure that U.S. ivory demand would not encourage poaching and other elephant slaughter. Imports were to be allowed only from countries which were members of the Convention on International Trade in Endangered Species. I know you will agree with me that it is unfortunate and sad that, as witnesses will testify today, the regulations have been ineffective and, in many cases, unenforced.

We are here today to try again; we are here to devise another and, hopefully, better way to insure that our desire for luxury items does not cause the destruction of stable elephant populations and to establish a system whereby those countries who are successfully managing their elephant populations are recognized. I believe that the bill you have before you, H.R. 4685, is a giant step forward in this area. At the very least, it is a very good place to start. I am hopeful that during the course of these hearings you can make it even better if you find ways to do so.

Yet, while I am happy with this bill, I would like to stress the importance of properly enforcing its provisions. The 6-month moratorium on imports should serve not only as a time for devising procedures to use in determining which nations will be allowed to begin exporting to the United States once again, but also as a breathing period during which the Interior Department will strengthen its enforcement mechanisms. I feel very strongly that if these new measures, which have great promise, are not followed up with proper regulation, then all of our well-intentioned and painstaking efforts will have been in vain. We would then be left with no option other than a total ban on the importation of elephant products. It is clear that this committee, conservationists, and this Congress feel that something must be done. That over 90 Members of Congress are willing to cosponsor a total ban is evidence of this.

Mr. Chairman, we look forward to continuing work with you and your staff on this very important piece of legislation and monitoring its implementation after passage. Again, I thank you for allowing me to testify here today, and for your invaluable and concerned efforts to save the African elephant.

Mr. OBERSTAR. Thank you very much for a fine presentation. But your statement is more in the bill before us than in any other words that could be added, because you have done such a splendid job and most of the previous legislation is incorporated in this bill on which today's hearings are being held.

I want to thank you very much for the contribution both you and your staff have made to the work of this committee on this issue.

Mr. BEILENSON. We thank you and thank you for your concern about this very important matter.

Mr. OBERSTAR. Thank you for joining us.

The chair will announce that there are other statements that have been submitted for the record, and they will be included in the record at an appropriate point: Congressman Lee Hamilton, the Embassy of Kenya, Mr. Michael Bean of the Environmental Defense Fund, Barnum & Bailey, and the Embassy of Zaire has indicated that it would like to submit a statement for the record at a later date.

[The following were received for the record:]

STATEMENT OF HON. LEE H. HAMILTON, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF INDIANA

Mr. Chairman, it is a pleasure for me to submit testimony to this Committee on the Elephant Protection Act of 1979.

As this Committee knows, the survival of the African elephant is currently being threatened by illegal poaching for ivory. Trade in poached ivory continues despite the provisions of existing law. New legislation is needed if we are to protect this magnificent animal. I commend this Committee for its role in advancing the preservation of the African elephant, and I fully support the goals of this bill. Since the need for such legislation has been eloquently addressed by eminent conservationists and scientists, I will confine my remarks to the specific provisions of the bill in Sections 4 and 11.

These provisions establish a three-month period of ivory import controls during which ivory could not be imported for resale, to be followed by a six-month moratorium on all ivory imports. It is expected that the Department of the Interior will use this time to develop better methods to assure that ivory products are imported only from nations with aggressive elephant conservation programs. These provisions create a framework capable of achieving the worthy goals of the bill. Unfortunately, they will also have the unnecessary and extremely detrimental effect of depriving Americans of the highest quality foreign pianos.

Both the three-month period of import controls on worked ivory products and the six-month moratorium on all ivory imports would prohibit the importation of high quality, handcrafted grand pianos with ivory-covered keyboards, such as the Boesendorfer. The small Austrian cottage industry which makes this fine instrument is a wholly owned subsidiary of Kimball International, Inc., located in Jasper, Indiana, and is the primary exporter of high quality concert pianos to the United States. Along with the Hamburg Steinway and the Bechstein, the Boesendorfer is regarded as one of the finest pianos available. Its tone is considered by many to be the best in the world. Piano masters such as Anton Rubinstein, Gustav Mahler, Ignace Paderewski, Bela Bartok, and, more recently, the American pianist Garrick Ohlsson have all owned Boesendorfer. The Boesendorfer's ivory-covered keyboard greatly contributes to the piano's desired and expected musical quality.

The American demand for Boesendorfer pianos next year is anticipated to range from 125 to 150 units. Demand for all foreign instruments with ivory-covered keyboards is expected to reach 200 units. Each instrument requires only four pounds of ivory. Thus, the total amount of ivory used in the production of piano keyboards is minimal when compared to recent figures for imports of ivory in all forms. The annual average for imports of raw ivory alone (not including worked ivory) amounted to approximately 27,000 pounds during the last two years. At present, all ivory used in these pianos is procured in accordance with the regulations set forth by the Convention of International Trade of Wildlife, Fauna, and Flora. This amount, moreover, can be supplied from the tusks of elephants who die of natural causes. Allowing the importation of these pianos will thus in no way endanger African elephant herds. Furthermore, restricting or denying the importation of these pianos will have no beneficial impact on ivory conservation, since the keyboards now being constructed are using ivory that has been in the process of transformation for over two years.

Mr. Chairman, I believe the public interest in obtaining the highest quality pianos can be met without in any way compromising the commendable goals of this legislation. I therefore recommend that such high quality instruments be exempted from both the three-month period of import controls on worked ivory and the six-month moratorium on all ivory imports. I urge you to give all due consideration to this important matter.

STATEMENT OF MICHAEL J. BEAN, CHAIRMAN, WILDLIFE PROGRAM,
ENVIRONMENTAL DEFENSE FUND

The Environmental Defense Fund ("EDF"), on behalf of itself and Defenders of Wildlife, offers these comments concerning the enforcement of existing regulations governing trade in African elephant products.

For slightly more than a year, the African elephant has been officially listed as a "threatened" species under the Endangered Species Act. Because that Act allows the Secretary of Interior to tailor the regulations for the protection of a threatened species in such a fashion as he deems advisable to meet the needs of that species, the regulations which apply to African elephants are unique and unlike those that apply to any other species. Basically, the regulations promulgated by the Secretary for the protection of the African elephant provide that African elephant products (primarily ivory) may be imported into the United States only if such products are derived from elephants taken in the wild in nations that are members of the convention on International Trade in endangered Species of Wild Fauna and Flora ("CITES"). The products need not be shipped directly from such CITES countries, but may come indirectly through intermediary nations such as Hong Kong or India. If such products do come from intermediary nations, the regulations further provide that they shall have been exported from the country of origin and reexported from the intermediary nation in accordance with the requirements of CITES. Those requirements are that the country of origin shall have issued an export permit for the product and that the country of reexport shall have issued a reexport certificate therefor.

When these regulations were promulgated by the Secretary, through the Fish and Wildlife Service, the Service must obviously have believed that adherence to this somewhat complicated regulatory scheme would facilitate the conservation of elephants, or, in the language of section 4(d) of the statute, that such regulations were "necessary and advisable to provide for the conservation of such species."

If these regulations are in fact "necessary and advisable" for the conservation of the African elephant, then it is reasonable to conclude that the effective enforcement of these regulations is likewise necessary and advisable for the conservation of the African elephant. On this subject, there are two possible sources of difficulty in

assuring effective enforcement of our regulations. The first is with the foreign nations in which the elephants are taken or in which raw elephant ivory is worked into finished ivory. If such foreign nations are not able to effectively police their own exports and to insure that export permits or reexport certificates are valid and properly issued, then the foundation upon which our regulations rest is fragile. EDF does not have information of its own concerning the effectiveness of enforcement by foreign nations of their own trade controls, though other witnesses may shed some useful light on that subject.

The second source of potential difficulty is with our own enforcement of our own regulations. On this subject, EDF has done an extensive amount of research, and the results of that research are such as to call into serious question our own ability effectively to enforce our regulations.

EDF's research consisted of examining the import declaration forms (known as "Forms 3-177") that accompanied shipments of African elephant ivory entering the ports of New York, San Francisco, and Los Angeles from June 11, 1978 (the effective date of the elephant regulations) through early 1979. That examination showed that a substantial number of commercial shipments of ivory have been allowed to enter the United States even though the Forms 3-177 filed with such shipments show that the countries of origin from such products were African countries not parties to CITES. Of the more than 250 Forms 3-177 examined by EDF, approximately 64, or 25 percent, show non-parties to CITES as the countries of origin.

EDF recognizes that the Form 3-177 may not, by itself, conclusively establish the legality or illegality of any particular shipment. The information appearing there might, for example, be contradicted by that appearing on the CITES permits that accompany the shipment. Unfortunately, the Service's recordkeeping system is such that it is extremely difficult to match up Convention permits with Forms 3-177 once the former are separated from the latter and forwarded to the Federal Wildlife Permit Office. EDF examined the files at the Permit Office and attempted to locate the Convention permits that corresponded with a sample of the Forms 3-177 in EDF's possession, but was unable to find most of the corresponding permits. Even when the corresponding permits were found, they frequently failed to establish the legality of the shipment. For example, the reexport certificates issued by India simply recite that the specimen was acquired before the Convention applied to it. However, Service regulations are clear that this information is simply irrelevant. Hong Kong issued similar reexport certificates, although they have of late begun to stamp the certificates with the name of the CITES country of origin. In no case, however, do official documents from such countries of origin appear.

For an even greater number of shipments, the Form 3-177 fails to indicate the product's country of origin, in violation of the Service's general import regulations at 50 C.F.R. § 14.61. In some cases, the appropriate box for indicating country of origin is simply left blank. In other cases, the word "Africa" or some similar designation appears. In still other cases, Hong Kong, India, or other countries which could not possibly be the true countries of origin for African elephant products are indicated as such. Of the forms EDF examined, at least 122, or 50 percent, fall into this category. When combined with the forms from the first category, approximately 75 percent of all the Forms 3-177 EDF examined either fail to indicate the true country of origin or indicate a country from which importation may not lawfully be had.

The failure of these forms to indicate true countries of origin means that the legality of these shipments under the special elephant regulations cannot be established without resort to the Convention permits. However, as with the forms in the first category, the corresponding Convention permits cannot be readily located in the existing recordkeeping system; many cannot be located at all. Wholly without regard to the special elephant regulations, the failure of the Service to insist upon accurate reporting of countries of origin calls into question the Service's ability adequately to enforce the Lacey Act.

An unknown, but apparently substantial number of ivory shipments are being imported via mail, and import declaration forms are apparently not being collected for such importations. This matter came to EDF's attention when the Service responded to its Freedom of Information Act request by producing only four Forms 3-177 for African elephant importations through the port of San Francisco during the past eleven months. That response strains credulity because it is EDF's understanding that San Francisco represents a major (and perhaps the major) market for ivory in the United States. A note accompanying that response provided the following explanation:

"Please note that a high percentage of our African elephant ivory product importations are through the Oakland Mail Facility, Oakland, CA, or come in as personal

accompanying baggage at the international airports, in this case S.F. Consequently, very few completed 3-177's are obtained by S.F., P.G.E."

Prompt action to correct the above deficiencies is needed, not only to insure technical compliance with legal requirements, but also to facilitate a more effective law enforcement effort. The Service's system for retention of import declaration forms and Convention permits makes it exceedingly difficult for law enforcement interests to use these potentially valuable documents effectively in an after-the-fact audit. In addition, the existing record retention system and the failure to insure full and accurate reporting on such records makes the compilation of reliable trade statistics virtually impossible. Such compilations offer a more than theoretical value. For example, in a recent lawsuit against the Secretary of Interior, a significant issue concerned changes in the size of the U.S. market for green sea turtle products during the past six years. Yet, reliable information on that important issue is essentially non-existent because of the manner in which the Service's records are kept.

EDF brought its findings to the attention of the Service, and the Service has agreed to take certain corrective actions, including the centralized filing of Forms 3-177, together with accompanying CITES permits, the publication of new policy statements concerning the manner in which the Form 3-177 must be completed, and periodic audits to insure compliance with the new policy statement. Whether these measures will be sufficient to ensure the effective enforcement of our regulations remains to be tested. What is clear, however, is that enforcement to date has had serious defects and that such defects call into question the utility of the regulations themselves.

Mr. OBERSTAR. Our next witness is His Excellency Mookodi, Ambassador of Botswana.

I believe this is a very historical moment, having an Ambassador. It has not occurred very often, and it occurs only very rarely indeed in the Congress. I think that testifies to your concern and to the concern of your country.

You may proceed with your statement.

**STATEMENT OF HIS EXCELLENCY B. MOOKODI, AMBASSADOR
OF BOTSWANA, ACCOMPANIED BY ERNEST MPOFU**

Ambassador MOOKODI. Thank you very much, for inviting us to come here this afternoon. I think I should start by saying that Ambassadors are versatile creatures and they fit into every situation. I am speaking on a very, technical subject; as an Ambassador, because everybody expects me to say something about this subject; although I am not an expert.

May I say that we appreciate this invitation and if I were to go back a bit I should mention that even last year or the year before when this subject came up, Botswana furnished a lot of information about what was happening in that country.

I do not know whether it is an oversight on this occasion, but we have also submitted material about the steps we are taking to address ourselves to this issue. The material was delivered to you yesterday as requested.

Mr. OBERSTAR. We want to thank you very much for that information. It will be most important to the committee in the course of these deliberations.

Ambassador MOOKODI. So my role this afternoon is to address what we have already submitted and also to bring out certain points which I think perhaps the legislation, as it stands, needs to look into.

Botswana is in full agreement with the contents and hence the objectives of the international community to address itself to the condition of the elephant population whenever it occurs.

Botswana wishes to assure you that she will do all in her power to assist toward the attainment of this objective. We are happy to say that Botswana is not only a signatory to several international conventions and treaties on this subject, but has been very active in several conferences on the subject.

Botswana looks upon the elephant as an economic asset which must be exploited very—and I repeat—very judiciously.

In other words, in order to carry on conservation measures the elephant should be able to carry itself. In other words, what I am saying is that the elephant is too big an animal to be carried by other animals. I believe that is clear.

We have established a small industry in Botswana to process elephant products. Out of a population of elephants of about 20,000, and I repeat about 20,000, the offtake is about 5 percent. We are convinced that our conservation measures are sound. Our exportation procedures represent those prescribed by the international community, and we are also convinced that since the conservation methods are sound there is no danger of reduction of the elephant population in Botswana.

Botswana is also open to assistance and advice from well-disposed countries in pursuit of continuing conservation measures. The chairman of this committee, and here I mean Congressman Murphy, is fully aware of this, as we have exchanged letters in 1978 when the elephant issue came up for discussion.

In terms of section 5 of his bill, Botswana would suffer serious economic harm if, after effective-date imports of elephant products into the United States were suspended. I think we have to emphasize that one. We have an ongoing industry, and any disruption would do a lot of harm to the established industry. This would disrupt the industry and revenues derived from the export, and would have an effect on the revenues used to preserve the elephant.

Earlier I said the elephant is a heavy animal. By that I mean we must generate enough revenues from the exploitation of the elephant in order to be able to preserve the elephant. We wish to suggest that the 6-month suspension, which I subsequently read as 6 months plus 3 months, should be dropped in respect of Botswana. We feel that we satisfy all of the requirements proposed in the bill. We have a trade with the United States which we feel should continue without disruption.

Allow me to address myself to the timing of this legislation. I note that in the opening remarks you did make mention of the fact that last year or the year before it was said to be ill-timed. I am merely pleading, to say that even now it is not very opportune. There is a convention which has been formulated recently. It is referred to as the Washington Convention, or the Convention on International Trade on Endangered Species, CITES for short. Botswana is one of the earlier signatories to this convention.

We are aware that the membership, or the signatories of the convention, is increasing. Member States are in the process of implementing this convention. It is therefore doubtful to us whether the proposed bill furthers the ends of this convention. Could the bill not be postponed to enable implementation of the convention?

Member States may very well not be too disposed to the bill, if no proof is advanced to the effect that the convention has failed. Could consideration be given to the postponement of the bill until the signatories of the convention have seen it take its course?

A study on ivory commissioned by the U.S. Fish and Wildlife Service, we are informed, has been completed. From information we have received this exhaustive study has not yet reached this committee. We are informed that the study has revealed startling facts about certain conclusions that would, we think, assist this committee in formulating a policy on the elephant.

We feel that the bill could derive a lot of strength from the study. We hope that representatives of the Fish and Wildlife Service have been invited to these hearings and will testify about the study.

In view of the study, we feel again that the bill should be postponed until the study has been considered. There are a number of organizations and persons who spread the story that there is a lot of poaching in Africa. As far as Botswana is concerned, poaching is not a serious problem. However, the Government of Botswana would be too happy to receive factual testimony from such persons demonstrating their contention. Surely, if such organizations are convinced they have facts, in the interest of the elephant population and its conservation, they should only be too happy to come forward and to forward to us facts about this poaching situation.

In conclusion, Mr. Chairman, may we state that we will cooperate very closely with the U.S. Government through its agencies, the U.S. Fish and Wildlife. Officials of the service are free to visit Botswana and to invite Botswana personnel to come to the United States to discuss matters pertaining to the conservation of the elephant.

Our doors are open for inspection on the subject. We have nothing to hide because we do all we can to abide by the international treaties.

It would, therefore, be unfortunate if Botswana elephant industry were to suffer in terms of the 6-plus-3-month suspension of trade with the United States.

Botswana wishes to request that this bill be postponed. If this could not be done Botswana wishes exemption from the 6-plus-3-month suspension.

I thank you.

Mr. OBERSTAR. Thank you very much for a straightforward and clear statement of the position of your Government. You indicated earlier in your statement that there would be very serious consequences economically for Botswana from the suspension of elephant hunting. Do you have any figures on the economic impact of the elephant trade in general?

Ambassador MOKODI. I have not got the figures with me, but I could try to get them to the committee as soon as possible.

Mr. OBERSTAR. Whenever it is convenient. We would appreciate having that information. You could include in dollar equivalents and the numbers of people affected by that.

You also said in the course of our 1977 hearings the Interior Department said that poaching was not a problem. You restated

that position today. Do you have a surveillance program to determine whether poaching is occurring?

Ambassador MOOKODI. Yes, Mr. Chairman, we have what we call Game Scouts, who are trained people on conservation, who are posted in the various places where game is found. They go around, in addition to the regular police force, and patrol hunting areas. No hunters are allowed free into the country without being accompanied by officials of the Department of Wildlife and Tourism.

Mr. OBERSTAR. Do you think that poaching would be a problem in any of the other African countries?

Ambassador MOOKODI. At this point, as a diplomat, I would rather not talk about other countries.

Mr. OBERSTAR. That is why you are a diplomat.

Your country then would have some means of licensing people to engage in elephant hunting. Is that right? You certify a certain number of people to hunt elephants?

Ambassador MOOKODI. Well, actually, Mr. Chairman, the material that we submitted in 1978 and the material that we have submitted at this juncture goes into detail about what we do about hunting.

But, to answer the question directly, we have a system whereby quotas are set every year for a number of animals to be killed. And nobody goes to hunt, whether a resident or nonresident, a citizen or noncitizen, without a valid permit and these are adhered to. Anybody who violates it suffers the penalty of the very strict conservation law.

So we have a system that is operative.

Mr. OBERSTAR. What relationship is there between the permit to hunt and the license to export elephant parts?

Ambassador MOOKODI. The main thing that occurs is we have control of the number of elephants that are being killed. We make sure, people are allowed to exploit them; we then insure that those are the products resulting from the permits which were issued. Export permits are issued with proper documentation.

Mr. OBERSTAR. Your Government would have a means of determining whether there is an excess of materials exported over the amount that could be expected to be harvested from the permits issued?

Ambassador MOOKODI. Correct, Mr. Chairman.

Mr. OBERSTAR. I wonder if you would comment on a statement submitted by the Fund for Animals? It says:

Even Botswana, one of the only three African countries allowed to export ivory to the United States, and a country which has held up as an example of good management of elephants, is in clear violation of the International Convention and our elephant regulations.

In a letter of May 25, 1979, to the Fund for Animals, D. T. Williamson, Acting Director of Wildlife, National Parks and Tourism, states:

We have no data on the destination of elephant products leaving Botswana or on the quantity of material exported to the United States. We have no hard data on the numbers of elephants poached in Botswana, and it is therefore difficult to say how effective antipoaching measures are.

Ambassador MOOKODI. Mr. Chairman, I have no comment on that one because this is the sort of thing I talked about earlier,

that is, if people have facts about this poaching they should approach us and we will try to investigate.

When I made the statement, I said poaching is not a serious problem; I did not say there is no poaching.

Mr. OBERSTAR. That is a distinction. I think your willingness to cooperate with those who may be able to provide information about poaching is certainly a fine example, and an indication of a willingness to cooperate in scientific management.

One final question and the answer to this question may be in the documentation which you submitted: Is the animal quota setting for hunting based on scientific determination of the number of animals that may be safely harvested?

Ambassador MOOKODI. We try to do that as much as possible, but as a developing country one must admit that our scientific collection of data is not that advanced, and this is why we are cooperating with many agencies that are helping us.

U.S. AID has given us a hand. We have tried as much as possible to base the quota on what we think is reasonable offtake without affecting the elephant population. That is, based on the elephant and its environment as much as possible.

Mr. OBERSTAR. What affect would this legislation have on the elephant herds themselves? That is, if this legislation were enacted and the importation of elephants and elephant products into the United States quotaed, would the effort be to slow down or stop the taking of elephants in Botswana; or would it continue, and hunting continue, and animal parts be exported elsewhere?

Ambassador MOOKODI. Well, hitherto it is a very small industry and this is why it is vulnerable. I do not think that if this legislation did not come into effect or came into effect it would have a serious effect on the population because the offtake is very small.

What is important, is that there are people that are employed. People expect remuneration. People expect some earnings. These are the people that are going to be affected. It is a private industry, it means taxes are derived which enable the government conserve the elephant. As far as the population of the elephant is concerned and, I spoke of over 20,000, I am talking about an offtake of about 5 percent.

So the numbers are not very material.

Mr. OBERSTAR. The point I am trying to get at is whether the passage of this legislation is going to have an effect more on the people than on the elephants. Is it going to stop the hunting, or will the hunting system continue because of economic necessity to hunt with an export market other than the United States?

Ambassador MOOKODI. If one produces a commodity and one has a regular market and that market is not available, naturally one has to look elsewhere.

Mr. OBERSTAR. What is the budget of the Botswana Government for elephant management?

Ambassador MOOKODI. I am sorry, I do not have the figures with me. But those could be made available.

Mr. OBERSTAR. Is the U.S. Government, through our AID program, providing assistance to your Government in managing any land, the habitat?

Ambassador MOOKODI. Well, in the documentation that we presented, one of the points that was stated was that there is a project which is being considered by U.S. AID toward what we call the wildlife management areas which means that it has with the habitat of the animals

I think I should make a clear distinction here, and that is we are talking about, Wildlife Management, and the elephant is one of the animals. Therefore, when you ask me to produce figures about the management of the elephant, we have no such figures. We have figures which include the elephants, as we have several species.

Mr. OBERSTAR. Your point was well made that you need the revenues from the elephant hunting in order to support funding for your wildlife management programs in general. That is why I am asking if the U.S. Government, through AID, is providing any financial assistance to your government for wildlife management?

If we are concerned about protecting the elephant, we should, do more than simply stop or attempt to stop the hunting. We ought to provide some affirmative action in the way of assistance to your government.

Ambassador MOOKODI. The answer to that, I said, is in the documentation we presented, the project is under consideration with U.S. AID now.

Mr. OBERSTAR. I think we also will try to get that information from AID and pursue that matter further.

Mr. Evans?

Mr. MELVIN EVANS. I was interested in knowing what countries—the Ambassador thinks there is no problem. You mentioned penalties. What penalties are imposed and how often do you need to have them enforced?

Ambassador MOOKODI. Again, may I go back to my previous statement. Poaching is not a serious problem. We do have some poaching, both by external people and by the citizens. Unless I have the laws with me, I cannot be definitive about the penalties that are imposed. But I could mention here that when we are convinced that the magnitude of the problem is quite great, the severity of measures like seizing the vehicles, seizing the trophies, seizing the guns, and throwing people into jail, are not uncommon.

Sometimes a year goes without this happening, but unless I have the law of Botswana with me, I cannot quote.

Mr. MELVIN EVANS. Thank you, Mr. Chairman.

Mr. OBERSTAR. Mr. Ambassador, I understand that you have returned to the United States from your country explicitly for this hearing. For that, you have our special thanks. You have gone to considerable trouble to be here.

Thank you very much for appearing with us today.

[The following was received for the record:]

EMBASSY OF BOTSWANA,
Washington, D.C., July 24, 1979.

Congressman JOHN M. MURPHY,
Chairman, Committee on Merchant Marine and Fisheries, Longworth House Office Building, Washington, D.C.

DEAR CONGRESSMAN MURPHY: Thanks for your letter dated July 9, 1979 concerning hearings on Bill 4685 on July 25 and 26, 1979 to provide for the control of importing into and exporting from the United States of America of elephants and elephant products.

2. You may, Sir, wish to recollect that this Embassy wrote in March 23, 1978 expressing Botswana's views on the subject.

3. The Government of Botswana shares the concern of Congress expressed in Section 2(a) of the Bill that there is a decline of the elephant population in certain parts of Africa and adequate measures should be taken to remedy this situation.

4. In recognition of this problem, Botswana has taken steps to co-operate with International Organizations to guard against the possibility of this decline. Botswana is a signatory to a number of International Treaties on the preservation of game.

5. A number of International Agencies have assisted and continue to assist Botswana towards the attainment of this objective. The assistance comes in the form of technical assistance personnel, training Botswana Game personnel through technical assistance funding. A project is being considered by USAID for funding to assist Botswana in the develop of the Wildlife Management Areas. Botswana will continue to request assistance from the United States to preserve her fauna and in particular the elephant.

6. The attached documents address themselves to two issues:

(a) Comments of the Department of Wildlife and Tourism on the elephant range and proposed WMAS; and

(b) Working document to all concerned in Botswana about the concept, proposed legislation and implementation of the Wildlife Management Areas.

7. Document (a) states that out of approximate elephant population of 16,800 about 500 elephants are shot every year both by citizen and non-citizen safari hunters. The hunting is controlled by strict regulations. Ivory Registration and certificates of ownership on importation/exportation of elephant ivory or its transfer or other disposal within the country are other legal requirements. Export/Import permits are also required for legally obtained products in accordance with International Treaties.

8. Elephants poaching does not pose any serious problem in Botswana.

9. In view of the views expressed above, Botswana wishes to state that she agrees with proposed acts in Section 5 and all will be done by the Botswana authorities to co-operate fully.

10. It is hoped, Sir, that the views of the Republic of Botswana will be borne in mind when this Bill is being considered.

11. Please accept, Sir, the assurances of my highest consideration.

Sincerely,

B. MOOKODI, *Ambassador.*

FEBRUARY 27, 1978.

The AMBASSADOR,
*Embassy of the Republic of Botswana,
Washington, D.C.*

H. E. MR. MOOKODI: Thank you for your Telex PW/INF 9/23 (50) concerning the proposed Legislation in the U.S. prohibiting importation of elephant products.

This Department would appreciate it if you could formally present its views on the proposed Legislation. I understand such comments are to be received by the U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240 on or before the 20th March 1978. Two copies of each of the following documents are attached hereto in support of this Department's views on the matter:

(a) Comments of the Department and Map of Northern Botswana showing elephant range and proposed WMAS for the region.

(b) Working Document on WMAS WP/LAN/1/4 (44) of 12th July 1977 and its Appendixes and Botswana Map showing proposed WMAS in general.

Copies of the same Documents have been submitted to the American Government through its Botswana Embassy in response to their letter of 2nd February 1978.

Yours sincerely,

E. T. MATENGE, *Director.*

PROPOSED LEGISLATION TO BAN IMPORTATION OF AFRICAN ELEPHANT PRODUCTS INTO THE U.S.A.: COMMENTS FROM THE DEPARTMENT OF WILDLIFE, NATIONAL PARKS AND TOURISM, BOTSWANA

1. Most of Botswana's elephants are found in the North of the country. Apart from the northern population, there is only one small population, which is in the Tuli Block on the south-eastern border adjoining Rhodesia and South Africa.

Population details are as follows:

Area and source:

Estimated number

NE Botswana—Sommerlatte, UNDP/FAO Report, Bot 72/020:	
Chobe National Park.....	5,800
Areas adjoining CNP.....	6,300
Okavango region—UNDP/FAO project, DP/BOT/71/506.....	4,100
Tuli Block—Aerial census, Department Wildlife, Botswana.....	600

2. Approximately 500 elephants are shot each year. $\pm$ are shot by citizen hunters, the balance by non-citizen safari hunters. Elephants poaching does not pose any serious problem in the country. Regulations on Licensed Elephant Hunting are strictly enforced while Ivory Registration and Certificates of ownership on importation/exportation of elephant ivory or its transfer or other disposal within the country are other legal requirements. Export/import permits are also required for legally obtained products in accordance with International Treaties.

3. The trend of the northern population is stable to increasing. The status of the Tuli Block population is presently being investigated. Several points relating to these estimates need to be taken into account.

(i) These estimates are not corrected for bias. If corrections were made numbers would be raised by an unknown magnitude.

(ii) The Department conducts regular census flights and has initiated aerial photographic studies of sex ratios and age structures in these populations.

(iii) 10 to 15 percent of elephant range (the area north of the Selinda Spillway) has never been censused.

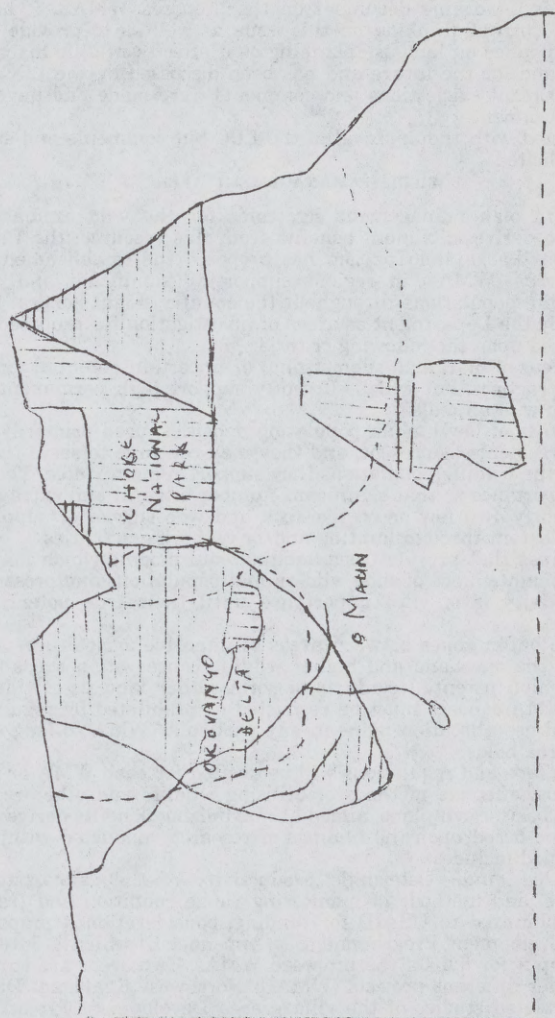
(iv) More elephants occur outside the national parks and game reserves than inside them.

4. It is not enough merely to consider the numbers of elephant in Botswana. It is vital to also be aware of the socio-economic matrix within which decisions relating to the future of elephants will be taken. A major land use planning operation is presently under way in Botswana. In view of the fact that 17 percent of the country has already been set aside as National Parks and Game Reserves no further land will be allocated for preservation purposes. The National Development Program is explicit on this point: "The principles of sustained utilization and co-ordinated management, rather than the narrower concepts of preservation and enforcement, will characterize policies in the future."

5. These policies reflect the Government's desires to improve the economic status of the rural poor through, inter alia, the rational exploitation of wildlife. Out of this context has emerged the concept of Wildlife Management Areas. (See attached WP/LAN/1/4 1 (44) of 12th July 1977.) In these areas wildlife would be utilized on a sustained yield basis and this activity would have priority over other forms of land use. Proposed Wildlife Management Areas cover approximately 30 percent of the country, including important elephant ranges (see Map).

6. These ideas are nationally accepted in principle provided that Wildlife Management Areas are shown to be economically viable. It is obvious that moves which actually or potentially diminish financial and social returns from wildlife products, such as the proposed ban on the importation of elephant products into the U.S.A., threaten the viability of WMA's. In these circumstances it is likely that the proposed ban will be more of a hindrance than a help in the conservation of elephants in Botswana.

ELEPHANT RANGES IN NORTHERN SOUTHERN AND PROPOSED WILDLIFE MANAGEMENT AREAS



-  NATIONAL PARKS & GAME RESERVES
-  PROPOSED WILDLIFE MANAGEMENT AREAS
-  BOUNDARIES OF ELEPHANT RANGES

JULY 12, 1977.

To: All Land Board Secretaries. All DOLs/LUPAG Secretaries. All Council Secretaries. All District Commissioners.

From: Director of Wildlife, National Parks and Tourism.

Reference: WP/LAN/1/4 1 (44).

The attached is a working document on the proposed WMAS. It has been prepared to update current thinking on this issue as well as to provide a record for reference and guidance on land-use planning as it affects wildlife management and utilisation now and for the future and has been discussed by the LDC on the 15th June where important suggestions and comments were made and have been incorporated in the document.

2. It is submitted with the approval of the LDC but comments and suggests from addresses are solicited.

WILDLIFE MANAGEMENT AREAS

In an effort to plan management strategies for the wild animal resource in Botswana and to derive maximum benefits from this resource, the Department of Wildlife, National Parks and Tourism has proposed the establishment of Wildlife Management Areas (WMAs) in regions supporting significant and economically exploitable wildlife populations throughout the country. Eight general regions have been identified by the Department as areas of investigation for proposed WMAs (See Appendix A) based upon the following criteria:

1. They are areas of marginal, submarginal or uncertain potential for conventional agricultural practices, but which currently support high permanent or seasonal concentrations of wild animals.

2. They are areas of low human population densities, used primarily for hunting by citizens and residents at present, and they may continue to serve this important purpose only as the wildlife populations they support remain viable. These areas are of particular importance to that significant number of rural and extra-rural inhabitants who currently own few or no livestock and who subsist or supplement their needs to a great extent through hunting and/or gathering activities.

3. They are areas that provide basic habitat requirements which may be deemed essential to the maintenance of such wild animal populations and present protection of their productivity is of vital importance until their true potential has been assessed.

4. They create buffer zones between areas of intensive agricultural and livestock development on the one hand and higher wildlife conservation areas on the other and thereby cushion potential conflicts of sorts. Other land uses which are detrimental to the WMA concept must be restricted or prohibited by regulation and/or Land Board land use allocation plans in any particular WMA so long as the WMA concept in the area holds.

Management plans and regulations will be drafted for each WMA or more WMAs detailing the most effective methods of utilising wildlife and other resources on a sustained yield basis. Such plans, aimed at maximising benefits derived from use of the WMA, will be based upon the findings of research conducted within each area. Data to be collected includes:

A. *Range-related data*.—Determine productivity of the range, stocking rates where applicable, and methods of monitoring range condition and trend. The Department has submitted to USAID for funding, consideration a proposed Wildlife Management Development Programme (See Appendix B) which is intended to provide this data input for four of the proposed WMAs. Two areas are currently being investigated under different projects (WMA 5 Northwest Kgalagadi District region under Wildlife-related studies of the village area Development Project LG 31, and WMA 6 Okavango Delta region under the UNDP/FAO Okavango Project recommendations follow-up).

B. *Biological data*.—Determine species, numbers, distributions and productivity of wild animals which use the areas at different times of the year. The bulk of this initial data plus preliminary range condition and productivity information will be collected by the Countrywide Wild Animal and Range Assessment Survey Project, which has been funded and is timed to coincide with the planning stages of WMA development (See Appendix C).

C. *Sociological data*.—Provide demographic information on the resident human population in each WMA, determine the extent of existing developments and of future needs. Most of this data will be provided by personnel working in the WMAs under the Basarwa Development Project LG 32.

Depending upon existing developments and available resources, various utilisation schemes may be implemented in these areas according to the WMAs management plans:

(i) Intergrated livestock-wildlife utilisation; controlled grazing by livestock where range carrying capacity allows, within areas supporting exploitable wild animal populations.

(ii) Livestock-wildlife with differentiated grazing zones; livestock developments within a WMA may be exclusive to certain parts of the area where limited by range carrying capacity, low water potential or other factors which make intergrated schemes impractical. Areas that are unsuitable for livestock may support wildlife species such as eland, kudu, or gemsbok which have different habitat requirements and are not limited by availability of water.

(iii) Wildlife-related developments only; in areas where range condition indicates that the carrying capacity is seasonally approached or exceeded by wild animal populations, where livestock developments are undesirable and utilisation of wildlife and other natural resources is currently deemed the optimum or most practical form of land use, such schemes may include one or other of the following possibilities (which also apply in 1 and 11 above):

(a) *Hunting*.—Subsistence, supplementary, recreational or a combination. Currently a major form of land use in these areas, hunting provides a large sector of the rural population with income in cash and kind and should continue to be promoted and developed as an important activity within WMAs.

(b) *Game Ranching/Propagation schemes*.—Ranching of certain species such as eland, impala, springbok or ostrich may prove an economically feasible means of increasing production of meat, skins and animal by-products within WMAs. Fencing, use of artificial water sources, supplementary feeding, rearing paddocks, etc. Might be employed in such a scheme.

(c) *Game Culling or Cropping*.—Where certain species are abundant or over-abundant, a selective culling or nonselective cropping harvest or herd reduction may be practiced on a sustained basis to maintain optimum population levels and to increase productivity and improve quality of the animals taken. Such schemes could be practiced commercially by local hunters, companies or consultancies, resulting in the distribution and sales of meat, skins and by-products locally and abroad. Tanneries, leather and handicraft production facilities, canneries, pologny and biltong factories are among many possible infrastructural developments which could be established as a result of such operations locally providing additional employment and revenue.

(d) *Use of other natural resources*.—Includes gathering for subsistence supplementary or commercial purposes, or propagation and sales of food and medicinal plants, e.g. marama nuts, truffles, grapple plant, etc.

(e) *Non-consumptive Utilisation*.—Tourism developments game viewing and photography can be promoted within the WMA to generate revenue without affecting the resource base.

These various forms of utilisation in WMAs are considered means of realising Government's commitment to increase annual incomes in cash or kind of the rural population, and particularly on the poorest sectors. Improved transport and marketing facilities in rural areas could further increase and more fairly distribute game benefits to these people from sale of meat, biltong, skins and other products. As could numerous secondary developments as discussed in (c) above.

In times of drought when increased numbers of rural inhabitants rely upon wildlife and veld resources for their subsistence, WMAs could be of still greater importance. As a form of contingency planning for drought and famine relief, WMAs could provide an invaluable protein reserve and hunting or cropping quotas be established, relevant to such circumstances.

Wildlife Management Areas will not be parks or game reserves which afford wildlife and other natural resources a high degree of protection status, WMAs are proposed as areas in which planned utilisation could result in sustained, long-term benefits being derived from already existing resources which could be greater than those afforded through other land-use practices. Unlike many proposed land use forms which have been known to promote degradation of the environment and destruction of habitat, wildlife utilisation does not preclude other future options for use of the land.

It is important, however, to clarify a number of misunderstandings and uncertainties regarding the establishment and operations of WMAs.

DIFFERENCES BETWEEN WILDLIFE MANAGEMENT AREAS (WMA) AND CONTROLLED
HUNTING AREAS (CHA)

The Fauna Conservation Act at Section 10 states that the President by notice published in the Gazette declare any area of land in Botswana to be Controlled Hunting Area and may in like manner revoke such notice or may alter the limits of any such area. Section 11 of the Act prohibits any person from hunting except in accordance with such regulations as may be prescribed for a Controlled Hunting Area. Almost the whole country has been sub-divided into 40 blocks known as Controlled Hunting Areas declared on the authority of the President. Separate hunting regulations have been made by the Minister for Controlled Hunting Areas on state land and controlled hunting areas on tribal land. All these regulations control and administer hunting on these areas with the exception that none of the presently gazetted five tribal hunting regulations regulate or control hunting by tribal members in line with the purpose of controlled hunting areas i.e. a tribesman can hunt any animal for which he has tribal license anywhere in his tribal territory and does not have to be restricted to any particular controlled hunting area in his territory for the hunting of an animal in line with the accepted game management and utilisation policy to spread hunting pressure in accordance with hunting demand and species availability. This policy requirement is of course not the major difference between a C.H.A. concept and the proposed WMA concept.

What needs to be pointed out to all concerned is that such a policy requirement necessitating effective control and administration of hunting pressure will become important under the WMA concept since it is under that system that we propose intensive and diversified forms of game utilisation referred to under (C) above. The major difference between a CHA and a WMA is that in a CHA there is no legal provision to prohibit or restrict other land uses such as human settlement, arable farming or domestic livestock raising in any important wildlife area even if these human activities are detrimental to the long term maintenance of wild animals; whereas under the WMA concept it is proposed that these potentially detrimental land uses, i.e., human settlement and expansion, arable farming, domestic livestock raising, etc. be prohibited or if that is not possible then they should be restricted to agreed levels in each case by specific regulations for each agreed WMA in which the exploitation of wild animals is deemed the more productive economic activity. The CHA deals purely with hunting control and administration while the WMA deals with land use under TGLP in favour of wildlife management and utilisation in the face of increasing demands upon the land for commercial and communal purposes as recognized in TGLP Government Paper No. 2 of 1975 (Paras. 27 and 36(f)). It should be clear then that any rejection of or reservation concerning the WMA concept on the ground that the CHA system already exists or that it is a backdoor type of National Park/Game Reserve stems from a lack of understanding of the nature of these concepts. It should be clear too that there is no intention or proposal to do away with the CHA system in favour of WMA except that the Department is agreed in principle concerning the need to revise the present boundaries of some Controlled Hunting Areas to take due account as far as possible of game species concentration, distribution and availability. While unregulated hunting and poaching are generally regarded as being contributory to the depletion of wild animals, it must be emphasized that the greatest danger to the maintenance of wildlife is that posed by a shrinking and diminishing wildlife habitat.

Prohibition and restriction of uses in a WMA

It is probably relatively easy through enforcement but socially difficult to prohibit other uses in a WMA in favour of wildlife management and utilisation. It may be more preferable socially but less easy practically to restrict such uses and still have the WMA concept in a state in which its objective can be upheld. This raises the issues of what exactly will be the nature of prohibition or restriction of other uses in wildlife management areas.

Proposed legislation which is at present in the form of a draft bill concerning the establishment of wildlife management areas states:

"D WILDLIFE MANAGEMENT AREAS.—

"11A. The President may, by notice published in the gazette declare any area of land in Botswana to be a wildlife management area and may, in like manner, revoke such notice and may alter the limits of any such area.

"11B. (1) Subject to Section 4(2), and Sections 15, 16, 17, 18, 19, 36, 37 and 92 as read with Sections 38 and 39, no person shall—

"(a) Hunt or capture any animal;

"(b) Erect or reside in any dwelling house;

"(c) Graze any stock or cultivate any land;

Except in accordance with such regulations as may be prescribed for that area.

"(2) Where regulations of the nature described in subsection (1) make provision for the issue of a permit or licence, a fee, in such amount as may be prescribed, may be charged for such a permit or licence.

"(3) Where a wildlife management area is declared in respect of any land, any fee prescribed in respect of any permit or licence may be paid to the District Council concerned or to Central Government."

It should be noted that 11.B(1) prohibits hunting, capture of animals, erection or residing in any dwelling house and grazing of stock and cultivating any land except in accordance with such regulations as may be prescribed for that area (WMA). The Regulations referred to here must give effect to the proposed management plans for each WMA. Both have to be drafted jointly by the Department of Wildlife and the respective LUPGS, submitted to the respective District Councils and Land Boards for approval and in turn submitted to the LDC/Ministries of Local Government and Lands and Commerce and Industry for consideration and recommendation to cabinet for approval. It will be up to the district authorities in conjunction with Central Government to decide on the form and nature of prohibition or restriction of other uses based on the local situation. In general it will not be feasible to evict people or livestock which are already settled in a proposed WMA but serious consideration may have to be given to prohibiting new applications for boreholes cattle raising or human dwellings as well as deciding on the level of livestock expansion that can be tolerated before individuals or groups can be asked to consider moving their stock e.g. to a commercial ranching area. Land board allocation decisions are therefore critical on the execution and enforcement of management plans for WMA. So also is the proper upkeep of Land Board allocation records as well as the introduction of a register of existing settlements made prior to the Tribal Land Act.

APPENDIX A

LOCATION OF INVESTIGATION AREAS FOR PROPOSED WILDLIFE MANAGEMENT AREAS

- WMA 1: *Western Kachikau Enclave*. (Northern boundary of Chobe National Park (Chobe) District). This area supports sizeable populations of buffalo, wildebeest, zebra, elephant, sable, tsessebe, impala, lechwe and reedbuck with greatest concentrations along the Chobe River during the dry season.
- WMA 2: *Nxai-Lephephe Sand-veld*. (Central District). Wildebeest, zebra, gemsbok, eland and hartebeest are the common species here forming seasonal concentrations (dry season). Kudu and Ostrich also abundant.
- WMA 3: *Okwa Valley—Southern Central Kalahari Game Reserve*. (Ghanzi District). Eland, gemsbok, hartebeest, wildebeest, springbok, ostrich and kudu are important species in this area.
- WMA 4: *Western Kweneng, Western Ngwaketse and Northern Kgalagadi*. (Kweneng Southern and Kgalagadi Districts). Important species here same as WMA 3 above. Wet season concentrations predominate.
- WMA 5: *North West Kgalagadi*. (Kgalagadi District). Wet season concentrations of eland, gemsbok, hartebeest, wildebeest, springbok and ostrich common to this area. Kudu abundant but widely distributed.
- WMA 6: *Okavango Delta Region*. (Ngamiland District). Wildlife resource investigations of this area have been conducted through the UNDP/FAO funded Okavango Project. Large concentrations of buffalo, lechwe, zebra, wildebeest, impala, kudu, elephant and gemsbok were found. A conservative estimate of the value of the cropable wild animal resource in this area is over P600 000,00 per annum. Value of revenue from hunting licence fees for this area based upon adjusted quotas may be well over P225 000,00 per year. The first essential is to subdivide the region into three WMA—North Okavango, East Okavango and Central Okavango.
- WMA 7: *Kasane Triangle—Tamafula—Jari Pan Region*. Proposed wildlife investigation Area where areas with little or no potential for intensive livestock and arable agricultural development may qualify for establishment as WMA owing to known movements and distribution of elephants, buffalo, zebra, sable, wildebeest and tsessebe and to afford continued exploitation of wild animals in this region.
- WMA 8: *Ramotlabaki Region*. (Kgatleng District). To maintain the relatively important game species such as kudu, impala, ostrich, warthog, hartebeest, duiker, steenbok, waterbuck, bushbuck and some eland and oryx for citizen hunting in the only part of Kgatleng where some wildlife management might still be possible.

APPENDIX B

BRIEF PROJECT SUMMARY: PROPOSED WILDLIFE MANAGEMENT DEVELOPMENT PROGRAM

Duration: Five (5) years from initiation December 1977

Inputs: 1. Economic: USAID grant \$2.5 million (P2.2 million).

2. Technical Assistance: (a) Phase 1 (2 years)—One (1) Chief range "Wildlife Officer; One (1) Senior Range/Wildlife Survey Officer; Four (4) Range/Wildlife Survey Specialists; and Short-term Consultancy. (b) Phase 11 (3 years) Localisation of posts—Two (2) Wildlife Survey Officers; and Four (4) Range/Wildlife Management Officers.

3. Equipment: Includes seven (7) vehicles, camping and research equipment office/workshop equipment, structures, radios, etc.

4. Training: Six (6) Botswana participants training to degree abroad (personnel for phase 11)

Outputs: 1. A complete range assessment survey for WMAs 1-4 to include detailed recommendations and information on: range productivity, stocking rates, integrated livestock-wildlife schemes, range management guidelines, formulation of management plans, etc.

2. Training for Botswana staff in range surveys and management techniques, wildlife management and marketing of products from utilization schemes.

3. Recommendations and plans for WMA program development and implementation, development of an institutional base for range survey/range ecology and management, i.e. WMA Unit.

4. Operational range/wildlife management offices in each WMA implementation WMA development programs, and establishment of local marketing institutions and channels for revenue generation.

APPENDIX C

BRIEF PROJECT SUMMARY: COUNTRYWIDE ANIMAL AND RANGE ASSESSMENT BY AERIAL SURVEY

Duration: Two years and three months from initiation July, 1977.

Inputs: 1. Economic: EDF grant PO, 7 million.

2. Technical Assistance: One (1) Senior Ecologist/Project Coordinator; One (1) Range Ecologist; One (1) Ecologist/Research Assistant; One (1) Technical Assistant/Observers; Two (2) Drivers; and Four (4) Labourers/Assistants.

3. Equipment: Includes camping equipment, field and office research equipment, two fully equipped four-wheel-drive vehicles, calculators, radios, cameras, hire of aircraft with onboard photometric vegetation analysis system and navigation equipment.

Outputs: 1. To provide Government of Botswana and particularly, the Department of Wildlife, National Parks and Tourism with basic range and animal population data needed for national land use planning in the field of wildlife management and to provide information upon which sound management practices and utilisation schemes may be based.

2. To determine the major wild animal populations in terms of their numbers, biomass, distribution and productivity.

3. To determine the seasonal changes in animal distribution and to relate these to the range conditions described below:

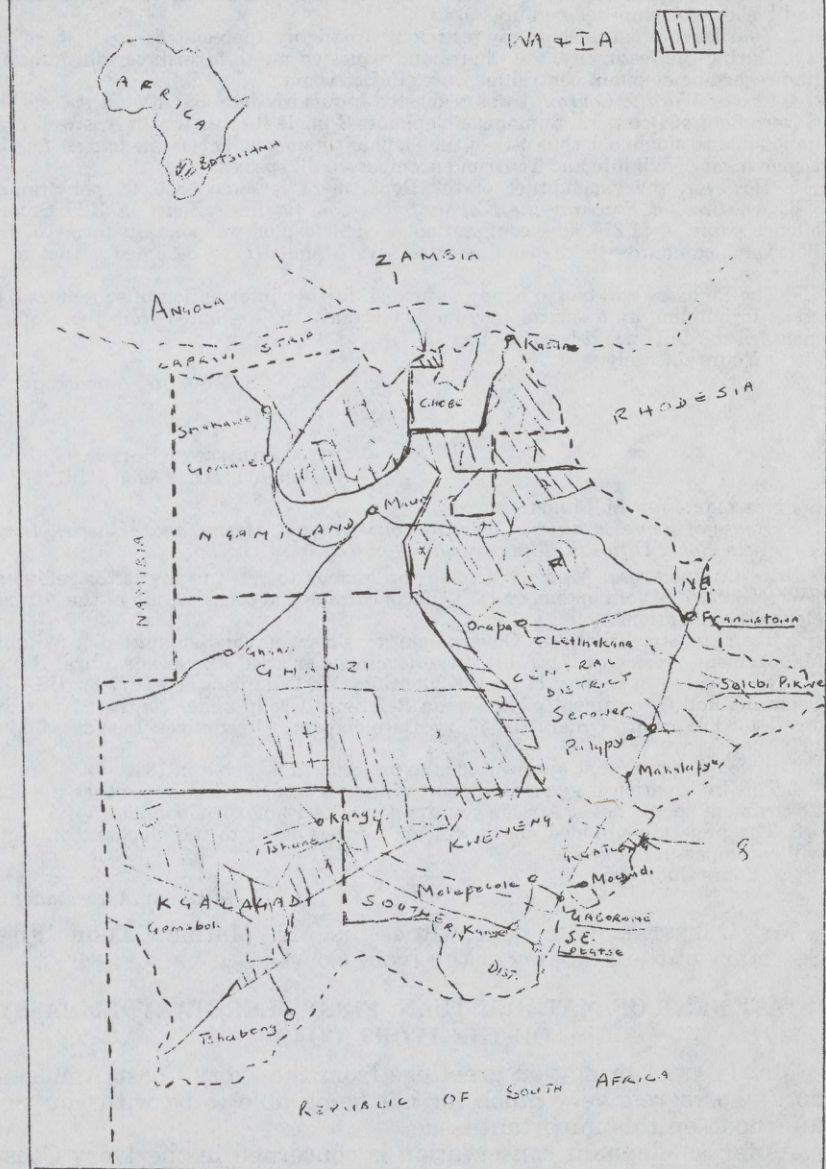
4. To analyse the range in terms of areas of major habitat types, quality and quantity of available plant food, seasonal changes in the status of the above as determined by rainfall, burning and human occupation.

5. To determine the seasonal distribution of surface water.

6. To link seasonal changes in the range to changes in animal distribution and to determine the productivity of important wild animal populations.

7. To train Botswana Government personnel in the techniques needed to continue such work.

REPUBLIC OF BOTSWANA



EMBASSY OF BOTSWANA,
Washington, D.C., September 13, 1979.

Congressman JOHN M. MURPHY,
U.S. House of Representatives, Committee on Merchant Marine and Fisheries, Long-
worth House Office Building, Washington, D.C.

DEAR CONGRESSMAN MURPHY: I have the honour to acknowledge receipt of your letter dated August 1, 1979 concerning my testimony before the Merchant Marine and Fisheries Committee on July 25, 1979.

2. Your kind remarks about my testimony are highly appreciated.

3. During the testimony, the Chairman, requested me to furnish certain information regarding elephant control measures in Botswana.

4. *Cost of Wildlife Control*: I was requested to furnish data about what it costs the Government of Botswana to manage elephants. I made it clear that it was well nigh impossible to single out the costs of the elephant management as the budget for the Department of Wildlife and Tourism encompassed all species.

5. However, the expenditure of the Department is some \$850,000 per annum.

6. *Penalties for Poaching the Elephant*: The fine for first offence is \$725. Second offence's fine is \$1,210 plus confiscation of vehicle plus weapons. In terms of the Botswana standards these penalties are severe and are so designed to act as a deterrent.

7. The Embassy will be too happy to furnish further information, if so required, to assist in building up a special case for Botswana to be exempted from the requirements of the Bill once it becomes Law.

Yours sincerely,

B. MOOKODI, Ambassador.

EMBASSY OF BOTSWANA,
Washington, D.C., October 12, 1979.

Congressman JOHN M. MURPHY,
U.S. House of Representatives, Committee on Merchant Marine and Fisheries, Long-
worth House Office Building, Washington, D.C.

DEAR CONGRESSMAN MURPHY: I have the honour to refer to my letter reference BW/INF 9/26 (91) of September 13, 1979 concerning the conservation of the African elephant populations.

2. I am to state that the Government to Botswana has submitted a Wildlife Management project to U.S.A.I.D. in a document entitled "Botswana Rural Sector Study" prepared in support of Project Identification Document 633-0077 for USAID/Botswana and Government of Botswana Reference Group under contract No. AID-otr-C-1383 Working Order No. 43 by Development Alternatives Inc. dated May 1979.

3. It would appear that approval for the project will be given in 1980.

4. This information is given in support of the view of the Committee that the U.S. Government should assist African countries in conserving the elephant.

5. The project mentioned above will not address itself to the elephant only but will encompass other species.

Yours sincerely,

B. MOOKODI, Ambassador.

Mr. OBERSTAR. Our next witness is Mr. Mathieu Tuan, First Secretary of the Embassy of the Ivory Coast.

STATEMENT OF MATHIEU TUAN, FIRST SECRETARY, EMBASSY OF THE IVORY COAST

Mr. TUAN. I bring you greetings from the Ivory Coast Ambassador, who regrets very much for not being able to be with you this afternoon on this important issue.

As far as elephant conservation is concerned in the Ivory Coast, you will agree with me that the name, as it goes, Ivory Coast, for some hundred years back was filled with elephants; so there was a large export of ivory from the Ivory Coast to other countries in the world.

But as we attained our independence in 1960, and due to economic programs and other development reasons, such as timber export, farming and construction programs, there came about an important decrease in the population of elephants in the Ivory Coast.

The Ministry of Forestry in charge of national parks was created. Then an important measure was taken by the Government of Ivory Coast. This measure was the prohibition of hunting big animals including elephants. So hunting is prohibited in the Ivory Coast.

So, as from this measure we considered automatically that export of ivory came to an end. When there is no hunting, no elephant is killed, and no ivory is obtained in large quantity for export.

So our point on this issue is very clear in that, at this moment, there is no hunting in the Ivory Coast and it is therefore difficult to talk about export of ivory.

As I have mentioned, a friendly country like the United States of America is welcome in helping the Ivory Coast to conserve elephants. We have five national parks created which serve as national game preserves.

As far as statistics or any figures are concerned, the Embassy would be willing to issue them later.

So that is the point we have been asked to make to you, Mr. Chairman.

Thank you.

Mr. OBERSTAR. Thank you very much.

I wonder if you have information for the committee indicating whether there has been a decline in the elephant population since the last report this committee officially received, at our 1977 hearing. We were told that there were approximately 5,000 elephants in the Ivory Coast, and that this population of elephants was being depleted rapidly.

Do you have information on the current population estimates, and whether they are continuing to decline?

Mr. TUAN. Mr. Chairman, to be frank, as far as figures are concerned, as I said, we would not be able to give them. But it is well known, as I mentioned, there is a large decrease of elephants in the Ivory Coast. So, there is a decrease. We have heard from other countries that when there is a decrease it means there has been some killings. It also happens in general that according to development programs, as timber exports and other economic activities—it is impossible to issue visas to elephants or even just to build up walls to stop elephants crossing from one country to another; by this means elephant population gets decreased in one country and makes the population elsewhere increase. This is the case in many areas.

Some elephants cross borders to neighboring countries.

Mr. OBERSTAR. I understand that. Is there information available indicating the relationship between elephant populations and the modification of habitat to farming or timber harvesting? We recognize there are factors other than hunting that affect the population of elephants, and other wildlife.

It would be most important for this committee's deliberations to know the effect upon elephant population of any changes in habi-

tat, such as expansion of farming or increase in timber harvesting. Could you comment?

Mr. TUAN. We would make necessary documents available to you in a very short time.

Mr. OBERSTAR. Thank you very much. We would appreciate having those.

What assistance, if any, is the Ivory Coast receiving from the United States through our foreign aid programs to help in your wildlife programs in general and with elephant populations in specific?

You do not know of any financial help the Ivory Coast is receiving?

Mr. TUAN. Not at all.

Mr. OBERSTAR. We will also get that information from the State Department.

Could you give the committee an indication of the kind of assistance that would be helpful to your country from the United States in the wildlife management programs?

Mr. TUAN. Yes. I think, according to the facts I have mentioned, one of the most important things that the Ministry of Forestry is now doing, and we think that the United States can give us a helping hand by taking measures of replanting our forest, for as farming goes on we have the forests in certain parts of the Ivory Coast, decreasing.

So I think the most important help we are now looking from our friends is help us create such programs which will increase the thickness of our forest to bring out other species of timber and wood, which we use to have before and now we do not have. As far as we have our forests conserved we think that we will have an opportunity of conserving our elephants.

Mr. OBERSTAR. What is the Ivory Coast's most significant export in terms of dollars?

Mr. TUAN. In dollars I think it would be coffee. We export much coffee to the United States.

Mr. OBERSTAR. After coffee, what would be your next largest export?

Mr. TUAN. Cocoa and wood.

Mr. OBERSTAR. I would be very much interested in knowing, and we will ask this question of the State Department, whether assistance is being provided to your country for timber stand improvement and for replacement of timber harvested. There might be an area where financial assistance from the United States could be very helpful in maintaining the elephant population.

Mr. TUAN. This is taking place since the creation of the Ministry of Forestry, and many countries, including the United States, are giving us a helping hand for the replanting of our wood, our timber.

Mr. OBERSTAR. Thank you, Mr. Tuan.

Mr. Evans?

Mr. EVANS. Thank you, Mr. Chairman.

I was intrigued by the statement that the witness made, in saying that hunting was banned and therefore there was no hunting. It would be unusual to have a law that is observed in its

entirety. What procedures do you have for seeing that it is enforced?

Do you have oversights? Just explain how you know that that is actually what is happening?

Mr. TUAN. From the Ministry of Forestry we have agents who are posted throughout the whole country, especially in the national parks, to make sure that nobody comes in to hunt. That is one. And also at the seaports or the airports there are strict measures taken to make sure that those visitors who enter the Ivory Coast and who have in their possession arms, these arms are not destined for hunting. And those who go against these laws illegally are punished by law.

Mr. EVANS. But you have not been taking any census of the elephant population?

Mr. TUAN. We have, but I am not able to give this to you.

Mr. EVANS. Did I understand also from the discussion with the chairman that the expansion of farms for development of farmlands and the habitat of elephants are not proven to be yet in conflict with each other?

Mr. TUAN. Among the farmers?

Mr. EVANS. Is there expansion of farmland, as you develop the country, plant more cocoa and coffee and so forth—is it proven to be restrictive to the habitat of the elephants? Are they competing for the same territories?

Mr. TUAN. I think that this is not possible because those are portions reserved where farming is permitted. Apart from reserved areas, I think we have, forest areas, provided for farmers to grow their crops.

Mr. EVANS. Thank you, Mr. Chairman.

Mr. OBERSTAR. Thank you very much for your presentation. We appreciate your participating in the committee hearings. We look forward to receiving the information that was requested in the course of our exchange.

[The material was not received at time of printing.]

Mr. OBERSTAR. Our next witness will be Dr. Aubrey Venter, counselor from the Embassy of the Republic of South Africa.

We welcome you to the committee, Dr. Venter. Thank you very much for taking the time to be with us and to share your views on this issue of such far-reaching interest to Americans.

STATEMENT OF DR. AUBREY D. VENTER, COUNSELOR (AGRICULTURAL-SCIENTIFIC), EMBASSY OF THE REPUBLIC OF SOUTH AFRICA

Dr. VENTER. Thank you, Mr Chairman.

As you noted, I would like to express my appreciation for the courtesy that your committee has shown to our Embassy in allowing us to present our views on this proposed legislation.

I would like to read to you a very short presentation that was drawn up by Dr. Rocco Knobel, who is our Chief Director of the National Parks Board. It goes as follows:

The South African Government has ratified the Convention on International Trade in Endangered Species and adheres strictly to the rules laid down by the convention. Nature conservation authorities in the Republic of South Africa are deeply concerned about reports on declining elephant populations in some African

countries and they would fully endorse effective steps towards the protection of the African elephant from indiscriminate destruction.

Elephants in the Republic of South Africa enjoy full protection and only occur in two national parks or preserves and two or three private game reserves.

In the national parks the elephant numbers have increased at such a rate through good conservation and management policies that their numbers must be controlled if the habitat is not to be destroyed. Culling of elephant in the Kruger National Park is absolutely essential to ensure their future and that of thousands of other head of game inhabiting the park is ensured. To quote some numbers will prove the case.

In 1945 there were 450 elephants in the Kruger National Park. By 1960 the number had increased to 1,000 and by 1970 to 8,821. At this stage the National Parks Board on expert scientific advice realized that the number had to be controlled and the most effective and scientific method of culling was introduced. Ecologists and biologists agree that the number of elephants in the Kruger Park must be limited to between 7,000 and 8,000.

Approximately 600 elephants must be culled annually and the meat is processed in a factory in the park and marketed locally. The ivory averaging annually 5.4 metric tons and the hides averaging annually 99.2 metric tons are sold by tender and although most of the ivory and hides are processed in South Africa some will reach international markets. The income from those products is used entirely on behalf of nature conservation and especially ecological research.

The National Parks Board is at all times prepared to issue a certificate to the exporter of any of the elephant byproducts to the effect that the products have been legally obtained.

In the case of the Kruger National Park it is without doubt in the interest of nature conservation and the elephant population that elephants must be culled and the products derived from culling be legally marketed.

On February 22, 1978, a letter to this effect was written to the Director—O.E.S. U.S. Fish and Wildlife Service, Department of the Interior, Washington.

Mr. OBERSTAR. Thank you for a very helpful statement so factually supported.

Just one point of curiosity. In 1945, 450 elephants in the Kruger National Park; by 1970, 25 years later, the elephant population was up to 8,821, while elephant populations elsewhere in Africa were declining or remaining stable. Why are they so prolific?

Dr. VENTER. I am not an expert on wildlife, but one of the basic reasons, if one had to argue on it, would be that we have a very strict control. In those national parks there is no hunting allowed whatsoever. Until very recently, obviously, no killing has taken place.

Mr. OBERSTAR. What is the size of the Kruger National Park in acres?

Dr. VENTER. Mr. Chairman, maybe someone can do the arithmetic for me. It is 100 kilometers wide by 350 kilometers long.

Mr. OBERSTAR. 35,000 square kilometers. You wildlife biologists have determined that 7,000 to 8,000 is the optimum size herd for that area?

Dr. VENTER. Mr. Chairman, yes, this is based on scientific research and also takes into account the vegetation, the various plant structures in the succession and the niche in the natural environment filled by various species, grass feeders, browser, et cetera.

Mr. OBERSTAR. Are elephants found outside of the national park?

Dr. VENTER. To a very small extent, Dr Knobel says two or three farms—there are very few elephants outside. The ones that do occur outside are normally ones that escaped from the parks.

Mr. OBERSTAR. So there is no competition outside of the national parks, between elephants and land users?

Dr. VENTER. No, not at all.

Mr. OBERSTAR. Do you have a permitting system or a park ranger system of culling the animals?

Dr. VENTER. Mr. Chairman, the culling in the parks is done either solely by the parks board personnel or under the supervision of the parks board personnel. Usually it is done by the parks board themselves.

Mr. OBERSTAR. Do you have means of supervising poaching?

Dr. VENTER. Mr. Chairman, we, like the rest of Africa, have a problem with the poaching. We have a system of game rangers which is virtually a policing group that looks after this. The penalties are very stiff. Until recently, the fine for somebody who was caught poaching could be up to 2,000 rand, which is equivalent to \$2,500. Anyone found with equipment, that equipment was confiscated, no questions asked.

Mr. OBERSTAR. So it is a stiff surveillance system and stiff penalties on top of that.

Do you have information on of either the dollar value or the amount by weight of the elephant products exported from South Africa?

Dr. VENTER. Mr. Chairman, yes, in the presentation; the amount of ivory annually is about 6 tons, and the mass of hides is 99 tons.

Mr. OBERSTAR. You have that in your testimony. Is that all export market?

Dr. VENTER. That is all for sale. That is sold on tender.

Mr. OBERSTAR. Is most of that headed for the United States?

Dr. VENTER. Mr. Chairman, we do not know where that ends up, because any firm could tender and buy that material, and once it is bought it is very difficult to trace where that goes to. In all honesty, I would say that I expect some of it to end up in the United States.

Mr. OBERSTAR. But you do not know?

Dr. VENTER. No; to tag it would be very difficult, indeed.

Mr. OBERSTAR. Thank you for your very helpful statement. The committee appreciates it.

Mr. OBERSTAR. Our next witness will be Dr. Donald King, Acting Deputy Assistant Secretary for Environment, Health and Natural Resources of the Department of State.

STATEMENT OF DR. DONALD KING, ACTING DEPUTY ASSISTANT SECRETARY FOR ENVIRONMENT, HEALTH AND NATURAL RESOURCES, DEPARTMENT OF STATE

Dr. KING. Thank you.

It is a pleasure to be here. I will keep my comments brief, because I think there are other agencies that have much more substantive involvement than we have in this area. We have already presented a letter to you providing State Department views.

But we do appreciate the opportunity to be here, particularly to reinforce something you said earlier regarding our need for diplomatic skills in this case. We have heard of a range of needs from other countries. It was a very well chosen group of witnesses who gave us some conception of what is happening to the African elephant population. There is a very great range of needs and a variety of things we will have to do to recognize those differences, and we must remember that we must deal with those countries

separately and try to work in the multilateral and international context as well as our domestic one.

We would like to leave the technical issues to Interior and Justice, who will have, I am sure, some ideas as to the specifics of the particular bill. But we do have two or three general comments.

I personally, and I think everyone here, feel a great responsibility for the conservation of a species such as the elephant, the world's largest land mammal. Elephants are important to all of us whether we have seen them or not. We feel something for these animals.

It is critical that we keep that kind of consideration in mind.

The first comment we have, has been mentioned a couple of times. It concerns the particular studies which are underway now. You have commented that it has been some considerable time since the committee took up its concerns in this area. There has been a study underway since that time which we are very anxious to get, the study that Dr. Douglas-Hamilton is going to be submitting in a couple of months. We think the data and information from this study will be absolutely essential to us and to the international community to evaluate and justify measures to give the proper degree of protection to these species. That is important.

If we have a major study underway I think it is important that we wait and see what the result of that particular study are and it is nearly complete.

Second, we think the greatest effort should be directed to improving the wildlife management capabilities of the range states. We heard the discussion from our colleague from the Ivory Coast that indicated some of the difficulties in surveying animal populations.

Certainly it is extremely important that we work with these countries in strengthening their capability to manage their wildlife in a scientific way.

Many of them have only recently started to give consideration to these kinds of activities. So it will take some time to develop their capabilities.

Our comment, sir, with regard to what we might do to help that situation. There are some programs already underway, under AID sponsorship, and we will be happy to look into those and give you details with regard to them, in the particular area of wildlife management.

The Interior Department also, I think, has had some courses for wardens, game wardens, and wildlife biologists, and I suspect they will mention those to you later.

We have been working in a new context, if I might just explore a little more of this AID point; 2 or 3 years ago AID was given a new mandate, to deal with problems in natural resources and environmental management. Up until then it was not one of their primary areas for attention. Since that time they have been developing programs to carry out not only wildlife management activities but the kind of forestry activities you mentioned.

But I will come back to that if you are interested. There are activities in the multilateral fora, as well, where we have been pursuing wildlife training courses via the United Nations.

So there are bilateral as well as multilateral channels that we can continue to use, and most assuredly we will continue to do so.

Our third point is that the consumer nations and the producing nations must work together to resolve wildlife conflicts. The Ambassador of Botswana mentioned the importance of CITES. We think this is an important mechanism for achieving cooperation. If we, the United States, should decide that the African elephant requires additional protection as an endangered species, we should seek to upgrade its status to appendix I of CITES. That is the most logical vehicle for us to use, because it does involve both consumer and producer nations.

We should assist the CITES Secretariat to assume a broader investigatory role with respect to this species, bringing pressure on CITES countries to conform to established guidelines, present and future.

We can do that as well as a nation. We did something similar to that in the case of the moratorium on whales. After a long time, we had some success this year. We hope to see that as a precedent here.

We can also, as we did in the whaling case, approach non-CITES countries and see if we can get them involved. CITES was properly called the Washington Convention. It was done here. We have worked for some time to get increasing numbers of nations involved in it, and become signatories to the treaty, and will continue to work in that particular area.

We think it is the most effective forum for the United States to deal with these kinds of questions. We must be careful to protect CITES as an institution, especially if we are moving unilaterally on a particular issue.

You raised with the Botswana Ambassador the point as to what he would think if we went ahead and took action unilaterally. His response was that CITES would have failed, or certainly that would be a conclusion that could be reached. I think that is something we must be very careful about pushing too far.

In summary, then, we understand and have a good grasp of the role that wildlife plays in global ecosystems. We agree that animals, where they are threatened, must be protected from overharvesting. It is important that management capability be developed by the countries that need it, and we should help them do so. We are ready to help play a role in international support for whatever measures are deemed important.

You mentioned diplomatic skills. We will bring them to bear as best we can.

That is what I would like to say at this moment. Thank you, Mr. Chairman.

Mr. OBERSTAR. Thank you very much for a straightforward presentation. This area of assistance to the countries which have the substantial elephant populations is where the State Department can make a very useful contribution through our AID programs.

I have asked the Ambassador from Botswana, and the representative of the Ivory Coast about the level of U.S. foreign aid. Do you have any information about the level of foreign aid to those two countries or any others in Africa, especially for environmental programs such as wildlife habitat management and other wildlife protection programs?

Dr. KING. I cannot right now, but I would be more than willing to provide it.

Mr. OBERSTAR. Please provide that for the record.

Dr. KING. Yes.

Mr. OBERSTAR. That kind of aid is probably the most positive contribution that the United States could make. The legislation before us prohibits certain actions, the importation of products, and to that extent is regulatory. We do need the regulatory approach on an environmental issue. We also need, however, positive or affirmative action as to help countries manage habitats.

I have great sympathy with the viewpoint expressed by the Ambassador from Botswana; I understand the economic pressures. I represent a district with large areas subject to considerable conflict over their use. I understand those conflicts very well I have great sympathy for the concerns of the government expressed, that if you shut something off you will cause severe economic hardships for the people of this country.

It is not enough simply to attempt to cut off hunting by economic regulation. We also have to do something more positive for the people. I would like to have for the committee's information the extent of aid to these countries where elephant populations are found in Africa; and as a subcategory of this total level of foreign aid, the amount directed to wildlife management programs. I would also appreciate suggestions of the kind of programs that could be taken in those countries directed toward wildlife management programs.

Dr. KING. We will certainly provide that for the African countries, for elephants. We will go through the whole thing for you. We have been developing some ideas specifically in this area as to the kinds of further actions we could take; so we would be happy not only to break it down into the categories you suggest, but to give you some indication of what those countries are asking for and the kinds of things we think should be done.

Mr. OBERSTAR. Certainly in many cases poaching is a direct problem.

But there is probably an even greater threat to the elephant posed by agricultural and other land-use practices. In his book, Dr. Douglas-Hamilton documents the effect of the expansion of farmland and the encroachment by timber harvesting and mining on the elephant habitat. These land uses remove from the elephant, concentrate the elephants into smaller areas, and increase the competition for food.

To the extent that our foreign aid programs can alleviate that, I think we should be doing it.

Thank you very much for your testimony.

[The following was received for the record:]

AID ACTIVE AND PROPOSED PROGRAMS IN AFRICAN ELEPHANT RANGE STATES

[Expenditures in thousands of dollars]

	Fiscal year 1979 estimated	Fiscal year 1980 proposed
Benin.....	325	800
Botswana	15,694	16,974

AID ACTIVE AND PROPOSED PROGRAMS IN AFRICAN ELEPHANT RANGE STATES—Continued

[Expenditures in thousands of dollars]

	Fiscal year 1979 estimated	Fiscal year 1980 proposed
Burundi.....	550	2,750
Cameroon	9,574	13,890
C.A.E.....	735	785
Chad.....	10,891	10,907
Ethiopia	9,132	11,725
Ghana.....	15,455	10,692
Guinea.....	1,250	3,253
Kenya.....	28,487	32,584
Liberia.....	14,901	9,280
Malawi.....	8,575	3,925
Mali.....	15,114	16,257
Mauritania.....	3,200	6,100
Mozambique		1,000
Niger.....	9,943	11,538
Nigeria.....	912	2,685
Rwanda.....	2,460	5,409
Senegal.....	7,898	11,145
Somalia.....	4,000	7,700
Sudan.....	9,141	17,728
Tanzania.....	14,537	17,725
Togo.....	825	1,250
Upper Volta.....	7,107	10,262
Zaire.....	20,889	14,164
Zambia.....	25,350	26,600

Additional material has been requested from posts and will be submitted when received.

Mr. OBERSTAR. Our next witness will be Mr. Anthony Liotta, Deputy Assistant Attorney General for Land and Natural Resources of the Department of Justice.

STATEMENT OF ANTHONY C. LIOTTA, DEPUTY ASSISTANT ATTORNEY GENERAL FOR LAND AND NATURAL RESOURCES, DEPARTMENT OF JUSTICE, ACCOMPANIED BY KENNETH BERLIN

Mr. LIOTTA. Mr. Chairman and members of the committee:

I would like to thank you for asking me to present the views of the Department of Justice on H.R. 4685, a bill.

To provide for the control of the importing into, and the exporting from, the United States of elephants and elephant products.

In February of this year, the Department of Justice consolidated all jurisdiction over wildlife laws from the Civil and Criminal Divisions into the Land and Natural Resources Division. Since receiving that jurisdiction, we have taken steps to launch a major effort to prosecute violators of wildlife and smuggling laws. Our preliminary investigations have revealed a large illegal trade in live wildlife and wildlife products running into tens of millions of dollars a year. Recent events, including several outbreaks of exotic Newcastle's Disease, a disease that can seriously affect our poultry industry, have proven that this illegal trade has dangerous conse-

quences to our Nation's agricultural industry because of exotic diseases carried by wildlife.

In addition, this illegal trade can threaten the survival of the species involved and provide profits to the traders comparable to those earned by drug dealers.

Our preliminary investigations also have led us to conclude that a large portion of illegal wildlife enters this country openly through the filing of fraudulent documentation. Certainly large amounts of ivory, legal and illegal, are accompanied by documents which are filed with the Customs and Fish and Wildlife Services and the Department of Agriculture. Of particular concern to us is identifying documents which falsely list the country of origin of the wildlife.

Usually, where wildlife is illegally taken in one country the illegal importer simply identifies another country on his documentation. Since we know the wildlife laws of most countries and know where any particular species of wildlife is found, we can often tell if an importation is legal if the documentation contains statements about and permits from the country of origin of the wildlife.

There are numerous other fraudulent techniques used by illegal importers. Again our ability to identify other types of fraud relates directly to the type of paperwork we receive. In most instances, we believe that when all paperwork is properly analyzed, we can uncover violations even by large and sophisticated dealers.

We cannot confidently make this statement about ivory or any other product that is processed in a country other than the one from which it is originally exported. Let me briefly explain the problem.

Assume for the moment that Kenya, for example, permits some legal export of elephant tusks used to make ivory. Generally, these tusks are exported with permits from Kenya to processing nations other than the United States. In these processing countries, each shipment of elephant tusks is made into many different products often by different companies. As a result, the African export permit is duplicated and attached to many different shipments. When these shipments arrive in the United States, it is difficult, if not impossible, for us to tell whether the products are made from the ivory listed on the Kenyan permit.

Therefore, our enforcement problem arises from the fact that a shipment of elephant products arriving in the United States may be one of hundreds of shipments from one batch of ivory imported into the processing nation. We can solve this problem if the processed product is marked in a manner which will enable us to trace its origin back through the country of reexport and into the country of export.

Thus the export and re-export countries must keep records which will enable us to do the tracing, and the shipment must be accompanied by both export and re-export permits. Without these records and marking requirements, we do not believe that we can enforce any regulations which allow importation of processed ivory.

We strongly believe that effective enforcement in the United States is critical to the enforcement efforts of African countries that export or protect elephant or elephant products. Our conversations with foreign wildlife officials have led us to conclude that

these officials are making a good-faith effort to enforce their laws, many of which provide excellent legal mechanisms to control the trade.

The real problem in these countries, it seems to us, is the very difficult one of their finding sufficient funds to establish effective wildlife enforcement programs. Most of these countries have borders which are difficult to patrol and in any event lack funds to patrol them. They do, however, try to control the legal trade through a permitting process, and if we in the developed world can ensure that only legally exported products are imported into our countries, we can make a significant contribution to stopping illegal activity in other countries.

Several environmental groups have recently brought to our attention and to the attention of the Fish and Wildlife Service several problems in enforcement of the current elephant regulations. We believe that these problems can be overcome. The first problem they addressed concerned improperly filled-out Fish and Wildlife entry forms. Regular audits of import records can solve this problem. The second concerned the fact that the Convention on International Trade in Endangered Species, CITES, requires an importer to present to the Department of the Interior only documents from the reexport country and not the export country.

Under the Lacey Act, however, failure to produce export documentation is evidence of a violation since, as far as we can tell, each of these countries requires export permits. We can also demand this documentation under the current Endangered Species Act Elephant Regulations.

To conclude the discussion on enforcement, I would like to point out that there are many questions about enforcement which the Department of Justice cannot answer. We lack the expertise, for example, to judge the consequences to African elephant populations of a failure to adequately enforce ivory import controls, and we defer to the Department of the Interior on this question. Also, we have not yet had enough experience to comment on the size of the illegal trade in ivory.

Later today or tomorrow, Department of the Interior officials will ask this committee to defer action on this bill until after the August recess. By that time, the Department of the Interior will have received a new study analyzing, among other things, the current population status of elephants.

Based on that study, the administration will be in a position to make specific recommendations to this committee.

Thus, at this time I will gladly answer questions about general enforcement problems but I would prefer to wait until after the study is received before making specific comments on H.R. 4685.

Mr. OBERSTAR. Thank you very much. We would like to know the relationship between your enforcement operations and those of the Fish and Wildlife Service.

Mr. LIOTTA. Sir, as I understand it, we are working very closely with the Fish and Wildlife Service with our personnel available and the Customs people in trying to get a handle on these particular problems. We have assigned in our division, and I have sitting next to me, one of our staff, Mr. Ken Berlin, who has spent most of

his time in the last several months working with the various services in an attempt to implement whatever programs we have.

Mr. OBERSTAR. Do you both have investigative authority on importation of wildlife materials into this country?

Mr. LIOTTA. Primarily, we rely on the investigatory arms of the Customs and Wildlife Services. They have a number of investigators. Now, we are limited by the fact that we have limited attorney staff working in this area, Ken Berlin and half of another attorney.

Mr. OBERSTAR. You rely on Customs largely for information about illegal imports?

Mr. LIOTTA. Yes, and Fish and Wildlife.

Mr. OBERSTAR. How do Fish and Wildlife and Customs interact? Does Fish and Wildlife have agents at various points of entry to the United States?

Mr. LIOTTA. I understand Customs has, and I understand Fish and Wildlife has investigators in various areas that are concerned with this problem.

Mr. OBERSTAR. If they find a violation, if they find a product coming into this country from a country which does not have elephant populations but is certified as a country of origin, they report that to the Justice Department?

Mr. LIOTTA. We would be advised, and as I say, Mr. Berlin of our staff is working very actively with the various U.S. attorneys. We have been auditing records with the various services, and when we find these violations, we take whatever steps are necessary within our resources to try to bring these matters to the attention of the courts.

Mr. OBERSTAR. Are you surprised by the extent of violation of these import regulations?

Mr. LIOTTA. Specifically referring to the ivory situation, we do not know the real scope of that, but we believe there is a great deal of it. I think we have brought somewhere in the neighborhood of about 90 actions where there was improper documentation in the last year or so. Fish and Wildlife brought those actions administratively.

Mr. OBERSTAR. Could you provide for the record the status of those actions?

Mr. LIOTTA. Yes, sir.

[The following was received:]

IVORY IMPORTS ACTIONS

Since the Endangered Species Act regulations relating to the African elephant were amended on June 11, 1978, the Fish and Wildlife Service has instituted approximately 175 administrative actions involving ivory imports. As of July 1, 1979, 108 actions were pending. Of the 67 closed cases, 19 involved commercial shipments and the collection of civil penalties totaling \$3,550. Forty-eight of the closed cases involved noncommercial shipments and were closed by seizure with no civil penalties being assessed.

Mr. OBERSTAR. That would be useful for the committee. You said that "a large portion of illegal wildlife enters this country openly through filing of fraudulent documentation." That is just shocking.

Mr. LIOTTA. It certainly is. We are very much concerned with it. When you are dealing with a situation where, as I am advised, the United States had to expend something like \$56 million a number of years ago in reference to this New Castle disease which is

brought in by some exotic parrot, as I understand, and thus far this year, the United States has expended something like \$2 million, as I recall, in control of this particular problem, money being paid for the slaughter of diseased chickens and so forth. When you consider that and the possibility that that kind of disease could run in the hundreds of millions of dollars as far as its ramification upon American poultry industry or other industries, it is shocking. We are very much concerned.

And we are putting our best effort forward to enforce these particular provisions of the Lacey Act, the Endangered Species Act and the CITES convention.

Mr. OBERSTAR. Are you finding the fraud is on the part of U.S. importers or on the part of exporters?

Mr. LIOTTA. We have had a mixture, I am advised; a good many of them are the importers, and we have a number of situations where it is the exporters.

Mr. OBERSTAR. What would be the role of the Justice Department under the pending legislation as presently drafted?

Mr. LIOTTA. In this particular situation, it would seem that, again, as the legal arm of the various agencies, that when these violations are brought to our attention or when we know about them, then, of course, we would proceed via the court mechanism to bring actions against the various violators.

As I said before, one of the difficulties with ivory is the question of identifying, in other words, we have to have a case. And one of the difficulties with ivory when it is reexported and made into various products, we have the difficulty of identifying whether those products are the result of legal permits or illegal permits. That presents a real problem.

Whether or not any manufactured item from ivory comes from a legal permit is difficult, if not impossible, to ascertain, and that is the question of the marking and proper documentation. Without that, we would have a lot of difficulty.

Mr. OBERSTAR. Mr. AuCoin?

Mr. AUCCOIN. Thank you, Mr. Chairman.

I am not sure if this question can be answered by this witness. If not, perhaps one of the previous witnesses or the staff can answer it for me. I am curious to know how many other consuming nations have laws on the books that are comparable to that contemplated by the bill before this committee today. Can anyone respond to that question?

Mr. LIOTTA. Pardon me. I did not hear the last part of your question.

Mr. AUCCOIN. I am curious to know how many other ivory consuming nations and nations that import finished ivory products have laws that are similar in any meaningful way to the provisions of this bill.

Mr. LIOTTA. I personally do not know.

Mr. AUCCOIN. Mr. Chairman, can the staff tell us?

Dr. HOWELL. Congressman AuCoin, certainly all members of the CITES convention, the so-called Washington Convention, do have similar laws to which we have now.

Mr. AUCCOIN. But how many have laws similar to the provisions of H.R. 4685? None?

Dr. HOWELL. I do not know of any Mr. AuCoin, but I have not searched the area.

Mr. AuCOIN. Would the United States be standing alone, then, by enacting this kind of procedure or requirements?

Mr. MANNINA. All the nations who are members of the international convention, are bound by CITES, but this particular bill would go beyond.

Mr. AuCOIN. This goes beyond?

Mr. MANNINA. Yes, sir.

Mr. AuCOIN. Which countries are respectively the largest importers of new ivory products and worked ivory or finished ivory products? Or has that been covered?

Dr. HOWELL. It will be covered by a later witness here, Congressman.

Mr. AuCOIN. Well, I may not be able to attend for the length of the hearing today. If the information can be brought forward now, I would appreciate it.

Mr. LIOTTA. As I understand it, the testimony of Ms. Duplaix has the statistics in there insofar as imports and exports.

Mr. AuCOIN. In your statement?

Mr. LIOTTA. No. In Ms. Duplaix's statement that you probably have before you.

Mr. AuCOIN. Is that a later witness?

Mr. OBERSTAR. Yes. Nicole Duplaix.

Mr. LIOTTA. It lists the countries of import and the amounts and the countries of export and the amounts with statistics dated 1976 and 1977, as I understand. It has raw ivory and processed ivory set forth.

Mr. OBERSTAR. We do have a later witness.

Mr. AuCOIN. I do not want to interrupt the witness's testimony, Mr. Chairman. But just for purposes of satisfying my curiosity right now, I wonder if we could simply see who the largest country is at this time.

Mr. OBERSTAR. Is Mr. Stanley Smith in the audience here?

Mr. SMITH. Yes, sir.

Mr. OBERSTAR. Did you hear the question of Mr. AuCoin, and could you respond?

Mr. SMITH. I have attached to my statement statistics indicating the imports of 1978 for the United States. I believe the committee already has that statement.

Mr. AuCOIN. Mr. Chairman, I will be happy to wait for any appropriate time. All I am curious about is to know a couple of things: First, how much further would the passage of this bill put U.S. law beyond the laws of those countries that are signatories to the international agreement, and second, what share of the market does the United States represent in terms of the importation of raw ivory and finished ivory?

Those are significant pieces of information because if we represent only a small portion of the market, that would raise some serious questions about the kind of leverage this bill would provide on the poaching that we want to stop.

Mr. OBERSTAR. Counsel may respond.

Dr. HOWELL. The figures which we have gotten here, Congressman, are somewhere between 2 and 4 percent of the raw ivory and

somewhere between 20 and 30 percent of the worked ivory. The figures are a little imprecise at this time because, as the witness has evidenced or said, we do not really have a grip on how much ivory is being illegally imported into this country.

Mr. AUCOIN. I thank you for the information. I have no further questions.

Mr. OBERSTAR. The gentleman makes a significant point. It is important for us to know what share of the market the United States represents and what effect this legislation will have on the total world picture.

Mr. Evans?

Mr. MELVIN H. EVANS. The witness made the point that the enforcement is difficult because of the lack of documentation and suggested that if there were export and reexport permits, that would be improved. I find it difficult to follow that. Can you explain how that would work?

Mr. LIOTTA. Yes. If the ivory is legally exported via permit to another country and in that other country it is manufactured into various smaller items, the documentation concerning the smaller items that are manufactured is the one that gives us the problem.

In other words, if there is not only legal ivory pursuant to the permit but also illegal ivory in that particular country that is being manufactured, there is no way of our discerning which is legal and which is not.

And then when they manufacture it into particular articles, it may refer back to the original documentation by xeroxing a copy of the original permit and attaching it, but there may not be any real way of telling, and there is no real way of telling whether there is any illegal ivory involved in that manufacturing process.

Mr. MELVIN H. EVANS. That is what I thought I understood. In other words, it may not even then answer the problem, because they could always forge documentation.

Mr. LIOTTA. You always have the problem of false documentation and the further problem of marking what comes in as legal ivory and having some sort of marking system on the manufactured products. Now, whether this is cost-effective, whether it will accomplish the purpose of the situation, I do not know, and Interior knows more about that.

Mr. MELVIN H. EVANS. That brings me to the second question. Obviously, this extra paperwork would cause some increase in costs of the government or country that is shipping it out.

Mr. LIOTTA. I am positive, sure.

Mr. MELVIN H. EVANS. They may be reluctant to assume that cost. What then?

Mr. LIOTTA. Then the problem remains on our end, the question of whether we can discern for the purposes of enforcement, whether we can discern whether this ivory is via a legal permit or via a falsified situation, a fraudulent situation.

We have to have good evidence before we can bring a case, and this makes our particular problem very difficult. Now, as I said before, the cost-effectiveness of this and whether it is better handled by heavier enforcement of the exporting countries management programs and so forth, that is something which I would defer to the Department of the Interior, because I have no knowledge of

that. I am referring to the enforcement end of it, bringing actions within our jurisdiction against illegal importation or trafficking in ivory.

Mr. MELVIN H. EVANS. One last question. Do you know whether the value of the ivory is such that the risk of confiscation is minimal compared to the small percentage that might get through successfully, as it is in the drug business right now?

Mr. LIOTTA. I would assume that the risk for the illegal trafficking leads to a conclusion that the risk is worth the ultimate money they make on these particular situations. If they can make 10 times or 20 times or a 100 times or 1,000 times what it costs them for the ivory, then we have that situation.

In comparing it to the drug situation so far as the total wildlife illegal trade, we found situations where a bird, for example, may sell for \$10 in the exporting country and may sell for 50 times that here. So it apparently makes it a risk that certain people would gladly take.

Mr. MELVIN H. EVANS. Thank you, Mr. Chairman.

Mr. OBERSTAR. I would like to know whether you find any provisions in the bill which give the Justice Department an enforcement problem.

Mr. LIOTTA. Well, as I originally indicated, I was not prepared to go into the technical points of the particular bill. We will, at a proper time. I am not prepared to do it now, but there might be some technical problems with certain phases of it. Insofar as the bill is concerned, the one point that I made is apparently somewhat similar to what you have insofar as marking and documentation.

As I say, generally I am not prepared to go into the technicalities as far as each section of this bill is concerned at this time, and I would prefer to defer that until the Department of the Interior discusses it.

Mr. OBERSTAR. Mr. AuCoin raised a significant point in asking just how much further beyond the current law and international conventions this legislation would take us. I would like you to think more about that and respond further for the committee.

Counsel has a question.

Mr. LIOTTA. Mr. Chairman, Mr. Berlin may be able to address himself somewhat to your last question.

Mr. BERLIN. Very briefly, Mr. Chairman, this legislation does appear to go beyond the CITES Convention requirements. We would note, however, that the CITES Convention does, in fact, contemplate stricter domestic measures on the part of signatories to the convention when they feel it is appropriate.

To a certain extent, certain parts of our Endangered Species Act represent stricter domestic measures in a number of areas. We, for example, may list a species as endangered under our Endangered Species Act that does not receive a similar amount of protection under the Convention.

So to that extent, while it may go beyond the Convention, that is contemplated by the Convention itself.

Mr. LIOTTA. I would point out one other thing, too, Mr. Chairman. As I understand it, in one of your penalty provisions, it goes beyond somewhat the Endangered Species Act to the extent that as to individuals, the penalty is somewhere around \$5,000 without

knowledge. I would point out that is somewhat different from the Endangered Species Act which I think provides for a nonknowing type of situation, and the penalty is somewhat less, \$500.

Mr. OBERSTAR. With the extent of fraud involved in this trade, it is going to be extremely difficult to track these things down.

Mr. LIOTTA. Yes.

Mr. OBERSTAR. Counsel?

Dr. HOWELL. I would agree with what Mr. Berlin said. Probably the Lacey Act will be the key to this whole legislation, whether it is successful or not. But you made an interesting statement here on page 4 of your testimony. You said we can solve this problem if the processed product is marked in a manner which will enable us to trace its origin back through the country of reexport and into the country of export.

Now, I have talked with quite a few people during the past 3 or 4 months while working on this bill, and I have been told that it is virtually impossible to mark this indelibly, for example. What did you have in mind?

Mr. LIOTTA. Well, that may be a problem. I was setting forth the problem with enforcement. Now, the question of practicalities, for example, whether certain small articles can be marked, whether they can be marked indelibly so that it cannot be removed is a critical question, and I do not know whether that is possible. But what I was saying is without some sort of identification, we have our enforcement problems.

Mr. OBERSTAR. Mr. Mannina?

Mr. MANNINA. Thank you, Mr. Chairman.

Following from Mr. Howell's point, if it could be marked, could not the marking be forged?

Mr. LIOTTA. Well, I am sure that there are situations where most anything can be forged, and I do not know how they can prevent that.

Mr. MANNINA. You also point to the need for regular audits. Could you supply for the committee information relating to the current extent of your auditing system, the number of audits performed and what you believe to be the number which should be performed in order to meet the enforcement needs of the Justice Department?

Mr. LIOTTA. We will do the best we can, and we will forward it to you.

[The following was received:]

AUDITING OF IMPORT RECORDS

Over an 8-month period to date, the Justice Department has participated in five informal audits of Customs Service import records in Los Angeles. In response to a recent Presidential directive to conduct regular audits, the Department is in the process of coordinating an auditing system with the Customs and Fish and Wildlife Services. A program of regular audits will greatly aid the enforcement efforts of the Justice Department and the Customs and Fish and Wildlife Services.

DEPARTMENT OF JUSTICE,
Washington, D.C., August 9, 1979.

Hon. JOHN M. MURPHY,
Chairman, Committee on Merchant Marine and Fisheries, U.S. House of Representatives, Longworth House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for allowing me to address your Committee on July 25, 1979, to present the views of the Department of Justice on H.R. 4685, a bill "To provide for the control of the importing into, and the exporting from, the United States of elephants and elephant products". This letter responds to two questions that were posed in the course of my testimony.

Mr. Oberstar asked that the Department of Justice provide for the record information relating to the status of administrative actions instituted in the last year or so involving ivory imports with improper documentation. The Fish and Wildlife Service has advised me that since the Endangered Species Act regulations relating to the African elephant were amended on June 11, 1978, they have instituted approximately 175 administrative actions involving ivory imports. As of July 1, 1979, 108 actions were pending. Of the 67 closed cases, 19 involved commercial shipments and the collection of civil penalties totaling \$3,550. Forty eight (48) of the closed cases involved noncommercial shipments and were closed by seizure with no civil penalties being assessed.

The second question was posed by Mr. Mannina and asked for information relating to the current extent of our auditing system. Over an eight month period to date, the Justice Department has participated in five informal audits of Customs Service import records in Los Angeles. In response to a recent Presidential directive to conduct regular audits, the Department is in the process of coordinating an auditing system with the Customs and Fish and Wildlife Services. A program of regular audits will greatly aid the enforcement efforts of the Justice Department and the Customs and Fish and Wildlife Services.

If you or your committee have any additional questions, please do not hesitate to contact me or a member of my staff for assistance.

Sincerely,

ANTHONY C. LIOTTA,
*Deputy Assistant Attorney General,
Land and Natural Resources Division.*

Mr. OBERSTAR. Thank you very much, Mr. Liotta. We appreciate your testimony. There is now a rollcall vote in progress on the House floor. The committee will recess until the vote is concluded.

Mr. LIOTTA. Thank you, sir.

[Whereupon, a short recess was taken.]

Mr. OBERSTAR. The committee will resume.

Our next witness is Dr. Robert Cook, Deputy Director of Fish and Wildlife Service. Welcome to the committee. We are glad to have you here this afternoon. We look forward to your presentation.

STATEMENT OF ROBERT COOK, DEPUTY DIRECTOR, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY HAROLD O'CONNOR, ACTING ASSOCIATE DIRECTOR FOR FEDERAL ASSISTANCE, RICHARD PARSONS, MANAGEMENT AUTHORITY, AND CASEY FREDERICKS, SPECIAL AGENT

Dr. Cook. Thank you, Mr. Chairman. I am happy to have with me this afternoon Mr. Hal O'Connor, who is our Acting Associate Director for Federal Assistance, and Rick Parsons, who is in charge of our Wildlife Permit Office.

Mr. Chairman, it is a pleasure to be here today to discuss this legislation designed to protect the African elephant.

In May 1978, the Fish and Wildlife Service listed the African elephant as threatened. That status reflected several facts, that the elephant populations in some countries were rapidly declining, that

healthy populations existed in other countries and that there are approximately 1.3 million elephants on the continent of Africa.

In areas where there is a significant decline in elephant populations, poaching, mainly for ivory, is usually a major contributing factor. To reduce the market for poached ivory and so protect the elephant, the Service published regulations effective in June 1978 that allow the import of elephant parts and products only from nations that are parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, referred to as CITES. Because the African elephant is an appendix II species under CITES, exports from member nations must be accompanied by an export permit which establishes that the elephants were legally taken and that such taking was not detrimental to the survival of the species in the wild. At the time the regulations were issued, only two African nations with significant elephant populations were parties to CITES, Zaire and Botswana. Since that time, Kenya has become a party to the convention.

We also decided to accept reexport of ivory from CITES members after Britain assured us that Hong Kong, a major link in the world ivory trade, would formally agree to apply all of the provisions of CITES to ivory imports and exports.

Mr. Chairman, quite frankly, these regulations aimed at controlling the ivory trade have not been as effective as we had hoped. There has been difficulty in enforcing them largely because of the lack of conformity of CITES documentation and the fact that some countries do not properly control the issuance of export permits.

In an effort to learn what further measures should be taken to protect the African elephant, the Service contracted for a special study on the implications of the ivory trade for elephant conservation. That study is being conducted under the auspices of the International Union for the Conservation of Nature and Natural Resources by Dr. Douglas-Hamilton, who is here today to discuss with you his preliminary findings and hypothesis.

Dr. Hamilton has brought in, as a subcontractor on that project, Mr. Parker, who is also an authority and consultant on the African elephant. The report by Dr. Douglas-Hamilton, due in its final form in September, will provide, for the first time, a factual basis for dealing with the problems of elephant conservation. Mr. Chairman, I do not believe we can deal rationally with these problems until we have that information in hand.

It is my strong recommendation that the committee defer action until the Fish and Wildlife Service has a chance to study the report and make recommendations to you. Because the Congress will be in recess during August, little time would be lost, and we would have the benefit of the best information possible in making our decision.

In general, we are in favor of taking a comprehensive approach to the conservation of endangered and threatened species rather than a species specific approach. Passing different laws to protect particular species could result in a totally unenforceable hodgepodge of legislation. The Endangered Species Act already gives the Secretary of the Interior the authority to list species which are endangered, and to prohibit all imports of those species into the United States. In addition, there is a multilateral method of dealing with this issue through CITES. This Convention is young by

international standards, only 6 years old. It is, we admit, an imperfect system in many ways. It already is making a difference, however, and we believe it will become even more effective as the convention matures.

No matter what other actions are dictated by the findings of Dr. Douglas-Hamilton, we intend to take actions aimed at strengthening the CITES system. The recently established CITES nine-nation standing committee which functions as a kind of executive committee for the parties, of which the United States currently is chairman, plans to convene a regional conference in Africa on ivory trade problems within the next year. At the request of the African member of the standing committee, Zaire, we are considering a series of workshops with various governments to enhance their understanding and implementation of the CITES controls. Also, through the standing committee, a special committee is being set up of experts to standardize permit forms and to deal with other enforcement problems.

Mr. Chairman, there is no question as to whether or not elephants should be protected. They are magnificent creatures with a highly developed family and social structure. They are the epitome of the freedom and grandeur that is symbolic of the great herds of African wildlife. We need to determine what course of action would be most beneficial for the elephant. After we have studied the Douglas-Hamilton report, we will be in a better position to discuss with you or members of your staff the need for legislation to control trade in elephant products.

The control of trade alone, however, will not save the elephant. Technical assistance is necessary. The African countries are asking for help in improving the training programs for their wildlife managers. We are working with the Department of State and the Agency for International Development to provide that assistance.

Habitat preservation and management are essential. The most serious long-range threat to the elephant's survival is the loss of its habitat.

In some areas, the competing interests of agriculture and other forms of development have eliminated their habitat, and the elephants have starved, been shot as nuisances, as well as for their ivory, or moved elsewhere. In other areas where sufficient lands have been reserved for them, they have survived and prospered.

If the great herds of elephants are to survive, they will need more than just protection from poachers. They will need land, vast areas where the flora has sufficient regenerative power to feed large numbers of animals, each of which eats 200 to 500 pounds of vegetation per day. If this habitat is preserved, it will protect not only the elephant but also a number of other species which share its range. A number of these species, such as the cheetah, mountain zebra, and northern white rhino, are much more endangered than the elephant.

Mr. Chairman, while we discuss what we must do to save the elephant from its immediate threat, let us not forget that the developing countries of Africa face some hard choices if the elephant is to be saved. These countries will need our strong support. Any measures we take in this country will not, by themselves, assure the survival of the world's largest land animal. Preservation

of habitat, enforcement of poaching restrictions, and implementation of sound management practices are necessary and can only be accomplished by the African countries which are elephant territory.

This concludes my prepared statement, Mr. Chairman. I and my colleagues would be pleased to answer any questions you might have.

Mr. OBERSTAR. Thank you very much for a very knowledgeable presentation. You have an understanding of the problem and you have demonstrated that with your testimony here.

I would like to begin with a question with which we concluded the testimony of the Justice Department: How do you deal with fraud? How can you effectively cope with those who are importing ivory under fraudulent documents?

Dr. Cook. This is a matter for our law enforcement people. Special Agent Casey Fredericks from our law enforcement office is here and he might be able to give you a more specific answer.

Mr. OBERSTAR. That would be helpful. Would you have Mr. Fredericks come up.

Mr. FREDERICKS. I think, Mr. Chairman, you brought up a very difficult problem that enforcement has had to deal with in determining whether documentation that accompanies a shipment is, in fact, fraudulent, particularly if we are dealing with CITES countries in which the documents are issued under the auspices of this international convention. To challenge such documents puts us in a very difficult position with these countries.

One of our most difficult problems has been trying to establish whether or not a document is valid.

Mr. OBERSTAR. What is the nature of the fraud in this trade? How do you detect a fraudulent documentation?

Mr. FREDERICKS. Again, it is a difficult question to answer. I think the Justice Department addressed it somewhat. It is a problem that we are beginning to get into as more countries implement CITES.

Mr. OBERSTAR. I have copies here of the Declaration for Importation of Fish or Wildlife. And the first one says common name, scientific name, country of origin, number of pieces. The country of origin is India, and it says common name, African elephant. How do you deal with that piece of documentation had you come upon it in the course of your investigation?

Mr. FREDERICKS. The document you are looking at is one that would be filled out by the importer or his customs broker. There would be other accompanying documentation with that particular shipment. It could well be that that shipment either originated in Africa or went into India and was reexported from India into the United States.

The document is filled out. The country of origin on the 3177 document is defined to be the country of origin of the animal. In many importation documents, however, they enter the country of export as the country of origin of the product. This has always been a problem in that sometimes brokers think we mean the country of export which would have been India and not the country of origin in Africa.

This is something that we could determine by looking at any additional documentation accompanying the item, and in that particular case the documentation was probably there and we just failed to correct it on the 3177 form.

Mr. OBERSTAR. Even though it appears to be *prima facie* fraudulent, it may, in fact, not be. You would have to look at other documentation supporting the allegation that this, in fact, is African elephant ivory coming from India as a reexport.

Mr. FREDERICKS. That is quite correct. You find in many cases that particular document is filled out by customs brokers who are handling the importation for the importers. It comes to a clerical person who will look up elephant in the dictionary, and the first one he or she runs across is *elephas maximus*, which is the Indian elephant, which happens to be the handy one so that is the one recorded on the document.

You cannot really judge just on the 3177 alone. You have to look at the documentation that comes with it.

Mr. OBERSTAR. Based on what you are saying, it would be virtually impossible to detect fraud if these exporters are clever enough at disguising country of origin and clever enough in writing enough documentation to support their claims.

Mr. FREDERICKS. I would say it is a very difficult problem. I would not say that it is impossible. It is a very difficult problem.

Mr. OBERSTAR. You have caught and are prosecuting some importer, though, on the basis of fraud?

Mr. FREDERICKS. That is correct, yes, sir, we are.

Mr. OBERSTAR. How were you able to establish misrepresentation on these documents?

Mr. FREDERICKS. In many cases, they come in with documentation that fails to indicate the country of origin. We required that they be able to establish the country of origin, and if they are unable to do this, the entry itself is therefore unlawful.

I should correct the testimony as far as prosecuting for fraud in importation goes. I said we have made some prosecutions for fraud. As far as criminal prosecutions for a fraudulent entry is concerned, this is one we are just beginning to look into and work with.

Mr. OBERSTAR. In what way will this legislation help you?

Mr. FREDERICKS. I am not completely familiar with all the aspects of this particular bill, Mr. Chairman, so I really cannot comment on that.

Mr. OBERSTAR. Given your druthers, what would you like to see in the way of more enforcement tools?

Mr. FREDERICKS. More funds, more manpower. I think the same ones you hear from any enforcement officer.

Mr. OBERSTAR. Those are very practical and make good sense.

Mr. FREDERICKS. If you realize the way the system is set up, since the implementation of the first 1969 Endangered Species Act and then under the 1973 act we have a tremendous volume of legal wildlife which we try to monitor and it takes a tremendous amount of time.

To delve into these very difficult cases where you are looking at fraudulent documents is going to require some additional well-trained manpower working very closely with the Justice Department. These are complex and very lengthy investigations.

Mr. OBERSTAR. How many people do you have in the enforcement program?

Mr. FREDERICKS. Nationwide, I cannot quote the exact figures, but probably about 35 wildlife inspectors at our designated ports and approximately 235 special agents. This is throughout the entire country.

Mr. OBERSTAR. That is not very large to deal with a problem like this.

Mr. FREDERICKS. No, sir, and many of these agents have many domestic pieces of legislation and laws that they are charged with enforcing. These are not strictly people dealing with import or export violations. They are enforcing a large number of other U.S. laws pertaining to wildlife.

Mr. OBERSTAR. We are now being summoned to the floor for another recorded vote.

Mr. FREDERICKS. If you would like, I would be glad to talk about how we attempt to control imports of wildlife products by funneling wildlife products through certain designated ports in the country where we have manpower.

Mr. OBERSTAR. I will have to go to the floor for this vote. Meanwhile, I will ask counsel for additional question which I have indicated here. I will be back as soon as possible.

Dr. HOWELL. Thank you very much, Dr. Cook. I would like to go back to these import documents again. I find it a little difficult when I see Kenya here as a country of origin and this is dated June 11, 1978. As I recall, it was shortly before we held our first hearing here which was December 13, 1977, at which time the late President Kenyatta, banned all exportation of wildlife. How could this have slipped through?

Mr. FREDERICKS. I can attempt to address this. I would say that particular shipment, not being familiar with it, may have been one that was accompanied by export permits. They did allow the exportation of some ivory that was being held by the Government, and if it had a legal Kenya export document with it, we would have permitted its importation. Although the ban would have been in effect, there was some ivory that may have been in transit. Without looking at a document, I cannot say. It says country of origin was Kenya. Where was the country of export?

Dr. HOWELL. I will be glad to furnish you with a copy. There are seven such incidents which were submitted to the Fisheries and Wildlife Subcommittee, which all indicated Kenya as the country of origin, and I am just looking here at another one. It says, name of importer, Raja Jewels, Inc.; address, New York City; name of broker, Bowen, 17 Battery Place; name of shipper, CMW Co.; address, Merchantile House, Hong Kong; what I guess you are saying that this came from Kenya to Hong Kong and from Hong Kong to New York.

Mr. FREDERICKS. Yes, sir.

Dr. HOWELL. I do not know, but it has been brought to my attention by several environmental groups, plus, as I am sure you know, the General Accounting Office, that the work that has been done here on the checking of these imported items has been less than exemplary. Am I being unfair, Dr. Cook?

Dr. COOK. No. I do not know that we have the facts of the case here to discuss it with you, but we could go into this in more detail after we have our file on that particular case, unless Special Agent Fredericks is prepared to go into it. I know I would not be.

Mr. FREDERICKS. I am unfamiliar with this particular entry. I can give you some examples of how, in looking at it, that is possibly could have occurred and why clearance was made. I cannot tell you about this particular one.

Dr. HOWELL. Well, I would appreciate that. I will present you with an entire package here, and if you would submit back for the record at a later date your explanation for each one of these. To list Africa as the country of origin indicated sloppy work on the part of someone in the field, and I know that you do not condone that.

Mr. FREDERICKS. That is correct, sir. We do not condone that, but I am not saying that some of it did not occur.

Dr. HOWELL. I appreciate that.

Dr. COOK. Mr. Chairman, in that regard, this is a very common problem that was discussed in Costa Rica by the members of the CITES group, parties to CITES. The import-export permits are not standard in format nor in the data that are required. This was a real concern for party countries.

This was a top-priority item with the standing committee which was created at Costa Rica in March, and this is one of the top items they want to address in the coming year. They want to bring some of these countries together, and standardize the permit forms with the CITES banner on it so it catches the eye. They also hope to undertake a number of other actions to help correct current weaknesses in the system, so we can expect to have some uniformity of the reporting and permitting system that occurs between party countries.

And as we have said in our testimony, this is one problem that was addressed by Zaire and that country hopes to hold a meeting in Africa this year to address this question.

Dr. HOWELL. I certainly commend the actions, for the most part, which were taken in San Jose, Costa Rica. I know that Chairman Breaux of the Fisheries and Wildlife Subcommittee had some reservations about some items that came up there.

But if I may move on here, I notice in your statement that you made no mention of the Republic of South Africa as being a member of CITES. Was that just an omission?

Dr. COOK. We did not list all of the current members.

Dr. HOWELL. I think there are only four in Africa, are there not, Zaire, the Republic of South Africa, Botswana, and Kenya?

Dr. COOK. There are many more countries that are members of CITES but not with significant populations of elephants. We mentioned the ones that had the significant populations.

Dr. HOWELL. Was there any reason for the omission of the Republic of South Africa? I am just wondering.

Dr. COOK. Well, South Africa has a population of 8,000 as compared to Zaire with 371,000; Kenya with 65,000; and Botswana, 20,000. I mentioned in my testimony those countries that have what we think are significant populations.

Dr. HOWELL. Well, I am sorry that the representative from South Africa is not here. I am sure he would like to rebut your omission there.

Dr. COOK. My apologies.

Dr. HOWELL. I read with interest the July 2, 1979, report of the General Accounting Office concerning the implementation of the Endangered Species Act. Although the report was limited to U.S. species and their habitats, it was clear that the GAO thought your enforcement activities could be vastly improved. I do not want to be overly harsh in this because I think all of our performance could be vastly improved, too.

But in this regard, GAO made three recommendations to improve your enforcement capabilities, two of which would appear to apply to our mutual efforts to save the African elephant. These are (1) the implementation of an automatic data processing system to assist in making management decisions including deploying limited enforcement personnel effectively, and (2) increasing prosecution and seeking maximum penalties under the act.

Could you tell us what steps you have taken to implement these recommendations, if any?

Dr. COOK. I will ask Mr. O'Connor to handle that one.

Mr. O'CONNOR. Mr. Chairman, we have been working for several years to develop and implement an automatic data processing system. Much of this system which hopefully will be on line in the next fiscal year does involve our law enforcement agency, and we feel that when this system is online, it is going to accommodate many of the concerns that were expressed in the GAO report.

Dr. HOWELL. Hal, when do you think that is going to be online?

Mr. O'CONNOR. We expect it to be online somewhere between the middle and the end of the next fiscal year. It has been absolutely agonizing trying to get this system going because of the contracting procedures through which we must work. It is purely a matter of contracting, getting the bids out, this kind of time-consuming effort that is slowing us down.

Dr. HOWELL. The next fiscal year begins October 1. So we are speaking about at least 1 year from now or not quite 1 year.

Mr. O'CONNOR. We are speaking probably 8 to 14 months from now, somewhere in that time frame.

Dr. HOWELL. Eight to fourteen months from now. That would hardly be in the middle of the next fiscal year, which would be March.

Mr. O'CONNOR. Well, the next fiscal year beginning October 1, say, 9 to 15 months from now.

Dr. HOWELL. So in other words, there is not much immediate relief in sight?

Mr. O'CONNOR. That is correct, and even then I think we all need to realize that when it comes online, there are going to be the usual bugs to work out of a new system of that magnitude.

Dr. HOWELL. We had asked about the GAO investigation, and we have been told it will be approximately 12 to 14 months before this automatic data processing thing is in place.

What about the other steps? Are there any management techniques which you can take to employ your investigators or sort of like a hit squad so that if you think a lot of things are being

imported illegally in New Orleans, it goes to New Orleans as a surprise or it goes to New York as a surprise? Is this being done at all?

Mr. O'CONNOR. Agent Fredericks may wish to comment on this, but it is now within the prerogative of our special agents in charge that are located in the 13 so-called SAC offices around the country to direct this kind of effort.

Bear in mind, of course, as Agent Fredericks indicated, we only have 35 wildlife inspectors at our eight designated ports of entry. So the ability to move these inspectors to different areas for so-called hit kinds of operations is rather limited, but this has been discussed. It is a possibility.

Remember that in addition to the eight ports of entry, there are a good many nondesignated ports of entry, such as Stapleton Airport in Denver, for example, and also a large number of border ports where products can come into this country.

Dr. HOWELL. Rick, you worked with me on a part of this bill here, and it was made so that it would be enforceable by the Department of the Interior. Do you still hold to that position?

Mr. PARSONS. I would say we made it as enforceable as possible, given the aims of the bill.

Dr. HOWELL. The aims of the bill, of course, are to control the illegal importation of poached ivory.

Mr. PARSONS. I meant the more specific aims of the bill, the particular ban that is imposed for 6 months, the regime that is imposed afterwards, given those aims and objectives, yes, the bill as drafted now is as enforceable as it can be.

Dr. HOWELL. Thank you, Mr. Chairman.

Mr. OBERSTAR. Does that mean that there are some shortcomings, that perhaps it is not as effective in the long run as it might be or are you suggesting that it is not going to be effective against poaching?

Mr. PARSONS. I think the major question is what will be the ultimate effectiveness of the bill itself. I think also the kind of regime that is contemplated and the kind of judgments that are contemplated will be difficult in any case to administer.

My position was that, as drafted, the bill now is the best possible, and this is my view working as a legislative draftsman, offering the drafting service to the committee, and not a departmental view—

Mr. OBERSTAR. Certainly, we appreciate the limitation under which you are working.

Mr. PARSONS [continuing]. That the bill as drafted presents the best approach to accomplishing those ends.

Mr. OBERSTAR. Dr. Cook, let me ask a question that was raised earlier by our colleague. Mr. AuCoin, what is the effect of U.S. action in view of the fact we are probably the market for 25 to 30 percent of these elephant products. If this legislation is passed, what is likely to be the effect on illegal or legal killing of elephants?

Dr. Cook. First of all, I would like to address that part of the question dealing with the portion of the ivory market in which the United States is involved. It is my understanding that Mr. Parker has concentrated his efforts on that particular phase of elephant management and that there is quite a significant difference be-

tween the ivory that is a market commodity and that part of the ivory that is actually worked for resale.

I am not prepared to talk about the percentages that the United States enters into in this type of a trade, but I understand that he is. So if I could defer that part of the question to Mr. Parker.

Mr. OBERSTAR. Yes.

Dr. COOK. As to the effects on the actual killing of elephants themselves, I think this is a question mark. We do not know. We would have to study the report, the markets, and come to some conclusions after we have had a chance to study what these two gentlemen have been working on for some time. I personally would not be prepared to answer that right now.

Mr. OBERSTAR. There is going to be some effect. The United States has a rather substantial proportion of the world market. The Ambassador from Botswana said earlier that if the bill were passed, it would have a serious economic effect on his country. There is going to be some effect if we take away the market.

Dr. COOK. Certainly. There are those effects that are obvious, and then there are secondary and tertiary effects from activities like this. I think we could speculate that these countries recognize the problem, and they are endeavoring to correct that problem. This is a natural resource for those countries, generating revenue, and it would not seem that they would be trying to destroy that particular source of revenue. Management would seem to be a logical objective for the countries involved.

This type of activity on our part could indicate that we are trying to force them into some particular action to achieve that management objective. We tried to point out in our testimony the way that we thought would be most effective, and that is to deal with the large problems that we see in dealing with importing and exporting many forms of wildlife, export permits, assisting with training in wildlife management, helping to assure proper habitat preservation, and working where we can to assist them in their law enforcement efforts.

Mr. OBERSTAR. Mr. Mannina?

Mr. MANNINA. Just one question, if I may, Mr. Chairman.

Bob, under section 8 of the Endangered Species Act, you can make moneys available to foreign nations out of currencies accruing to the United States for purposes of assisting them in developing an endangered species or wildlife conservation program. To what extent is that section of the act being used with respect to the African elephant?

Dr. COOK. I do not know that the foreign currency program extends to Africa. To my best knowledge, we are only using it in Pakistan, Egypt, and India. None in Africa.

Mr. MANNINA. Is that because there are no funds accruing or because of a determination by the Service not to use the funds available?

Dr. COOK. We have no Public Law 480 funds available in Africa that I am aware of.

Mr. MANNINA. Thank you.

Thank you, Mr. Chairman.

Mr. OBERSTAR. Counsel?

Mr. BROWN. Thank you, Mr. Chairman.

During our 1977 hearings on the African elephant, the American Ivory Importers Association raised the point that no demonstration has been made that the small percentage of the world ivory market represented by imports into the United States cannot be readily absorbed into other international markets.

In this regard, in following up what the chairman just stated, can you tell us what percentage of raw African ivory is currently imported into the United States?

Dr. COOK. Essentially none. Most of our importation that I am aware of is in the form of worked ivory.

Mr. BROWN. The artisans do not bring in raw ivory.

Mr. FREDERICKS. There is some that comes in. The bulk of U.S. importations is in processed ivory. There are some raw tusks that do come in, but it is far overshadowed by worked ivory.

Mr. BROWN. Can you get us the specific numbers on that? I believe we are expecting testimony that a good bit of raw ivory will be imported and has been imported. Would you provide that information for us?

Dr. COOK. I think the best set of figures to answer your question are probably available from Mr. Parker. If they are not part of his testimony, we would do our best to try to come up with the best set of figures we could for you.

Mr. BROWN. Very good. Just let me make one point clear there. You are saying your agency does not have available the actual numbers in pounds of raw ivory that is imported into this country?

Dr. COOK. Yes, sir, we do. The compilation has essentially been completed and it is probably due for publication around October 1. We would be able to furnish you with the data that are available now since they will remain essentially unchanged until publication.

Mr. OBERSTAR. Do you have an estimate right off the top of your head how much there is? What that figure might be?

Dr. COOK. Importation of raw ivory into the United States?

Mr. OBERSTAR. Yes.

Dr. COOK. We do not have that figure with us, Mr. Chairman. We could do our best to try to extrapolate it from the data that we have.

Mr. OBERSTAR. Is 15 tons an approximate figure? You do not have that right offhand?

Dr. COOK. No, sir.

Mr. OBERSTAR. If it is that difficult to get the information from the United States which keeps records, then how difficult must it be to get that information from other countries which do not keep accurate records or maybe have no way of keeping records on the amount of ivory taken properly or improperly?

Dr. COOK. We are very well aware of the difficulty involved, and I think Mr. Parker will probably enlighten us further on that.

Rick might be able to say something on this one.

Mr. PARSONS. Mr. Chairman, our office takes the data from the incoming CITES permits and compiles that data in order to supply an annual report to the Secretariat which is one of our obligations under CITES. The data we have compiled to date does not show which of the ivory pieces that come in are raw and which are worked pieces.

I am informed that on some permits this can be told by looking at the permit but not on all of them. So data in the form you are asking for may or may not exist, and we question how accurate it will be.

The system of gathering data and the questions to be asked on the permits is something that is still under development internationally. We know that Mr. Parker has looked at this, and of course, his data will be part of a study that we have contracted for so that data will be available to us and that is the only data that exists now.

Mr. BROWN. So then I take it you cannot give us the percentage of worked ivory either. I mean, you do not have the raw ivory so you cannot give us the percentage of worked ivory that is imported into this country.

Mr. PARSONS. Not specifically. The data that we have indicates that most of what we get in is worked ivory in one form or another.

Mr. BROWN. OK. Then as a practical matter, if the United States cut off all imports of raw and worked ivory, would it make any difference for the conservation of the African elephant in your opinion, Dr. Cook?

Dr. COOK. I have attempted to answer that question for the chairman. I think my views are on record. Let me ask the others at the table if they have a viewpoint on that. [Pause.]

I do not believe we have any other comments on that particular question.

Mr. BROWN. Thank you, Mr. Chairman.

Mr. OBERSTAR. Thank you very much for your presentation. We will look forward to the additional information that has been requested. Thank you for being with us this afternoon.

Mr. OBERSTAR. Now we are very delighted to have Dr. Iain Douglas-Hamilton, foremost author, writer and authority on the African elephant.

Thank you very much for honoring us with your presence this afternoon. We look forward to your testimony.

STATEMENT OF DR. IAIN DOUGLAS-HAMILTON, AUTHOR AND RECOGNIZED AUTHORITY ON THE AFRICAN ELEPHANT

Dr. DOUGLAS-HAMILTON. Mr. Chairman, it is an honor to be invited, as a British scientist living in Africa, to discuss U.S. legislation to protect the African elephant. I am grateful also to the U.S. Fish and Wildlife Service for funding our studies and bringing us here today.

I appreciate the U.S. wildlife sponsorship of this bill and I congratulate you, Mr. Chairman, on your work.

A year and a half ago, I testified to this committee that it was regrettable to debate the ivory trade without knowing much about it. Since then, the U.S. Fish and Wildlife Service, through the IUCN, has funded a 14-month study of the trade, now in its 13th month. The study was to be independent but parallel to the IUCN elephant survey, which I direct under the sponsorship of the World Wildlife Fund and the New York Zoological Society.

Someone was needed for this study with a background in wildlife, who was well informed in all aspects of trade in ivory. The

terms of reference including winning the confidence of leading traders, eliciting both information and their attitudes to the long-term future of the business and assessing the impact of the trade on wild elephant populations.

I passed on the terms of reference in their entirety to Mr. Ian Parker, who has been a game warden, a wildlife consultant, a coauthor of several scientific papers on elephants and who has, for 23 years, been practically involved with the species including at times dealing in ivory.

He is widely regarded as the best informed person regarding the ivory trade.

Between us, we have visited 21 ivory exporting countries, and five importing countries, consulted available ivory statistics, and interviewed traders, government officials, hunters and poachers. We have a substantial basis of knowledge.

But I am sorry to say we cannot deliver to you the report today. It is due in 2 months time and it will be a major landmark, tapping previously neglected sources and the author's lifetime experience.

It is provocative and will undoubtedly be controversial and contains a massive amount of material, 1 year's work.

The Parker report, as I say, will be ready in 2 months time, and I regret that interested parties are not able to read and consider this material before discussing the legislation.

Before discussing the population trends of the African elephant, I would like to summarize their distribution and approximate numbers.

From a series of aerial counts, of which we made 13 ourselves and 13 from other countries, we have compiled a list of densities of elephants that can be found.

The counts are marked on map No. 1, and you will see that the forest has never been censused in any objective way; therefore, sites are approximate.

I have chosen deliberately conservative estimates, so our total estimate of 1.3 million elephants is, I hope, too low.

We have also made a further 34 detailed maps and tables of elephant distribution covering each country. These have been re-circulated to informants for further comments and I have them available here for any interested parties to see today.

The factors which cause a reduction in elephant numbers are principally competition with man for space and resources, and the killing of elephants for ivory.

Although the former is the more important long-term threat, I will concentrate today on the effects of the ivory trade, since it is the subject of proposed legislation, and since, according to my colleague, Ian Parker, who has analyzed trade statistics over a period of 100 years, "It seems that after a depression of six decades, the volume of ivory leaving Africa is once again of the same order as it was between 1900 and 1914, and perhaps a little higher." This immediately causes concern that current offtake represents over-exploitation.

In east Africa, the trends are clearest, because a great deal of census work has been done. We estimated that between 1970 and 1977, Kenya lost more than half her elephants. This has been confirmed by the Kenya Rangeland Ecological Monitoring Unit.

The trend appears to have continued. The latest results of KREMU suggest a decline of the order of 25 percent of what was left of the elephant population, between 1977 and 1978.

At the same time, the ratio of live to dead elephants increased. And last year, they saw more dead than live elephants in their Kenya-wide survey.

In passing, one should note that the decline in rhinos was even more severe, the 1978 populations amounting to only 31.3 percent of that of 1977.

In cooperation with KREMU and others, we record elephant carcasses on our surveys. And these are shown on map No. 3.

The ratios show how heavy elephant mortality has been in Kenya, Uganda, and northern Tanzania, and this we blame mainly on poaching for ivory.

Only southern Tanzania, at the time these data were assembled, had escaped heavy poaching, and as the poachers search for new supplies of ivory, it is not unlikely that these elephant populations may also come under severe reductions.

Fortunately, since April 1978, the law and its application in Kenya has become stricter. All private trading in game trophies has been banned, the anti-poaching units have begun to tackle the formidable Somali poachers, and some consignments of ivory and rhino horn of Kenya origin were seized under the provisions of CITES in Germany and the matter is currently under investigation in Kenya.

Copies of the Kenya ivory documents previously discussed in testimony should be sent to the Kenyan Government.

The export of ivory reported to be of the order of 300 tons in 1977 has been drastically reduced. It is still too early to say if these measures will halt the further decline of elephants and rhino, but there appears to be a new political will to do so.

In Uganda, the catastrophic decline between 1973 and 1976 in the Kabalega Falls National Park seemed to be arrested with the transfer of an active warden to the park from the Kidepo. But the most recent information is that during the fighting, Amin's troops retreated across the park, sacked the lodges and are alleged to have machinegunned a number of elephants and other animals. The exact extent to which this may have affected the survivors of previous massacres is unknown, but guns are widespread and law and order has not yet been reestablished.

The decline of elephants in east Africa demonstrates a regional trend involving about 27 percent of Africa's elephants, and can only be shown because of the scientific work which has been carried out.

Census data of similar quality from which trends can be deduced has been carried out in South Africa, Zimbabwe-Rhodesia, and Botswana, and shows that there has not yet been a decline of elephants due to killing for ivory, but these populations only contribute about 4 percent to the continental population.

The lack of decline is due to the effective conservation programs in those countries.

In Zambia, there is no recent data. A trip we had planned had to be canceled because of the war. And there are contradictory re-

ports, some indicating heavy poaching, and others indicating high density in the Luangwa Valley National Park.

The Zambian elephants themselves account for 21 percent of Africa's elephants, and a survey made now would indicate what the trend is.

In west Africa, there have been no censuses from which trends can be deduced, but the historical ivory exports are revealing, and tend to show one long decline from 1910 to the present date. This can be attributed to the destruction of the elephant resource. And the elephants today survive in small pockets. They contribute 1 percent of the continental total, and the greatest threat to their survival is elimination of their habitat. And even some of the parks; for example, the Bia National Park, in Ghana; Tai in Ivory Coast, and the Reserve des Elefantes, in Mali, are under threat by rival economic interests.

Central Africa still contains the core of Africa's elephant population and accounts for some 35 percent.

Once again, trends can only be deduced from circumstantial evidence such as reports of poaching, the opinions of traders on the ease or difficulty of obtaining ivory, and quantities of ivory appearing in customs and excise statistics over time.

Historically, there was an increase in ivory before the First World War, followed by a decline. And between the wars, the price and volume was low. But recently, the exports have again become high, which raises the question of whether or not the elephant populations can sustain such an offtake since their range has diminished and presumably their numbers.

In Cameroon, most of the elephants live in the forests in the south, where, according to every source, they have come under increased pressure from ivory hunters. But the hunters now have to travel for many more days than before in order to find elephants. There is a developing infrastructure which gives better access to the hunters every year.

There are a series of national parks, but while those in the north work well, the forest parks are inadequately staffed. Ultimately, the best hope for the forest elephant will be in the parks.

Gabon is an exceptional country. On the west coast of Africa, it has an extremely low human population, an absence of any hunting tradition or motivation and extremely poor communications.

In a sense, it is a natural preserve where the elephants are protected by the wilderness. The elephants are not threatened there, although populations along the route of the railways that are to be constructed across the country may be adversely affected in the future.

The central African empire in the last 2½ years has become a very important exporting country. The ivory trade is dominated by a single group, La Couronne, a company which also deals in diamonds. They have a monopoly, and the Emperor has a personal interest in the business.

The company is highly efficient and has virtually suppressed all competitors. They have organized a buyers network and, according to their own account, import mainly from Zaire and Sudan. The Sudan and Zaire ivory is of course illegal, but once it gets into CAE, receives legal documents.

The effect of the company's buying activities are in dispute. They claim that in suppressing competitors they have diminished the incentive to poach. This claim is contradicted by safari organizations and within the Ministry of Eaux et Forêt who claim that poaching has increased in the last 2½ years and that much CAE ivory is delivered to La Couronne's buying agents with fraudulent Zaire or Sudan certificates of origin.

An aerial survey in the east of the country would serve to establish which of those stories is true.

In 1978, La Couronne became the largest single exporter of ivory in Africa. According to the Eaux et Forêt statistics, 165 tons were collected in 1978, and according to customs 175 tons were exported.

The company has donated vehicles and equipment and has made some contribution to anti-poaching work. In the long run, the most important development is the fact that the CAE is on the verge of signing the CITES convention, and I believe that control of the ivory trade from that country should be developed from that convention.

The Peoples Republic of the Congo is another country which has detailed statistics about ivory exports and where there is an open ivory market. Last year 69 tons were exported and most of this ivory, again, was of illegal, Zaire origin, although some had come all the way down the river from the Sudan.

They have very few elephants themselves and most of their ivory has to come in from neighboring countries. The largest ivory dealers whom I met, both have several lines of business, which include a bakery, a hardware shop, a textile shop, and the diamond-buying business. They could readily adapt to the requirements of CITES, should they be persuaded to sign the treaty.

Finally, Zaire is the most important single source of ivory. It is also one of the first signatories of CITES, and must occupy a central role in any attempt to control the international trade in ivory.

Unfortunately, the laws defining the responsibilities of ivory certification have yet to be formally legislated, although they have been drafted sometime ago.

The reports that we receive on the status of elephants indicated that there has been a great increase in poaching, that in addition to the standard poaching techniques used, they are also poisoning waterholes, which is said to have caused mass deaths of elephants.

The department reports great decreases of elephants, both in the north and in the Salonga National Park. The parties alleged to be involved in the poaching include regional officials, gendarmerie, agents of the CND, and the army.

As an interim conservation measure, the Government of Zaire, which is well aware of the difficulty of enforcing the bans for ivory, has banned the export of all ivory since August 1978 by proclamation over the radio, and it will not be resumed until further notice. This proclamation has been further reenforced by the IUCN resolution of Ashakabad, calling on all importing countries to cooperate with Zaire in stopping the trade.

The greatest service that outside countries could do for elephant conservation in Zaire in the short term is to help enforce their total ban on ivory exports.

To summarize, there is not a single country in east or central Africa which is exporting ivory in accordance with the principles of CITES, in particular in relation to article VI of the convention, which calls for the establishment of a scientific authority that can certify whether or not exports constitute a threat to elephant populations.

Nevertheless, CITES and the ivory export ban of Zaire have had some positive effects. News of the seizure of illegal ivory in Hong Kong, France, and Germany has caused several of the major traders to quit trading in ivory. This causes little distress, as they have plenty of other business, and few, if any, of the primary producers subsist on ivory alone.

Kenya is also taking action under the treaty. Cameroon would prosecute fraudulent supporters if presented with certificates that were returned by importing countries. And the Ivory Coast has an efficient system of registering ivory imports which could easily be adapted to CITES.

Furthermore, the major scheduled airlines will no longer carry ivory out of Zaire, or any other African country which has imposed bans, and this puts an additional burden on the traffickers.

I would like to say that were it not for the hard data available, for East Africa, that no doubt, certain people would be complaining about conservationists' exaggerated claims that elephant populations were declining. In 1973, in Kenya, when such data was unavailable in Kenya, conservationists raised an outcry about the wholesale reduction of elephants on circumstantial evidence, which was later backed up by scientific research.

Today a very similar outcry is heard from other countries, such as Zaire, CaE, Cameroon, Congo, once again in the absence of hard scientific data to conform the alleged decline. I believe elephant populations are in fact declining.

Nevertheless, the elephant is not endangered, and there is still time to develop proper controls of the trade through CITES.

The U.S. contribution could be immense, but the survival of elephants cannot be assured by short-term solutions, nor by a short-term interest.

As an outcome of the IUCN elephant survey, the elephant specialist group has produced a four-point action plan directed at government and conservation groups, which includes programs for direct conservation, control of the trade in ivory, education, and research. We have suggested an elephants and ecosystems campaign to finance it. I have extracted some practical suggestions for a United States-African elephant program for their relevance to this bill which I would like to submit for the record.

Mr. OBERSTAR. That will be included in the committee hearing record without objection.

[The following was received for the record:]

SOME PRACTICAL SUGGESTIONS FOR A UNITED STATES-AFRICAN ELEPHANT PROGRAM

(1) Encourage CITES ratification

Offer technical and financial assistance (use Elephants and Ecosystems Program for guidance) to CITES parties—include funding authorization (perhaps \$100,000 to \$500,000 per year).

(2) Support development of CITES system

Provide funding for CITES Secretariat to gather and analyze data on world trade and enforcement problems (could extend to other species as well) (\$50,000 to \$100,000).

Underwrite the cost of the CITES expert committee on the harmonization of permit forms and associated enforcement problems (the CITES Secretariat is now beginning to form the committee) (\$75,000 to \$100,000).

Provide travel and other funding for regional meetings, workshops and consultations with foreign governments with the aim of setting up the scientific and management authorities as effective bodies (\$100,000 to \$200,000 per year).

Encourage Peace Corps to resume its invaluable role in environmental projects which has recently been curtailed. Peace Corps provided more widespread information for the IUCN survey on elephant status than any other organization, and has played an exemplary role in development of National Parks in Africa.

(3) Develop practical and helpful enforcement program

Require report from Interior by March 31, 1980 on methods to control ivory (could extend to other species as well). Report should consider:

- (a) practicality of enforcement, especially with regard to re-export of products;
- (b) beneficial impact on conservation of the species;
- (c) the benefits of restricting trade to CITES parties, perhaps with a five-year phase-in of such a partial ban; and
- (d) appropriate exceptions to controls, particularly sport hunting, scientific uses (including breeding programs), culling programs, cropping programs.

(4) Support elephants and ecosystems program

Develop through U.S.A.I.D. National Management plans centered on National Parks for the elephant and wildlife resources, including direct support for anti-poaching measures, and ecological and economic studies. The concept of the World Bank Tourism project in Kenya might be an appropriate model (\$1,000,000).

Carry out essential elephant surveys where urgently needed, e.g. Uganda, Mali Sahelian Reserve des Elephants, Eastern C.A.E., Southern Cameroon, Northern Zaire, Luangwa Valley Zambia, Angola, etc. (\$200,000).

Obtain cooperation of N.A.S.A. for radiotracking of elephants across Africa (\$250,000).

Establish and fund grant program to send U.S. scientists to Africa to perform research and conservation work identified in Program (probably one or two-year grants) (\$250,000 per year).

Establish training for African National Park and Wildlife Personnel in America (\$200,000).

Sponsor and underwrite world congress on Elephants and Ecosystems Program, probably in Nairobi (\$100,000 to \$200,000, including travel grants).

Encourage oil companies to fund biologists to accompany oil exploration teams and make basic wildlife inventories.

Encourage U.S.A.I.D. to include meaningful wildlife surveys in their environmental impact studies associated with development projects.

Encourage U.S.A.I.D. to include elephant and wildlife topics in educational aid programmes.

Dr. DOUGLAS-HAMILTON. I cannot today give you final recommendations until I have properly studied Mr. Parker's work. But already important principles have emerged concerning the protection of the elephant habitat and the trade in ivory.

In relation to the proposed legislation, we believe that any provision which might lead to the promotion of national parks, or to the strengthening of the CITES Convention to be of the greatest importance. Our recommendations, in a nutshell, are as follows:

First, that U.S. technical and financial assistance should be used to build up the national parks of Africa, especially in relation to manpower, training and equipment.

Second, that the United States should offer to help signatories of CITES to set up their scientific and monitoring authorities to administer its provisions.

On the question of a total ban, I would endorse this with all vigor for those African countries which have requested importers not to accept their ivory. I do not, however, think that a total ban is appropriate at this time for the following reasons:

First, the opinion of African governments and conservation authorities would be highly pertinent and informative on this question. And I would refer in particular to the testimony of the Botswana Ambassador, which I think is a good example.

Second, a ban already exists on the import of ivory into the United States for all non-CITES countries. This is an entended to Zaire and Kenya, by their own request.

Third, American sportsmen frequently make a positive contribution to conservation in the countries where they hunt, both financially and in the field. They should be allowed to bring their tusks home.

Thank you, Mr. Chairman.

Mr. OBERSTAR. Thank you very much, Doctor Douglas-Hamilton.

There is another vote in progress. It does not happen to you when you are in Africa, as I recall, from reading your book. You are not called away with such distractions. It must be quite a contrast to sit here in the rather arid committee hearing room discussing the fate of the elephants, among whom you have lived for such a time, and with whom you had such a close relationship, being able virtually to talk to them.

I cite the contrast between the enormous study you have done and the relationship you had in the world of the animals with the way we are trying to protect them in this legislation.

You raise a number of questions I would like to pursue. But first some facts must be established, which few others fully appreciate, the value of the ivory to the hunters.

Would you report for the committee the impact of the ivory upon those who are shooting and killing elephants and taking the ivory?

I seem to recall in one of your writings you were able to give a figure showing the number of elephants represented by 1 ton of ivory production. Could you give us that information?

Dr. DOUGLAS-HAMILTON. Well, we have been remodeling using that data in the light of further information that has come in from Parker's study. And on the basis of the ivory which I examined in Tanzania, amounting to 43,000 tusks, we established a mean tusk weight for that particular sample of 4.8 kilos.

However, since then, I have come across far larger mean tusk weights used in the ivory trade. In particular, the Central African Empire forbids the export of any tusks under 10 kilos. And, not surprising, has a much higher mean tusk weight.

It has been one of the central objectives of Mr. Parker's study to establish realistic mean tusk weights used in the trade and not only that, but also to model back to the elephant populations determining the sex and the age structure of the animals which provided that ivory.

The mean tusk weight which he obtained in Hong Kong is just under 10 kilos which is twice the value of my earlier Tanzanian sample. However, I am very reluctant to use either of these values to try to calculate the impact of the trade on elephant populations in terms of elephant numbers equivalent to ivory tonnages. The

trade does not work on the total 1.3 million elephants in a uniform way.

I should say, the killing of elephants for ivory is concentrated in localities or regions, and it is in localities or regions that it has its most disturbing effect.

On the other hand, elsewhere, there are still vast wildernesses which are as yet untouched by the ivory trade, in places like Gabon and the Seloup Reserve in Tanzania.

Mr. OBERSTAR. That is why you are saying later on that in your judgment the elephant is not endangered. It is not endangered as a species, taken wholly in Africa, but it well may be very severely endangered in certain localities or regions?

Dr. DOUGLAS-HAMILTON. That is correct. There are, at present, we believe the elephant range covers some 7 million square kilometers. And within the elephant range there are some 90 proposed or existing national parks.

But very often their status is merely on paper. And unless those areas are reinforced, unless you protect the elephant ecosystem, and its habitat, you cannot assure its survival.

Mr. OBERSTAR. It is also important for the record to indicate the importance of this ivory trade to those natives in the country of origin who are engaging in the poaching, or illegal hunting. It is rather significant for them, is it not?

Dr. DOUGLAS-HAMILTON. My impression is that regular employment from killing of elephants is only derived from the safari trade, or culling operations, which are properly controlled. To my belief, people who poach elephants have other means of subsistence. The middlemen engaged in illicit trading usually have multiple businesses, and, when the ivory runs out, will turn to another form of livelihood.

Mr. OBERSTAR. There are alternative means of making a life for those who are now engaged wholly or partly in the ivory trade?

Dr. DOUGLAS-HAMILTON. That is my belief.

Mr. OBERSTAR. Which is, in your judgment, the greater threat, habitat loss, poaching, hunting, or controlled hunting?

Dr. DOUGLAS-HAMILTON. In the long run, the greatest threat is habitat loss, and in the long run, the elephant will only survive if enough of its habitat is set aside for its protection.

Mr. OBERSTAR. You say that short-term solutions are not going to help. What other things can we do in the short run, until we can effectively use financial resources, to deal with that long-term problem of habitat?

Dr. DOUGLAS-HAMILTON. In the short term you could start enforcing efficiently the laws which already exist for the control of ivory into this country. And in the short term, approaches could be made to assist other countries in carrying out the provision of CITES.

In particular, in the bill it mentions the need for monitoring of CITES. And I think as a result of our study we have been able to pinpoint for you some of the particular areas which need to be monitored.

Mr. OBERSTAR. As a whole the African countries are willing to help stop the illicit trade.

Dr. DOUGLAS-HAMILTON. At a governmental policy African countries are committed to stop illicit ivory trade, but the enforcement is very difficult. The laws already exist in Africa.

Mr. OBERSTAR. Are they not doing so for a lack of resources, to hire people, as we developed our own Fish and Wildlife Service? Not enough money to put the men in place to do the enforcement?

Dr. DOUGLAS-HAMILTON. Precisely that. There is a great need for manpower, equipment, and the need for training and technical assistance of all sorts. Motivation is also often lacking.

Mr. OBERSTAR. If the simply illegal poaching were stopped and the existing law enforced, would that have an appreciable effect?

Dr. DOUGLAS-HAMILTON. It would have an enormous effect. But to stop the poaching, you have to have the manpower and the will to do it.

Mr. OBERSTAR. I will have to go vote. Counsel will continue questions. I will return as soon as I can.

Dr. HOWELL. Yes. Thank you. Thank you very much.

Dr. Douglas-Hamilton, welcome back. I think you have done as much as anyone, first, to educate all of us on the African elephant, and the dangers to the African elephant. I know that when we talked, I guess in December 1977, you expressed the opinion that perhaps an immediate ban on the importation of ivory would be helpful.

Have you changed your opinion? I take it from the testimony, that you are recommending now that we work through CITES, and also with the 6-month moratorium which this legislation proposes.

Dr. DOUGLAS-HAMILTON. The reason for proposing a 6-month ban before was to try to avoid the rush for ivory in anticipation of the ban. It seems to me now that you have the laws to control the trade adequately, and it is a question of enforcement.

Dr. HOWELL. I cannot agree with you more. The Chairman, as you know, was instrumental in getting this contract awarded, which Mr. Parker has done for all of us. And at that time he was persuaded by the Department of the Interior that they could handle the problem with their own resources. Had they handled their problem, we would not be here today.

So that is precisely why the chairman introduced this legislation. He had two choices to go with, an absolute ban on ivory, or this, in which their is a moratorium, which would serve notice to the world that we in the United States were not going to continue to allow illegal poached ivory to be imported.

Now, we have waited 18 months, and I am told by the environmental groups, who have documents that back it up, and who will present testimony tomorrow, that this illegal slaughtering is continuing.

Furthermore, I read, with a great deal of interest, an article which you wrote for *Africana*. This is volume VI, April 1979, wherein you said that the problems of elephants across the continent of Africa today may be restated. They are being killed in defense of crops, for their meat, especially in West Africa, and for their ivory. They are losing habitat to forestry, agriculture, and ranches.

And in possibly as little as 5 percent of their range. They are pushing trees down faster than they can regenerate. While the

problem is what to do in the areas of importance, it is not one which should blind ecologists, conservationists, or park management to the main short-term threat to the elephant, which is still poaching for ivory triggered by the rapid rise in price in 1973.

Do you still agree with that statement?

Dr. DOUGLAS-HAMILTON. Yes; I do. And that is particularly written for an East African audience, with the regional elephant decline in mind.

Dr. HOWELL. As you see, it has bridged the whole continent of Africa and the Atlantic Ocean, also. It has reached us here, and was one of the reasons why Chairman Murphy wrote this piece of legislation. And it was written with the expectation that we would have your full support.

And as I say, I am almost at a loss of words to find out that you say, well, we should go back to where we were in December 1977, and continue to live within the statutory authority which has been given the Department of the Interior.

Could you restore my faith, or show me the light, or something wherever I am?

Dr. DOUGLAS-HAMILTON. I greatly appreciate the goals that the bill intends to accomplish. They are exactly the same as my own goals. But the most important actions needed must take place in the field, in setting up some of the things that need to be done in Africa, with the cooperation of the African governments.

I, therefore, feel very strongly that it is necessary to consult with them before introducing something like a total ban.

I have stated this in the telegrams which I sent before the hearings that I thought it would be very pertinent and informative for you to be informed of the views of African governments.

Now, if the bill can be modified so that it takes into account the factors which I have brought up, I think it will be an immense contribution.

Dr. HOWELL. As you know, this is merely a hearing on the legislation as introduced; it is not a markup session. We probably will not have a markup session before September. But say that the bill is reported out in September, which is optimistic, and then if we have a rule on it, and it goes to the floor of the House, and is passed on the floor of the House, it then has to go to the Senate, and then you have your Christmas recess.

By the time the bill becomes legislation, we are talking about February, and I am being optimistic. It would seem by that time we would have had the study on the ICUN under our belt; we would have had the study Mr. Parker has done under our belts; and between the conference and the Senate version and House version, we would be able to come up with substantive, meaningful legislation, which would help to conserve the African elephant population.

Am I off base, or are you saying that we should wait another 18 months, or—we are speaking now of virtually 8 months from now at the earliest, and then we are only speaking about a 6-month moratorium, which would give the Department of the Interior a chance to get its act in order.

My good friend Hal O'Connor has told us here already that he is not going to be in a position for really good enforcement for an-

other 12 to 14 months. So it seems to me—and I know that I am speaking here exactly the reasons for which the chairman has introduced this legislation, it is time now to get something done to protect the African elephant from illegal poaching, and to preclude the introduction of this illegally poached ivory into the United States trade.

I guess I am preaching to the choir, but I would appreciate your comments. Maybe you could tell me where I have erred from the way here, and put me back on the right track.

Dr. DOUGLAS-HAMILTON. Well, I may have misread the bill, but I understood—I interpreted, as mentioned at the outcome, there would also be support for the monitoring of CITES. And indeed, it calls for aid for such things as national parks.

Now, I am just testifying today on what is the most important to the African elephant. I cannot pretend to be an expert on how your law will be interpreted or implemented. But what is needed most of all is support for the National Parks of Africa. And second, for the implementation of CITES. In particular, setting up scientific and monitoring units as is envisaged under the treaty, too.

Now, I am not opposed in principle to bans on ivory trade, but I stick to the view that I do not think that one is appropriate in the form of a total ban at this time. And the reasons are because African governments must be properly consulted, because you already have a de facto ban for most of the countries that produce ivories where it is being abused. And third, there must be some provision made for American sportsmen. I would hope that the positive goals of the bill could be implemented with the least possible delay.

Dr. HOWELL. On all of those points, I would agree. The intent of this bill, as I have said before, is not to put anyone out of business. It is not to preclude the taking of trophies by the American sportsmen, that that is why we had this in the 90-day date of the enactment of the bill to the effective date this up to 500 pounds would mean that anyone who went over and took two tremendous elephants would be able to bring his tusks back with him.

We allow the 10,000 pounds which, I understand, would keep the scrimshaw in business long enough, and we will hear from them later in the testimony.

But this bill was intended to be a piece of legislation which would contribute to the maintenance of the maximum desirable elephant population of Africa. And somewhere along the line, I feel as though I personally have gone astray, and that if there is anything—if you say perhaps we should exempt some countries, we have had a request from His Excellency, the Ambassador from Botswana, that Botswana be exempt. Should that be put into an amendment in the bill? I believe the Chairman could live with that.

And I would hope that the Department of the Interior will keep you here long enough so that you can make some substantive suggestions wherein this bill will be helpful instead of negative in all aspects.

I do not want to put you on the spot right now, but I would appreciate very much if you would consider these and help us to work up a truly good piece of legislation. My own personal view is

that this has now become a great emotional issue in the United States. Chairman Murphy and I have received, I would say, approximately 4,000 letters and cards ranging from 9- and 10-year-old schoolchildren to 75-year-old grandmothers.

The American public is demanding we do something in the near future. And I am saying near future meaning 8 months rather than wait 17 to 19 months to do this.

So that is the prospect which I am sure the whole committee faces, and that is why Mr. Beilenson, with 100 Congressmen sponsoring his bill H.R. 2856, agreed to cosponsor this bill.

We would appreciate any help that you can give us while you are here, and the same for Mr. Parker. We appreciate the Department of the Interior's input to this legislation which has been most helpful, as has been the assistance of environmental groups.

The purpose of these hearings, of course, has been to improve this bill, H.R. 4685. As I say, this must be pretty good legislation at present since nobody likes it. But I would hope that eventually that come September, with your input and input from other concerned parties, we will be able to do something which will at least show the poachers that we do not intend to stand idly by.

I guess I have preached to the choir long enough. I am sure I am doing that to you, because you are one of the world's foremost conservationists. As the chairman said a minute ago, I too have enjoyed your book and article here and it has been very enlightening.

Mr. Sutter?

Mr. SUTTER. I have no questions. Thank you.

Dr. HOWELL. The other thing I would just like to ask is why the U.S. should not take the lead. I can see no reason why the United States, with the exception of the countries you could recommend to us, should not ban the importation of ivory.

Dr. DOUGLAS-HAMILTON. I really must stand on my grounds, Mr. Chairman. I have answered those points already and I am not totally opposed in principle to total bans. I just merely feel at this time it is inappropriate for the reasons I have stated.

Dr. HOWELL. Or should we try to work in CITES first?

Dr. DOUGLAS-HAMILTON. That, first, you should consult African Governments and conservation authorities. That, second, you already have a ban that is in position. And I would have thought could be in force.

Would it be more difficult to declare a new ban and to exempt some countries from it or to enforce the existing ban against the countries which already are banned under that ban?

And, third, there is the point about the American sportsmen.

Dr. HOWELL. Well, I would hope your schedule will allow us enough time to get together and to have some constructive conversation about this, because I know that the chairman is looking forward to meeting with you and putting forth the best possible legislation.

Mr. MANNINA. Just one question, if I may.

Mr. Parker's testimony suggests that ivory trade is not out of control and the ivory trade does not generally endanger elephants, Do you concur with that testimony?

Dr. DOUGLAS-HAMILTON. I agree with the point that the ivory trade does not endanger the African elephant. What he has stated there is more or less, in his own words. What I have stated elsewhere, is that the ivory trade causes a localized threat or a regional threat to elephants, but it does not endanger the species.

I have recited to you evidence of the very considerable effect that the ivory trade has had on east Africa's elephants' and that I believed that the same thing is happening in central Africa, for circumstantial evidence. My view, on the seriousness of the threat has not changed since I last gave testimonies before this committee.

Does that answer the question?

Mr. MANNINA. Given those regionalized effects, would you support legislation providing for regional importation bans if the product could be traced back to the point of origin?

Dr. DOUGLAS-HAMILTON. That would assume that you have a monitoring organization which can decide?

Mr. MANNINA. It makes that assumption.

Dr. DOUGLAS-HAMILTON. I feel that the way that that monitoring should be handled is in cooperation with African governments. And It could very well be done by building up the monitoring service of CITES that we were talking about.

Mr. MANNINA. So, do I understand you to state that given proper cooperation with African nations and the establishment of a monitoring system, you would support legislation providing for the selective ban?

Dr. DOUGLAS-HAMILTON. Yes, and in particular when an African country has asked you to ban the import of its ivory.

Mr. MANNINA. Thank you.

Mr. OBERSTAR. Thank you for your patience, Doctor. Thanks to all of those who are sitting here so patiently.

You suggested something that I raised earlier in the course of the hearing, financial and technical assistance from the United States to African countries for game management preserves, for national parks, perhaps more park rangers.

How much money is going to be needed to undertake this kind of effort? And in that context, recalling your statement earlier, should we also focus on those countries where populations are truly endangered, or should it be a broader program than that?

Dr. DOUGLAS-HAMILTON. I think it should be a broader program where you aim to protect elephants and their habitats across the full range of conditions in which they can be found and in each country that has them.

The amount of money that would be needed would be almost limitless. But one could be selective and, concentrate on particular places of high priority.

We have, as I said, a four-point action plan in which we have summarized the need for elephant conservation country by country. And I would be very happy to discuss that with any interested parties.

Mr. OBERSTAR. We would very much like to have that information for the committee record. And we would like to have you discuss that with committee counsel at your leisure.

Dr. DOUGLAS-HAMILTON. It would be a pleasure.

Mr. OBERSTAR. Any further questions?

[No response.]

Mr. OBERSTAR. You have been most helpful to the committee, Doctor. Thank you very much for your testimony and for the very helpful information you have provided. We look forward to your more detailed report of what is coming in the next 2 months.

Dr. DOUGLAS-HAMILTON. Thank you, Mr. Chairman.

Mr. OBERSTAR. The committee will stand adjourned until 10 o'clock tomorrow morning.

[Mr. Douglas-Hamilton's prepared statement follows:]

STATEMENT OF DR. IAIN DOUGLAS-HAMILTON, WORLD WILDLIFE FUND

Mr. Chairman, it is an honor to be invited, as a British scientist living in Africa, to discuss U.S. legislation to protect the African elephant. I am grateful also to the U.S. Fish and Wildlife Service for funding our studies and bringing us here today.

A year and a half ago, I testified to this Committee that it was regrettable to debate the ivory trade without knowing much about it. Since then, the U.S. Fish and Wildlife Service through the IUCN has funded a 14-month study of the trade now in its 13th month. The study was to be independent but parallel to the IUCN Elephant Survey, which I direct under the sponsorship of the World Wildlife Fund and the New York Zoological Society.

Someone was needed for this study with a background in wildlife, who was well-informed in all aspects of trade in ivory. The terms of reference including winning the confidence of leading traders, eliciting both information and their attitudes to the long term future of the business and assessing the impact of the trade on wild elephant populations.

I passed on the terms of reference in their entirety to Mr. Ian Parker, who has been a Game Warden, a Wildlife Consultant, a co-author of several scientific papers on elephants and who has, for 26 years, been practically involved with the species including at times, dealing in ivory.

Between us we have visited 21 ivory exporting countries, and five importing countries, consulted available ivory statistics, and interviewed traders, government officials, hunters and poachers. Combined with the results of the IUCN elephant survey we now have a substantial basis of knowledge.

His report to me, as an independent consultant, is ready. It is a major landmark, tapping previously neglected sources and the author's lifetime experience. It is provocative, will undoubtedly be controversial and contains a massive amount of material for one year's work. The facts presented should put conservationists and ivory traders on their mettle and cause both to re-examine their ground.

The report will be complete in the next two months, when I have compared it with the results of the IUCN elephant survey, evaluated it in full, and when it has been commented on by the IUCN. It will then be forwarded to the U.S. Fish and Wildlife Service according to the terms of contract. I regret that interested parties are not able to read and consider this material before discussing further legislation.

The IUCN elephant survey itself will also be complete in a few months, whose brief was to find out how many elephants were left in Africa, to identify the problems of conserving them and to make recommendations.

Before discussing population trends, I would like to summarize the elephants' current distribution and approximate numbers according to the best available sources.

ESTIMATING ELEPHANT NUMBERS

The only way to count elephants over large areas is from aeroplanes. Most censuses today are samples in which only a small portion of the elephant's range is counted thoroughly, the density of elephants is then calculated and a total population extrapolated.

Since July 1976, we have made 13 aerial counts in the three East African countries. The densities we have found have been compared with those of the other scientific teams. We have also been sent results of aerial counts made in South Africa, Namibia, Botswana, Zimbabwe-Rhodesia, Zaire, Sudan, C.A.E., Ivory Coast, Cameroon, Nigeria, Benin, Upper Volta and Senegal. From these sources we now have a fair idea of the range of densities of elephants in the savannahs of Africa.

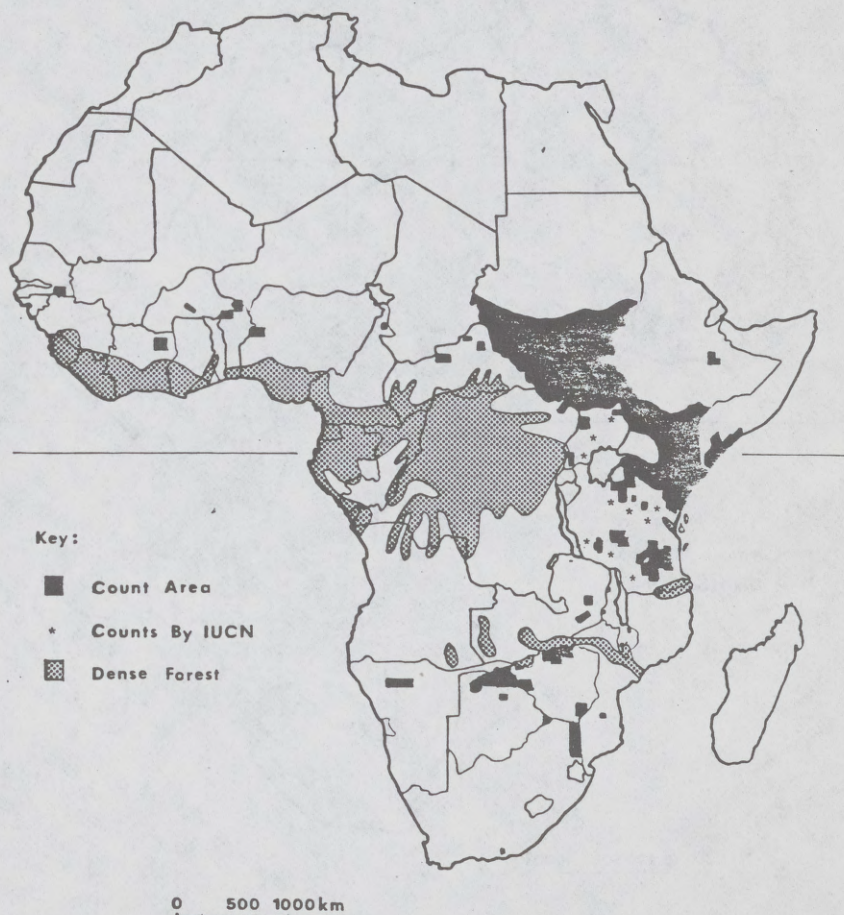
Regretably, these counts only cover a fraction of the elephant's range, and exclude the forest altogether. They are marked black on the map of Africa, and can

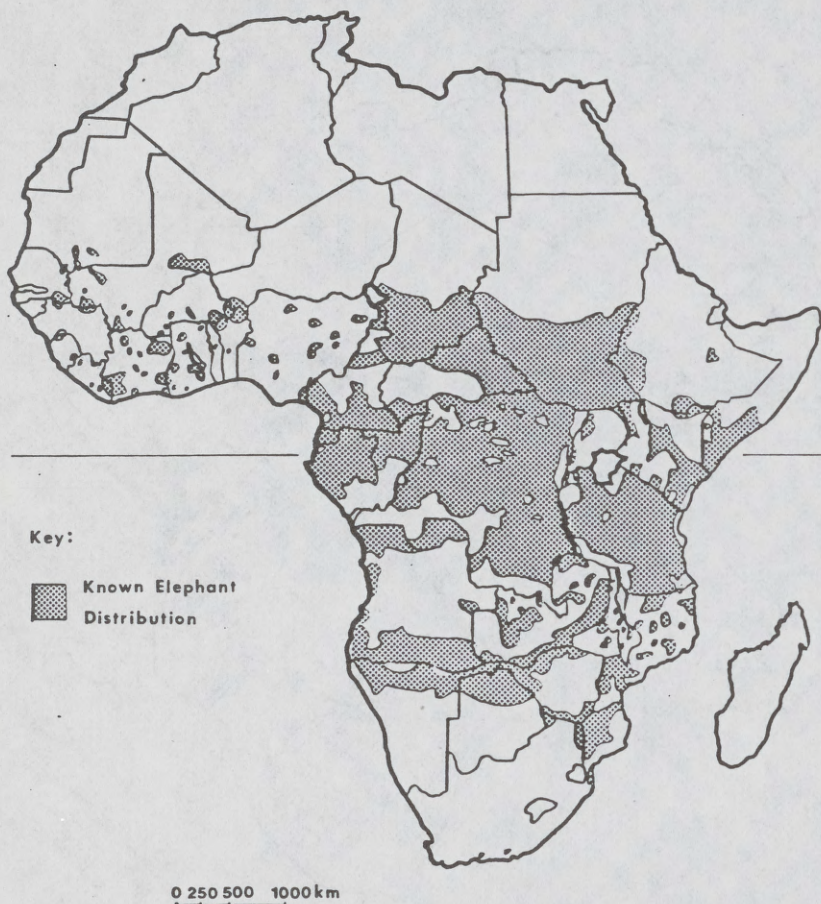
be compared with the map 2 which shows the total range according to our informants.

We have also made a further 34 detailed maps and tables of elephants distribution and population estimates covering each country with suggestions for their conservation. These have been recirculated to our informants for further comment (see specimen questionnaire) and are available to see for interested parties here today.

IUCN/WWF/NYZS Elephant Survey and Conservation Programme

AERIAL COUNTS 1975 - 1978



IUCN/WWF/NYZS Elephant Range Map**AFRICA - 1979**



IUCN/WWF/NYZS ELEPHANT SURVEY AND CONSERVATION PROGRAMME

Name..... Date.....
 Position..... Country.....
 Address.....

1. ELEPHANT RANGE MAP

Please examine the Elephant Range Map accompanying this questionnaire.

Is the Map accurate? Yes ☐ No ☐ Don't know ☐

If not, please draw the correct range onto the Map and return it to us.

Make comments on your amendments here.....

.....

.....

.....

.....

(Continue Overleaf)

2. ELEPHANT POPULATION TABLE

Please examine the Elephant Population Table accompanying this questionnaire.

Do you have any more recent information? Yes ☐ No ☐

If so, please specify.....

.....

.....

(Continue Overleaf)

Is the density estimate for non-censused areas of elephants per km²
 Reasonable? ☐ Unreasonable? ☐ No Information. ☐

If it is unreasonable, please comment here.....

.....

.....

.....

(Continue Overleaf)

3. ELEPHANT ACTION PLAN

Please examine the extract from the IUCN Elephant Action Plan enclosed with this questionnaire. Do you have any comments to make on the proposals and projects briefly outlined here? (eg. should any have a lower or higher priority? are any unnecessary?).....

.....

.....

Are there any additions you would like to make? (Projects to be included may be already underway, or still in proposal form).....

.....

.....

.....

Please give as much detail as possible,
 on a separate sheet if necessary.

Thank you for your co-operation. Please return to: Dr. Iain Douglas-Hamilton
 The Director
 IUCN Elephant Survey
 P.O.Box 54667
 Nairobi
 KENYA

The elephant still occupies a range of over 7 million square kilometers, within which are some 90 National Parks set aside for the protection of this and other species. Of its range about one-third is forest and the rest is open savannah. Our study spans the years 1976-1979 and in that time our minimum estimate of elephant numbers is 1.3 million.

Trends

The factors which cause a reduction in elephant numbers are principally competition with man for space and resources, and the killing of elephants for ivory. Although the former is the more important long term threat I will concentrate today on the effects of the Ivory Trade since it is the subject of proposed legislation, and since according to my colleague, Ian Parker, who has analysed trade statistics over a period of 100 years, "It seems that after a depression of six decades, the volume of ivory leaving Africa is once again of the same order as it was between 1900 and 1914, and perhaps a little higher."

This immediately causes concern that current offtake represents over-exploitation.

East Africa

In east Africa the trends are clearest, because a great deal of census work has been done. We estimated that between 1970 and 1977 Kenya lost more than half her elephants. This has been confirmed by the Kenya Rangeland Ecological Monitoring Unit (KREMU).

TABLE 1

IUCN/WWF/NYZS ELEPHANT SURVEY AND CONSERVATION PROGRAMME

PROVISIONAL ESTIMATES OF ELEPHANT POPULATIONS 1976 - 1979

Country	Elephant Range (km ²)	No. of Elephants	Ele. Range as% of Country	% Ele. Range Protected States	Number in Parks and Reserves	Estimated Overall Density	No of Elephants Ranges
Angola	359,800	12,400	29%	-	-	0.04	4
Benin	14,200	860	14%	55%	600	0.06	3
Botswana	146,400	20,600	33%	11%	6,350	0.14	2
Burundi	-	-	-	-	-	-	-
Cameroon	290,100	17,900	61%	-	-	0.06	4
C.A.E.	328,000	65,800	53%	-	-	0.02	2
Chad	411,500	15,000	32%	-	-	0.04	1
Congo	170,400	10,800	50%	0.65%	150	0.06	1
Ethiopia	81,300	940	7%	9%	200	0.01	3
Gabon	267,000	13,350	99%	22%	-	0.05	1
Ghana	11,400	2,400	5%	72%	-	0.21	7
Guinea	-	-	-	-	-	-	-
Ivory Coast	67,600	3,200	21%	25%	750 *	0.05	11
Kenya	300,000	64,000	51%	6%	30,600	0.22	5
Liberia	14,400	600	13%	None	None	0.04	4
Malawi	11,800	3,800	13%	100%	3,000	0.32	11
Mali	65,600	1,000	5%	48%	620	0.02	8
Mauritania	14,500	164	1%	None	None	0.02	3
Mozambique	304,200	54,800	39%	-	-	0.18	10
Namibia	186,300	2,700	23%	12%	1,000	0.01	1
Niger	11,300	1,500	1%	20%	700	0.13	1
Nigeria	17,900	1,400	2%	-	1,245	0.08	8
Rhodesia	119,500	30,000	31%	23%	23,300	0.25	2
Rio Muni	26,017	1,300	99%	-	-	0.05	1
Rwanda	1,900	152	7%	16%	75	0.08	3
Senegal	18,000	450	9%	50%	350	0.01	3
Sierra Leone	4,700	47	7%	None	None	0.01	2
Somalia	140,400	24,300	22%	None	None	0.17	2
South Africa	23,300	7,800	1.8%	93%	7,747	0.35	7
Sudan	853,500	133,800	34%	-	-	0.16	1
Tanzania	822,200	313,000	87%	14%	163,761	0.38	1
Togo	2,000	80	4%	0%	0	0.04	2
Uganda	34,500	5,900	17%	33%	3,900	0.17	3
U. Volta	14,240	1,700	5%	60%	-	0.12	6
Zaire	1,820,900	371,700	78%	-	-	0.20	1
Zambia	298,100	216,280	40%	-	-	0.73	11

* To be revised

The trend appears to have continued. The latest results of KREMU suggest a decline of the order of 25 percent of what was left of the elephant population, between 1977 and 1978.

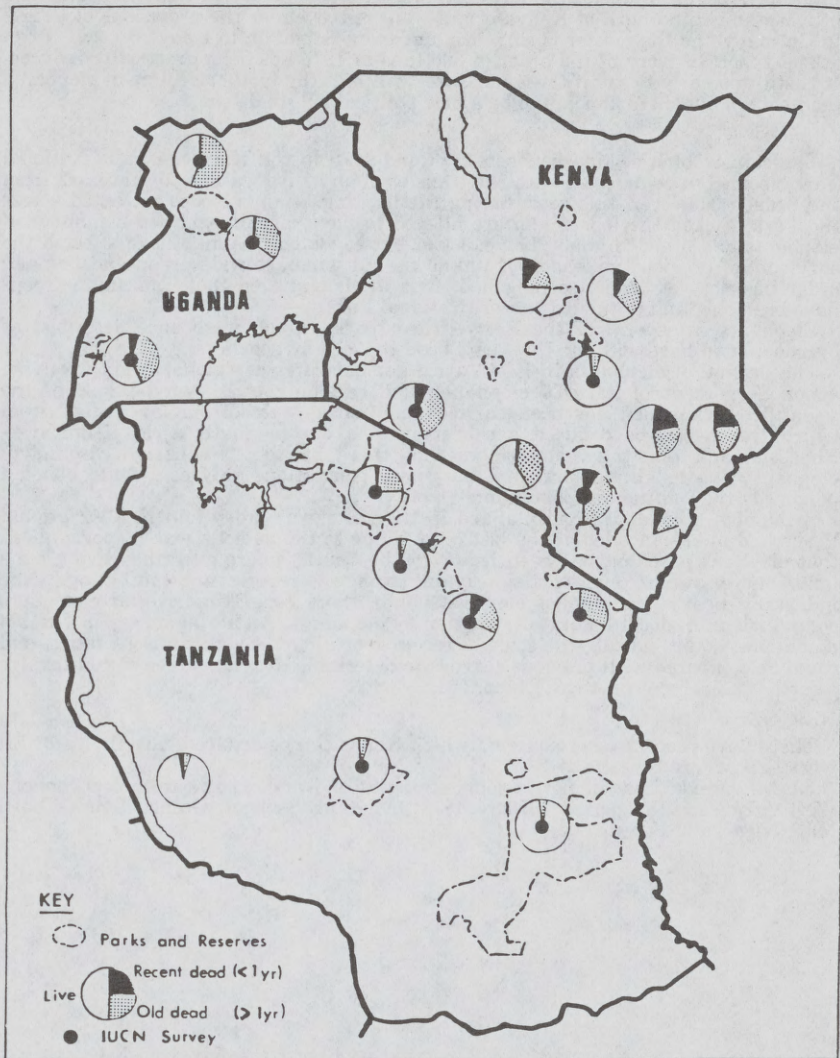
Correspondingly, the ratio of live to dead elephants changed from 51:49 in 1977 to 44:56 in 1978. In other words, they saw more dead than live elephants in their Kenya-wide survey last year.

In passing, one should note that the decline in rhinos was even more severe, the 1978 populations amounting to only 31.4 percent of that of 1977.

In co-operation with KREMU and others, we record elephant carcasses on our surveys. The map (3) shows the ratio of live to dead elephants from recent counts in 1976-1978. Those marked with a round dot were organized and flown by the IUCN elephant programme.

The ratios show how heavy elephant mortality has been in Kenya, Uganda, and Northern Tanzania, and this we blame mainly on poaching for ivory.

Only Southern Tanzania, at the time these data were assembled had escaped heavy poaching, and as the poachers search for new supplies of ivory it is not unlikely that these elephant populations may also come under threat.



**RATIOS OF LIVE TO DEAD ELEPHANTS IN EAST AFRICA
1976/8**

Source: Douglas-Hamilton and Hillman (1978).

Fortunately, since April 1978, the law and its application in Kenya has become stricter. All private trading in game trophies has been banned, the anti-poaching units have begun to tackle the formidable Somali poachers, and some consignments of ivory and rhino horn of Kenya origin were seized under the provisions of CITES in Germany and the matter is currently under investigation in Kenya.

The export of ivory of the order of 300 tons in 1976 has been drastically reduced. It is still too early to say if these measures will halt the further decline of elephants (and rhino), but there appears to be a new political will to do so.

Uganda

The catastrophic decline between 1973 and 1976 in the Kabalega Falls National Park, seemed to be arrested with the transfer of an active warden to that Park from the Kidepo. However, this year, during the fighting, Amin's troops retreated across the Park, sacked the lodges and are alleged to have machine-gunned a number of elephants and other animals. The exact extent to which this may have affected the survivors of previous massacres is unknown, but guns are widespread and law and order has not yet been re-established. It is further alleged that Tanzanian troops have been shooting in the Ruwenzori National Park.

Elephants in several of the East African parks which were once described as overpopulated have within a few years been reduced by poachers.

The decline of elephants in East Africa demonstrates a regional trend involving about 27 percent of Africa's elephants, and can only be shown because of the scientific work which has been carried out. Census data of similar quality from which trends can be deduced has been carried out in South Africa, Zimbabwe-Rhodesia, and Botswana, and shows that there has not yet been a decline of elephants due to killing for ivory, but these populations only contribute about 4 percent of the continental population.

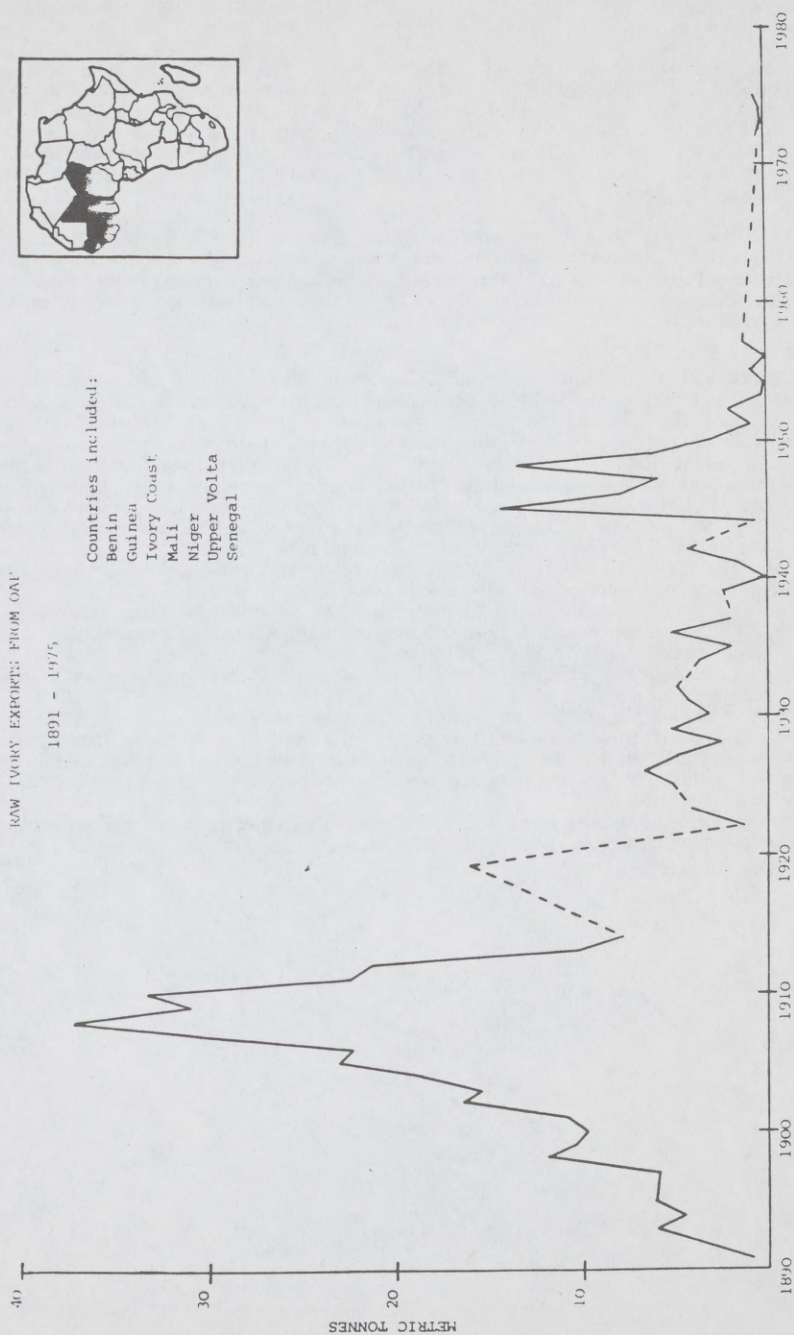
In Zambia a count we had planned in the Luangwa Valley and Kafue National Parks had to be cancelled at the last minute due to the guerilla war. Reports allege that elephant poaching has been heavy in the South, where guerrillas live off the land, but elsewhere and particularly in Luangwa, reports are conflicting, some indicating heavy poaching of elephants and others suggesting overall reduction, compression and local habitat destruction by elephants. An aerial survey in Zambia made now would indicate the scale of recent mortality through carcasse ratios, and could be compared with previous surveys to determine a trend, which would involve a further 21 percent of Africa's elephants.

West Africa

There have been no censuses from which trends can be deduced, but the historical ivory exports are revealing.

I have summarized (in fig. 1) some statistics of ivory exports from francophone West Africa for the period 1890 to 1978, including Senegal, Guinea, Ivory Coast, Mali, Niger, and Benin.

FIGURE 1



The exports show a rapid increase up to 1909, which coincides with the initial stages of colonial expansion and exploitation. This fell off before 1914, and finally dwindled away to virtually nothing, apart from a brief spurt in the late 1940's and early 1950's, following the second World War.

This long decline can be attributed to destruction of the elephant resource. According to French sources, elephants were eliminated due to lax hunting laws. Bourgoïn (1936), the Director of Game for the whole of the French West Africa, wrote "The decrees authorizing the commercial hunting, were not repealed until 1936," and allowed entrepreneurs to give guns to African hunters and to pay them to hunt for trophies and meat. This caused a rapid decrease of elephants. Rhinos were exterminated.

Today all of West Africa's elephants, including anglophone countries, amount to only 1 percent of the continental total. They have in some cases been reduced to such small and isolated populations that it is uneconomic for poachers to mount an expedition to obtain ivory. The greatest threats to their survival is elimination of their habitat, and even the Parks, such as Bia in Ghana, Tai in Ivory Coast, and the Reserve des Elefantes in Mali are under threat.

Central Africa

Central Africa, including Zaire harbours about 35 percent of Africa's elephants. Once again trends can only be deduced from circumstantial evidence such as reports of poaching, the opinions of traders on the ease or difficulty of obtaining ivory, and quantities of ivory appearing in Customs and excise statistics over time.

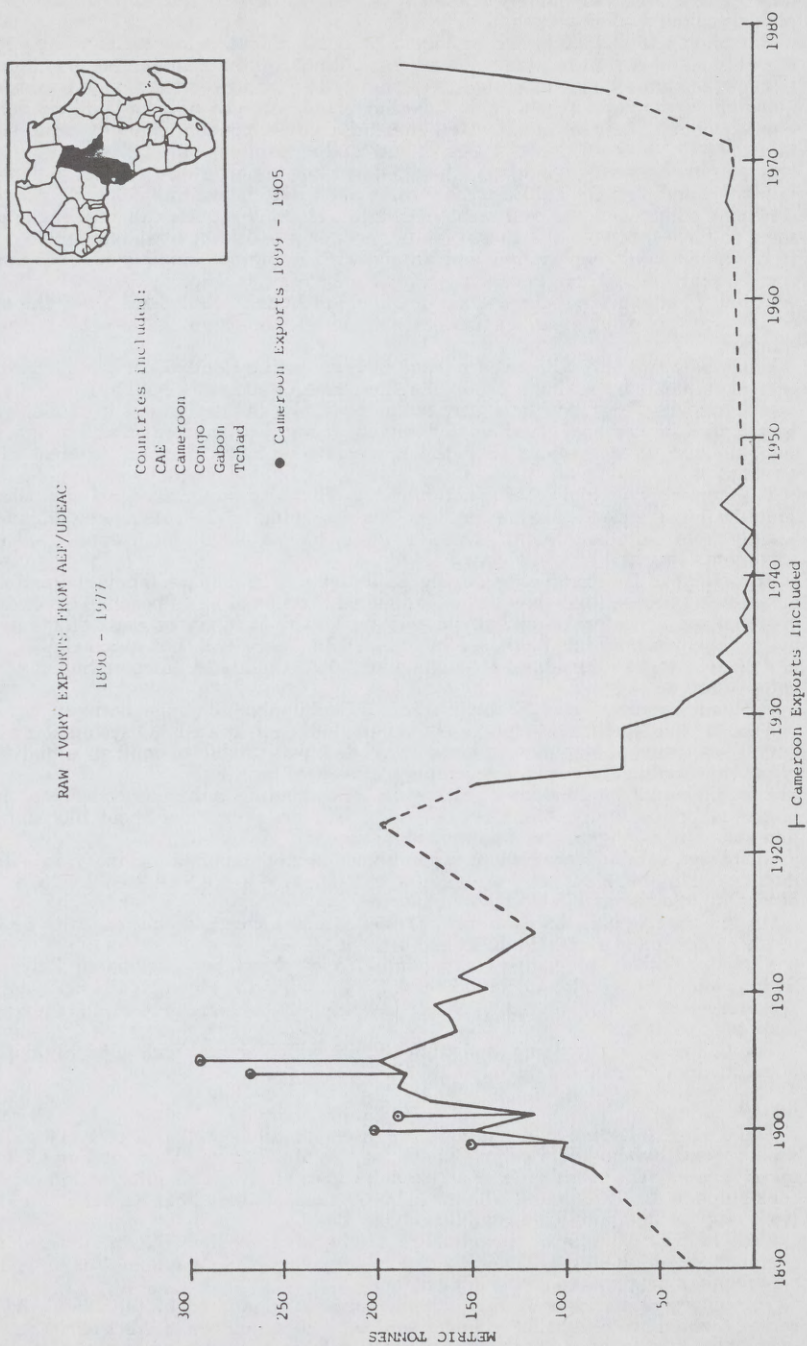
The Central African Francophone states, C.A.E., Congo, Gabon, Tchad, and after the First War, Cameroon, are shown in fig. 2. They also show a similar expansion and decline of the ivory trade before 1914. Between the wars, the demand and the price for ivory dropped according to Mr. Parker's report. Yet in recent years exports for the Central African states have again become high. The fact that the range and numbers of elephants are very much lower, raises the question of whether or not the elephant populations can sustain such an offtake.

In Cameroon, customs and export controls of ivory are virtually non-existent. It is a very tolerant society with a *laissez-faire* economy. About 40 Senegalese, Malians and Camerounais trade in ivory. Hunters (poachers) are sent out into the field to acquire ivory by rich "patrons." There is no difficulty in obtaining hunters permits nor in exporting.

Most of the elephants live in the forests in the South, where according to every source they have come under increased pressure from ivory hunters. Hunters now have to travel for many more days than before in order to find elephants. However, there is a developing infrastructure which gives better access every year to the forests.

The majority of traders complain of the increasing scarcity of ivory. Some conservationists and some government officials consider the elephant endangered in the South.

FIGURE 2



There are a series of National Parks, but while those in the North work well, the forest parks are inadequately staffed. Ultimately the best hope for the forest elephant will be in the Parks.

In Gabon the elephants are protected by dense forest, a low human population, the absence of a hunting tradition or motivation, and extremely poor communications. A certain amount of poaching exists in the South near the Congo border, and along the few roads. Anti-poaching measures are enforced only in the Presidential Park, Wongua-Wongue and in a few hunting concessions controlled by professional hunters ("Guides de Chasse"), men of outstanding professional ability.

A certain amount of ivory is smuggled out to Cameroon and Congo, and out of Libreville and Port Gentil. Customs records are wildly inaccurate.

Recent political moves by President Bongo against West African resident traders seem to have inhibited the illegal traffic out of Libreville at least temporarily. The trade appears to be splintered and diffuse with numerous small traders exporting small quantities, and not necessarily even aware of each other's existence.

The elephants are not threatened in Gabon, although populations along the route of the railway that is to be constructed across the country may be adversely affected.

In the last two and a half years trade in ivory in the Central African Empire has been dominated by a single group, La Couronne, a company which deals in ivory and diamonds. They have been granted a monopoly, in effect if not in name, which is enforced by severe penalties for anyone caught with contraband ivory. The company has direct support from the Emperor who has a personal interest in the business.

The company is highly efficient and has virtually suppressed all competitors. They have organized a buyers network and according to their own account, import mainly from Zaire and Sudan. This ivory is of course illegal, but complies with the documents required by C.A.E. law.

The effect of the company's buying activities are in dispute. They claim that in suppressing competitors they have diminished the incentive to poach. This claim is contradicted by Safari organizations and within the Ministry of Eaux et Forêt who claim that poaching has increased in the last 2½ years and that much C.A.E. ivory is delivered to La Couronne's buying agents with fraudulent Zaire or Sudan certificates of origin.

Without having visited Eastern C.A.E. I am unable to judge between the two stories. In the North, however, in the Andre Felix Park, an FAO systematic aerial survey, in terms of elephant carcasses recorded, was unable to confirm a high level of poaching, which had been alleged by professional hunters.

These hunting concessions of Eastern C.A.E. contain a higher concentration of large tuskers than any other part of Africa. Hunters every year shoot 100 pounders and last year a 150 pounder was shot on one safari.

In 1978 La Couronne became the largest single exporter of ivory in Africa. According to the Eaux et Forêt statistics, 165 tons were collected in 1978, and according to customs 175 tons were exported.

On the positive side, La Couronne has donated vehicles and equipment to be used in anti-poaching work by the Eaux et Forêt.

Their activities are clearly detrimental to elephant populations in Zaire and Sudan, and possibly also to those of C.A.E., yet within the C.A.E., they possess the resources and ability to help control poaching to a large extent, if they were motivated to do so.

The C.A.E. is on the verge of signing CITES, which should have a highly positive effect in the long run.

Congo

The People's Republic of the Congo possess detailed statistics of ivory exports accumulated by the "Service de Chasse" of the Ministry of "Eaux et Forêt." I was given access to the certificates of origin and copies all available information for each consignment for 1978 and 1979. In 1978, 69 tons of ivory was exported, to Hong Kong, Japan, Belgium, France and the Ivory Coast.

Most of this ivory is of illegal Zaire origin, obtained by "buyers", issued with permits. When the time comes to export the ivory the "Eaux et Forêt" issue a certificate of origin to those permit holders.

The biggest dealer is a Malien and the trade is dominated by ten West Africans some of whom are naturalized Congolese. Last year a number of West Africans were expelled for trafficking in diamonds, but the largest traders remained. (It is very common throughout West and Central Africa for ivory dealers to deal also in diamonds.)

The two largest ivory dealers whom I met, both had several lines of business which included, a bakery, a hardware shop, a textile shop, and a diamond buying business.

Congo like Cote d'Ivoire, and C.A.E. prepared reasonable ivory export statistics, and the department could readily adapt to the requirements of CITES.

Zaire

Zaire is the most important single source of ivory. It is also one of the first signatories of CITES and must occupy a central role in any attempt to control the International Trade in ivory.

Recent legislation and attempts at control may be summarized as follows:

1974: Office National d'Ivoire created to abolish private dealing.

1976: Zaire ratifies CITES.

1976: Zaire declares a hunting ban.

1977: Office National d'Ivoire abolished because of corruption.

1978: August: All export of ivory prohibited.

After the abolition of the Ivory Office the responsibility of issuing permits to ivory collectors and exporters was supposed to pass to the Department of the Environment. In practice the Ministry of Finance, functionaries of the former Ivory Office, and the town authorities of Kinshasa, among others, continued to issue permits. The Minister of the Environment (Commissaire d'Etat) told me that all such certificates were fraudulent. Her own department did not issue any buyers permits not authorize any exports except in the period January to August 1978. According to the Minister about fifty "buyers" permits were issued, but far fewer export permits. The only one example I saw permitted an export of 100 tons.

Unfortunately, the laws defining the responsibilities of ivory certification have yet to be formally legislated, although they have been drafted more than a year ago.

All the standard poaching techniques are reported plus the poisoning of water holes, which is said to have caused mass deaths of elephants. The department reports great decreases of elephants in North and in the Salonga National Park.

Parties alleged to be involved in poaching include regional officials, gendarmerie, agents of the CND, and the army.

As an interim conservation measure the Government of Zaire has banned the export of all ivory since August 1978, by proclamation over the radio, and it will not be resumed until further notice. This proclamation has been further reinforced by the IUCN resolution of Ashakabad calling on all importing countries to cooperate with Zaire in stopping the trade.

The greatest service that outside countries could do for elephant conservation in Zaire is to help enforce their total ban on ivory exports.

Discussion

There is not a single country in West or Central Africa which is exporting ivory in accordance with the provisions of CITES, in particular in relation to Article IV which calls for the establishment of scientific authority that can certify populations whether or not these exports constitute a threat to elephants.

Nevertheless, CITES and the ivory export ban of Zaire have had some positive effects. News of the seizure of illegal ivory in Hong Kong, France and Germany has caused several of the major traders to quit trading in ivory. This causes little distress as they have plenty of other business, and few if any of the primary producers (hunters-poachers) subsist on ivory alone.

Furthermore, the major schedules airlines will no longer carry ivory out of Zaire, which imposes an additional burden on the traffickers.

Were it not for hard data available, for East Africa no doubt certain parties would be complaining about conservationists exaggerated claims that elephant populations were declining. In 1973 in Kenya when such data was unavailable conservationists raised an outcry about the wholesale reduction of elephants on circumstantial evidence, and were later backed up by scientific research.

Today a very similar outcry is heard from other countries such as Zaire, C.A.E. Cameroon, and Congo, once again in the absence of hard scientific data to confirm the alleged decline in elephant populations.

I believe that such the populations are indeed declining.

Nevertheless, the elephant is not endangered, and there is still time to develop proper controls of the trade through CITES.

The U.S. contribution could be immense, but the survival of elephants cannot be assured by short term solutions.

As an outcome of the IUCN elephant survey we have produced a four-point action plan which included programs for direct conservation, control of the trade in ivory,

education and research, and have suggested an "Elephants and Ecosystems" campaign to finance it, which I should like to submit for the record.

The two most important problems concern protection of the elephants' habitat and control of the trade in ivory. In relation to the proposed legislation we believe that any provision which might lead to the promotion of National Parks or the strengthening of the CITES convention to be of greatest importance. Our recommendation are as follows:

1. That U.S. Technical and Financial Assistance should be used to build up the National Parks of Africa, especially in relation to manpower, training and equipment.

2. That the U.S. should offer to help signatories of CITES to set up their scientific and monitoring authorities to administer its provisions.

On the questions of a total ban I would endorse this with all vigour for those African countries which have requested importers not to accept their ivory. I do not however think that a total ban is appropriate at this time for the following reasons.

First, the opinion of African governments and conservation authorities would be highly pertinent and informative on this question.

Second, a ban already exists for all non-CITES countries.

Third, American sportsmen frequently make a positive contribution to conservation in the countries where they hunt both financially and in the field. They should be allowed to bring their tusks home.

A Campaign for Elephants and Ecosystems

There is little doubt that the elephant could be used as the prime focus of a highly successful fund-raising campaign.



ACTION PLAN

The Elephant Specialist Group of the SSC has compiled an Action Plan for the elephants of Africa and Asia, and their habitats. Combined with data collected by the Elephant Survey and Conservation Programme, this represents the most comprehensive review of the current status, problems and conservation needs of these high priority threatened species.

The Plan is designed in line with the World Conservation Strategy of the IUCN. Proposals and recommendations are listed under four key headings: Conservation, Economics, Education and Research. Every country where elephants occur is given space for its own Action Plan, listing specific projects and suggestions for elephant conservation in the country concerned.



THE RELEVANCE FOR OTHER SPECIES

The Plan is not intended to narrowly identify the elephant for special treatment.

Ecosystem

Like so many other species, the major long term threat to the elephant derives from loss of range due to human population expansion and land development. Therefore, any conservation strategy for elephants must include the ecosystem in which they occur. Elephants may be found in a wide range of habitats. Their range extends from the fringes of the desert, almost to the snowline; from lush rainforest to the sea shore. An ecosystems approach to elephant conservation will therefore bring benefit to many other terrestrial species.

Trade

The elephant is an important example of a species threatened by over-exploitation for its products. The elephant could be used as a model for effective legislation. By identifying needs, and implementing controls on trade in elephant ivory, other species threatened or endangered by similar human predation may also benefit.

Relations With Man

The elephant is a significant example of a species whose survival ultimately depends upon its relationship with man. Not only does this apply in terms of human predation for ivory, its compression due to human population expansion, or its ultimate dependence upon the protected areas set aside by man, but also in terms of the damage which elephants may inflict on human property. Elephants may cause extensive harm to irrigation pipes, fences, and completely destroy crops. Clearly, the damage elephants inflict on the works of man affects its chances of survival in those areas. Solutions arrived at to deal with such problems may be expected to bring benefit to many other species - including man. On the other hand, elephants represent an enormous resource, and may generate substantial revenues for man from tourism.



CAMPAIGN

The elephant shares a special place with those species which often draw intense human interest and affection. The social behaviour of this, the most socially advanced herbivore, has intrigued scientists and laymen for years. The diversity of interactions, the stability of the elephant family unit, the education of young elephants in the ways of elephant life - contrasted with the size of the animal, and the danger it holds for man - all act to make the elephant an immediately appealing creature.

There is a desperate need for funds for conservation in Africa and Asia. In countries where resources are scarce, every assistance is needed to support these ecosystems where the last remaining substantial populations of large mammals in the world survive. The elephant, used as a symbol of the range and complexity of problems facing large mammals today, is ripe for exploitation.

Let's make next year

ELEPHANTS AND ECOSYSTEMS YEAR

IUCN/WWF/NY2S ELEPHANT SURVEY AND CONSERVATION PROGRAMME P.O.BOX 54667 NAIROBI

[Whereupon, at 6:20 p.m., the committee recessed, to reconvene at 10 a.m., Thursday, July 26, 1979.]

ELEPHANTS

THURSDAY, JULY 26, 1979

HOUSE OF REPRESENTATIVES,
COMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, D.C.

The committee met at 10:15 a.m., in room 3445, Longworth House Office Building, Hon. John M. Murphy (chairman) presiding.

Present: Representatives Murphy, de la Garza, Studds, Hughes, Lowry, Dornan, and Carney.

Staff present: Martin Howell, majority professional staff; Carl Perian, chief of staff; Frances Still, chief clerk; George Mannina, minority staff; Len Sutter, majority counsel; and May Kido, majority secretary.

The CHAIRMAN. The committee will come to order.

There are other scheduled events that prevented my being here and we are grateful to Congressman Oberstar for his chairing of our sessions.

I have read the transcript and went over the very extensive testimony that was presented yesterday. As you know, we have tried to work with the Department of Interior with respect to the import of ivory within their statutory authority for the past 18 months. We feel that they have failed to act and that is precisely the reason we are doing this indepth hearing, doing it in these several days before our summer break so we can have legislation as quickly as possible.

Our first witness today is Ian S. C. Parker, wildlife research and management consultant from Nairobi, Kenya, a recognized authority on the African elephant.

Dr. Parker.

STATEMENT OF IAN S. C. PARKER, WILDLIFE RESEARCH AND MANAGEMENT CONSULTANT, NAIROBI, KENYA, RECOGNIZED AUTHORITY ON THE AFRICAN ELEPHANT

Dr. PARKER. Mr. Chairman, thank you for inviting me to attend this meeting. In introduction, I am a wildlife research and management consultant or, rather, I was. My current interest happens to be fish culture and I am a little out of my depth here. However, my experience with elephants and ivory extends back 23-odd years and has covered most aspects of elephant conservation, law enforcement, prosecution, drafting wildlife legislation, being involved in elephant control, the culling programs in East Africa as well as undertaking consultanties on behalf of the trade itself in the process of which I have traded ivory; therefore, I think that I understand the issues from a fairly wide base.

Not being a citizen of the United States, I have some reservation about commenting on what is essentially internal legislation and I only do so because, honored as I am, the intent of your legislation is international and not only national. I knew when I wrote this testimony that it wouldn't be much good because I have just completed my part in the ivory study and really my testimony is in the book here, some 1,000 pages, which will take a little time to read and I won't attempt it. I do feel, however, that it is a little unfortunate to have got to this stage of discussing legislation before the results of this survey have been digested and the digestion will take sometime.

The report covers the evolution of the ivory trade from 1500 until the present time. The purpose of going so far back in time is to illustrate just what the ivory trade has been and is to Africa, the major point being that it is no ordinary wildlife product. It is a currency and as much as any single commodity, it has been responsible for the shifting of Africa's political boundaries.

All the invaders who went to Africa in the early days went to get gold and ivory. In their acquisition of land, the distribution of ivory played a very important part. Overall, the result that I think is pleasing from the work that has been done by Dr. Douglas-Hamilton over the past 18 months or 2 years and the ivory survey is that the situation is not quite as gloomy as it appeared when the work started out. Significantly, we do not believe the African elephant to be an endangered species. The distribution of 2.5 million square miles and 1.3 million elephants, minimum estimate, gives a better basis for planning for the future than appeared in 1977.

Now, this is not to say that there is no cause for concern. There is, but we do have time to make sensible decisions.

The second finding of major importance is that at a continental level, the ivory trade is not as out of control as has hitherto been believed. We have some data here that has come through the ivory report, the survey, which indicates that the sum or ivory entering the international markets is of the order of 5 percent or less of the standing crop of elephants. That is on the basis of the data as it stands and Dr. Douglas-Hamilton and I are unanimous in cautioning anyone about using these figures as absolute and trying to build up models. The minimum estimate of elephants is 1.3 million. It could be lower. It could be double that. At the same time, there are elements of the trade that have been extremely difficult to come to terms with, not necessarily the illegal aspects, but those in countries which have political systems that make it difficult for us to get at that information, notably, China. They have been asked for information on their imports. It has not been forthcoming and there are other countries, as well, which do not publish trade statistics and which make it rather difficult to estimate what they are taking.

However, our cautions about using absolute figures or using the figures we put forward as a basis for models notwithstanding, we do believe that the situation is a lesser crisis—I don't really like using the word "crisis"—a lesser situation than we had previously thought.

This overview notwithstanding, there are areas in which ivory hunting has caused and is causing elephant decline. Notably, there

are two factors which have to be present for this to happen. The first is a good transport infrastructure. Ivory is a very difficult commodity to move in bulk. It is very difficult to hide. It is not like drugs, heroin or something like that, that can be just stashed away with a very small amount worth a lot of money. A ton of ivory is a very bulky package and the ivory trade deals in hundreds of tons, so this comes up throughout the history of the trade. Ivory has only been able to move where there is a good transport infrastructure.

The second factor that is necessary is a general laxity in law enforcement. When these two come together, then for sure, you will get ivory poaching on a massive scale and that is what has happened. The classic example is Uganda where there has been a major breakdown in law. There has been virtually no law as far as conservation of the elephant is concerned since Idi Amin came to power in 1971; and now that he has left, the situation is worse, not better, because the new government has not managed to reestablish the order of law.

It is because of the good transport infrastructures in Kenya and Uganda that these countries have seen really spectacular declines in their elephant. Elsewhere, the law may not be enforced. Many of the rural people exist almost in ignorance of it or, if not in ignorance, they disregard it completely. But in those places, where you can't move it on mass, there is poaching; but it is not at catastrophic levels.

It is only slightly over 1 year since elephants have been affected by the Washington Convention. It has had some influence on the international trade but, at this stage, it has shown far more weakness than strength. Now, this is not a criticism. It is absolutely unreal to expect new legislation on this scale to rectify all wrongs in an instant, and it is in this respect that I have misgivings about the value of your bill, H.R. 4685.

If in these early stages we are to discount CITES and countries start to take independent initiative outside this Convention duplicating its purpose, the Convention will be undermined. It is worth recording that this is not the first convention of its kind. In 1933 on a lesser scale, there was the Brussels Convention which bound African countries, when they were ruled by European colonial powers, to follow rather similar practices that are being advocated now.

As things stand at present, there is both national and international legislation through which the ivory trade can be controlled. The United States can prevent import of ivory from any country not signatory to CITES and any country which has specifically banned trading in ivory such as Kenya and Zaire. If ivory comes into the country, it seems to be a matter resolved through an administrative manner rather than legislation. As an analogy, at the end of a good meal, a bowl of nuts is handed around and someone finds a hard nut and he finds the nutcracker does not work and someone says "We must move the house." So it seems overkill to solve this by legislation. It is an administrative matter. The effect of a 6-month ban on all elephant products would inconvenience the traders involved very considerably, but I don't think it would have any overall effect on the ivory trade internationally.

This is because of a hitherto unexpected aspect. One has heard that it is used as a hedge for bullion, but no one really worked out how much. It does appear to be the major use of ivory, not the minor use. The role of the ivory traders is rather similar, the people who carve ivory is rather similar to jewelers and goldsmiths and they are not the people who set the price of gold. Nor are the ivory carvers the one who set the price of ivory. If one wishes to go to the roots of this, it is in the international situation.

When people get frightened of paper money and the international economy rocks and the dollar loses value, this is the time they go to gold and all the traditional hedges and ivory happens to be a prime one particularly in the Far East.

It is in this light that the role of the United States in the world ivory trade should be considered because it is much less than hitherto been thought. The country takes probably 2 percent—1 percent of the world production of raw ivory, that is Africa's production of raw ivory, and there are many countries that take more than that.

On worked ivory, the trend was from the late sixties to the early seventies, one of decline. U.S. take from Hong Kong was diminishing. Each year it was becoming less and less.

The California legislation introduced by Congressman Beilenson reversed this flow and created a tendency to stockpile both in raw ivory and worked ivory. With that, the United States moved from about an average of 9 tons a year in 1976 to 36 tons and that has come back down, but the worked ivory also showed this big increase and the United States has regained its former position as Hong Kong's primary, most important market. This is an example of how legislation made, with due respect in ignorance, can produce a countereffect to that which it is hoped to do.

However, the aspect I feel perhaps most important about U.S. interests in the ivory trade is that this is an African resource. On the hoof, ivory is worth about \$1 billion to Africa. It may be substantially more. If the price of ivory does what it did in 1978, which was double, this sort of thing can happen in the space of a year. The value of this resource is going to go up.

Attempts to revalue this as have been suggested in the past 20 have no chance of success whatsoever. And also I doubt the political wisdom for the very principals of attempting to manage Africa's resource from outside. It brings to mind an incident regarding the late Lumumba who was one of Kenya's foremost politicians prior to his assassination and in the turmoil leading up to independence, he took part in many demonstrations. In those days, we call them riots. On one occasion, a friend of mine, a journalist, was standing next to him and he said, "Why did you let them go all over the beautiful flower beds?"

Those of you who have been to Nairobi, know it is a garden city. The flower beds were completely flattened and trampled.

He said, "Get one thing straight. Those are our flowers and we will do what we will."

I believe that the proper course for the United States is to strengthen the Washington Convention and try to make it come to life. As it stands, it has great need of modification and amendment. However, if the United States, the world's wealthiest nation cannot

correct the asserted inefficiency of its own administration, of this convention, then you have signed its death knell internationally.

As your interest in elephants involves 34 countries in Africa, I think it only fair that you should seek official positions and responses from their respective African governments and this takes rather more time than is available to many at this hearing and on this issue my position is entirely unofficial. I do not represent any African government or any African interests. I am here as a private person. Yet, I feel that Kenya's official position should have been obtained from Kenya.

There are a number of points that His Excellency, the Ambassador from Botswana, Bias Mookodi asked me to cover as a result of his testimony yesterday. First of all, he hadn't had time to obtain information that described the Botswana permitting system. They do have an efficient permitting system. A hunter takes a license to shoot an elephant. As soon as that elephant is shot and before he may sell that ivory, he has to take it to the wildlife authorities and have it registered. It is registered by having a number stamped onto it with a punch which is only removable by damaging the tusk considerably. No buyer may touch that tusk or buy it unless it has been registered. If you look at any Botswana export permit, you will see that the number of each tusk is placed upon the permit. Finally, I believe that a lot of what has been said in the United States about elephant poaching is heavily biased.

You have not heard and there has not been a lot in the press about the efforts that are being taken to rectify this situation in Africa. Lots of dead elephants make good press. A few court cases don't seem to catch the same attention. I think that the developments in Kenya in recent months should be taken into consideration and should be given the same airing in your press that the NGO's managed to achieve with the other side of the coin.

Mr. Chairman, I will stop there and I am open to questions.

The CHAIRMAN. Thank you, Dr. Parker.

You said it will be several months before that study of yours will be completed or published. It seems to be a little bigger than our own record.

Dr. PARKER. Yes, right, sir.

The CHAIRMAN. Is it an official study now?

Dr. PARKER. That is an official study. The process of how that came about is that you commissioned IUCN. IUCN commissioned Dr. Douglas-Hamilton, my colleague, and he commissioned me. So first of all, I have to thank Dr. Hamilton for consulting you, IUCN, yourself and, at the top end of the chain in the evolution of this document is your organization here MONITOR. I understand they claim responsibility for putting up the money.

The CHAIRMAN. In relation to the African countries, three came in yesterday to testify: The Ivory Coast, Botswana and South Africa. Three others are submitting statements: Kenya, Zaire, and Tanzania. Zambia said they would probably submit a statement. So we are reaching out to the countries in Africa. We are not trying, as you indicate, to get into a replenishable resource of these countries and try to regulate what could be an internal matter. Of course, I think we have a bona fide historical right as our agreements in tariff and trade do on the limitations of certain exports

and certain imports for purposes that range from trade to conservation. I think that is a fairly well-established international point.

How many countries are members of CITES?

Dr. PARKER. Overall?

The CHAIRMAN. Yes.

Dr. PARKER. I think your department here has a list which I think has been submitted. I believe it was submitted yesterday.

The CHAIRMAN. Are there any noticeable exceptions?

Dr. PARKER. Most definitely. The Central African Republic is not yet a member of CITES. It is the biggest South African empire. It is the biggest exporter for ivory at the moment. There is a possibility that they will come in. The Congo is not in. I don't think Cameroon is yet. I think if the ambassadors here were to be approached by you on the subject, and also I think that if your emphasis abroad were to discuss this with the respective governments and point out the advantages of joining CITES, a good step would have been taken.

The CHAIRMAN. I think we will communicate with our appropriate agencies to do that.

We are going to have to recess. There is a vote on the energy bill right now. I will be back in about 5 minutes.

[A brief recess was taken.]

The CHAIRMAN. The committee will come to order.

Dr. Parker will resume as a witness.

In your statement, you implied that carving in that type of use of ivory was just a small part of the interest that many people had in ivory, but that there is, in effect, an ivory bank perhaps as a hedge against inflation or perhaps as a stable commodity as far as value in concerned.

Will you expound on that point a little bit please?

Dr. PARKER. Certainly, sir. The value of raw ivory traded in 1978 amounted to about \$82 million internationally. Now, if all that was destined to be carved and turned into carved ware, its gross value will go up by a factor of times 3.3, and so the international trade or the trade in worked ivory should have been the order of \$270 million. In fact, the international trade in worked ivory, I can't get higher than \$40 million. That is half the value of the raw product.

Now, a lot of ivory that enter Europe won't come out across national boundaries. It will stay within those nations and not be available in trade statistics. But let us say it is double that and we are then up to only the same sort of value as the raw ivory. It would appear to be going on the ground—well, not on the ground, but that is to imply the wrong perspective on it. It is being held as bullion. The clincher to this is if ivory carvers or if the customer and the carver was the man who was setting the price for the product, the traders would be happy with the situation as it is. The carvers would be happy. In fact, carvers in every country in Europe, in Germany, in Malawi, India, and Hong Kong are going out of business because they can't afford ivory and hence my analogy to goldsmiths and jewelers. They have to go along with the price of ivory and that is, I am sure, set by international pressures, monetary pressures and the use of ivory as a hedge.

Mr. HOWELL. Mr. Parker, I understand that at times you have been a hunter of ivory, of elephants; is that true?

Dr. PARKER. I have shot elephants extensively for game control when I was in the Kenya Game Department. I have taken extensive elephant culling programs for the Uganda Government, the Kenya Government, and the Rwanda Government and in that process I have produced a lot of ivory which has been sold.

Mr. HOWELL. You have engaged in the trade yourself?

Dr. PARKER. That is so and, further, some traders have in the past employed me as a consultant to describe the ivory trade to them. It is a very conservative trade and there is a great deal of not knowing what your neighbor is up to. So I have gone in and described the trade and in the process of doing that, I reached the point in which I wasn't going to get any further unless I handled ivory and followed it right through. So I traded ivory.

Mr. HOWELL. Do you know of any way you can trace ivory which has been transshipped from Africa to India or Hong Kong and from those countries into the United States?

Dr. PARKER. In its raw form, it is traceable. You can mark it. The best marking system that I have seen is that adopted by the Kruger National Park Authorities in South Africa. They actually drill a hole through the hollow end of the tusk and rivet a metal disk with a serial number on it. This system can be improved substantially by making the disks difficult to forge and if you knock the rivet out, you usually break the tusk. It is very obvious. This is something that can be developed to a workable system of identifying raw ivory, but not worked ivory. The trade in worked ivory and the attempt to put out permits for it, I believe, to be attempting the impossible. You get a big tusk that someone makes into ivory beads and he is going to make hundreds of beads out of that tusk and, technically, under CITES and under the law every bead needs the serial number.

First, you would have to grow a forest to make the permitting system, so I don't believe it is possible to trace worked ivory. That is very difficult, but raw ivory is where the emphasis should be put. That is easy to follow.

Mr. HOWELL. I would just like to point out that I think you made a good point in saying that CITES has made some improvements. But you have only four African nations who are members of CITES, two of which, Zaire and Kenya, do not export any ivory. Therefore, I would like to point out that H.R. 4685 is not in competition nor in opposition to CITES. We have been trying to make CITES work for 18 months as you heard me tell Dr. Hamilton. We are in precisely the same spot today that we were 18 months ago in this country.

Do you have any comment?

Dr. PARKER. Yes. I don't think we are. I would feel embarrassed if you felt in view of this tome of paper in front of me, but I think the first 18 months of CITES has been—when the legislation was enacted, everyone thought that is simple. We will just climb in and that will work and they suddenly found no, it is not as simple as that. The African countries' permitting systems have been up the creek. Your own permitting system leaves something to be desired.

For example, when you export a wildlife product under the convention, the original permit is held here in the United States at the point of exit. That deprives the receiving country of a genuine

document. They have to do the duplicates and the duplicates are always easier to fiddle with than the original. Hong Kong is embarrassed by this because it insists upon the originals accompanying the consignment and so the important thing that has come up is that we need a uniform system, and what has come out of the work done so far is that that uniform system doesn't exist and the previous permitting systems were not able to keep up with CITES.

So point one, we now know that we need a better permitting system. This has been suggested in the report. We have gone into this in some depth. The need for a uniform permitting system is paramount.

Mr. HOWELL. Thank you. I have no further questions.

The CHAIRMAN. Mr. Dornan?

Mr. DORNAN. Mr. Chairman, I wonder, would it be all right to go off the record for just a second?

The CHAIRMAN. Surely.

Off the record.

[Discussion off the record.]

The CHAIRMAN. Back on the record.

Mr. DORNAN. Mr. Parker, I appreciate your tremendous efforts to save one of the greatest animals to walk the face of the earth. Without mentioning countries and families by name, hasn't it been a practice in Africa that the ruling tribe in any given country may posture that they are defending the African elephant when, in fact, there is a political or family trade where they are the worst poachers of all, the ruling families, the ruling tribes?

And if this is true, do you see any way to remedy this, particularly by the African leaders who can be trusted on how we could dialog with them about bringing a positive result in the survival of the African elephant?

Dr. PARKER. That is a real buckshot question. There are many, many answers that come out of that. Ivory in Africa has traditionally been the prerogative of the ruler in many, many countries. The first tusk to hit the ground, if the elephant fell on his right side, the right tusk belonged to the chief. So when you say has there been a tendency for the rulers to associate with ivory and claim it—yes, there has been such an association. It is traditional.

However, in many instances, it has not carried forward into the modern situation. There are many presidents, many senior men who do not exercise a traditional authority. I think the gist of your question really centers on corruption. Is there corruption in Africa? Sure there is corruption in Africa, but then there has been corruption here as well. Whether you can lean on a corrupt person for his ivory dealings outside of his general attitude toward life, I very much doubt. I would say you couldn't select ivory out of this and treat it separately. You must treat it within the overall political perspective.

Mr. DORNAN. Is there a worst scenario and a best scenario? What is your worst prediction if we don't take the right steps for the elephant?

Dr. PARKER. I am a professional pessimist. Let me put it in a slightly different way. To enforce the law, you need certain manpower. How much manpower have you got in Africa for conservation?

I did a small survey of about 15 countries in the process of this work and it worked out there is 0.007 of the population devoted to conservation and of that, 0.1 is devoted to actual law enforcement. We have bureaucracies. There are a lot of guys pushing pens and they really don't constitute part of the force.

If you put it a different way, the number of men available per unit area, you have one man available on average to anything between 100 square kilometers, I'm afraid we have gone metric, to 58,000 square kilometers per man and this is the crux of the whole problem. There is not the manpower on the ground to enforce the law within the parks, let alone across the continent.

So my advice is, first of all, get the parks organized. The national parks on their own total way over 100,000 square miles. That is bigger than 35 percent of man's political state. They contain at least 175,000 elephants and probably many more. That is at least 100 times the number of bison that you have in the United States. And if you can protect those parks, if you can get the parks organized and properly policed, then you have taken a very major step toward preserving a species, the genetic entities.

However, outside the parks where most of the elephants are, 75 percent are outside the park, they are a resource which in present circumstances will be very difficult to protect.

Mr. DORNAN. So you would predict by what year 75 percent of all the elephants in Africa, those outside the parks, will be gone?

Dr. PARKER. I will not give you a prediction in years. All my predictions come to grief. However, I will put it this way. The population is increasing at 3 to 3.5 percent overall. It is over 90 percent rural, and that rural expansion is really what is going to fix the elephant in the long run, so if you want to look at that from that point of view, the answer is to get hold of a demographer, look at demography and find out what the human population trends are because those alone will tell you how quickly the land will be denied to the elephant.

Mr. DORNAN. The land is a key factor, even more so than poaching?

Dr. PARKER. Land is the long-term factor, absolutely. I don't think it is worth looking outside the parks until you have got the parks going. If you can't manage those parks, then kid yourself not, you are not going to manage them outside.

Mr. DORNAN. Do elephants breed as well in captivity as they do in the natural environment?

Dr. PARKER. I don't recall anyone trying to breed any large number of African elephants in captivity. It can be done. It has been done. They have been bred in Botswana Zoo, however, the history of the Indian elephant, which is different, is that they never bred them in captivity or very few. When they wanted to replenish their domestic elephant, they went out and caught wild ones.

Mr. DORNAN. Very small ones always?

Dr. PARKER. No; they tended to catch subadults.

Mr. DORNAN. Then they would break them and train them?

Dr. PARKER. Yes; train them and break them as you break a horse.

Mr. DORNAN. Thank you.

The CHAIRMAN. Mr. Lowry?

Mr. LOWRY. No questions.

The CHAIRMAN. Counsel?

Mr. MANNINA. The relevant question is not the total international trade of ivory, but the volume of exports in Africa.

Mr. PARKER, in the course of your study did you quantify the volume of ivory exports from Africa?

Dr. PARKER. Quantify what?

Mr. MANNINA. The volume of ivory exports from Africa?

Dr. PARKER. That is right. I have done that. They run currently at about 800 tons per annum out of Africa. There has been a lot of double counting of exports before which has given an inflated figure and this raw ivory passes through not more than 200 traders in the world. In fact, it is probably substantially less than that. This to me is the place where you can put your effort. The traders number probably less than 25 in Europe who handle import-exports of raw ivory. There are maybe less in Hong Kong and a similar number in Japan. This bottleneck is where you can get some legislation going and some cooperation going.

I would like to take this opportunity to put over something that has been ignored badly in the past. The traders have been vilified. I think yesterday we heard them referred to as mafiosos or drug traffickers. This is completely untrue. The traders have never been approached by conservationists. You might say, as it affects their livelihood, they should have approached the conservationists.

But the trade has proved very willing to cooperate and this tome here is very largely the product of the traders. They have come forward. They have given me the information. They have given me access to their books and their stocks and everything. I think this is a very significant development from the meeting here in 1977 when people say nothing came out of it. OK, the trade will come. The trade has demonstrated very considerable good will and in attempts to regulate it, I suggest that they be involved and consulted in this legislation. It is ridiculous to talk about regulating the trade and then not contacting the men concerned.

Mr. MANNINA. How many elephant tusks does that represent?

Dr. PARKER. I get shifty when it comes to hard figures.

Mr. MANNINA. Approximately?

Dr. PARKER. Somewhere of the order at the moment of 50,000 or less, but it wouldn't surprise me if it were a little bit more than that. My estimate is 50,000 or less.

Mr. MANNINA. One final question.

Testimony will be presented later today arguing that hunting is not a serious problem for the elephant's survival.

Would you comment on that?

Dr. PARKER. Hunting? By that I take it what is meant is legal hunting?

Mr. MANNINA. Yes.

Dr. PARKER. Sport hunting?

Mr. MANNINA. Yes.

Dr. PARKER. That is of no consequence whatsoever to the populations of Africa at the moment. That is no imposition upon the population. It takes older males. It produces fine tuning. If you have a set number of sport licenses coming off the population and

you record the average tusk weight, you would be able to see changes in the population at a very early stage and, again, if you have been able to document this from Uganda and Kenya.

Mr. MANNINA. Would you reach the same conclusion if we added in illegal hunting?

Dr. PARKER. No. Illegal hunting is what has clobbered Uganda and Kenya completely. As for annual mortality as we discussed privately before the session, it is very difficult to give any set figure. In some places, you have populations, young populations, with a low mortality, probably 2 percent, increasing fast or replacing often and in other populations you have high mortality. It is a very heterogeneous situation. This is something neither Douglas-Hamilton nor myself like to be associated with, a tan-African blanket situation. You should look at it country by country. Each has its own problem and each stands on its own.

Mr. MANNINA. Thank you.

The CHAIRMAN. Thank you, Dr. Parker, we appreciate your testimony.

[The following was submitted:]

STATEMENT OF I. S. C. PARKER, NAIROBI, KENYA

In July I testified before your Committee, but as I was unsure of what was wanted, I feel that my testimony lacked quality and direction.

Since then I have had the pleasure and privilege of introducing Counsel Martin Howell to the international ivory trade so that the Committee has access to first-hand knowledge from one of its own staff. In the meantime I have had time to appraise what I heard during the Committee hearings and take the liberty of adding further thought to the testimony already delivered.

The situation vis-a-vis the status of the African elephant as understood by the environmentalist lobby in Washington derives from conditions which prevailed between 1970 and 1976. There are two reasons for this. First relates to the inevitable lag between a happening in Africa, its emergence in the western media and the time needed to use this in the creation of a public "cause". Due to this the present environmentalist attitude in the United States is obsolete to a degree.

This is not to say that since 1976 there has been a cessation of elephant poaching in Africa, for such is not true. In some countries (e.g. Kenya) there has been some improvement. In others (e.g. the Central African Empire) there have been deteriorations. The main difference between pre and post 1976 is that since that date many of the ivory importing countries (e.g. Britain, France, Germany, Hong Kong etc.) have made elephant products subject to regulation as called for by the Washington Convention on Trade in Endangered Species of Fauna and Flora (CITES). This has had some influence on uncontrolled trade. During the same time some African countries have been moved to try and control the trade. Again Kenya is the easiest example to quote; the former Director of the Wildlife Management and Conservation Service has been removed from his post, matters pertaining to anomalous exports of ivory and other trophies are under investigation or currently sub judice. Thus while all is far from well with the African elephant, the situation passed its nadir before 1976 and since then has improved somewhat.

The rather general trend to ignore the improvements leads to the second reason for failing to report them. This relates directly to the interests of the parties who benefit from all cases of "conservationist alarm". It relates to bodies both in Africa and the United States.

Over the past 20 years or so conservation in Africa has drawn heavily upon Western charity. This is seldom forthcoming for routine administration or research. However its availability rises proportionally to the desperation of a situation, and there is nothing so desperate as an animal "endangered" to the point of "extinction." In order to get money for projects in Africa both administrators and research scientists have drawn heavily on this phenomenon—with varying degrees of cynicism.

The claim of endangered-ness is similarly used to good economic effect by the news media (sensation sells) and some conservation groups (sensation draws attention and funds to the cause). I shall not take this further (though this can be done if

necessary) other than to observe that the elephants of Africa has been suspected to number more than 1 million for some years, that those who have sold the "case" of elephant endangered-ness most vociferously have been well aware of the annual destruction of some thousands of elephants in defense of crops, and that in the same vein, they were aware of recent steps to control illicit ivory traffic. This being so, the suppression of the information and the attempts to maintain the current aura of elephant crisis can only have been done to further particular human needs and not those of elephants.

As will be seen from my report on the world ivory trade, I have doubts as to the overall efficacy of CITES. However I do believe that it can be applied effectively to raw ivory. In this respect the systems employed in Britain, France, Germany and Hong Kong show considerable promise. In all four countries ivory permitting is routine and effective. The most efficient operation is unquestionably that run by Hong Kong. If the U.S. Fish and Wildlife Service had applied the CITES requirements with half the success of that country, there would be little case for the current attention of your Committee.

I have received courtesy and assistance from members of the U.S. Fish and Wildlife Service and in consequence I have a reluctance to criticize their institution. However, as it is at the very core of the problem where the United States is concerned, this cannot be avoided. Without question the U.S. Fish and Wildlife Service's application of CITES in regard to ivory is the worst I encountered in any developed country. As an organ of the world's wealthiest nation, it would not be unreasonable to expect it to function as the most efficient of its kind. Regretably it takes longer to answer correspondence or process permit applications than any similar department in the developed world and much longer than most of those in the under-developed world.

Perhaps this inefficiency showed up more clearly over the allegations that the Service had permitted the import of illegal ivory into the United States during 1978. No defense was offered against the allegations—rather the opposite happened, there was an acceptance of default. However the allegations do not all bear scrutiny. In several circumstances it is doubtful whether the Service had in fact erred by permitting imports.

The first concerns the assertion that Kenya has banned all ivory exports. It has not and Counsel Martin Howell has the true legal position to lay before the Committee. While there have been both Presidential and Ministerial statements in Kenya between 1973 and 1978 on the intention to ban exports of ivory, such do not of themselves constitute law. While there may be ground within Kenya to question the continued dichotomy between intended policy and the actual legal position, this is for Kenyans to resolve among themselves—which no doubt they will do. Where the U.S. Fish and Wildlife Service is concerned there were no legal grounds for questioning the validity of export permits issued for ivory in 1978 by the Kenya Government. Similarly the situation vis-a-vis Zaire and claimed bans on exports of its ivory does not appear to have the mechanics of law behind it.

A further point in respect to imports from both Kenya and Zaire is that ivory goods fashioned from tusks originating in either country could well take several years in the process of transformation from tusk to artefact. Thus even if there had been legal bans against the export of ivory from Kenya in 1978, ivory legally exported in the several years preceding the ban will continue to move through trade quite legitimately for some years to come. That the Fish and Wildlife Service was unable to suggest that these most likely explanations of apparent illicit import would account for the alleged discrepancies I find astonishing to say the least.

As stated during my previous testimony, I believe that the introduction of new legislation is no panacea for Fish and Wildlife Service inefficiency. Because it has been unable to administer one set of regulations is no ground for believing that it will do any better with another set. Further, the belief that the United States should, by framing new laws, set an example to the rest of the world must generate incredulity among those countries who have already achieved substantial success in applying the CITES formulae to ivory. In truth the United States is in no position to set examples, but rather the reverse applies—it could learn a great deal from others.

The foregoing notwithstanding, I am convinced that through political exigencies, new legislation within the U.S.A. pertaining to elephants and their products is unavoidable. This being so I believe that H.R. 4685 lays the skeleton for a viable system. However a number of modifications seem necessary and have taken the further liberty of attaching a modified version of the Bill hereto. I also append a list of notes in explanation of the changes from the original H.R. 4685.

The CHAIRMAN. I have a letter from the World Wildlife Fund in Kenya, signed by Ellis T. Monks, executive director, which I would like to submit for the record following Dr. Parker's testimony.

It says in part:

As I have seen the situation develop over the last 15 years and read the many reports that have been submitted on the "Elephant Problem" as it has come to be referred to, I am quite convinced that the report as presented by Mr. Ian Parker and the conclusions drawn from it offer the most unbiased views and balanced recommendations which can be hoped for at this time. The situation must be closely monitored and a controlled ivory trade would be in everyone's interests, not least of all the elephants.

[The following was received for the record:]

WORLD WILDLIFE FUND,
Nairobi, Kenya, July 16, 1979.

Congressman JOHN MURPHY,
Chairman, Merchant Marine and Fisheries Committee,
Washington.

DEAR MR. MURPHY: Having been very concerned and involved in the discussions and surveys following the rapid decline of elephants in Kenya we are awaiting with some apprehension the outcome of the bill before your Congress on the banning of elephant products.

As I have the situation develop over the last 15 years and read the many reports that have been submitted on the "Elephant Problem" as it has come to be referred to, I am quite convinced that the report as presented by Mr. Ian Parker and the conclusions drawn from it offer the most unbiased views and balanced recommendations which can be hoped for at this time. The situation must be closely monitored and a controlled ivory trade would be in everyone's interests, not least of all the elephants.

On the information available to date, therefore, I would like you to know that the views expressed by Mr. Parker reflect those held by the World Wildlife Fund, Kenya.

Sincerely,

ELLIS T. MONKS,
Executive Director.

The CHAIRMAN. Our next witness is Mr. Stanley W. Smith, American Ivory Importers Association, accompanied by Mr. Mark Au.

Mr. Smith, your entire statement will be put in the record. If you want to summarize it, you may.

STATEMENT OF STANLEY W. SMITH, REPRESENTING AMERICAN IVORY IMPORTERS ASSOCIATION, ACCOMPANIED BY MARK AU

Mr. SMITH. I am appearing on behalf of the American Ivory Importers Association, together with Mr. Au. We thank you for allowing us to present our perspectives on what everyone agrees is a very complex question. Since my statement contains a number of figures, I would like to submit it in detail at this time if it is acceptable to the Chair.

The CHAIRMAN. Certainly.

Mr. SMITH. The association, whose members import ivory largely on a wholesale basis from Hong Kong, appears today to reaffirm its commitment to insuring the continued survival; of the African elephant and wishes to assist the committee in any manner possible in its efforts toward this mutually held goal.

The problem at this juncture is the development of an approach to guarantee the long-term survival of the African elephant. There remain still the three primary factors which combine to threaten

the African elephant: One, the human demand for ivory and the elimination of the African elephant as a hindrance to agricultural production and as a threat to human life and property; two, the loss of range associated with the pressure of expanding human populations and development; and three, habitat degradation resulting from the over-concentration of elephant populations in increasingly small areas.

Man's demand for ivory has been perceived by many observers to represent the most critical and urgent of these problems. Public attention has centered almost exclusively on poaching and illegal trafficking in ivory as the focal point of the problems confronting the African elephant. While it is undeniable and certainly deplorable that there are those individuals who would engage in poaching and illegal exploitation of this resource, the unfortunate conclusion has been drawn by many connecting those legitimately engaged in the ivory trade with such illegal activities.

This conclusion, no doubt, is largely the product of a lack of knowledge in the Western world about the mechanics and development of the trade. The carving of ivory traces the roots of Chinese culture back at least 3,500 years. Ivory has, during this period, been used to depict religious, historical, mythical, and cultural figures and has developed continuously as a fine art form, providing both a skilled profession and a livelihood for generations of artisans.

The attention focused on poaching and illegal trade has grossly exaggerated the relative seriousness of the threat to the continued survival of the African elephant from the demand for ivory in relation to the other two primary threats now confronting this species. Fundamental is the recognition that it is impossible to divorce the solution to the poaching problem from the larger issues surrounding conservation of the African elephant. Paradoxically, it is difficult to imagine any one group more logically committed to guaranteeing the survival of the African elephant than those engaged in the trade; for without ivory they suffer a loss of a means of a livelihood, and for many of them, a cultural loss as well.

In actuality, the trade does not need poached or illegally traded ivory to sustain its current levels. Dr. Iain Douglas-Hamilton in December 1977, provided the committee with his minimum estimate of the total elephant population in Africa of 1,300,000. Other estimates in that time period placed the number of African elephants at 2 million, and a recent census has pegged the total population today at approximately 1,700,000. It is reported that the total population increased at a new annual rate of 3 percent, which correlates roughly with the average harvest rate of 4.2 percent employed to maintain a stable population in the Kruger National Park in South Africa. As outlined in attachment 1 to my testimony, Hong Kong exported a total of approximately 432,000 pounds of worked ivory in 1978. Adding to this figure exports from Hong Kong via the tourist trade, and the total exports from other nations in the world, total worldwide worked ivory exports in 1978 were approximately 806,000 pounds.

Adopting the minimum population figure of 1,300,000 African elephants, and applying conservative mortality rates of 1.8 percent for natural deaths and 3 percent for African elephants harvested in

connection with resource management programs and killed in defense of human life and property, 62,636 elephants died in 1978. Data obtained in the recently concluded study of the Hong Kong trade indicated an average weight per tusk of 21 pounds. Utilizing this average weight results in a total output from natural death and other legitimate sources of nearly 2,631,000 pounds of raw ivory for 1978, representing an excess of approximately 1,825,000 pounds above the total worked ivory exported worldwide in that year.

To be emphasized is that this projection is based on a minimum population of 1,300,000 African elephants and employs a natural mortality of 1.8 percent which must be termed conservative when it is considered that a 4.2 percent average annual harvest rate is used to maintain a stable herd size in the Kruger National Park. Coupling with this natural mortality rate the 3 percent factor utilized in the projection to estimate the number of African elephants killed each year in resource management programs and in defense of human life and property results in a total annual mortality rate from all causes of 4.8 percent, which approximates closely the current research data in the area. Additionally, the projection does not include ivory confiscated in the course of anti-poaching operations now being conducted in many African nations. The average tusk size could also be expected to increase as more scientifically controlled management programs are established and maintained.

Translated differently, the total worked ivory exported from Hong Kong in 1978 represents the product of 10,283 African elephants with tusks averaging 21 pounds each. All exports of worked ivory accounted for worldwide similarly represent the product of 19,184 African elephants with tusks of the average size. Both of these figures are significantly below the 62,636 African elephants which would die annually were the mortality rate from natural and legitimate causes actually 4.8 percent. It is furthermore important to note that the 10,283 African elephants represented in the 1978 export of worked ivory products from Hong Kong constitute only eight-tenths of 1 percent of a total African elephant population of 1,300,000. Likewise, the approximate 19,184 African elephants covered by the worldwide export of worked ivory constitute only 1.4 percent of the total population. Were exports of worked ivory to remain at these levels, a 6-month moratorium on ivory imports to the United States would result in the theoretical conservation of only one-tenth of 1 percent of the total minimum African elephant population.

It is clear from these figures that the ivory trade worldwide does not utilize in carving all of the ivory available each year from elephants dying natural deaths, from the operation of management programs, from ivory confiscated in antipoaching operations, and from elephants killed in the defense of human life or property. An additional and significant factor which must be considered in weighing the minimal conservation of elephant populations which would in theory be realized from a ban of ivory imports is the loss or curtailment of employment of some 5,000 to 6,000 persons now involved by the trade in the United States. Insofar as the trade is already subject to strict regulation through enforcement of the

convention, the Hong Kong certificate of origin system and the United States import regulations, all of which are apparently functioning well at this time, the association urges that there be imposed no interruption of trade which would signal the end for many small retail businesses and the people they employ.

Although the prohibition of ivory imports into the United States has once again been proposed as a solution to the problems confronting the African elephant, this approach unfortunately addresses only one of the factors combining to threaten the survival of the African elephant, namely, the illegal killing of elephants to sustain illicit trade in ivory. This approach mistakenly assumes that the legitimate ivory trade contributes to the reported decline in elephant populations, despite evidence that there is no overutilization. Escaping completely from attack under this approach are the larger, more serious and inevitable factors which will have to be ultimately faced if the African elephant is to survive. It is significant that neither the extensive research of the Department of the Interior, nor the recent preliminary study of the ivory trade conducted by Dr. Douglas-Hamilton and Mr. Parker have recommended an embargo as a solution to the question.

Critical to the efforts to insure the long-term survival of the African elephant is the development of an approach to counter the problems of loss of range resulting from human expansion and destruction of the elephant's habitat as overcrowding in small areas occurs. What is above all needed is the continuation and expansion of existing resource management programs, the creation and implementation of new research and management plans, and the setting aside of additional land for reserves.

Today, in Africa, the game parks, management programs, and antipoaching operations which are essential to the survival of the African elephant are directly financed in large part by proceeds derived from the sale of ivory collected from African elephants dying natural deaths, from the operation of the management programs and from ivory confiscated from poachers. The protection afforded the African elephant by established parks and reserves is well documented by the research of Dr. Douglas-Hamilton and others and illustrates the drastic need to set aside large forest areas to prevent the compression of elephant populations into islands surrounded by encroaching human development where overcrowding occurs in relation to available food supplies. The results of such overcrowding in combination with drought are well known.

Also known, as I have indicated, is the existence of ivory obtained annually from natural mortality and from legitimate sources in quantities sufficient to defray a good portion of the expenditure necessary to preserve the African elephant in the long range. This annual supply of ivory will be available regardless of any prohibition by the United States of ivory imports. Such an embargo will, however, effectively penalize and discourage those African nations currently operating responsible antipoaching and resource management programs. An embargo will destroy one important marketplace for legitimately obtained ivory and force those African nations seeking to continue trade in this ivory to perhaps deal with nations who do not adhere to the principals of the convention or to another similar code of conservation.

To ultimately benefit the African elephant, the approach taken by this nation must seek to instead reward and extend the incentive for responsible management and protection of the African elephant. Without the economic incentive provided through the sale of legitimately obtained ivory, land now occupied by elephant populations will be diverted to agricultural or other productive use in these nations which have some of the world's highest human population growth rates. If the intent behind a prohibition of ivory imports into the United States is to depress the market price of ivory, it must be recognized that as ivory becomes less valuable, the African elephant becomes, in direct proportion, more expendable as an agricultural pest from which less economic benefit can be derived.

More importantly, the embargo currently proposed will remove the United States from a position of leadership in the development of approaches to solving the long-term problems facing the African elephant. The ban would also be contrary to the implied encouragement contained in the current import regulations to nonmember nations to become signatories to the convention. It would, in effect, penalize those fellow convention nations which have strictly adhered to the convention in this area, and would provide an unfair competitive advantage to those nations who do not subscribe to the convention or to a similar set of principles.

In summary, it is clear that regulation of the ivory trade is intimately related to, and cannot be divorced from, the problems of the loss of range and the destruction of the African elephant's habitat caused by the increasing pressure of expanding human populations. Any steps taken in regulation of the trade will necessarily affect the solutions to these long-range problems. If those funds now derived from legitimately obtained ivory and used to support reserves, management programs, and antipoaching operations are withdrawn, these measures even now being taken to protect the African elephant will be lost. An even more distressing byproduct of the prohibition of ivory imports will be the destruction of all incentive to African nations for the establishment of additional management and antipoaching programs in the future.

All evidence now indicates that the annual supply of African elephant ivory obtained from natural deaths and from legitimate sources is substantially in excess of that required to sustain the trade at its current levels. Contrary to much past publicity, there is no over-utilization of ivory by the trade. It is undeniable that, irrespective of any embargo on ivory imports to the United States, there will continue to exist this legitimate annual store of ivory which should logically be utilized to monitor and gauge climatic and habitat changes and to otherwise responsibly manage and protect the African elephant as a valuable resource.

For these reasons, the association strongly opposes any prohibition of ivory imports and urges that the committee examine the available evidence with an eye toward the goal we all share. Guaranteeing the long-term survival of the African elephant. With that goal in mind, it is recommended, in addition to rejection of the proposed embargo, that the committee seek a relaxation of the current import regulations to allow import into the United States of African elephant ivory originating in those African nations

which are not now convention members, but which maintain scientific and responsible resource management programs and anti-poaching units. Such a relaxation of the existing import regulations will have the effect of rewarding the efforts of these nations to converse the African elephant.

Necessary also is the channeling of funds through the United Nations, the World Bank and other international organizations to existing management programs and the commitment of financial support for new and creative management plans. Needed further is a program of public education to raise awareness of the facts surrounding the African elephant and the problems confronting it.

Finally, and most importantly, we seek recognition from the committee that continuation of the legitimate trade in ivory is vital to the financing of the management and anti-poaching programs necessary to guarantee forever the survival of the African elephant as a resource of inestimable value to all people.

Thank you, Mr. Chairman.

The CHAIRMAN. Who are the members of the American Ivory Importers Association?

Do you have a list?

Mr. SMITH. I do not have a list with me, Mr. Chairman.

The CHAIRMAN. Submit a list for the record.

Mr. SMITH. I will do that.

[The following was received for the record:]

AMERICAN IVORY IMPORTERS ASSOCIATION

Man Hing Imports Corp., New York, N.Y.
 Isben Trading Corp., New York, N.Y.
 Shalbro Inc., New York, N.Y.
 Chan's Antiques & Furniture Inc., New York, N.Y.
 Gordon's World Ltd., New York, N.Y.
 Keh An Huang, New York, N.Y.
 A. J. Harris Ltd., New York, N.Y.
 Lugano Gallery, New York, N.Y.
 Da Vinci Art Gallery, New York, N.Y.
 Malson Ltd., New York, N.Y.
 Queen Lace, New York, N.Y.
 Scott James, New York, N.Y.
 Ibsinic, New York, N.Y.
 Raja Jewels, New York, N.Y.
 Choueka Imports, New York, N.Y.
 Golden Galleries of Michigan, Ann Arbor, Mich.
 Ashley Gallery, Los Angeles, Calif.
 Arts of China, San Francisco, Calif.
 Continental Gift, Dallas, Tex.
 World Figurines, Dallas, Tex.
 Tsang's Oriental Imports Inc., Dallas, Tex.
 China Art Trading Co., Chicago, Ill.
 Gottlieb, Philadelphia, Pa.
 House of Buddha, Chicago, Ill.
 Asia Gallery, Minneapolis, Minn.
 Courtland Gallery, Atlanta, Ga.
 Edward 5th Avenue, Rehoboth Beach, Del.

Mr. SMITH. By and large, they import worked ivory from Hong Kong on a wholesale basis. There is no importation by the members of raw ivory.

The CHAIRMAN. The last time you appeared before the committee, you testified:

It is therefore submitted that, rather than imposing a total embargo on ivory imports, a collective system be adopted allowing importation of ivory originating in countries actively opposing poaching and pursuing scientific resource management programs compatible with the long-term survival of the African elephant in their respective nations.

That is the very guts of H.R. 4685. Yet throughout the statement, you oppose the 6-month ban on ivory imports that is in the bill. Why?

Mr. SMITH. I believe the current regulations now in effect, both through operation of the convention, the registration system now in effect in Hong Kong and the import regulations imposed in June of last year do allow for selective import from nations that are responsibly managing the African elephant as a resource in their nation. I believe an interruption of trade in these nations will be detrimental to the survival of the African elephant in the long range as funds derived from these legitimate sources are channeled elsewhere or are not collected at all or are channeled away from a development of these existing programs in Africa.

The CHAIRMAN. What effect would enactment of this legislation have on your association?

Mr. SMITH. The effect would be very drastic, Mr. Chairman. It would, as I have indicated, filter down from the wholesale level, wholesale trade in which most of the members are involved, to the retail level across this Nation. That trade involves some 5,000 to 6,000 people whom I believe would suffer very serious economic consequences. There would be very serious economic results were this legislation to pass.

The CHAIRMAN. Mr. Studds?

Mr. STUDDS. No questions.

The CHAIRMAN. Mr. Hughes?

Mr. HUGHES. No questions.

The CHAIRMAN. Thank you very much.

Mr. SMITH. Thank you, Mr. Chairman.

[The following was received for the record:]

ATTACHMENT 1

AVAILABILITY OF RAW AFRICAN ELEPHANT IVORY AND TOTAL CONSUMPTION BY TRADE

I. Total raw African elephant ivory available annually

Existing African elephant population¹ 1,300,000.

Natural longevity of African elephant, 50 to 60 years.

Approximate number of African elephants dying each year from natural causes (1,300,000 divided by 55 years), 23,636.

Percentage of total population of African elephants dying each year from natural causes, 1.8.

Average weight per tusk,² 21 lbs.

African elephant ivory available annually from elephants dying natural deaths (47,272 pieces times 21 lbs.), 992,712 lbs.

African elephants dying annually from sustained-yield of 3 percent (1,300,000 times .03), 39,000.

Additional African elephant ivory available annually based on sustained yield of 3 percent (78,000 pieces times 21 lbs.), 1,638,000 lbs.

Total African elephant ivory available annually, 2,630,712 lbs.

¹ Dr. Iain Douglas-Hamilton, House Merchant Marine and Fisheries Committee, Oversight Hearings, Dec. 13, 1977.

² Department of Agriculture and Fisheries, Hong Kong.

II. Total consumption of raw elephant ivory by trade

Value of worked ivory exported from Hong Kong, 1978,³ \$29,380,000.

40 percent raw material cost factor,⁴ \$11,752,000.

Average price per pound of raw African elephant ivory, 1978,³ \$27.21.

Total worked ivory exported from Hong Kong, 1978, 431,900 lbs.

Total worked ivory exported from Hong Kong via tourist trade, 1978 (10 percent of commercial export),⁴ 43,190 lbs.

Total worked ivory exported from Hong Kong, 1978, 475,090 lbs.

Total worked ivory exported from other world markets, 1978, 330,675 lbs.

Total worked ivory exported worldwide, 1978, 805,765 lbs.

Excess African elephant ivory available from natural death, sustained yield of 4.8 percent above ivory consumed by trade, worldwide 1978, 1,824,947 lbs.

ATTACHMENT 2—CONSUMPTION OF AFRICAN ELEPHANT IVORY IN MANUFACTURE OF WORKED IVORY FOR EXPORT FROM HONG KONG, 1974-79

	1974	1975	1976	1977	1978	1979 (Jan.-Apr.)
Total export of worked ivory (thousands) ¹	\$9,090	\$12,790	\$20,050	\$24,046	\$29,380	\$7,966
Raw material cost factor ² (percent)	30	30	30	30	40	40
Cost of raw ivory (thousands).....	\$2,727	\$3,837	\$6,015	\$7,214	\$11,752	\$3,186
Average cost of raw ivory per pound ¹	\$13.20	\$13.81	\$15.35	\$17.35	\$27.21	\$25.87
Total raw ivory consumed (pounds) .	206,590	277,842	391,857	415,792	431,900	123,154
Total number tusks consumed (average weight 21 lbs) ³	9,838	13,230	18,660	19,800	20,566	5,864
Total number African elephants represented by ivory consumed.....	4,919	6,615	9,330	9,900	10,283	2,932
Percentage of total African elephant population represented by consumed ivory (Based on stable population of 1,300,000)	.0037	.005	.0071	.0076	.0079	

¹ Census and Statistics Department, Hong Kong.

² Hong Kong and Kowloon Ivory Manufacturers Association.

³ Department of Agriculture and Fisheries, Hong Kong.

ATTACHMENT 3—CONSUMPTION OF AFRICAN ELEPHANT IVORY IN MANUFACTURE OF WORKED IVORY FOR EXPORT FROM HONG KONG TO UNITED STATES, 1974-79

	1974	1975	1976	1977	1978	1979 (Jan.-Apr.)
Total export of worked ivory (thousands) ¹	\$1,860	\$2,490	\$5,900	\$6,760	\$7,480	\$1,843
Raw material cost factor ² (percent)	30	30	30	30	40	40
Cost of raw ivory (thousands).....	\$558	\$747	\$1,770	\$2,028	\$2,992	\$737
Average cost of raw ivory per pound ¹	\$13.20	\$13.81	\$15.35	\$17.35	\$27.21	\$25.87
Total raw ivory consumed (pounds) .	42,272	54,091	115,309	116,887	109,959	28,488
Total number tusks consumed (average weight 21 lbs.) ³	2,013	2,576	5,491	5,566	5,236	1,356
Total number African elephants represented by ivory consumed.....	1,007	1,288	2,746	2,783	2,618	678

¹ Census and Statistics Department, Hong Kong.

² Hong Kong and Kowloon Ivory Manufacturers Association.

ATTACHMENT 3—CONSUMPTION OF AFRICAN ELEPHANT IVORY IN MANUFACTURE OF WORKED IVORY FOR EXPORT FROM HONG KONG TO UNITED STATES, 1974-79—Continued

	1974	1975	1976			1979
Total import of worked ivory products from:						
Percentage of Hong Kong export going to United States ¹	19	18	28	29	27	23
Percentage of total African population represented by consumed ivory exported to United States (based on stable population of 1,300,000)	.0007	.0009	.002	.002	.002	

¹ Census and Statistics Department, Hong Kong.

² Hong Kong and Kowloon Ivory Manufacturers Association.

³ Department of Agriculture and Fisheries, Hong Kong.

ATTACHMENT 4—TOTAL HONG KONG IMPORT, RE-EXPORT AND CONSUMPTION OF AFRICAN ELEPHANT IVORY, 1974-79

	1974	1975	1976	1977	1978	1979 (Jan.-Apr.)
Total imports raw ivory (thousands)	\$13,503	\$15,637	\$24,318	\$13,663	\$36,718	\$7,638
Total imports raw ivory (pounds)	1,019,999	1,129,999	1,580,000	¹ 785,798	1,326,617	294,577
Total re-export raw ivory (pounds) ...	550,000	309,999	500,000	¹ 234,401	407,409	65,964
Net weight raw ivory retained (pounds)	469,999	819,999	1,079,999	¹ 551,397	919,208	228,613
Total raw ivory consumed in manufacture of worked ivory for export (pounds)	206,386	227,376	391,056	414,942	431,017	122,900
Total raw ivory consumed for export via tourist trade (10 percent of commercial consumption) (pounds)	20,638	22,737	39,105	41,494	43,100	12,289
Total raw ivory consumed in manufacture of worked ivory for export from Hong Kong (pounds)	227,972	250,113	430,161	456,436	474,119	135,190
Number of African elephants represented in total consumption of raw ivory (average tusk weight 21 lbs.)	5,438	5,955	10,241	10,867	11,288	3,218
Average price per pound of raw ivory imported to Hong Kong	13.20	13.81	15.35	17.35	27.62	25.87

¹ January to September 1977.

Sources: Census and Statistics Department, Hong Kong. Hong Kong and Kowloon Ivory Manufacturers Association. Department of Agriculture and Fisheries, Hong Kong.

ATTACHMENT 5—IVORY TRADE IN UNITED STATES, 1978

Total import of worked ivory products from:

Hong Kong	\$7,480,000
Japan	638,887
China	177,828
India	174,766

Total import of worked ivory products from:				
Republic of China				106,587
Others				183,635
Total				8,661,703
Average duty, freight (10 percent)				866,170
Total cost of import				9,527,873
Average markup to retailer (50 percent)				14,291,809
Average markup to public (200 percent)				42,875,427
Total trade generated in United States				57,167,236
Total gross profit generated				33,347,554
Importing firms importing from (1978):				
Hong Kong		214	South Africa	11
Japan		41	West Germany	10
India		39	Others	39
Botswana		14		
			Total	329
Private Individuals importing from				
(1978):				
Hong Kong		123	India	15
Botswana		29	South Africa	11
Kenya		28	Zaire	10
Japan		21	Others	27
Sudan		19		
			Total	283

Total importers of ivory in United States, 612.

Estimated employment by importers, 5,000 to 6,000.

Sources: United States Department of Commerce, Census and Statistics Department, Hong Kong, United States Fish and Wildlife Service, Wildlife Permit Office, American Ivory Importers Association.

The CHAIRMAN. The next witness is Mr. Benjamin S. Asia, accompanied by Mr. James L. Houston.

STATEMENT OF BENJAMIN S. ASIA, ON BEHALF OF JAMES L. HOUSTON MANUFACTURING CO., INC., NORTHWEST ARTS AND CRAFTS, LEONARD PORTER INC. AND WESTERN NOVELTY INC., ACCOMPANIED BY JAMES L. HOUSTON, PRESIDENT OF JAMES L. HOUSTON MANUFACTURING CO., SEATTLE, WASH.

Mr. HOUSTON. Mr. Chairman and members of the committee:

My name is James L. Houston. I am the president of J. L. Houston Manufacturing Co., Inc., 1408 12th Avenue, Seattle, Wash. 98122, and I appear on behalf of that business and indirectly of others, including competitors, who are concerned with legislation governing trade in elephant ivory.

Let me express my appreciation for being permitted to address you on this subject.

In our company alone, we have 45 employees, most of whom work much of the time on elephant ivory, largely working with semifinished or worked ivory imported from Hong Kong. I estimate that approximately 20 jobs—and the livelihoods of 20 families—will be eliminated entirely if our trade in this product ceased entirely and that many of such jobs would be eliminated if such trade were decreased although not entirely ended.

In addition, we supply over 100 retailers, many of whom rely substantially on products with which we supply them which contain elephant ivory.

There are, I am sure, hundreds of jobs, and possibly thousands, in this country which would be imperiled over any further prohibitions on the trade.

We are already operating under legislation and regulations restricting the importation and interstate commerce in elephant ivory and we seriously question whether any further legislation is necessary.

We believe that before our trade and our jobs are further imperiled there must be a clear showing that such additional legislation and regulation is essential for the preservation of the elephant.

We have been informed that experts hired by the U.S. Government to make surveys of the problem have indicated that there is no overuse of elephant ivory and that in fact the elephant population of Africa may not be substantially endangered at all.

If this is the case, it is difficult for me to understand why legislation should be adopted which essentially prohibits, for 9 months, the importation of ivory or ivory products and which authorizes the Secretary of the Interior, but does not require him, to issue permits for importation thereafter on the basis of standards which it may be overly difficult if not impossible for him to implement.

I have come here directly from Alaska where I interrupted a business meeting and where I will immediately return in order to ask you that you do not damage our industry and create hardships for many American businesses, their employees and families.

I appreciate your consideration.

The CHAIRMAN. Thank you, Mr. Houston.

Mr. Asia?

Mr. ASIA. Mr. Chairman, I would like to read a brief statement and then, if I may, make some comments immediately following it.

The CHAIRMAN. Go ahead.

Mr. ASIA. Mr. Chairman and members of the committee.

My name is Benjamin S. Asia. I am not attorney and my office is at 1302 Tower Building, Seattle, Wash. 98101.

I represent J. L. Houston Co., Inc., Northwest Arts & Crafts, Leonard Porter Inc., all of Seattle and also Western Novelty Inc. of Portland, Oreg. All of these firms have substantial investments in trade in elephant ivory products and provide jobs for numerous citizens of our area; they sell directly and through wholesalers to hundreds of retailers throughout the Nation. There are a number of other firms in the area and in Alaska similarly involved. I would venture that the number of jobs involved exceeds 200 in the Seattle area alone. This is apart from the numerous artisans-scrimshanders who work independently and who sell their works to wholesalers and retailers.

The Federal Government has spent much money and effort in Alaska to sustain Eskimo art and aid Eskimo artists, who support themselves and their families by their scrimshaw work. Teddy Mayac, the famous Eskimo artist of Anchorage—who uses elephant ivory for many of his notable carvings—has informed me that in the areas of Anchorage, Juneau and Fairbanks alone, there are about 200 Eskimo ivory artists who with their families, are dependent upon ivory art and who use elephant ivory in their work and some of whom use elephant ivory exclusively.

Our clients—and these Alaska people are not such—the clients I represent are specifically designated in the first paragraph of my statement. Our clients are presently subject to substantial regulations with which they have been able to live—although they have from time to time questioned the necessity of it—but they are now threatened with what may be even broader and almost confiscatory legislation and regulation which may substantially diminish if not destroy their businesses and the jobs and family livelihoods provided by them.

I have been particularly impressed with the data resulting from the Ivory Trade Study Group financed by the U.S. Fish and Wildlife Service. In the hearings before this body on December 13, 1977, Dr. Douglas-Hamilton (Hearings, page 37) said: "It is very sad to have to debate today's measures for controlling the trade in such a vacuum of knowledge." It appears that that vacuum has been filled, at least to some extent, by some hard data. I hope that there will be a reference to that hard data and that knowledge before action is taken by this Congress.

From this, it appears that there may be and probably is no overutilization of elephant ivory at all. If the current utilization is approximately 5 percent of the total elephant population—such population placed at a minimum of 1.3 million—this would appear to provide a sustained yield basis. It should be noted that the study indicates that about 20 percent of the tusks entering the trade come from natural mortality: If this is so, the population would certainly appear large enough to obviate the necessity of making hasty decisions, disruptive to so many businesses. If it is true that in biological terms we are not at all looking at an ongoing catastrophe, then it seems appropriate to expect some clear and convincing argument to underlay further restrictive legislation.

It appears that the role of the ivory trade may be a factor of limited importance compared to the loss of habitat due to the competition between the elephant and man. We are informed that moneys received by governments from the ivory trade are used and can be further used for the removal of elephants from those areas where they conflict with man's farming needs to areas where there is no such conflict. It is further suggested that if elephants are rendered valueless by the diminution or termination of the ivory trade, they will be killed rather than removed to more suitable areas as a valuable resource to be conserved.

We are not convinced that the present regulatory arrangement is inadequate to meet the problem. It has not been shown that the enforcement mechanism instituted only a year ago, cannot be further improved so as to remedy existing deficiencies.

In short, we do not believe that a need for further legislation has been clearly established and we submit that a clear showing of necessity should be required before the industry and livelihood of so many people is further disrupted.

Turning specifically to H.R. 4685, we suggest that there is no need for the 9-month embargo of worked ivory and the substantial embargo on importation of unworked ivory. Such an embargo will work harm and dislocation in our businesses which cannot be easily appreciated by those who do not have responsibility for their survival, and I might add for those dependent upon such services.

The embargo on worked ivory from Hong Kong, we submit, may be a gratuitous hurt to those in that trade, including thousands of people in Hong Kong who, together with their government, operate in conformity with the requirements of the international convention. Nor are we sanguine that the Secretary of the Interior will be able, with all due diligence, to implement the standards required to be met before permits may be issued after the 9-month period; there may well follow a substantial period of confusion and disruption in the lives of hundreds and thousands of people in the industry; this we believe is entirely unjustified in the light of existing information and consideration and that appears pointless in view of the data submitted by experts employed by the U.S. Government.

I thank you for the opportunity to present these views. I have a couple more brief comments, but perhaps questions may be in order.

The CHAIRMAN. Make your brief comments first.

Mr. ASIA. My comments are, Mr. Chairman, prompted by my presence here in these past 2 days. My statement was prepared before I came here. I have a feeling that the people who are concerned about this matter, justifiably concerned about the elephants, have not taken full cognizance of the effect of this upon people who are also magnificent creatures.

It is common for me to be required to file an environmental impact statement in the community from which I come in order to put up a newsstand on the corner. Here we have legislation, enforcement regulations, which are going to affect hundreds and I believe thousands of people. I have the impression that the committee don't even know the identity or the location of the people who are to be affected and I assure you that the people who are to be affected, by and large, have no knowledge of the existence of this committee, let alone the pendency of this legislation.

I would hope that some consideration would be given to finding out what will be the effect of this legislation on which of our citizenry and what could be done to take their needs into consideration.

I mentioned earlier that we have hundreds of Alaskan Natives—Eskimos—whom the U.S. Government through the Bureau of Indian Affairs, for decades, has been assisting to retain and develop their Alaskan Native art so they will not yield to the blandishment of jobs on the pipeline and such other pursuits and keep a treasury of Alaska Native art. These people are not my clients, but I know about them. They have families who are dependent upon them. Many of them use elephant ivory exclusively.

The CHAIRMAN. In what sense is H.R. 4685 confiscatory?

Mr. ASIA. I would suggest that the committee consider whether it has an obligation to make a finding on the basis of evidence, on the basis of inquiry, that it will not be confiscatory.

What will it do with respect to a supply of ivory for these artists? How long will the embargo last? Is it ultimately going to be permanent?

A couple of months ago there was the suggestion that there be a total ban on importation and interstate shipment.

The CHAIRMAN. That is right. There is a good deal of sentiment, Mr. Asia, to do that. As a consequence, we came in with legislation that is not confiscatory and, No. 2, permits the importation of ivory. I think it is 10,000 pounds between the date of enactment and the effective date of the bill. I would think that as we moved on and if we did get to the point of passing this legislation, there would be a stockpiling of ivory in some of these areas by these people while we approach the problem on an either fairly rational basis and I am a little surprised at your statement in which you say, that your clients are now threatened with what may be even broader and almost confiscatory legislation regulation which may substantially diminish if not destroy their businesses and the jobs and the family livelihoods provided by them.

H.R. 4685 does not do that. It is not intended to do that. It is intended to put a management factor in here and control the poaching and other practices that have brought us to this point.

Mr. ASIA. I don't know where H.R. 4685 is going to end up. I know that it was preceded by a bill which was far more expansive.

The CHAIRMAN. You are testifying on that bill or H.R. 4685? Mr. ASIA. Pardon?

The CHAIRMAN. Are you testifying on some previous bill or on H.R. 4685?

Mr. ASIA. I am testifying on H.R. 4685 at the moment. I am simply urging the committee in whatever legislation it may consider today or tomorrow to consider the populace that will be affected.

You referred to stockpiling. What stockpiles? Does the Alaskan Native stockpile? Does he have the capital to do so? Will there be someone who now stockpiles, if that is the case, who will stockpile in the future? We don't know. All I am suggesting is that I think it is incumbent upon the committee to know who it will affect and how it will affect them.

The CHAIRMAN. Mr. Studds?

Mr. STUDDS. No questions.

The CHAIRMAN. Mr. Hughes?

Mr. HUGHES. No questions.

The CHAIRMAN. Those are the issues that this hearing is designed to bring out, Mr. Asia.

Mr. ASIA. I wish to point out a difficulty. Mr. Houston perhaps employs more people in the Northwest in as modest an enterprise as he does conduct as anybody. Others employ far fewer employees, but there are hundreds of people in the Pacific Northwest and there may be throughout the country, of whom you do not know and I feel that their interests have not been considered.

The CHAIRMAN. I can assure you that these commercial interests are being considered and will be considered. My district happens to encompass all of Chinatown in New York City and there are many retailers along there and I have a specific regard for those constituents. However, what we are trying to do is to write some balanced legislation.

Mr. ASIA. I am saying that I don't believe the extent of those involved is known by this committee. I would hope the committee would inquire at least of the Bureau of Indian Affairs as to how this legislation would affect the Alaskan Natives.

I might say that Dorothy Jean Ray, who is the professional expert on Alaskan Native art, I believe in "Artists of the Tundra" mentions elephant ivory was used by Eskimos perhaps 80 years ago. Her newest book "Eskimo Art" published in 1977 carries a picture of a sailing vessel carved by an Eskimo artist from elephant ivory.

H.R. 4685 specifically, Mr. Chairman, provides for a 9-month ban on worked ivory and a substantial ban on unworked ivory.

What is to happen with respect to the goods that have been paid for? Will it not be allowed in?

Should people be laid off indefinitely? Will the ban continue after 9 months? Is there an assurance that the Secretary of Interior will be able to comply with the standards specified within 9 months or within 5 years?

Should a businessman get out of his business now rather than be subject to this constant doubt as to whether he will be able to continue longer than 6 months? Should he attempt to get out of his business lease?

Should he junk his equipment?

I believe there should be some study as to the dislocation that would be caused by this, on the people who produce ivory products and perhaps also with respect to the retailers who rely upon this trade in some measure for their livelihood.

Now I say this knowing also that it is not at all clear that this legislation won't do more harm than good. Apparently Dr. Douglas-Hamilton and Dr. Parker seem to think that it may be counter-productive.

I was also concerned about the expression yesterday that there seems to be a rush toward some legislation, that there have been 4,000 letters from people from 10 years old to 90 years old, from students to old women, who want some action. I am concerned about legislation being enacted because of the number of people who say there should be some legislation enacted. I trust and hope that the committee will act in wisdom and not out of response to the number of letters whether knowledgeable or not that request some action.

I further raise a question as to whether there is any need to rush through this legislation. Dr. Hamilton stated his regret that interested parties are not able to read and consider the mass of material which has been prepared before discussing further legislation. Mr. Parker says it is a pity that having funded so detailed a research, you should contemplate legislative action before being apprised of its content. I would much rather be here after all of us have read this material and be better informed. I think it is unfortunate that we are here at this early date.

The CHAIRMAN. We have been at this stand a couple of years.

Mr. ASIA. Who has been?

The CHAIRMAN. This committee.

Mr. ASIA. And a couple of years ago you were happy that a study was going to be performed. Now the study is about to be released and still there is talk that it is unfortunate that legislation wasn't passed prior to this time, and there is also talk that it must be passed immediately after the August recess. I hope that the interested parties have an opportunity to have the advantage of the

mass of materials which have been accumulated before acting, particularly in view of the fact that we have substantial regulation of the industry now which is, as I understand it, totally in conformity with the CITES Convention.

The CHAIRMAN. I will ask minority counsel to allay some of your fears right here.

Mr. Mannina.

Mr. MANNINA. Mr. Asia, a fair amount of the concern you raise deals with trade involving the current inventories of the people you represent. In the first instance, the legislation only deals with imports made subsequent to date of enactment not with current inventories. Second, the legislation allows the importation of 10,000 pounds of raw ivory in the first 3-month period.

Third, H.R. 4685 is not a complete ban on imports, assuming that foreign nations involved have an approved elephant conservation program.

Also, I would like to point out that with respect to the impact of the bill on Alaskan Natives, the information received by this committee is that Alaskan Natives are using ivory from marine mammals.

Mr. ASIA. I agree except for your statement that the allowance of some poundage of ivory inventory is allowed for 6 months. The bill as I read it specifies a 90-day period. Outside of that, I agree with all your statements.

I am quite aware that present inventory can be worked on by the Native artisans.

Will they get more?

Are they being told, if they ever hear, what is going on—that they better get out of this right away and start training for other jobs? If so, it would involve a waste of millions of dollars spent by the Government through the Bureau of Indian Affairs over many years.

Mr. MANNINA. Are you referring to the Alaskan Natives?

Mr. ASIA. Yes.

Mr. MANNINA. Could you tell us what percentage of the carvings produced by Alaskan Natives come from African ivory?

Mr. ASIA. No; I cannot.

Mr. MANNINA. I believe you will find it is minimal. If you have information which would refute that, we would appreciate receiving it.

Mr. ASIA. I am a lawyer, 1,800 miles from Alaska. There is a Bureau of Indian Affairs through which this committee could get this information. I would rather not be charged with obtaining it. It can be obtained. The Alaskan Natives should be consulted about how their welfare will be affected by this.

I have one concluding comment. I am aware that this committee is in some respects disenchanted with the Department of Interior. I am not at all convinced that enforcement has been that bad, although maybe there are deficiencies to be remedied. I represent people who conduct many hundreds, perhaps thousands of transactions involving the Department of Interior in the enforcement of the present regulations. There should be some scale drawn between the number of violations, if they have been substantial, and the number of legitimate transactions which have been made and the

number of jobs and livelihoods which have been allowed to prosper and produce as a result of the legal conduct of business. I don't know whether the 90 enforcement cases are civil or criminal. Many of them, if not 90 percent of them, come from tourists who mislabel items or try to bring items in improperly, and I don't believe that the trade should bear the brunt of the disenchantment or displeasure of this committee over the operations of the Department of the Interior.

Thank you for being so patient.

The CHAIRMAN. Thank you, and I can assure you that the comments about problems between this committee and the Department of Interior are overexaggerated. We take different approaches and positions in some areas, but we intend to work with and have worked with them on H.R. 4685.

Thank you very much.

The CHAIRMAN. Mr. Kenneth Enright, the Scrimshaw Artisans Association.

STATEMENT OF KENNETH ENRIGHT, REPRESENTING THE SCRIMSHAW ARTISANS ASSOCIATION

Mr. ENRIGHT. Mr. Chairman and members of the committee, it is a pleasure to be here and address this particular subject which is very, very important to us. In deference to the fact that I have a somewhat boring reading voice and tone, I will try to be brief and summarize my remarks if they could be put into the record.

The CHAIRMAN. We have read your statement and the very extensive attachment and studies and tables attached thereto, and we have prepared some questions for you after you give us an explanation of it.

Mr. ENRIGHT. Very good.

The group of people that we represent is somewhat different from Mr. Houston's group. We represent them as very smalltime artists and artisans. They practice what is, gentlemen, the only unique American art form, which is scrimshaw, which is etching on various ivories.

Any ban, any commercially unreasonable restriction, will affect them in a way that they would not affect larger people. There simply isn't a great deal of money involved. There isn't a great deal of financial resilience, and there is something that concerns me very deeply. It is very, very painful to have to tell somebody you are going to have to find a different way of earning a living. But there is another aspect to my statement which I think I would like to bring out.

The reason I am involved in ivory is that I was involved in Africa. I grew up there in the Lulua Valley in Zaire. I could continue my presentation here perhaps more accurately in Lunda Swahili than I can in English. There are some very real problems in Africa and there are problems with the African elephant, but my feelings are that we must look toward a method of balancing the interests of agriculture and commerce with the interest in health of the African elephant. If we ignore that, I am afraid that simplistic solutions carried out long ways away will have very detrimental effects, and having seen some of the effects in other areas on far away solutions, I am deeply concerned.

I pointed out in my paper, I think, that there are some exaggerations that have been pointed out. One that is fairly obvious is the figure used as the basis of Department of the Interior regulations and also in the testimony that up to 400,000 elephants were being harvested from 1976 on. Gentlemen, that would mean that the last elephant in Africa died this spring. Obviously, we know that isn't true. I have quotations, as you have seen, that elephants were predicted to become extinct in 1886. I think we have heard Dr. Parker's testimony, and if I may break it down and emphasize it, the number of elephants taken per year, poaching or no-poaching, to supply the trade is under 5 percent, so whatever long-term problem we are dealing with, we are not dealing with an immediate catastrophe. We have time for a management program, and there is room for legitimate trade. I hope the committee will consider these and I hope they will think about them.

I suppose also from my background in Africa, I should say something about poaching, a very chic, very popular topic which is somewhat lurid in the press, but there are a lot of varieties that have been lumped into poaching that I think should be brought out.

For example, if an African, say a Kafakumba finds an elephant tusk, he is required to turn it into the government for which he receives nothing. Should he do this, it is not economically a very bright thing to do and, normally, he will not. This ivory that has accumulated, has accumulated, will be listed as illegal ivory even though it came from a naturally deceased elephant and, in consequence, it will come into the statistics as poached ivory.

We also have in Zaire a system of what we should call traditional governments. I refer specifically to the Lunda, to the Luba, and to the Sanga, in which there is a tradition of hunting which is controlled by the tribal governments. Very often this control and concern in conservation is greater than that of the national government. They have more feel for the animals. There is actually a codified, traditional law system of controlling conservation, in other words restricting burning one year in one area and things like that.

If hunting takes place under the traditional systems, very often this game is lumped into the area of poached ivory.

Let us take another situation that I think many people are unfamiliar with. As you know, the currencies in Africa, because of the serious financial problems, are rather weak. A person who purchases ivory legally within the country will very often attempt to evade regulation, in other words, receive hard currency rather than sell it through the central bank where he receives soft currency. Again, this legal ivory will show up in the statistics as illegal. We have an area which looks egregious but may not be.

We are concerned with systematic destruction of elephant herds with modern highpowered rifles by commercial groups. To the extent that that is a serious problem all over, I doubt it simply from the amount of ivory, the percentage used. I agree that there are areas where this is a serious problem. Purchasing national parks is very important. Surely, that must be the greatest step that people in America can take. It is embarrassing to me that there is such an immense amount of concern both in governmental circles

and in the private groups and to see so little money actually given to remedying this situation.

On the subject of the bill itself, I am worried that the bill may unwittingly cause very serious harm to the artisans. I should say that I think the bill is an intelligent and constructive approach to the elephant problem. I am particularly concerned that if the research requirements are written as stiff as they seem to me to be, that no African country has the resources or the capable personnel to carry them out within the next 5 or 10 years.

In my paper, I have gone into what would be required to do the proper research in Shaba province and the number of languages that one would have to know, and I am sure the committee really doesn't wish to place that kind of burden on these governments. I am just pointing it out as I suspect I may be misinterpreting the language.

We are also concerned with the Department of the Interior. Frankly, I would like to see the bill say that by the end of 6 months, the Department of the Interior will have communicated with the African governments and will have established those African governments which it believes have programs for which exportation of ivory from them in importation into the United States will be useful.

Thank you very much.

Do you have any questions?

Mr. STUDDS [presiding]. Thank you, Mr. Enright.

You say you represent some 1,800 members; is that correct?

Mr. ENRIGHT. Yes. We have formed an association and these are people that we have contacted. In terms of a large formal organization, we are not. But these are people directly involved in the scrimshaw trade.

Mr. STUDDS. Are they U.S. scrimshaw artisans?

Mr. ENRIGHT. Yes.

Mr. STUDDS. All of them?

Mr. ENRIGHT. There are some carvers, some four or five Eskimos, and I would just add that we have sold tons of ivory to Alaska and we will be happy to show you the invoices. I cannot tell you how much is used by Native Americans, but they are some of our customers.

Yes. The nature of the business is it tends to be an artisan craft. Someone does the artwork and either sells at fairs or at special requests or has it in small shops or things like that.

Mr. STUDDS. Do I understand you to say there are 1,800 scrimshanders in the United States?

Mr. ENRIGHT. No, there are more than that. These are the people we are directly in contact with. We figure there are about 3,000. These are names from customer lists from people who sell supplies directly to them in an amount which shows that they are using ivory regularly in a manner that we can consider semi or completely professional.

Mr. STUDDS. What kind of stock would an average scrimshaw artist or a scrimshander keep on hand?

Mr. ENRIGHT. Very little. The average scrimshander will not be buying large supplies. He will buy cut, polished cabochon stones and various articles on which he then does the artwork. The prob-

lem is that most of them, by virtue of their nature, choose an independent way which is not unbelievably lucrative. We are talking about \$500 worth of ivory finished product which in poundage is very small. When you are through with the finishing of it, you have added quite a bit of cost to the original product.

Mr. STUDDS. What impact does the transfer from ivory to whale bone and whale teeth have?

Mr. ENRIGHT. That is very difficult to say. In many ways, it has been very harsh. It has been very harsh in some instances.

Mr. STUDDS. Why?

Mr. ENRIGHT. This committee has been involved. There were some people who had some very substantial stocks.

Mr. STUDDS. I am aware.

Mr. ENRIGHT. There were some people who had some very substantial stocks that they were literally forced to eat. We appreciate the sensitivity of this committee to those abstract problems.

Mr. STUDDS. When you had a transfer from one product to the other, what difference did that make to the nature or quality of the work?

Mr. ENRIGHT. As a matter of fact, it tended to expand the range of art that could be done. Now, I won't get into a discussion whether if you wander outside the original scrimshaw motif and material you have abased the art. That is up to people with more aesthetic judgment than I have. Elephant ivory is more flexible, so instead of just doing the teeth, you can do more jewelery, plaques, very expensive specialized knife handles—although that is fairly insignificant—but otherwise it is widened.

Mr. STUDDS. So, if anything, the transition was helpful rather than harmful?

Mr. ENRIGHT. In general; yes, I would have to agree, Mr. Studds.

Mr. STUDDS. You made some reference in your testimony to attempts to work with synthetic ivory. Could you elaborate a little bit?

Mr. ENRIGHT. Yes. We manufacture a synthetic product which I will be happy to send you samples of. You will find it an excellent reproduction. Unfortunately, it is a commercial failure. I say unfortunately very really because I have an investment in it. The problem is when you mold and pour polyester resins which can be made very similar to ivory, you can reproduce scrimshaw by the thousands of pieces. Say that a scrimshander does a plaque. I can take that plaque and whip it out into 5,000 pieces for pennies apiece—very good reproductions too. It has been done and the general concern of the scrimshanders is that this debases the art and they are right. In consequence, there has been virtually no effort and there will be none in synthetics. Scrimshaw stands or falls in relation to ivory scrimshaw.

Mr. STUDDS. I have seen some very low-priced work, synthetic copies.

Mr. ENRIGHT. I am glad you brought it up because we are an artisan-based field, not a commercial field. We sell no finished products. Pantograph is the reproduction process, but there are limitations to it. It is a very crude reproduction. Anyone familiar with it, familiar with scrimshaw, can pick out a pantograph work. I feel it has been unsuccessful. I know only a few people who do it.

Mr. STUDDS. Does it not abound in quantity in gift shops? When you see 50 identical pieces, you know it is not art.

Mr. ENRIGHT. It may be more common on the east coast than in our area.

Mr. STUDDS. Where is your area?

Mr. ENRIGHT. Midwest, but I suspect Seattle and Alaska tends to have high-priced handwork.

Mr. STUDDS. I am not going to argue with someone from the midwest where the best scrimshaw is. Go ahead.

Mr. ENRIGHT. Scrimshaw trade has tended to upgrade. Less and less ivory for mass produced items and more and more value for the original artwork.

Mr. STUDDS. Do you think because of the unfortunate fate of your commercial enterprise, science may hold some hope for finding a good type of synthetic? There were predictions about what would happen if we had to go from ivory to whale bone.

Mr. ENRIGHT. Not by me. I would hesitate to say that. Because of the purists in New Bedford, ivory was an original scrimshaw material. If you can pour it, you can mold it and reproduce it. So you will have to come up with something that cannot be poured and reproduced and I am not familiar with any substance, if there is any.

Mr. STUDDS. I gather you take issue with some of the claims about the price of ivory. I am sure you saw the Washington Post this morning where conservationists claim that soaring ivory prices have increased from \$2.30 a pound in 1972 to \$60 this year.

Mr. ENRIGHT. They should be required to buy at that price.

Mr. STUDDS. What is the current price?

Mr. ENRIGHT. The price charged is from \$13 a pound for small tusks up to \$18 to \$20 for the larger, more efficient bull tusks.

Mr. STUDDS. The current prices today?

Mr. ENRIGHT. I got this figure from brokers in Europe, the prices were between \$35 and \$38 a pound.

Mr. STUDDS. I know there are enormous divergencies in the number of elephants being killed. I suppose that is inevitable given the imperfection of access to data. We have an estimate from 100,000 to 400,000 in 1 year. Is that kind of gap almost inevitable given the state-of-our-knowledge?

Mr. ENRIGHT. To be quite frank, Mr. Ian Parker is the foremost authority on African elephants in the world. I am forced to accept his figure of around 50,000 elephants.

In comment to your question, I am very distressed, however, that there has been such a looseness and apocalyptic approach to the number of elephants that have been killed. As I mentioned, this is simply impossible.

Mr. STUDDS. I am informed that the source of from 100,000 to 400,000 is the same gentleman you are citing.

Mr. ENRIGHT. Not quite. It seems it was extrapolated from his work, modified, changed and added to. Mr. Parker does not accept that.

Mr. STUDDS. Mr. Parker, do you wish to say something about that while the record is reflecting an uncertainty?

Dr. PARKER. Yes, sir. I was the origin of that figure in 1973. It was a very tentative figure. It was a confidential report and the

data came out and was in due course inflated. I have reversed that long since.

Mr. STUDDS. Let me just say that I wanted to give you an opportunity to reverse it. I am not an authority.

What is the dollar value of raw ivory imports and of worked ivory imports for the United States in recent years?

Mr. ENRIGHT. I would actually like to defer to the report of the TRAFFIC which I think is affiliated with the World Wildlife Fund, their table II, which I believe is more up to date than my own. The value of worked ivory, as you will see, was up to 853,000 in 1976 in anticipation of the scare that ivory would be banned.

If I may make a comment, that really is a very sad thing that the effort to ban ivory actually promotes stockpiling which, of course, promotes increased demand for elephant products which may well encourage poaching. It has fallen steadily.

Mr. STUDDS. I understand the point you are making. Let us go to 1978.

Mr. ENRIGHT. That is 256,000—316,000.

Mr. STUDDS. Roughly 260,000 raw ivory and how much of worked ivory?

Mr. ENRIGHT. We do not deal with worked ivory.

Mr. STUDDS. I want to get them on the record. Slightly in excess of \$7 million as opposed to—I think your table shows what portion of the world trade these figures represent.

Mr. ENRIGHT. The United States imports on raw ivory are in the 1 percent and 2 percent range. They tend to be 1 or 2 percent.

Mr. STUDDS. One or two percent of the world trade in raw ivory?

Mr. ENRIGHT. Yes.

Mr. STUDDS. Wait, I am sorry.

Mr. ENRIGHT. I think it is even less than that. It is less than—

Mr. STUDDS. I hear 5 on my left. It is from 1 to 5.

Mr. MANNINA. Three to five.

Mr. STUDDS. Three to five you would like?

Do you want to add to this conversation?

Mr. ENRIGHT. If we add to my imports which are 1 ton and we double that to 2 tons and that is woefully inadequate for our needs, then we would come out with 2 out of 800, whatever that is. My math is rather poor. It would be about 0.25 percent.

If we are talking about what we actually need, I would say for use of the artisans, we are talking about probably a maximum of 20,000 pounds and the 10,000 pounds frankly I believe would be sufficient in the short-term immediate future for most artisan work. I may be speaking out of hand and, if I am, I am going to cause a significant amount of harm, but on the basis of my knowledge, I would have to say that.

Mr. STUDDS. I appreciate that.

Mr. HOWELL. As I have assured you, the object of the legislation is not to put any scrimshander out of work in the United States and that is why we allowed the import of 10,000 tons.

I appreciate your comments about contacting the other African countries. I would say that Interior will defer to State. However, we will be working closely with State and with Interior to make this bill so that it is as effective as possible without putting anyone out of work.

You mentioned you would favor imposing a tax on imported ivory. What size tax did you have in mind say per pound?

Mr. ENRIGHT. I am sure I am going to be lynched immediately by my colleagues afterward, but part of the problem in all this—and if I sound a little bitter, there is an aspect of bitterness—there is a great deal of media posturing in the United States on the part of animals and people in Africa. I go back regularly. I spent a month there last year. Very little is being done. Nobody wants to put their money where their mouth is. As long as you get it in the media that you are doing something, that suffices.

I see no problem on raw ivory. I would willingly accept a 10-percent duty if it is directed to the national parks, if there is no bureaucratic dissipation, if it is directed to training programs and research programs. My own private interest in research is the destruction of forestry of the burnt out savannas and the decline of forests in Zaire. I have no objection if it is put into acquiring new land for elephant populations and management.

Mr. HOWELL. Thank you.

Would your organization support a ban on the importation of all worked ivory?

Mr. ENRIGHT. No; we would not. There is no competition between us and they don't hurt us and we have no interest in worked ivory, but I simply cannot see why ivory that is certified in another country should not be imported if it is legal ivory. I wish to warn people if they get carried away on the worked ivory, they may wind up killing the development of traditional ivory carving crafts in such countries as Zaire which would concern me greatly because I am very, very interested in developing that kind of thing in Zaire properly controlled.

Mr. HOWELL. No further question, Mr. Chairman.

Mr. STUDDS. Let me ask one more question.

Assuming that the bill would become law as written after expiration of the 6-month ban, given your knowledge of the countries' concern in Africa, are there any substantial number that would meet the criteria for management programs to be able to qualify for exporting to United States in the next month?

Mr. ENRIGHT. Yes; the models for elephants are Botswana, also Zambia, Tanzania, Mozambique and, depending upon further information, possibly Kenya. I believe Zaire with the new regulations that are put into effect will also be able to meet management goals that would benefit elephants. I should point out though that I am a little unclear how this bill will overlap if the African governments sign the CITES convention.

Mr. STUDDS. That was my next question. How many countries are signatories to CITES?

Mr. ENRIGHT. Only Zaire, Kenya, Botswana, and the Union of South Africa are exporting-ivory nations which have signed CITES and are allowed to export ivory to the United States. Unfortunately, Zaire and Kenya do not export at the present time. So we have this rather unfortunate concern with having African governments sign CITES quickly or you won't be able to export ivory into the United States.

The amount of ivory has been severely restricted in the national trade. I believe this is what raised the price. Even though I am

completely in support of the CITES convention and I believe regulation through CITES will ultimately be the best vehicle for proper management and utilization of elephants, I think the initial requirement smacks of blackmail: Dear Sirs: Please sign the convention or you can't export to our country.

You see, there is no real rational connection between whether a country formally signs a convention and the state of their elephant herds. It isn't a miraculous event that occurs. Tanzania elephants are not going to be any better managed than before. They are well managed now. We are bothered by this connection. We believe there should be very strenuous efforts to encourage African countries, present to them the benefits of CITES, but not tie it to a rather clumsy effort to force them into signing. It smacks of the most unpleasant excesses of the colonial era. If you describe it that way, it will have the overwhelming support of the Congress.

Mr. MANNINA. Just one question.

Is it your testimony that given the current supplies of ivory and whale bone in the United States and given the amount of time it takes for a scrimshander to convert the raw material to a finished product, the 10,000 pounds of raw ivory imports allowed in the first 3 months will be adequate to keep the scrimshanders you represent in business for the 6-month ban?

Mr. ENRIGHT. Let me preface that by saying, "yes," if we were able to purchase the ivory. The problem is that our purchasing is severely constricted.

Mr. MANNINA. You don't think you will be able to purchase 10,000 pounds?

Mr. ENRIGHT. I know I can. So the theoretical answer is if you have 10,000 pounds for us, we will be fine. The realistic answer is, if I have to hunt around, convince certain African countries to sign the convention and then make the arrangements for payment, check out the permits, the answer is I probably wouldn't be able to do it.

Mr. MANNINA. Thank you.

Mr. STUDDS. Thank you. I appreciate it.

[The following was received for the record:]

STATEMENT BY KENNETH N. ENRIGHT OF THE SCRIMSHAW ARTISANS ASSOCIATION

Introduction Mr. Chairman and Members of the Committee;

I am Kenneth N. Enright. I represent the Scrimshaw Artisans Association. It is an association of craftsmen who etch and carve ivory for their livings. Our membership numbers around 1800, while the total number of artisans in the United States who are dependant on ivory ranges around 3,000. I also represent myself. I work ivory for a living, cutting and polishing the pieces in preparation for the artists and supplying the artists the various tools of their crafts.

If ivory is banned either by direct prohibition or by the device of abstruse and commercially impossible regulations, a good number of us will face insolvency, and all will become unemployed. The painfully developed skills of artists will be useless, and small businesses and accounts will be destroyed--all at a point in time where economic conditions for those who chose to work for themselves are not encouraging. I need not add that a ban on ivory would cause equal hardship on our counterparts in other countries.

The point that I wish to make clear is that there will be very real personal despair coming from a ban on the use of ivory. And I believe that this harm done to artisans is particularly cruel when there is no reciprocal benefit to the elephant populations in Africa. Indeed, I believe there may be long term harm.

My testimony will revolve around a number of questions that are crucial to making policy on elephants: What misinformation has been promoted to affect elephant policy and public attitudes? How much ivory is used worldwide, in America, and how much is

available from natural deaths? Are elephants overutilized for ivory? Are there substitutes for ivory? What are the practical and long term effects of proposed bill HR 4685? Does this undercut the Endangered Species Act?

It will suggest that an emotional approach to ivory regulation will preclude effective management of elephants as an economic and aesthetic resource and devastate those who depend economically on ivory for their crafts.

I.) Misinformation: What Factual Basis for Policy Making on Elephants and Ivory?

To produce the eight hundred tons of ivory that are used annually, nearly seventy five thousand elephants are destroyed; and it does not require the gift of prophecy to foresee their extinction in the near future. . . . The question of extinction rests with the rising generation.¹

This prediction was not made last year, or even in this decade. It was made almost a century ago in 1886. Another expert at that time noted nine years later that ". . . a comparatively few short years will suffice to exterminate the African species of elephant."²

¹Charles Frederick Holder, The Ivory King, A Popular History of the Elephant and its Allies. (New York: Charles Scribner's Sons, 1886) p.vii-viii. This is an excellent compendium of facts concerning the ivory trade and the firms involved in the last century.

²"Ivory" Chamber's Journal (November 1895) pp.726-728. Actually as early as 1852, it was reported in "Ivory and its Applications" Chamber's Edinburgh Journal, Vol.17 (1852) p.60 that "Mr. M'Culloch and other writers predict the speedy extinction of the elephant, from the enormous consumption of its teeth...the insatiable demands of modern commerce will inevitably lead to the extermination of this noble animal." The elephant is obviously a resilient adaptable animal.

The ivory trade continued, and, of course, the extinction did not materialize. Indeed, by best estimates, there are today between 1.3 million and 2 million elephants in Africa. Perhaps this should have been warning that apocalyptic predictions on the extinction of the African elephant are, like reports of Mark Twain's death, exaggerated; that elephants are resilient; that natural mortality produces large amounts of ivory. But, unfortunately, the (baseless) cry of imminent extinction has again been used to promote hurried, poorly thought out measures which have harmed the management of elephants and at times devastated those that use ivory.

Let me give some examples of the exaggerations, bogus generalizations, and outright falsifications that have been used to promote a public outcry against the use of ivory and influence policy that would damage management of elephants.

Item: Dr. Ian Douglas-Hamilton stated publicly in 1977 that: "In all, ivory leaving Africa in 1976 may have come from anything between 100,000 and 400,000 elephants and there seems to be no let up in demand."³ This latter figure was quoted publicly by the Department of the Interior as justification for their restrictive regulations on ivory. If we accept 400,000 elephants dying to supply the trade, and 1.3 million total population in 1976, the last elephant died in Africa this spring. A quick flight over Zaire or virtually any area of Africa will suggest the falsity of these figures and assumptions. They were, however, excellent

³Ian Douglas-Hamilton, "Where are all the Elephants Going?" Address to the Wilderness Congress, pp. 2,3, October 1977.

publicity getters, and, apparently the basis of policy decisions.

Item: The alledged massive increase in the price of ivory was said to have caused the incentive to kill elephants illegally on an equally massive scale. Ms. Marian Newman of the Fund for the Animals Inc. told this committee in 1977 that: "The price of ivory on the world market is now about \$30. per pound, up from \$2.80 per pound in 1969, a one thousand per cent increase."⁴ She was aware at the time that this was not true. Ivory was advertised in craft journals in the United States for substantially less than that. The United States customs statistics which are a public record showed that the average price of raw ivory was approximately \$12.54 per pound at the time of her testimony.⁵ I enclose copies of correspondence and invoices from our company as confirmation on the subject of these prices.⁶ But naturally the alledged "one thousand per cent increase" made an excellent story; unfortunately it became a false basis on which to make long term policy determinations on elephants and ivory. It seems accuracy is not required as long as the story concerns animals.

Some journalists have been even more incorrect on the price of ivory. The Washington Post had the price of ivory at \$67.57 per

⁴U.S. Congress. House, Committee on Merchant Marine and Fisheries, Oversight Hearings on the Status of the African Elephant as a Potentially Endangered Species. Uncorrected Copy, p.94, (1977).

⁵See Table I in the Appendix.

⁶See Appendix.

pound,⁷ while the current record for misinformation is from the Smithsonian Institute, where one expert had the price at \$250. per pound.

Item: It was widely commented on during the last hearings that the average weight of tusks being sold was around 5 kgs. This was said to show an immense slaughter that had begun killing off even the very young.⁸ Though spoken of as a hard established fact, this alledged figure was found to have come from an undergraduate term paper which was rather limited in scope.⁹ The allegation as repeated by Dr. Douglas-Hamilton has, however, gained wide currency. The actual figure of average weight per tusk in the trade is around 20 pounds,¹⁰ and in this regard it is well to quote again an item from the last century on the issue of decline in average tusk weight:

In the first place, the average weight of our imported tusks is not 60 pounds: we have authority of one of the first ivory-merchants in London that 20 pounds will be much closer to the approximation.¹¹

This was said in 1852. There is real question whether there has been a significant change in the average weight of tusks since that time, but the impression has been allowed to remain that

⁷Jeff Radford, "Elephant Slaughter Crackdown Begins," The Washington Post, August 19, 1973, sec. F, p.6.

⁸Oversight Hearings, p. 122.

⁹The paper is entitled "Ivory and Elephants," by Michael Davitz.

¹⁰From invoices and records of Midwest Distributors.

¹¹"Ivory and Its Applications," Chamber's Journal XVII (1852), p.60.

younger and younger animals are being killed.

I can go on, of course, on the misinformation that has been put in circulation to be used for making policy on elephants. In a Newsweek article entitled "Africa's Deadly Ivory Rush",¹² not only was the price of ivory rising rapidly to \$35. per pound, but that elephants would be extinct in Kenya by 1979. (They aren't.) Not content with all this, however, Newsweek published pictures of alledged poachers which were in one instance staged and in the second portion showed elephants that had been killed in a research project. There was no attempt at truth.

All this is not to suggest that elephants have no problems. They do. But they are tough, long term problems. They are not susceptible to instant media or symbolic solutions. They include managing brush fires and other forms of habitat destruction. They include finding economic values for elephants and this means the utilization of the animals in terms of meat, leather, and ivory as well as their useful but limited role in tourism. I cannot emphasize enough that if ordinary Africans receive no benefits from elephants, there will hardly be an incentive to secure their future. Management of elephants has come a long way, and I would only refer quickly to the South African experience. They started with less than twenty elephants at the turn of the century. They have now over 7000. These elephants are culled for ivory, meat, and leather, and this revenue helps support the park--and the elephants. (See the letter from the South African government on

¹²"Africa's Deadly Ivory Rush," Newsweek, September 17, 1973, p.46,47.

this in the Appendix). Botswana is an even greater success story where a large amount of land is turned over to elephants and the benefits through hunting and culling reach a larger number of ordinary people. Ivory is necessary for the success of these experiments throughout Africa, and I believe that it will be the ability to produce revenue that will allow elephants to be justified in their competition for land in Africa that could be put to other use.

II.) How much ivory is in the world trade? How much is available from natural deaths? How much do American artisans use?

While this is a large and difficult subject which I hope will be illuminated by the study conducted for the Department of the Interior by Mr. Ian Parker, there are some facts available that should be noted. Using our own data as well as that of Dr. William Brown, it is likely that the trade in ivory is not more than 1,000 metric tons. (See the table in the Appendix for 1976) If the average weight of tusks is around 18 pounds--which I believe is lighter than they really are--then this would amount to less than 5% utilization rate of elephants to supply the ivory that is used in the trade. It is impossible to conclude from this that elephants are in immediate danger of extinction. It is all the more reason to avoid emotional, unilateral policies--such as a ban--that would make management of elephants difficult and harm probably irreparably those who depend on ivory for their living.

Dr. Robert Laws and A.D. Graham have written a very useful and important article on the problem entitled "The Collection of

Found Ivory in Murchison Falls National Park, Uganda." It was published in the East African Wildlife Journal, in 1971.¹³

This article is the type of detailed, analytical thinking that is essential to serious policy planning on elephants. Though the article is important for additional reason, I would like to touch on one aspect: the amount of ivory that is available in Africa from naturally deceased elephants and the relationship of this ivory to the question of over-utilization. Laws and Graham examined records of found ivory in the park, and established tables of projected natural deaths of the elephant populations within Murchison Falls National Park. If this data can be extended, and its thoroughness indicates no reason why it cannot be, every one thousand elephants should produce an annual average of 890.77 pounds of ivory through natural decease. If this figure is applied to the total minimum estimate of elephants in Africa, then we find that the total natural yield of ivory should be in the nature of 2,547,610 pounds or 1158 metric tons. Even if only half of this is recovered, and it is probably more, we see that it becomes very difficult to argue that elephants are being killed in such numbers as to cause massive declines.¹⁴ A substantial portion of the

¹³A.D. Graham and R.M. Laws, "The Collection of Found Ivory in Murchison Falls National Park, Uganda," East African Wildlife Journal, IX (1971), pp.57-65.

¹⁴Graham and Laws note that in Murchison only 27% are found by rangers, but that as there are thousands of illegal entrants each year, who are collecting also, and there are just some thirty rangers, they conclude that much is lost to illegal collectors. Thus the figure of one half is probably conservative in light of the resistance to deterioration that ivory has, particularly in the forest regions.

international trade in ivory comes from naturally deceased elephants.

Increasingly it seems that it emerges from this analysis that illegal killing under any scenario can account for only a limited amount of the ivory trade. If under 5% of the elephants are utilized each year to make up the ivory trade, if a large part of even this ivory comes from naturally deceased elephants, then where and in what significant amounts is the illegal killing that is said to be wiping out all elephants?

The amount of ivory used by American artisans has risen somewhat in recent years, reflecting the abandonment of such traditional scrimshaw materials as whale's teeth. Imports are shown in Table I. Since 1970, raw ivory imports--the form most used by artisans--have averaged some 20,000 pounds. This is, of course, about 1% of the total world trade in raw ivory. And extrapolating from the work of Dr. Robert Laws, it would seem that a herd of some 10,000 elephants would produce this much ivory through natural decrease deaths each year. It is obvious that artisan use of ivory--indeed, American use of ivory--is hardly a massive or catastrophic use.

Even this 20,000 pounds per year is, I believe, distorted. As you will note, there were large imports of ivory in 1976 in anticipation of the California ban. This fear of a ban is a continuing serious problem. I believe that more is imported than is used. Artisans believe that they will be left without access to supplies, and they try to stockpile. Overseas these fears have fed speculation which has seriously harmed artisans by interfering with their purchases of materials and driving the price up. Indeed, this very committee hearing will probably raise the price of ivory.

III.) Are there substitutes for ivory?

Despite some wishful thinking to the contrary, the answer is no. For over 100 years a great deal of research has gone into finding ivory substitutes. Polyester resins, epoxies, micartas, and other materials with plastic qualities have been developed that are astonishingly close, sometimes virtually indistinguishable, from ivory. But they have all failed commercially. The problem is that manmade substitutes can be stamped, molded or reproduced, and thus any artwork can be easily debased by cheap reproductions. There is also the attraction of a natural material. Just as synthetic gems, as excellent and attractive as they are, have failed to replace natural stones, it is unlikely that plastics or synthetics will replace ivory. A synthetic substitution for ivory is a chimera. And it is of doubtful benefit to elephants. If ivory gives no economic benefits, what incentive is there for Africans to manage elephants effectively or bear the headaches they bring to agriculture? Where will revenues come from for conservation and land purchases?

IV.) What are the effects of H.R. 4685? Some criticism.

While this bill is a intelligent improvement over emotional and simplistic prohibitions, I believe that the practical results of the bill will be to effectively ban ivory imports into the United States for the foreseeable future. This bill will, I believe, unwittingly destroy our artisans as much as a simple ban. I

believe that it will cause hard feelings among African countries who are not only sensitive about managing their own resources, but are already irritated at the lack of knowledge or sympathy shown in the ill-informed criticism and misinformation given out over the elephant question. It will give them serious burdens at a time when their resources are already far too thin. The bill simply asks too much of the African countries. In fact, even a developed country would spend years and millions of dollars collecting the information it asks.

Let me illustrate with one example. Section 5 (a)1(b) requires the African country which wishes to export ivory to the United States to provide for evaluations of historical and present elephant habitats, the status of vegetation, soil conditions, available water, and seasonal variation in climate. Let us take Shaba province in Zaire. Zaire itself is about one third the size of the United States and Shaba is one of five provinces in Zaire. To accomplish this task in Shaba, the researcher would have to go into the Luba and Lunda tribal areas. He would, therefore, have to know the Lunda and Luba Languages. He would also have to know Swahili, the lingua franca. He would have to have an airplane as the roads and bridges have been destroyed in the recent unrest. The field work would take years. None has been done. He would be starting from scratch.

But because he has to look at historical habitat as a baseline for present populations, he will have to look at the historical literature on the area. He must thus know German to study the work of the explorer Von Pogue, Im Der Reich Des Mwant Yavo, an

1875 account of flora and fauna in the area. He would have to know Portugese and go to Lisbon to look at the notes of the great ethnographer and biologist Henrique de Carvalho who worked in the area before the end of the last century. For how many elephants were killed, he would have to go to the archives of the Plymouth Brethern Mission in England. These missionaries reported on such activities at the court of the Shaba king, Msiri. The problems of the researcher would then begin in earnest, because he would have to go through the material collected during the Belgian colonial administration. He would now have to know French and Flemish. He would have to go to the Terveruen archives which are not, I believe, completely catalogued. The task is awesome. It would be hopeless. It cannot be done.

It is disturbingly unfair to ask such onerous conditions of countries that are regularly on the verge of insolvency. Their resources should go to maintaining the national parks and managing their present assets, not in esoteric research that has only tangential bearing on whether the elephants are doing well in their countries. In Shaba, incidentally, elephants are the most common animal over 150 lbs. in weight, and they are expanding their range. The director of the national parks, Mr. Roger Minne, an ex-RAF pilot who now overseas his domain with an aged Cessna 180, does an excellent job with minimal resources. He should be aided in his anti-poaching and brush fire control work, not burdened with red tape.

The other requirements are equally awesome and unfair. And regretablely, they will allow the Department of the Interior to do nothing. The temporary ban will become a de facto permanent ban.

The aspect of the bill that is very welcome is Sec.2(b)(2) which in somewhat general language offers to provide aid to countries acting to save their elephant populations. If this could be transformed into a firm appropriation, I believe that a contribution of immense and exaggerated significance could be given to African and future generations. More land is available in Zaire now than at any time in this century. If brush fires were controlled and reforestation programs instituted, elephant populations could double under good management with benefits for all concerned. There has been shown to be a great deal of concern in the United States about elephants; if it is genuine, it should be expressed in money for research, land purchases, and management.

Although I will probably be run out of the Association for saying this, I would agree to a tax on ivory imports if the money went directly to African countries to aid them in their elephant management programs.

In general, I believe that careful examination of permits by the United States in communication with the issuing government will solve most of the problems with the illegal traffic in ivory. The current Department of the Interior restrictions which attempt to coerce the African countries into signing the CITES convention have failed, as predicted, with the only result being that those of us who depend on raw ivory are being strangled and the price of ivory has risen astronomically and absurdly as a result.

V.) Will this bill undermine the Endangered Species Act?

While I welcome the opportunity to present facts and opinions

to this committee, I wonder whether this is the place to be reviewing questions of whether specific animals need legislative protection. The Endangered Species Act was set up to review all of the evidence involving a species and its relative health, and to avoid an ad hoc dealing with these problems as the Congressional calendar permits. If the Fund for the Animals, Inc., who have pushed for the elephant hearings, had evidence that the elephant was endangered they could just have easily have given it to the Department of the Interior, and if it was rejected they could have had it reviewed in court. That they chose not to seems to point to a paucity of hard facts and research and to an emotive response that elephants were somehow endangered. At any rate, I have doubts that on a policy basis this bill is a good precedent to set. Will a bill to save the Angolan Colobus be next?

VI.) Conclusion

I do not believe that a ban on ivory, either overt or de facto will aid elephants. Neither do the countries in Africa most concerned. The governments of South Africa, the marxist government of Mocambique, and the socialist government of Tanzania are agreed--on only this one thing, maybe--that a ban on the sale of legally obtained ivory is disfunctional and harmful to their conservation programs. I would also point out that the ban will have very harmful and painful results in the United States. And I believe the bill in question here will ban ivory in practice. Good management and permit control will curb illegal trade, speculation, and hopefully, lower the price of ivory. Aid to the African countries is essential. A ban will cause untold problems down the road to what is probably a difficult future for all already.

APPENDIX

to the testimony of Kenneth N. Enright.

Contents

- 1) Table of Whale and Elephant Ivory Importation into the United States.
- 2) Table of Estimated Minimum Raw Ivory Exports from Africa.
- 3) Material from the South African National Parks Board of Trustees on Elephants in South Africa.
- 4) Samples of Ivory Carving done in the United States.
- 5) Invoices, contracts and correspondence of Midwest Distributors concerning ivory.

Raw Ivory (both Whale and Elephant) Importation into the United States: 1967-1977 (Sept.)¹

Year	Whale teeth (pounds)	Elephant tusks (pounds)	Total amount of ivory (pounds)	Elephant tusks as a percentage of total Elephant tusks	Aver. Price/lb Elephant tusks
1967	36,152	6,614	42,749	15%	\$ 3.44
1968	40,581	19,084	58,125	33%	3.49
1969	19,147	8,154	27,301	30%	3.50
1970	21,324	11,300	33,806	33%	4.78
1971	22,213	12,095	34,218	35%	7.13
1972	12,566	8,946	21,512	42%	6.37
1973	0	1,544	1,544	100%	7.99
1974	0	5,176	5,176	100%	11.39
1975 ³	0	20,766	20,766	100%	6.88
1976 ⁴	0	77,238	77,238	100%	11.49
1977 ⁵	0	30,608	30,608	100%	12.54

¹From United States Imports for Consumption. U.S. Department of Commerce, Bureau of the Census, Foreign Trade Division; Ivory Trade sources for confirmation.

²This price was an average taken from prices paid from larger selling countries that hold some form of auction; this was either transactions listed for Tanzania or Kenya. This was confirmed by documents from the trade.

³This seems to be an aberration, or else a rare direct sale to the United States. Midwest Distributors did not experience an offering price reduction in 1975.

⁴Large increase shows affect of California legislative ban. See Documents Part II, A-1, referring to California "stocking up" of ivory in anticipation of the law.

⁵Statistics are for January to September of 1977.

Table II

ESTIMATED MINIMUM RAW IVORY EXPORTS FROM AFRICA*

(Based on 1976 import statistics of certain trading partners)

Country	Weight	Value
	Metric tons	\$1000 U.S.
Angola	1	27.1
Botswana	4.2	149.2
Burundi	6.0	202.7
Cameroon	1	47.7
Central African Empire	27.6	866.6
Congo	15.7	679.7
Gabon	0.2	2.8
Ivory Coast	0.1	0.9
Kenya	388.9	12,924.7
Namibia	0.4	12.1
#Nigeria	0.04	1.2
Somalia	6.8	166.6
#South Africa	25.3	733.7
Sudan	22.9	468.9
Tanzania	62.6	1,607.8
#Zaire	288.7	10,757.5
Zambia	31.4	849.8

Total: 976.04 metric tons or approximately 2,147,288 pounds
 Value: \$32,212,200

Data Base: Import statistics for: China (Taiwan), France, West Germany, Hong Kong, India, Japan, Spain, United States.

Parties to the Convention on International Trade in Endangered Species.

*Taken from Supplementary Data of Dr. William Brown, Executive Secretary, United States Scientific Authority in testimony before the House, Committee on Merchant Marine and Fisheries, Oversight Hearings on the Status of the African Elephant as a Potentially Endangered Species.



Raad van Kuratore vir Nasionale Parke
National Parks Board of Trustees

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 DEVENISH STREET EXTENSION
 MUCKLENEUK
 PRETORIA, T.V.
 POSTBUS / P.O. BOX 787
 TEL. ADRES / TEL. ADDRESS :
 NATPARK
 TELEX : 44642 PR.
 TELEPHONE / TELEPHONES :
 ADMIN. : *44-1171
 BESPREKINGSRESERWASINGS *44-1154
 9 vm./a.m. — 3 nm./p.m.

VERWYSING :
 REFERENCE :

K1/11 (AMB/hmf)

NASIONALE PARKE
 NATIONAL PARKS

•
 KRUGER
 KALAHARI-GEMSBOK
 ADDO-OLIFANT
 ADDO ELEPHANT
 BERGKWACGA
 MOUNTAIN ZEBRA
 BONTEBOK
 GOLDEN
 GATE-HOOGLAND
 GOLDEN GATE
 HIGHLANDS
 TSITSIKAMABOS
 TSITSIKAMA FOREST
 TSITSIKAMASEEKUS
 TSITSIKAMA COASTAL
 AUGRABIESWATERVAL
 AUGRABIES FALLS

1978-02-22

The Director (OES),
 U.S. Fish and Wildlife Service,
 Department of the Interior,
 WASHINGTON D.C. 20240.
U.S.A.

Dear Sir,

The National Parks Board of Trustees of the Republic of South Africa has recently been notified that your Department is considering legislation dealing with the importation of African elephant products, particularly ivory, into the United States of America. Although The National Parks Board and other Nature Conservation Organizations in the Republic of South Africa have been deeply concerned about reports on declining elephant populations in some African countries and fully endorse your views that effective steps should be taken in order to protect the African elephant from indiscriminate destruction, we feel that the Republic of South Africa has a very proud record with regard to the protection of the African elephant in the two National Parks in which they occur. In view of this I hereby wish to respectfully submit some facts and suggestions to you which may have a bearing on the proposed legislation with regard to the importation of African elephant products legally obtained into the United States of America.

Due to what I would like to call, sound management programs, the elephant populations in both the Kruger National Park and the Addo Elephant National Park experienced a spectacular increase since the inception of these Parks. Graphs illustrating these dramatic increases are attached for your perusal.

The increase of elephants in the Kruger National Park was allowed to continue unabated until approximately 1970 when the population reached a peak of 8 821 animals. At this stage my Board decided that steps should be taken in order to keep the population within

the limits of the carrying capacity of the Kruger National Park and culling operations were commenced with.

The size of the Kruger National Park is approximately 7 000 square miles and from information gathered through various research projects it was calculated that the Park could carry 7 000 - 8 000 elephants with comfort even through the driest years but should the numbers rise beyond the 8 000 mark serious consequences could result.

For further background information about culling operations in the Kruger National Park I attach an article written by Dr. U. de V. Pienaar, Director of Nature Conservation which appeared in the monthly journal of my Board, "Custos".

The facts that we have to face now are that a certain number (number vary from year to year according to the grand total counted during annual censuses) of elephants have to be culled every year.

From the culled animals originate certain raw materials viz meat, elephant hide and ivory. Elephant meat is being processed into the final product in the Kruger National Park. All supplies that become available are consumed locally and no surplus is available for export purposes. I shall, therefore, only deal with the two other products viz elephant hide and ivory.

The average amount of ivory that becomes available per year is 6,4 metric tons. (Average calculated from yields over 8 years.) Up till the end of 1976 all raw ivory that became available was sold by tender and most of the stocks went to overseas countries mainly to the Middle East. Since the beginning of 1977 my Board formulated a new policy which stipulates that all raw ivory be processed in the Republic of South Africa by an approved manufacturer(s) of ivory products. Only a small amount (1 - 1,5 ton) raw ivory is still sold by tender annually in order to test the world market. For all practical purposes the new policy of my Board implies that most of the ivory originating from its culling program in the Kruger National Park leaves the country in the form of processed articles. It is estimated that the nett income derived from raw ivory from culled elephants which my Board could expect during 1978 would be in the vicinity of R170 000 (+ \$195 000).

The average amount of elephant hide (excluding trunks, ears, feet and tails) that becomes available from culled elephants per year is 99,2 metric tons. All supplies of elephant hide are sold by tender, the only stipulation being that 50% of the hide be tanned and processed to the final product in the Republic of South Africa; the other 50% may be exported in the raw state. It is estimated that the gross income from elephant hide originating from culled elephants which my Board could expect during 1978 would amount to approximately R575 400 (\$661 710). (This was calculated from tender prices obtained during December 1977.) The total estimated income from ivory and elephant hide from culled elephants would therefore amount to approximately R745 400 (\$857 210) during 1978.

In order to summarize the situation and with reference to the proposed rules on the African elephant I wish to submit the following to you for your kind consideration:-

1. In order to keep the number of elephant in the Kruger National Park within the limits of the carrying capacity of the Park the National Parks Board of the Republic of South Africa is forced to cull a certain number of elephants every year.
2. The culling quota for elephant is determined every year and is related to the number obtained through careful annual censusing.
3. Culling is done efficiently and scientifically and in accordance with the latest management standards in nature conservation.
4. Although the National Parks Board of the Republic of South Africa is in no way dependant upon the income derived from animal products obtained through its culling operations, the income so derived, nevertheless assists my Board substantially in allocating more money towards its ecological research and nature conservation programs.
5. If the U.S.A. should decide to put a total ban on the import of elephant products whether obtained legally or illegally it could have a drastic effect on the world market because of a drop in demand and a resultant drop in the prices of such products.

As pointed out under 4 above, this would hardly be in the interest of conserving the elephant populations in the Republic of South Africa in particular and of game management programs and research applicable to such management programs in general. I am quite sure that this would also be the case (or even more so) in some of the poorer African countries.

6. The Republic of South Africa has ratified the Convention on International Trade in Endangered Species of Wild Fauna and Flora and adheres strictly to the rules laid down by the Convention. As I have pointed out previously, Nature Conservation Authorities in the Republic of South Africa are deeply concerned about reports on declining elephant populations in some African countries and they would fully endorse effective steps towards the protection of the African elephant from indiscriminate destruction. On the other hand I wish to point out the dangers attached to an over simplified, emotional or oversentimentalistic approach.

In view of the above the National Parks Board of the Republic of South Africa feels that Option I as stated in the Proposed Rules would be too drastic if applied to the import of ivory and other elephant products from the Republic of South Africa and other African countries who have carefully protected their elephant populations but are forced to cull a certain number of elephants annually. As far as the National Parks

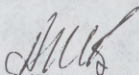
Board of South Africa is concerned Option II would provide fully in its requirements and we would wholeheartedly endorse and support such a ruling and adhere to it.

In addition to an export permit which naturally would be issued, the National Parks Board of the Republic of South Africa would be quite willing to provide all exporters of African elephant products who have legally obtained such products through my Board with a written statement to this effect if and when required.

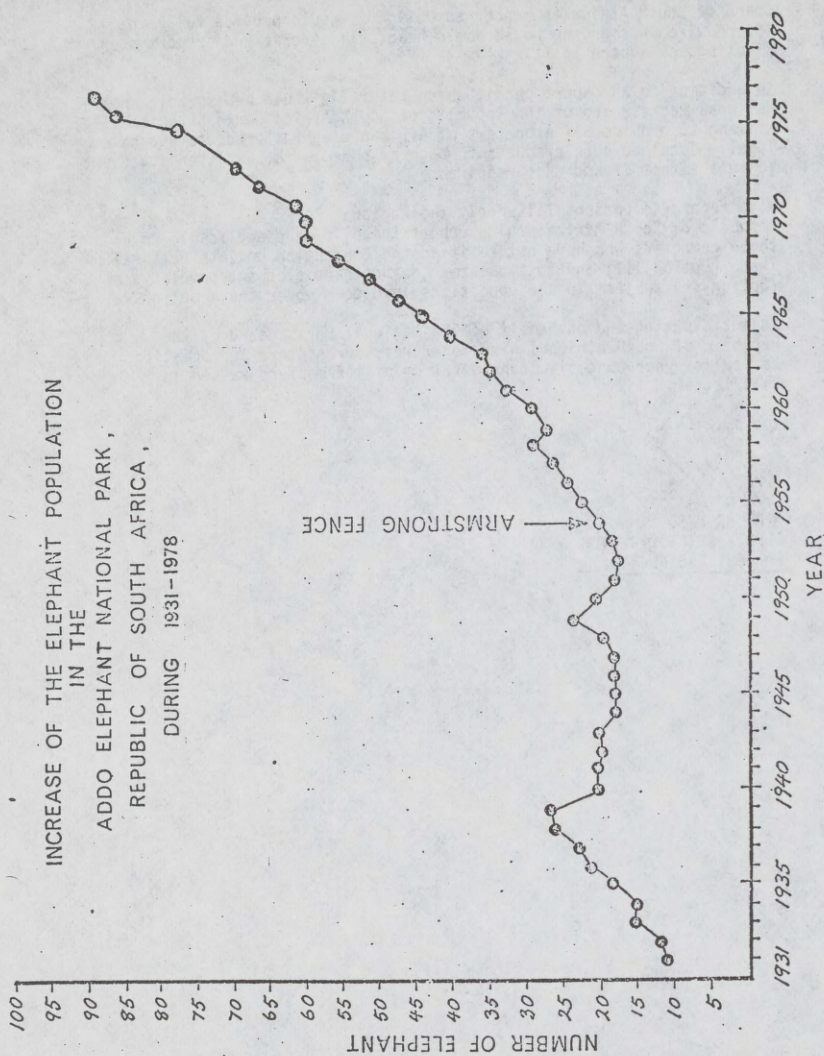
With regard to Options III and IV the National Parks Board of the Republic of South Africa would support these if made applicable to those countries who have not ratified the Convention on International Trade (Option III) and to those that do not have elephant populations (Option IV) subject to the conditions laid down under these options.

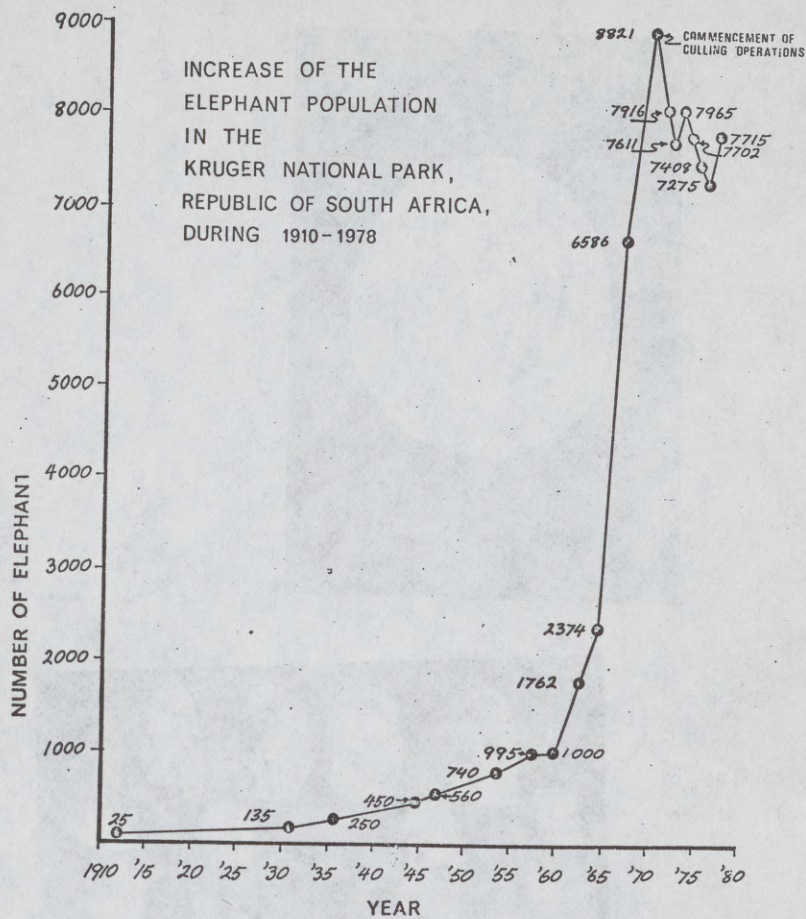
In anticipation and on behalf of the National Parks Board of the Republic of South Africa I wish to express our sincere appreciation to you for your objective consideration of the matters raised in this letter.

Yours faithfully,



A.M. BRYNARD
DEPUTY CHIEF DIRECTOR
For CHIEF DIRECTOR.







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at U.S. DOLLARS 33.00 (THIRTY-THREE DOLLARS
ONLY) per kilo ~~XXXXX~~ C. & F. Nett Shipping weights

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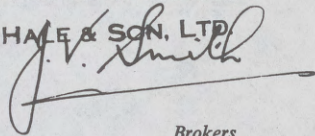
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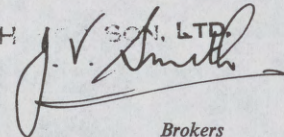
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LICENCES CLAUSE DELETED.

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AMOUNT. DOCUMENTS TO INCLUDE A REPUBLIC OF ZAMBIA NATIONAL
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3rd March, 1976.

Dear Sirs,

We confirm our cable, advising that we had heard from Zambia that they had accepted your order for Small Tusks, 1-3 kilos, at \$21.50 per kilo. We thank you for your reply, accepting these, for which we have pleasure in enclosing our Contract, herewith.

We have also been handed a Weight Note, covering the weight for each Tusk included in this shipment, which we understand is Government graded, Grade 1, which is the basis of Sound Tusks, and enclose photostat copy of same, for your information. The Republic of Zambia National Parks & Wildlife Act Export Permit, No. 1454 dated 26th February, has been granted and we are trying to obtain a photostat copy of this before airfreight of the goods takes place.

Shippers have also quoted the following Ivory :-

<u>GRADE 1</u>	-	6-10 kilos	@	U.S. \$26.00 per kilo
		11-15 kilos	@	U.S. \$29.00 " "
		16-20 kilos	@	U.S. \$32.00 " "
		20 kilos/Up	@	U.S. \$35.00 " "
		C.I.F.		

GRADE 2 - (Which are basically Sound, but the Tusks will contain cracked or broken Points, slightly cracked Hollows and shot holes or scars).

		1-10 kilos	@	U.S. \$19.00 per kilo
		11-20 kilos	@	U.S. \$26.00 " "
		20 kilos/Up	@	U.S. \$33.00 " "
		C.I.F.		

Mr. STUDDS. The subcommittee will stand adjourned until 2 o'clock.

[Whereupon, at 12:35 p.m., a recess was taken to reconvene at 2 p.m. of the same day.]

AFTERNOON SESSION

The CHAIRMAN. The committee will come to order.

Next, we will have a panel of Mr. Craig Van Note, Ms. Marian Newman, and Ms. Jane Risk.

Mr. Van Note.

STATEMENTS OF CRAIG VAN NOTE, EXECUTIVE VICE PRESIDENT, MONITOR; MARIAN NEWMAN, WASHINGTON COORDINATOR, THE FUND FOR ANIMALS; AND JANE RISK, EASTERN REGIONAL DIRECTOR, ANIMAL PROTECTION INSTITUTE

Mr. VAN NOTE. I am executive vice president of Monitor, which is a consortium of conservation, environmental, and animal welfare organizations. Today, I am speaking on behalf of the Society for Animal Protective Legislation, International Fund for Animal Welfare, American Society for the Prevention of Cruelty to Animals, Center for Action on Endangered Species, International Primate Protection League, Washington Humane Society, Let Live, Friends of Wildlife, and the Massachusetts Society for the Prevention of Cruelty to Animals.

We strongly commend Representatives Murphy and Beilenson for their dedicated efforts to protect the elephants. Your actions may insure that the largest creature on land—and one of the most intelligent—is saved from extinction. We also commend Representatives Breaux, Pritchard, and Emery for their support of elephant protection.

A year and a half ago, in December 1977, this committee convened to hold hearings on the elephant. An outcome of those hearings was the listing of the African elephant as threatened under the Endangered Species Act.

The Interior Department then promulgated regulations that stated ivory and other elephant products could only be imported from member nations of the Convention on International Trade in Endangered Species. The Interior Department assured the Congress and the public that this action would help remove the United States from the marketplace for poached ivory.

I would like to quote from page 8 of the hearing record: Hon. Robert Herbst, Assistant Secretary for Fish and Wildlife.

On page 8, he states:

The immediate threat to the elephant is poaching for ivory. With the tools provided us with the Endangered Species Act, we can lessen the demand for this product and hopefully increase the elephant's chance for survival.

But we are here this week to address the total failure of the Interior Department to execute its own regulations that went into effect more than 1 year ago.

Since then, huge quantities of ivory have poured into the United States without the Interior Department even raising a finger. Most of the documentation we have seen, hundreds of 3-177 forms, has been illegal on their face, such as listing the country of origin as

"Africa." We have also learned that there have been thousands of importations in which no documentation was required.

The Interior Department has exhibited an extraordinary arrogance toward the Congress in its deliberate subversion of the Endangered Species Act. At best, the Interior Department is guilty of misfeasance and malfeasance. At worst, this is a case of criminal negligence.

We are pleased to see that the Congress is now applying its oversight responsibilities to this issue. We urge you to demand a full explanation from the Interior Department of its abject failure to control the importation of ivory.

What directives were sent out by the Endangered Species Office to its enforcement agents last year regarding ivory imports?

These answers may be hard to come by if they are left up to the Interior Department alone. Officials would be left to ask themselves embarrassing questions. We would suggest, therefore, that the General Accounting Office be directed to conduct an inquiry into the elephant regulations. The GAO has already done a lengthy report on the endangered species program, so it should know where to find the answers.

We must return to the central issue, however, and that is the plight of the elephant. The hearings in 1977 established that the African elephant is at least a threatened species. The Asian elephant is nearing extinction and is listed as endangered.

The African elephant continues to decline in a large part of its range. Although the population is under constant pressure from loss of habitat, the greatest current menace to the survival of the African elephant is from poaching. Tens of thousands, perhaps hundreds of thousands, of elephants are being shot or poisoned each year for their ivory. In some areas of Africa, the killing has become a massacre.

There are five nations in central Africa that have—or have had until recently—large elephant populations. They are: Zaire, Uganda, Sudan, Chad, and the central African empire. Unfortunately, all five countries have been torn apart by civil war and/or economic ruin. In this atmosphere, greed and corruption have run rampant.

Traders, government officials, and even heads of state have directed massive poaching and smuggling to line their pockets with the yen, marks, and francs that will buy them the trappings of modern civilization.

In Uganda, for example, the regime of Idi Amin systematically wiped out most of the elephants in what was once the richest wildlife area in Africa.

In the Central African Empire, Emperor Bokassa has a personal monopoly on the ivory trade. He sends his army out into the countryside to slaughter huge numbers of elephants. According to a source in the capital of Bangui, long convoys of army trucks return to Bangui every 2 or 3 weeks. The trucks, laden with large tusks, drive to the parade ground at the gendarmerie in the center of town. There, each tusk is weighed and numbered. Hundreds of tusks are laid out in long rows, filling the center of the parade ground.

Bokassa's ivory is then reloaded into the trucks and taken to the airport, where it is loaded onto one of his two Caravelle jetliners provided by the Government of France or onto an Air Afrique jet. The tons of ivory are shipped regularly to Charles de Gaulle Airport, in Paris, where it is distributed to buyers from France, West Germany, Belgium, Hong Kong, Japan, and other countries.

Emperor Bokassa maintains his monopoly by a simple expedient. Anyone found dealing in ivory in his country other than himself is shot. Since he is an absolute dictator, he has prospered. The ivory helps finance a lifestyle that outdoes even the Arab sheiks: A vast, air-conditioned palace filled with wives; plane loads of luxury items flown in from France; numerous villas throughout France and Switzerland; huge property investments in Europe.

Across the Congo River from Bokassa's domain is Zaire, a vast nation whose jungles and forests probably hold hundreds of thousands of elephants, more than any other population of the species. But Zaire is a nation in name only. Two decades of civil war, bankruptcy and corruption have made greed the ruling factor there.

Since the Zairian currency is virtually worthless, hard currency is raised by smuggling out the ivory, coffee, cobalt, and copper that is abundant in Zaire. Corruption is endemic with this illicit trade. It is so blatant and pervasive that international bodies like the World Bank and the International Monetary Fund, and our own Export-Import Bank, are refusing to pour more funds into Zaire.

In Zaire, the ivory trade is massive and uncontrolled. It pours across every border by boat, truck, airplane, even strapped to the backs of native smugglers. The trade is dominated by wealthy businessmen, both black and European, and by officials of the army and government. In several provinces of Zaire, according to sources, each village has been ordered to produce 200 kilos of ivory annually for the provincial governor.

Thousands of elephants died in just one area of Zaire last year after being poisoned. This mass killing took place in the vast forest west of Kisangani in northeast Zaire. While the death toll was staggering from the elephants, it was also virtually complete for all other animals over a region of hundreds of square miles.

The mass poisonings occurred in April and May 1978. According to a source in Kisangani, corrupt government officials diverted 20 metric tons of pesticide that was to have been used for spraying the coffee plantations in the province. The highly toxic poison was delivered to gangs of poachers who went into the thick forests where large numbers of elephants still roamed.

The pesticide was poured into the waterholes in the marshy areas where the elephants came to drink. Within days, thousands of elephants were poisoned. It took up to a week for them to die. The sickened beasts staggered through the forest in agony. The poachers, eager to get the ivory first, frequently hastened death by running up to the weakened elephants from the rear and disembowling them with machetes.

Witnesses say hundreds of tusks poured into the town of Ngazi, which is at the end of the road from Kisangani, each week during the poisoning massacre. Many of the tusks were just 8 inches long, indicating that baby elephants died in large numbers. Nobody

know, how many elephants died in those 2 months, because many, if not most, probably died deep in the forest and were never found.

The poached ivory was delivered to Kisangani, where the corrupt government officials chartered aircraft to fly it to Kinshasa. One hoard of ivory was so large that when it was loaded aboard a DC-3, the plane could not take off. Several tons of ivory had to be removed.

The ivory was flown from Kinshasa to France. Millions of dollars were paid to the traders by investors in Europe and the Far East. The money went largely into the Swiss bank accounts of Zairian Government officials.

Now the forests are silent for miles and miles along the Congo River, report recent travelers. The poison wiped out the birds, the monkeys, the antelope and all the other creatures of the forest. The killing continues in other areas of Zaire on a smaller scale, with bullets and poison. The elephants will die as long as the rich nations create the market and allow the free trade in ivory.

Most of the ivory from the elephant massacre in Zaire and the Central African Empire has been shipped to France over the past few years. In spite of repeated appeals from conservation groups, the French Government has refused to block the massive trade in poached ivory, claiming that it cannot challenge the "official" export documents of those two nations.

This French connection has been allowed to flourish, according to sources in France and Africa, because the President of France Valéry Giscard d'Estaing, has close personal ties with both President Mobutu of Zaire and Emperor Bokassa of the Central African Empire—CAE.

In fact, Giscard frequently travels to the CAE and Zaire to hunt elephants and other wildlife, often in the company of Bokassa and Mobutu. Over the past 15 years, Giscard has made more than a dozen trips—perhaps more than 20—to Africa to shoot elephants, leopard, buffalo, rhino, lion, antelope, and other species.

The French President developed close personal ties with Bokassa and Mobutu during his years as France's finance minister in the 1960's and early 1970's. Many of the central African nations have maintained close client-state relationships with France, depending on huge subsidies and commercial ties from Paris.

Kenya has declared a ban on all ivory exports and has requested all ivory importing nations to bar Kenyan ivory. Ironically, much of the ivory imported into the United States in recent months has carried documents stating the country of origin as Kenya. The ivory traders have apparently begun using Kenya on their documents because Kenya joined CITES several months ago. Since the Interior Department regulations ostensibly require that all ivory imports come from CITES member nations, Kenyan ivory would appear to be legitimate.

But I must repeat, Kenya has banned the export of all ivory. Therefore, the United States is helping subvert Kenya's own laws by importing Kenyan ivory. And the Interior Department is subverting U.S. law by allowing such imports. The Lacey Act, which has been a Federal law for all of this century, prohibits the importation of wildlife or wildlife products taken in violation of the laws of the country of origin.

Why doesn't the Interior Department enforce the Lacey Act? This is a question we urge this committee to address here. In fact, it would be most helpful if this committee would include a specific provision in this bill referring to the Lacey Act and requiring the enforcement division of the Interior Department to apply this law.

The African nations rightly accuse the wealthy countries of the world of creating an insatiable demand for ivory which, if left unchecked, will exterminate the elephant. The primary rule of capitalism is that supply will meet demand. Therefore, if the elephant is to be saved, the demand for ivory must be curtailed or halted.

The United States must take the lead in ending its support for the poachers. The United States must also bring pressure to bear on the other importing nations to halt their deadly commerce in poached ivory.

We therefore oppose the importation of raw or worked ivory from third countries. Any ivory imports should come only from countries of origin, and these countries should demonstrate that they have adequate management programs for their elephants and the ivory that is legitimately derived. Preferably, only raw ivory imports should be allowed, and the seller should be the African government itself.

These stringent requirements on ivory imports are necessary because the Interior Department has proven itself unwilling to administer its own regulations. We simply cannot allow the Interior Department to have discretion over ivory imports. Congress should require total review and oversight over the terms and conditions of the import regulations.

While we attack the illicit ivory trade, we must not ignore the African nations that sincerely want to save their elephants. They recognize that the elephant is a vital part of the natural heritage of their nations. The elephant is a long-term economic resource, attracting thousands of camera-toting tourists.

It is in the interest of the United States to directly aid these African nations in their efforts to protect their elephants and other wildlife.

Scores of national parks have been set up throughout Africa to preserve the wildlife. But most are meagerly funded and poorly policed. The United States has the financial resources and know-how to help nations like Kenya, Tanzania, and Zambia develop their wildlife departments.

We strongly urge that this legislation authorize the establishment of cooperative agreements with African nations by our Fish and Wildlife Service and the National Park Service. A few million dollars in funding would help guarantee a stable source of hard currency for many African nations.

Mr. Chairman, on December 13, 1977, at the first hearing on the African elephant, you spoke eloquently about the plight of this endangered species. We quote you now, Mr. Murphy, because we fully support your statement.

I will not go through the whole statement, but one passage is particularly useful. You stated:

The African elephant has no real predator other than man. It is immensely adaptable and tough. Other species have perished, but the elephant has survived for

thousands of years. I fear, however, that unless something is done soon to stop the wasteful and illegal poaching, the wild elephant, as we know it, will not survive for our grandchildren to enjoy.

The American people support those sentiments, Mr. Chairman. It is time for Congress to pass legislation to lessen the terrible pressure on the African elephant. It is time to show the poachers and the profiteers that we will not be a party to their deadly trade. It will demonstrate to the African nations that we want to help them preserve their wildlife.

We appreciate greatly the leadership of you and this committee in the battle to save the elephants.

Now, if I may, I would like to make a few remarks following up on some statements made yesterday and today.

The leadoff witness yesterday was the Ambassador from Botswana, who stated that there was very little poaching going on in his country. He was unable to provide any information.

Our sources say that the Botswana Government knows very little about what goes on in the countryside. However, when I was at the Endangered Species Convention in Costa Rica in March, I spoke with the Botswana representative there and a representative from the neighboring country of Zambia. They both agreed that there was poaching; that it was growing. The Zambian representative stated that Zambia had been confiscating large shipments of ivory that were being smuggled out of Botswana in oil tank trucks by Somali traders.

The Somali traders would drive oil tanks into Botswana and then fill up their empty tanks with ivory tusks for the return trips.

We have also heard statements from representatives from Africa that the elephant is not endangered. That is not the question here today. We have already established that it is a threatened species under U.S. law. We believe that under the definition that the species is threatened in a substantial portion of its range; that there could be no doubt that the elephant is suffering.

There is also the claim that U.S. action will not affect the trade in ivory. I disagree strongly about that.

The presence of many of the ivory traders here reflects their concern that the United States will set an example for other countries in cracking down in the illicit ivory trade.

We have also heard today from scrimshanders who are complaining that they will not get a supply of ivory. I would like to point out that most of the scrimshaw sold in this country is represented as being either walrus ivory or whale ivory and that these scrimshanders who are using elephant ivory are practicing deception when they sell scrimshaw as some other type of ivory.

I would suggest that the Federal Trade Commission require identification of all scrimshaw as to its origin. I would be willing to bet that much of the public would decide not to buy this "scrimshaw" if they knew it came from elephants.

We have also heard testimony from various ivory dealers that the supply of natural ivory is enough to meet the demand. This is ivory that comes from natural mortality. They fail to recognize that of the elephants that die naturally, most of their ivory is never recovered. They die in the forest or plains where humans do

not find the ivory. Therefore, we still believe that most of the ivory coming out of Africa, a very large percentage, is poached ivory.

I would also like to point out that Hong Kong, which has been praised for its new regulations in ivory, has turned a new wrinkle with the United States when it re-exports ivory to the United States. It is supposed to have documents showing the country of origin of ivory. When they were asked to provide that they merely rubber stamped their export permits with a statement that said that this ivory was imported legally into Hong Kong. They have provided no documents from the country of origin in Africa.

That is the end of my statement.

I would be happy to answer questions now or later.

[The following was attached to Mr. Van Note's statement:]

Hungry Tanzanian troops join poachers in Uganda's game parks

By CHRISTABEL KING
In Kampala

THE national parks and game reserves in Uganda have lost nearly 250,000 animals in the past eight years, and the few survivors are in danger of annihilation by Tanzanian liberation troops hunting for meat.

This was claimed by Mr Paul Tamukeede, acting director of the Uganda National Parks, who told me that hunger and a shortage of money had driven many of the 40,000 Tanzanian troops which liberated Uganda from Idi Amin to join the traditional band of poachers.

"At least Idi Amin's men killed animals with an element of secrecy," Mr Tamukeede said, "but the Tanzanians are openly slaughtering animals like rhino, buffalo, elephant

and gazelle for meat. They are armed with such sophisticated weapons that we can't do anything about it."

Mr Tamukeede said he had written a letter of complaint to the Minister of Wildlife and Tourism about a recent incident.

Twenty Tanzanian soldiers were sent killing animals for meat in one of the national parks. "There was a wholesale slaughter but I can't expect my men armed with inferior weapons or no guns at all to take on these soldiers," he said.

He has asked the minister for a ban on soldiers in the free national games parks, Kaba-

lega Falls, Ruwenzori and Kidepo. But he is not optimistic that his demand will be met.

Tanzanian military commanders argue that at least two of the parks are of strategic military importance. The military say it is necessary to keep a large camp of soldiers at Karuma Falls on the edge of Kabalega Park to guard the road to Arua down which any attack from the remnants of Idi Amin's followers could come.

In the past, the three national parks, 13 game reserves and several forest reserves were the main tourist attraction in Uganda. There were at least

and others only survived in small numbers.

In Kabelega Falls Park the number of elephants dropped from some 15,000 in 1972 to about 2,500 in 1976, and just over 2,000 in 1978. The rhinoceros population there fell from 50 in 1971 to only 10 by the end of last year.

Crocodiles, which had been one of the great attractions for boat passengers between Paraa Lodge and Kabelega Falls, dropped in number from 600 in 1973 to 200 in January this year.

Ruwenzori Park is now largely a habitat for birds and other animals of no tourist attraction, according to Mr Tamukeede. This park was well known in the past for more than 3,000 elephants. Mr Tamukeede said that only a few hundred could possibly have survived.

100,000 hippopotamus, 40,000 elephants, 80,000 buffaloes, 20,000 crocodiles, 500 rhinoceros and tens of thousands of other large animals.

But during Amin's rule the huge herds of animals were decimated and only a few small herds and individual animals survived. Amin's senior officers, it seems, were involved in poaching for skins, ivory, rhino-horn and meat.

The collapse of the tourist trade meant no foreign currency to pay for the vehicles, arms and ammunition needed for the fight against poaching.

As a result, Mr Tamukeede said, large numbers of animals were annihilated

Tanzania Asks Rich Countries To Aid Wildlife

By BAYARD WEBSTER
Special to The New York Times

SAN JOSE, Costa Rica, March 28 — Solomon Saibull, the Tanzanian Minister of Natural Resources, has urged at a wildlife seminar being held here that the wealthier, developed nations provide financial aid to protect the vast but dwindling wildlife resources of undeveloped countries.

Mr. Saibull, speaking at the Convention on Illegal Trade in Endangered Species, said that his country had the largest wildlife population in Africa. But he added that Tanzania did not have enough financial resources to control the widespread poaching of elephants, rhinos, zebras, lions, cheetahs and leopards. Those animals are smuggled from Tanzania into developed countries in Europe and into Japan and the United States, where consumers can afford to pay high prices for them.

Although Mr. Saibull agreed with the principles of the convention, which forbid member nations to trade in endangered

"But it can't be right for the world to say to Tanzania, or any other Third World country, that it must guarantee the survival of these parks even if Tanzanians must go without adequate food, clothing, shelter, health or education," he said.

"It will be all right if the world told Tanzania that she should guarantee the survival of these parks, but it must be with the understanding that her basic needs will not be made to suffer."

No Governmental Help

The minister said that independent organizations such as the World Wildlife Fund had given some financial aid for protection of wildlife, but that no governmental assistance had been proffered. He cited the difficulty of enforcing laws against poaching in a country that needed more equipment than it could afford.

"In the difficult terrain in the wildlife preserves in my country," he said, "there is no point in spending three months in training a wildlife park warden and then putting him down where he can't spot either poachers or wildlife without a helicopter. And we can't afford many helicopters."

The minister said that his department estimated that two-thirds of Tanzania's wildlife products — many of them from species officially listed as endangered — were illegally procured and exported to worldwide markets.

Tribesmen Are Blamed

Mr. Saibull said that African tribesmen, principally the Somali, were the most notorious and elusive smugglers. Because they dominate the smuggling racket and poach as well, they provide the key link between the poachers and the marketing operations, the minister said.

To break this chain, he added, Tanzania needs more scientific research, education, technology and money. This would enable his country to begin a comprehensive program involving better protection and conservation of wildlife and strict law enforcement.

But without financial assistance from nations and international organizations, he said, there is little chance to develop such a program.

The full control by all countries of the importing of endangered animals and plants, Mr. Saibull added, would hurt the economy of such Third World countries as Tanzania.

Economic Subsidies Urged

"It is thus quite important, he said, "that the international community must act responsibly by guaranteeing survival by both man and beast in those countries by offering them appropriate economic subsidies."



The New York Times / March 29, 1979

plants and animals, he cited the "fragile economies" that partly depend on wildlife in developing countries.

Needs of People Cited

He said that Tanzanian national parks and wildlife preserves, including the Serengeti-Ngorongoro Conservation Area and the Selous Game Reserve, the largest in the world, made up more than one-tenth of Tanzania's land area of 378,000 square miles.

THE NEW YORK TIMES, SATURDAY, AUGUST 18, 1979

Biologist Says Tanzanian Troops Are Decimating Uganda Wildlife

By CAREY WINFREY

Special to The New York Times

NAIROBI, Kenya, Aug. 17 — Tanzanian soldiers are decimating wildlife in Uganda's game reserves, one of the world's richest, according to an American biologist who arrived here from Uganda today.

Karl van Orsdol, a Ph.D. candidate at Cambridge University who has spent the last two and a half years observing lion behavior in Rwenzori National Park, said the Tanzanians had killed more than 10,000 animals since they deposed President Idi Amin four months ago.

He said that the soldiers were selling the meat, the skins and, in the case of the elephants, the ivory.

He said his own "minimal estimates" were that more than 6,000 hippopotamuses, 5,000 antelope and 2,000 buffalo had been killed. The 26-year-old biologist showed reporters photographs of Tanzanian soldiers cutting the carcasses of hippopotamuses.

100 Elephants Shot

He said the soldiers had also shot about 100 elephants and 70 lions, including 12 of the 50 he has been studying for more than two years.

"I know it's happening on a colossal scale in Rwenzori," Mr. van Orsdol said, "and I have heard from game park staff that killing is going on in all Uganda's game parks."

There were earlier reports that soldiers loyal to President Amin killed many animals as they retreated through the parks in March. But Mr. van Orsdol said that in Rwenzori the Amin soldiers killed no more than 200 animals, mostly buffalo,

for food. In the 1960's Rwenzori National Park attracted thousands of tourists each year to see its tree-climbing lions, among others attractions.

'Started Getting Nasty'

Mr. van Orsdol said that when the Tanzanian soldiers first arrived in mid-April they killed only for food. "But about two weeks later," he said, "they started getting nasty."

He said the Tanzanians preferred to shoot the game from the back of a moving truck. As the truck speeds through a herd of fleeing antelope, for instance, a dozen or more soldiers will open fire with machine guns. "It reminds me very much of the extermination of the buffalo in the Old West," Mr. van Orsdol said.

He said he had stayed on in the park because Tanzanian officers assured him they would put a stop to the practice. "But once they started shooting my lions," he said, "I had to leave."

Mr. van Orsdol estimates that about half the hippopotamus population has been wiped out and about 70 of the park's 200 lions have been killed since the Tanzanian soldiers arrived in April. "I think the park will be dead in three weeks or less," he said.

THE WASHINGTON POST

Saturday, August 18, 1979

Uganda Park Animals Killed

MWEYA, Uganda—Tanzanian troops and poachers have killed a third of the animals in Uganda's Rwenzori National Park, jeopardizing the survival of one of eastern Africa's most important wildlife populations, according to an American researcher.

"In terms of a tourist attraction, the park will be dead in three weeks or less if the slaughter is not stopped," American biologist Karl Van Orsdol said.

From news services and staff reports

The CHAIRMAN. Ms. Risk.

Ms. RISK. I would like it if you could please go to Ms. Newman now. We do support her comprehensive statement. But whatever is your pleasure.

The CHAIRMAN. Ms. Newman.

Ms. NEWMAN. Mr. Chairman and members of the committee, my name is Marian Newman, and I am the Washington coordinator for The Fund For Animals. We are a national conservation and animal protection group with approximately 200,000 members nationwide that works to save endangered species, preserve wildlife, and promote humane treatment for all animals. I appreciate the opportunity to appear here today to express our views on two important bills designed to save the African elephant from extinction.

We want to thank you, Mr. Chairman, for holding this important hearing on H.R. 4685, sponsored by you and Congressman Breaux, and H.R. 2826, sponsored by Congressman Beilenson. Only by quick passage of strong legislation banning ivory imports can we help to save the elephant.

Before summarizing my statement, may I ask that it be included in the hearing record in its entirety, along with some other data, letters, and selected material, and our petition to the Interior Department to have the African elephant added to the Endangered Species list?

[The following was received for the record:]

STATEMENT OF MARIAN NEWMAN, THE FUND FOR ANIMALS

Mr. Chairman and Members of the Committee:

My name is Marian Newman and I am the Washington Coordinator for The Fund For Animals. We are a national conservation and animal protection group with approximately 200,000 members **nationwide** that works to save endangered species, preserve wildlife, and promote humane treatment for all animals. I appreciate the opportunity to appear here today to express our views on two important bills designed to save the African elephant from extinction.

We want to thank you, Mr. Chairman, for holding this important hearing on HR 4685 sponsored by you and Congressman Breaux, and HR 2826 sponsored by Congressman Beilenson. Only by quick passage of strong legislation banning ivory imports **can we help to save the elephant**. Before summarizing my statement, may I ask that it be included in the hearing record in its entirety, along with some other data, letters, and selected material, and our petition to the Interior Department to have the African elephant added to the Endangered Species List.

The Fund submitted a legal petition to Interior Secretary Cecil Andrus on August 18, 1977, urging him to place the African elephant on Interior's list of Endangered Species which would have banned all ivory imports. In May, 1978 Interior placed the African elephant on the Threatened Species List, but caved in to the ivory industry by allowing ivory imports to continue entering the U.S. Placing the African elephant **on the Endangered Species List**, thus banning the import of all ivory, would have relieved **some** of the pressure on, and economic incentives for the slaughter of elephants, particularly if other countries had followed the U.S. lead. In the words of a fact sheet of June, 1978 from the Interior Department itself, "Ivory hunting is the greatest immediate threat to the species."

Interior also stated at the last hearing that having the elephant on Appendix II of CITES "is not an effective tool in limiting the trade in ivory," but has done nothing to have it placed on Appendix I despite their promise that their "formal recommendation" to do so would be finished by "January of 1978." Interior also stated that "New information on the elephant is frightening," but has only contributed to the worsening situation by ignoring their own regulations which would have banned large amounts of ivory from entering the U.S.

The African elephant as we know this particular species, is over 300,000 years old, but unless ivory imports are quickly banned for an indefinite period of time, we may soon witness their disappearance. This species, the largest living land animal, has recently become extinct in 5 countries and is rapidly decreasing in all but 5 other countries where their populations remain small and vulnerable. The insatiable demand throughout the world for worked and unworked ivory tusks is creating a tremendous monetary incentive for the killing of these animals wherever they exist. This major economic factor, coupled with other issues such as rapidly decreasing habitats, recurring drought, encroaching human population, political instability, limited financial resources for enforcement personnel and the establishment of new park areas, complicate the problem we have in finding solutions to reverse this grave situation. However, the most pressing factor at this time affecting the future survival of the elephant is the ivory trade. The U.S., one of the world's leaders in conservation, must now pursue an active role in reversing this unregulated and uncontrolled trade by immediately banning ivory, and must work to get other importing countries to do the same.

Mr. Chairman, The Fund For Animals could support HR 4685, provided major loopholes are closed. We are here today Mr. Chairman, because Interior has committed criminal violations by not following the laws which they

themselves drew up to regulate elephant imports. For example, "in 4 weeks over 1,500 shipments of ivory entered the San Francisco port" for which Interior did not collect the necessary documents. It is now absolutely necessary that they have as little flexibility as possible in the provisions of any African Elephant Protection Act which will hopefully be passed by this Congress. My comments today are mainly directed at HR 4685. Under this bill Interior would make the final decision as to what imports would be allowed into the United States. This must be changed so that imports are effectively banned from entering the U.S. During the last elephant protection hearings, Assistant Interior Secretary Robert Herbst stated that "...the country exporting these animals or their products must issue documentation that the animals or products are being exported in accordance with the laws of that country." Despite Interior's regulations to this effect, the department has done little, if anything, to enforce these rules and has virtually let anyone or any country, even those which are not allowed to export, ship as much ivory as they wish. By breaking the U.S. law, this department has lost the confidence of the American public in taking responsibility for helping to save the elephant.

Supposedly, under Interior's regulations only those countries which are members of CITES are allowed to export ivory and elephant products. As we all now know, this has not worked out and thousands of illegal shipments have come into the U.S. since the regulations went into effect. Under HR4685 not only would CITES countries be able to apply for permission to ship ivory here but virtually every country in the world, as well as individuals, and companies. This would mean that Interior would be flooded with requests for import licenses, which would make the situation far more chaotic than it is now and could actually encourage the shipment of ivory imports here. Despite the bill's well-intentioned requirements to have the Secretary "submit a report to the Chairman of The Committee on Environment and Public Works of the Senate and the Chairman of the Committee on Merchant Marine and

Fisheries of the House of Representatives," Interior could still legally go ahead and lift the ban, which as we all know, they would do, based on their poor record over the past year.

If we are going to curtail the killing of elephants, the U.S. must immediately ban all worked and unworked ivory, most of which comes from poaching, and which is the majority of our imports. There must be no exceptions made for personal exemptions as thousands of pounds of ivory have illegally entered the U.S. under this exemption. Suitcases full of ivory have passed through customs this way. With over 70 countries exporting and re-exporting ivory there is no feasible method we have, or most likely will ever have, of controlling this vast and ever growing trade which is wiping out hundreds of thousands of elephants annually. This year HR 2826, which would ban all ivory, had over 90 co-sponsors and the support of millions of Americans who are concerned about the elephant's future survival. By far, the most important part of an African Elephant Protection Act must be a provision in it which would immediately ban all ivory imports into the United States. Only by taking this important step, which could help drop the value of ivory and thus reduce the killing, do we have a chance of stemming the elephant slaughter. The bill must provide for an immediate ban on ivory. This would prevent companies and individuals from stockpiling huge amounts of ivory either as a hedge against inflation or for future sale.

Since there are now substitutes for ivory, which I would like to show the Committee at this point, the necessity for carving genuine ivory tusks has greatly diminished as has the need for imports of ivory tusks. Since these substitutes do not turn color, or chip, or crack like ivory, it is in many ways a product superior to real ivory. All re-exports, and ivory tusks not originating for the country where the elephant died of natural causes, must be banned if we are going to have the potential for regulating

what is obviously a very difficult trade to control. Dr. William Brown, Executive Secretary, U.S. Endangered Species Scientific Authority, admitted to this difficulty at this last hearing when he stated that "...there is a problem of re-export, where under the convention, for Appendix II, a re-exporting nation need only be satisfied that the ivory was imported in accordance with the provisions of the Convention, and it is up to them to decide where it was. Some are not being as rigorous perhaps as they ought to be. So we have a problem." Elephant authority, Dr. Iain Douglas-Hamilton, stated in a letter of June 22, 1979 that "...there are few African countries which meet the requirements of importing ivory into the States." Allowing worked ivory or re-exports would leave the legitimacy of the ivory to chance and speculation since ^{of this} most ivory is poached. HR 4685 could be an effective piece of legislation and could win the vast support of the American public if worked ivory and re-exports are banned. We hope that this committee, under your leadership will ammend HR 4685 before it is passed.

Mr. Chairman, the following is just 1 example of how Interior has violated the elephant regulations which were to be implemented on June 11, 1978. This past April I wrote to the Fish & Wildlife Service on behalf of The Fund For Animals, requesting permission to review all of the 3-177 documents on ivory imports at the Los Angeles and San Francisco customs bureau where they are supposed to be collected. On May 16, 1979 I received a letter from the law enforcement division of the Fish & Wildlife Service granting The Fund For Animals permission to see a total of 42 documents from both cities. Knowing that there were supposed to be hundreds of 3-177 forms, I inquired about the missing documents to Mr. Clark Bavin, who is responsible for over-seeing these import declarations. (The 3-177 forms "have not been added up for years.") He said that "Over 1500 ivory shipments have entered the San Francisco port within a 4-6 week period" but he thought that the "Oakland mail facility rather than customs were receiving the shipments." I then asked him where the 3-177 documents were and he replied "I don't know

and that "It's only a minor problem." Mr. Bavin then said "I can't keep the ivory importers waiting by bothering them to fill out forms...It would take too long and there would be too much paper work involved...I have just learned of this problem anyhow." Like the excuse used by many Interior officials when not complying with the law he stated that "We do not have the manpower or the resources to implement the regulations." We now understand that the Department wants to weaken existing controls on regulations so that little if any paperwork would be involved in acquiring ivory, thus making it easier for the ivory traders.

The documents that are being collected at some ports of entry are largely illegal. Under the heading "Country of Origin" are countries such as Hong Kong, West Germany, Belgium, China, India (this could be from the Asian elephant, a critically endangered species...thus banning African elephant ivory would also help protect the Asian elephant as well), and even Kenya where it is illegal to export ivory and is therefore in violation of our Lacey Act. Most of the documents from Hong Kong, where the U.S. obtains most of its ivory are falsified and are therefore illegal. We have learned that traders pay for permits which they then copy and attach to ivory exports. Despite Interior's acknowledgment that "Uncontrolled ivory hunting is the greatest immediate threat to the species," this very department is encouraging the slaughter of elephants purposely by ignoring their own regulations.

Even at the present time, by only allowing CITES countries to export and import ivory, the trade is almost impossible to control and smuggling and poaching go on unabated. U.S. Justice Department attorney, Kenneth Berlin states that "The profits in illegal wildlife are equivalent to profits in the drug trade. For a \$1,000 investment, the smuggler can make ten grand." (Washington Post Magazine, July 8, 1979) Not only is our own country violating the CITES regulations, and regulations implemented by some other African countries which ban ivory exports, but many other countries are thwarting the law as well either due to lack of resources in controlling the trade or because they themselves are profiting from it. Even Botswana, one of the only three African countries allowed to export ivory to the U.S., and a country which is held up as an example of "good management" of elephants, is in clear

violation of the CITES convention and our elephant regulations. In a letter of May 25, 1979 to The Fund For Animals, D.T. Williamson, Acting Director of Wildlife, National Parks and Tourism, states "We have no data on the destination of elephant products leaving Botswana or on the quantity of material exported to the U.S...We have no hard data on the numbers of elephants poached in Botswana and it is thus difficult to say how effective anti-poaching measures are." Solomon Ole Saibull, Tanzania's Minister for Natural Resources and Tourism states that "Unless trade in endangered species is stopped, whole populations will disappear from the face of the earth. The 1970's have brought despair to wildlife conservation throughout Central and Eastern Africa. The rising prices of ivory, rhino horns, leopard and zebra skins increased profits to unprecedented levels...The bulk of poached products is smuggled out of the country and sold on international markets beyond our control. A large amount of public revenue goes into unscrupulous private pockets." (Washington Post Magazine, July 8, 1979)

We feel that Section 10 should be changed so that this Act would be supplemental to the Endangered Species Act. Whichever Act would provide the most protection would take precedence where the 2 Acts conflict. We also feel that this Act should take precedence over State laws that permit what this Act prohibits.

Ivory, or "white gold" as some people refer to it as, is so valuable that only a large decrease in demand will lower the price of it, which is now about \$60.00 per pound, up from \$2.30 in 1970. As the elephant becomes more rare, the price and demand for ivory go up. The impetus for this enormous ivory trade, unparalleled in history, began in the early 1970's when emigrating Asians and Europeans took ivory and deposited in bank vaults or traded it in for currency. Discovering ivory as a valuable hedge against inflation, the demand for ivory spread worldwide, and the demand continues at an even greater rate today as inflation worsens and ivory becomes more valuable. Poachers, middlemen, and various people at all levels of government, and the general public are cashing in on this valuable commodity. Former President of Uganda, Idi Amin and Emperor Bokassa of the Central African Empire are known to have stashed away millions of dollars worth of ivory. While some leaders such as President Mobutu of Zaire would like to protect elephants by enforcing the law, his orders to do so "are largely ignored by those under him," according to Dr. Claes Lindred, former Advisor to Provincial Ministry of Agriculture in Zaire for the U.N. and Provincial Forest Officer in Nigeria. Countries like the Ivory Coast and Kenya, who have supported HR 2826, are also unable to control poaching within their countries because of the enormous value the elephant now has.

Historically, Africa used to contain elephant herds numbering over 10 million, spreading out over 90% of the continent. Even after the great elephant slaughter of the late 1800's, over ~~5~~ million elephants remained, but the size of their tusks had dropped from "an average weight of 150 pounds to only 100 pounds." (Big Game and Pygmies, 1924 by Cothbert Christy M.B.,C.M. MacMillan) Today, only about 1.3 ^{million} elephants remain in an area covering no more than 10% of the continent. In fact, 75% of all elephants only a few years ago used to live outside the park areas, but according to elephant authority Dr. Richard Miller "Elephants will soon be confined solely to parks."

While some people feel that in a very few instances it is necessary to "cull" elephants, according to the latest scientific studies, in almost all situations today, it is best to leave them alone. Dr. Hamilton states in a recent issue of Africana magazine "It is curious that after five years of the most uncontrolled killing of elephants for ivory since the turn of the century, the question of culling these animals in East Africa's park reserves should be resurrected once again. What is not so surprising is that the impetus for this debate should come almost entirely from outside Africa...The key elephant populations cited have declined massively due to poaching for ivory and there are few areas left in East Africa which can be said to have a "problem" of overcrowded elephants...In a few places, such as Ruaha and Luangwa, where elephants are still found at high densities, either culling or "laissez-faire" may be legitimate management practices..What has been difficult has been to convince the leading ecologists of the sixties now living abroad that there has been a radical ecological change, namely a spectacular rise in human predation." In many countries, governments erroneously contend that elephant herds must be culled for fear that they are destroying their habitat, or more commonly use "culling" as an excuse to kill elephants in order to acquire and sell their ivory. When the soil and vegetation of the elephant's habitat was studied in Tsavo, Kenya, Dr. Hamilton states "Suggestions that the habitat

has been permanently damaged appear to be ungrounded. According to the only scientist who has studied the soils, Willem von Wijngaarden, there is no evidence that the soils have been physically or chemically altered or eroded during the period when drought and elephant have removed the cover of vegetation. Likewise, although the elephants have pushed over big trees, young ones continue to germinate, and will probably shoot up rapidly now that the elephant pressure has been reduced...It seems that the rate at which woodland can regenerate from severe cutback was consistently under-estimated in the sixties, when the cull-or-not-to cull debate was at its height. For instance, a number of sisal estates in Tsavo area, abandoned in the fifties, are now covered in dense 20' high acacia. Similarly in Kabalega with its higher rainfall, an elephant "exclusion plot" established in 1967 became well forested with tall acacia sieberianna 9 years later. .in possibly as little as 5 percent of their range, elephants are pushing trees down faster than they can regenerate. (Africana Vol. 6 No.11 March 1979).

While the killing of elephants for their valuable tusks is the primary cause of their decline, ^{are} we also concerned about the many cruel and inhumane methods by which elephants are slaughtered. These animals usually succumb to a long painful death either by the most common method, being shot with poison darts or arrows, or by gunshot, rockets dropped from helicopters, snares, setting grass fires around a herd, and traps. According to Dr. Lindred, elephants are also killed by either "drinking water in swamps or lakes or eating pineapples or papya which have been filled with poisons such as sulphuric acid and insecticides. Death by this method sometimes takes days or weeks and causes enormous suffering for the animal. The poisons literally burn out the elephants throat, intestines, and stomach. Thus passage of strong legislation would also relieve these highly intelligent animals from unnecessary and cruel suffering.

On May 10, 1976, the law firm of Kirkland, Ellis, and Rowe sent out a three-page questionnaire on behalf of the Fund for Animals to scientists, conservationists, and nearly all of the African countries with elephant populations. The questionnaire examined the status of the elephant, conservation programs, the threatened destruction, modification, or curtailment of the African elephant's habitat or range, and the effect of the ivory trade on the elephant. Many of the replies we received to the questionnaire expressed concern for the future survival of the elephant in their country or throughout Africa. For example, the National Park and Wildlife Service of Zambia, the country with the largest elephant population, states that the elephant's existence "is seriously threatened by increasing poaching, reduction of its natural range and habitat damage....there have been improved methods of ivory smuggling, and increased difficulties in controlling the borders."

The Department of National Parks and Wildlife Management in Rhodesia states that "it appears that elephants were great wanderers with no restriction hindering their movements. Today, ranching, farming and settlement have curtailed these movements and have restricted elephants and their activities to confined areas (National Parks) or areas which are submarginal for agricultural purposes, either due to lack of arable land or disease (Trypanosomiasis)."

When the Dutch arrived in South Africa there were tens of thousands of elephants roaming throughout the country. Today, the Director of the Kruger National Parks states that "the range of the elephant decreased quite drastically with the advent of man and the elephant is presently confined to three isolated populations with a total of no more than 7,400."

The Minister for the Protection of Nature of the Ivory Coast states that "the habitat of the forest elephant is rapidly diminishing due to the extensive timber industry. Once the forest has been cut, the planters move in and the chance of the forest regenerating is lost."

The Minister of Agriculture of Camaroon states that "the farming patterns cut across elephant range which leads to crop destruction and outcry by natives for control. There is also the recent drought in the North which has reduced the elephant habitat in Waza National Park. The activities of the pygmies, timber exploitation and growth of plantations, and the desire by village populations to have elephant meat and as a result of crop destruction (will affect the continued existence of the elephant). Poaching (will affect the continued existence of the elephant.)"

Dr. R.M. Laws, Director of the British Antarctic Survey, and a scientist familiar with African wildlife, responded to the questionnaire by saying that "I would consider that the African elephant is an endangered species because even where it is found in National Parks the authorities are remarkably unconcerned about the problems building up--Tsavo is the classic example."

Mr. Jeffrey Short, Director of the Chicago Zoological Society and the Chicago Academy of Sciences, who has spent years in Africa studying wildlife, states that "in my view, the African elephant is in danger of extinction, or is extinct in approximately 50 percent of its former area in the three countries which I am familiar with, Uganda, Kenya and Tanzania. It is an endangered species in the rest of the area."

One of the major threats to the survival of elephants, as pointed out in these letters, is that elephants can no longer

journey across large areas of Africa. For example, elephants used to migrate over "approximately 75 percent of Uganda, but now their migration covers a tiny fraction of that country. The human population has increased three percent a year in Uganda and Tanzania, and is expected to double in 20-25 years, resulting in increased human occupation of elephant habitat." A recent report stated that the entire elephant population was recently wiped out by former Ugandan President Idi Amin and his troops.

The IUCN Elephant Survey and Conservation Program of March 1977 reports the known elephant destruction. They state that "the continental picture is still very far from complete, and in most cases we cannot yet hazard a guess at elephant numbers within a country. We can, however, summarize our current knowledge of the elephants' distribution on a map." The IUCN Survey report states further that in Angola "Armed men of the three political factions entered National Parks and Reserves and destroyed elephants and other animals with automatic weapons. The current situation is unknown."

In Chad, scientists state that "In the last twenty years the human population has doubled and the elephant population together with other wildlife has been diminishing. Chad authorities freely admit that local resources cannot meet the challenge of effective wildlife protection and must rely on external assistance...the last Greater Kudu were destroyed by rockets fired from helicopters, and the same system was used to shoot down elephants."

For Mauritania it is reported that "These elephants, if they survive, are in the Northernmost of the African continent."

In Rwanda, "This country has the densest human population in Africa and has a population of 100-150 elephants living in the Nyungwe

forest on the Zaire border. Up until the beginning of 1975, 150 elephants also lived in the Bugesora area. The competition between these animals and man had come to such a pitch and was worsening rapidly (10% of elephants wounded by snares, 30% severely mutilated, crops damaged, small holders terrorized, etc.) that the Government declared a final solution to this problem. All the elephants were slaughtered except for 26 young animals who were captured and transported to the Akagera Park."

The scientists report that for Tanzania "intensive poaching of elephants, especially in the North, is of great concern to the Game Division and National Parks...The few examples represent a fraction of the questionnaire answers now filed by country and area, but out of a sample of 21 countries, only five appear to have stable elephant populations and the others are all declining."

Dr. Hamilton reported in 1979 that there were "less than 68,000 elephants left in Kenya," down from 120,000 less than three years before that. The impact of the widespread slaughter on elephant populations can be vividly seen in Kenya in Tsavo National Park, where the elephant population is now less than 20,000--down from 36,000 animals in 1973-74. "The Ministry of Tourism and Wildlife Conservation and Management Department, monitoring lights in Tsavo National Park between June 26 and June 30 this year (1976), recorded the following facts: In the year 1973/74, there were 35,900 live elephants for the entire Tsavo ecosystem. In June this year, preliminary figures (which the Ministry has suppressed), live elephants were estimated at 20,000. A reduction of 16,000 elephants in two-and-a-half-years! During this period the increase in carcasses counted in the park was over 280 percent higher than the 1973/74 figures. In Tsavo (east), rangers made contact with an estimated one out of every 10 poachers. They contacted 134 of them, so we assume there are at least 1,300 poachers at work...In Tsavo National Park alone the beasts are being killed at the rate of five a day, and in places the park is virtually littered

with elephant corpses--their valuable tusks carved out of their heads--or with dying animals whose bodies are riddled with poison-tipped arrows.

"Unless these people are stopped," Tsavo's Chief Warden David Sheldrick warned "It could well be that the elephant could be finished in five years."

John Burton, Chairman for Traffic for the IUCN states in The New Scientist of April 20, 1978 that "Zaire's elephants are disappearing at an alarming rate. Elephants were afforded special protection by the government of Zaire, and the National Parks Service is apparently trying hard to enforce the regulations. However, the culprits include not only ordinary poachers but also "legal" poachers, using modern sophisticated armaments, and carrying "official" permits. It is alleged that the Ministry of Finance continues to issue unlimited export permits for ivory. In 1976 the Ministry of Environment, Nature Conservation and Tourism exported less than 1.5 tonnes of ivory, all to Belgium. But by examining import statistics for consumer countries it was found that Zaire exported 124 tonnes to Hong Kong and 159 tonnes to Japan. In addition Hong Kong imported 47 tonnes from Belgium, which almost certainly originated in Zaire. The grand total of ivory going from Zaire to Hong Kong and Japan alone was therefore probably over 330 tonnes in 1976. Allowing for the substantial quantities of ivory exported via Uganda (exports to Hong Kong totalled 220 tonnes in 1976), Rwanda and Burundi, and the likelihood that more is exported via the Central African Empire, the Congo and the Sudan, the total amount which left Zaire in 1976 was almost certainly more than 400 tonnes. Using a figure of 10kg. of ivory per elephant - which could well be over-generous- this figure would represent about 50,000 elephants. As the ivory is not being poached evenly throughout Zaire, but concentrated in certain areas, it is likely that some elephant populations are being eroded rapidly. If Zaire is to maintain its lead in the field of wildlife conservation, strong action is needed now. Otherwise, once poaching for ivory becomes well established, the pressure will soon be turned to other forms of wildlife, just as happened in Kenya."

Dr. Iain Douglas-Hamilton states in a United Press International report on October 26, 1977, that "ivory hunters, some using rockets fired from helicopters, killed between 100,000 and 400,000 elephants in Africa during 1976." Douglas-Hamilton, an international authority on elephants, told the World Wilderness Congress that unless something were done to check the demand for ivory, the elephant population could become endangered like that of the great blue whale. Douglas-Hamilton said that in Chad, on the southern fringe of the Sahara, there were reports that the army had used rockets to fire at elephants from helicopters in the chase to feed the world ivory market. "In Sudan I have received very recent reports that some tribes are still burning elephants to death by setting a light along the grass around a herd. In all Africa, ivory leaving in 1976 may have come from anything between 100,000 - 400,000 elephants and there seems to be no letup in the demand." Douglas-Hamilton said he arrived at the figures "after weighing thousands of tusks in Dar Es Salaam's (Tanzania) weighing rooms." He said that the estimate would be correct if the tusks weighed in Dar Es Salaam "were representative of tusks all over the continent." He also said he included in his figures elephants which died from natural causes and who were culled in countries like South Africa and Rhodesia. Douglas-Hamilton said elephants had been seriously "over-exploited, particularly since the 10-fold rise in the price of ivory since the late 1960's. Hong Kong last year imported 710 tons of ivory--taken from 71,000 elephants--from Africa, he said. (Last year, 30,000 elephants were killed for the Hong Kong market.) This was equivalent to the entire elephant population of South Africa.

Ivory was being exported also to Japan, China, India, the Middle East, Europe and the United States. "The continent's elephant population is definitely decreasing," he said. The general continental picture is one of decline. Douglas-Hamilton said that Kenya had lost more than 50 percent of its elephant population in the past seven years, but "in Uganda there is an even greater decline."

The following are ivory import figures for the United States, which represent only a small part of what actually enters this country, according to an official of the Interior Department.

	<u>Ivory Tusks Crude or Cut Diagonally</u>	<u>Ivory Beads Not Strung or Set</u>	<u>Articles of Ivory Not Specifically Provided For</u>
1972	21,512 lbs. \$105,000		
1973	1,544 lbs. \$14,384	\$145,477	\$1,156,021
1974	5,176 lbs. \$59,000	\$114,000	\$1,911,000

1975	20,766 lbs. \$143,000	\$183,000	\$2,452,000
1976	77,238 lbs. \$852,596	\$245,000	\$3,256,592
1977 (Jan.-June)	21,297 \$289,876	\$782,974	
1978	19,873 \$256,316		\$7,126,308
1979 (Jan.-June)	1,776 lbs. \$43,952		\$1,527,845 (\$1,454,372 from Hong Kong)
	reports Hong Kong exports of worked ivory and articles of ivory from January-April 1979 were approximately \$1,900,000 and approximately \$8,000,000 from January-December of 1978. (figures from British Embassy)		

officially
In less than five years, the United States alone has imported over 16 million dollars worth of ivory, and this represents only a small fraction of what is actually being imported. A representative of the World Wildlife Fund, which has financed elephant surveys in Africa, has stated that "unless action is urgently taken, the unprecedented rate of decline of Africa's elephant population will lead to their virtual extinction." Although the tusks of a large bull elephant may easily weigh 50 pounds or more each, so many of the older and larger tusked elephants have already been killed off that the average weight of tusks now being sold is around 20 pounds. Dr. Lindren reports that in Zaire tusks no longer than 9" were being sold." According to Boyce Rensberger, writing in the New York Times on September 22, 1975, "Normally about a third of the ivory auctioned off by the Game Department is from mature bulls. This time (1974) less than a twelfth of its ivory was from such a large animal."

It is difficult to obtain accurate figures on the export of ivory from Africa because some government officials are known to be involved in the ivory trade. For example, in 1974, Kenya reported that they exported 107 tons of ivory to Hong Kong and 7.6 tons to Japan. However, the import figures there report 461 tons to Hong Kong and 147 tons to Japan.

Fortunately, the situation has changed and it is now illegal to export any wildlife product, but the law is difficult to enforce and smuggling still continues despite the best of intentions.

All indications point to the fact that the poaching has increased in the last few years, not decreased, despite the hunting bans most African countries have imposed on elephant hunting. Since nearly all killing of elephants is done illegally, the U.S. is violating international laws by illegally importing ivory.

The United States is one of the largest importers of ivory in the world. It is clear that inaction by the United States Department of Interior could help bring about the extinction of the African elephant throughout most or all of its remaining range. The African elephant is being killed off in unprecedented numbers, which if continued will wipe out the remaining elephant populations in five to ten years, according to most scientists and conservationists who are familiar with the situation.

The state of New York, and California under the leadership of former state legislator Anthony Beilenson, recognized the endangered status of these animals by adding the elephant to the states' Endangered Species List.

The following information on ivory imports and exports was issued by the Fish & Wildlife Service's permit office. Even though the following statistics are only part of what is actually entering the U.S., it does indicate how large the ivory trade really is. For example, 1 shipment alone contained 1 ton of ivory. Also, some of the ivory travelled between 3 or 4 countries before it reached the U.S., a sure indication of how difficult it would be to control re-exports.

January- December, 1978

<u>Country of Origin</u>	<u>Destination</u>	<u>Shipments</u>	<u>Pieces</u>
Africa (unspecified)	Hong Kong	476	1,957,023
Zaire	"	294	711,987
Botswana	"	94	529,975
South Africa	"	8	127,170
Kenya	"	6	4,603
Botswana & Zaire	"	1	397
Sudan	"	3	244
East Africa	"	2	40
Tanzania	"	2	37
		886	3,331,481

Botswana	United States	50	686
		11	519 kl.gms
		1	no amount indicated
Central African Empire	"	6	20
Kenya	"	1	no amount indicated
		46	11,118
Liberia	"	3	15
Nigeria	"	1	no amount indicated
South Africa	"	3	5
		15	655
		2	106 kl.gms
		4	no amount indicated
Sudan	"	14	140
		1	1 ton
Tanzania	"	5	
		1	156
		3	
Zaire		15	109
Zambia		18	
TOTAL	193 ivory shipments, 12,938 pieces. 173 shipments, 625 kl.gms. 1 ton, 1 shipment. 5 cases, 1 shipment. unspecified # for 7 shipments		

Japan	United States	151 pieces from 151 shipments (from unspecified countries in Africa)
India	"	398,766 pieces from 121 shipments (unspecified countries in Africa) 1,258 pieces in 11 shipments (unspecified countries in Africa to U.K. to U.S.) 6,320 pieces in 2 shipments (unspecified countries in Africa to Hong Kong, to India, to U.S.) total = 406,344 pieces in 134 shipments
Austria	"	3,120 pieces, 13 shipments (unspecified country in Africa) 60 piano key sets included 2,964 pieces - Botswana to U.S. to Australia to U.S. 7 shipments, includes 57 piano key sets total = 6,084 pieces, 20 shipments, 117 piano key sets included
France	"	1,254 pieces in 11 shipments (unspecified country in Africa) 53 pieces - 2 from Gabon total = 1,307 pieces in 13 shipments
West Germany		72.8 pieces, 5 shipments (includes 14 piano key sets) 22 pieces in 2 shipments 445 grams in 1 shipment Total = 8 shipments
from Congo to West Germany	"	1 piano key set in 1 shipment 21 piano key sets in 11 shipments 4,157 pieces in 7 shipments 960 grams in 2 shipments Total = 21 shipments
England	"	3,351 pieces in 31 shipments 6 unspecified quantities in 6 shipments Total = 37 shipments from unspecified African countries 100 pieces in 1 shipment from Zambia 89 pieces in 1 shipment from Kenya 2 pieces in 1 shipment from Uganda Total = 3,542 pieces in 34 shipments unspecified quantity in 6 shipments total of 42 shipments
Italy	"	3,181 pieces in 3 shipments (unspecified country in Africa) 55 pieces in 1 shipment from Somalia 12 pieces in 1 shipment from Camaroon Total = 3,248 pieces in 5 shipments

Netherlands	"	2 pieces in 1 shipment from unspecified country in Africa
Spain	"	2,133 grams in 5 shipments 16 pieces in 1 shipment Total = 6 shipments 18 pieces in 1 shipment from Zambia unspecified quantity in 1 shipment Total = 2 shipments 2 shipments from Central African Empire (unspecified quantity) 34 pieces in 2 shipments from Camaroon 2,133 grams in 5 shipments unspecified quantity in 3 shipments Total = 12 shipments
Switzerland	"	110 pieces in 4 shipments from unspecified country in Africa

368,377 klgms from Africa to Japan (223,858 klg. from Zaire)

Mr. Chairman, by holding this hearing today we may yet save the African elephant, but only if a U.S. ban on ivory is implemented soon. Hopefully, we can set a good example for other countries to follow our lead which will soon lessen the rate of killing for the elephant. This animal clearly fits the Endangered Species Act's definition of endangered, since it is clearly extinct or endangered "throughout all or a significant portion of its range. It should therefore be treated as such which means banning ivory imports.

We want to thank you Mr. Chairman for holding these hearings today and I would be happy to answer any questions that you or the Committee may want to ask.

Ms. NEWMAN. The fund submitted a legal petition to Interior Secretary Cecil Andrus on August 18, 1977, urging him to place the African elephant on Interior's list of endangered species which would have banned all ivory imports.

In May, 1978, Interior placed the African elephant on the threatened species list, but caved in to the ivory industry by allowing ivory imports to continue entering the United States. Placing the African elephant on the endangered species list, thus banning the import of all ivory, would have relieved some of the pressure on, and economic incentives for, the slaughter of elephants, particularly if other countries had followed the U.S. lead.

In the words of a fact sheet of June, 1978, from the Interior Department itself, "Ivory hunting is the greatest immediate threat to the species."

Interior also stated at the last hearing that having the elephant on Appendix II of CITES "is not an effective tool in limiting the trade in ivory," but has done nothing to have it placed on Appendix I, despite their promise that their "formal recommendation" to do so would be finished by "January of 1978."

Interior also stated that "New information on the elephant is frightening" but has only contributed to the worsening situation by ignoring their own regulations, which would have banned large amounts of ivory from entering the United States.

The African elephant as we know this particular species is over 300,000 years old, but unless ivory imports are quickly banned for an indefinite period of time, we may soon witness their disappearance.

This species, the largest living land animal, has recently become extinct in four countries and is rapidly decreasing in all but five other countries where their populations remain small and vulnerable.

The insatiable demand throughout the world for worked and unworked ivory tusks is creating a tremendous monetary incentive for the killing of these animals wherever they exist.

Mr. Chairman, The Fund For Animals could support H.R. 4685, provided major loopholes are closed. We are here today, Mr. Chairman, because Interior has committed criminal violations by not following the laws which they themselves drew up to regulate elephant imports.

For example, "in 4 weeks over 1,500 shipments of ivory entered the San Francisco port" for which Interior did not collect the necessary documents.

It is now absolutely necessary that they have as little flexibility as possible in the provisions of any African Elephant Protection Act, which will hopefully be passed by this Congress.

My comments today are mainly directed at H.R. 4685.

Under this bill, Interior would make the final decision as to what imports would be allowed into the United States. This must be changed so that imports are effectively banned from entering the United States.

During the last elephant protection hearings, Assistant Secretary of the Interior Robert Herbst stated that "* * * the country exporting these animals or their products must issue documentation

that the animals or products are being exported in accordance with the laws of that country."

Despite Interior's regulations to this effect, the Department has done little, if anything, to enforce these rules and has virtually let any country, even those which are not allowed to export, to ship as much ivory as they wish. By breaking the U.S. law, this Department has lost the confidence of the American public in taking responsibility for helping to save the elephant.

Under H.R. 4685, not only would CITES countries be able to apply for permission to ship ivory here, but virtually every country in the world, as well as individuals, and companies.

This would mean that Interior would be flooded with requests for import licenses, which would make the situation far more chaotic than it is now, and could actually encourage the shipment of ivory imports here.

Despite the bill's well-intentioned requirements to have the Secretary "submit a report to the chairman of the Committee on Environment and Public Works of the Senate and the chairman of the Committee on Merchant Marine and Fisheries of the House of Representatives," Interior could still legally go ahead and lift the ban which, as we all know, they would do, based on their poor record over the past year.

This year, H.R. 2826, which would ban all ivory, has over 92 co-sponsors and the support of millions of Americans who are concerned about the elephant's future survival.

By far, the most important part of an African Elephant Protection Act must be a provision in it which would immediately ban all ivory imports into the United States. Only by taking this important step, which could help drop the value of ivory and thus reduce the killing, do we have a chance of stemming the elephant slaughter.

The bill must provide for an immediate ban on ivory. This would prevent companies and individuals from stockpiling huge amounts of ivory either as a hedge against inflation or for future sale.

Since there are now substitutes for ivory, which I would like to show the committee at this point, the necessity for carving genuine ivory tusks has greatly diminished, and therefore the need for imports of ivory tusks has diminished as well.

I have a few examples here, if the committee would like to see them.

This is sperm tooth, which can be carved; are the eight carvings and then there is this bracelet carved out of "ivory," which we are getting from France. There is a company called Monsieurs Romanoff that manufactures for making the machinery synthetic ivory. The value of scrimshaw lies not in what it is etched on but really the talent of the artisans and how well they can carve into the substance.

Mr. Chairman, the following is just one example of how Interior has violated the elephant regulations which were to be implemented on June 11, 1978.

This past April, I wrote to the Fish and Wildlife Service on behalf of The Fund For Animals, requesting permission to review all of the 3 to 177 documents on ivory imports at the Los Angeles and San Francisco customs bureau where they are supposed to be collected. In essence, I was able to see 42 documents. But they

knew of 1,500 shipments that have come through in a 4- to 6-week period, of which they had collected no documents.

Mr. Clark Bavin, who is chief of Law Enforcement, and therefore responsible for these import declarations, said, "I can't keep the ivory importers waiting by bothering them to fill out forms. It would take too long and there would be too much paperwork involved. I have just learned of this problem anyhow."

We all know now, about all the illegal documents coming in under the guise of Department officials.

The documents that are being collected at some ports of entry are largely illegal.

Under the heading "Country of Origin," are such countries as Hong Kong, West Germany, Belgium, China, and India. The ivory from India could be from the Asian elephant, a critically endangered species . . . thus banning African elephant ivory would also help protect the Asian elephant as well—the imports of ivory from Kenya, are all illegal and are therefore in violation of our Lacey Act.

Most of the documents from Hong Kong, where the United States obtains most of its ivory, are falsified and are therefore illegal.

We have learned that traders pay for permits which they then copy and attach to ivory exports. Despite Interior's acknowledgment that "Uncontrolled ivory hunting is the greatest immediate threat to the species," this very department is encouraging the slaughter of elephants purposely by ignoring their own regulations.

Solomon Ole Saibull, Tanzania's Minister for Natural Resources and Tourism states that:

Unless trade in endangered species is stopped, whole populations will disappear from the face of the Earth.

What the witnesses before us have advocated is that the ivory trade itself should be allowed to come up with a solution, which would be like turning the trade of cheetah skins over to the fur industry, or the whales over to the whaling industry. It is just impossible because we know that there is a lot of graft in poaching. But that is what they have advocated.

I would like to comment on Mr. Parker's report, and that is that the report can in no way take into account all of the smuggled ivory that is going out of Africa. He concluded that there was an average of 50,000 elephants being killed for their tusks; whereas, Dr. Douglas-Hamilton concedes there are 100,000 or more elephants being slaughtered for their tusks annually, and even that figure does not include all of the ivory that is being smuggled out.

Mr. Chairman, by holding this hearing today, we may yet save the African elephant, but only if a U.S. ban on ivory is implemented soon.

Hopefully, we can set a good example for other countries to follow our lead which will soon lessen the rate of killing for the elephant.

This animal clearly fits the Endangered Species Act's definition of endangered since it is clearly extinct or endangered "throughout all or a significant portion of its range." It should therefore be treated as such, which means banning ivory imports.

We want to thank you, Mr. Chairman, for holding these hearings today; and I would be happy to answer any questions that you or the committee may want to ask.

The CHAIRMAN. Ms. Risk?

Ms. RISK. API supports the comprehensive and extremely detailed statement presented to the committee by Marian Newman of The Fund For Animals, and also the remarks from Mr. Van Note.

Therefore, Mr. Chairman, I will not belabor the point—we are all aware that the African elephant is in serious trouble because of habitat loss, human encroachment, climatic conditions, and a lack of financial resources for law enforcement.

We can do little, unfortunately, to remedy these problems. However, the most dire threat to the African elephant is the ivory trade, and we can act to stop that.

We are recommending today that ivory imports to this country be banned.

When the Department of the Interior listed the African elephant as a threatened species, but decided to allow ivory imports from CITES countries, the conservation community was concerned that abuses would occur, and our worst fears have been realized.

It appears that many ivory shipments have entered this country illegally, and many others may well have done so, since there is a abysmal lack of documentation.

We believe the Department of the Interior has been remiss in enforcing its regulations.

While we applaud your concern and the intent of your bill, we are disturbed that not only CITES nations, but other countries as well, could be certified by Interior to legally export ivory to the United States. This would result in more paperwork for the Interior Department. Since they seem unable or unwilling to handle their responsibilities now, we are concerned about this.

As the price of ivory continues to escalate, I am afraid more and more poaching will occur.

Since the United States is one of the leading importers of ivory in the world, I feel it is incumbent upon us to attempt to stem this frightening trend.

If the United States is to maintain its role as a world leader in the conservation of rare and endangered species, this committee and the Congress must act quickly and decisively to protect the beleaguered African elephant.

Thank you very much for the opportunity to testify.

I will be happy to answer any questions.

The CHAIRMAN. Thank you.

Ms. Newman, on page 2, you say,

The Fund For Animals could support H.R. 4685 provided major loopholes are closed.

What are those loopholes?

Ms. NEWMAN. First, we feel there must be a total ban on all ivory imports. We cannot think of any foolproof method and I don't think anyone else has come up with any method, by which we can control the importation of ivory products into this country. Until elephant populations begin increasing substantially, we have to ban all ivory.

The other loophole was what I had previously said about letting the Interior Department decide who was going to import ivory, what country would be allowed to export ivory, and which ivory traders would be allowed to export and import ivory. We can not, once again, give Interior any responsibility for making this important decision, because they simply don't care about conserving elephants. This attitude is what they have demonstrated over the past year and a half.

The CHAIRMAN. Would not a ban on the U.S. importation just push the market to Western Europe and Japan and other areas where there is a market?

Ms. NEWMAN. I think what we have to do is what we have done with the whales, that is, take the world leadership role and ban ivory products into this country, and get other countries to do likewise. By taking the lead to ban ivory imports, many other countries will follow.

If these other importing countries close their markets. It will drop the price of ivory, and thus curtail a great deal of the economic incentive for poachers to ruthlessly slaughter elephants. Unless the price of ivory drops down making the elephants less valuable, I am afraid these animals are doomed.

The CHAIRMAN. Except the whales do not come from a particular country. They come from the high seas, and we are going on a one-and-one basis with the African countries.

Here we have a tertiary question of dealing in a country with a certain obvious production of ivory annually just from the normal death of animals and, as the South African witnesses have stated, the culling in their own population of about 4.8 percent. So there is a production element inherent of ivory, and if we ban that, then are we being realistic in approaching this difficulty?

Ms. NEWMAN. First of all, there are very few places left in Africa where culling is necessary. It is even questionable as to whether South Africa should be culling their elephants at the present time since they have such a small population.

At the present time there are over 75 ivory markets worldwide. There will always be a market available for ivory whether it be in Africa or elsewhere. What is crucial at this time is that we work to close many of these markets thus lessening the demand for ivory. If we do not do this, the elephant will become more rare, and therefore the value of their ivory will increase, thus making them even more sought after by ivory hunters.

The CHAIRMAN. Craig, you heard the testimony of Dr. Douglas-Hamilton and Dr. Parker on the current status of the African elephant. Although the studies have not been completed, it would appear that they do not feel that the African elephant is in such dire straits.

Could you give us your assessment of the testimony of Dr. Douglas-Hamilton and Mr. Parker?

Mr. VAN NOTE. Those two gentlemen are not familiar with the interpretations of "threatened" or "endangered" under our Endangered Species Act. I would suggest if they did look at those definitions, they would surely agree that it is a threatened species.

As I pointed out earlier, the question here is not whether it is endangered. If it was endangered, if we found it was endangered,

we would be forced to shut off all imports. The finding was made last year that the African elephant is threatened and therefore we must control the trade in ivory. I don't see any disagreement here whatsoever. There has to be some control. The question is of degree.

Sure, the elephant is not going to become extinct in the next few months. It is widely spread around Africa. But when we look at the population trends of all of those elephants, we see a decline in most of the major population areas. If you look at the long-term trends over the past 70 years, we have seen a decline of 60, 70, 80 percent in the elephant population. There is no reason to believe that this decline is not going to continue, given all of the human pressures, as well as the poaching pressure.

Mr. Douglas-Hamilton and Mr. Parker might be back here 5 or 10 years from now saying the elephant is finally endangered. We need to do something before that. Our intent here is to take some action before the elephant really is in dire straits.

I think you will agree that the evidence that has been presented shows that the elephants are being over-exploited and are under terrible pressure from the poaching trade and that the United States should take some action, some leadership to stop its participation in the poached ivory trade and to perhaps put some pressure on the major importing countries to do the same.

We would urge that you do that, particularly with Japan, which is the major importer right now, and some of the Western European countries, such as France, West Germany, and Belgium.

The CHAIRMAN. Why doesn't the Interior Department enforce the Lacey Act?

Mr. VAN NOTE. It has been on the books for all of the century. We keep raising the issue with them. They seem to come up with all kinds of excuses: "it is unenforceable; we cannot interpret it."

The CHAIRMAN. What is this about unenforceability?

Mr. VAN NOTE. I don't know.

The CHAIRMAN. The act is pretty clear: If a country that has a law prohibiting certain conditions under the U.S. Lacey Act, it says you cannot bring them into the United States. What we are doing is reinforcing the other countries' laws.

What is the difficulty the Interior Department would have with that?

Mr. VAN NOTE. I suggest you get their counsel up here to get him to explain why they cannot enforce it. It is just another example of misfeasance and malfeasance on their part on all wildlife laws.

The CHAIRMAN. Counsel?

Mr. HOWELL. Thank you, Mr. Chairman.

Of course, you know, Marian, it pains me greatly after having worked closely with you on this legislation for you to tell me there are major loopholes. I think you did correct your language. It is now merely loopholes. It was not intended that there be any loopholes. Of course, you understand that before the Secretary of the Interior would grant permits to any of those countries, he would have to come back here to the chairman and the chairman of the Senate Environment and Public Works Committee. I think you

know Chairman Murphy well enough to know that he will not take this responsibility lightly.

The 90-day moratorium to which both you and Craig objected, I think you understand, was at the request of DOI. I asked Craig: "Suppose your mother brought back an ivory crucifix from Rome," and Craig said, "I would disown her." I do not think most people would feel that strongly about it.

This 90-day hiatus is, of course, as the chairman said in his opening statement, and as I have said, was put in at the behest of the Secretary of the Interior. He stated if we had an immediate ban over 90 percent of his time would be taken in answering appeals for purchase of items in ignorance of H.R. 4685. That is exactly why, if there could be a short time—as you know, we debated this. The 90-day time was, as Rick Parsons told us, what he assumed to be the minimum time to alert U.S. citizens abroad. As I have said, I am greatly pained here by the criticism of this bill which we thought was an excellent piece of legislation. But I am sure, with the criticism that I have had from you and the others, it will become eventually an even better piece of legislation.

I would like to ask one question here about ivory for pianos and harpsichords. As it is currently written, it would prohibit the import of ivory for that purpose. Are either of you knowledgeable, as I have been told, that the ivory gives a better tone to both pianos and harpsichords?

Ms. NEWMAN. It makes no difference whether piano keys are plastic or ivory. In fact, few pianos are made with ivory any longer because the ivory has a tendency to chip, crack, and turn color and therefore plastic is now the preferred material for making piano keys. There is however, a serious problem with the larger number of manufacturers of antique instrument reproductions using ivory. For example, there are over 200 companies worldwide alone which make harpsichords, many of which use ivory for the keys. This can give us some idea as to how many hundreds of permit requests Interior will have for ivory imports and how difficult it will be to thoroughly examine each request.

Despite the Chairman's obviously good intentions of reviewing every application before Interior makes a final decision, we feel that the task would be overwhelming and therefore almost impossible to follow through on. Thus the final decision for many of the requests would in fact lie with the Interior Department.

Getting back to piano keys, it makes no difference. The difference between the piano and the harpsichord is the piano will use much more because the keys are bigger than the black, and there are more of them; and on the harpsichord it is just the opposite.

Mr. HOWELL. We heard Mr. Enright testify that he tried to produce a substitute for ivory and it proved to be a financial disaster for him. Can you comment on that at all?

Ms. NEWMAN. I spoke to a company called Le Bernard, which is in New York. They manufacture both ivory and synthetic ivory. They think there is a tremendous market in the United States and abroad for synthetic ivory because of the rampant inflation. People just do not want to pay that much for ivory, but they want something that looks like ivory and they would therefore prefer imitation ivory products whether it be jewelry, carvings, or whatever.

The scrimshaw carvers complained that they could not carve elephant ivory when they were threatened with having sperm whale ivory banned. However, they are now carving on elephant ivory, and they could carve on synthetic ivory as well, despite their protests to do so. In fact, it is already being successfully carved on by some scrimshaw carvers at the present time.

Mr. HOWELL. Thank you.

One final question. Craig, would you inform us where you got your information on the poisoning in the Congo?

Mr. VAN NOTE. It was a foreign national who worked in the area at the time. He wishes to remain anonymous because he has to go back.

Mr. HOWELL. But you, of course, are certain that it is true?

Mr. VAN NOTE. Yes, I interviewed him for 2 hours and debriefed him and verified it from other sources as well. I think that you will find that the State Department has a cable from the U.S. Embassy in Kinshasa explaining the same situation.

Mr. HOWELL. Then you are saying we could verify that, get verification from the State Department?

Mr. VAN NOTE. That is right.

Mr. HOWELL. Thank you.

Mr. MANNINA. Do I understand the panel to be suggesting a total ban now and forever on the import of elephant products?

Mr. VAN NOTE. Well, George, I was supporting a limited import of raw ivory from countries that could meet the requirements—

Mr. MANNINA. I thought you two said that the Secretary of the Interior should not be charged with the responsibility of certifying that foreign nations are in compliance.

Mr. VAN NOTE. I was saying as little discretion should be left to the Interior Department as possible. We have given them broad discretion and they have exercised no restraint whatever over the ivory trade.

Mr. MANNINA. So the Secretary of the Interior should in fact be allowed to certify that nations are in compliance with certain strict standards?

Mr. VAN NOTE. That is right.

Mr. MANNINA. So you are not opposed to allowing importation of ivory into the United States?

Mr. VAN NOTE. Raw ivory, yes.

Mr. MANNINA. Do I therefore conclude that you do not find loopholes in the chairman's bill?

Mr. VAN NOTE. Yes, we have, as I pointed out. We find that the 90-day exemption is a loophole because—

Mr. MANNINA. Leaving aside the 90-day exemption.

Mr. VAN NOTE. Well, the chairman's bill would allow the importation of worked ivory and we are extremely skeptical.

Mr. MANNINA. What is the distinction between worked ivory and raw ivory?

Mr. VAN NOTE. Worked ivory generally comes from third countries. We have little confidence that Hong Kong or Japan can prove that the ivory they are sending in a carved form is legitimately derived.

Mr. MANNINA. Is not the threat the export of raw ivory from Africa, whether it is raw or worked does not seem to be the real issue?

Mr. VAN NOTE. There is raw ivory coming out of Africa, and going to Japan and Hong Kong. Japan imports large amounts of poached ivory. They work it in Japan.

Mr. MANNINA. So what you are saying is that it is all right for the United States to import raw ivory that is approved but not worked ivory that has gone through third parties?

Mr. VAN NOTE. It is the problem of verification. I would think if an African country of origin was able to document its own ivory carvings in Africa, that were legitimately derived, the United States should let that in.

Mr. MANNINA. The importation of raw or worked ivory is OK if it could be documented that it came from an approved nation?

Mr. VAN NOTE. If it came from the country of origin.

Mr. MANNINA. So you are not opposed to a ban on worked ivory, provided there is an adequate system of verification?

Mr. VAN NOTE. Only ivory from the country of origin.

Mr. MANNINA. Let's focus on the ban for a second. You heard the testimony from other witnesses, notably Mr. Parker and Dr. Douglas-Hamilton, that habitat destruction was perhaps the greatest threat to the elephant. Do you concur?

Mr. VAN NOTE. Yes, in the long term it is.

Mr. MANNINA. If you concur in that analysis, would it be useful for the United States to find some way to provide financial assistance to those nations to permit them to engage in a habitat conservation program?

Mr. VAN NOTE. Absolutely. This should be a priority of our AID program, in fact.

Mr. MANNINA. Do you believe that the export of ivory from approved nations provides a basis of income for those nations to establish a habitat conservation program?

Mr. VAN NOTE. From what I understand, very little of the money that is derived from ivory ever reaches conservation programs in most of these countries. I have been told in Kenya it is just a few million dollars at the most.

Mr. MANNINA. The testimony we have received from some of the African nations as well as the testimony in the record has suggested rather strongly that these nations do utilize moneys derived from the export trade for elephant conservation. Would it not be better to adopt a selective embargo approach and provide some money to nations in Africa to enhance their habitat conservation program?

You have endorsed a selective embargo approach?

Mr. VAN NOTE. It is very helpful that they do apply their income from ivory sales to elephant protection. I would like to know what countries have been telling you that. I think it would be good to look at their official figures on what they are spending on elephants. I think you will find only maybe two or three countries are spending any sum of money on elephant protection.

Mr. MANNINA. So what I understand you to be saying is that you do not have objections to the bill, as your testimony indicated.

Mr. VAN NOTE. I do not see too many objections in my testimony.

Mr. MANNINA. The panel seems to be testifying in favor of a total ban.

Mr. VAN NOTE. No, I did not say that at all.

Mr. MANNINA. Ms. Newman did.

Ms. NEWMAN. Yes, I did.

Mr. MANNINA. I assumed by your silence you were concurring in what Craig has been saying so far?

Ms. NEWMAN. For the most part. It is true that these countries desperately need financial aid to set aside land for parks, and for equipment and enforcement personnel to help control the poaching. Unfortunately, the likelihood of that occurring in every country where it is needed remains small. Scientists and conservationists agree that the short-term threat to the elephant's future survival is poaching for their ivory tusks and this threat will continue unless steps are taken to ban ivory.

Mr. MANNINA. On a selective nation basis is the testimony we received. The testimony we received from the people you mentioned is that trading on the whole is not the major problem. There is a selective poaching problem and that is why the chairman's bill contains a selective embargo.

Ms. NEWMAN. The elephants are being threatened throughout Africa in every country. Dr. Douglas-Hamilton said yesterday that once the poachers get through with a certain area they go into another area. All we have to do is look at the statistics. There used to be tens of millions of elephants. At the turn of the century there were approximately 8 million. Now there are only 1.3 million elephants left, and there is obviously no safety in numbers.

I would also like to say that 75 percent of the elephants exist outside of the park areas. Last year Dr. Miller from Yale University testified that in the near future the elephants will be completely wiped out from all areas except parks which will automatically leave only 25 percent of the present population remaining.

Mr. MANNINA. I understand that, but if a nation has an approved conservation program, what would be the harm of allowing the export to come from that nation as an incentive for them to continue their program?

Ms. NEWMAN. I think the harm would be that the poachers would ship their ivory to that country and then that country would ship it out. There is no way of knowing where the ivory originates.

Mr. MANNINA. So it becomes an enforcement problem in your judgment?

Ms. NEWMAN. Yes, and I do not know how anyone could enforce this.

Mr. MANNINA. Would it not be valuable to provide these nations some income through an approved export program to upgrade their enforcement program? Would not an export program provide that income?

Ms. NEWMAN. I do not see—it would cost hundreds of millions of dollars.

Mr. MANNINA. Where would you secure hundreds of millions of dollars for enforcement?

Ms. NEWMAN. For an enforcement program, because you have so many outlets for this ivory. It is smuggled by ship, by trucks going across borders, it is put on airplanes and shipped by airplanes. It

would be a tremendous problem. I would rather see that we establish parks and put rangers in the parks and conserve the elephants there.

Mr. MANNINA. Thank you very much.

The CHAIRMAN. Thank you. We certainly appreciate your input.

Our next witness will be Dr. Michael Berger of the National Wildlife Federation, accompanied by Mr. John Hallagan.

**STATEMENT OF DR. MICHAEL BERGER, NATIONAL WILDLIFE
FEDERATION, ACCOMPANIED BY JOHN HALLAGAN**

Dr. BERGER. The National Wildlife Federation is a conservation-educational organization with affiliates in all 50 States, Guam, Puerto Rico and the Virgin Islands. Members of these organizations are associate members and other supporters, and this totals an estimated 4.1 million individuals.

The Federation is deeply committed to the protection of the elephant herds. We believe that programs for wildlife conservation must be based on scientific data. For over a year Mr. John Hallagan has been investigating the role of the United States in the world trade in ivory, and as a part of our testimony Mr. Hallagan will discuss this finding and particular implications.

Mr. HALLAGAN. I would like to begin with a brief description of the ivory trade in the United States.

The American ivory market can be divided into two parts; raw ivory imports—whole tusks or tusk sections—and worked ivory imports—primarily carvings and jewelry from the Orient. Over the last 10 years, the United States has annually accounted for between .07–3.5 percent of the raw ivory imports in world trade, and for approximately 15–25 percent of the worked products. The total wholesale dollar value of both raw and worked ivory imported in 1978 was \$7,382,624. Wholesale raw ivory prices in 1978 ranged from \$7.34 a pound to a high of \$28.36 a pound. It is important to note that African ivory harvesters receive much less than the above prices for the ivory that they sell.

Two questions seem central to the issue: Are wild elephant populations being overutilized to supply ivory for trade? And if an overutilization exists, is the United States contributing to it?

In several cases, particularly in Kenya and Uganda, data indicate that overutilization and mismanagement have occurred. I remain to be convinced on the situation in Zaire. However, this does not appear to be the case in other African nations. Recent study of the world ivory trade by I.S.C. Parker, and I have complete confidence in his work, demonstrates that currently ivory entering world trade originates from less than 5 percent of the extent population of the African elephant, which is estimated to be a minimum of 1.3 million animals.

As much as 20 percent of the ivory entering trade is found ivory, ivory taken from naturally deceased elephants. R. M. Laws and Alistair Graham have compiled an excellent paper on this in Uganda, which I would be happy to submit for the committee.

Clearly, human-caused elephant mortality to produce ivory is not as severe as previously believed. Data indicate that healthy elephant populations can sustain a 5-percent annual harvest rate while maintaining stable numbers. Zimbabwe-Rhodesia's Wankie

Park removes 3.6 to 4.3 percent of its elephant population each year and South Africa's Kruger Park crops 2.5 to 5.2 percent per year. In these cases culling has become necessary to maintain a relative balance between elephant numbers and available habitat.

Under normal trade conditions the United States is not a large consumer of ivory and ivory products, and therefore does not contribute significantly to elephant mortality. In 1978 American importers imported 19,873 pounds of raw ivory. With an average ivory yield of 37.94 pounds per elephant, this amount represents approximately 524 elephants.

Also \$6,890,015 in worked products was commercially imported during this same period. These products were manufactured from approximately 83,845 pounds of raw material originating from about 2,024 elephants.

If the found ivory factor is taken into account, then direct mortality for commerce is reduced by 20 percent in each of the aforementioned instances.

Therefore, American ivory imports in 1978 originated from approximately 2,548 elephants of which approximately 2,038 may have been killed in culling or damage control operations, or for their ivory and other products. The total of 2,548 elephants represents 0.196 percent of Africa's estimated minimum population of 1.3 million elephants. Although import levels have fluctuated from year to year it is safe to assume that an average maximum mortality figure of 2,500 elephants per year has supplied American importers with ivory and ivory products during the 10-year period, 1968-78.

Approximately 3,000 American artisans depend on raw ivory imports for their livelihood. In many cases these are artisans practicing the art of scrimshaw on elephant ivory rather than on sperm whale teeth, which are not largely unavailable. This is a small group whose demand for ivory has not increased over the years but rather has remained at a fairly consistent level.

In addition to artisans there are several thousand who depend directly on worked ivory products imports for their income. These include importers, wholesalers, and salesmen. Worked products include art carvings, jewelry, chess sets, and many other items. Hong Kong accounted for 82 percent of American worked imports in 1978. I would like to point out that I have had the complete cooperation of American ivory importers and artisans in the course of my trade research.

An earlier statement expressed concern that smuggled ivory could not show up in trade statistics. This is not true. Ivory leaving Africa is recorded efficiently once it enters the consuming nation. In this manner it all becomes legal ivory in the eyes of statisticians and any ivory that is smuggled is therefore recorded.

The possible development of a synthetic ivory substitute for carving and scrimshaw has remained a popular but implausible idea. The economic value of carvings and scrimshaw works depends in part on the inherent value of its ivory medium, much the same as gold jewelry is valued for its gold content.

A given work can be mass produced in a synthetic material once the original has been created thereby greatly reducing its value as

an art work. This is particularly true if the synthetic material is a plastic, as many have been.

Finally, tradition must be considered. Scrimshaw is a unique American art form that evolved in the 1800's as a pastime for whalers spending long periods of time at sea. Strong traditions are also connected with artisans in Hong Kong, and other centers of the ivory trade.

The object here is not to defend the ivory trade or to build a case for its maintenance, but rather to act in the best interests of the African elephant. Elephant conservation, and the conservation of Africa's wildlife in general, has become increasingly allied with economics. Most nations harboring elephant populations do not have the financial capabilities to initiate large-scale conservation programs as is so often done in the United States.

I recently completed a brief survey of African elephant conservation programs receiving replies from seven nations: Zambia, South Africa, Zimbabwe-Rhodesia, Tanzania, Botswana, Mozambique, and Malawi. These countries contain 55 percent of Africa's elephants. All voiced opposition to further restrictive regulation of the ivory trade emphasizing that they depend on ivory revenue to help finance conservation activities, and that further regulation would do little to discourage poaching.

It is highly unlikely that there will ever be a significant increase in African elephant populations over current numbers. As habitat is taken over for human use elephant populations will be compressed into smaller areas with artificial ecological boundaries. Elephant culling and damage control action are considered unattractive but necessary management actions in view of the increasing competition for land and habitat between man and elephant.

Due to the expense and logistical difficulties, elephant relocations are generally impractical. Apparently, physiological adjustments by elephants to reduce natality cannot keep pace with rapidly changing habitat conditions. Ivory will continue to be produced as elephant populations are culled in overpopulated areas, as elephant are shot in control actions, and are poached, and as elephants continue to die naturally.

The rational use of this ivory can provide valuable revenue to help maintain viable elephant populations in regions with suitable habitat. Ivory revenue can be used to help support a number of important activities such as crop damage subsidies, control of poaching, habitat acquisition for elephants and other wildlife, personnel training, and equipment purchase. Effort should be concentrated in strengthening the national park systems of all African nations because these parks will be the key to the survival of viable, wild elephant populations. As land is utilized by people for settlement and agriculture the parks will only increase in importance as elephant habitat.

Several steps can be taken to insure that the ivory trade operates in the best interests of the African elephant. The indelible marking of raw ivory, in conjunction with a universal permit system used by importing and exporting nations would aid tremendously in monitoring ivory in trade, as well as trends in supply, demand, and price.

Such a system would make data readily available to trading partners, facilitating the management of their imports and exports. These data, in conjunction with accurate population data now available through extensive study by Dr. Douglas-Hamilton, will allow for precise population management. Technical and financial aid would also be very useful in helping African nations with their elephant, and other wildlife, conservation programs.

Many African conservation programs are well formulated but simply lack the financial resources, equipment, and trained personnel to make them effective. The use of ivory revenue in conjunction with additional financial and technical aid could help to alleviate these.

H.R. 4685, the Elephant Protection Act of 1979, is a commendable effort to provide for the constructive regulation of the ivory trade. I believe that the chairman and the bill cosponsors are aware of some of the impacts of the ivory trade on elephant conservation and have constructed the bill accordingly.

This legislation recognizes enforcement problems under the current regulations and attempts to remedy them. The 6-month import prohibition period is intended to allow the Department of the Interior time to make a brief analysis of the elephant conservation programs of African nations and then to certify those countries of origin that the United States will accept imports from. It remains extremely important to remember that elephants are an African resource to be managed by Africans see fit. Evaluations of African conservation programs should be done in a spirit of cooperation rather than with a maternal attitude.

Several African nations, notably Zaire and Kenya, have internally banned the export of ivory. It may be illegal under the Lacey Act for American importers to import ivory from those nations under the current regulations, but legislative or administrative action would seem justified for the United States to ban imports from nations requesting such action.

This bill does not contain a provision to appropriate funds for the operation of the Department of the Interior's conservation program evaluation. Given the current status of staff and funding it will be difficult to complete the evaluation during the stipulated 6-month period. The legislation does not make any allowances for the importation of elephant sport-hunting trophies. Regulated sport-hunting results in insignificant mortality among African elephant populations and is beneficial in elephant conservation by providing revenue through license fees and tourism, and by providing informal bush patrols. Although section 2 of this bill states that it is U.S. policy to provide aid to African nations for conservation, no further mention is made of this very important concept.

A comprehensive study of the world ivory trade by noted elephant biologists, Dr. Douglas-Hamilton and Mr. Parker, is near completion and should be carefully evaluated before any legislative or administrative action effecting the ivory trade is attempted. It appears that some of the findings of this study may run contrary to the opinions and concepts represented in this legislation and therefore we recommend that the study be closely examined. The African elephant is listed as a threatened species under the Endangered Species Act of 1973. Under this act the Secretary of the

Interior has the authority to regulate commerce in ivory in the United States and has done so effective June 11, 1978. In view of the Parker/Douglas-Hamilton trade report we urge the Secretary to initiate a reevaluation of the current regulations and their effects on elephant conservation.

The ivory trade is subject to international regulation under the Convention on International Trade in Endangered Species of Wild Fauna and Flora, CITES.

We recognize the enforcement problems that have arisen in implementing the CITES ivory trade regulations but it is a very young treaty that will need several years to sort itself out. Given the generally secure status of the African elephant, we can afford to take the time to work within CITES to achieve constructive regulation of the world ivory trade.

Several important African nations involved in elephant conservation, including Tanzania and Central African Empire are expected to ratify CITES soon, further enhancing the treaty's value as a conservation tool.

The African elephant is a magnificent animal. Hopefully the day will never come when elephants can no longer be viewed in their natural environment. It is of the utmost importance that we cooperate with African nations in developing long-range management programs to insure the continued existence of wild elephant populations, instead of proposing popular solutions that salve consciences but fail to address the real and severe problems of habitat loss and funding for African conservation activities. The wise use of ivory revenue can provide necessary assistance in guaranteeing the implementation and operation of sound elephant conservation programs.

I would like to say thank you very much for giving me the opportunity to present this testimony, and if you have any questions I would be happy to answer them.

The CHAIRMAN. Does the National Wildlife Federation consider that the short-term threat to the African elephant is poaching?

Mr. HALLAGAN. Yes, we agree with Dr. Douglas-Hamilton and Parker on that.

The CHAIRMAN. Does the Federation agree that 4685 is a necessary assist and favorable assist in curbing such poaching?

Mr. HALLAGAN. No. I disagree with you on that, speaking for the Federation.

The CHAIRMAN. We will let you speak for yourself. But speak for the Federation now.

Mr. HALLAGAN. This legislation proposes a very short-term solution to the problem. It is a short-term problem. We are optimistic that activities such as the trade convention will be of more benefit to elephant conservation.

The CHAIRMAN. But poaching would continue under that circumstance, would it not?

Dr. BERGER. Poaching would continue under any circumstance, no matter what this committee or what this Congress does. Poaching will continue. Where it does continue, there are many other countries in the world which continue to import ivory legally, illegally, however it would be produced.

As you heard in the testimony, the U.S. activity in raw ivory makes up only 1 to 3 percent of the world's trade. This is an insignificant amount which would easily be made up by other countries of the world.

I think poaching is one thing that we have to consider. It is not a nice thing to have. It is possibly illegal. It is certainly illegal. Every effort should be made to control it. But by the U.S. ban on ivory imports, I do not think it would control or even diminish poaching in the field. I think we need to, as has been pointed out by several other witnesses, we need to provide some mechanism to further encourage the African nations to enforce laws to prevent poaching. It takes dollars, pounds, francs, marks, whatever the currency of the country is, to provide that. It takes people and it takes training.

I think the United States can contribute more along those lines than by banning the import of ivory into the United States.

The CHAIRMAN. Has the O.A.U. been contacted by any groups in the conservation community concerning this problem?

Mr. HALLAGAN. As I stated in my testimony, I contacted seven African nations. This was not done through O.A.U., though.

The CHAIRMAN. You state that CITES has the potential of being an excellent vehicle for conservation and would be a worthwhile investment in time. I think the countries principally involved in the export of ivory are not party to the convention.

Mr. HALLAGAN. In reference to trade with the United States, two of the major exporters, Botswana and South Africa, are parties; Hong Kong is also a party under the United Kingdom.

The CHAIRMAN. On page 5, you say that Zambia, South Africa, Zimbabwe-Rhodesia, Tanzania, Botswana, Mozambique, and Malawi are all opposed to further restriction of ivory trade, emphasizing that they depend on ivory revenues to help finance conservation activities and that further regulation would do little to discourage poaching. What will discourage poaching?

Mr. HALLAGAN. First, I would like to say that most of those seven letters were also carboned to your office, and I believe counsel has seen them. The views of these countries are that poaching is an enforcement problem which would be very difficult for them to take care of without adequate funding.

Therefore, on that line of reasoning, more money will mean more enforcement, more people in the field, as Mr. Parker stated earlier.

There is a very small percentage of government conservation people actually in the field.

The CHAIRMAN. Where does the money come from?

Mr. HALLAGAN. Which money—

The CHAIRMAN. I said, "What will it take to discourage poaching?" and you said, "Money." Where will that money come from?

Mr. HALLAGAN. Are you saying where will the money come from?

The CHAIRMAN. Yes.

Mr. HALLAGAN. As we have proposed in the testimony, through AID programs, through a regulated ivory trade which will, in turn, supply revenues to countries selling ivory.

The CHAIRMAN. You recommend indelible marking of ivory in conjunction with a universal permit would aid tremendously.

It is my understanding that DOI said that indelible marking is totally impractical.

Would you reflect on how you would make them and how you feel about Interior's comments?

Mr. HALLAGAN. I disagree with that statement.

Mr. Parker is currently working on a system which involves, as he discussed earlier this morning, a system used in South Africa where a hole is drilled into the hollow of the tusk and an identification is riveted to it. If you remove it, it is very simple to see that the tusk has been doctored. To complement this, Mr. Parker is working on a system of security documents which will travel with the ivory, stating country of origin and also the importing nation where the ivory is going to. This differs greatly from systems currently in implementation.

A security document will be very difficult to alter, very difficult to forge.

The CHAIRMAN. Mr. Hallagan, I understand you have resigned from the Wildlife Federation?

Mr. HALLAGAN. Effective tomorrow.

The CHAIRMAN. Can you give us your personal feelings without this bill?

Mr. HALLAGAN. Yes.

Would you like to ask me questions, or would you just like me to comment?

The CHAIRMAN. Just give us a comment.

Mr. HALLAGAN. As you know—

The CHAIRMAN. You worked with the staff.

Mr. HALLAGAN. They knew all along my initial position was that I opposed any legislation dealing with this until the trade study was completed and gave people the opportunity to evaluate it. This recommendation was not followed.

Basically, it is not a bad bill, but I would just like to leave it at that. I would prefer that we had all waited until the trade study has been evaluated.

The CHAIRMAN. Have you read the trade study?

Mr. HALLAGAN. I have read quite a bit of it; yes.

Would you like my opinion of the trade study?

The CHAIRMAN. Yes.

Mr. HALLAGAN. It is excellent, in my opinion. It is very thorough. It documents trade around the world, which has never been done before. It documents trade in the United States. That is the section I contributed to. I feel that with a sufficient time to evaluate this study, we will then be in a position to have something meaningful in the record to regulate the ivory trade.

The CHAIRMAN. Thank you very much.

Our next witness will be Ms. Nicole Duplax, director of TRAFFIC, who is accompanied by Mr. David Mack and Mr. Rick Weyerhauser.

STATEMENT OF MS. NICOLE DUPLAIX, DIRECTOR, TRAFFIC (U.S.A.), ACCOMPANIED BY DAVID MACK, ASSISTANT DIRECTOR, TRAFFIC, AND RICK WEYERHAUSER, WORLD WILDLIFE FUND

Ms. DUPLAIX. My name is Nicole Duplaix. I am director of TRAFFIC. With me, on my left, is Mr. David Mack, who is the assistant director of TRAFFIC; and on my right is Mr. Rick Weyerhauser. They will not speak today. They have come to counsel and advise me.

TRAFFIC (U.S.A.) is a scientific, information gathering organization funded entirely by the World Wildlife Fund—U.S. We monitor trade in endangered and commercially exploited species of fauna and flora.

World Wildlife Fund—U.S. is an independent conservation organization, organized in the United States and headquartered at 1601 Connecticut Avenue, Washington, D.C.

Today, we will provide quantitative data on the worldwide trade in elephant ivory based on official trade statistics and CITES reports. The discrepancies between these figures will be revealed and discussed and an evaluation made of the present recordkeeping system in the United States.

The CHAIRMAN. Ms. Duplaix, I am going to ask you to suspend. We have a very important vote on. It involves the Clinch River breeder reactor and we will recess for about 5 minutes, and we will be right back.

[Brief recess.]

The CHAIRMAN. The full committee will come to order.

Ms. Duplaix?

Ms. DUPLAIX. Mr. Chairman, before I continue, may I ask—I have taken portions of my testimony out for the sake of brevity—could I ask that the entire testimony be put in the record, including the table?

The CHAIRMAN. The entire statement plus the tables and the attachments will be printed in the record at this point, and your remarks following it will also be printed in the record.

[The following was received for the record:]

STATEMENT OF NICOLE DUPLAIX, DIRECTOR, TRAFFIC (USA)

TRAFFIC (USA) is a scientific, information gathering organization funded entirely by the World Wildlife Fund - US. We monitor trade in endangered and commercially exploited species of fauna and flora. World Wildlife Fund - US is an independent conservation organization, organized in the United States and headquartered at 1601 Connecticut Avenue, Washington, D.C. Today, we will provide quantitative data on the worldwide trade in elephant ivory based on official trade statistics and CITES reports. The discrepancies between these figures will be revealed and discussed and an evaluation made of the present record keeping system in the United States.

First, we would like to put the ivory trade and its related problems into the proper perspective. We are not only discussing an elephant derivative, but a rare commodity, the bullion of wildlife products. There is a striking similarity between gold and ivory and the sharp increase in value they have both experienced as a result of worldwide recession. Both ivory workers and goldsmiths are being forced out of business because they can no longer afford to buy such a speculative commodity.

We strongly support the findings and conclusions of Dr. Iain Douglas-Hamilton and Mr. Ian Parker.¹ We agree that while severely threatened outside national parks and sometimes too crowded within them, elephants are not an endangered species. The joint effects of poaching and culling are certainly reflected in the export

¹ The World Wildlife Fund - US has contributed \$50,000 to Dr. Douglas-Hamilton's research on elephants.

figures of many African nations although it is often difficult to determine which of the two is greater. One thing is fairly obvious - African nations will continue to export ivory as long as there are consumers ... and elephants.

In 1976, 1,255,919 kg of raw ivory (unworked) was imported by consumer countries and 976,859 kg in 1977 (Table 1). Ian Parker estimates that the ivory yield per elephant is 17.37 kg (avg. tusk weight - 9.65 kg X 1.8 tusks per elephant), an average representing tusk weights from elephant populations all over Africa. If we convert kilograms of raw ivory into number of elephants: an estimated 72,304 elephants were killed for their ivory in 1976 and 56,238 elephants in 1977.²

Most African countries with endemic elephant populations do not provide official ivory export figures, but by adding raw ivory totals from importing countries, a fairly good estimate can be reached. African nations exported 1,006,987 kg (approximately 57,968 elephants) of raw ivory in 1976, and 710,703 kg (approximately 40,916 elephants) in 1977. For instance, Kenya Uganda and Tanzania listed exports for 1976. However, the discrepancy between their export figures and the sum total of ivory imported by other countries is a staggering 460,709 kg (estimated 26,523 elephants). Why such a wide margin of error? Improper labelling? Laundering of documents? Poaching? Who is to say for sure.

The United States is a consumer country. It imported 35,108 kg, 2.8 per cent of the world trade in raw ivory in 1976, and

2

These figures may be overestimated since some of this ivory is certainly re-exported within the same year to another country listing it.

15,375 kg, 1.6 per cent of all raw ivory traded, in 1977. The amount of raw ivory imported into the United States has decreased since 1977, while the price has more than doubled over the last year (Table 2). It should be pointed out, however, that the United States is largely an importer of worked ivory rather than raw ivory (Table 3).³ The estimated number of elephants required for worked ivory products imported into the U.S. in 1977 was between 2,258 and 3,090 and between 1,935 and 4,819 elephants in 1978 (total weight imported/17.37 kg of ivory per elephant). For the first five months of 1979, the United States imported over two million dollars worth of worked ivory pieces (estimated 546 to 658 elephants). In total the U.S. was responsible for importing an estimated 42,646 to 92,734 kg of raw and worked ivory in 1978 which represents between 2,455 and 5,339 elephants.

Attached to this report are 3 tables summarizing the world trade in ivory in 1976 and 1977, and the U.S. import figures on raw and worked ivory. From these data we can state that the major exporters of raw ivory are the Sudan, South Africa, Kenya, Tanzania, Central African Empire, Zambia, Congo, Uganda and Burundi. Raw ivory is then re-exported mainly from Hong Kong, West and East Germany, France, Korea, and Belgium and imported by Japan, Hong Kong, West Germany, Spain, France and to a lesser extent the UK, U.S., Taiwan and Singapore. Raw ivory is worked in West Germany, the United States, Hong Kong, China, Japan and Singapore.

³

The U.S. imports of worked ivory products from official statistics are reported in dollars. To convert to kilograms, the total value is divided by 3 which is the average markup of a finished product, and then divided by the cost/kg of raw ivory (Hallagan, pers. comm.). From 1977 - 1979, the cost of ivory in the U.S. was \$28.62, \$28.38, and \$58.62, respectively, and in Japan, \$39.17, \$70.67, \$70.67 (1978 cost/kg used for 1979).

The Bill presently being discussed on elephant ivory imports (HR 4685) is a bill strongly favoring elephant conservation and should be commended. If passed, this bill, if it is to be effective, will rely mainly on U.S. record keeping systems and other foreign countries. Instead of giving the decision making power to the Department of Interior of what countries can and cannot export ivory to the United States, following the proposed six month ban of all ivory, we suggest only countries party to CITES be allowed to export ivory products to the U.S. This is similar to current law which was passed in June 1978. To further insure that elephants are not being poached or mis-managed in CITES signatory countries, the United States should require yearly CITES reports from all these countries and also re-exporting countries, and that the exports of ivory be in balance with importing figures from other countries. Thus, Hong Kong would have to supply a report of the Secretariat of CITES, which they have yet to do, before they could re-export ivory to the U.S., and Kenya would have to keep a tighter control of its export figures so that the amount of ivory exported correlated more closely with the amount imported by other countries.

Non-CITES countries may oppose this proposal, but we feel that any country which has a strong conservation program in effect would wish to be party to the Convention. The CITES agreement allows the U.S. to place pressure on foreign countries that are exploiting wildlife and not maintaining adequate conservation efforts. By not importing fauna or flora from non-CITES countries, the United States effectively puts pressure on them.

One of the best features of CITES is the submission of annual reports by each party listing all their imports and exports of Appendix I and II species and their parts and/or products. Since most countries in their official statistics including the U.S. tend to lump imports and exports of many wildlife products in one general category (eg. - Alligator and crocodile skins placed in the category reptile skins), CITES reports monitor the trade of all endangered and threatened species. If one CITES country were to underestimate the number of exports, this will show up in the reports by other CITES importing countries. Discrepancy problems and outright negligence of the Convention are reviewed by the CITES Secretariat.

At present while many of the large and conservation conscious countries have already published their 1978 CITES reports, the United States' report will not be available until October 1979. The U.S. Permit Office handling all CITES permit requests and record keeping for Appendix I and II species is understaffed. As a result, it sometimes takes up to three months before an import or export permit request is granted or denied. In most cases, foreign companies are unwilling to wait so long to market their products and choose other outlets. At the alligator hearings of ESSA on July 10, 1979, one tanner told TRAFFIC (USA) the reason foreign countries did not want American alligator hides was because the length of time it took to obtain the export permit. A state of affairs hardly conducive to an improved balance of payment!

There is at present another problem with the record keeping system of wildlife products imported into the United States. The 3-177 Declaration of Import forms are currently stored at the

ports of entry and a separate CITES permit for Appendix I and II imports sent to the U.S. Permit Office in Arlington, Virginia. In many cases the CITES permit will state the item imported and exporting country, but not have country of origin, quantity or value of the item. To take one specific case in 1978 regarding Appendix II crocodile imports, the 3-177 forms held in Miami reported 23,867 live caimans from Panama passing through this port while the U.S. CITES permits showed 2,278 live caimans and 12 shipments of unknown quantity.

It has been rumored that all 3-177 forms and attached documents (CITES permit) will be sent directly to the USDI Law Enforcement office in Washington, D.C., and then stored at the Permit Office. This would be more expedient and it would make it easier to pick up violations of wildlife importations. Two problems have come to our attention: 1) imports of ivory from non-CITES countries, and 2) lack of data about the country of origin - both in clear contradiction of existing U.S. regulations. The TRAFFIC (USA) office has volunteered to help analyze the data on the CITES or 3-177 permits to alleviate existing problems.

In conclusion, we need a CITES Convention but we do not yet have the Convention we need. The rate of growth of world trade in endangered or threatened species and their products at the moment far outweighs the enforcement techniques set up to monitor and enforce the Convention it purports to implement. Without adequate funding for additional law enforcement personnel and until the necessary paperwork is carried out properly, the Convention is a hortatory agreement of convenience.

African nations as the producers of ivory need to monitor exports more carefully - Zaire and Kenya have gone so far as to ban exports of ivory. Elephant herds in the 90-odd national parks should be protected more assiduously and culled only when necessary to prevent the irreversible destruction of the habitat. Perhaps federal AID funds could be allocated to implement better elephant conservation policies in African nations if they are prepared to accept outside advice on such a valuable resource.

Meanwhile, in the United States, we should as a member of CITES, encourage a better enforcement of the CITES regulations on a national and international scale. Thank you.

TABLE 1
RAW IVORY IMPORTS AND EXPORTS (KG)

COUNTRY	IMPORT (1976)	EXPORT	IMPORT (1977)	EXPORT
HONG KONG	719,128	227,343	476,202	130,480
JAPAN	310,216	3,027	269,192	3,921
SINGAPORE	10,969	7,847	10,359	6,526
TAIWAN	6,254		9,710	69
UNITED KINGDOM	27,426	31,167	18,827	
WEST GERMANY	70,900	13,900	69,300	13,462
SPAIN	34,000	109	34,000	160
SWITZERLAND	973	7	750	98
FRANCE	17,000	7,000	38,000	10,000
USA	35,035	(1,114)	15,996	(50)
KOREA	(26)		8	49
KENYA		68,738 (415,234)		12,386 (252,208)
SUDAN		(23,717)		(33,177)
S. AFRICA	3,300	(27,134)		(9,205)
TANZANIA		37,020 (62,613)		(37,243)
C. AFR. EMPIRE		(27,951)		(52,717)
ZAIRE		(288,223)		(151,309)
ZAMBIA		(47,468)		(24,583)
BOTSWANA		(4,146)		(2,397)
CONGO		(15,733)		(14,253)

(The figures in parenthesis are the totals derived by analyzing data from other countries when existing data is absent or conflicting with country's official import/export figure.)

RAW IVORY IMPORTS AND EXPORTS (KG)

COUNTRY	1976		1977	
	IMPORT	EXPORT	IMPORT	EXPORT
UGANDA		5,693 (94,313)		(108,998)
CAMEROUN				(7,624)
BURUNDI				(16,989)
NIGERIA		(135)		
IVORY COAST		(230)		
UNITED ARAB EM.		(4,126)		
YEMEN		(2,229)		
INDIA	7,375		(6,964)	
THAILAND	2,495			
INDONESIA	(293)			
ITALY	3,500	100		
NETHERLANDS	(1,985)	(3,725)	(2,321)	(2,430)
BELGIUM	100	100	(6,862)	
AUSTRALIA	(18)			(9,136)
PERU				(1,440)
EAST GERMANY				(21,200)
OTHER COUNTRIES	(4,926)	(50,357)	(18,368)	(44,245)
TOTAL	1,255,919 kg	898,339 kg to 1,359,048 kg	976,859 kg	714,147 kg to 953,969 kg

Source: IUCN/TRAFFIC (unpublished data from official statistics)

TABLE 2
U.S. IMPORTS OF IVORY TUSKS (KG)

COUNTRY	U.S. IMPORTS OF IVORY TUSKS (KG)			(Jan - May) 1979
	1976	1977	1978	
KENYA	19,497	1,612	2,149	
TANZANIA	2,420			
REP. S. AFRICA		3,879	3,223	35
ZAMBIA			1,665	
BOTSWANA	2,964		1,442	948
CEN. AFR. EMPIRE			186	
ZAIRE				176
HONG KONG		3,767	53	
INDIA			182	
CHINA			132	
UK				11
CANADA				14
OTHER COUNTRIES	10,227	6,117		
TOTAL (KG)	35,108	15,375	9,032	1,184
TOTAL VALUE (\$)	853,000	440,000	256,316	69,413
VALUE/KG (AVG.)	\$ 24.30	\$ 28.62	\$ 28.38	\$ 59.62

Source: U.S. Imports, Bureau of Census, U.S. Dept. of Commerce.

TABLE 3

U.S. IMPORTS OF IVORY BEADS AND UNSPECIFIED IVORY PRODUCTS
Value in Dollars (Estimated Weight - KG)

COUNTRY	1977	1978	(Jan - May) 1979
HONG KONG	\$ 3,952,000	\$ 5,844,605	\$ 1,955,000
JAPAN	304,000	638,887	
CHINA	114,000	177,828	2,514
TAIWAN		30,858	8,689
KOREA		106,587	
INDIA		174,766	25,684
UK		45,528	9,792
FRANCE		1,679	
WEST GERMANY		2,059	2,952
SPAIN		400	
ITALY		2,585	
NETHERLANDS		2,986	
BELGIUM		1,544	
GREECE		334	
CANADA		388	
HAITI		10,062	
ARGENTINA		950	
REP. S. AFRICA		24,090	2,101
ZAIRE		5,570	1,566
TANZANIA		5,343	
SUDAN		2,203	
IVORY COAST		1,512	
BOTSWANA		994	2,236
KENYA		44,550	
OTHER COUNTRIES	239,300		
<u>TOTAL VALUE</u>	\$ 4,609,000	\$ 7,126,308	\$ 2,010,534
<u>EST. WEIGHT</u>	(39,222 - 53,680 kg) (33,613 - 83,701 kg) (9,483 - 11,432 kg)		

Source: U.S. Imports, Bureau of Census, U.S. Dept. of Commerce.

Ms. DUPLAIX. First, I would like to put the ivory trade and its related problems into the proper perspective. We have heard today quite a lot of views on the ivory trade, and it is clear that we are not only discussing an elephant derivative, but a rare commodity, the bullion of wildlife products. There is a striking similarity between gold and ivory and the sharp increase in value that both experience as a result of worldwide recession.

We strongly support the findings and conclusion of both Dr. Iain Douglas-Hamilton and Mr. Ian Parker. We agree that while severely threatened outside national parks and sometimes too crowded within, elephants are not an endangered species. But the joint effects of poaching and culling are certainly reflected in the export figures of many African nations although it is often difficult to determine which of the two is greater. It is even more difficult to acquire export figures from any African nations. But one thing is fairly obvious, African nations will continue to export ivory as long as there are consumers and elephants.

In 1976, 1,255,919 kilo of raw ivory was imported by consumer countries and 976,859 kilos in 1977. Ian Parker estimates that the ivory yield per elephant is 17.37 kilos. That is an average tusk weight of 9.65 kilos times 1.8 tusks per elephant. There are a lot of broken tusks and missing tusks in elephants. This average represents tusk weights from elephant populations were taken from all over Africa. If we convert kilograms of raw ivory into number of elephants, an estimated 72,304 elephants were killed for their ivory in 1976 and 56,238 elephants in 1977.

Most African countries with endemic elephant populations do not provide official ivory export figures, but by adding raw ivory totals from importing countries, a fairly good estimate can be reached. For instance, African nations exported 1,006,987 kilos, or approximately 57,968 elephants, of raw ivory in 1976 and 710,703 kilos, or approximately 40,916 elephants in 1977. Kenya, Uganda, and Tanzania listed exports for 1976. However, the discrepancy between their export figures and the sum total of ivory imported from them by other countries is a staggering 460,709 kilos, an estimated 26,523 elephants. Why such a wide margin of error? There may be reexport figures involved, but it also involves improper labeling, monitoring of documents, poaching. Who is to say for sure?

Now, the United States is a consumer country. It imported 35,108 kilos or 2.8 percent of the world trade in raw ivory in 1976, and 15,376 kilos or 1.6 percent of all raw ivory traded in 1977. The amount of raw ivory imported into the United States has decreased since 1977. We thought this was probably the result of an inordinate import in 1976. But the price has more than doubled in the last year, this according to official statistics which are available from the U.S. Department of Commerce. It should be pointed out, however, that the United States is largely an importer of worked ivory rather than raw ivory.

As Mr. Parker stated, the worldwide trade in worked ivory is in the order of \$40 to \$50 million per year. And in 1978, the United States imported \$7 million plus of worked ivory, which is about 14 to 17.5 percent of all the worked ivory traded worldwide, a lower estimate than that given by some other people in the last 2 days.

The estimated number of elephants required for worked ivory products imported into the United States in 1977 was between 2,258 and 3,090 and between 1,935 and 4,819 elephants in 1978, this on this basis of computation of tusk weight. For the first 5 months of 1979, the United States imported over \$2 million worth of worked ivory pieces, estimated to be between 546 and 658 elephants. So in total the United States was responsible for importing an estimated 42,646 to 92,734 kilos of raw and worked ivory in 1978 which represents between 2,455 and 5,339 elephants.

Attached to this report are three tables summarizing the world trade in ivory in 1976 and 1977, and there is one table on importation into the United States up to May 1979 in raw and worked ivory. From these data, we can state that the major exporters of raw ivory are the Sudan, South Africa, Kenya, Tanzania, Central African Empire, Zambia, Congo, Uganda, and Burundi. Some of these countries do not have very accurate export data figures. Raw ivory is then reexported mainly from Hong Kong, West and East Germany, France, Korea, Belgium and imported by Japan, Hong Kong, West Germany, Spain, France, and to a lesser extent the United Kingdom, United States, Taiwan, and Singapore. Raw ivory is worked in West Germany, United States, Hong Kong, China, Japan, and Singapore.

Now, when you talk about worked import figures, the EEC, the Economic Community of Europe has decreed that worked ivory is an unrecognizable part and therefore this is not mentioned in the CITES reports. This makes control rather difficult when we are verifying figures and trying to monitor the trade.

The bill you present, sir, today, the H.R. 4685 is a bill strongly favoring the elephant conservation and should be commended. If passed, this bill, if it is to be effective, will rely mainly on U.S. recordkeeping systems and other foreign countries. Instead of giving the decisionmaking power to the Department of the Interior of what countries can or cannot export ivory to the United States following the proposed 6-month ban of all ivory, we suggest only countries party to CITES be allowed to export ivory products to the United States. This is similar to current law which was passed in June 1978. To further insure that elephants are not being poached or mismanaged in CITES signatory countries, the United States should require yearly CITES reports from all these countries and also reexporting countries, and that the exports of ivory be in balance with the importing figures from other countries. Thus, Hong Kong which is the major importer and exporter of ivory would have to supply a report to the Secretariat of CITES, which they have yet to do, before they could reexport ivory to the United States, and Kenya would have to keep a much tighter control of its export figures so that the amount of ivory exported correlated more closely with the amount declared as imported by other countries.

Non-CITES countries may oppose this proposal, but we feel that any country which has a strong conservation program in effect would wish to be party to the Convention. The CITES agreement allows the United States to place pressure on foreign countries that are exporting wildlife and not maintaining adequate conservation

efforts. By not importing fauna or flora from non-CITES countries, the United States effectively puts pressure on them.

One of the best features of CITES is the submission of an annual report by each party, listing all the imports and exports of appendix I and II species and their parts or products. Since most countries in their official statistics, including the United States, tend to lump imports and exports of many wildlife products together in one general category, CITES reports monitor the trade of all endangered and threatened species. If one CITES country were to underestimate the number of exports, it should, theoretically, show up in the reports by other CITES importing nations. Discrepancy problems and outright negligence of the Convention are reviewed by the CITES Secretariat in Switzerland.

At present while many of the large and conservation conscious countries have already published their 1978 CITES reports, the U.S. report will not be available until October 1979. The U.S. Permit Office handling all CITES permit requests and recordkeeping for both appendix I and appendix II species is understaffed. As a result, it sometimes takes up to 3 months before an import or export request is granted or denied. In most cases, foreign companies are not willing to wait so long to market their products and thus, choose other outlets.

There is, at present, another problem with the recordkeeping system of wildlife products imported into the United States. This has been brought to your attention by the environmental defense fund for one. The 3-177 declaration of import forms are currently being stored at the ports of entry and a separate CITES permit for appendix I or II species is sent to the U.S. Permit Office in Arlington, Va. In many cases, the permit will state the item imported and the exporting country but not have the country of origin, the quantity or the value of the item which is found on the 3-177. It has been rumored that all 3-177 forms and attached documents, including the CITES permit, will be sent directly to the USDI Law Enforcement Office in Washington, D.C., and then stored at the Permit Office.

This would be more expedient and it would make it easier to pick up violations of wildlife importation. At the moment, two problems have come to our attention, (1) imports of ivory from non-CITES countries as have been listed today, and (2) lack of data about the country of origin, both in clear contradiction of existing U.S. regulations, the CITES, and the Lacey Act. The TRAFFIC (U.S.A.) office has volunteered to help analyze the data on the CITES or 3-177 permits to alleviate existing problems, and we hope to alleviate this problem within the next year.

In conclusion, Mr. Chairman, we need a CITES Convention, but we do not yet have the Convention we need. The rate of growth of world trade in endangered or threatened species and their products, at the moment, far outweighs enforcement techniques set up to monitor and enforce the Convention it purports to implement. Without adequate funding for additional law enforcement personnel and until the necessary paperwork is carried out properly, the Convention is a hortatory agreement of convenience.

African nations as a producer of ivory need to monitor exports more carefully. Zaire and Kenya have gone so far as to ban exports

of ivory, but I would like to bring to your attention, Mr. Chairman, that we should not be complacent about the situation in Zaire and dismiss hearsay evidence. The Permit Office has in its possession a Department of State telegram from the Embassy in Zaire and a handful of documents in French about the situation of poisoning that has occurred in Zaire and subsequent poaching. We should not dismiss evidence but should go out and accumulate more ivory trade data from the Central African Empire and from other nations like Cameroon.

Elephant herds in the 90-odd national parks should be protected more assiduously and culled only when necessary to prevent the irreversible destruction of the habitat. Perhaps Federal AID funds could be allocated to implement better elephant conservation policies in African nations if they are prepared to accept outside advice on such a valuable resource.

Meanwhile, in the United States, we should, as a member of CITES, encourage a better enforcement of the CITES regulations on a national and international scale. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Ms. Duplaix. you stated that not many countries have opted to join CITES, and yet some of the countries that do not want to join CITES have better elephant conservation programs than member countries. Would you discuss that? And why we should penalize nonmembers.

Ms. DUPLAIX. Yes. A present, sir, There are 53 countries that are members of the Convention. There are at least 15 other nations that have made it known that they have an intent to join the Convention.

But as an example, recently a member of the Department of the Interior was in Malaysia and was trying to convince the Malaysian Government that it should enforce the CITES regulations. And the official in question said, "We will when we do join CITES," and it was pointed out to him that they had joined the Convention in 1977. And the official responsible for the enforcement of the Convention did not even know that.

So even though they may be members of CITES on paper or even not members of CITES, they still have to enforce the existing regulations in their country and be aware of them. This is a problem in Asia where ivory is used as a reexport item and it is a problem in Africa as a producer nation.

Certainly countries like Zambia and South Africa—South Africa is a member of the Convention—have excellent elephant control mechanisms. They have very good national parks, but South Africa is not what should be considered as a major elephant country. If you look at Dr. Iain Douglas-Hamilton's map, it is really central Africa, east and west Africa, that are the main areas of the elephant population, and this is where the thrust of our encouragement in overseas development and legislation should be forwarded.

The CHAIRMAN. Do you concur that the major short-term threat is poaching?

Ms. DUPLAIX. Certainly I do, yes. Unfortunately, poaching is something which is rather difficult to monitor on an international level. Until the tusks are marked in the rigorous manner used in South Africa, I think it would be impossible to give an estimate.

The CHAIRMAN. You mentioned certain recordkeeping problems associated with wildlife products imported into the United States. Do you believe that Department of the Interior has done an effective job enforcing the Endangered Species Act?

Ms. DUPLAIX. They have done an effective job as far as they can. But when you consider that 30,000 3-177 permits come in through the port of the New York alone in 1 year, with the personnel they have to go through this, they cannot possibly do an effective job. They do what they can and they do what they can to the best of their ability, but it is not effective.

The CHAIRMAN. Counsel?

Mr. HOWELL. No questions, Mr. Chairman.

The CHAIRMAN. Thank you, Ms. Duplaix.

The next witness is Mr. Peter Horn, Safari Club International.

STATEMENT OF PETER HORN, SAFARI CLUB INTERNATIONAL

Mr. HORN. Thank you, Mr. Chairman, for inviting me here to speak today. I am going to abbreviate my comments in the interest of time and wish that everything will be submitted as read.

The CHAIRMAN. The entire statement will be printed in the record at this time.

[The following was received for the record:]

STATEMENT OF PETER HORN, SAFARI CLUB INTERNATIONAL

BACKGROUND OF COMMENTING ORGANIZATION

Safari Club International (SCI) is an international nonprofit organization¹ whose purpose is to conserve wildlife and preserve sport hunting. Its headquarters are located at 5151 East Broadway, Suite 1680, Tucson, Arizona, 85711. Through regular, associate and affiliate memberships, SCI represents over 1,000,000 individuals in the United States, Canada, Europe, Asia, and Africa. The following organizations are affiliated with SCI:

- American Sportsmen's Club
- Arizona Wildlife Federation
- California Wildlife Federation
- United Sportsmen's Council of Colorado
- Illinois Wildlife Federation
- Indiana Sportsmen's Council
- Michigan United Conservation Clubs
- North Carolina Wildlife Federation
- Everglades Coordination Council
- San Fernando Valley Sportsmen's Clubs
- South Louisiana Gun Club
- Game Conservation International
- Big Game Hunters, Inc.
- Shikar Safari Club International
- Texas Trophy Hunters Association
- Alaska Professional Hunters Association
- International Professional Hunters Association
- Montana Outfitters and Guides
- Associated Taxidermists of North Carolina
- National Taxidermy Association
- Citizens Committee for the Right to Keep and Bear Arms

SCI is recognized as the spokesman for the African big game sportsmen the world over. These sportsmen are part of the over-20,000,000 licensed hunters in the United States.

We agree in principle with the Honorable John M. Murphy of New York that something drastic has to be done to stop the senseless slaughter of the African elephant. What we must do during these hearings is decide what really is the best course to take to save these elephants, the greatest of all land animals.

¹ Qualified under sec. 501(c)(4) of the Internal Revenue Code of 1954, as amended.

Stopping the importation of all elephant products into the United States for any length of time will not help the conservation scheme, and in some ways may hurt it.

A bill which results in the total prohibition of the import of elephant products would seriously impair the financial support of African nations and Wildlife Departments obtained through the sale of ivory collected from the apprehensive of poachers, or from animals that die of natural causes or are culled legally to protect human life or property, and through the sale of licenses to sportsmen.

What we must stop is the poacher, the smuggler, and the corrupt officials who are really destroying the herds.

SCI has thousands of members who have been amidst the elephant in all capacities. One thing we all agree on is the method of saving the elephant. We need a world policing force on elephant products—one that can set up anti-poaching units, check weights of found ivory, ivory collected from poachers, and culling exercises. Sportsmen's trophies could be marked as all other products with proper identification. In this way, we could wipe out most of the poachers' market. Prohibiting the imports to the United States will simply mean that a new market would have to be found for the minimal amount we use.

If the conservation community really understands the magnitude of the poaching business, then we must realize that only a worldwide agency can help. We should direct some of those big dollars to forming a group of interested government agencies, conservation groups, and anyone else who wants to help.

We as a concerned group would be happy to lend our services.

The way this bill is now proposed, it would do harm to our group while not really aiding the cause.

In 1977, sportsmen took only 577 elephants. The amount conservation funds derived from these licenses is quite remarkable. (Please note Table 1)

The following statements are produced to show that it is not the sportsmen's rights we should be taking away when we talk of protecting the elephant.

William Jolly of the Environment and Natural Resources Policy Division said in his June 21, 1979 Review of Conservation Needs of the African Elephant, when speaking of population loss, "For sport by trophy hunters, although this pressure is generally controlled and much reduced from decades past".

In a letter dated March 23, 1978 to the Director of United States Fish and Wildlife Services from the Director of National Parks and Wildlife Management in Zimbabwe, Rhodesia, Mr. A. A. Ferrar: "We are currently committed to an officially sanctioned offtake of 500 to 1,000 animals annually in order to contain the overcrowding problem. Approximately 80 percent of the annually reviewed quota is removed by way of cropping exercises carried out by officials of the department within our national parks (where no sporthunting is permitted). The remainder are taken off as sport-hunted trophies and all valuable parts of all animals are processed and used for maximum economic return."

In a March 28, 1979 interview with Mr. Thomas Kamu Kan, the Minister of Wildlife and Tourism for the Southern Region of the Sudan, and our P. L. Horn, II: The minister stated when asked what effect any law passed by the United States with regard to banning trophy ivory importation would have on his elephant population, "We already have a small budget for conservation, a large portion of which is derived from the license fees of the sporthunter. Take away his incentive to come, and you will not only hurt the economy of the South, but more importantly, you will take away much-needed funds from the elephant and all our wildlife."

A news release from United States Fish and Wildlife Service, dated May 15, 1978 states: "A complete curtailment of trade in elephant products would be undesirable since economic benefit is the main incentive in some African countries for properly managing elephant populations. If trade were stopped, the elephant could quickly be viewed as nothing more than a pest in these areas and attempts could be made to exterminate him to prevent agricultural damage."

In a letter dated February 24, 1978 to the Director of United States Fish and Wildlife Services from G. C. N. Zyambo, the Director of the National Parks and Wildlife Services in Zambia, he stated with regard to threatened status of the elephant: "It is said here that we do not think that total ban would be the answer to the problem, at least as it affects Zambia. The United States is not our main importer of ivory—Belgium is. So that whether or not the United States banned the importation of ivory, Zambian ivory, both legal and illegal, would still find its way into other markets, most in illegal ones, unfortunately. Option 1 is, therefore, not supported here as it is inflexible to cater for countries with good and sound conservation programs and who wish to dispose of the ivory resulting from management procedures."

In a letter from Mr. T. Ashine, Head of Wildlife Conservation and Development Department of Ethiopia to our Director of Wildlife on March 14, 1978, he asked what provisions our government was going to take on ivory recovered from poachers and ivory found and handed in to his department. He further states, "We would request that these factors be taken into consideration along with the fact that licensed hunters can legally hunt elephant in certain countries and be in lawful possession of elephant products."

The amount of evidence which supports the sportsmen's rights could go on and on. Every head of the African Conservation Departments knows the real contribution the sportsman makes to wildlife management.

Even the World Wildlife Fund realizes the genuine need for a number of elephants to be legally taken.

An article appeared in *African Wildlife*, Volume 32, No. 4, entitled, "The Elephant Dilemma: A World Wildlife Management Statement on Wildlife Management".

The article is best summed up by the last paragraph: "As an example of the scale of the problem it is estimated that there are about 100,000 elephants in the Luangwa Valley in Zambia, and that for the habitat to recover that number must be reduced to 25,000. The idea that 75,000 elephants must be culled will be very difficult for most people to accept. Nevertheless, it seems necessary for W.W.F. to begin at once to explain to its constituency this unhappy paradox of world depletion and local over-abundance. This situation is not unique to elephants."

We who are involved in African wildlife know how the poachers do their dirty deeds. Article after article appear in the United States and British newspapers. Articles in the *New York Times*, (September 22, 1975) and the *Washington Star*, (September 19, 1977) contained unusually factual accounts of the indisputable connection of the Kenyatta family in Kenya to the illegal trade in poached ivory from that country.

The emotionalism of these articles must be directed into a fast-moving force. The newspaper articles make people realize what is really going on. The sad thing is that all these articles did not stop Kenya. She closed her elephant hunting in 1973 (where then did all the ivory come from?). Next she closed all hunting and her animal product curio shops. This all makes the unaware happy that our pressure is doing something.

Estimates of the elephant killed in Kenya run between 12,000 and 17,000 a year. Whichever figure is correct, something tangible best be done quickly before it is too late. If we want to save the elephant, then politicians, policy makers and the rest must realize we will have to step on some toes.

In these hearings, we can save the elephant or simply slow down his depletion.

Stopping the poacher, and providing a legal outlet for a certain amount of ivory are the real answers.

Any proposed laws should have provisions for all legally accountable ivory. It should be written into the law. We are not talking of a permit system for our experience with the Endangered Species Act and the Convention on International Trade in Endangered Species of Wild Fauna and Flora compels us to believe the bureaucracies and regulatory agencies will not issue permits, PERIOD.

TABLE 1

Country	Number of elephants taken annually by sportsmen	Cost of elephant license ¹	Total cost of safari ²	Total economic value
Botswana.....	200	\$535	\$14,000	\$2,907,000
Cameroon.....	(³)			
Cae.....	100	1,000	14,700	1,570,000
Malawi.....	(³)			
Namibia.....	(³)			
Rhodesia.....	50	500	9,500	500,000
Somalia.....	(³)			
South Africa.....	10	1,725	6,040	77,650
Sudan.....	67	3,000	14,000	1,139,000
Tanzania.....	(³)			
Zaire.....	(³)			
Zambia.....	150	2,230	17,000	2,884,500

TABLE 1—Continued

Country	Number of elephants taken annually by sportsmen	Cost of elephant license ¹	Total cost of safari ²	Total economic value
Total.....	577			9,078,150

¹ Including ivory tax on an average pair of trophy tusks.

² Excluding cost of elephant license.

³ No elephant hunting.

Thus, a total of 577 elephants produce \$784,750 annually in license fees and taxes, all or most of which is used in the affected country's conservation program, an average of \$1,360 per elephant. In addition, the same 577 elephants contribute a total of \$9,079,150 to the economies of the affected countries, an average of \$14,373 per elephant. These same elephants shot for their ivory for sale to the trade would be worth only \$1,500 to \$2,400 each (average trophy tusk being 50 to 80 pounds).

If American sportsmen are restricted in the importation of their trophies, they simply will be unwilling to spend these sums to hunt elephant.

Mr. HORN. I would like to start my comments by giving a background on our organization. Safari Club International is an international nonprofit organization whose purpose is to conserve wildlife and preserve sport hunting. Through regular associate and affiliate members, SCI represents over 1 million individuals in the United States and the world over.

SCI is recognized as a spokesman for the African big game sportsmen. These sportsmen are part of the over 20 million licensed hunters in the United States who are interested in saving our heritage in sports.

We agree in principle with Hon. John M. Murphy of New York that something drastic has to be done to stop the senseless slaughter of the African elephant. What we must do during these hearings is decide which is the best course to take to save these elephants, the greatest of all land animals. Stopping the importation of all elephant products into the United States for any length of time will not really help the conservation scheme and in some ways may even hurt it.

A bill which results in the total prohibition of the importation of elephant products would seriously impair the financial support of African nations and wildlife departments. This support is obtained through the sale of ivory collected from the apprehension of poachers or from animals that die of natural causes or are culled legally, and also through the sale of licenses to sportsmen.

What we must stop is the poacher, the smuggler and the corrupt officials who are really destroying the herds.

SCI has thousands of members who have been amidst the elephant in all capacities. I myself have been involved in a half a dozen poacher apprehensions. We all agree on one thing. We need a world policing force on elephant products, one that can set up antipoaching units, check weights of found ivory, ivory collected from poachers, and culling exercises. Sportsman's trophies could be marked as all other products with proper identification. In this way, we could wipe out most of the poachers' market. Prohibiting the imports to the United States will simply mean that a new market would have to be found for the minimal amount we use.

If the conservation community really understands the magnitude of the poaching business, then we must realize that only a world-wide agency can help. We should direct some of those big dollars into forming a group of interested government agencies, conservation groups and anyone else who wants to help. We as a concerned group would be happy to lend our services.

The way this bill is now proposed, it would do harm to our group while not really aiding the cause. In 1977, sportsmen took only 577 elephants. The amount of conservation funds derived from these licenses is quite remarkable, and if you go to the back of my statement in table 1, you can see that the economies of Africa derived over \$9 million from these elephant hunts.

I have reduced the number of statements that I am not going to read due to the time factor, but I want to note that all the statements made in here that I am eliminating now and the statement of His Excellency, the Ambassador from Botswana, Dr. Douglas-Hamilton and Mr. Parker all concur with our conclusion that sports hunting is not really a factor when we are talking about the survival of the elephant. Even the World Wildlife Fund realizes the genuine need for a number of elephants to be legally taken.

An article which appeared in *African Wildlife*, volume 32, No. 4, entitled, "The Elephant Dilemma: A World Wildlife Management Statement on Wildlife Management."

The article is best summed up by the last paragraph, and I quote:

As an example of the scale of the problem, it is estimated that there are about 100,000 elephants in the Luangwa Valley of Zambia, and that for the habitat to recover that number must be reduced to 25,000. The idea that 75,000 elephants must be culled will be very difficult for most people to accept. Nevertheless, it seems necessary for WWF to begin at once to explain to its constituency this unhappy paradox of world depletion and local over-abundance. This situation is not unique to elephants.

We who are involved in African wildlife know how the poachers do their dirty deed. Article after article have appeared in the United States and British newspapers. Articles in the *New York Times*, September 22, 1975, and in the *Washington Star*, September 19, 1977, contained unusually factual accounts of the undisputable connection of the Kenyatta family in Kenya to the illegal trade in poached ivory in that country.

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Estimates of elephants killed in Kenya run between 12,000 and 17,000 a year. Whichever figure is correct, something tangible best be done quickly before it is too late. If we want to save the elephants, then the politicians, policymakers and the rest must realize we will have to step on some toes.

In these hearings we can save the elephant or simply slow down his depletion. Stopping the poacher and providing a legal outlet for a certain amount of ivory are the real answers.

Any proposed laws should have provisions for all legally accountable ivory. It should be written into the law. We are not talking about a permit system for our experience with the Endangered Species Act and CITES compels us to believe that the bureaucracies and regulatory agencies will not issue permits, period.

Thank you.

The CHAIRMAN. Thank you very much, Mr. Horn.

You are aware that the ban on ivory imports into the United States provided by 4685 is 6 months. The purpose of the 6-month ban is to give the Department of the Interior a reasonable opportunity to implement effective regulations authorizing the importation of ivory that would not be detrimental to the African elephant. Does the Safari Club support or oppose that restriction?

Mr. HORN. We oppose the ban.

The CHAIRMAN. What is your position overall on 4685?

Mr. HORN. As I stated before, I think you call attention to something that really has to be done, but we feel that the ban is not going to be what we really need. What is needed are some real positive steps, and one of the things the bill is trying to do will help, but it will help such a little amount that it really will not stop any of the poachers or anything else.

The CHAIRMAN. Well, let us go into these real positive steps. How would you amend this bill to make it effective?

Mr. HORN. Well, I think that as some of the statements other people made that we need some money to go out into the countries and set up, game parks or teach game rangers or to keep documentation on the ivory that goes out of countries, there is a lot of ways. I am not really an expert on the ivory, but I spent a year of my life in the African bush and I know a lot about Africa. I think that there is a lot that can be done.

You have to get together with the governments, the conservation groups, the protectionist groups, all together and sit down, and everybody say, "Let us get together and save the elephant."

The CHAIRMAN. How do you stop the poacher?

Mr. HORN. The best way to stop the poacher would be antipoaching units. Unfortunately, most of the antipoaching units in Africa—and I will not name countries—simply are not antipoaching units at all. They are poaching units doing a lot of the poaching themselves.

The CHAIRMAN. Sure.

Mr. HORN. OK. This is your problem, sir. I think that a world-wide agency that would go in and set up a bureau, like a U.N. made up of countries around the world. That would set up antipoaching units and really do something. That would stop the poaching, because the African governments, as it stands now, have not, with the exception of a few countries, really tried to stop the poaching. Even if they are supposedly sending people into the field, keeping documentation, and taking money from the United States and other countries that are giving them money, I do not think they are doing their job. It has to be policed.

The CHAIRMAN. Counsel?

Dr. HOWELL. Thank you very much for your testimony. I think it has been helpful, and I do think you have made one point useful, at least, that this legislation has caught the attention of different

groups, and as you know, we have tried to take care of the trophy hunters whom, as you pointed out, do make a contribution to the control of poaching in the African nations.

Perhaps just as we have had closed season on different animals, game animals in some states, that perhaps this 6-month importation, ban on the importation of ivory will be necessary so that the Safari Club members can continue their hunts.

I do thank you for your comments. No questions.

The CHAIRMAN. Thank you, Mr. Horn.

The CHAIRMAN. Our next witness is Ms. Christine Stevens, Secretary for the Society for Animal Protective Legislation.

STATEMENT OF CHRISTINE STEVENS, SECRETARY, SOCIETY FOR ANIMAL PROTECTIVE LEGISLATION, ACCOMPANIED BY JEFF DINER, RESEARCHER, ANIMAL WELFARE INSTITUTE

Ms. STEVENS. Mr. Chairman, thank you.

I am accompanied by Jeff Diner who does research for the Animal Welfare Institute, and who looked into the 3-177 forms. So I will proceed with my testimony, and Mr. Diner might want to make a short statement and answer some questions.

The extreme difficulty of enforcement of existing law relating to the importation of ivory makes the idea of a moratorium, as you have in your bill, Mr. Chairman, on imports into the United States the simplest, most effective and least costly way to put a crimp in the terrible cruelty and destruction involved in poaching.

Kenya and Zaire should be commended for having banned ivory exports. We can help these and other countries fortunate enough to have elephants within their borders to preserve these remarkable long-lived social animals who take on the responsibility of raising the orphaned infants when their own mothers are killed.

I am sorry during these hearings to have heard so little about the elephants themselves. We seem to be talking exclusively about their teeth, forgetting the creatures who evolved these unusual tusks to aid them in some of the ways in which we use our hands.

Poaching must be stopped because of its cruelty. Acid that eats away at the elephants' vitals is placed in fruit much prized by elephants on their known pathways. The victim dies in long, drawnout agony. Wire snare that eat into the flesh are set. Fires are lit around elephants. Water holes are poisoned with pesticides. These horrors must be stopped, but they continue while we discuss what kind of paperwork might deter the poachers.

A flat moratorium until it is possible to control poaching will help Kenya and Zaire and assist nations to take similar action.

The United States should follow up with economic assistance to nations seeking to control poaching. We should make a major commitment to this effort in full cooperation with every African nation that can use such help, and the Congress will have to bring strong pressure on the Fish and Wildlife Service to get them to take the matter seriously.

This legislation has already been put off too long while the Service discovered that it was unable to control the ivory trade by saying that only CITES countries could export to the United States.

As I say, Jeff Diner, who did the actual research and with great difficulty, obtained a large batch of 3-177 forms from the Service at the port of New York and is here. He will be glad to answer questions which you may put to him.

Efforts by other conservationists to obtain similar documentation at San Francisco met with almost total failure. What is the fish and Wildlife Service doing with its information? Where is the supporting documentation referred to yesterday by an enforcement agent for the Service?

Mr. Chairman, I hope you will request full information to back up such forms as are available and request 3-177 forms for all ports of entry on ivory together with the backup documents.

If the United States cannot keep track of the ivory pouring into its fat markets, how can we talk seriously of controlling poaching through CITES documentation in any reasonable period of time?

The question is not whether the African elephant is endangered throughout its range. The question is, will the American people continue unknowingly to contribute to the disruption of populations of these remarkable animals and the hideous cruelty inflicted on them simply for some trinket which can just as well be made by synthetic material.

And I would like to submit for the record a full-page ad which appeared in *The New Yorker*, showing synthetic whale ivory. It obviously is not such an unprofitable activity as we have been led to believe, because a full-page ad in the *New Yorker* is very, very expensive. I think this kind of manufacturing should be encouraged and it can be. It would help our balance of payments if we were to urge that type of work to continue and encourage our own industry to expand the production of synthetic ivory at the same time that we extend economic assistance to African nations to crack down on poaching and patrol their national parks to make them safe for elephants.

The idea of real ivory, Mr. Chairman, is an old-fashioned one, and it is time to drop it.

Ms. STEVENS. I would urge the committee to report your bill promptly, strengthening it with further emphasis on aid to African nations and lengthening the moratorium until these nations are able to control poaching and until our Interior Department has developed an effective method of keeping track of imports.

Action should not be put off because the report to Interior is, as yet, uncompleted. Lack of knowledge means we should stop imports until we have sufficient knowledge to legislate wisely.

The CHAIRMAN. Mr. Diner?

Mr. DINER. It was not without a great deal of difficulty provided by the Fish and Wildlife Service that I was finally able to obtain the import declarations on ivory. It took 4 days of waiting in New York City before I was actually allowed to look for the information.

It should be also noted that my efforts to obtain this information was further stymied by the poor filing system at the Fish and Wildlife Service at the Kennedy Airport facility. The forms are stacked in boxes in a corner of the facility, and all the information I sought could not be located.

In contrast to Mr. S. W. Smith's feeling that the import system is functioning well, many ivory imports were cleared with the follow-

ing incorrect information noted on the 3-177 forms. Country of origin, Africa. Country of origin, Hong Kong. Or as others had noted previously, violations of the Lacey Act by imports from Zaire or Kenya.

The CHAIRMAN. They noted violations of the Lacey Act?

Mr. DINER. Excuse me?

The CHAIRMAN. In other words, some of the 3-177's had Zaire and those countries on it?

Mr. DINER. Yes.

The CHAIRMAN. They just overlooked the Lacey Act?

Mr. DINER. Apparently. I have here over 100 3-177 forms where these violations can be noted.

The CHAIRMAN. Without objection, those records will be placed in the record.

[Samples of the forms follow:]

USFWS Form 177
(rev. and Sept. 1976)
OMB No.:

REF.# XXXX

Indicate Use: ☒ Import ☐ Export
Port of: 4701
Date: 10/27/78

For Imports Only

Customs Identification No. ID# XXXX
--

U.S. FISH AND WILDLIFE SERVICE



DECLARATION FOR IMPORTATION
OR EXPORTATION OF
FISH OR WILDLIFE

Form Approved O.M.B. No. 42-10476

Name of Carrier: PAN AM
Always Fill on Bill of Lading Note: XXXX
Imported or Exported: ☒ air cargo ☐ ocean cargo ☐ truck ☐ rail ☐ mail ☐ personal baggage ☐ automobile; license no. _____ state _____
Location where wildlife is available for inspection
Package or Bale Marks and Nos.

(Indicate one)

Please Type or Print Legibly

☒ U.S. Importer of Record☐ U.S. Exporter

LEADING FORWARDERS INC.

(name)

1 WORLD TRADE CENTER NEW YORK N.Y.

(address - street, city, state, zip code)

Foreign Consignor
or Consignee

NATHAN IVORY FACTORY

(name)

81 PEKING RD. KOWLOON HONG KONG

(address - street, city, country)

Customs Broker
or Agent

LEADING FORWARDERS INC.

Shipping Agent or
Freight Forwarder

AEI HKG

Furnish All Information Below (invoices or bills providing required information may be attached)

QUANTITY	SCIENTIFIC NAME Genus Species	COMMON NAME	DESCRIPTION If live, so state. If product, describe.	DECLARED VALUE	COUNTRY OF ORIGIN
23PCS.	LOXODONTA AFRICANA	IVORY	JEWELRY	\$3166.75	ZAIRE

U.S. License and/or Permit No.:

Foreign License and/or Permit:
Country No.I certify the information furnished herein is true and complete to the best of my
knowledge and belief.

Signature: [Signature] Date: 10-27-78

Action Taken: ☒ cleared ☐ clearance refused ☐ seized	Date:
0 % of Wildlife Inspected:	
Officer Signature and Badge No. P. M. 70	

FOR OFFICIAL USE ONLY

U S FISH & WILDLIFE SERVICE S
N I T C L E A R E D A T
E P M 70 10/27/78
D signature badge no. 10/27/78

SEE REVERSE OF THIS FORM FOR INSTRUCTIONS AND PRIVACY ACT NOTICE



U.S. DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
Bureau of Sport Fisheries and Wildlife
Washington, D.C. 20240

DECLARATION FOR IMPORTATION OF FISH OR WILDLIFE
(50 CFR 17.12: 12-2)

PLEASE PRINT OR TYPE THIS FORM

Instructions: Submit original and copy to District Director of Customs*, at the port of entry where inspection occurs.

17. XXXX
Carrier: Pan American <i>001</i>
Flight or voyage # 001
AWB or BL number XXXXXXXX
Date Nov. 27, 1978

* GPO: 1977-O-414-519

Name of Importer Raymond C. Beviyino, Jr.	Address (Street, City, State, and Zip Code) P.O. Box 2175 Arlington, Va. 22202
Name of Broker (If any) NA	Address (Street, City, State, and Zip Code)
Name of Consignor (or SHIPPER) Nathan Ivory Factory	Address (State, City, State, and Zip Code) 81 Peking Road Kowloon, Hong Kong

List below by species, giving common and scientific names, country of origin, and number of animals or fish imported of each:

COMMON NAME	SCIENTIFIC NAME	COUNTRY OF ORIGIN	NUMBER
African Elephant	Loxodonta Africana	Zaire	186 pcs
			Netsuke
			4 pcs
			Carved Ball
			3 pcs
			Rings
		Total	193 pcs
			Ivory

If any fish or wildlife listed above appear on the Endangered Species List (50 CFR Part 17, Appendix A) designate by common name and also indicate permittee's USDI import permit number.

Is the fish or wildlife listed above subject to laws or regulations in any foreign country in which it was taken, sold, or transported (18 USC 43)? ☒ Yes ☐ No. If yes, designate by common name and attach copies of the required documentation (50 CFR 17.4)

African Elephant

Signature of Importer or Broker <i>Raymond C. Beviyino</i>	Date submitted 12/7/78
Port of Entry Washington, D. C.	Signature <i>J. J. Smith</i>
	Date 12-8-78

Form 3-177 (Rev. Dec. 1970)

Form Approved
Budget Bureau No. 42R 1476

*Bureau of Customs: Deliver originals at the end of the month to U. S. Game Management Agents at designated ports or mail to Regional Director, Bureau of Sport Fisheries and Wildlife, U. S. Department of the Interior (50 CFR Part 17, Appendix C).

Mr. DINER. It should be also noted that I observed one inspection in which a box of ivory products were merely opened and closed. In talking with the inspector, I was informed that this cursory examination was not the exception but the rule.

Thank you.

The CHAIRMAN. When you say a poor filing system, do you mean they are just cardboard boxes on the floor?

Mr. DINER. Yes. In actuality, it really is not a filing system. It is just boxes with the files stacked in them.

The CHAIRMAN. What period of time do they represent?

Mr. DINER. Well, I was seeking the last 6 months of 1978, and a couple of those months were in files, but the remainder were in boxes on the floor. And as I mentioned earlier, they could not locate them all.

The CHAIRMAN. Does that explain the difficulties of your getting the records?

Mr. DINER. No. The difficulties in getting the records were the uncooperativeness of Fish and Wildlife personnel in that they did not allow me to actually go into the boxes to get the records.

The CHAIRMAN. Why did they take that attitude?

Mr. DINER. I do not know. They felt that I needed some kind of special jurisdiction to obtain that information.

The CHAIRMAN. Well, they are public records, are they not?

Mr. DINER. That is my knowledge.

The CHAIRMAN. Ms. Stevens, you support this legislation?

Ms. STEVENS. Yes, definitely.

The CHAIRMAN. You have heard the questions on 4685 and the moratorium period. Do you think it would be an impact on the industry people who testified today if we did impose that moratorium?

Ms. STEVENS. I think there is a considerable stockpile already. More importantly, I believe all the industry people should move over into synthetic ivory. They are going to have to eventually. They might as well do it now. I think the argument that I heard this morning that it would lessen the value, does not hold if the synthetic ivory is carved, in each instance, by the artist. It should be an original work of art. Of course, it should not just be stamped and turned out. That would be meaningless.

But there is no reason in the world why a first-class artist cannot work on a synthetic material just as well as he can on a bone from a magnificent mammal. It seems to me that as people learn more about elephants, the most sensitive and the greatest artists would hesitate before they would care to work on such a remnant which the elephants, if they were allowed to do it, would bury.

Mr. Chairman, I am sure you are aware that elephants do have a burial system, that they cover with leaves and dirt their dead, and these are remnants of the dead. You find in Dr. Douglas-Hamilton's book pictures of the elephants picking up a tusk from a dead elephant. They carry them and put them in whatever they consider a suitable burial place.

The CHAIRMAN. Well, it seems that the conservation community almost must join together to create an organization on an international basis and raise some big funds of interested agencies, not only in the private sector but also in government, and anybody else

who would like to help. I would think that that would be the way to get each of the countries that are not cooperating, who have the major poaching problems, into CITES.

Ms. STEVENS. It is very desirable to get countries into CITES, Mr. Chairman. I have been very, very active in that area, and they are coming in encouragingly now, but I think we should act before CITES can be as effective as I believe it will be in the future. I think it is very important to have simultaneous pressure toward getting all nations into CITES.

But you see you have a terrible problem here, Japan, for example, is not yet a member, and a great deal of the ivory is going through Japan and then coming out to our markets, and you heard Dr. Parker point out that it is impossible to identify ivory that has been worked. It may be possible to identify raw ivory.

Therefore, we should cut off that market. We cannot stop poaching entirely by cutting it off, but we certainly will lower the demand for ivory and other nations may, indeed, follow our lead. They have followed our lead to a very considerable extent with whales. That effort seemed almost impossible in the beginning, and I think we have something that I might submit just for the use of the committee, this article on outlaw whalers. Poachers and pirate whalers have a certain amount in common.

The CHAIRMAN. Yes. I reviewed that document. It is an excellent document. Of course, we pointed out earlier in the hearing that whales are a high seas animal, a mammal, whereas with the elephant, we are dealing in a jurisdiction of a sovereign country. Of course, we are getting into the intrusion of the internal affairs and management of the resources in that country.

Ms. STEVENS. However, the product comes from whomever exploits it, and it seems to me that the American public has a right to demand certain standards. For example, the Humane Slaughter Act was amended last year to require that nations who wish to send meat to us for sale must conform with our standards of humane slaughter.

The CHAIRMAN. Counsel?

Dr. HOWELL. I would just like to commend Ms. Stevens and Mr. Diner on the work that they have done and on the records which they have provided to the committee. I think that this certainly points up the fact that there is, in my mind, a need for legislation or for a moratorium period to allow the Department of the Interior, if nothing else, to pull up their socks. And this is one of the reasons why this bill was designed this way.

I would look forward to having any additional suggestions. I think especially fruitful was the suggestion that there should be authorizations in here for the people to carry out the purposes of this bill, and I will be working with you in the months to come before, at least during August, before we have markup on the bill, and I thank you very much, both of you, for your substantial and valuable contributions.

The CHAIRMAN. Thank you, Ms. Stevens. We certainly appreciate your assistance. We also would like any suggested amendments from you as well as the other other witnesses that feel their fears or concerns can be better addressed with certain changes in the legislation. Feel free to communicate directly to the committee.

The record will be open for the next two months as we review Dr. Parker's report and for additional testimony.

Ms. STEVENS. Mr. Chairman, I am delighted to hear you say that you will review the report. I trust that does not mean we have to wait for the Department of Interior to review the report which could take goodness knows how long.

The CHAIRMAN. I would not want to hold my breath on waiting for the Department of the Interior.

Ms. STEVENS. Thank you.

The CHAIRMAN. Thank you, Ms. Stevens.

The committee will stand adjourned.

[The following was received for the record:]

NASIONALE KRUGERWILDTUIN
KRUGER NATIONAL PARK,
Skukuza, July 5, 1979.

Representative JOHN M. MURPHY,
*U.S. House of Representatives, Committee on Merchant Marine and Fisheries, Wash-
ington, D.C.*

DEAR MR. MURPHY: It has come to our notice that Representative Anthony C. Beilenson of California has introduced legislation in the House of Representatives "Elephant Protection Act" (H.R. 2826). If the bill is enacted it would ban imports of elephant products into the United States and instruct the U.S. Government to use its resources to encourage an international ban on trade in elephant products.

We also understand that you will be conducting hearings on the bill scheduled for July 25-26, 1979. We are unfortunately unfamiliar with the procedures to be followed when making representations to a Congressional Committee. Nevertheless, we respectfully wish to bring our opinion on the effects of this bill to your notice. Our interest in the bill stems from the fact that the National Parks Board of Trustees of South Africa is a statutory, non-governmental body whose brief is to administer the National Parks. Some 98 percent of the elephants in South Africa occur in the Kruger and Addo National Parks. Like other African conservation organisations we are also faced with the problem of elephant populations increasing too rapidly within the confines of National Parks and destroying their habitat. We have, after detailed ecological investigations of the problem, come to the reluctant conclusion that culling of surplus elephants is necessary to prevent a catastrophic ecological collapse such as was recently witnessed in Tsavo National Park, Kenya, affecting not only the elephant but also the vegetation and other rare and endangered species of wildlife.

The elephants which are therefore necessarily culled are processed for maximum utilisation as food, leather products and ivory products. The proceeds from the sale of the products is put directly back into our conservation budget.

The revenue derived from African national parks, to which elephants (as a tourist attraction) and elephant products make a substantial contribution, is one of the strong justifications of wildlife conservation as a viable form of land use. This is an especially important consideration in developing African countries where we face complex socio-economic and political problems unfamiliar in the industrialised Western countries. These problems are closely tied to our rapidly increasing human populations, consequent increasing land hunger and the desire of our governments to provide not only for living space but for employment and increased food production. Should this new legislation (H.R. 2826) succeed in its objectives it may well contribute to a situation where the perpetuation of viable elephant ranges, as found in the larger African national parks becomes too great an economic and socio-political burden. Land from these parks might well then be alienated for more "productive" or profitable use and the elephant range would be decreased with consequent adverse effects on the remaining elephant populations.

We believe that the prohibition of trade in legally acquired elephant products would be counter-productive, while the continuation of legitimate regulated elephant utilisation by the African countries involved would be to the ultimate benefit of developing nations and of elephant conservation. As the Republic of South Africa is a partner with the United States and other countries in the Convention on International Trade in Endangered Species of Wild Fauna and Flora we are convinced that sufficient safeguards exist to ensure that legal, biologically motivated

culling of elephants and rational utilization of their products do not threaten the welfare and survival of viable populations of elephants.

We have therefore written to Representative Beilenson setting out our thoughts on this matter to him; urging him to reconsider his bill; and appealing for greater consultation with African governments and conservation organisations upon whom the survival of the African elephant ultimately depends. We have sent Representative Beilenson a document containing details of the elephant position in South Africa and we attach a copy also for your information.

We hope that you will consider our views, and the view of other African governments before making decisions, however well-meaning, which could adversely affect the African elephant.

Yours sincerely,

ANTHONY HALL-MARTIN, D.Sc.,
Senior Research Officer for Warden.

CONSERVATION AND MANAGEMENT OF THE AFRICAN ELEPHANT IN THE REPUBLIC OF SOUTH AFRICA: INFORMATION HIGHLIGHTS

1. By 1900 the African elephant *Loxodonta africana* had been exterminated over most of its range in South Africa. A few small populations in total no more than 200 animals, survived in the Knysna forests and at Addo in the Cape Province, in the Maputoland area of Natal, and in the Transvaal lowveld.

2. Active conservation measures resulted in the creation of the Kruger National Park (19,000 km²) in 1926, the Addo Elephant National Park (7,735 ha) in 1931, protection of the Knysna and Maputoland elephants. By 1978 the elephants had increased from 200 to 7,745. In addition to thriving in the two national parks, they now also occur in three large privately owned nature reserves in the Transvaal. Their status in Knysna and Maputoland is not yet satisfactory but the attention of conservationists and scientists has recently been focussed on these populations and their lot will be improved.

3. The largest population, 7,478 in September 1978 is confined to the Kruger National Park, the only large tract of land in the Transvaal uninhabited by humans (other than Park staff). The present policy of the National Parks Board of South Africa is to maintain the elephant population at 7,000 to 8,000 animals because:

(i) The rapidly increasing elephant population was threatening to tip the delicate balance between food and water resources, for itself and other rare wildlife species, especially as this balance was dependent also on the severity of periodic droughts to which the area is subject.

(ii) The National Park exists for the benefit of other wildlife species and vegetation types as much as for elephants. The active pursuance of a management policy is therefore necessary to avoid large scale degradation of the habitat by too many elephants which would result in massive population die-offs of other of other species and the elephants themselves, as has occurred elsewhere in Africa.

4. A strong research effort in the Kruger National Park is aimed at ensuring that competition between elephants and associated animal populations is contained at levels where minimum damage to, and disruption of, the environment occurs. Annual aerial censuses and surveys are undertaken to monitor the numbers, population structure and distribution of elephants and other species. The status of the elephant population is re-evaluated each year, and the culling quota is then fixed according to the population size, the annual increase, and the effect of the sub-populations on the different areas of the Park. Similar procedures apply to other species which are also culled.

5. All carcasses of culled animals are handled under stringest veterinary and public health scrutiny so as to maximise the amount of usable meat harvested for human consumption (an important factor in protein-hungry developing African countries). Utilisation of other animal products such as ivory, skins and trophies is also done as efficiently as possible. All revenue from the culling exercises accrues to the National Parks Board and can only be used for the operations of the Board. The Parks Board operates 10 National parks in South Africa and in addition to caring for several representative ecosystems it also cares for many other rare and endangered wildlife forms. Nevertheless, it remains a publicly stated principle of the Board that if ecological considerations should indicate that the culling of elephants or any other species is unwarranted, such culling would be stopped.

6. Elephants are strictly protected by law in South Africa and a high standard of law enforcement is maintained by the National Parks Officers and other state and provincial conservation agencies (operating outside national parks). There is virtual-

ly no illegal killing of elephants in South Africa, and hence no trade in illegally acquired poacheres products.

7. In the Addo Elephant National Park the elephant population has increased from 18 to 1954 to 102 to 1979 but the food supply has decreased. As the Park is small (7,735 ha) and due consideration must be given to the survival of a unique vegetation type (rapidly being destroyed by agriculture outside the Park) and other rare animal species, management actions will be necessary in the near future. Final decisions await the outcome of an intensive 3 year study of the elephants, and their habitat by a Research Officer of the Board. Every effort will be made to solve the elephant problem in this Park by other means than culling, such as increasing the size of the Park or moving live animals to other suitable areas (for various reasons e.g. animal diseases these options are not available to the Kruger National Park authorities). Every facet of this Park's history and its management in the future has the survival and welfare of the unique Addo elephants as its cornerstone.

8. From the information provided in the above seven paragraphs it is clear that although the elephant was badly treated in the past, a great deal of effort and money recently invested in elephant conservation measures has borne fruit. The elephant is neither threatened nor endangered in South Africa and is managed by well qualified professional conservationists and wildlife biologists, who are motivated by sound conservation principles. Though elephant culling is considered unpalatable to all we must reluctantly accept that it is a necessary management option in the relatively small areas which development, urban sprawl, and intensified agriculture have left for the wildlife heritage of our country. Having accepted it as such we believe it necessary to make maximum use of the products derived therefrom in the best interests of the total conservation effort.

9. The best contribution which any government can make to the conservation of African elephant (in addition to creating national parks and equivalent reserves) would be to vigorously support the Convention on International Trade in Endangered Species. This could ensure government involvement in the monitoring of the ivory trade. A total ban on trade in elephant products would not assist the African governments who derive revenue from their elephant culling programs (due to overpopulation in parks, or crop protection programmes) or from ivory derived from natural mortality. A total ban may also have the effect of driving the trade underground, thereby encouraging poaching further and eventually present a greater threat to the survival of the African elephant than if the trade were regulated within defined and monitored limits.

THE FUND FOR ANIMALS,
Washington, D.C., March 12, 1979.

Subject: Legislation introduced today by Congressman Anthony Beilenson to help save African elephant from extinction/survival of African elephant jeopardized by U.S. Interior Department.

Summary: The worldwide demand for ivory, combined with destruction of the elephant's habitat, are annually wiping out hundreds of thousands of these animals, greatly endangering their future survival. Last year the U.S. Department of the Interior placed the African elephant on the threatened species list but issued weak regulations which have actually allowed for an increase in ivory imports, much of which is accompanied with false documents. The Beilenson bill would generally ban the import of ivory and other elephant products into this country, encourage African countries to stop the uncontrolled killing of elephants, and hopefully stimulate other nations to ban such imports. Conservationists feel that unless the U.S. takes the world lead in trying to save the last remaining elephants, these mighty creatures will largely disappear within a few years.

The African elephant is in serious danger of extinction; and unless the bill introduced today by Congressman Anthony Beilenson to ban ivory imports is quickly passed and enacted, this species will soon disappear forever, conservationists warned today.

This legislation would generally ban ivory and other elephant products into the United States—which is a major market for ivory—and help relieve some of the pressure and economic incentives for their slaughter, particularly if other countries follow the U.S. lead. The massive, illegal killing of elephants for their ivory tusks is without doubt the most serious current threat to the survival of these creatures.

"Much of the blame for the threatened extinction of the African elephant belongs to the U.S. Interior Department," charged Marian Newman, Washington Coordinator of The Fund For Animals, a national conservation and animal protection organi-

zation. Acting in response to a formal petition from The Fund For Animals, Interior in June 1978 listed the African elephant as a threatened species. But it still allows countries that are signatories to the Convention on International Trade in Endangered Species of Wild Flora and Fauna to export ivory and elephant products into the United States. "This action has benefited ivory dealers and big game trophy hunters but has helped doom this species that Interior admits is imperiled," said Ms. Newman. In fact, since enactment of these pitifully weak regulations, ivory imports have increased significantly, with much of it coming from Hong Kong: False documents accompany many of the shipments, but Interior has refused to take any action to stop this illegal trade. Moreover, Interior's action puts heavy pressure on the elephants in signatory countries, such as Ghana (with an elephant population of 1,000), Nigeria (1,200) and Senegal (400).

One option rejected by the Department was a general ban on all ivory imports, much like Congressman Beilenson's bill last year would have done (H.R. 10083). Such a ban was favored by the President's Council on Environmental Quality (CEQ); major national conservation groups; the Chairman of the House Merchant Marine and Fisheries Committee, Congressman John Murphy; and over 84 members of Congress who cosponsored H.R. 10083.

Although CEQ—the President's official advisory body on environmental matters—made a vigorous effort to persuade Interior to adopt a general ban, "it's appeals fell on the deaf ears of indifferent government officials, particularly Secretary of Interior Cecil Andrus and Assistant Secretary of Interior Robert Herbst," said Ms. Newman. In light of Interior's failure to fulfill its responsibilities, conservationists are now going to push for enactment of the Beilenson bill as the only real hope of having the U.S. take effective action to help save the African elephant. This should have the support of Congressman John Murphy, Chairman of the House Merchant Marine and Fisheries Committee, which has jurisdiction over such matters, who stated that if Interior's regulations were not effective in protecting elephants he would work for passage of this important piece of legislation.

Another significant threat to the elephants' existence is human settlement and agricultural development, which are claiming an increasing amount of the elephants' habitat and are preventing them from making their traditional migratory journeys. Dr. Richard Miller of Yale University, an authority on elephants, stated in May 1977, that because of the ivory trade and destruction of the elephant's habitat, "the African elephant will be completely wiped out from all areas of Africa except the national parks." But even in the parks, poaching is threatening their existence, and their future survival looks bleak. There has been an 80 percent reduction in Africa's elephant population since the turn of the century, and nearly one-third of the elephants have been killed off in the last 5 years. As many as 400,000 elephants may be killed each year through the use of rockets fired from helicopters, poison darts, fire, and guns. At the present rate of killing, the African elephant will be extinct in the wild, or virtually so, in a very few years. Because of Interior's decision to allow the continuation of trade in ivory, it must bear a major responsibility for the impending extinction of these animals, rather than taking a world leadership role in saving these legendary animals, much as the United States did to save the whales. The Carter Administration has now sanctioned the massive commercial killing of the threatened African elephant by keeping the U.S. open as a major world market for ivory. Some African nations, unable to control the widespread and unprecedented rate of poaching in their countries, were looking to the United States for help by asking that our country close off its market in order to stem the trade. For example, on 4 February, 1978, Kenya's Attorney General, C. Njonjo, wrote a letter to conservationists clearly stating that the Kenyan government "fully supports a ban which is complementary to our move here to ban sales of ivory and other wildlife trophies, as well as our total ban on hunting." A few other African countries, whose high government officials have made enormous fortunes from ivory, will be guaranteed continued profits as their elephants are slaughtered to extinction.

Out of the 21 African countries which still contain elephants, only 5 have stable elephant populations, while in all of the others elephants are rapidly disappearing. Another authority on elephants, Dr. S. K. Eltringham, states that the situation in Uganda has "reached a crisis level." For example, 5 years ago there were thought to be 17,000 elephants in the two major national parks, whereas an estimated 3,000 remained in 1978; an 84 percent decline in just 3 years. In 1973, over 120,000 elephants roamed Kenya, but last year only 50,000 to 70,000 were left. With the conviction of high officials of the former government, poaching rings carried out over the last few years the greatest slaughter of elephants in the history of the continent. Even the largest known elephant population, that of Zambia, has come

under heavy hunting pressure and is "seriously threatened by increased poaching, reduction of its natural range and habitat damage," according to the Chief Wildlife Research Officer of Zambia's National Parks and Wildlife Service. The elephant population of Tanzania—the second largest on the continent, about 100,000 elephants—is also declining. South Africa, which once had tens of thousands of elephants, now has only an estimated 7,275 left. Elephant expert, Dr. Iain Douglas-Hamilton, author of "Among the Elephants," states that "unofficial slaughter of elephants is probably now worse than it has been since the turn of the century."

The cruel and massive slaughter is carried out using guns, wire snares, and poison darts, which cause a painful lingering death. The United States has helped promote the killing of these highly intelligent animals by importing hundreds of thousands of pounds of ivory worth many millions of dollars in the last few years.

While the tusks of a large bull elephant may weigh 50 pounds, the average weight of the tusks being sold is now less than 20 pounds, which clearly indicates that most of the large elephants have already been wiped out. The price of ivory on the world market is now about \$30 per pound, up from \$2.80 per pound in 1969, a tenfold increase! A pair of good sized tusks would support a typical tribesman's family for a year. A poacher who kills a well-tusked elephant can earn \$3,000. The economic incentive to kill elephants has led to widespread and uncontrolled poaching. In Kenya's Tsavo Park alone there are known to be over 1,300 poachers. High government officials, especially in Kenya and Uganda, are known to have been involved in the illegal killing of elephants and the ivory trade. While elephant hunting is now illegal in most African nations, poaching is rampant and the trade is largely unregulated. In 1976, the demand from Hong Kong alone was running at nearly 2,500 dead elephants a month. In 1974, Kenya exported 900,000 tons of ivory which represents 45,000 dead elephants. The heavy demand for ivory from other Far Eastern and European markets, as well as the United States, means that the total amount of ivory being exported from Africa will soon exhaust the supply of elephants.

The United States is one of the largest importers of ivory in the world. In 1977 the U.S. imported over HK\$27,000,000 worth of ivory from Hong Kong alone, and imports from there have increased significantly.

Elephants as a species are over 300,000 years old, but conservationists and scientists familiar with the situation believe that a continuation of the present level of killing could destroy the last remaining herds within 5 to 10 years. It is crucial that the entire African elephant population receive U.S. protection, which could be done under the Beilenson bill because the increasing traffic in ivory is threatening elephants in every African country, even those where populations are relatively high or in which exact population figures are unknown. Furthermore, it is impossible to determine the country of origin of ivory entering the United States. The passage of this bill, which bans all ivory into the United States, would thus also help protect the Asian elephant, which is on the U.S. Endangered Species List, but whose ivory is usually impossible to differentiate from the African species. The state of California, under the leadership of former state legislator Beilenson, recognized the endangered status of these animals by adding the African elephant to that state's endangered species list, which generally bans the import of ivory into that state.

Fund Washington Coordinator Marian Newman urged quick passage of the bill, stating that "it is imperative that the United States take the world lead in helping to save the African elephant by acting quickly on this important piece of legislation. This would not only ban ivory imports into this country, but would also have the effect of focusing worldwide attention on this urgent problem. Otherwise, we will help accelerate the elephant's rapid disappearance from Africa, ending the existence of the largest living land animal on earth."

Before the U.S. Department of the Interior

PETITION FOR RULE-MAKING PROCEEDING AND ISSUANCE OF RULES BY THE SECRETARY OF THE INTERIOR AND THE DIRECTOR, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR, SUBMITTED BY THE FUND FOR ANIMALS, INC., MARIAN NEWMAN, WASHINGTON COORDINATOR, LEWIS REGENSTEIN, EXECUTIVE VICE PRESIDENT

PETITION

This is a petition pursuant to subsection 4(d) of the Administrative Procedure Act (5 U.S.C. S553(d)), the Endangered Species Act of 1973 (Public Law 93-205), and 43 C.F.R.SS. 14.1, 17.11 urging certain steps to protect the African elephant (*Loxodonta africana*) as an "endangered species."

Background statement, justification for action requested

A recent study conducted by The Fund For Animals, which included contacts with zoologists, biologists, literature searches, and correspondence with African wildlife departments, has revealed a drastic decline in populations of the elephants of East Africa, and a gradual, but steadily increasing decline throughout most of the other African countries where elephants are found. The recent decline is primarily due to the commercial trade in ivory tusks which can be converted into piano keys, billiard balls, delicate carvings, trinkets, or even placed in a bank vault as a hedge against inflation. Human settlement and agriculture, while playing a significant role in wiping out an extensive part of the elephant's natural habitat, is now secondary to the widespread killing of elephants for their ivory tusks.

The first appendix to this petition consists of responses from various African governments, or people familiar with the elephant situation, to a questionnaire sent out by the law firm of Kirkland, Ellis and Rowe on behalf of The Fund For Animals. The questionnaire examines the status of the elephant, conservation programs, the threatened destruction, modification, or curtailment of the African elephant's habitat or range, and the effect of the ivory trade on the elephant.

Discussion of factors which determine elephant's endangered status

1. Present or threatened destruction, modification, or curtailment of its habitat or range.

A major threat to the survival of elephants is that they can no longer journey across large areas of Africa. For example, elephants used to migrate over "approximately 75 percent of Uganda, but now their migration covers a tiny fraction of that country . . . The human population has increased 3 percent a year in Uganda, Kenya, and Tanzania, and is expected to double in 20 to 25 years, resulting in increased human occupation of elephant habitat." [1] In Rhodesia, where elephants were once found throughout the country, guerilla warfare and political instability make the future survival of that country's elephant population precarious. "In Cameroon, farming patterns, and timber exploitation are cutting across the range of the elephant, while drought has greatly reduced the elephant's habitat in the Waza National Park." [2] The habitat of the forest elephant is "rapidly diminishing due to the extensive timber industry in the Ivory Coast." [3] The range of the elephant in South Africa has decreased drastically because of human settlement and hunting, and it is presently confirmed to three isolated populations totally approximately 7,395 found in the Kruger National Park, the Addo Elephant National Park, and the Knysna Forest. [4] In Zambia, according to the Chief Wildlife Research Officer, "the elephants have restricted areas because of the current policy of land use." [5] Chad, which has a problem with armed rebels who kill elephants on sight, is unable to meet the challenge of effective wildlife protection. Rwanda has the densest human population in Africa, and competition for land has become so intense that near one-half of the already small elephant population has been slaughtered for the benefit of farmers to protect crops. The loss of habitat, which is a common problem to all wildlife conservation efforts, is complicated by heavy hunting. In the areas where elephants are legally protected, their confinement to small locations sometimes leads to overcrowding and the destruction of trees, bushes, and other habitat, thus causing starvation and poor health. The recent African drought has greatly magnified this problem.

2. *Overutilization for commercial, sporting, scientific or educational purposes*

"The African elephant, the largest land animal alive, is declining in numbers so rapidly that some wildlife experts fear that within a decade it may become on the verge of extermination in much if not all of Africa," according to Boyce Rensberger writing in The New York Times. Iain Douglas-Hamilton, author of "Among the Elephants," (published June, 1975 by Viking Press) states that "unofficial slaughter of the elephants is probably now worse than it has been since the turn of the century." Although the African elephant is not officially classed as an endangered species, Dr. Hamilton feels that it might well be. "It's difficult to get exact figures," he said, "but it appears that elephants are being killed faster than they can reproduce themselves." [6]

The ivory trade appears to be at an all time high, at least as of 1974, but there has been a serious discrepancy in export-import figures. For example, the East African Customs and Excise authorities recorded East African exports to Hong Kong of 107 tons, but there was actually a total import there of 461 tons. [7] Kenya exported nearly 900,000 tons of ivory in 1973 which "represents the slaughter perhaps of 45,000 elephants." [8] "The world monetary crisis has triggered a massive increase in ivory poaching throughout East Africa to the point where entire herds of elephants are endangered according to wildlife officials. Speculators, especially in

India and China, have been snapping up ivory as quickly as it appears on the market in preference to holding uncertain currencies." [9]

Although the tusks of a large bull elephant may easily weigh 50 pounds or more each, so many of the older and larger tusked elephants have already been killed off that the average weight of tusks now being sold is around 20 pounds. According to Mr. Rensberger, "Normally about a third of the ivory auctioned off by the Game Department is from mature bulls. This time (1974) less than a twelfth of its ivory was from such a large animal. . . . Although there are elephants in almost all African countries south of the Sahara, most of the ivory illegally entering Kenya is thought to be from Tanzania, Uganda, the Sudan and Zaire . . . Large quantities of ivory from other African countries are shipped out of the continent from Nairobi by air or Mombassa by sea." [10] The price of ivory on the world market is now about \$30 per pound, up from \$2.80 in 1969, an increase of over 1000 percent. A pair of good sized tusks would thus support a typical tribesman's family for a year. "Killing a single well-tusked elephant can bring a poacher up to \$3000." [11]

The impact of this slaughter on elephant populations can be vividly seen in Kenya in Tsavo National Park. "In sad contrast to the belated efforts to save America's wildlife heritage, shocking reports from Kenya indicate that the great animal parks of that country are deteriorating so rapidly that the total extinction of its magnificent wildlife in 5 years is predicted—unless stern measures are taken immediately." [12] According to the Daily Nation newspaper of Kenya, "The Ministry of Tourism and Wildlife Conservation and Management Department, monitoring lights in Tsavo National Park between June 26 and June 30 this year (1976), recorded the following facts: In the year 1973/74, there were 35,900 live elephants for the entire Tsavo ecosystem. In June this year, preliminary figures (which the Ministry has suppressed), live elephants were estimated at 20,000. A reduction of 16,000 elephants in two-and-a-half-years: During this period the increase in carcasses counted in the park was over 280 per cent higher than the 1973/74 figures. In Tsavo (East), rangers made contact with an estimated one out of every 10 poachers. They contacted 134 of them, so we assume there are at least 1,300 poachers at work." [13] "In Tsavo National Park alone, the beasts are being killed at the rate of five a day, and in places the park is virtually littered with elephant corpses—their valuable tusks carved out of their heads—or with dying animals whose bodies are riddled with poison-tipped arrows. 'Unless these people are stopped,' Tsavo's Chief Warden David Sheldrick warned last week, 'it could well be that the elephant could be finished in 5 years'," reports Newsweek magazine. [14]

In an article of the *Africana* magazine, Vol. 6 No. 3 of October, 1976, it is reported that the "Samburu Reserve has been poached of elephants on a proportionate scale to Tsavo, despite the presence at Isiolo of the Game Department's Anti-poaching Unit . . . The Aberdares and Mt. Kenya forests are under continual siege by bongo, leopard and elephant poachers, and by woodchoppers, both agricultural and commercial . . . At Meru National Park, Wakamba and Somali poachers have been heaviest in the Tana River sector of the Park which, ironically, is causing over-concentration and habitat destruction on the headquarters area." [15] "Every year between 10,000 and 20,000 Kenyan elephants are being killed for their ivory. At this rate, they will be virtually extinct within a decade." [16] According to *Newsweek* Magazine "Kenya is not alone in facing elephant genocide. In neighboring Tanzania and nearby Zambia, which have more elephants than any other countries, poachers are killing the animals at an equally brutal rate; and in Uganda, the elephant population has reportedly been cut in half since the first of the year." [17] "One obvious source of large quantities of ivory over the past two or three years is Uganda, although it has been extremely difficult to get a clear picture of the extent of poaching. However, Ugandan officials themselves have shown concern over the decline of elephant in the two principal parks of Kabalega (Murchison) and Ruwenzori (Queen Elizabeth), and the figures are now available from counts made by Dr. S. K. Eltringham and Mr. R. C. Malpas, of the Uganda Institute of Ecology under the direction of Erick Edroma:

Kabalega National Park:

1973, 14,309 elephants (4,101 north of the Nile; and 10,208 south).

1974, 6,030 elephants (1,962 north of the Nile; 4,068 south).

1975, 2,246 elephants (1,185 north of the Nile; 1,061 south).

Ruwenzori National Park:

1973, 2,731 elephants.

1974, 1,907 elephants.

1975, 1,147 elephants.

This indicates an 84.3 percent decline in three years at Kabalega, and 61.7 percent at Ruwenzori. There was a further count undertaken earlier this year,

commissioned by the Uganda authorities to check the accuracy of these counts, and specifically, if the severe decline had been caused by death or emigration. Dr. Iain Douglas-Hamilton and Ian Parker were called in for the survey, and their results confirmed the Ugandan findings. At Kabalega, they counted 1,731 elephants south of the Nile and 903 north of the river. At Ruwenzori the figure was 1,232. A carcass count indicated that the main cause of the decline was death rather than emigration, and an examination of Uganda's ivory export figures against recorded imports at Hong Kong indicated that there had been considerable illegal destruction." [18]

"The press maintains that the People's Republic of China is a major importer of ivory—allegedly from Tanzania in payment for the Tanzania Railway—but provides no statistics. Zaire is said to be a main supplier there, but there are no export figures . . . It is not possible, of course, to assess the amount of smuggled ivory." [19] In 1976, the demand from Hong Kong alone was running at 2,500 dead elephants a month. Add to this the heavy demand from other Far Eastern and European markets, as well as the United States, and the total is enormous. The following are ivory import figures into the United States, which represent only a tiny part of what actually enters this country:

U.S. TRADE CENSUS BUREAU FIGURES

	Ivory tusks crude or cut diagonally	Ivory beads not strung or set	Articles of ivory not specifically provided for
1972 (21,512 lbs.)	\$105,000		
1973 (1,544 lbs.)	14,384	\$145,477	\$1,156,021
1974 (5,176 lbs.)	59,000	114,000	1,911,000
1975 (20,766 lbs.)	143,000	183,000	2,452,000
1976 (77,238 lbs.)	852,596	245,000	3,256,592
1977 (January-June) (21,297 lbs.)	289,876	782,974	

In less than 5 years, the United States alone has imported over \$10 million worth of ivory that is known to have been recorded when it passed through customs. A representative of the World Wildlife Fund, which has financed elephant surveys in Africa, has stated that "unless action is urgently taken, the unprecedented rate of decline of Africa's elephant population will lead to their virtual extinction." [20]

3. Inadequacy of existing regulatory mechanisms

Elephant hunting is now illegal in most African countries. However, nations such as Kenya permit the exportation of ivory, provided that the exporter can "prove" that the tusks were legally taken. But false certification is not difficult to obtain through forgery or bribery of officials. Poaching has become a large scale operation with little effective control over it. High government officials, especially in Kenya and Uganda, are known to be involved in the illegal poaching of elephants and the ivory trade. "Independent wildlife experts have warned that Kenya's wildlife, including some of the largest herds still in existence, were endangered, especially elephants, by large scale poaching, some of which was encouraged by powerful Kenyan officials." [21] Only by severely restricting or completely shutting off the large world-wide market for ivory can there be any hope of controlling the illegal killing and ultimately saving these animals.

It is critical that the African elephant receive protection under the Endangered Species Act for the entire continent, because the increasing traffic in ivory is threatening elephants in every country, including those in which elephant populations are relatively high and those where exact population figures are unknown. Moreover, it is usually impossible to determine the country of origin of ivory entering the United States. Listing the African elephant would thus also help protect a "look-alike" species, the Asian Elephant, which is already on the U.S. Endangered Species List. (The Endangered Species Act allows for listing species, or banning the import of their products, in such "similarity of appearance" situations.) The state of California recently recognized the endangered status of these animals by adding the African elephant to the state's Endangered Species List, thus banning the import of ivory into California. Moreover, the imperiled status of the African elephant has been confirmed by the Convention on International Trade in Endangered Species of Wild Flora and Fauna, which recently added it to its Appendix II, the second most protective category for wildlife threatened with extinction.

In a press conference on African elephants on May 11, 1977, elephant expert Dr. Richard Miller of Yale University stated that "eventually elephants would be wiped

out completely from their natural habitat and would only reside in parks.”[22] However, even in the parks, such as in Rhodesia, Rwanda, Uganda, and Kenya, the elephant’s survival is being threatened by ivory hunters, climatic changes such as drought, and destruction of habitat. ABC Evening News recently reported that “The African elephant, mightiest of all living animals, will disappear unless poaching and the lust for ivory are controlled, and the animals secured against any further slaughter.”[23] The New York Times as recently as August 8, 1977 reported that “the gun has been the elephant’s enemy Africa since the days of the earliest white explorers. Pursued by hunters seeking sport, their numbers have declined steadily to a current estimate of less than a million. Some wildlife experts warn that elephants face extinction unless far-reaching conservation measures are adopted.”[24]

The African elephant is at least 300,000 years old as a species, and if left alone, normally maintains its population at a healthy level through organized social behavior. The Asian elephant, once plentiful on the Asian sub-continent, has now been reduced to several thousand in isolated pockets in Asian countries. The same process is now occurring in Africa, and must be stopped by a coordinated attack on several fronts. It is unrealistic to expect altruism to prevail in African countries without political or financial assistance from the developed countries, which constitute the bulk of the market for ivory. Large ivory markets, such as the United States, must be closed. There is evidence that conservation and public pressure in recent months may have led to a slight drop of the price of ivory on the world market, at least temporarily. Closing the United States market would undoubtedly exert further downward pressure on prices and would be expected to lower the incentive to poach. This might allow the African countries an opportunity to gain control of the present situation. Political pressure from developed nations, coupled with absolute importation bans, might also help turn the tables against organized corruption in official agencies of the African countries.

Conversely, it is clear that inaction by the United States and other major importers of ivory will result in the extinction of the African elephant throughout most or all of its remaining range.

In sum, the African elephant is being killed off in unprecedented numbers, which, if continued, will wipe out the last of the herds in five or ten years. The African elephant has been eliminated from, or severely reduced in numbers in, almost all of its former range.

This animal clearly fits the Endangered Species Act’s definition of endangered, since it is clearly extinct or endangered “throughout all or a significant portion of its range.” The intent of this law is to provide the U.S. Government with the authority to list and protect species while there are still enough individuals remaining to maintain a viable population. The Interior Department should thus act quickly to list the African elephant while there is still time to save it from extinction.

Additional data and documentation is provided in the attached letters, newspaper articles, and other documents.

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THE FUND FOR ANIMALS,
Washington, D.C., May 1, 1978.

Subject: Survival of African elephant jeopardized by interior department action/species to be listed as "threatened" but continued trade in ivory to be permitted, thus nullifying the listing's effect

Acting in response to a formal petition from the Fund For Animals, the United States Department of Interior has decided to list the African elephant as a "threatened" species, it was learned today. But conservationists claim that Interior's action is a "sell out" that will encourage the further massive slaughter and eventual extinction of this legendary creature.

While listing the elephant as threatened with extinction, the rules and regulations Interior plans to implement will encourage the large-scale killing of elephants to continue by permitting commercial imports of ivory and elephant products into the U.S. Interior's action will thus benefit ivory dealers and big game trophy hunters, but will not provide adequate protection to this species that it admits is imperiled.

Specifically, Interior's action consists of option No. 2 of its four proposals of 16 January, 1978, which would allow countries that are signatories to the International Convention on Trade in Endangered Species of Wild Flora and Fauna to export ivory and elephant products to the United States. Option No. 1, which would generally ban the importation of ivory into this country, was favored by the President's Council on Environmental Quality (CEQ); major national conservation groups; the Chairman of the House Merchant Marine and Fisheries Committee, Congressman John Murphy; and over 83 members of Congress who co-sponsored H.R. 10083, introduced by Congressman Anthony Beilenson (D-California) calling for a ban on the importation of elephant products and ivory into the United States.

Although CEQ—the President's official advisory body on environmental matters—made a vigorous effort to persuade Interior to adopt option 1, its appeals fell on the deaf ears of indifferent bureaucrats. In light of Interior's failure to fulfill its responsibility, conservationists are now expected to push the Beilenson bill as the only real hope of having the United States take effective action to help save the African elephant.

Under option No. 2, African countries which are signatories to the Convention Treaty will be allowed to export ivory and elephant products to the United States. It is well known that this option is not feasible; there is no effective mechanism by which it can be enforced since the Secretariat of the Convention, who is responsible for enforcement, has no budget in this area. Forged or false certification for exporting ivory can easily be bought and are widespread in almost every African country where elephants exist. The United States would be unwilling to stop such a shipment, as recently stated by Keith Schreiner, Associate Director of the Fish and Wildlife Service, who said that "Even if I knew a certificate was illegal there is nothing that I would or could do about it!", an admission that Interior ignores Federal laws in order to protect trade in endangered and threatened species. Ivory can be easily smuggled and transferred across national borders; and thus it would be impossible for the U.S. to tell from where the ivory originated. Thus, a great amount could come from nonsignatory countries. Additionally, option No. 2 will put more pressure on the elephant in the signatory countries, such as Ghana (with an elephant population of 1,000), Nigeria (1,200) and Senegal (400).

(This information on the action Interior plans to take is based on conversations with departmental officials involved in this decision, who are now refusing to

comment on certain specific aspects of it.) Africa's elephants are being rapidly wiped out. There has been an 80 percent reduction in Africa's elephant population since the turn of the century, and nearly one-third of the elephant have been killed off in the last 5 years. As many as 400,000 elephants may be killed each year through the use of rockets fired from helicopters, poison darts, fire, and guns. At the present rate of killing, the African elephant will be extinct in the wild, or virtually so, in a very few years. Because of Interior's decision to allow the continuation of trade in ivory, it must bear a major responsibility for the impending extinction of these animals. Rather than taking a world leadership role in saving these legendary animals, much as the United States did to save the whales, the Carter administration has now sanctioned the massive commercial killing of the threatened African elephant by keeping the U.S. open as a major world market for ivory. Some African nations, unable to control the widespread and unprecedented rate of poaching in their countries, were looking to the United States for help by asking that our country close off its market in order to stem the trade. For example, on 4 February, 1978, Kenya's Attorney General, C. Njonjo, wrote a letter to conservationists clearly stating that the Kenyan government "fully supports a ban which is complementary to our move here to ban sales of ivory and other wildlife trophies, as well as our total ban on hunting." A few other African countries, whose high government officials have made enormous fortunes from ivory, will be guaranteed continued profits as their elephants are slaughtered to extinction.

In Washington, Fund Washington Coordinator, Marian Newman, accused the Interior Department, specifically, Interior Secretary Cecil Andrus and Assistant Secretary Robert Herbst, of condemning the elephant to extinction. "It is obvious that the Interior Department has once again turned its back on the conservation community and the American public, who overwhelmingly support option No. 1, in order to placate trophy hunters and commercial interests. This will doom to a cruel and unnecessary death hundreds of thousands more elephants, which happen to be the largest living land creatures and are of extraordinary intelligence. The Interior Department officials responsible to this sell-out will have to bear the responsibility for failing to prevent this impending tragedy; the final extinction of the African elephant."

FALL RIVER, MASS.

HON. JOHN M. MURPHY,
Chairman, Committee on Merchant Marine and Fisheries,
Washington, D.C.

DEAR REPRESENTATIVE: I am opposed to H.R. 2826, the Elephant Protection Act of 1979 in its present form for the following reasons:

1. My livelihood depends on the availability of elephant ivory. The ivory trade has been a legal trade since before the American Revolution. To unconditionally ban the importation and interstate trade of ivory in the U.S. would be a severe financial burden to me.

2. A 1978 ruling by the U.S. Fish and Wildlife Service stated "it may not be advisable to stop commerce or importation (of ivory) into the U.S. Substantial amounts of ivory are collected from elephants that die of natural causes or are killed legally to protect human life or property. A limited amount of elephants can be killed each year, and their ivory used, without detriment to the overall population. The sale of such ivory could result in extra funds for conservation programs." The day is past when poached ivory was available in the U.S. Since the 1978 ruling, ivory importation has been carefully controlled and restricted, and is only available from those countries who are members of the Convention of International Trade in Endangered Species of Wild Fauna and Flora (CITES) The effect of the 1978 ruling has been a sharp decrease in the amount of ivory available in the U.S., and the elimination of ivory from questionable sources.

3. Since the passing of the Marine Mammal Act of 1972, two amendments have been necessary to relieve the financial hardships caused by that Act. And after seven years of U.S. absence from the whaling trade, the Japanese and Russians continue to hunt the whale. So will be the case with the elephant. Using the Marine Mammal Act as a very real example, I hope that we will not once again "stick our heads in the sand" and leave the elephant problem to other countries who will most certainly continue in the trade. U.S. involvement and influence are needed. A total pullout would be counterproductive.

4. The scrimshaw trade will be greatly endangered and probably wiped out if the Act is passed. Scrimshaw is an important and continuing Folk Art, and my association with that art prompts me to express my opinion.

5. In its present form, the Elephant Protection Act of 1979 would prohibit the importation and interstate trade of all existing ivory products, including antiques and ivory legally purchased in days past. How will the restriction of ivory presently in the U.S. help protect the African elephant?

Please consider my opinions:

1. *Elephant products should be very tightly controlled.* I am in favor of proper conservation programs so that the elephant herds will not vanish. The present U.S. Fish and Wildlife Service regulations offer the best protection for the elephant population.

2. *Do not allow the Act to financially burden those who are engaged in a legal trade.* Should an importation embargo be imposed, an eight year period of grace, similar to that granted for the Marine Mammal Act, should be instituted so that existing ivory may be used.

CATHERINE FREEMAN.

Hon. JOHN M. MURPHY,
Chairman, House Merchant Marine and Fisheries Committee,
Washington, D.C.

LETTER OF APPEAL

DEAR MR. CHAIRMAN: Concerning the bill prohibiting the importation of ivory is now being considered by the Congress of the United States, we the Representatives of the ivory industry in Japan, wish to address and appeal, which expresses our opposition to this bill for reasons to be stated below, to every congressman interested in this matter.

In order to fully understand our reasons for opposing the above mentioned law, it is first of all important to know the nature of the ivory market in Japan. To begin with, the history of ivory carving and sculpture in Japan is extremely old, going back as far as the year 718 when ivory artifacts were treasured by a very limited number of people as rare and priceless objects. In the 17th and 18th centuries, the type of art work known as "netsuke" spread throughout Japan as a popular and highly valued accessory to fashionable attire, thus encouraging the spread of ivory sculpture and firmly establishing it in Japanese culture.

The export of Japanese ivory art objects only began in the late 19th century when Japan opened its doors to foreign trade and foreign businessmen recognized the value of these art works.

As for the present state of the ivory industry in Japan, there are today approximately 200 professional sculptors and about 500 or 600 carvers and retailers whose livelihood depends upon the preservation of this unique and highly developed art form. In 1978 approximately 370 tons of ivory, in the form of elephant tusks averaging 15 kilograms in weight, were imported into Japan. By far the greater portion of this ivory was consumed by Japan's domestic market in the form of signature seals, chopsticks, samisen picks, decorative art, netsuke and all kinds of jewelry-type accessories. This simple description of the Japanese ivory industry and market, one of the few of its kind in the world, should make it amply clear that Japan could not possibly be uninterested in the survival of the elephant or in the preservation and effective use of ivory resources. Japan has always been interested in this problem, and our industry is concerned with animal protection because we do not want to invite the exhaustion of ivory supplies; we are anxious instead to find ways of ensuring the perpetual supply of ivory.

We therefor believe that the law prohibiting the importation of ivory into the United States is a premature measure and we oppose it for the following reasons.

1. By appropriate trade practices, we believe that it would be possible to limit the amount of ivory consumed, thus protecting the elephant from the threat of extinction yet ensuring our industry of a stable supply of ivory. In the near future Japan will ratify the Washington Treaty on the protection of endangered wildlife and plants. This will help to prevent the indiscriminate killing of elephants.

2. By extending the present law prohibiting the importation of ivory, we fear that the United States will actually provide a negative stimulation to ivory consumers causing the demand for ivory to increase and encouraging speculation. Together, these forces will raise the demand for elephant tusks; a result which will be counter-productive to the goal of saving elephants.

3. It is very doubtful whether there is any need for the United States to take administrative measures on its own before the next meeting of nations belonging to the internationally important Washington Treaty. As mentioned earlier, Japanese ivory dealers earnestly wish to save the elephant in such a way as will permit the

Careful and effective utilization of ivory resources, thus giving our industry a stable and permanent basis for existence. In this respect, our organization is now requesting the Japanese Government's Ministry of International Trade and Industry to hold a conference on the rational and orderly use of ivory with the world's two other major importers and producers of ivory and ivory art; Hong Kong and the People's Republic of China (see the attached documents). We also would like to see an international conference that would embrace the major ivory producing, ivory importing and ivory consuming nations of the world, including the United States. Only such a conference can really find a fair solution to all the problems involved as well as achieve the basic goal of saving the elephant.

For the reasons stated above, we therefore beseech the members of Congress to revoke the present law prohibiting the importation of ivory and to turn their attention instead to finding a way of both protecting the elephant and the historic tradition of ivory art.

Tokyo Ivory Fine Arts and Crafts Co-operative Association:

President: Tsuge, Koichiro.

Vice Presidents: Kitagawa, Jukichi and Tsujita, Kazuo.

Directors: Motohashi, Yukio, Ishida, Sumio, Machida, Mitsuo, Okuma, Tomigoro, Utsugi, Katsuzo, Ishibashi, Tamotsu, Hirai, Yoshimori, Sakurai, Koichi, Tsurumi, Etsuro, Taniguchi, Tetsuo.

Osaka Ivory Fine Arts and Crafts Co-operative Association:

President: Takaichi, Tokuichi.

[Whereupon, at 4:35 p.m., the committee adjourned at the call of the Chair.]



