



SPECIAL SUPPLEMENT

*"Hunting provides the principal incentive and revenue for conservation.
Hence it is a force for conservation."*

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Conservation Force Makes a Compelling Argument on Zimbabwe Elephant Trophy Imports before the FWS Director

On August 10, we argued the denial of two permit applications to import elephant trophies hunted in Zimbabwe in 2015 before the Director of the Fish and Wildlife Service (FWS). John J. Jackson, III and I represented the applicants. The Acting FWS Director, Greg Sheehan, was accompanied by the Chief of Permits, Chief of the Division of Management Authority (DMA), Deputy FWS Director for Operations, and two representatives of the Solicitor's Office of the Department of Interior. In short, we had a full house. We held everyone's attention when we described the hunting community's disappointment with the 40-month (and pending) suspension of elephant trophy imports.

I focused on the details of the argument, and John added big-picture concerns, including the length of the continuing suspension, its impact on Zimbabwe's community wildlife management program (CAMPFIRE), and the apparent FWS policy against Zimbabwe, among other key points. He noted that the suspension of elephant trophy imports and de facto suspension of lion trophy imports has been an unexpected double-attack on Zimbabwe and other countries in Southern Africa with stable or increasing game populations. John stated, flatly, that the suspension must end, and imports must be re-established, or CAMPFIRE and rural community tolerance for elephant will disappear. He also stated, flatly, that if the FWS does not have the capacity to make decisions under a "special rule" enhancement standard—which is not required by the Endangered Species Act itself—then the FWS should not adopt a special rule. These actions are not in the best interests of the elephant.

The Acting FWS Director asked only one question, about the scope of the argument: did it cover just two permits, or did it go further to apply to the entire suspension? We responded that our appeal covered two import permit

applications; however, the information, particularly a July 2015 response from Zimbabwe to the FWS, dated both before and after these applications. The information dated to 2014, 2016, and future hunting seasons. Therefore, although only two applications were technically on appeal, the entire suspension (past, present and future) was actually at issue, if the FWS finally incorporated relevant data that still had not been considered in an enhancement finding. The Director clearly understood our point.

Our argument began by laying out a timeline of the suspension, Zimbabwe's responses to FWS questionnaires, numerous comments filed by Conservation Force and other parties, and the DMA's negative enhancement findings. The key take-aways were, first, that negative findings preceded FWS data requests to Zimbabwe's Parks and Wildlife Management Authority (ZPWMA). Although the trophy import suspension was allegedly based on a lack of information, the FWS' decision to "make negative findings first, ask questions later" was insulting to ZPWMA, and suggested the negative decisions had already been made. The second key take-away was that the process had stagnated. A lot of activity occurred in 2014, and quite a bit in 2015. ZPWMA responded in July 2015 to an FWS questionnaire, and then everything ground to a halt. That response was not incorporated into any finding. Few communications or decisions occurred in 2016 and 2017. That lack of progress had to be corrected.

Our argument then addressed alleged data gaps and "sticking points" in the March 26, 2015 negative enhancement finding. The two permits were denied based on that finding, which

applies to the "2015 season and future hunting seasons." We broke down and rebutted this finding to clear the way for future imports. But again, we noted that ZPWMA's July 2015 response provided extensive 2014 data, which would be sufficient to reverse the past negative findings and lift the suspension across the board.

We went through each section of the enhancement finding, identifying and resolving "sticking points." For the first section, "Management Plans,"

the negative March 2015 finding primarily objected that Zimbabwe's prior elephant management plan had not been updated since its adoption in 1997, and there were no "specific measurable indicators" to gauge the plan's implementation. We pointed out that, at the end of 2014, Zimbabwe prepared

a brand-new management plan, with specific action steps, Key Performance Indicators (KPIs), and means of verifying the implementation of those KPIs. ZPWMA also held regional workshops to prepare action plans to address each region's unique management situation. The first draft of the new plan was sent to the FWS in December 2014; the final draft was sent in July 2015; and regional workshop materials were sent throughout 2015. Because the 1997 plan had been replaced, the first objection was moot. We also cited information from ZPWMA which described specific management actions and means of verification used under the prior, 1997 plan. This information was available to the FWS, and should have been incorporated into an updated enhancement finding. This information alleviated the FWS' concern that there were no "measurable indicators," and it should have been considered in the



March 2015 finding.

For the second section, "Population Status," the FWS' key concerns were an asserted lack of recent surveys, and a six percent decline in Zimbabwe's elephant population compared to the 2001 countrywide survey. We provided seven recent surveys and evidence of other monitoring activities, which showed that ZPWMA was keeping abreast of its elephant population trend.



Marco Pani discusses the elephant issue with the Tanzania delegation at CITES.

Further, the six percent decline was considered "not statistically significant" by the survey's authors. Zimbabwe's elephant population was basically stable between 2001 and 2014. Zimbabwe simply cannot hold ~140,000 elephant, because the range capacity is only about ~45,000 and the human population is rapidly expanding. The stability of Zimbabwe's population reflects strong management given the 20% increase in the human population during the same period. This fact should not be dismissed by the FWS.

The March enhancement finding identified a lack of information on ZPWMA's capacity to enforce "adequate" laws in the section on "Regulations and Enforcement." However, the FWS' concern relied upon a non-existent panel of experts. Moreover, the FWS received ZPWMA's budget data in July 2015. That data revealed that ZPWMA received sufficient revenue from hunting to protect safari areas and part of the national parks. This is essential revenue to protect critical habitat for elephant. ZPWMA updated FWS on its implementation of the new Elephant Management Plan, and funds spent, in November 2016. According to this update, ZPWMA had sufficient capacity to manage elephant; however, the FWS suspension on elephant trophy imports was standing in the way of full implementation. This data resolves

the finding's concern about lack of capacity—any lack is due to the FWS' policy, not Zimbabwe's.

The negative finding's largest criticism of ZPWMA's "Sustainable Use" was insufficient data on elephant offtakes and quota-setting practices. But ZPWMA's July 2015 response provided the mortality information, so this criticism was unwarranted. Further, all ZPWMA's responses (April and October 2014 and July 2015) explained quota-setting in detail. Quotas are based on a range of data, including offtakes from all sources and environmental, biological and social factors. Reported offtakes have been way more than sustainable—they averaged about 0.25% of the elephant population in the 2010-2015 period. This limited offtake benefited the elephant and was not detrimental to its survival.

For the sixth and seventh sections ("Revenue Utilization" and "Local Conservation Efforts"), we emphasized the importance of CAMPFIRE. The devolution of Appropriate Authority to local landholders has invested them with stewardship of wildlife on their land. It has reduced human-wildlife conflicts and benefitted hundreds of thousands of rural Zimbabweans. ZPWMA, the CAMPFIRE Association, and Conservation Force provided data to show the essential role played by US hunters, who represent most tourist hunters in Zimbabwe. The negative finding failed to comprehend that Appropriate Authority is a government mechanism benefiting elephant and other game. We spoke passionately on these points, because the rural communities who live alongside wildlife are ultimately the ones who will determine the species' long-term survival.

We then focused on the ESA's "enhancement" standard. We cited specific facts and figures to prove that tourist hunting creates incentives to protect almost four times as much habitat as in National Parks. It generates over one-third of the revenue for ZPWMA—revenue then used for enforcement and wildlife management. Tourist hunting funds anti-poaching in safari areas, most communal areas, and private conservancies. Operators maintain their own anti-poaching teams and, in 2013 alone, a sample of 14 operators spent almost \$1 million on anti-poaching.



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EDITOR/WRITER

John J. Jackson, III

PUBLISHER

Barbara Crown

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Conservation Force
3240 South I-10 Service Road West, Suite 200
Metairie, LA 70001
Tel. 504-837-1233 Fax 504-837-1145
www.ConservationForce.org

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ZPWMA relies upon the public-private partnership that exists between safari operators and the government to sustain elephant management over a huge area.

Finally, over 90% of CAMPFIRE's revenue comes from hunting, and two-thirds from elephant hunting, which means elephant hunting alone is responsible for increasing tolerance among rural Zimbabweans through infrastructure investment, game meat donations and more. The Director, and even the Solicitors, nodded in appreciation of these benefits. They

undoubtedly satisfy the ESA (and the self-imposed "special rule" for elephant), which requires the activity only "enhance the survival of the specie." We emphasized that this standard should not be redefined in each finding, and John stated that there is no replacement for the value generated by tourist hunting in Zimbabwe.

We focused on what is at stake by continued suspension in the last section of our 59-slide presentation. ZPWMA lost 12% of its revenue from 2013 to 2014 because of the suspension.

CAMPFIRE lost 37.5% of its revenue from 2013 to 2015. Zimbabwe's reliance on tourist hunting as a management tool—enshrined in the new plan—is being undermined. Even the authors of the negative findings had to appreciate the suspension's counter-productive impact following our presentation.

The Acting Director thanked us and confirmed his team would dig into our information and issue a ruling soon. We are confident that we made a compelling case, to guide this upcoming decision. ■

Successful Participation in 29th Animals Committee Meeting

Conservation Force made a strong showing at the CITES Animals Committee (AC) meeting in Geneva in July. The AC is the scientific arm of the CITES process. It recommends actions to the decision-making Standing Committee. We also used this opportunity to interface with our friends in Mozambique, South Africa, Tanzania and Zimbabwe.

We started the five days by hosting a dinner for leopard and lion range states. The country representatives discussed the upcoming non-detriment

findings required on African leopard and agreed to coordinate in updating their findings. They shared information on how they are revising leopard hunting and age-based regulations. It was a constructive dinner and also gave us the opportunity to strengthen our relationships with these crucial range states, **and their relationships with each other.**

We participated in several working groups, including one on Significant Trade Review and one on Periodic Review. We paid careful attention when hippo from Mozambique, African lion and African elephant were proposed for Significant Trade Review. However, none of these species were included on the list. Most notably for the Periodic Review, the current Appendix I listings of *Ovis ammon* (argali) and *Ovis aries* (wild sheep) were proposed for review. This is a voluntary process. But if range states engage, they may determine

sheep species currently listed on the CITES Appendices should be down-listed or delisted. We intend to work with range states as requested, to evaluate whether careful management (including the hunting community's significant investment) has recovered species to justify a change in CITES listing status.

We had two productive lunches with like-minded organizations. First, we are working closely with other representatives of the hunting community on the Convention on Migratory Species (CMS), which

has proposed to list both lion and leopard. Second, we agreed to greater coordination with other sustainable use organizations, to provide a more coordinated presence at CITES and other international meetings.

Further, decisions related to lion and leopard were pending at the AC, following the recent CoP17 in Johannesburg. The CITES Secretariat and CMS representative reported on the joint CITES-CMS "Large Carnivores Initiative," proposed to cost over \$50 million and coordinate management activities related to lion, leopard, wild dog, and cheetah across range states. Among other things, Conservation Force, Tanzania, Zimbabwe, and South Africa objected to the inclusion of lion and leopard as "migratory" species and questioned the benefits of this approach. The CMS representative seemed surprised by the dissent. We

will continue to fight the listing of these species on CMS.

South Africa, Tanzania, Zimbabwe, and other range states also reported on the implementation of their leopard management plans. Among other things, each country noted it has conducted further research on leopard, particularly on age restrictions on lawful leopard trophies.

Moreover, we attended an "informal meeting on trophy hunting" hosted by the Spanish Scientific Authority. That Authority proposed certification of hunting areas in Africa, proposed to be carried out by Spain or the EU. That proposal was met by little support, and particular opposition from Zimbabwe, Uganda, and South Africa, who emphasized the importance of tourist hunting to their conservation paradigm. Even the EU distanced itself from the concept as "just coming from Spain." We anticipate this proposal will fizzle out in Spain, and will not develop as a concept within the EU. Notably, several animal rights organizations sat in and listened to the discussion.

We also prepared and provided a one-page information sheet emphasizing the extensive habitat whose protection is justified by tourist hunting revenues.

We ended the trip by having another dinner with the Zimbabwean representatives, following the hunt of "Xanda," the alleged "son" of "Cecil." This meeting was also productive because we discussed further cooperation on lion conservation.

All in all, the meeting was successful because it did not negatively impact the hunting community. ■



Conservation Force dinner for RSA, Tanzania and Zimbabwe delegations.

Conservation Force Responds to USAID Study on How To Combat Illegal Wildlife Trafficking

USAID recently conducted a case study of on-the-ground examples of the various methods to combat illegal trafficking of wildlife. Conservation Force seized the opportunity to spearhead a response on behalf of the hunting community. After all, regulated tourist safari hunting puts “boots on the ground” to control the poaching that is the source of the illegal wildlife trade. The information was readily available from our recent research in Tanzania that quantifies the poaching control contributions provided by hunting operators in Tanzania. We were also able to assist several operators in providing first-hand examples and data. Tanzania boasts some of Africa’s densest wildlife populations and secures 360,000km² in wildlife habitat, largely through hunting.



Matt Boguslawski
Staff Attorney

The purpose of the case study compilation launched by the United States Agency for International Development (USAID) was to solicit information of “on the ground” examples from organizations on the different methods they employ in combating illegal wildlife trafficking. Hunting operators actively combat wildlife trafficking by stopping illegal take at its source.

USAID was specifically seeking information surrounding six main topics: characteristics of effective law enforcement capacity building; institutional arrangements and specially dedicated units and programs; examples of judicial systems that have had an impact in combating wildlife trafficking; necessary factors in establishing effective

cooperation between national, sub-national, and local authorities; examples of successful partnerships used in competency building; and the best competency building methods for maintaining skills and retaining staff. The case study secondarily asked parties to provide information about the particular problems

leading to the need for intervention, the way in which the particular program addresses these issues, and results from these efforts.

Hunting companies in Africa are the backbone of poaching control efforts. Apart from providing the bulk of the operating revenue for wildlife authorities’ anti-poaching operations, hunting companies deploy their own trained teams. These efforts are critical in securing habitat and protecting wildlife. Readers may recall Conservation Force’s sample audit of 27 Tanzanian hunting operators that documented the protection of 121,423km² of habitat (an area just larger than the state of Pennsylvania), which from 2013-2015 arrested 1,409 poachers and seized 6,223 snares and gin traps, 171 firearms, 1,557 rounds of ammunition, 34 vehicles and motorcycles, and other poaching contraband seizures. The sampled Tanzanian operators expended \$6,717,160.65 on anti-poaching in the three-year period. Though the audit only sampled the unmeasured benefits of the hunting industry in Tanzania, it documented the fact that operators fund the three tiers of anti-poaching: they provide the largest share of wildlife departments’ **law enforcement revenue**, the operators

have their own **anti-poaching forces**, and they are the source of **community game scouts**.

These tremendous capital, equipment, man-power, and government support contributions are irreplaceable in the context of securing wildlife. Without protection, wildlife has no ability to survive much less to flourish. Southern and Eastern African countries hold the largest populations of wildlife largely because hunting is a form of land use. The benefits from regulated hunting, such as anti-poaching, secure vast expanses of land in these countries. Hunting areas provide far more habitat protection than national parks. Tanzania’s hunting area is five times more than its national parks; Zimbabwe’s is approximately four times larger; Zambia’s is 2.8 times larger, and Mozambique’s is 1.5 times). Those hunting areas are protected

by the self-funded hunting operators themselves, by game guards paid from hunting funds and by the wildlife departments funded through hunting fees, and hunter-funded safari game scout escorts. Without regulated hunting, there would be far too little habitat much less wildlife to protect.

Of course, positive management of wildlife offsets losses arising from poaching. As Aldo Leopold said, “We have learned to positively produce as well as negatively protect wildlife to conserve it.”

We felt it essential that the hunting community be made a part of the USAID study and expect it to be recognized for the force that it is. We look forward to hearing back from USAID regarding these submissions. ■



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