



SPECIAL SUPPLEMENT

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

World Conservation Force Bulletin

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Conservation Force and Partners Demonstrate the Leopard Should Not Be Up-Listed, but Should Be *De-Listed* in the SADC Countries

On January 30, Conservation Force, Dallas Safari Club, DSC Foundation, Houston Safari Club, Shikar-Safari Club International, Shikar-Safari International Foundation, the International Professional Hunters Association, the African Professional Hunters Association and the Professional Hunters Association of South Africa filed a joint comment opposing the petitioned up-listing of the African leopard across its range. The 50-page comment was supported by 124 attachments. The leopard is currently split-listed under the ESA, with those populations in Southern and parts of East and Central Africa listed as "threatened," and those in the rest of Africa listed as "endangered." (As we explained in the January bulletin, the up-listing was requested in a Petition filed by animal rights organizations, and the FWS made a 90-Day-Finding that further action may be warranted on the Petition, and initiated a status review of the species.)

Instead of up-listing, our comment showed how the leopard should be de-listed in the SADC countries. There is more secure habitat, greater numbers of prey, and better regulatory controls now than when the leopard was down-listed in these countries in 1982. Moreover, the 1982 down-listing allowed limited trade in trophies specifically because the FWS recognized the benefits of licensed, regulated safari hunting, and the revenue that could be generated for conservation, anti-poaching and community engagement. The same holds true today. We provided peer-reviewed articles demonstrating that if the leopard is up-listed and additional



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trade barriers are imposed, the leopard is likely to suffer because the benefits of licensed, regulated hunting will decline.

The comment is organized in accordance with the ESA's listing factors (habitat, utilization, disease/predation, regulatory mechanisms and "other"). Our key points are summarized below.

Factor A – Habitat

Habitat loss is a general threat to all species due to Africa's growing human population. However, this threat is being mitigated by range states. There are more protected areas in 2017 than in 1982. For example, the SADC countries have created or expanded a number of national parks, increasing the protected area network by over 32,000 km² in Mozambique, Namibia, South Africa and Zambia alone. (That is an area

use also plays an essential role in leopard conservation. These areas have ballooned, particularly in communal areas and on private land. Namibia's conservancies did not exist in 1982, but they now cover 160,000+ km². The same is true of CAMPFIRE areas in Zimbabwe (~50,000 km²) and Wildlife Management Areas in Tanzania (~50,000 km²). Mozambique was experiencing civil war in 1982, but now has over 62,000 km² in coutadas where wildlife is flourishing. Similarly, private conservancies and ranches have expanded, to cover 200,000 km² in South Africa alone as well as over 63,670 km² in Namibia, Mozambique, Zambia and Zimbabwe. And perhaps most crucially, the SADC countries are connecting their protected area networks through Trans-Frontier Conservation Areas (TFCAs). The SADC countries have bound themselves to increase protected habitat and coordinate conservation across borders through these TFCAs. There are six established, six emerging, six in the kickoff stages, and over 12 million hectares (120,000 km²) of new protected areas designated as part of the TFCA process. This is a huge area of protected habitat to secure the future of the leopard and its prey.



Conservation Force argues that leopard should be de-listed, not up-listed. Photo by Duncan Watson.

The comment distinguished a recent study concluding that the leopard has lost 48-67% percent of its "historic" habitat and only ~17% of its habitat is in "protected" areas. The study defines "historic" as 1750! And it defined "protected" areas to *exclude* areas permitting sustainable use. The study is of no real value to wildlife managers because of these out-of-touch parameters. We also distinguished the 2016 IUCN *Red List* assessment for leopard. The *Red List* "suspects," "infers," and "estimates" an almost 21% habitat loss in Southern Africa and a ~30% population decline. But it is largely

about the size of New Jersey, Delaware and Rhode Island.) Leopard are strictly protected in the parks, and not at risk of extinction.

Land set aside for sustainable

based on “suspicions” drawn from bushmeat poaching studies, “personal communications” with one scientist, and the habitat study. We countered this “suspicion” with recent density estimates and large mammal censuses showing dense leopard populations and increasing prey base in Southern Africa. Also, the Red List does not find the leopard is endangered.

Factor B – Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

The leopard is not overutilized. By definition, it cannot be. It is already listed on CITES Appendix I, and the FWS’ Division of Scientific Authority (DSA) must make non-detriment findings to authorize import of hunting trophies. The DSA has repeatedly made these findings – in 1982 and annually since, most recently in 2016. The DSA considers the “best available scientific and management information.” Legal utilization of the leopard through hunting is, and has repeatedly been found to be, well-monitored and sustainable.

The Petition submitted an “original analysis” of trade in leopard products to argue that the trade is unsustainable. However, trade in hunting trophies has *always* been below the annual export quotas set by the Conference of the Parties (CoP) to CITES. The Petition’s analysis relies on the CITES Trade Database, but that database is notorious for overstating imports and exports. Moreover, the Petition used a type of report known to overstate trade the most. We provided our own analysis using the CITES-recommended “comparative valuation report,” and our estimate of annual trade – which is still higher than actual offtakes – is almost a third lower than the Petition’s. In other words, we demonstrated that the Petition’s analysis was incorrect and overblown.¹

With respect to illegal trade in leopard skins, we provided evidence the SADC countries themselves do not believe a large amount of illegal trade exists. In South Africa, there was high

¹ Also important, we demonstrated that international trade does not correspond to annual offtakes because of lags in trophy processing and issuance of import permits, and hunter selectivity, among other reasons.

demand for leopard skins for ceremonial use among members of the Nazareth Baptist Church. However, this illegal trade is being controlled by better law enforcement and efforts to distribute synthetic skins to Church members. (For example, Panthera has distributed over 14,000 synthetic skins.)

Factor C – Disease or Predation

The Petition conceded, and the FWS’ 90-Day-Finding concluded, that disease or predation are not real risks for the leopard.

Factor D – Inadequacy of Existing Regulatory Mechanisms

International trade in hunting trophies is regulated by a CITES Resolution that sets a maximum annual export quota for each country authorizing trade. Compliance with the quotas is adaptively overseen by the CITES Secretariat, Animals Committee, Standing Committee and numerous CoPs. (As one example, at the most recent CoP17, the CITES Parties invited range states with leopard quotas to review those quotas and to report on their reviews to the Animals and Standing Committees in 2018.) Moreover, the SADC range states all have CITES processes by which they issue and monitor export permits, do not issue permits to trophies that do not comply with national laws, and revise national and local quotas as needed to ensure offtakes are not detrimental. Implementation of CITES is more than adequate and far more robust than in 1982 when the leopard was down listed to threatened.

However, we also summarized and attached range states laws, *almost all of which were not even enacted in 1982*. For example, Namibia’s Game Products Trust Fund (the repository for hunting proceeds, which are then invested in management and anti-poaching projects as approved by a Board) was not created until 1997. South Africa’s National Environmental Management: Biodiversity Act and Threatened or Protected Species regulations were not enacted until the mid-2000s. The range states’ regulatory systems are not only robust – they are state-of-the-art. Zambia has a brand-new wildlife law (2015), and Tanzania and Zambia have new wildlife authorities and regulations to govern wildlife management and



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sustainable use. Mozambique updated its penalties for wildlife crimes in 2014 and 2016, closing loopholes identified in documents cited by the Petition. Most of the SADC countries' laws are, or are about to be, recognized as "Category I" by the CITES Secretariat. (This puts them in the same category as US law.)

Perhaps most importantly, the community-based natural resource management (CBNRM) programs so fundamental to reducing poaching and human-wildlife conflicts did not exist in 1982. Zimbabwe's law was amended to give communities user rights in 1982, but the CAMPFIRE program was not operational until 1989. Namibia's communal conservancies were authorized by a 1996 law. Tanzania's Wildlife Management Area regulations were not promulgated until 2002. Effective CBNRM is now considered the *only* way to reduce illegal wildlife trafficking and maintain or increase wildlife populations. And it is an innovation that post-dates the leopard's down-listing. In short, the regulatory controls are in far better shape than in 1982, and the range states are doing far more to encourage the protection of species like the leopard. Given this framework, the leopard should be *de*-listed, not *up*-listed.

Factor E – Other Natural or Human-Made Factors Affecting the Species' Existence

We raised a few legal and practical points in addition of the improved status that cut against the petitioned up-listing. For example:

The ESA requires the FWS to "take into account" the conservation programs of range states in the listing process. Up-listing the leopard would undercut the range states' programs in Southern Africa, which largely rely on licensed, regulated hunting. The range states have spoken out against international trade barriers and calls for hunting bans, and their views and efforts must be factored in. (We attached many articles and reports of the range states' opposition to further barriers or bans on hunting trophies.)

The leopard has more range, better numbers and better adaptability than the threatened-listed lion. The leopard also benefits from range state efforts at lion conservation. It would be inconsistent to up-list the leopard while the lion in

the SADC countries was recently listed as "threatened."

The leopard is not "in crisis." The "suspicions" of its decline are not confirmed by range state authorities, density studies, safari hunting operator reports, wildlife managers and community representatives. The "crisis" is largely created by organizations (and even some scientists) who will benefit from the public attention or outcry.

The 60-day comment period was far too short, especially as range states were given even less notice to prepare responses.

The SADC countries qualify as a "distinct population segment," as defined by FWS policy. This means they can be treated separately from other leopard populations. The SADC countries are defined by international borders and have established TFCA's to link their territories, and have created an intergovernmental body to coordinate policies.

Benefits of Licensed, Regulated Hunting for the Species

The leopard was down-listed in 1982 because the FWS recognized that benefits could be generated from licensed, regulated hunting. We drove this point home with numerous attachments. Hunting has given the leopard value. That is the primary reason why the leopard is doing better in Southern Africa than in North or West Africa – where the leopard is continuing to decline, *despite an "endangered" listing*. For example, hunting justifies the protection of far more land as habitat than in strictly protected national parks. Hunting revenues generate most of the operating revenues for range state wildlife authorities, including most anti-poaching. As an example, hunting revenues contributed almost \$70 million to the wildlife authorities of Mozambique, Namibia, Tanzania and Zimbabwe in the 2013-2015 period. Hunting operators also invest substantial "unreported" funds in anti-poaching. We provided specific examples of such investments and successes from each country.

Perhaps most importantly, hunting revenues and benefits create greater tolerance for the leopard. Landholders and local residents are more willing to have leopard on their property,

and more willing to have greater numbers of leopard, because they benefit from income, employment, game meat, compensation payments, and infrastructure improvements (e.g., the building of clinics and schools, the digging of boreholes, etc.). We provided specific examples of millions of dollars of contributions to community programs to create direct links between healthy wildlife populations and community welfare. Hunting offtakes are not additive but rather compensatory, because of the tolerance of leopard that hunting generates.

Other Comments

Our comment was one of 736. Two range states publicly submitted documents opposing up-listing. Mozambique's wildlife authority flatly stated "the leopard is not endangered in Mozambique." Its comment cited over 640,000 km² in available leopard habitat, utilization of only ~44% of its CITES quota over the past five years, and low problem animal offtakes, among other things. It described the benefits of licensed, regulated hunting, including over \$3 million in anti-poaching and community and block development contributions in 2013-2015. Tanzania's wildlife authority also confirmed the country's "leopard population is ... neither endangered nor facing threat of extinction." Over 335,000 km² of habitat exists in protected areas. Tanzania has utilized only an average of 35% of its CITES-approved export quota over the past five years. Newly-revised regulations require legal trophies to be above a certain length. Tanzania also has a Lion and Leopard Conservation Action Plan, which is a more than adequate regulatory mechanism. Tanzania's wildlife authority emphasized that restrictions on lawful leopard hunting "will create disincentives" for further conservation, and concluded with a warning against further FWS import bans:

If leopard trophy imports into the United States of America will not be accepted, sustainability of trophy hunting would be threatened through loss of one of its main markets ... with no revenue generation, the Government will have no means to adequately continue funding the protection of the PAs and many protected areas devoted

to trophy hunting will be invaded, encroached and converted to agropastoral lands ... Listing the leopard as endangered under the US Endangered Species Act will have detrimental impact not only to the economy of Tanzania, but also to conservation of biodiversity and wellbeing of communities living around protected areas ... The crucial contributions of Safari operators to conservation in Tanzania are under threat.

Zimbabwe's Parks and Wildlife Management Authority (ZPWMA) submitted a preliminary leopard non-detriment finding from December 2012 and the report of a 2016 workshop held to update that finding. ZPWMA previously objected to the short period FWS gave them for a response and requested an extension. ZPWMA is preparing an up-to-date non-detriment finding (with funding from Conservation Force) and will likely submit it in March or April. Zambia also sent a letter to the FWS.

SCI submitted a comment pointing out the FWS has defined an "endangered" species to be "on the brink of extinction," and leopard do not qualify. Even taking the Petition's analysis on its face, leopard inhabit over half their "historic" range in Southern and East Africa, and prey species are recovering in most of these countries. Reclassification is not warranted per the FWS' own policies. SCI also noted that leopard are already protected under the ESA and CITES, and "nothing positive can be achieved" through up-listing except detrimental impacts on the range states' CBNRM programs. Finally, SCI argued that the FWS should accept comments from range states submitted after the SCI Convention.

The Petitioners (HSUS, HSI, Fund for Animals and IFAW) submitted a joint comment further supporting their Petition and referencing new documents. As per usual, these organizations bent the facts to their

will. They cited a study of *agricultural* lands in Namibia to assert a "low" leopard density, without admitting this habitat is non-protected and "unsafe" for leopard (per the study's authors.)



Protected areas for leopard have grown since it was downlisted in 1982, not decreased as the petition asserts.

(This insinuation is also undercut by Namibia's Carnivore Atlas (2012), which shows the country's leopard population has more than doubled since 2004.) The Petitioners also cited a recent study in Zambia hypothesizing that leopard prey species were lower in the Game Management Area (GMA) buffering a national park than inside the park. But of course, bushmeat poaching in that GMA increased in 2013 and 2014 – the years Zambia *banned all hunting*. The Petitioners also misrepresented statements in the 2016 IUCN *Red List* assessment – which, notably, did not conclude the leopard was "endangered."

The other "substantive" comments included a very short letter from Born Free USA supporting the up-listing, a letter from a "concerned college student" suggesting the FWS designate critical leopard habitat in Africa (which is obviously not within the ambit of a US regulatory agency), and two comments from South African NGOs.²

² Including our favorite, the EMS Foundation, whose mission is "to alleviate and end

These organizations claim that hunting is unmanaged in Southern Africa and thus should be banned, but their comments are largely unsupported and not very different from the hundreds of individual comments voicing personal opinions that leopard should be up-listed and that licensed, regulated hunting should be banned.

The hunting community made a better showing. A number of supported comments were posted by hunters including PHs and landowners in Southern Africa, who emphasized the important value placed on leopard as a game animal, how this increases local tolerance of the species, and how they have directly observed healthy leopard populations in Namibia, South Africa, Zambia, Zimbabwe and other countries. These comments came from individuals who explained their first-hand exposure to leopard and wildlife management, and provided personal anecdotes about land being conserved through hunting, prey species being recovered, and the value of hunting benefits for reducing conflicts.

Conclusion

Our comment provided extensive support for the position that the leopard should not be up-listed – in fact, leopard should be *de-listed*. The leopard is in a better position now than when it was initially down-listed to "threatened." Up-listing would be inconsistent with the years of DSA non-detriment findings that demonstrate FWS oversight of the species and the sustainability of the use through licensed, regulated hunting. We cannot predict the future, but there was nothing in the other files, and nothing in the Petition, strong enough to counteract the best available scientific and commercial information we (and the range states themselves) provided. ■

suffering and provide dignity for vulnerable and exploited groups, particularly wild animals, children and the elderly in South Africa and Africa..."

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