



SPECIAL SUPPLEMENT

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

## World Conservation Force Bulletin

[www.conservationforce.org](http://www.conservationforce.org) May 2014

# USFWS Implements Catastrophic Suspension of Elephant Imports from Tanzania and Zimbabwe

**O**n April 4 the US Fish & Wildlife Service (USFWS) issued a press release announcing that it will not permit the import of elephant trophies taken in Tanzania and Zimbabwe in 2014. It simultaneously posted an additional announcement and *Question and Answer* piece on its website (view all three on Conservation Force's website under News & Alerts at [www.conservationforce.org/news.html](http://www.conservationforce.org/news.html)). For the time being, the three-part announcement can also be viewed on the USFWS's website at [www.fws.gov/international/permits/by-activity/sport-hunted-trophies.html](http://www.fws.gov/international/permits/by-activity/sport-hunted-trophies.html). The agency explains that it can't make the required Endangered Species Act "enhancement" finding for either country. It will allow import of elephant taken before 2014, but not those taken in 2014. The announcement suggests the suspension applies to those already taken in 2014 before the announcement. Further personal communication confirmed that USFWS intended to not allow the import of elephant taken in January, February, March and prior to the publication on April 4 because it must first make an enhancement finding, which it has pre-decided and is advising it can't make. (See email correspondence explanation from Chief of Permits Tim Van Norman under News & Alerts on Conservation Force's website.) The suspension is for the whole year and until further notice when the agency can make an "enhancement" finding for the respective countries. The USFWS states it "will reevaluate this suspension for the year 2015." This means that the suspension can be lifted if "the Service receives information that

DATELINE:  
**United States**



John J. Jackson III

indicates a significant improvement..." but otherwise will extend indefinitely until it is satisfied. I have been assured at a personal meeting that the suspension can be lifted for those taken in 2014, including those already taken, if the hunting world, most particularly the two governments, can produce sufficient management and status information to relieve concerns.

There was no notice in the Federal Register, thus no publication, comment period and re-notice of 30 or more days before the effective date. Instead, the suspension is retroactive to January 1, 2014. There was no suggestion of this during the convention season. There was no prior notice to the two countries and no evidence of related inquiries to the countries. Letters of inquiry were sent to the two countries on April 4, the same day the suspension was announced. The agency's rationale is that it will not be

able to make a positive enhancement finding so it is responsibly advising the community of hunters in advance. Moreover, the announcement urges hunters not to hunt the two countries, but instead to favor the better-managed countries of RSA, Namibia and Botswana (while admitting Botswana's hunting has been closed).

I have some hope that the suspension can be lifted in 2014, but you hunt at your own risk. The Q&A states that "we could reevaluate the suspension prior to 2015...[i]f the Service receives information that indicates a significant improvement for elephants...." That appears to assume that negative rumors are true when some are not and all are out of context.

The difficulty with reevaluating the suspension for 2014 or 2015 is that the suggested conservation problems are not adequately identified and what little is said is not absolutely true. The countries and/or hunting community must know the problems to address them. There is no specificity in the press release and no prior notice or communication to the two governments. We have learned that USFWS is acting on anecdotal information from anti-hunting interests and media, but the issues were known only to USFWS at the time of the press release.

### Zimbabwe

USFWS states:

*In Zimbabwe, available data, though limited, indicate a significant decline in the elephant population, while anecdotal evidence, such as the widely publicized poisoning of 300 elephants last year in Hwange National Park, suggests that Zimbabwe's elephants are also under siege. Recent information on the status of Zimbabwe's elephant population, management plans, hunting policies and regulations is limited. However,*

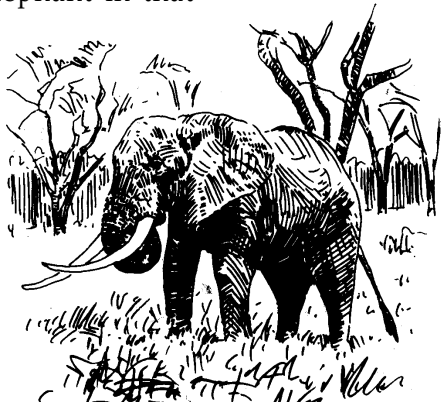


the information that is available raises significant concerns about the long-term survival of elephants in Zimbabwe.

What information is available that USFWS does not take into account is that hunting is the primary value and conservation tool for elephant conservation in Zimbabwe. The CAMPFIRE Program tripled the elephant population long ago and is a celebrated model worldwide. Sixty-five percent of that revenue comes from tourist elephant hunting, per the WWF Report. Hunting destinations like the SAVE and Buby Valley conservancies reintroduced and secured elephant populations, but they must pay to stay. Operators like Charlton McCallum Safaris provide 50% of elephant trophy fees to the community. The community share is \$228,000. The suspension puts all of that at risk because of the speculative "concerns" of USFWS, which has acted without prior notice or opportunity to address.

We know and have already in the first week furnished USFWS with hard evidence that only 105 elephant were possibly poisoned and many of those may have died of starvation from overpopulation during the severe drought taking place. The population is most certainly not "under siege" as the press release states. Where does that kind of language come from? What USFWS neglected to state and perhaps did not know (it knows now) is that the local hunting operator discovered the elephants, reported it, assisted the authorities, paid for the helicopter area survey and poacher tracking fuel (\$8,000+) and assisted in the apprehension, arrest and conviction of the poachers. Those few poachers are all serving severe prison sentences and there has not been another poisoning incident thanks to that operator.

Some of those elephant in that localized "siege" are thought to have died due to overpopulation. Everyone knows there are too many elephant there! Perhaps most importantly, the hunting operator was recognized as the conservation hero. The operators in the area



are largely responsible for 20,000-40,000 elephant even existing because they keep the water pumps pumping at their costs. The operator had elephant hunters in the field on April 4<sup>th</sup> when the press release of the suspension was issued. He contacted me and canceled the hunts that very day, as well as those booked shortly afterward. This is his reward! What is to happen to this operator, the local CAMPFIRE community and park authorities that look to him for support or to the water holes he fills and supports that provide water for tens of thousands of park elephant in the record drought? The elephant would not even exist but for the CAMPFIRE Program and the matter-of-fact conservation routine of this second generation hunting operator. This is true across Zimbabwe.

The Zimbabwe elephant is only on Appendix II of CITES so no import permit is necessary or available. That is part of the problem in dealing with this. There is no administrative remedy for denial of import when no permit is even available or required. USFWS states, in the case of Zimbabwe, the suspension was because it has pre-decided for this year that it can't make a positive enhancement finding. There is a serious issue with that reason. The ESA exempts species listed as threatened and only on Appendix II of CITES, like Zimbabwe's elephant, from regulation. We do not believe that USFWS has made an enhancement finding for Zimbabwe, Namibia or RSA elephant since they were downlisted to Appendix II. There is a change of practice and application of the law that should not just be done without publication in the Federal Register, a comment period, reasoned review of the comments, re-publication and a minimum of 30 days before effective. As we went to press, FWS decided it will not apply the suspension to Zimbabwe

for elephant taken before April 4<sup>th</sup>. This was expected. When Zimbabwe's elephant were downlisted to Appendix II, the FWS's Federal Register Notice expressly stated that its existing enhancement



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finding would stand until it made a negative enhancement finding and published it in the Federal Register. It has done neither.

Our greater concern is who will be there to fend off the poachers next time. I presume the poachers would want to keep the water pumps working, but there were too few poachers to reduce the population to the much lower level it should be – and they have been apprehended and imprisoned.

Our concern, poaching aside, is that there are far too many elephant in Zimbabwe, now made worse by a horrific drought – not a “siege.” The hunting community and local communities are the first line of defense against poaching. Directing hunters to other countries with smaller elephant populations that are already booked solid will not serve the larger elephant population in Zimbabwe or all the spin-off conservation and anti-poaching programs dependent upon the hunting. Without the benefits of hunting, why should the government and local people want so many elephant?

### Tanzania

Tanzania elephant are on Appendix I and therefore do require an import permit. The denials of those permits are more trackable and addressable administratively. Hunters must let us help them with their permit applications and do it now. The USFWS states:

*Questionable management practices, a lack of effective law enforcement, and weak governance have resulted in uncontrolled poaching and catastrophic population declines in Tanzania. For example, the Selous, Africa's largest protected area, has lost 66 percent of its elephants in the past five years.*

The tragic fact in Tanzania is that the Wildlife Department this year extended its hunting season from six months to nine months in length to help control the poaching. The additional months were January, February and March, 2014! Those hunters stopped the poachers from flooding into the Selous at the end of the season. They acted as the eyes and ears of the anti-poaching units. Each safari hunter paid the daily \$150 US conservation fee that keeps game scouts in the field. That is \$3,150 per hunt (150 x 21-day minimum for elephant). Also, \$50 per day for non-hunting companions.



Other hunters paid for community game scouts in the Game Management Area Program. The mere presence of the hunters was a deterrent to poachers. The US hunters who picked up the tab, probably at the cost of \$100,000 or more per safari, are unlikely to ever be able to import their elephant trophies. Please note, those hunters need to urgently send Conservation Force their import permit applications and permit denials and need to make applications with our assistance if they have not. Those denials need to be administratively appealed with expert help (Conservation Force) and we need those applicants to help make the FWS better identify the unspecified problems so we can address them as soon as possible.

In the first week of the press release announcing the suspension for 2014 and maybe beyond, we have forwarded a deluge of informational letters from associations and operators alerting the director of USFWS of the net negative effect of the suspension. Even after a face-to-face meeting, there is no evidence that USFWS has taken into account that its action, based upon cherry-picked rumors out of context, has a net negative effect far greater than anything described. This is a “big hit” that will greatly add to our burden this year, a burden that was already beyond belief. Too many of the best operators in the world may not be with us next year – or the elephant! ■

## Letter to USFWS from Robin Hurt

### AN OPEN LETTER TO THE US FISH AND WILDLIFE SERVICE

*Ref. The US Fish and Wildlife Service suspension (ban) on importation of elephant trophies hunted in 2014 by sport hunters in Tanzania and Zimbabwe into the USA.*

Yes, Africa has a serious poaching problem, fuelled by recent unprecedented demand. Your suspension is in fact causing a ‘ban’ on American citizens hunting elephant in Tanzania and Zimbabwe. Even though governments of both countries see the need to allow continued licensed hunting, no hunter will go all the way to Africa on an expensive safari if they can’t take their trophy home. Safari hunters, unlike poachers, are selective

- they are not killers bent on a quick financial return - on the contrary, they are prepared to pay large sums of money for the privilege of legally hunting and keeping the trophy of a selected animal.

Bans don’t work. Bans are not a solution. Rather encourage better management and anti-poaching. More importantly, find a solution to dealing with the end users who are the cause of the poaching problem in the first place.

I have witnessed firsthand the negative results of three African hunting bans. Having been first licensed in Tanzania as a Professional Hunter in 1963, I have been a full-time

professional hunter ever since, not only in Tanzania, but at one time or another in most African countries that allowed hunting. I state this in the interests of sharing the changes I have seen caused by hunting bans.

Briefly, safari hunting is an important wildlife management tool in Africa. It produces important revenue from legitimate, licensed hunting take-off of surplus game animals to governments, conservancies and safari operators. It hugely contributes to the financial well-being and food supply of people who live on a day-to-day basis with wild animals, in and around wildlife areas. It helps fund and pay for anti-poaching efforts by both



safari companies and governments. It mostly utilizes old animals, often beyond breeding age. American safari hunting clients contribute about 60% of the revenue earned through sport hunting in Tanzania and Zimbabwe. Your suspension will seriously erode revenue that is so badly needed in Zimbabwe and Tanzania to help fund anti-poaching. The cancellations following will cause financial loss to conservancies where the local people will not understand your reasoning for the suspension - some will simply just turn to poaching to compensate their losses.

You know all this. But what you may or may not know is the negative results of prior hunting bans. Namely: **TANZANIA IN 1973** - At that time there were an estimated 380,000 elephant and 18,000 black rhino. By the time the government reopened hunting in 1983, the elephant population had declined to about 80,000 and rhino to less than 100 animals. The Tanzanian government realized that the ban was a mistake, leaving the wilderness wide open to commercial poaching, and reopened safari hunting in 1983. The elephant population immediately started to recover, increasing up to an estimated 130,000 animals in 2009, prior to the current poaching. No doubt this number has dropped, but your suspension will only serve to exacerbate the problem.

**KENYA IN 1977** - At that time there were an estimated 176,000 elephant and over 8,000 black rhino. Today there are various estimates, but probably an accurate one would be somewhere in the region of 20,000+ elephant and about 500+ rhino. Kenya remains closed to safari hunting and has the embarrassment of losing over 150,000 elephant and 7,500 black rhino! All in a period of no legal hunting. Poaching is, and continues to be, rife.

**DEMOCRATIC REPUBLIC OF**

**CONGO (FORMERLY ZAIRE)** - Formerly the largest stronghold of the forest elephant, safari hunting was banned in 1984. It remains closed to this day. Since that closure, the northern white rhino has completely disappeared and is probably extinct. Forest elephant are now a rarity in that country. Again, all in a period of NO legal hunting.

There is a message here. Taking legal hunters who are legitimate managers of wildlife out of the bush creates a vacuum of empty wilderness that is soon filled by illegal thieves of wildlife - poachers.

Yes, there is a huge poaching problem in Africa today, wherever there are elephant and rhino; not only Tanzania and Zimbabwe. But, I can assure you that if you remove the legal presence of safari hunters from the bush, which is what will happen as a side effect of your suspension, poaching will increase at an alarming rate. That could threaten the very existence of elephant in Tanzania and Zimbabwe.

All of us have the common interest of the well-being of all wildlife, not just elephant. A professional hunter is most motivated to look after and steward his or her wildlife. Their very livelihood and way of life depends on this.

A remedy to counteract poaching? The following may be worth considering:

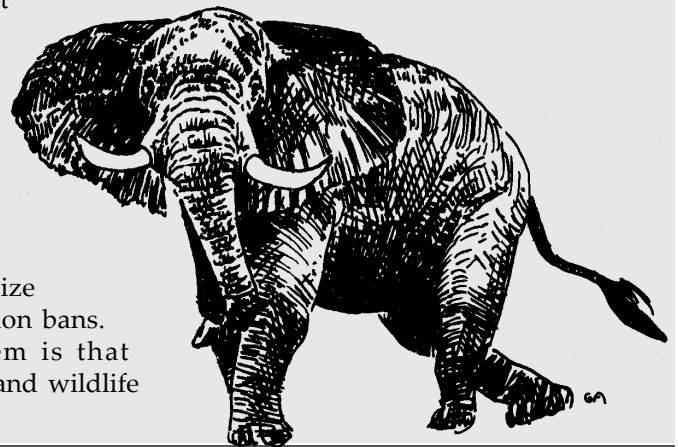
- Instead of an outright punitive suspension, encourage proper management practices. Liaise with African governments, work with them and assist them rather than antagonize them with importation bans. Part of the problem is that often legal hunting and wildlife

theft through poaching are lumped together under one 'umbrella' because of misinformation. Legal, licensed hunting is conservation; poaching is simply stealing.

- Target and punish the end-users and dealers who, after all, are the villains and cause of this poaching scourge. It often seems to be the legal hunters who are targeted, yet the real criminals seem to get away scot free - this needs to change!
- Help fund anti-poaching. Tanzania and Zimbabwe have limited resources. Anti-poaching is hugely expensive. The US can make a huge difference by helping to fund anti-poaching programs in the field.
- Educate and involve local human communities in the value of conserving wildlife, whether through wise sustainable use or photographic safaris. Both are equally important in giving wild animals real long-term value.

Lastly, if the US importation suspension on sport-hunted elephant is not lifted, then an undoubted increase of poaching will be the result in both Zimbabwe and Tanzania. Who will then accept the responsibility for that? The US Fish and Wildlife Service?

*Yours sincerely,  
Robin Hurt*



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