

## How to Conserve Lion Through Hunting

*Editor's Note: This is a condensed version of a PowerPoint presentation made by John Jackson at a conference of the African Lion Working Group on June 5, 2018 in Skukuza, RSA. Jackson made the presentation at the request of the group as part of the 'Opportunities and Solutions Session'. Technical jargon has been reduced and substituted. Some parts have been omitted for future articles. John has been a member of the Group for over a decade and is the only representative of the hunting community ever to be granted membership.*



John J. Jackson, III

See the chart below demonstrating that the ratio of land secured by hunting is far greater than that of Africa's national parks. Across all of Africa, hunting land is 1.2 times greater than national parks, but it is far greater than that where lions are doing the best—in Southern and Eastern African hunting countries. Hunting secures the most habitat, and as pointed out below, it is one of the few activities increasing wild habitat or lion

range. Correspondingly, the hunting countries are generally where lion numbers are on the increase. Most lion would cease to exist but for the habitat provided by hunting, because that is where most lion can still live and feed.

### LOSS OF PREY

The second greatest threat lion face is loss of prey. Habitat and prey overlap and are interrelated. Again, safari hunting grows prey, provides the most habitat for lion and prey, and protects that prey from poaching. Anti-poaching is essential to protect lion prey, and most anti-poaching on the most habitat is done by hunting operators. Most of the government fees paid by hunting operators and their clients are expended on poaching control. On top of trophy fees and other fees paid to the governing authorities, safari hunters pay (and are escorted by) game scouts. Operators employ their own scouts, and local communities employ community game

scouts with their revenue from safari hunting.

### CONFLICTS

The third greatest threat is the conflict of lion with humans and livestock. Lion are perceived by those that have to suffer their presence to be dangerous beasts of the very worst kind. Consequently, lion are poisoned, snared, speared and shot on sight in retaliation and to protect life and property. Lion do not eat vegetables—they eat meat including



Lion/Livestock Conflict

There is general agreement on the three primary threats to lion survival (I.e. among the USFWS, IUCN Cat Specialist Group, regional and range state action planning workshops). Those three threats are loss of habitat, loss of prey and human/livestock-conflict. Tourist safari hunting is particularly suited to reducing those three threats thus serves a truly significant conservation role. It plays a far greater role than commonly realized and arguably is indispensable to the survival of most lion existing today.

### LOSS OF SUITABLE HABITAT

The first of the three greatest threats to lion is loss of functionally appropriate habitat. Of course, wild lion need spacious places to live with animals to freely kill and feed upon. Safari hunting secures far more lion habitat than any other activity.

human, livestock and game (livestock and wild) meat. Safari hunting is purposefully used as the basis of successful conservation strategies established in rural communities to add value and build local tolerance of the beasts (see example of one successful community based program of WWF below).

One significant conflict arises from ownership of cattle and other livestock. According to FAO the amount of cattle has more than doubled across Africa in the past fifty years, from 140 million to 340 million. Despite this, wildlife has been able to supplant cattle in many instances due to the enhanced value of that wildlife (lion and prey) from safari hunting

Country	Tanzania	Zimbabwe	Zambia	Mozambique
Size of Hunting Areas (km <sup>2</sup> )	304,000	88,000	180,000	134,425
Size of National Parks (km <sup>2</sup> )	58,000	28,000	64,000	87,806
Ratio of Hunting to National Park Areas	+5:1	3.14:1	2.81:1	1.48:1

The Ratio of Hunting Areas to National Parks in the Hunting Countries with the Most Lion



Protects Prey and Lion from Snaring.

(note examples of Buby and Save Valley Conservancies below).

Generally, "lion populations are untenable outside of designated protected areas" (Wikipedia, 'Lion'). Is that not a true statement? Most protected areas (all five of the IUCN categories) are hunting areas. But safari hunting has proven to be a catalyst beyond that protected range where lion would not otherwise exist. Safari hunting precipitates range expansion. Three areas of range expansion are communal areas, private conservancies and many buffer zones surrounding protected areas. Interestingly, these three types of area are commonly "untenable" unprotected areas. Safari hunting is the catalyst that has been growing lion in "untenable" places through added value.

#### EXAMPLES OF LION RANGE EXPANSION THROUGH HUNTING

Two examples of untenable cattle farming areas that have successively been converted to more lucrative safari hunting destinations are the Save and Buby Valley Conservancies in Southeast Zimbabwe.

The first private conservancy is Save Valley Conservancy, which converted from cattle to game (including lion and lion prey) in 1991. Its size is a bit below one million acres. It provides for approximately 300 free roaming lion, as well as wild dogs and a substantial black rhino population. It has a lion management plan written by cat specialist Paul Funston that Conservation Force largely funded. Game and carnivore have replaced the cattle. The value-adding safari hunting of a small percentage of the lion is the force behind this healthy and secure lion population.

The second example of a successful expansion of range beyond national parks or any class of protected area is Buby Valley Conservancy. This too is a nearly one million acre private conservancy converted from a cattle farm in 1990. In 1999 lion were reintroduced and grew from those original 17 to approximately 500 today. WildCRU has been on site monitoring the growth of the population from the inception. Conservation Force has helped fund the trail cameras used in the lion monitoring and helped reestablish lion hunting trophy imports into the USA and EU that contribute the value of the lion above both cattle as a land use and lion prey that are valuable game the lion consume.

No one can challenge the conservation success and added eco-

system services of these two private hunting based conservancies. The Parks and Wildlife Act of 1975 is generally credited

with the conversion of private land from cattle to game and carnivore as well as the sustainable use conservation strategy of Zimbabwe.

Namibia has perhaps the best example of rural community conservancies that are growing lion and prey on habitat beyond protected area boundaries and gazetted buffer zones. Like private conservancies in Zimbabwe, Namibian national legislation has been key to giving lion and prey value to communities by bestowing qualified ownership on those communities that meet the prerequisite regulatory conditions. Sustainable use is enshrined in the Constitution of Namibia and is implemented through enabling legislation. It works. Namibia has an increasing, free-roaming lion population outside of its national parks. There were only 20 lions in the entire Northwest in 1995. Today, there are over 130 and increasing (NACSO).

The largest number of surviving wild lion are not in these private and communal conservancies. They are in gazetted government hunting concessions, which are "protected areas" under the IUCN classification system. By management design, hunting areas secure most lion range and lion and the prey that they depend upon. This land has been viewed as relatively fixed and secure lion "strongholds," particularly that buffering national parks and thus greatly extending the range of lion and lion prey through the Noah effect, i.e. the extension of the parks' habitat. But these lands may no longer be secure due to worsening trophy import permit measures and practices being threatened by the primary importing countries.

#### ANOTHER THREAT

The primary safari hunting countries of wild lion have been cutting lion hunting quotas and self-imposing age restrictions and even imposing penalties over the past decade. This has been science advised and driven with little concern for other management considerations. Worse, the failure of the USFWS to responsibly process and approve import permit applications comes on top of the range country's own restrictions. The combined effect has greatly lowered the overall safari hunting off-take of lion. The contribution of lion towards the cost of its habitat and



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animals it preys upon is in alarming decline. The greatest threat to the lion today is the misinformation and misunderstanding (and anti-hunting agenda) that are interfering with the critical conservation role that safari hunting has in the survival of lion. Today, safari hunting of lion is conservation hunting that enhances its survival. The media and anti-hunters better get over it.

range states with the most significant wild lion populations. (Botswana and RSA lion are not included here because they are outliers: Botswana lion are currently in decline and there is no safari hunting and, although RSA is a hunting country and its wild lion have been increasing, most lion there are not wild and the system is too dissimilar to be comparable. RSA does demonstrate the force that hunting can be to grow the

and the rest of Africa's wild lion. As of this writing, 82 hunting concessions have been surrendered by hunting operators in Tanzania. That includes most of the Selous Game Reserve, which is one of the largest remaining lion strongholds—far larger than the Serengeti, Kruger, or any other national park in Africa.

#### LOW OFF-TAKE

Year	Mozambique		Tanzania		Zimbabwe	
	Quota	Offtakes	Quota	Offtakes	Quota	Offtakes
2012	50	23	315	50	101	45
2013	50	26	315	54	101	35
2014	53	15	315	44	101	37
2015	60	14	315	39	82	49
2016	54	13	200	19	81	33
2017	49	18	200	25	75	35

Est. Lion Population: +/- 2,700      +/- 16,800      +/- 2,000

*Lion Hunting Quotes and Off-Takes in Mozambique, Tanzania, and Zimbabwe*

#### TANZANIA EXAMPLE

Lets turn to Tanzania to better understand the role of tourist safari hunting in the conservation of the lion, since it clearly has the most lion (probably a greater number than the rest of Africa combined). If most of Tanzania's lion habitat is at risk of conversion, then most of all lion are at risk of loss.

Tanzania's hunting areas are 5.1 times the size of its national parks (see earlier chart). Despite the Serengeti National Park and other fully protected areas, most lion (not just lion habitat) exists outside of the parks in hunting areas in Tanzania, as in the other lion

number of lion but this article is limited to wild lion).

Tanzania's lion safari hunting off-take declined to a low of 19 lion in 2016, 15 of which were 6 years of age or older. All lion taken were less than the prescribed one lion per 2,000 km2 and one lion per 1,000 km2 in Selous Game Reserve. Consequently, Tanzania surpasses both standards. Despite this low rate of off-take, lion have not been importable into the USA since listed as threatened on the Endangered Species Act effective January 2016. This has raised growing concerns that the special regulations accompanying the listing, as anticipated by many, are the greatest threat to the survival of most of Tanzania

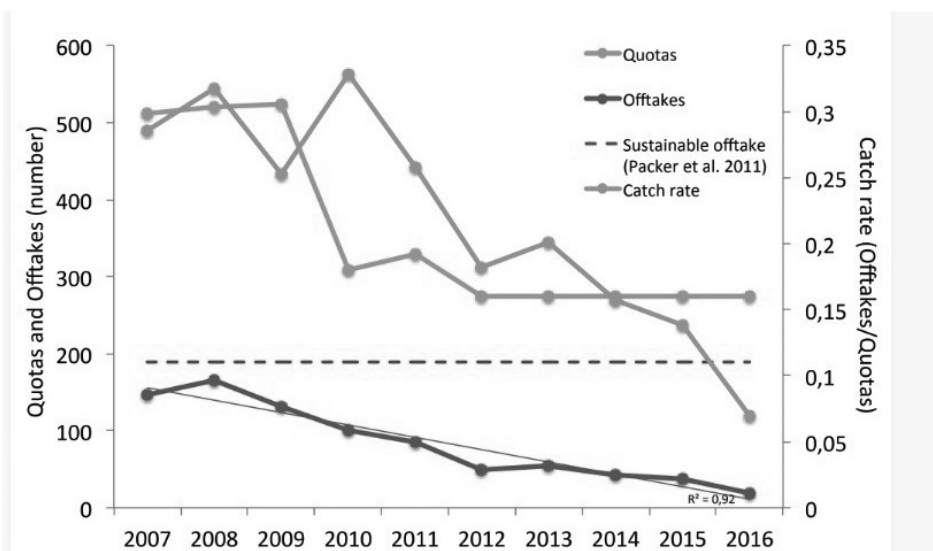
#### MOST LIONS NEED ELEPHANT TROPHY TRADE TO SURVIVE

The operator and government income losses following the lion listing have been felt worse in Tanzania to date because Tanzania's elephant trophy imports had already been suspended by FWS. The loss of imports of two of the Big Five (lion and elephant) and the resulting decline of 21-day safaris bookings required to hunt those two species has been too much for hunting operators to operate at a profit. Many additional operators are expected to fold and surrender their concessions shortly. Some of the biggest and best folded first because of their higher overheads. The spin-off benefits of the safari hunting, such as community participation and anti-poaching have been drastically cut. The EU has resumed most elephant trophy imports and permits lion imports, but the US is the biggest market for hunting safaris.

The elephant trade is particularly important to communal conservancies and programs like CAMPFIRE in Zimbabwe and LIFE Plus in Namibia. Those community programs are economically dependent on elephant hunting, which provides over 70 % of their income). Thus lion habitat within community program areas will be at increasing risk until President Trump removes his personal hold on elephant trophy imports. Lion, especially at the present lowered off-take rate and without elephant imports cannot justify the existing extent of safari hunting habitat. Elephant and lion both need elephant trophy trade to survive in present numbers.

#### SUMMARY OF BENEFITS

Yes, safari hunting can and does help save lion. It secures by far the most habitat for lion and lion prey. It protects lion and lion prey by providing the most anti-poaching on the most habitat through fees paid to government, operator occupancy and direct anti-poaching efforts, and funding of community game scouts. It also provides a large share of the operating budget revenue and incentives for government conservation infrastructure. Safari hunting is a primary driver of lion conservation and hunters are primary stakeholders. This cannot be dismissed without dire consequences for the lion. As long as there is tourist safari hunting of lion there will be lion. Hunters are an essential lion conservation force.



**National trends in lion quota, off-take, and catch rate since 2007**

TAWIRI

## Update on Elephant and Lion Enhancement Finding Litigation

In our last report, we told you about the district court's March 30 order that allows the FWS to make enhancement findings on a "case by case" basis. There are continuing developments.

To recap: in challenging the 2014 suspension of elephant trophy imports from Zimbabwe and Tanzania, SCI (later joined by NRA) argued that those negative findings were void for failing to comply with required public notice and comment procedures. The U.S. Circuit Court of Appeals for the D.C. Circuit agreed. The court held that, if the FWS wished to make prospective, countrywide enhancement findings, the FWS had to follow Administrative Procedure Act rulemaking procedures. (These include publication of a proposed rule, public comment, and publication of a final rule that takes the public comments into account.)

In response to the D.C. Circuit's ruling, on March 1, the FWS withdrew 22 enhancement findings that had not been subject to the APA rulemaking procedure. These included the most recent, positive enhancement findings authorizing the import of elephant and lion trophies from Zimbabwe Conservation Force had worked so hard to have approved. In total FWS withdrew 25 years of FWS countrywide ESA enhancement findings and CITES non-detriment findings. On March 30, the district court dismissed SCI/NRA's suit because the FWS had withdrawn the improperly made 2014 and 2015 findings being challenged.

There was nothing left for SCI to challenge. The court indicated the FWS could process permit applications "on a case-by-case basis," but did not rule on whether that procedure is legal.

The FWS' actions significantly affected the two pending anti-hunting suits that were filed last year to challenge the positive enhancement findings for Zimbabwe. The first suit, filed by the Center for Biological Diversity (CBD) and other animal rights groups, challenges the positive elephant and lion findings as arbitrary and capricious. The second, by Friends of Animals (FoA) and Zimbabwe Conservation Task Force, challenged only the positive elephant finding. In the wake of the D.C. Circuit's decision, both sets of plaintiffs amended their complaints to allege the positive enhancement findings were void because they had not been made using the appropriate APA rulemaking procedure.

The FWS' withdrawal of the 22 enhancement findings undermines these two suits. If the plaintiffs challenge positive enhancement findings which are no longer operative, the cases should be moot. Apparently fearing dismissal, on March 20, the CBD plaintiffs sought the court's permission to amend their complaint. The FoA plaintiffs did the same on March 29. Both sets of plaintiffs seek to allege that the FWS cannot withdraw enhancement findings by a memo. Rather, withdrawal of the findings must also follow the APA rulemaking

procedure.

Amendments to the CBD suit are potentially a problem for the issuance of import permits. The CBD plaintiffs have expanded their allegations. Although the complaint is somewhat ambiguous, the plaintiffs appear to ask the court to prohibit the FWS from issuing any elephant or lion trophy import permit from any country until the FWS undertakes full country-wide rule makings. If the plaintiffs succeed, the FWS could not make case-by-case enhancement decisions. It would take the FWS a year—at least—for the notice-and-comment process, on top of the (far too long) time it already takes the FWS to make enhancement findings.

On May 24, the district court allowed both sets of plaintiffs to amend their respective complaints. The amendments mean the cases will continue to drag on, although we believe the FWS has strong arguments in support of dismissal.

The district court has already rejected CBD's argument that the FWS could not withdraw the 22 enhancement findings through a memo. In short, the court found the FWS was complying with the D.C. Circuit's decision and it would be nonsensical to require a rulemaking to withdraw enhancement findings that had already been invalidated. The court is likely to rule in the same way in the CBD case. As of July 24 the motions to dismiss all claims in the two anti-hunting cases had been filed and are still being briefed.

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