



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 February 2013

Why Hunt Wild Cats: Arguments Previously Made By USFWS and African Nations

In the face of the recent indefinite closure of lion and leopard hunting in Zambia, following Botswana's announcement of the 2014 closure of all but ranch hunting, I thought the readership would enjoy a historical perspective of hunting wild cats. The position of the wildlife management authorities in Africa when the leopard was downlisted to threatened in 1982 is extremely revealing. The USFWS downlisted the Sub-Saharan leopard with a *special rule* that it was only for trophy trade. Moreover, the USFWS makes a non-detriment and an enhancement determination before approving the continuing import of the leopard. Here's what they said at the time of the downlisting:

The Director, US Fish and Wildlife Service hereby...reclassifies certain African populations of the leopard as Threatened rather than Endangered... A special rule is promulgated that allows for the importation of a sport-hunted leopard trophy legally taken anywhere in Africa south of this line under the terms and conditions imposed by CITES... It must be emphasized that this action applies only to sport-hunted trophies...

The leopard is the most widely distributed species of cat... In March of 1972, the Service listed the leopard as an Endangered species pursuant to the Endangered Species Conservation Act of 1969. This was done primarily because it was felt that the species was being drastically over utilized in the com-

DATELINE:
United States



John J. Jackson III

mercial fur trade... Under that act there were provisions for only the single status category of Endangered. A listing as Endangered automatically prohibited the importation of any leopards, alive or parts and products therefore, into the United States...

The United States Management Authority will not issue an import permit unless it is determined that the country of origin for the trophy has a management program for the leopard, and can show that its populations

can sustain a sport hunting harvest, and that sport hunting enhances the survival of the species...

The US Scientific Authority for CITES has, on several occasions, advised in favor of requests to import sport-hunted trophies of another Appendix I Species, the southern white rhinoceros (*Ceratotherium simum simum*). It is prepared to give similar advice on requests to import leopard trophies, but only if the countries of origin meet the above criteria. To date, the US Scientific Authority for CITES has reviewed the adequacy of the leopard conservation program in a specific case for Botswana and has determined in that case that the country currently meets these criteria...

Since the listing, four major studies on the status of the leopard have been completed, which form the basis for the present action.

These studies are the following: "The Leopard *Panthera pardus* in Africa" by Norman Myers

(IU CN Monograph No. 5, 1976); "The Status and Conservation of the Leopard in sub-Saharan Africa" by Randall L. Eaton (Safari Club International, January, 1977); "Status of the Leopard in Africa South of the Sahara" by James G. Teer and Wendell G. Swank (unpublished contracted study, 1978, financed by US Fish and Wildlife Service); and finally, "The Leopard *Panthera pardus* and Cheetah *Acinonyx jubatus* in Kenya" by P. H. Hamilton (unpublished contracted study, 1981, financed by US Fish and Wildlife Service)...

Based on data contained in the status documents enumerated above and other available information, the Service feels now that the leopard in southern Africa more properly fits the definition of a Threatened species than it does an Endangered species...

The Service now concludes from the available data that a more restricted area for the reclassification is warranted. Therefore this final rule reclassifies the leopard as Threatened in southern Africa only, rather than in all of sub-Saharan Africa as originally proposed. The reasons for this change from the original proposal are as follows: (1) Through the American embassies in the countries, three West African countries (Senegal, Liberia and Ghana), and Sudan and Ethiopia in the northeastern part of sub-Saharan Africa, indicated that leopards were considered as Endangered in those countries; and (2) reexamination of all available data show that less substantial evidence is available from West Africa and the northern tier of countries in sub-Saharan Africa than from the rest of the area of the proposed reclassification.

Because of these factors, the Service now proceeds to

From the historical archives

Botswana test



SPECIAL SUPPLEMENT

World Conservation Kenya supports *in*

EDITOR/WRITER John J. Jackson, III

PUBLISHER Barbara Crown

Copyright ©2013 by Dagga Boy Enterprises LLC. ISSN 1052-4746. This bulletin on hunting-related conservation matters is published periodically free of charge for subscribers to The Hunting Report, 12182 SW 128 Street, Miami, FL 33186. All material contained herein is provided by famed wildlife and hunting attorney John J. Jackson, III with whom The Hunting Report has formed a strategic alliance. The purpose of the alliance is to educate the hunting community as well as pro-advocacy of hunting rights opportunities. More broadly, the alliance will also seek to open up new hunting opportunities worldwide and ward off attacks on currently available opportunities. For more information on Conservation Force and/or the services available through Jackson's alliance with The Hunting Report, write:

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

For reprints of this bulletin or permission to reproduce it and to inquire about other publishing-related matters, write:

The Hunting Report 12182 SW 128 Street Miami, FL 33186 Tel. 1-800-272-5656 Fax 305-253-5532

Remember to favor Conservation Force's Corporate Sponsors:



www.faunaandflora.com/



www.hornady.com/

All are the leaders in their fields.

reclassification of the leopard only in southern Africa...

The leopard's present status is much more favorable than that of a number of other major mammal species, notably the cheetah, but also the lion, wild dog, three species of hyena and two of rhinoceros, giraffe, hippopotamus and crocodile...

Hamilton's recommendation, therefore, is that the United States Government reclassify the leopard in Africa to Threatened status, but continue to insist on retaining the species in Appendix I of the CITES to protect against commercial exploitation. He further recommends that the US Government lift its present ban on the importation of leopards legitimately shot in Africa by American sport hunters. He states that the ban on importing the legitimately taken leopard trophies of sport hunters has not served any useful purpose. The number involved has been relatively small and the ban runs counter to the concept of giving the leopard monetary value that will help to justify its continued existence in Africa...

...the Service received comments...

Botswana: Botswana welcomed the proposal. It stated that the leopard is not Endangered here and that livestock raids by the species are not uncommon over the whole country. For these reasons, Botswana fully supported the proposal...

Tanzania: Tanzania reported that the leopard is neither Endangered nor Threatened. It supported the US proposed action...

Zimbabwe: Zimbabwe welcomed the move as being in the best interest of the leopard and felt that it would promote proper conservation...

As can be seen from these reactions to the proposal, opposition came only from West African countries. In addition, several of the northern countries covered by the proposal (Ethiopia and Sudan) consider the leopard as Endangered within their jurisdictions. The reaction from these countries is the primary reason the Service is proceeding with a rulemaking which restricts the reclassification to southern Africa

rather than to sub-Saharan Africa as originally proposed...

The Service is convinced that in some cases permitting the importation of a legally taken leopard trophy from southern Africa will benefit the species. The argument that the leopard might benefit from strictly controlled legal trophy hunts is expressed by Mr. Daniel Sindiyo, Assistant Director, Division of Wildlife, Ministry of Tourism and Wildlife, Kenya, in an interview contained in the Teer and Swank report. Mr. Sindiyo says: "It seems very clear to me that no one is going to conserve and manage a resource that is not going to provide some financial return to them.

This applies to Masai or any other landowners. The leopard does cause damage to livestock, and it cannot be expected that the Masai will live happily with an animal that has only negative benefits. Fortunately, we are beginning to make more progress in getting revenues from wildlife back to the people. For example, a leopard shot on a license would return to the landowner Sh 5,000 (\$665 US), so this is it. The landowner now knows that fees due will go directly to him, either as a private landowner, or a member of a group ranch, and they appreciate this highly."

"As you well know, prior to 1973 very few of the landowners had much interest in wildlife. If they saw someone killing wildlife they just went about their business. That has now gradually changed. They now think of wildlife as common property because money from wildlife is invested in projects that will benefit the whole community."

Mr. E. T. Matenge, Director, Department of Wildlife, National Parks and Tourism, Botswana (in an interview contained in the Teer and Swank report) states: "Now, there are some places where they (leopards) come face to face with the cattle industry, and they do damage. Now the plan for destruction of leopard in those areas is very great. So, you need to reconcile this situation by insuring that these animals can continue to be hunted where they are available but protected where you feel they must continue to retain good populations

I like this line the best!

of these animals. The hunting of leopards in these areas is, in fact, beneficial economically, because as you may be aware, the license fee for a sport hunter to hunt leopard is P300. I don't know what this is in terms of US dollars, but it's roughly \$380, or something like that. From that end, you can see that it is an economically important animal as well, but to say that you must just keep it conserved without utilizing it would really be destructive in the long-term to its populations."

Still true today!

The same argument is repeatedly presented by persons interviewed by Teer and Swank for their report. Myers (loc. cit.) sums it up as follows: "Above all, organized exploitation of the leopard could enhance the image of wildlife in general and predators in particular, as perceived by citizens in emergent Africa."

Because of the above considerations, the Service believes that there will be cases in which permitting the importation of leopard trophies will not only not be detrimental to the survival of the species, but will assist in their conservation. Such a situation could exist, for example, in countries where the leopard is destroyed as vermin because of predation problems with livestock, but where some such depredation might be tolerated if the leopard has an economic value through more hunting...

The responses that follow address all significant opposing comments made to the Service.

Comment: The data on which the proposal was based are inadequate and incomplete.

Response: The proposal was based on major reports by recognized authorities in the field; since the proposal, support for it has been received from Patrick H. Hamilton of the African Wildlife Leadership Foundation, who has completed a survey of leopards in Kenya. It must be recognized that the leopard is a secretive and wary animal. There will never be surveys of leopard populations that provide precise numbers of animals simply because such surveys are impossible to make. The best that can ever be anticipated

with such elusive animals is population estimates and trends based on sightings or increased predation, expert opinions, habitat considerations, and general impressions obtained by knowledgeable persons in the field. The reports upon which this action is based provide the best scientific and commercial data available, and support the view that the leopard is not an animal in danger of extinction in southern Africa.

Comment: The sanction of even limited sport-hunting will not benefit the leopard in any way.

**Response:* The Service believes that sport-hunting will benefit the species as a whole. As noted earlier in this document, the leopard is widely regarded as vermin in many parts of southern Africa. Experts agree that the economic value that would develop for the species through sport hunting will encourage some of the countries to develop management and conservation programs and will discourage indiscriminate killings by local landowners. It must be remembered, that the present action will not remove from the United States the ability to regulate, or even prohibit, the import of leopard trophies from importation. It merely results in giving responsibility to the US authorities for CITES to manage sport trophy imports.

Comment: The proposed reclassification is not consistent with the Service's guidelines for reclassification of species.

Response: The only guidelines utilized by the Service in classifying a species as Endangered or Threatened are contained in the Act's definition of these terms. An Endangered species under the Act is one that is in danger of extinction throughout all or a significant portion of its range; a Threatened species is one that is likely to become an Endangered species within the foreseeable future throughout all or a significant portion of its range. The Service believes that no responsible authority on the leopard would contend that in southern Africa as a whole it meets the conditions of the above definition

for an Endangered species Such authorities, however, do feel that the leopard fulfills the Act's definition of a Threatened species in this region.

Comment: The proposed action would not be consistent with social or environmental ethics.

Response: With regard to this point, the Service suggests that there may have been misinterpretation of exactly what the proposal does and does not do. The United States does not, through this proposal, make legal in any way the importation of a leopard trophy from a country which prohibits a sport hunt of leopards. In fact, the Lacey Act expressly forbids such importations...

Comment: Although some countries oppose sport hunting of leopards, the US would be promoting such hunting, even in those countries that oppose it.

Response: The US would not be promoting sport hunting of leopards in countries that oppose it. The US could not, by law, permit imports of leopards from countries where sport hunting of the species is illegal. Only those countries in which sport hunting is legal, and then only those countries which can meet all of the conditions imposed by CITES, would be considered for trophy imports.

Comment: Very few African countries are capable of managing their wildlife resources in a manner that would be considered barely minimal by United States standards. Because of weak management and enforcement, opening the door even a little for a specified and limited kind of exploitation, could result in other far more expansive forms of exploitation, notably poaching of leopards for their skins to supply the international fur trade.

Response: The present rule simply will not open the door to the import of any and all leopard trophies from anywhere in southern Africa. The leopard will remain on Appendix I of CITES. The Service thinks that CITES can and will effectively control illegal trade in leopard products, and that because of the protection offered by CITES, the US is not

stimulating overall illegal trade in wildlife products in southern Africa. Moreover, many southern African countries do prohibit or strictly regulate hunting and hence seem to be able to manage their wildlife. Hunting is already going on in Africa, and any increase caused by the participation of US residents should not have significant adverse effects.

Comment: Leopard populations have been reduced to mere remnant numbers in at least 20 African countries, and substantial numbers remain in less than 10, notably Zaire, Gabon, Congo, Zambia, and Botswana.

Response: Partly because of such comments, and supporting data, the Service has modified the final rule to cover only southern Africa, rather than all of Sub-Saharan Africa as was proposed. The Service contends that there are substantial leopard populations in southern Africa, and that Tanzania, Kenya, Angola, Zimbabwe, and Mozambique could be added to the list of countries with substantial numbers.

Comment: Reclassification would violate the Endangered Species Act, because an Endangered species is defined as one in danger of extinction throughout all or a significant portion of its range, and because the purposes of the Act are to reverse trends toward extinction, conserve endangered species, and increase their numbers.

Response: Although the leopard remains classified as Endangered in some portions of its range, this classification does not have to apply throughout the entire range. The Act specifically allows different populations of a biological species to be given different classifications, and the Service has applied this provision in a number of instances.

The regulations that now pertain to

the leopard in the region where it is classified as threatened, are fully in keeping with the requirements of the Act for conservation.

Comment: The Service is acting under pressure from the gun lobby.

Response: This is not the case. The Service has been closely monitoring the leopard situation for many years, and in fact contracted for the survey by Teer and Swank as long ago as 1976. The reclassification action is being taken solely because the Service believes that available data do not support the leopard's classification as Endangered in southern Africa...

Comment: Hamilton is wrong in concluding that the leopard will benefit from easing of restrictions by the United States on the import of legally taken sport hunting trophies.

Response: This view reflects a difference of opinion. The Service accepts Hamilton's position. As stated above, the leopard is widely regarded as vermin in Africa, and most experts agree that the economic value provided by sport hunting would encourage management and conservation programs.

Comment: Hamilton's survey in Kenya indicates that leopards "are no longer abundant and in many, often extensive, areas they seem to be rare." Hamilton also shows that the leopard's decline has been faster than expected and that the past massive decline of Kenya's leopard population has been far greater than sustainable yield. In the rest of Africa the situation should be worse than in Kenya since Kenya has an effective national park and reserve system (lacking in most other countries), and has had a total ban on hunting for some years.

Response: The Service feels the present regulation will have a positive effect

in relation to the above points. No country can be expected to take any steps to conserve a species of wildlife which has been destructive to livestock and human life if there is no economic or other incentive to protect and preserve that animal.

Only if the governments and local people receive some benefit from the species will serious measures be undertaken to conserve it. The present regulation could encourage the establishment of parks and preserves by making the leopard a valuable resource. It could discourage poaching and smuggling in that legally taken animals would now have value; governments and local agencies and individuals would have more funds and incentive to check and control harmful illegal practices...

Comment: The monetary value of the leopard as a photographic subject is far greater than any value that the species could achieve as a hunting trophy.

Response: The Service recognizes the immense value of the leopard as a photographic subject and feels that the present regulation may benefit the leopard to the extent that it becomes better protected from illegal take, and more abundant, and hence more readily available for persons interested in the species as a viable part of Africa's fauna...

Endangered and Threatened Wildlife and Plants; Threatened Status for the Leopard in Southern Africa; 47 FR 4204; January 28, 1982

The recent closures demonstrate the short-term vulnerability of hunting as a conservation tool/force, but the conservation need for hunting of predators is long-term and should endure. ■

Excellent insight!

Conservation Force Sponsor

Grand Slam Club/Ovis generously pays all of the costs associated with the publishing of this bulletin. Founded in 1956, Grand Slam Club/Ovis is an organization of hunter/conservationists dedicated to improving wild sheep and goat populations worldwide by contributing to



GRAND SLAM CLUB/OVIS

game and wildlife agencies or other non-profit wildlife conservation organizations. GSCO has agreed to sponsor Conservation Force Bulletin in order to help international hunters keep abreast of hunting-related wildlife news. For more information, please visit www.wildsheep.org.