

Fact-Checking Dan Ashe – Conservation of the African Lion¹

On December 7, Dan Ashe, Director of the U.S. Fish and Wildlife Service, responded to a Facebook post by television host and professional hunter Ivan Carter.² Mr. Carter attributed a dead lion, apparently the result of retaliation by a cattle herder, to the closing of lion trophy imports to the U.S. Mr. Carter pointed out that 44 hunting blocks have been returned to Tanzania's government, opening >60,000 km² of current habitat to incursion by cattle and people. Mr. Carter challenged the FWS' policy towards Tanzania, and Mr. Ashe responded. Mr. Ashe's post purported to offer facts and one opinion in response to Mr. Carter. Below, Conservation Force fact-checks Mr. Ashe's data.

Ashe's "Fact":

"The U.S. Fish and Wildlife Service has NOT banned lion trophy imports."

Conservation Force Fact-Check:

Mr. Carter did not write of a "ban." He used the term "closed." The FWS has technically closed lion trophy imports until further notice – until an enhancement finding is made, but they have not made a finding since the "threatened" listing of the southern and eastern African lion went into effect January 22, 2016. Conservation Force has filed 20+ import permit applications, some on January 26. Additional applications were individually filed. And at its request, the FWS received information from Zimbabwe, South Africa, Zambia, Tanzania, and Mozambique describing their respective lion management. The FWS has not acted on these permit applications (with the recent exception of South Africa, see below). Thus, there is a *de facto* closure of imports, with no end in sight.

Ashe's "Fact":

"We listed African lion under the Endangered Species Act, because only about 20,000 lions remain in the wild."

Conservation Force Fact-Check:

Mr. Ashe's "fact" is incorrect. The FWS does not list a species based on the number of individuals remaining. The ESA includes five listing factors, none of which is a numerical cutoff.³ The FWS' listing of the lion does not focus on a number. It evaluates the impact of three primary threats to the species.⁴

Second, the "20,000" figure is debated, and should be higher. The source to which it is frequently cited, the 2015 IUCN *Red List* assessment, does not purport to be a continental population survey. The *Red List* "provides taxonomic, conservation status, and distribution information on plants, fungi, and animals ... to determine the relative risk of extinction."⁵ As such, the *Red List* assessment "inferred" lion population trends to predict their future course. It only considered areas with repeat surveys and threw out data from areas with one-time estimates, as well as populations the authors considered "outliers," including the increasing population in the Niassa Reserve, Mozambique.⁶ Tanzania, Zimbabwe, and Zambia have questioned and even explicitly challenged the *Red List* assessment.

¹ Regina Lennox, Staff Attorney.

² <https://m.facebook.com/ivancartersafrica/photos/a.232889763467337.56227.173228692766778/1161332053956432/?type=3>.

³ 16 U.S.C. § 1533.

⁴ 246 Fed. Reg. 80000 (Dec. 23, 2015) (identifying the primary threats as loss of habitat and prey base, and increased human-lion conflict; neither corruption nor licensed, regulated hunting were listed as a primary threat).

⁵ IUCN Red List, "About," <http://www.iucnredlist.org/>.

⁶ H. Bauer et al., *Panthera leo*, IUCN Red List (2016), <http://www.iucnredlist.org/details/15951/0>.

Third, Mr. Ashe omits the fact that the *Red List* “inferred” that four African countries have increasing lion populations. All four (South Africa, Namibia, Zimbabwe, and Botswana) allowed hunting until 2014, and all but Botswana still allow and advocate for licensed, regulated lion hunting.

Ashe’s “Fact”:

“This means that all imports, including hunting trophies, must now meet an exacting standard ... that hunting of lions, and the individual trophy, is not simply ‘sustainable’ but that it actually enhances conservation of lions in the wild.”

Conservation Force Fact-Check:

The enhancement standard requires the activity “enhance the survival of the species.”⁷ The FWS considers benefits to the species, like habitat protection, anti-poaching, and increasing rural tolerance of dangerous game. In October 2016, Conservation Force submitted to the FWS a study of 27 hunting operators in Tanzania.⁸ It documents their “unmeasured” contributions, dedicated to habitat security, anti-poaching, and community support, which exceeded \$9.8 million over the last three years. We also submitted evidence from Tanzania’s wildlife authority showing that the lion hunting is sustainable, the limited quota is science-based, and offtakes are consistently far lower than quotas and equal only 0.23% of the total lion population or 0.6% of the male lion population. Offtakes are limited to lion past their reproductive primes, and the system is enforced by an aging panel, fines, and loss of future quotas.⁹ In short, we submitted evidence Tanzania’s lion hunting program is both sustainable and beneficial to the species. Mr. Ashe’s comments suggest the FWS has not yet considered this data.

Ashe’s “Fact”:

“The USFWS has approved imports of wild-hunted lions from South Africa ... NOT from South Africa's infamous captive-bred, canned lion hunts, which unfortunately, have been the vast majority of past imports into the U.S.”

Conservation Force Fact-Check:

On October 20, Mr. Ashe announced on the *Huffington Post* that it had approved issuance of import permit applications for lion trophies of “wild” and “wild managed” lion from South Africa.¹⁰ Although imports of captive-bred lion were not authorized at the time, they will be if the hunting “enhances the survival of the species.” Mr. Ashe acknowledged this when he wrote the decision was “based solely – as the law requires – on our evaluation of the conservation benefits of captive lion hunts,” and “[i]f and when such benefits can be clearly shown, we may reevaluate our position.”

Ashe’s “Fact”:

“And, we will very likely approve trophy imports from other nations with well-managed wild lion populations, like Namibia, and are considering that now.”

Conservation Force Fact-Check:

This is good news for the hunting community, which has been waiting for almost a year for the FWS to make these findings. Issuance of permits cannot come soon enough, as lion are the key species for longer safaris, which generate higher fee revenue for national wildlife authorities and operators. Mr.

⁷ 16 U.S.C. § 1539.

⁸ Operator Enhancement Report Summary (2016), <http://www.conservationforce.org/tanzania-hunting-operator-report>. “Unmeasured” contributions are in addition to taxes and fees, which are primary funding for the government wildlife authorities and thus also support conservation, anti-poaching, management, and habitat protection.

⁹ Cover Letter to the FWS (Oct. 21, 2016), <http://www.conservationforce.org/tanzania-hunting-operator-report>.

¹⁰ D. Ashe, A Major Step Forward in Lion Conservation, *Huffington Post* (Oct. 20, 2016), www.huffingtonpost.com/entry/a-major-step-forward-for-lion-conservation-in-africa_us_5808f6ffe4b099c434319294.

Ashes does not address this, but it is a fact Tanzania's hunting industry has greatly contracted due to the ban¹¹ on import of elephant trophies imposed in April 2014 and the non-issuance of lion permits since January. Fee revenue for the wildlife authority has declined from \$16 million in 2014 to ~\$6 million in 2016. At least 45 blocks representing over 70,000 km² have been returned to the wildlife authority, which is an area 1.2 times the size of Tanzania's National Parks (~58,000 km²). This includes blocks in WMAs, Tanzania's community-based conservation program, which depend on hunting revenue.

A recently released report by David Macdonald of Oxford University's WildCRU evaluates the status of lion with attention to the impact of hunting. The report concludes that hunting "provides a financial incentive to maintain lion habitat that might otherwise be converted to non-wildlife land uses," and "if lion hunting ceased, trophy hunting could, according to the only peer-reviewed published estimate..., become unviable across approximately 60,000 km²."¹² That is being shown as an under-estimate, when a suspension of lion trophy imports is coupled with a suspension in the imports of another key species. The **fact** coming to light is that the ESA listing and special rule are posing the greatest threat to lion.

Ashe's "Fact":

"Hunting can be a conservation tool; it clearly is in the U.S."

Conservation Force Fact-Check:

Conservation Force agrees, and notes that hunting *is* a conservation tool in Africa, Asia, and around the world. The white and black rhino have both been recovered due to incentives created by licensed, regulated hunting.¹³ When the Cape Mountain zebra was recently down-listed to CITES Appendix II, the 183 CITES Parties agreed that a limited hunting quota would benefit and encourage greater protection of habitat for that species.¹⁴ Namibia's Minister of Environment has explicitly stated: "Trophy hunting, or conservation hunting as we prefer to call it, is a key pillar of our broader approach to the conservation and sustainable utilization of natural resources. Without hunting, wildlife will not remain a viable form of land use in rural Namibia, and may be replaced by other forms of land use more damaging to our ecosystems. A recent study estimated that the number of financially profitable conservancies would be drastically reduced if conservancy income from hunting is eliminated. This could trigger the decline of our community-based approach to conservation and lead to increased levels of poverty and an increase in illegal wildlife trade and cases of poaching."¹⁵ Namibia's conservancy system is world-renowned, and elephant, rhino, and lion populations are all increasing in Namibia. Similarly, Tajikistan's conservancy program has recovered the Bukharan markhor – a species with far fewer animals than the lion, but for which the FWS issues import permits for hunting trophies – from a low of several hundred in the mid-2000s, due to the incentives created by markhor hunts.¹⁶ These are but a few examples of the essential role that hunting plays in conservation, especially in areas where photo-tourism is not an option.

¹¹ Mr. Ashe did not challenge the use of the term "ban" with respect to the suspension of elephant trophy imports. He used the term himself. Two Nations Show Good News, Bad News for Africa's Elephant, National Geographic (June 28, 2015), <http://news.nationalgeographic.com/2015/06/150628-usfws-dan-ashe-elephants-wildlife-trafficking-gabon-tanzania-conservation/> (interview with Mr. Ashe).

¹² D. Macdonald, Report on Lion Conservation, with Particular Respect to the Issue of Trophy Hunting (Nov. 28, 2016).

¹³ E.g., R. Emslie & M. Knight, Prince William Is Talking Sense - Trophy Hunting Is Crucial to Conservation, Independent (Mar. 18, 2016).

¹⁴ South African Government, Cape Mountain Zebra Down-Listing Speech (Sept. 29, 2016), <http://www.gov.za/speeches/cape-mountain-zebra-downlisted-appendix-i-appendix-ii-south-africa-29-sep-2016-0000>.

¹⁵ P. Shifeta, quoted in Wildlife Can Contribute More to Economic Growth, Namibian Economist (Dec. 5, 2016), <https://economist.com.na/20810/general-news/wildlife-can-contribute-m...1>.

¹⁶ S. Michel et al., Population Status of Heptner's Markhor in Tajikistan, Oryx 1-8 (2014); T. Rosen, Tajikistan Brings Endangered Wild Goat Back from the Brink, National Geographic Cat Watch (June 11, 2014).

Ashe's "Fact":

"The USFWS has stood behind well-managed conservation hunting, in the face of stiff criticism, as we did when we approved import of a black rhino trophy from Namibia, in 2015."

Conservation Force Fact-Check:

The hunting community – and the international community, including the IUCN's African Rhino and Sustainable Use and Livelihoods Specialist groups – all applauded that decision.¹⁷

Ashe's "Fact":

"Although sport-hunting of lions is not a principal cause of their endangerment (and we said this in our ESA listing documents and communications), the continent-wide decline in lions has occurred while proclaimed, 'sustainable' hunting has been widespread. One has to ask the question, 'How can any resource use be called sustainable if the resource in question is undergoing steep, constant and ongoing decline?'"

Conservation Force Fact-Check:

Licensed, regulated hunting of lion is not a principal cause of the listing. Again, as WildCRU recently published, hunting may be the only conservation tool preventing further decline in lion habitat, and as pointed out above, in the *Red List*, all the countries in which lion populations were "inferred" to increase allowed hunting through 2014 and three still allow it. It is a **fact** that licensed, regulated lion hunting is one of the few things keeping lion populations viable. If more countries had an avenue for U.S. imports, there would be more lion, as the examples of the rhino, bontebok,¹⁸ and Tajik markhor all demonstrate. Mr. Ashe's final sentence is not fact-based: it fails to separate the declines in non-hunting areas from the increased populations in hunting areas.

Ashe's Opinion:

Mr. Ashe also offered the following "Opinion" and "Hope":

"The biggest challenge in Tanzania is government corruption; we have no convincing documentation that hunting revenue is going back into conservation, and therefore, cannot make the determination of 'enhancement' that the law requires us to make for imports of listed species, including lion and elephant. All conservationists, hunters and non-hunters, should insist on reform in Tanzania and stop apologizing for them. Hope: We can all stop blaming one another, and come together, to build a brighter future for Africa's 'Big Six' – lions, elephants, leopards, rhinos, Cape buffalo, and people!"

Conservation Force Fact-Check:

Mr. Ashe's final statement is a poorly founded opinion. Tanzania's government has made stamping out corruption a hallmark since 2013. President Magufuli has taken visible positions against corruption, borne out by examples like the National and Transnational Serious Crimes Unit, which has arrested high level, politically-connected poachers with the government's support.¹⁹ Tanzania has provided hundreds of pages of documentation to the FWS describing their elephant and lion management, and offered to provide copies of Game Reserve budgets (which the FWS did not ask for). Conservation Force's report

¹⁷ IUCN AfRSG, Statement on DSC Black Rhino Permit Auction (Nov. 23, 2013); IUCN SULi, Statement on DSC Black Rhino Permit Auction (Dec. 11, 2013); CITES Conf. Res. 13.5 (Rev. CoP 14).

¹⁸ E.g., <https://www.fws.gov/international/pdf/factsheet-import-bontebok-sport-hunted-trophy-2013.pdf>.

¹⁹ E.g., Tanzania Daily News, 21 Officials Suspended Over Poaching Claims (Jan. 9, 2014); Deutsche Welle, Tanzania's Magufuli Leads Fight Against Corruption (Dec. 5, 2016); Coastweek, Tanzania Tries 9 Poachers on Charge of Killing 6 Elephant (Nov. 14, 2016); Huffington Post, What Would Magufuli Do: How Tanzania's President is Fighting Corruption (Jan. 11, 2016); CNN, Tanzania Gets "The Devil" as It Cracks Down on Elephant Poaching (Oct. 31, 2015).

on the re-investment of hunting revenue in conservation by the private sector, was supported by over 2,700 pages of primary records. Mr. Ashe apparently has an axe to grind with Tanzania (the first of only two African countries he visited). All conservationists, hunters, and non-hunters should demand the FWS rely on the data in its possession, and not ill-informed, individually-held opinions, in making its findings with respect to that country. The FWS must also realize the hunting industry is the primary source (and in some cases, the only source) supporting the “Big Six” on the ground in Tanzania, and in many other range states. The FWS has done very little to build a future in that country²⁰, and it should not stand in the way of those who have been laying the bricks for generations.

²⁰ A review of the FWS’ website indicates their investment in Tanzania comes from the African Elephant Conservation Fund. In 2013, the FWS granted \$200,310 in funds; in 2014, they granted \$130,839; and in 2015 (through US AID), \$105,552 was granted. That total of \$436,701 in direct grants (or even including leveraged monies, which equaled \$462,230) pales in comparison to the \$9.8 million in over-and-above investment by hunting operators. FWS, African Elephant Conservation Fund, www.fws.gov/International/wildlife-without-borders/african-elephant-conservation-fund.html.