



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 May 2013

USFWS Grants First Black Rhino Import Permit

On April 4th, 2013, the USFWS issued the first Endangered Species Act, ESA, import permit for a black rhino hunting trophy. The permit was for a 34-year-old black rhino taken in Waterberg Plateau National Park in Namibia in October, 2009. It will be the first import of a black rhino hunting trophy since the black rhino was listed as "endangered" in 1980, 33 years ago. It is the first trophy import permit for any ESA "endangered" listed species taken in the wild since the ESA was passed in 1973. The black rhino is listed on Appendix I of CITES and as "critically endangered" on IUCN's Red List. That said, both CITES and the IUCN African Rhino Specialist Group support the trophy trade. Like the bontebok, another ESA endangered listed species that is importable from South Africa but treated as a "captive bred" exception, black rhino permits will be processed on a permit-by-permit basis. We expect the conservation revenue arising from the hunting will more than double with the addition of the US market, the largest market by far. The following will give readers an understanding of the positive development for rhino.

First and foremost, this is about saving the black rhino. The goal of the Namibia conservation strategy is not the hunting. The hunter's rights to his trophy are also not a factor considered by USFWS when making such a determination. The goal is the conservation of the species. This is a form of safari hunting or tourist hunting that has come to be called "conservation hunting." Conservation hunting is regulated hunting strategically designed



John J. Jackson III

to benefit a species in special need by generating essential conservation revenue like management revenue and stimulating local incentives to value, tolerate and support the animal. Being a game animal gives the rhino a "leg up" or extra value to authorities and locals as well as operating revenue in the struggle for survival. The permitting is about using regulated hunting as a tool or force for conservation. This is of itself important to all interests except extremists who readily admit they

would prefer that animals cease to exist rather than be sustainably used or produced when there is any use.

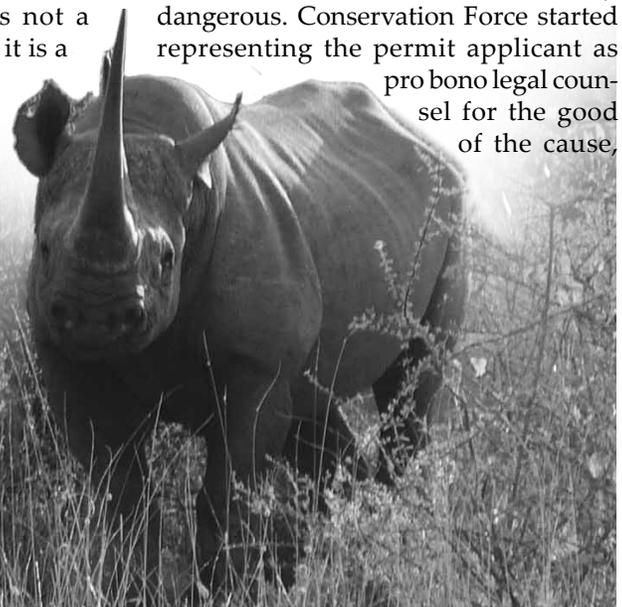
Namibia has the foremost black rhino conservation program and plan in the world. It is the real champion and deserves to be richly rewarded, particularly when the reward is more revenue for essential management actions.

This decision was a big and important step for USFWS that is to be congratulated. That said, it must be understood that this is not a blanket approval. Although it is a precedent and recognition of the benefits, each and every future application will be individually handled and will have to undergo three (3) levels of fact-finding and decision making. Be sure, this is a discretionary area for the USFWS, who made the right decision in this instance. Still, it did not just happen by accident. It

was the right thing to do.

USFWS must determine that the purpose of the import is (1) not detrimental and (2) the permitted activity does not jeopardize the species. These two separate determinations must be made by two separate divisions, the Division of Scientific Authority (DSA) and the Division of Management Authority (DMA) with Division of Scientific Authority concurrence. The third and most important determination has to be made by the Division of Management Authority that the import will actually "enhance or benefit the propagation or survival of the species" in the wild. The determinations are way beyond whether the take is within sustainable limits. This is about stepping up the program and saving and securing the species.

The hunter was literally the first American to take a rhino in Namibia since Namibia was granted its quota of five per year by CITES CoP13 in 2004. He is a very experienced dangerous game hunter who has taken all the Big Five (not black rhino) a number of times. Satisfied with the conservation value and biological necessity of the hunting, he took his chances with whether he could ever import his trophy. He says, of all the Big Five, it was one of his best hunts. It was a fair chase hunt and truly dangerous. Conservation Force started representing the permit applicant as pro bono legal counsel for the good of the cause,



A black rhino photographed in Namibia by John J. Jackson III

ourselves convinced of the necessity of the hunting.

The expert African Rhino Specialist Group of the Species Survival Commission of the International Union for the Conservation of Nature, SSC/IUCN, has been an important participant in Namibia's program from the inception. They knew well that safari hunting had played a crucial role in saving the white rhino in the past and expected hunting to be a force for black rhino as well. In time, the success in Namibia became widely recognized. Then, at CITES, the important benchmark was the quota resolution passage at CoP13. Two preambular clauses of the quota Resolution explain the potential benefits arising from conservation hunting quite cogently:

RECOGNIZING also that the financial benefits derived from trophy hunting of a limited number of specimens will benefit the conservation of the species directly and provide additional incentives for conservation and habitat protection, when such hunting is done within the framework of national conservation and management plans and programmes;

RECOGNIZING that some range States have made significant advances in the conservation and management of this species and the restoration of their national populations but require additional incentives and means to finance such conservation and management;

Res. Conf. 13.5

It is obvious that the quota created by CITES was thought to be more than a non-detriment finding by the CITES Parties acting as a body. It was recognition that Namibia's program constituted far more than ensuring hunting offtake was within biologically sustainable limits. It was engineered from inception to save the rhino.

Conservation Force was at that CoP, but we had started working on using regulated hunting as a tool to save the black rhino long before that. Back in 1992, after yours truly favorably

resolved the suit to import Namibia's elephant hunting trophies, the Minister of the Namibia Ministry of Environment and Tourism (MET) had asked me what "enhancement" meant under the ESA and if I would help his country. He explained that Namibia was successfully managing its resources and should not be punished. Instead, it was important and necessary to reward the people of Namibia, give them room and reason to be proud. In time, I gave him my personal word to help and pledge to see it through. My personal pledge of help to him was one of the primary reasons Conservation Force was founded just a few years later. Following the promise, Conservation Force became expert at removing regulatory barriers to using hunting as a force for conservation of species in special need. The *Enhancement Permitting Initiative* has taken 20 hard years for this one enhancement import permit success. This is longer than the *Wood Bison Initiative*, 14 years, and the soon to be completed *Straight-Horned Markhor Initiative*. Permits were not processed, then were denied in both *Initiatives*. Almost impossible downlistings have had to be pursued. The same with the *Cheetah* and *Black-Faced Impala Initiatives*, permits that have been denied.

Trophy trade of black rhino parts are also covered by a special CITES regulation of the FWS, 50 CFR 23.74. First, only one black rhino a year may be imported by a hunter. Second, all parts, including but not limited to horns, skull and skin, must be separately marked. This is still true if whole mounted, so it may be wise not to whole mount your trophy before import, unless you want to take it back apart at the port of entry. In fairness to the USFWS, that is how the CITES Quota Resolution for black rhino also reads. Conf. Res. 13.5. It is also interesting to note that this USFWS regulation on marking was adopted in 2007, two years before this hunt.

We stand ready to assist permit applicants in the future. ■



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Evaluating Namibia's Rhino Program

Namibia's program has evolved into one beyond compare. You be the judge. The following are paraphrased reasons behind the positive findings and permit application issuance for the historic trophy reported above. (The parenthetical comments are Conservation Force's.)

I. Division of Management Authority's Enhancement Finding:

1. The black rhino population has doubled due to positive conservation efforts that trophy importation supports (2,410 in 1995 to 4,838 in 2012). In Namibia it increased from 735 in 2001 to over 1,700. The increase is above Namibia's strategic 10-year target.
2. Namibia holds approximately 93 percent or 1,769 of the *D.b. bicornis* subspecies, the one permitted.
3. Lifespan is 30 to 35 years of age and this male rhino, No. 27, was over 34 years of age.
4. The rhino are "extremely aggressive," and 50 percent of males die of combat-related injuries. Thirty percent of females die of combat-related injuries. (The handsome horned rhino taken in this hunt, as all the rhino, was badly scarred from prior battles.)
5. Aggressive males are "population limiting" and removal may lead to a population increase and greater survival.
6. CITES has established a quota limited to five per annum. (Not only because it was not detrimental, but because removal of select males could biologically increase the rate of recovery. At CoP13 the Secretariat recognized that the quota would help increase the population size by removing "surplus males" that "can no longer contribute to a viable breeding population or whose presence adversely affects the breeding performance of populations." CoP13, Doc. 19.3.; CoP13, Res. Conf. 13.5 revised at CoP14.)
7. The CITES Secretariat supported the quota when it was challenged by Kenya at subsequent CoP14. The quota was overwhelmingly upheld by the Parties.
8. Namibia has managed to reduce poaching to minimal levels, and its black rhino population is growing at a rate that is "one of the highest in Africa," over six percent per annum. The maximum quota of five is less than .4 percent of the total Namibian black rhino population.
9. Namibia has the successful *Black Rhino Conservation Strategy for Namibia*, 2003, that was revised in 2009 and has made another 2011 revision that is pending approval. (The hunting is part of a strategic plan that is working and needs to be rewarded and funded. Approval encourages proactive conservation by others.)
10. Namibia has an annual planning cycle with feedback loop, has appointed a *National Rhino Coordinator* and created a *Rhino Management Committee*.
11. Local communities directly benefit, resulting in increased community support for the presence of rhino and disincentive for poaching. (We would add that the local communities also participate as stakeholders.)
12. \$175,000 of the proceeds went to the *Game Products Trust Fund* (GPTF) that provides for rhino conservation. (There is a page of details on expenditures.)
13. The use of funds from the sale provides revenue for protection and oversight needed. (Of course, the hunts will generate far more revenue when hunters know they can import their trophies. Witness markhor, wood bison, argali, polar bear, elephant, et al.)
14. The IUCN/SSC African Rhino Specialist Group (AfRSG) recommends using trophy hunting to fund management. The Group recommends the removal of a limited number of males to stimulate population growth rates because "surplus males repress breeding and cause mortality."
15. Namibia has a *certification program* for designating the male rhino to be hunted. It limits males to be taken to those that are "post reproduction." (The safari hunter had a selection of *certified* males in the hunting area to choose from in the hunt. Of course, "surplus" males are above capacity and management objectives.)
16. The positive "biological effects of removing individuals" include (1) reduced male fighting, (2) shorter calving intervals and (3) reduced juvenile mortality.
17. Male-biased populations can have an adverse effect on productivity, gene flow and immigration of younger males. (So reduction of older males tends to increase the population growth rate, improve the genes and makes space for males that can still reproduce.)
18. Post-reproduction males are not suitable for translocation. Upon reintroduction they become aggressive and express dominance, often killing females and calves. (Hunting is a better alternative if not the only sensible one. Why would you incur those risks of translocation for a non-producing bull that is soon to die?)
19. The individual rhino was carefully pre-selected, "certified" to be 30-35 years of age and selected to remove competition with young bulls. (It was actually more than 34 years old.)
20. Trophy import of black rhino was supported by MET, IUCN's AfRSG, Namibia Association of Community-Based Natural Resource Management Support Organizations and World Wildlife Fund. (The DMA does not necessarily cite them all, but Conservation Force, DSC, HSC, IPHA, African Safari Club of Florida, Wild Sheep Foundation, Grand Slam/OVIS, SCI, TWS and others also commented in favor of granting the permit.)
21. There were no negative comments received by USFWS after publication of the import permit application in the Federal Register.
22. The program conforms with IUCN's SSC *Guiding Principles on Trophy Hunting as a Tool for Creating Conservation Incentives*, IUCN SSC 2012, which specifically references the Namibia program. (Namibia has the foremost communal conservancy programs in the world.)
23. The DMA's concluding enhancement summary states that (1) the success of the *Black Rhino Conservation Strategy for Namibia*, (2) the use of the funds,

(3) the "biological need for such harvests," (4) the "strict, scientifically-based selection process" all justify the positive enhancement finding.

II. Non-Detriment Advice of the Division of Scientific Authority:

The non-detriment advice of DSA had basically the same findings, but it was rendered in February 2010, more than three years before the DMA acted on the application. Some highlights include:

1. A quota of one percent is considered to be biologically sustainable, but the more limiting CITES quota of five rhino is less than .4 percent. (The quota is not only low; the population is growing far above the offtake of undesirable bulls.)
2. No illegally-killed rhino were detected between 2006-2009, the year the rhino was taken. (The hunting and revenue should further reduce the risk of poaching.)
3. Namibia's plans are coordinated

through one or more committees of the African Rhino Specialist Group of IUCN/SSC. It is also a member of the SADC Rhino Management Group for Southern Africa.

III. The Intra-Service Section 7 Biological Evaluation made by the Division of Management Authority in concurrence with the Division of Scientific Authority:

The jeopardy determination contained the same factual and biological background but included the following:

1. The population is continuing to increase.
2. Harvest is limited to five "post-reproduction" animals annually.
3. The issuance of permits for the import "will provide funds to support conservation programs for the species, including rhino surveys, rhino crime investigation and insuring the traceability of all rhino horn in Namibia." (These are essential

management costs that have to be borne. In this case, the revenue from the select, limited hunting serves as an extraordinary user-pay system.)

Few hunters will ever experience a black rhino hunt first-hand, but no game animal is better positioned to generate so very much revenue for its own benefit. That is what this is really about at this point in time. No tool is better than hunting to be part of and complement the conservation strategy. This particular hunt sold for \$225,000 with \$175,000 paid into the special wildlife conservation fund, Game Products Trust Fund. This is already the most expensive game animal in the world to hunt. The importability of the trophy can only further increase the price beyond compare. There is hope to do more than secure the rhino. There is hope that its numbers will keep climbing so that our children and grandchildren can know the rhino. ■

Rhino Populations Grow Despite Poaching

There is a poaching crisis in Africa at this time, but rhino numbers are still growing in Namibia and the Republic of South Africa. At CITES CoP16, the African Rhino Specialist Group of SSC/IUCN and TRAFFIC reported to the Secretariat on the *Status, Conservation and Trade of Rhino*, Doc. 54.2 (Rev.1) Annex 2. They reported that, "[d]espite high and increasing levels of poaching, both rhino species have continued to increase in the wild, with white rhino up from 17,475 in 2007 to 20,165 (Dec. 2010) and black rhino up from 4,230 in 2007 to 4,880" range-wide. South Africa had more black rhino than Namibia, 1,915 compared to 1,750. But only 171 of South Africa's black rhino were of the southwestern *D.b. bicornis* subspecies, while Namibia had 1,750. This is the subspecies of black rhino that was hunted and permitted. No more than one or two rhino a year,

white and black rhino combined, have been poached in Namibia from 2009 through September of 2012, while South Africa has had 122, 333, 448 and 425 poached during the same period. (The populations in both countries are still substantially increasing.) Namibia has been developing a security strategy to increase protection of its elephants and rhinos. There is little doubt that an increase in the revenue from hunting of black rhino due to the entry of the US safari hunting market will boost security measures and local incentives. The greater revenue can go a long way to averting a growth in poaching in Namibia. Namibia has more black rhino (1,750) than white (469), so black rhino are the expected beneficiary.

For those hundreds of hunters who will eventually hunt these rhino during the decades to come, it promises to be the

ultimate Big Five-type hunt. To cite Peter Hathaway Capstick, "Hunting in rhino country is rather like treading through an old minefield...he can and will kill you....The rhino has a very simple philosophy: If anything gets in your way, knock it down and gore it." In *Death in the Long Grass* Capstick described them as "unpredictable" and said that he could not "recall a single instance of meeting a rhino that suspected my presence in which the animal did not advance.... The slightest sound, such as the click of a camera or rifle safety, will be heard and will precipitate a full charge. The rhino is gifted with astonishing speed and incredible grace for an animal that may weigh three tons, the second largest of the land animals." There is little doubt that it can be a truly remarkable safari experience to know the black rhino as only a hunter can. ■

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