



## “SERVING THE HUNTER WHO TRAVELS”

*“Hunting provides the principal incentive and revenue for conservation. Hence it is a force for conservation.”*

### Special To The Hunting Report World Conservation Force Bulletin

by John J. Jackson, III

#### DATELINE: US

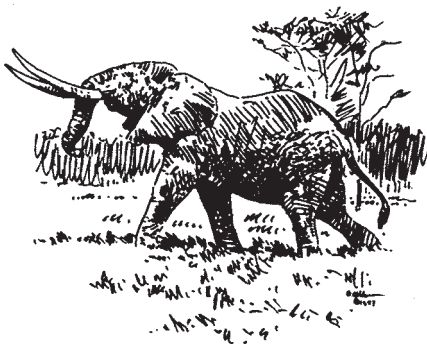
#### News... News... News CF Creates Permanent Litigation Division

**A** committee of Conservation Force has determined that it is necessary to have a permanent Litigation Division to contend with the Endangered Species Act (ESA) listings, regulations and permitting issues created by the Division of International Affairs of the US Fish & Wildlife Service as well as the seizures and forfeiture practices of its Law Enforcement Division. The threat to international hunting is no longer a secret. The need to develop and maintain specialized expertise in the esoteric areas of the law and the need for litigation has become obvious from USFWS' own administrative records.

The fact that the conservation interest of hunters and foreign conservation programs are given “low priority” treatment in virtually every instance, year after year, no matter the Administration, calls for action. “Low priority”

means they never get to first base in a decade or more, then, because of the embarrassing delay, International Affairs gets imaginative in dealing with applications to make them go away. It means the work is not even scheduled to be done, and they don't know when it will be scheduled.

The administrative records demon-



strate that permitting as partners for conservation has been a complete hoax. The partnership has been wholly one-sided. Instead of processing permits, they have developed internal regulations to make it harder - a wall of resistance to discourage applications for new areas or populations. Per-

sonnel turn over more than permits. Political administrations turn over more. They come and go while permits languish and action on permit applications is directed more towards sidelining than completion. The low priority treatment and obturation is universal, not for one particular species or range nation, and regardless of the conservation benefits of the activity. The permitting records being produced no longer leave any doubt whatsoever that timelines must be set and adhered to. In future issues of this Bulletin, we will cite some revealing examples from the records being produced.

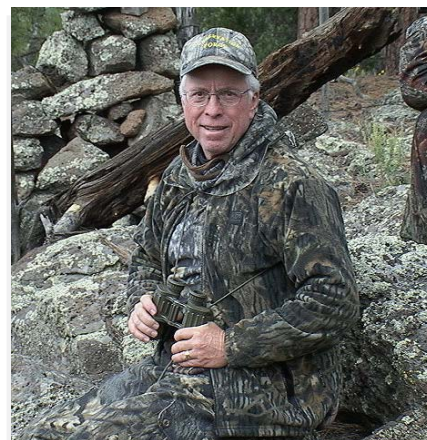
The Law Enforcement port of entry inspectors are enforcing all the new regulations that were adopted by International Affairs over the objections of the hunting community and in unabashed defiance of CITES Resolutions. Those 2007 regulations have naturally served to focus the attention of Law Enforcement on the many - too many - technicalities of trophy importation while repeatedly emphasizing that any violation whatsoever converts the private property into “contraband that is illegal to possess in which there

is no custodial interest” whatsoever. Law Enforcement is confused by all the new regulations and unduly occupied with them. It has definitely served to make trophy imports the focus of their attention. International Affairs has awakened Law Enforcement and forced it to view trophy imports far more closely and strictly. There are also more regulations to violate.

More and more attorneys have been offering their services across the country. It is snowballing. Soon we will have attorneys working with us in every port. It is a fight bigger than anything the hunting world has ever known. In many instances the losses are likely to be forever. We owe it to

our prodigy to recover all the losses that we can, to hold the line here and now, to make them respect hunters’ interests, to make International Affairs think twice before they take more from us. It is time to be a force for better treatment. International Affairs will not like the fight, but they only have themselves to blame. We have pleaded and reasoned with them for too many years: now we must act. Please help us if you can.

The permanent legal division will add a new force to Conservation Force: the force of law. What has been a task force will now be a strike force ever at the ready. It will provide pro bono or discounted at-cost legal services for the benefit of all.



**JOHN J. JACKSON, III**  
*Conservation Force*

### **Special Report: Conservation Force Chairman Receives International Statesman Award**

*In January, the Wild Sheep Foundation recognized Conservation Force and yours truly in its awards ceremony on the opening night of its Reno convention. The words of WSF President Gray Thornton are here because we are deeply honored but also because it is a reminder of what the hunting world can do to protect and advance its interests. They also are an incentive to keep up the effort, regardless of the mountain of adversity we face. Together we can do it. Thank you all.*

#### **International Statesman Award by Gray Thornton**

John J. Jackson, III, redirected and wholly dedicated his life as a lawyer, writer, hunter and conservationist nearly four decades ago and has become one of the foremost champions of hunting and conservation through hunting around the world. This award recognizes his unequalled service and leadership to the hunting community in all corners of the globe. He is the man.

John is the past recipient of our *Excellence in Advocacy of Our Hunting Heritage Award*, 2002, for his “untiring support of our hunting heritage...effective at all political levels...worldwide.” John is an international leader without narrow partisanship. He is founder and chairman of Conservation Force, which gives counsel to a consortium of over 200 organizations which it serves to further our sporting way of life and wild-

life and wild places. Conservation Force proactively advances or solves dozens of issues of importance every year.

John broadcasts that “sportsmen are the force,” and he sees to it that we are recognized as the foremost conservationists.

He has represented countries such as Mongolia and Namibia, and organizations from IPHA to the Inuvialuit Game Council in petitions, comments and litigation.

He has served for over a decade on the Executive Council of the International Council of Game and Wildlife (CIC) in Budapest and as the President of its Commission on Sustainable Use; for two decades on the Board of the International Foundation for the Conservation of Wildlife (IGF) in Paris. He has long served on crucial specialist groups of IUCN in Gland, such as the Deer Specialist Group and the Antelope Specialist Group with Conservation Force initiatives from Thailand to Zambia. Here in the USA he is a life member of the Association of Fish & Wildlife Agencies, the Wildlife Management Institute and founding member of the AWCP. Conservation Force is a CITES International Observer, and John has participated in its Conferences of the Parties, working groups and committees for nearly two decades.



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#### **World Conservation Force Bulletin**

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##### **Publisher**

Barbara Crown

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His species projects are as diverse as polar bear to elephant, African lion to argali and markhor. He is the recognized expert on the bio-political issues that affect them all.

He spearheaded the defeat of the proposal to list all urial on Appendix I of CITES and the defeat of the petition to list all Baja Peninsula sheep as endangered on the ESA. He intervened on our behalf to defeat the suit to list all argali as endangered that would

have stopped their importation forever. He established the importation of Kashmir markhor and is in US District Court challenging the denial of trophy imports of the renowned Suleiman markhor in the Torghar Project of Pakistan - on our behalf, I might add. This past year alone, he has obtained the release of hundreds of hunting trophies that had been detained or seized for ever increasing reasons. He is fighting for us and makes no apologies.

The reach of this superhero is worldwide. He helped found the concept of sustainable use, championed and helped coin “conservation hunting,” personally authored the diplomatic CITES Resolutions facilitating export-import of hunting trophies and initiated the “enhancement strategy” under the ESA.

Night and day he is championing our causes around the globe. He and his wife Chrissie are life members of WSF.

### Briefly Noted

**Elephant Tusk Seizures:** There have been a number of seizures of elephant tusks for various reasons and litigation is building across the country. Tusks from Zimbabwe have been seized in Atlanta and New York because they were scrimshawed with the Big Five on one side. The legal identification markings were not affected by the surface-deep etching and the dimensions (length, width, shape) and weight remained the same. The required seizure notice from the USF&WS stated that the tusks were not “Trophies” under the new US CITES regulations adopted in August/September 2007 which, according to the USF&WS, meant they were to be treated as parts of an elephant still on Appendix I - therefore an import permit was necessary, but read on.

To our surprise, in two Federal Court cases, one in New York and one in Atlanta, the Justice Department trial attorneys that represent the United States in court claim that the scrimshawing is “worked ivory” under the 1989 African Elephant Conservation Act (AECA). This means you can’t get an import permit for scrimshawed tusks if you apply for one and even if it were downlisted altogether. The AECA is an embargo against all ivory but trophies. If the ivory is not a trophy, the AECA is an absolute total ban on its import and no permit is available.

Of course, we are challenging this new AECA interpretation to the fullest. We are in the midst of filing motions to dismiss these forfeiture cases. CITES has a specific Resolution that tusks are not to be treated as “worked”

ivory when they remain whole, the etching is minimal and less than “minimal sculpturing” as it is not sculptur-



ing at all since it is no more than skin deep and is not three-dimensional. Minimal sculpturing is exempt by the

AECA and tusks that remain “whole” are exempt by CITES.

The AECA totally exempts sport-hunted trophies and that exemption was based upon the benefits of the sport-hunting and the nature of the activity more than the attributes or use of the tusks. The FWS has never before been known to seize sport-hunted tusks because they were embellished to better memorialize the hunt. This comes from left field, had never before been suggested, and will have to be litigated in full.

The two hunters took their elephant and the scrimshawing was completed before the 2007 regulations came into effect, but the FWS wants to apply it retroactively as an *ex post facto* regulation against the hunters to push the envelope of forfeitures. We will post Conservation Force’s complex briefs in support of our motions to dismiss the seizure and forfeiture cases. See [www.conservationforce.org](http://www.conservationforce.org) under News and Alerts.

The cases may or may not effect the new narrower definitions of trophies under the US regulations first suggested by the anti-hunting, anti-sustainable use groups. We are putting it all into issue. For the time being, the International Affairs position is that any scrimshawing of elephant ivory (and most certainly any sculpturing) converts the sport-hunted trophy into a prohibited item that can’t be imported and also can’t be permitted for importation. It is now a banned item under the AECA even though the AECA was not referred to in the adoption of the

#### 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 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](http://www.wildsheep.org).

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new 2007 regulations.

There is more to this legal quagmire that we are endeavoring to work our way through. In the meantime, don't import scrimshawed trophy tusks because the tusks will be seized for forfeiture as contraband illegal to possess.

As this issue of Conservation Force Bulletin goes to press, elephant tusks have again been seized because they were screwed to stand up in a supporting base. The inspector, this time in Miami, seized the Botswana tusks for being “worked.” The screw attaching the base is the alleged work or craftsmanship.

This seizure is counter to a letter of clarification we have from the Division of Management Authority last year when tusks in stands were detained but then released in Houston. We should be able to get these released without Federal District Court litigation this time, but the saga of the regulations that were opposed so vigorously continues.

Worse, the Miami inspector seized an Appendix II lechwe skin because it was made into a rug for display or floor covering. Contradictorily, USF&WS has a published handout (nothing more formal) that skins made into rugs remain trophies and should be purpose coded as trophies. Everyone is confused, including Law Enforcement. For the time being it may be advisable to get your taxidermy work done in the US, not before, if it is a listed species.

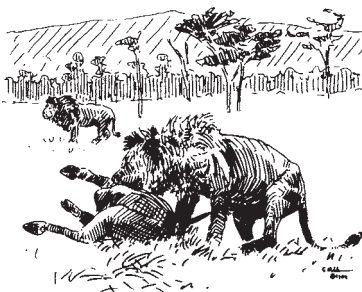
**Ox of Okavango Conservation Award:** The Professional Hunters Association of Africa has recognized Eric Pasanisi for his uncommon leadership in conservation of the African lion. They awarded him the prestigious Ox of Okavango Conservation Award and \$5,000. The funds are contributed by Triangle Bar Farms Corp./Fred P. Mannix. Eric in turn chose that the funds be directed to Conservation Force in support of more lion conservation efforts.

The Award Presentation was made to Eric by Charles Williams at the African Professional Hunters Association annual AGM in January and follows:

*Ox of Okavango Award  
In 2009, the safari hunting indus-*

*try faced a crisis. It was long past time for promised national lion action plans, yet there was not one in place in all of Africa. A campaign to uplist the lion to Appendix I of CITES at CoP15, then scheduled for January 2010, was brewing because of vulnerability arising from the total absence of national action plans.*

*One professional hunter stepped up to make the very first serious contribution to the necessary information gathering and development of national action plans. That initial contribution was \$20,000, followed shortly by another \$15,000, then another \$10,000. He also co-hosted a fundraising luncheon in Paris and persuaded others to contribute. All total he contributed more than \$50,000 in 11 months. His leadership*



*caused many others in APHA to follow suit. The funds and the demonstration of concern and commitment to the conservation of the African lion helped deter and discourage the threatened uplisting. The funds went towards development of action plans from Benin and Burkina Faso to Tanzania and Zambia. Those helped stimulate plans in Namibia and other countries. That individual PH and the nominee for the Ox of Okavango Award this year is Eric Pasanisi of Tanganyika Wildlife Safaris.*

I repeat that the work on the African lion is not complete. Perhaps a quote from Sarel van der Merwe, the Chair of the African Lion Working Group sets forth the immediate challenge:

*Although not satisfactory, indications are that the lion range countries are attempting, with greater or lesser*

*success, to draft and introduce national lion or large predator conservation strategies. The year 2010 will probably be the watershed for all lion range countries to finally prove their dedication (or lack thereof) to lion conservation.*

**Tanzania Professional Hunters Association Honorary Membership:** In January yours truly received another honor, this one for work on the African continent in Tanzania. It was the first honorary membership the Tanzania Professional Hunters Association has ever bestowed. The presentation was made by Luke Samaras at a special cocktail reception for the occasion.

The honor was based upon all the lion and elephant work Conservation Force has done in Tanzania as well as the many conservation-based partnerships within Tanzania. The history goes back to the original elephant import suit of 1992. Conservation Force partners in many field projects with Robin Hurt (Cullman & Hurt Community Wildlife Project - now Robin Hurt Foundation), Miombo Safaris (Miombo-Force), Legendary Safaris (Friedkin Foundation), Tanganyika Wildlife Safaris, and most recently Jack Brittingham's Tanzania Adventures, Inc. and associated Tembo Foundation.

The advocacy work speaks for itself, but it is important to understand the conservation partnerships with the hunting companies. Conservation Force puts its charity status to work for responsible PHs, operators and their clients. We act as a conduit for donated funds directed to select projects and programs that maintain the wildlife and habitat in the hunting concessions. That is one of the reasons Conservation Force was the leading hunting-based organization and the 19<sup>th</sup> of over 280 ranked non-governmental organizations in all of Africa for three consecutive years, putting the most on the ground and across the largest number of countries. It is a user-pay system that is growing and is working for the good of everyone and the things we all care for so dearly. The continuation of our wildlife and our outdoor heritage is too important to leave to chance or accident. – John J. Jackson, III.