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**“SERVING THE HUNTER WHO TRAVELS”**


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*“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

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**SPECIAL REPORT**

**News Analysis**

**Markhor Import Denial  
Raises Big Questions**

**A**t CITES COP12 the Parties enlarged the quota for Pakistan markhor from six to 12 per annum for the express purpose of expanding that world-renown community-based conservation program to other village areas because of its great success. Conservation Force responded by creating *The Other Markhor Project* to establish the importation of those markhor that did not need to satisfy the requirements of the US Endangered Species Act as permits for those also listed as endangered had been stalled within the USF&WS for more than a decade. The Kashmir and Astor subspecies (both flare-horned, not straight-horned) are not listed as endangered, thus importation of those subspecies only requires a CITES Appendix 1 import permit to be issued by the USF&WS. Until now, it was widely believed that the import of those not on the ESA would be permitted. After all, the USF&WS suggested

in a published proposal that it might even permit import of those listed as endangered.

After several years of work, we filed a test import permit application for a Kashmir markhor in March of 2006.

On June 6, 2007, the USF&WS denied the Kashmir trophy import permit filed by Conservation Force. The



denial raises and epitomizes many issues crucial to trophy importation today. It puts in doubt whether any markhor from Pakistan will ever be importable. It clearly demonstrates the bureaucratic impasse that the USF&WS has become because of its self-imposed rules and practices that directly contradict the Resolutions of

CITES governing the treatment of trophy imports. This is news of the worst kind because it applies to all trophies, not just markhor.

The sustainable use tourist hunting program in Pakistan is one of the most sophisticated and renowned in the world. It owes its existence to the world's leading wildlife conservation organizations that have used tourist trophy hunting as the ultimate tool for the conservation of markhor. It has been engineered by WWF-Pakistan, the IUCN's Sustainable Use Specialist Group and the United Nations Development Program every step of the way. Over more than a decade, those conservation NGOs and international entities have helped design and adopt both national and regional legislation applying the very best, state-of-the-art concepts.

The Convention on Biodiversity cites the markhor program in Pakistan as the single best example of “best practices” of sustainable use. CITES regales it and has increased the quotas from six to 12 in recognition of all that it stands for. Ironically, the USF&WS helped begin the program in the middle 1980s when it sent a team of experts -

including founding Conservation Force Board Member Bart O’Gara, Ph.D. of the USF&WS Extension Service - to Pakistan, who helped initialize the tourist hunting strategy. Many others have participated in the promising development. One key role player has been Shikar Safari Club International, which has supported the program for decades and even helped educate Dr. Mumtaz Malik, the Conservator of Wildlife for the Northwest Frontier Province. In recent years the O’Gara Foundation at the University of Montana has funded the education of Pakistan wildlife graduate students. In fact, the permit applicant in this test import permit, Wayne Lau of Hawaii, contributed \$5,000 to the O’Gara Foundation on top of the high price of his markhor hunt.

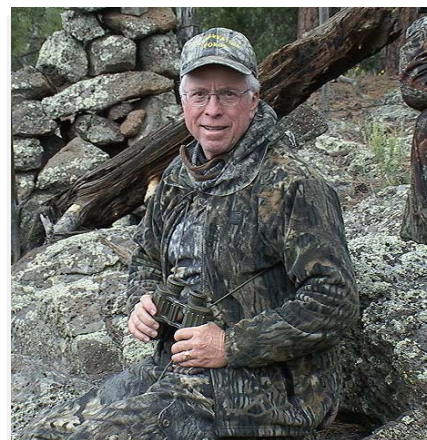
Perhaps the most renowned success is the Torghar Project in the Torghar region of Pakistan, where the community-based program is recognized and credited with bringing that markhor population from 200 to more than 1,500. That population is of the Suleiman subspecies, which is a so-called “straight-horned” markhor, which are all listed as endangered on the US Endangered Species List. Though the USF&WS after many years proposed import permitting of those trophies, the Administration has nixed it.

The model in the Torghar project is now law. A community-based program employing game guards and directing no less than 75 percent of the revenue to the local community is mandated across all of Pakistan, region by region. No tourist hunting is allowed without such a plan in place. In some instances, the local community receives 80 percent of the revenue, such as the Gaheret Markhor Conservancy where the Kashmir, flare-horned markhor was taken in this instance.

All markhor were listed at CITES COP 8 on Appendix 1. Pakistan at first opposed the listing, but was persuaded to consent when it was assured by England and Germany (who made the proposal without first consulting Pakistan) that it would not prevent trade in trophies, only commercial trade. As an

Appendix 1 listed species, commercial trade is prohibited, but trophy trade is allowed if the exporting country determines that the taking is not biologically detrimental and the importing country determines that the “purpose” of the importation is not detrimental. CITES has devised a method of eliminating that impasse by adopting an express Resolution that provides that quotas adopted by the Parties at a COP satisfy and fulfill the requirements of making both of the non-detriment determinations. Moreover, the Parties specified a quota for Pakistan at one Conference of the Parties and later increased it. In addition to those actions, the CITES Parties amended Resolution 2.11 (Rev.) at COP 9 to provide that the biological non-detriment determination made by the exporting country that is in the best position to make biological findings should ordinarily be accepted by importing countries. The USF&WS does not honor any of those Resolutions. In fact, it has pending internal regulations that will expressly authorize it to disregard the quotas set by CITES and the non-detriment determination of the exporting nation as a matter of course. Conservation Force and its allied organizations filed an opposition comment to those self-imposed regulations with the Office of Management and Budget within the prescribed earlier time period that such an opposition had to be made to that office. Apparently, that opposition with OMB has succeeded for the moment, as the USF&WS expected OMB approval months ago but it has yet to clear OMB. Regardless, the two Divisions of the International Office of the USF&WS, the Division of Scientific Authority and the Division of Management Authority, have their longstanding agenda that works as a bureaucratic impasse even in the case of the markhor.

In a similar import denial in May, Conservation Force orally argued the final appeal of the Mozambique elephant import permits that have taken eight years to process and, of course, have been denied every step of the way. In this instance, the markhor permit had been pending for more than one



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year because the Division of Scientific Authority of the USF&WS insisted upon making its own duplicative biological findings to determine for itself if the purpose of the import was non-detrimental.

The procedural difficulties in that part of the service have become a barrier to trophy importation by themselves. That part of the service does not envision itself to be a service. It is a regulatory agency being asked to permit an activity that is not to be favored or facilitated and has said so. It has assumed information-gathering obligations and responsibilities that it then treats as a “low priority” and has little will or intent of fulfilling. It is then inept at collecting the information and uncommunicative with the permit applicant and/or his legal representative. In this case, the service sent a list of questions to a blind email address, not to any particular individual, and without any response. We had to inquire to learn of that hold-up and had to make several requests to get a copy of the questions and related e-mail particulars – all of which the service was reluctant to provide. Once we uncovered the problem, the permit applicant was able to furnish the name and address of the intended recipient in Pakistan. When the service received the response from Pakistan, it did not share that fact with the permit applicant, did not provide the applicant any opportunity to provide additional information and did not send any additional inquiry to the authorities. It denied the permit because it was “unable to determine that the importation... will be for purposes not detrimental to the survival of the species.” When we learned of the response, we wrote and asked what more was necessary, but the permit had already been denied, unbeknownst to us. To top it off, in this denial, the Service stated it “cannot consider any additional information beyond that submitted in the original permit application,” yet the federal regulation it attached to the denial expressly states that a request for reconsideration “shall (include) any new information or facts pertinent to the issue(s).” The Service decides what the

issues are when it denies a “pioneering” permit like this one, but it recently has started requiring the permit applicant to start the permitting process from scratch with all the attendant delays without the ability to even clarify the issues through the reconsideration process.

The actual reason stated for the denial is itself perplexing. The Service was “unable to determine that the importation of a sport-hunted Kashmir (flare-horned) markhor (*Capra falconeri falconeri*) trophy harvested in Gaheret Markhor Conservancy, Gaheret, Pakistan, in March 2006 will be for purposes not detrimental to the survival of the species... due to lack of specific scientific information available on the current biological and management status of flare-horned markhor in Pakistan.” Do all of Pakistan’s



markhor have to be saved by hunting before any of them can be? If so, it is doomed to failure. Everything must be done in steps. Frankly, at this point, we don’t know what this means since Pakistan has one of the best-managed and most studied markhor subspecies in the world. One thing is certain: Its survival is dependent upon the community-based program that the US permitting process is retarding.

Conservation Force is not filing a new permit or starting all over again. Instead, we have administratively appealed the denial (request for reconsideration) and we are furnishing what new information we could gather in the 45-day deadline for requesting reconsideration. We will continue to collect and supply new data addressing the issues we are able to identify and will use the appeal process to clarify the

issues. It is detrimental not to issue the permits and inconceivable that 12 permits in all of Pakistan could be detrimental.

We’ve been down this road before, but it has become worse than ever. This is likely to end up being the federal court case to challenge the service’s new proposed internal criteria for implementing CITES that is contrary to all the relevant CITES Resolutions. We need your support. Tax-deductible contributions can be made by check or credit card by mail (P.O. Box 278, Metairie, LA 70004-0278); or at: <http://www.conservationforce.org>.

#### SPECIAL REPORT

### News... News... News Documentaries Offer “Image” Opportunity

**H**unters know that they seldom get a positive image in mainstream feature films or TV, which hurts their image among non-hunters. Just how to change this is not easy or clear. That is one of the reasons why James Swan is on Conservation Force’s Board of Advisors. Here are two new opportunities he has created to change prevailing negative stereotypes. You may invest or contribute to them directly; or you can make a tax-deductible education donation through Conservation Force (<http://www.conservationforce.org>).

• **Major Theatrical Documentary - *Armed Angels of the Wildlife Wars*:** Poaching is a serious problem in Africa, and the people who seek to curb it are an extremely dedicated group of fearless rangers who daily put their lives on the line dealing with organized crime, political rebels, terrorists and starving people trying to kill game for money and food. The wildlife management policies of countries have a direct bearing on the success of the anti-poaching patrol rangers. Nowhere can this be seen better than by comparing Kenya and Tanzania.

Kenya has prohibited sport hunting for 30 years, during which time the country’s wildlife population has declined 2/3 due to poaching and habi-

tat loss. Other African nations like Tanzania that allow regulated sport hunting enjoy thriving wildlife populations, decreased poaching and major revenue streams that directly benefit local communities. Sport hunting recruits local communities to conserve wildlife, and it also puts more money directly into the hands of local communities than eco-tourism, a fact that is not well-understood by most people. *Armed Angels of the Wildlife Wars* is a frontline, action-instilled, globally attractive 90-minute theatrical quality documentary shot by a Hollywood cast and crew to explore first - Kenya's resistance to allowing sport hunting to its detriment socially, politically and environmentally, and second - the success of Tanzania's pro-sport hunting course.

The documentary is being produced by Uncommon Dialogue Films ([www.udfilms.com](http://www.udfilms.com)), whose CEO is actor/producer Patrick Kilpatrick ([www.patrickilpatrick.com](http://www.patrickilpatrick.com)), who has appeared in over 100 feature films such as *Minority Report*, and *Replacement Killers*, and TV shows including recently *24* and *Criminal Minds*. Serious investors should e-mail events@udfilms.com; or write: Uncommon Dialogue Films, 570 North Rossmore Ave, Suite 203, Los Angeles, CA 90004. To make a tax-deductible contribution, send your donation to Conservation Force.

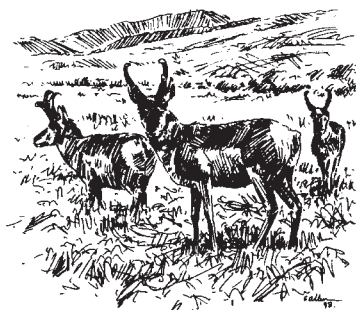
• **Major Documentary for Public Television – *Endangered Species: The Fish and Game Warden***: There are 700,000 sworn peace officers in the United States, 7,000 of whom are state game wardens. Few non-sportsmen know anything about wardens who are the frontline of conservation, as well as leaders in search and rescue (witness the Katrina disaster), environmental education and homeland security.

Author/actor/producer James Swan, Ph.D. is producing a 56-minute documentary – *Endangered Species: the Fish and Game Warden*. The documentary will encompass the entire US, but California fish and game wardens are the primary focus.

The plight of the wardens is worsened by the fact that organized crime

rings are setting up marijuana plantations and meth labs in wildlife areas and wild areas. Last summer, a California Fish and Game Warden was shot and seriously injured on a bust of a marijuana plantation. There also have been occasions of wardens discovering groups training with automatic weapons in remote areas, including one that may have been a terrorist cell.

Wardens normally work alone and without backup in remote areas. They



are three times as likely to be killed by gunfire as a California Highway Patrol officer, and earn half the pay. For more details see Swan's recent ESPN column about a takedown of an illegal caviar ring. [http://sports.espn.go.com/outdoors/fishing/news/story?page=Calif\\_Caviar\\_Caper](http://sports.espn.go.com/outdoors/fishing/news/story?page=Calif_Caviar_Caper)

This documentary will focus on what wardens do and the lifestyle they

have to maintain to do it. It will have a celebrity host. A three-minute trailer may be viewed at: <http://www.jamesswan.com/snowgoose/cp.html>. Or at: [www.youtube.com/snowgooseprod](http://www.youtube.com/snowgooseprod)

Swan has letters from the California Fish and Game Wardens Association and the head of DFG's Law Enforcement Division stating that they will work with him in any way possible to make this documentary happen. He is the only person who has been given this degree of support to document the wardens and their needs.

This documentary has both short-run and long-run values. 1.) Immediately, it will help the California wardens in their quest for more funding, which will help conserve California's wildlife resources. 2.) In the long view, through major airings on television and before large groups, and DVD's distributed to schools and libraries, it will educate the general public about who wardens are, what they do, and their importance to conservation. It will go on helping the wardens and conservation for many years to come. And it will show how wardens and sportsmen work together as conservationists. After all, sportsmen and women provide more support for wardens than all others in society combined.

Swan wrote and hosted his first documentary in 1970 for the University of Michigan. He has since been a writer/consultant and on-camera guest for NOVA, *Sightings*, *Ancient Mysteries*, *Modern Marvels*, and ESPN. He has also written over 60 outdoor TV shows that have aired on the Outdoor Channel, Versus, Fox-Sports and Spike. Shows he has written have been nominated for six Outdoor Channel Golden Moose Awards and won one. For more about Swan go to: [www.jamesswan.com](http://www.jamesswan.com).

To date, the California Wardens Association and California Waterfowl Association have contributed to this project. Contributions via Conservation Force are tax-deductible. Net proceeds arising from this production will be shared with the California Game Wardens Foundation (<http://www.thegwf.org/>) that supports wardens and their families. – *John J. Jackson, III.*

### 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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