



## “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

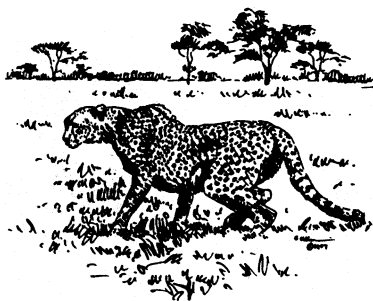
#### DATELINE: NAMIBIA

#### News... News... News

#### “Compacts” Invalidated: Big Setback For Cheetah

**T**he Namibian Professional Hunters Association has invalidated the Cheetah Compacts. This is in response to the US Fish and Wildlife Service’s (USF&WS) long failure to accept compacts as “enhancement” to permit import of cheetah trophies. The compacts came into existence seven years ago to provide direct revenue for cheetah conservation. The “consideration” for the compacts was the expectation that the USF&WS would treat them as enhancing the survival of the species. That in turn would permit the authorization of the import of the trophies. The compacts were written agreements by land-owners, landholders and professional hunters stating that: 1.) They would not kill cheetah indiscriminately; 2.) They would only take adult males (not cubs or females); 3.)

They would count the cheetah they observed and maintain that number; 4.) They would charge a price to hunt cheetah that was no less than that for lion and leopard to provide the animal “game animal status”; and 5.) They would collect from hunters an extra surcharge of \$1,000 (Namibian) for each cheetah actually



taken. The N\$1,000 was to be pooled and used exclusively and directly to fund cheetah conservation in Namibia.

Nearly 200 Namibians signed the compacts, which covered 70 percent of the safari-hunted land in the country. The Ministry adopted the com-

compact agreement as part of the country’s Management Plan. The compact was made part of the formal Cheetah Conservation Strategy of Namibia when it was drafted. The USF&WS even acknowledged that the compact was of some benefit by its statement that it would be desirable to have the many conservancies that have been formed in Namibia in recent years also sign the compact. Nevertheless, the USF&WS never would authorize any of the dozens of cheetah trophy import permits that have been filed and have been in waiting for up to seven years. The compactees rightfully felt that seven years was long enough to wait.

There has been a CITES quota for the export and import of cheetah trophies in Namibia since 1992. It was set at the 8<sup>th</sup> Conference of the Parties by unanimous consent of all the parties. The quota was created because of the widespread belief in the conservation world that the species would benefit from being treated as a regulated, trophy game animal rather than simply as protected vermin. Unfortunately, the cheetah is

also listed as “endangered” on the US Endangered Species Act (ESA). Nevertheless, the ESA expressly provides that the Service may allow the taking (import) of endangered species when it “enhances” the species in the wild. The USF&WS has regulations to implement that provision of the ESA that likewise explicitly provide that the Service should allow the harvest (import of trophy) if the activity benefits the species. The compact was the first of a long list of simultaneous hunting-related activities that have benefited cheetah, but all of it to no avail.

As a public service, our private law office that has since evolved into Conservation Force filed test import permits *pro bono* and even a *pro bono* ESA downlisting petition. The downlisting petition was denied after five years on the basis that Namibia’s long-standing and widely accepted population estimates did not satisfy USF&WS rigors. Adding to the insult, the USF&WS cited *ad nauseam* the comments by anti-hunting organizations in its Final Rule denying the downlisting. To the Namibian reader, the USF&WS gave equal or greater weight to those agenda-driven know-nothings which further insulted Namibia. To quote one Namibian ministry official, “Can you imagine (as the USF&WS suggests and presumes) that we would really allow our own cheetah to be jeopardized if they downlist them or were to allow US trophy imports?”

The initial permits we filed have also been denied. In the Reconsideration process, which we then filed, Namibia reduced its quota far below that set by CITES, at which time the Office of Scientific Authority (now called Division of Scientific Authority) approved the permits. The quota reduction was done solely to satisfy the USF&WS so that the imports would be allowed. No such luck. Unfortunately, the other division, the Office of Management Authority, still denied the permits. We were told at the highest level that it was really a policy consideration, not any insufficiency of the permitting infor-

mation. We were also told that the permits were the best ever submitted for the purpose of importing an endangered species taken via tourist hunting in the wild. The denial is on appeal.

Though the Service has 90 days to respond to an appeal, it has not done so in this instance for years. At first it requested consensual extensions of time. Then the Director of Fish and Wildlife asserted her special authority to extend time periods until that too stopped. Since then, the time has just run without formal explanation. Consequently, the Namibians stopped believing that the USF&WS was acting in good faith long ago. The recent denial of the downlisting petition insulted and antagonized Namibia and confirmed the futility



of our combined efforts. For years those who had executed the compact were charging their hunting clients more than those who had not signed the compact. Those who did not sign the compacts who had clients from other than the US were then in a better competitive position. They did not surcharge their clients and their clients could bring their more inexpensively acquired trophies home with them in every instance. To no avail we advised the USF&WS leadership many times of the inequity to those professional hunters (as well as their clients paying the higher charges and surcharge) who had signed the compact unless the Service granted the import permits.

The long passage of time convinced those who burdened themselves with the compact obligations that dealing with the USF&WS was

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futile. The underlying consideration behind the compact had failed. At the December 2000 Annual General Meeting, the Namibian Professional Hunting Association passed a resolution “invalidating” the compact that Dr. James Teer had negotiated with them years before. Nearly all of the professional hunting associations of Southern Africa have executed a protest letter and presented it to Conservation Force for delivery to the USF&WS, Congress and the New Administration. It is signed by the Botswana Wildlife Management Association, Namibian Professional Hunters Association, Professional Hunters’ Association of South Africa, Zimbabwe Professional Hunters and Guides Association and Zimbabwe Wildlife Tourism Advisory Council. The letter states that the “Southern region of Africa disagrees with the USF&WS,” requests the US to “reconsider” its “position” and states that “the US’s position is actively aiding the indiscriminate killing of these animals.” It states that “based on practical field knowledge . . . [t]he only reality in existence in Africa that can safeguard our wildlife is if it pays it stays.”

The “Catch-22” in all this is, the ESA listing itself is the greatest threat to this species. It reduces its value, relegates it to vermin instead of game animal status and deprives landowners of an important and proven conservation incentive. CITES provides adequate protection for the cheetah today. So does the Ministry of Namibia, as would the landholders themselves if the cheetah was downlisted and imports were allowed. Compounding its error, the Service did not give any credit whatsoever in its Final Rule denying the downlisting to the increase of habitat and prey for cheetah caused by hunting-related game ranching activities.

I have just returned from attending the 16<sup>th</sup> Animals Committee of CITES. The meetings are held approximately once a year. This one was held at the USF&WS’s National Conservation Training Center in West Virginia on the 10<sup>th</sup> through 15<sup>th</sup> of December. It was dominated by anti-hunting and protectionist organizations as usual. That included Greenpeace International and Greenpeace, International Fund for Animal Welfare (IFAW), International Wildlife Coalition (IWC), World Society for the Protectors of Animals, Animal Protection Institute, Animal Welfare Institute, Defenders of Wildlife, Environmental Investigation Agency (EIA), The Fund for Animals and the Species Survival



Network (SSN). The Species Survival Network is a network of over 30 of the staunchest anti-hunting and protectionist organizations that have formidably combined together.

The Humane Society of the United States (HSUS), Humane Society of Canada and Humane Society International (HSI) were all present. The HSUS and HSI were expected to be excluded because of a Notice from the CITES Secretariat that they had participated in spreading false information against party nations accusing Namibia and Zimbabwe governments themselves of illegal ivory trade. Sue Lieberman, Chief of the U.S. Fish and Wildlife Service’s Division of Scientific Authority, persuaded the Chairman of the Animals Committee to change his mind to permit the HSUS attendance. In fact, she pretty much befriended all the antis throughout the meeting and even for-

mally introduced their documents under the auspices of the US Fish and Wildlife Service submissions. She appears to be their champion, and the antis know they have a friend in high places. Incidentally, the HSUS is also attempting to improve its image. It circulated ink pens and distributed literature on establishing backyard habitat for wildlife. Nevertheless, the predominant literature of the antis distributed on the information tables was material on the bear parts trade.

The antis also held a seminar on the bear parts trade. In their presentation, they exaggerated the effect of the trade on North America and called for a halt to the captive bear breeding program in China that is directed toward the milking of the animals for bile. They claimed that the captive-bred bears in the Chinese program spend their lives in small cages, which simply is not true. What I have witnessed is the bear entering a confining cage voluntarily to eat melon for only a few minutes and not showing any awareness of being milked of a small measured amount of bile before being turned back out. A confining cage is used usually only for a short period and for the bears’ own protection while they are being milked. I questioned the speakers during the program as to whether they found any such facility in China acceptable. They explained that they did not and could not as a matter of principle. A CITES representative of China, on the other hand, stated that bile had been used in China for more than 2,000 years and that the bear farms were largely meeting the market demand, thus sparing the bears in the wild, which the government felt were increasing in numbers. I spoke with TRAFFIC U.S.A., which monitors trade of CITES species for the CITES Secretariat. They confirmed that the bear parts trade is not significant in North America and is not affecting our bear populations. A new TRAFFIC report is to be published in January that reflects an increase of over 100,000 bears in North America and wholly refutes the exaggerated representations of

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## “Serving The Hunter Who Travels”

the antis that the US and Canada need new national legislation, overriding state and provincial authority, to protect bears. Nevertheless, the antis have announced that they will again have national bear legislation reintroduced in the US Congress during the next session (the bills were called S.1109 and H.R.2166 in the last session). Our underlying concern is not the status of the bear, which is stable and/or increasing to the point of being a problem throughout North America. Our concern is what will be next if national legislation is passed to control trade in bear gallbladders and bile because of its medicinal use. Why are the antis working on this so vigorously and sparing no expense to gain this foothold?

The antis have used the CITES Animals Committee as their launch pad to strategically build up the number and kinds of species on the “Medicinal Trade List.” Imagine what the fu-

ture may hold. More species will become listed under the provisions of CITES and the ESA, solely on the basis that they are “look alike” in



the medicinal trade. Both CITES and the ESA have explicit provisions that permit listing species that are “look alike.” The ground-up horns and bones of tigers are not distinguishable from deer at border inspections. Just like bile, every animal will be claimed threatened that has a bile or

a horn, or even a bone. It will be claimed that we need uniform national (federal) legislation to protect each and all antlered animals. All ground-up antlers, horns and bones look alike and all are in medicinal trade. Endless opportunities abound for the antis to add species to the CITES and ESA lists and to promote federal legislation to retard or prevent the transportation of trophies and the use of wildlife. All black bear in North America have already been listed on Appendix II of CITES solely on the basis that one of their body parts (gallbladder) was similar in appearance to the bladder of one species of Asian bear that was thought to be threatened by the medicinal trade on the other side of the world. The antis have since used that CITES listing as justification for legislation at the national level in Canada and the US. The same logic could apply to deer.

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### Briefly Noted

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**How to Access Aerial Photographs:** Up-to-date digital maps, aerial photographs and satellite imagery are available free of charge on the internet. In almost all cases the aerial photographs and satellite images are more up-to-date than any topographic maps available anywhere. You can compare them because zoomable topographic maps are available at the same site to aid you in finding the location you wish to view. Most of the aerial and satellite images have been taken within the past two years and will hereinafter be maintained at five-year intervals. Nothing compares in ease of access or in accuracy and imagery. Small items such as the Statue of Liberty can be isolated. You can print out pictures of your hunting camp, fishing hole, area you are going to hunt or even your home. The average home appears about ½-inch in size and in enough detail to see sidewalks and parked vehicles. All of the US is covered, plus some other parts of the world. The address is <[http://](http://ask.usgs.gov)

[ask.usgs.gov](http://ask.usgs.gov)>. Go to “Maps and other products.” Click on “Aerial.” Then start at “View aerial photo images on line.” That displays a map of the world. First, you home-in to the

area you want on the map. A sidebar gives you the date of the most recent aerial photographs and satellite imagery and provides access to them. Once called up, you can zoom to your heart’s content, as well as move to all surrounding areas.

#### Conservation Force Sponsor

The *Hunting Report* and Conservation Force would like to thank International Foundation for the Conservation of Wildlife (IGF) for generously agreeing to pay all of the costs associated with the publishing of this bulletin. IGF was created by Weatherby Award Winner H.I.H Prince Abdorrezza of Iran 20 years ago. Initially called The International Foundation for the Conservation of Game, IGF was already promoting sustainable use of wildlife and conservation of biodiversity 15 years before the UN Rio Conference, which brought these matters to widespread public attention. The foundation has agreed to sponsor *Conservation Force Bulletin* in order to help international hunters keep abreast of hunting-related wildlife news. Conservation Force’s John J. Jackson, III, is a member of the board of IGF and Bertrand des Clers, its director, is a member of the Board of Directors of Conservation Force.



International Foundation for  
the Conservation of Wildlife

**New Names and E-Mail Addresses For International Affairs Offices:** Recently, the US Fish and Wildlife Service’s Directorate decided to rename its three “offices” within the International Affairs Program. The Office of Management Authority has been renamed the Division of Management Authority (DMA instead of OMA); the Office of Scientific Authority has been renamed the Division of Scientific Authority (DSA instead of OSA); and the Office of International Affairs has been renamed the Division of International Conservation (IC). (Underlining emphasis added.) The new e-mail address for the three divisions are: DMA=fw9ia\_cites@fws.gov; DSA=fw9ia\_dsa@fws.gov; IC=fw9ia\_dc@fws.gov

## **MEMO**

To: Jim Young, Print N Mail  
From: Aymara Hernandez, The Hunting Report  
Re: January 2001 Issue of Conservation Force Supplement  
Date: December 21, 2000

Jim,

Here's the January 2001 issue of the Conservation Force Supplement to be inserted in The Hunting Report. Don't forget to insert John Jackson's picture on page 2. Please fax "blue lines" for approval A.S.A.P.

Print run is coming. Please ship all overs as usual.

Please call me if you have any questions.

Aymara