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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

#### Legal Matters Update On The Argali Lawsuit

**T**he animal rights coalition that brought the suit to stop all import of argali trophies into the US has already amended the suit twice. The first amendment clarified and emphasized their claim that the clause in the Endangered Species Act (ESA) that prohibits the domestic hunting of animals listed as “threatened” should also apply to import of foreign species. Simply put, they are claiming that the US Fish and Wildlife Service should not be authorizing the import of trophies of argalis that are listed as “threatened” any more than it can permit the taking of grizzly bear or wolf within this country that are listed as “threatened.” More precisely, they claim that import of trophies should only be allowed in the “extraordinary case where population pressures (of that animal species) within a given ecosystem cannot otherwise be relieved.”

In plain language it would mean

you can't import any species listed as threatened unless the trophy is documented to be from a population that is above biological carrying capacity and can't be reduced by birth control or any other alternative. This language is taken from the ESA itself and is commonly called the “Extraordinary Case Exception.” It never has been applied to foreign species.



The Fund for Animals long ago convinced the federal courts that the clause all but prohibits the hunting of animals listed as “threatened” within the US. If they succeed with this point, which they have emphasized in their amended suit, the import of all “threatened” animals such as leopard, crocodile and elephant

would no longer be legal.

The second amending petition deleted the Humane Society of the United States (HSUS) as a plaintiff. The HSUS dropped out of the suit to prevent the Judge from recusing herself from the case because she had donated to them at least once in the past. The Judge called a conference to disclose that she had donated to HSUS and would recuse herself if the defendants or interveners filed a motion on that basis. We immediately filed a motion to Recuse the Judge, but HSUS hastily withdrew from the case in anticipation of our filing. That worked for them, as the Judge then did not recuse herself as she said she would if we filled a motion to have her recuse herself.

The facts that unfolded are that the Judge had made at least two personal donations to HSUS over a 10-year period, which means she probably received HSUS's *War on Wildlife* literature that attacks sport-hunting, as that material is customarily sent to all members/donors. The group's other literature is innocuous pet-related material that solicits donations. That is what the Judge said she received. Regardless, the coali-

tion of antis want this Judge enough for HSUS to withdraw from the case. The Fund for Animals and Earth Island Institute have appeared to be the lead plaintiffs from the inception of this suit and continue to be.

The litigious Fund for Animals has a vehement agenda to stop the hunting of all threatened species. The Earth Island Institute helped lead the charge to list argali on the ESA a decade ago.

Yours truly is representing a coalition of the world's leading sheep conservation interests, including Foundation for North American Wild Sheep, OVIS-Grand Slam Club, Mongolia's Ministry, Conservation Force and others through intervention. We have since been authorized to file an intervention on behalf of the Ministry of Tajikistan, Kyrgistan and others, but we are waiting for the Court's action on the pending interventions we have already filed before proceeding. The new interveners can take a different tack should the present interventions be denied entry into the case. The Wildlife Legislative Fund of America and Safari Club International have also filed a motion to intervene. Their intervention has not been granted by the Judge as of this time.

The Fish and Wildlife Service has filed a multi-part motion to dismiss most of the suit. Memorandums are going back and forth on that motion as I write this. A point deserving of a side note has become obvious from the legal memorandum of the coalition of antis. It is important that hunters provide the service written accounts of the argali they see when on their hunts, evidence of conservation efforts they witness in the field and other observations from their hunt. Their permit requires this within 30 days of the importation of their trophy! Those who have not filed the proper report may lose their trophies. To quote the plaintiffs, they “challenge each of the specific permits for argali imports which are currently pending, and seek relief as to those, and future permits for the importation of argali.” They claim that

past permits for trophies that have already been imported remain open and “pending” until the hunter properly files the written report of observations that the import permit requires him to file. Be forewarned, it is a condition of the permit.

**DATELINE: VIETNAM**

**News... News... News  
Latest On That CITES  
Committee Meeting**

**T**he Animals Committee of CITES held its 17<sup>th</sup> meeting (AC 17) in early August in Hanoi, Vietnam. There is to be one more Animals Committee meeting (AC 18) in April 2002 in final preparation for the 12<sup>th</sup> Conference of the Parties. The 12<sup>th</sup> Conference of the Parties (COP12) is set for November 4 through 15, 2002 in Santiago, Chile.

I attended the Animals Committee meeting in August as I have for a decade. Conservation Force is a registered Non-governmental CITES Observer, and I am personally a Qualified Animals Committee Observer. Recently, attendance has become more restrictive. In short, we have had to jump through hoops to attend as others have. The Antis are forever present as “Qualified Observers” as well. They are outspoken at the meetings though their real agenda is generally kept concealed. They are always trying to make inroads against the use and trade of wildlife, though under the guise of precaution to avoid risks of excess exploitation and greater enforcement of the regulatory terms of CITES. The Humane Society of the United States (HSUS), Humane Society of International (HSI), Canadian Humane Society (CHS), International Fund for Animal Welfare (IFAW), Environmental Investigative Agency (EIA), International Wildlife Coalition (IWC), Born Free Foundation, Animal Welfare Institute (AWI), and the network they formed of all of them, the Species Survival Net-

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work (SSN), regularly attend as Qualified Observers. They backed into their shells at this meeting for several reasons.

The Chairman of the Animals committee, Dr. Marinas Hoogmoed of the Netherlands, is screening out most policy and non-scientific matters. It is suppose to be a “scientific” meeting. Even more significant is the resignation of Dr. Susan S. Lieberman from her position as Chief of the US Fish and Wildlife Service (USF&WS) Division of Scientific Authority. She left the Service in July to join World Wildlife Fund in the United Kingdom. The antis had become really brazen as Lieberman’s role on the CITES Animals Committee grew.

Lieberman had been an employee of HSUS in charge of CITES matters before she joined the staff of USF&WS. Conspicuously, no new hunting-type permits were authorized by the USF&WS Division of Scientific Authority while Lieberman was director, though we had many pending. Her replacement has not yet been selected by the USF&WS.

The Animals Committee actively reviews the trade of species listed on Appendix II to determine for itself whether the trade is detrimental to the species. The Committee members then make recommendations to the Standing Committee of CITES based upon the review. This past June, the

Standing Committee at its 45<sup>th</sup> meeting recommended to the 154 Parties of CITES that hippopotamus imports not be allowed from the Democratic Republic of the Congo, Malawi, Rwanda or Tanzania unless certain conditions are met. As I write this, it is not clear if Tanzania has timely met the information conditions set for it. Hippo trade has been under review because of concern that its teeth may become an African el-



ephant ivory substitute. If you have trouble importing your hippo trophies from Tanzania you will understand why, although as of this writing, the suspension has not been implemented to our knowledge.

The Standing Committee has also suspended all trade in Saiga antelope in the Russian Federation and Kazakstan. This too arose from the Animals Committee review process. At the next Animals Committee Meeting and the next Conference of

the Parties, this whole review process, called the Significant Trade Review Process of Appendix II Species, will itself be under review. It is an important item that demands our attention.

The Animal Committee is also reviewing species that are listed to see if they qualify to be listed under the relatively new listing criteria adopted at COP 9 at Fort Lauderdale. At this meeting, the AC working Group decided by a clear majority that the peregrine falcon does not qualify to be listed throughout most of its range. It is now up to one or more Parties to CITES to propose its delisting at the next Conference of the Parties (COP12). You may recall that the USF&WS removed the peregrine falcon from the US Endangered Species List in August of 1999 and is monitoring the species, as required, for a five-year period following its downlisting.

Conservation Force wishes to thank Dallas Safari Club, Houston Safari Club, the International Foundation for the Conservation of Wildlife (Prince Abdorreza’s Foundation) and the Council for International Game Conservation and Management (CIC). These organizations shared the out-of-pocket expenses of Conservation Forces’s attendance at AC17. They are four of the 60 organizations that support Conservation Force for the public good.

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## Briefly Noted

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### Latest On Polar Bear Imports; License Revenue Figures Released; More....

**Baffin Bay Polar Bear:** The USF&WS long ago “deferred” approval of the import of polar bear trophies from the Baffin Bay region until there is a co-management agreement between Greenland and Nunavut, Canada. In late June, progress was made towards the establishment of that necessary co-management agreement. The Polar Bear Specialist Group (PBSG) of IUCN’s Species Survival Commission held its 13<sup>th</sup> meeting from June 23 through 28, 2001 in Nuuk,

Greenland. The PBSG meets every three-to-five years. This meeting could not have been more timely or in a better location. Representatives of the Greenland Home Rule Government and Nunavut (Canada) both attended.

At the meeting, Greenland announced new progressive and positive management improvements, including more credible polar bear population monitoring and establishment of formal hunting quotas. Both

of these steps had to be taken to break the impasse that had developed around the signing of a co-management agreement between Greenland and Nunavut. Importantly, at the meeting Greenland also recognized the importance of co-management agreements themselves. The meeting led to the Specialist Group passing a formal resolution supporting the initiative to establish co-management of the shared populations of polar bears between Greenland and Canada

in the Kane Basin, Baffin Bay and Davis Strait. The resolution includes a recommendation that Quebec/Makivik also institute a polar bear quota system that effectively regulates the take of polar bears, terms needed in any co-management agreement there. Conservation Force continues to work in Greenland for a co-management agreement to establish the import of hunting trophies from those shared polar bear populations. Incidentally, according to the PBSG, the current minimum population estimate for polar bears in the circum-polar Arctic is 22,000.

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**Polar Bear Import Permit Denied:**

Conservation Force continues to follow all polar bear developments, including the issuance or denial of every import permit. The USF&WS recently denied a permit to import a sport taken polar bear purchased in a succession sale. We did a Freedom of Information Request to understand why the Federal Register denied a permit to import a polar bear trophy taken in an area approved for import. It turns out that the hunter who took the bear died before importing his trophy. The permit applicant, a friend of the deceased hunter, purchased the polar bear from the estate to import it for his own private use. The Service denied the permit on the basis that the permit applicant had not “personally” taken the bear on a sport hunt and was not himself an “heir” of the hunter who had taken it. Only heirs of the personal hunter or the personal hunter himself can import a polar bear under the applicable regulatory provisions.

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**Sportsmen Provide \$1.15 Billion in License Revenue:** The USF&WS tracks the number of fishing and hunting licenses issued each year and what they cost. It needs the count to prorate grant funds between the states. The 2000 figures have just been completed. In 2000, there were 29.6 million fishing licenses sold to anglers, down from 29.7 million in 1999. Anglers paid \$490.8 million for those licenses, which is \$8.6 million

more than in 1999.

The number of hunting license sales were 15 million, down from 15.1 million purchasers in 1999. The revenue from the licenses (including tags, stamps and permits) was \$613.9 million, up \$33.7 million from 1998. Though both fishing and hunting license numbers were down a fraction of a fraction, the decreases are of no statistical significance. Both sports are considered stable.

The combined license revenue from hunting and fishing for the operating budgets of State Natural Resource Departments was \$1.105 billion. It is noteworthy that hunters contribute more than anglers, \$613.9 compared to \$490.8, even though anglers outnumber hunters two to one. That means hunters contribute more than twice as much per capita towards conservation.

License sales numbers are not a true count of the total number of sportsmen. The count does not include those under 16, or the growing number of sportsmen 65 years of age and older. It also does not include those hunters who still hunt, but who simply did not purchase a license that particular year. A more complete picture is expected in October when the National Survey that

is produced every five years is released by the USF&WS.

The total sum expended on licenses by sportsmen does not include the grant revenue State Departments of Natural Resources receive from the manufacture of firearms, ammunition, archery gear and fishing tackle. When combined with license revenue and averaged across America, it makes up 85 percent of the budgets of natural resource departments. Today, sportsmen contribute far more toward America’s conservation budget than all others in society combined, and that contribution continues to increase.

□

**UN Conference on Illicit Trade In Small Arms:**

The sportsmen of the world survived the recent UN conference on small arms but it was only the first step in what promises to be a long battle. Though the conference’s stated purpose was to eliminate illicit trade in all firearms, most of the conference’s participants showed little concern if lawful trade and ownership by sportsmen were compromised by the Action Plan. The interests of hunters who travel were particularly vulnerable to a blanket plan of action barring or restricting transportation of all firearms from country to country. One country demonstrated concern for our interest. The Bush administration saved us and was criticized for it around the world. But for the Bush administration, a storm of hurricane proportions would be upon us. As the Chairman of SCI’s Firearms Subcommittee and President of CIC’s Prochasse Task Force, I tried to scramble hunting organizations around the world to contact their UN delegate at the Conference to little avail. It was too much to do, too late. President Bush had to stand alone and did. Together with *The Hunting Report*, which has long served the hunting community on firearm transportation issues, and the NRA, SCI, CIC, Conservation Force and others are forming a coalition to better protect your interest next time around. – *John J. Jackson, III.*

**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

## **MEMO**

To: Jim Young, Print N Mail  
From: Leonardo Mocci, The Hunting Report  
Re: September 2001 Issue of Conservation Force Supplement  
Date: August 22, 2001

Jim,

Here's the September 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 4,600. Ship overs to us as usual.

Please call me if you have any questions.

Leonardo

**P.S. Please make sure that John Jackson gets his 25 copies.**