



“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: AFRICA

News... News... News...

Lion Campaign Kicks Off In The Nick of Time

There can be no pretense. In order to save African lion from being uplisted to CITES Appendix I, national action plans for lion conservation must be adopted. And hunters should rightfully have a seat in the workshops to develop those plans and be partners in their implementation.

I announced the campaign to complete those action plans in all four regions of Africa in the November 2008 *Conservation Force Bulletin*. That campaign has not fared well. Although action plans are finally being adopted over much of Southern and Eastern Africa (at least in draft form), not one has been even drafted in Central or Western Africa. That hole is big enough to sink the whole ship at the next CITES Conference of the Parties, CoP 15, in January 2010. Worse, the non-consumptive action plan adopted

by Kenya (apparently the very first plan drafted) is being touted as the model to follow in critical countries.

The necessary field studies in Central and Western Africa had to commence in the January/February dry season, else they could not be completed this year. Had Conservation Force not commenced those field studies and in-



stigated others, the hunting community would be going into the next CITES CoP (two CoPs since the last attempt to uplist lion) with too little product.

At the drop-dead point in time in the last week of January 2009, yours truly resorted to pleading and begging to make this happen. Five lion conser-

vation heroes from the safari hunting industry reached into their pockets and wired \$60,000 to Conservation Force. Imagine this in light of the state of the economy!

The heroes, in the order they donated, are: Eric Pasanisi for Tanganyika Safaris in the amount of \$20,000, Michel Mantheakis for Miombo Safaris in the amount of \$10,000, Danny McCallum for Danny McCallum Safaris Tanzania in the amount of \$10,000, and Raoul Ramoni in the amount of \$15,000. We were still \$5,000 short to commence the fieldwork in at least three of the four chosen countries. The International Professional Hunters Association, IPHA, came through with that \$5,000 only days after already providing Conservation Force with its annual \$5,000 supporting contribution, which is necessary for our operating/survival costs. That extra \$5,000 left IPHA practically no balance in its own operating account! These leaders and stewards of the hunting world reacted!

Within 24 hours of receiving the funds, the directors of wildlife in the respective countries and the lion authorities were informed, and the work

was initiated. The groundwork had months before been approved by the respective wildlife authorities, but everyone, including them, had nearly given up, as Kenya and protectionists started filling the vacuum.

Now that we have launched the whole project and hired the experts and vehicles necessary in three countries, the worry is that we need at least \$200,000 more by April. Approximately \$40,000 has come in or is promised in sums of \$50 to \$5,000. Conservation Force has taken nothing for itself, no out-of-pocket costs, no fees - *nothing*. This is a true crisis that must be addressed. In these lean times it must be done purposefully and smartly.

The lion authorities and conservation community have taken note of the extreme effort and importance of the initiative. The recognition of the safari hunting industry is having a positive effect that may save more than the African lion. If this was not such a serious crisis, it could be seen as an opportunity to demonstrate the caring role of the hunter. We thank you all so very much. You are indeed the heroes of African lion conservation!

DATELINE: NUNAVUT

**Polar Bear Update
Law Suit Sets New
Precedent On Listings**

On February 9th, Conservation Force filed an unprecedented suit against the unprecedented listing of the polar bear, case number 1:09-cv-00245 before Judge Emmett G. Sullivan in the United States District Court for the District of Columbia. The suit is 59 pages long and contains 238 paragraphs. It has taken months of work to draft and file, but raises issues that genuinely should overturn the listing of Canada’s bear. We think it can be a winner. The suit can be found on Conservation Force’s website at http://www.conservationforce.org/pdf/polar_bear_suit_PDF.pdf.

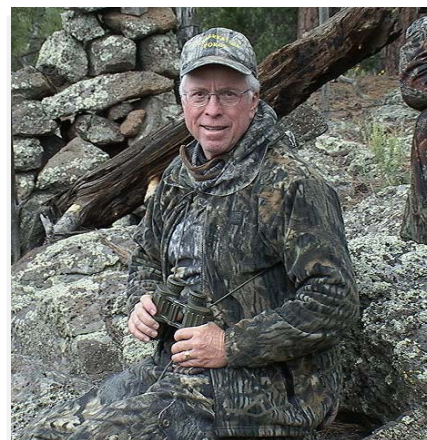
The suit is quite different than the many smaller suits that have been filed and consolidated before Judge

Sullivan in the District of Columbia. It only challenges the listing of the Canadian polar bear and its subpopulations within Canada. The theme throughout is the conservation of the bear itself and the conservation system that was the foremost in the world before the listing destroyed it. Contrast that conservation theme with the environmental concerns that the listing and special rule make no pretense to correct. It is a suit by the Inuits and other stakeholders, who are the true stewards of the bear, and we make that claim clear throughout the suit.

It is ironic that the conservation of the bear has been of little or no concern and that the USF&WS actually stated that the “efficacy” of the listing and Canada’s conservation program were “not factors to be considered” in the listing determination. How could anyone let that go unchallenged? This issue is up front in Conservation Force’s suit and makes the case the most important in international hunting history.

Understand, the importance of this case reaches far beyond the polar bear. The very concept of sustainable use and hunting as a rightful form of sustainable use and/or conservation is on trial. If the USF&WS can dismantle the Canadian conservation program that is acknowledged to be the best in the world by listing the bear over the objections of Canada and Nunavut while simultaneously acknowledging that the listing will not benefit the foreign bear populations or even curb global warming, something is wrong – hence our challenge on constitutional grounds. Even the ESA itself has an express provision that when listing foreign species the conservation programs of the foreign country must be taken into account but, true to past illegal practices, the USF&WS wholly ignored it. No, it did worse. It said it would not be considered.

Conservation Force is the only party to challenge the constitutionality of the irrational listing, perhaps because of our emphasis on the inefficacy and simultaneous harm to the bear arising from the listing. How can the USF&WS state that the efficacy of the



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“Serving The Hunter Who Travels”

listing is not a condition when it destroys the foremost program in the world half a century before forecasted declines? It is not rational. It violates the substantive “due process” clause. As an irrational act, it is not a legitimate reason to deprive American hunters of protected property interest. It screams to be challenged by those hunters deprived of their property and by the true stakeholders and stewards, the Inuits who have had their most valuable natural resource devalued to practically zero.

The Canadian plaintiffs that have joined with Conservation Force in the suit are the Inuvialuit Game Council (representing the whole of the Western Arctic, including the communities of Aklavik, Ulukhaktok (Holman), Inuvik, Paulatuk, Tuktoyaktuk and Sachs Harbour), Arviat Hunters and Trappers Organization, Resolute Bay Hunters and Trappers Organization, Louie Nigiyok d/b/a Arctic Hills Tour Company, Nanuk Outfitting, Ltd., Canada North Outfitting, Inc., Americana Expeditions, Inc., Webb Outfitting Nunavut, Ltd., Henik Lake Adventures, Ltd., and Joseph Verni d/b/a Natura Sport. More Inuits are expected

to join before the deadline for amending the suit. This is really their suit, and we are proud to represent these good people. We included them because they are the real stakeholders and stewards that live with the bear.

Dallas Safari Club, Houston Safari Club and the African Safari Club of



Florida have also joined in the suit as plaintiffs to ensure the conservation concerns and representation of US hunters. Twenty of the US hunters have been individually named as plaintiffs to ensure that the property interests of hunters are constitutionally protected. The hunters range from an 80-year old grandmother hunting on Mother’s Day

to a military officer hunting while on leave from Iraq.

The bad news is that there are dozens of lawyers on the other side being paid \$400 per hour or more (as reflected in recent attorney fee awards in related environmental cases). It took up to 25 or more e-mails every day for a month just to finish the preliminary scheduling order for the cases consolidated together in the D.C. Court. The case has hardly begun but is already requiring four hours a day of work. The administrative record is beyond compare. There are three records. Just the index to the one produced so far is more than 1,300 pages indexing hundreds of thousands of pages. One official told me on the side that it is already the biggest ESA case in history.

We here at Conservation Force are “married” to this suit for the next few years and handling it on a pro bono basis. We have already done that the past three years and produced the most comprehensive comments and number of expert reports. This will be the challenge of our lives, but it is time to fight or get out. It is not just a suit over the polar bear. We need operational support from everyone.

Briefly Noted

Admission to IUCN: Conservation Force has been admitted as a member of the International Union for Conservation of Nature, IUCN. It is also known as the World Conservation Union and the International Union for the Conservation of Nature. It is the world’s oldest and largest global environmental network with more than 1,000 government and NGO organizations and 11,000 volunteer scientists in more than 160 countries.

Conservation Force’s membership application has been pending for several years, and other organizations, such as Safari Club International, have been denied membership on more than one occasion. The admission process is difficult, as applicants must document that they are primarily conservation organizations. They must share the mission of the IUCN for a just world

that values and conserves nature. One’s mission must align with the IUCN’s to “conserve the integrity and diversity of nature and to insure that any use of natural resources is equitable and ecologically sustainable.”

The IUCN has a professional staff of over 1,000 in 80 offices around the world from Washington, DC, to its headquarters in Gland, Switzerland, near Geneva. It holds World Congresses every four years that go on for two full weeks or more. It works on literally thousands of projects in a framed global program. No one else can claim that. Its membership is made up of both governments (110) and the NGOs (over 800). It is an official observer at the United Nations General Assembly. It has major commissions, including the Environmental Law Commission; the Environmental, Economic and Social

Policy Commission; and the Species Survival Commission that itself has more than 100 specialist groups.

One of IUCN’s renowned specialist groups is the *Sustainable Use Specialist Group*. This group originated the modern concept of “sustainable use” that has become a household word today. Yours truly has been on that Group from its inception in the early 1990s, as have other Conservation Force board members. There is no doubt that the concept would not have the reach and effect it has if the IUCN had not been its birthplace. The importance of the concept of sustainable use, and hence IUCN, cannot be overstated.

As an individual, I’ve long served on a number of the Specialist Groups of IUCN, including the Antelope Specialist Group, Deer Specialist Group,

and Sustainable Use Specialist Group. You can't believe how well this has helped me serve you. Conservation Force Board Member Philippe Chardonnet is the Co-Chair of the Antelope Specialist Group and member of the Cat Specialist Group. The African Lion Working Group that Philippe and I serve on is an affiliate of IUCN's Cat Specialist Group and others. There is no doubt in my mind that the IUCN is one of the most important forums in the world, and our membership will help us further the conservation of wildlife and wild places even better.

This development coincides with the recent news that Conservation Force is truly one of the leading conservation NGOs in Africa. I previously told you about the study that documented Conservation Force as 19th from the top out of 280 expatriate NGOs operating in Africa and one of only a few operating in the greatest number of countries on the continent. With those credentials and the IUCN and Specialist Group memberships, we will be better able to serve all those that support what we do.

Polar Bear Enhancement Permits Denied Under MMPA: The seven test permits to import polar bear taken from the Gulf of Boothia under the “enhancement” exception of the Marine Mammal Protection Act have been denied. On February 2, 2009 the USF&WS's Division of Management Authority sent a single two page denial to the applicants and Conservation Force, which represents the applicants.

This enhancement method is the only possible remaining means of importing polar bear now that it is treated as “depleted” by operation of law under the MMPA. The Gulf of Boothia was carefully selected as the test permit location because it has a large, growing population that has been harvested below quota in the correct sex ratio and is in the belt of habitat that is not projected to melt in the next one-half century. Those facts can't really be disputed, so what went wrong?

First, the Service said “it is not evident that sport hunting actually reduces the number of bears taken from the set quota, nor provides a means to

contribute significantly to maintaining or increasing the number of polar bears....” “Further,” the Service said, “the applicant does not present information or provide evidence that the import of sport hunted trophies would be a factor addressed in a conservation or recovery plan for polar bear.” The enhancement activity must be the type or kind of thing that would be consistent “with the conservation (or) recovery plan adopted (or expected in such



a plan) for the species or stock.”

Of course, we did address those issues thoroughly, but will do so again in the reconsideration (administrative appeal) process. This population does not need a “recovery plan” and the “conservation plan” for a fact has long included hunting. It only needs to be a conservation “or” a recovery plan and obviously “recovery” is not called for. Moreover, the hunting provides the

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highest revenue and incentives to manage the bear sustainably and to stay within quota, to be selective in harvest (males over females) and generally to maintain the population because of its greatly enhanced value. If the permits were granted it would also act as incentive for other areas to better manage their bear to get and maintain permits from their areas as well.

Frankly, we are amazed at the difficulty the USF&WS is creating on this and other trophy import fronts. In the listing rule, they had to acknowledge the benefits of the sport hunting, but then they deny the benefits for these permits. And in the 9th Circuit Court of Appeals the government has just filed their brief in opposition to letting in the approximately 60 trophies taken the spring before the listing. Why? They have raised every possible procedural court rule and technical reason, while avoiding the real rights and conservation issues. It is shameful to hurt those hunters unexpectedly affected when the judge made the listing effective immediately solely because of the USF&WS's admitted violation of the non-discretionary deadlines for making a final listing determination. The hunters are being punished for the government's malfeasance. The same is true of the Center for Biological Diversity, which purports to be an environmental law firm. They have filed a 50-page opposition brief in the 9th Circuit to the importation of the trophies taken last spring. Why? What is to be gained?

It costs a great deal in attorney fees to oppose the singular request to let the trophies be imported. Depriving hunters of their trophies must be their agenda. Somebody does not like hunters. Yours truly wrote both the USF&WS and the CBD to back off of their senseless opposition, but they are fighting at full throttle against the import of those trophies already taken.

Please help us see this through. We need your support and the support of all those you know. Tax-deductible contributions can be sent to Conservation Force at PO Box 278, Metairie, LA 70004-0278; or online at www.conservationforce.org/donate.html. - John J. Jackson, III.