



“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: ENGLAND

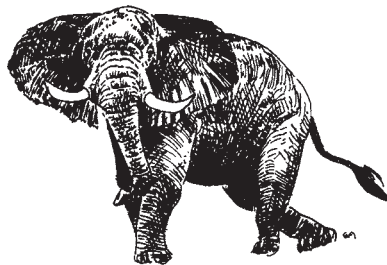
News Analysis

UK Meetings Focus On Hunting/Conservation

Two successive meetings were held in October at the Zoological Society of London that scientifically examined recreational hunting as a conservation tool and the development of hunting tourism to better serve wildlife conservation and the image of hunting. Both were epic meetings that should bring tourist hunting to a new level of recognition and broaden its use for resource conservation. Never has there been such a gathering of scientific experts focused on the positives and negatives, problems and solutions of tourist hunting. In both academia and the scientific arena, recreational hunting is on the radar screen as a force for conservation.

The first meeting was entitled *Recreational Hunting, Conservation and Rural Livelihoods: Science and Practice*. It was a symposium hosted by the Zoological Society of London and organized by the Sustainable Use Specialist Group of IUCN's Species Sur-

vival Commission. The IUCN is the largest and most respected conservation organization in the world. It was primarily funded by Conservation Force, Dallas Safari Club, Safari Club International and Sand County Foundation. The International Council of Wildlife and Game Conservation (CIC) and its Commission on Sustainable Use helped initiate and organize the symposium. The two-day program



showcased the foremost hunting-based conservation projects in the world which were presented by their scientific heads. It included scientific authors of studies on the impacts of tourist hunting as well as the benefits. Leading animal rights groups were even invited to grill the speakers. There

were more than 25 speakers and 230 attendees.

Every agenda item is worthy of a book if not a set of books. Several issues stand out. There was a numbing realization at one point that the best models demonstrating the best practices in the world, such as the markhor in Pakistan and the wood bison in the Yukon, are not sufficient to overcome the inflexible US Endangered Species Act and internal CITES regulations of the USF&WS. The best programs with the very best practices in the world go unrewarded and are actually held-at-bay by regulatory mechanisms and administrative practices of some regulatory agencies. It seems that best practices and science are not enough.

Two studies recently cited against trophy hunting were largely refuted in the question-and-answer sessions that served much like on-the-spot peer reviews. One was the *Ram Mountain Study* that is cited as the basis for concern that trophy hunting can cause genetic degradation. The presentation, but primarily the questions, brought out the fact that the area was not even trophy hunted (it was a subsistent hunt) and that the short-term drops in sheep body weight, horn size and offspring

followed a period of overpopulation and habitat degradation. Those drops persisted when hunting was closed. Moreover, there is no shortage of well-documented instances where managing for trophy sheep hunting increased body size and horn size, and improved the population. The study is an anomaly.

The misunderstanding arising from the *Hwanke National Park Study* on the impact of trophy hunting on lions was also cleared up in the questioning. It is a relatively dry lion habitat with a low-carrying capacity for lion prey. More significantly, females were on the quota and the local community had literally killed every lion that stepped out of the park for decades. That illegal removal of lion was far more significant than the regulated hunting offtake but was not even factored into the report analysis. With the institution of more governance, the lion population has almost doubled, so hunting is soon expected to be reopened.

The second meeting was a closed workshop of the Sustainable Use Specialist Group of IUCN and select experts, including yours truly of Conservation Force, were called on to explore possible “Standards and Certification for Recreational Hunting.” What can be done to make a better case for hunting as a conservation tool and improve public perception and acceptance of hunting? One possibility is the development of conservation codes, like existing codes of ethics, at all levels from clubs to governments. The formulation of “best practices”, standards and a certification system as well as practical principles and guidelines were all considered. No conclusion was reached.

Hunting is a classic form of sustainable use. We are now partnering with the scientific community to initiate a process to be even more effective, recognized and accepted in a world where many view hunting suspiciously because killing seems incongruous and because of the inevitable bad practices of some.

With these two meetings, we’ve begun to take hunting to a new level in academia and the world conserva-

tion community. Conservation Force has had a significant role to play in the evolution of all of this and will be in it for the duration. All possible support is necessary, appreciated and tax deductible. Send tax deductible contributions to Conservation Force at P.O. Box 278, Metairie, Louisiana, 70004-0278, USA. – *John J. Jackson, III.*

SPECIAL REPORT

News Analysis
New Court Ruling
Impacts Non-residents

Another nonresident rights case has been decided in the federal court system. In August, a three-judge panel of the US Court of Appeals for the Eighth Circuit denied the State of Minnesota’s suit against the state of North Dakota. This suit focused on the rights of non-resident private landowners and landholders as distinguished from nonresidents that don’t own the property being hunted on. The panel upheld the lower court dismissal of the state-against-state challenge, but on different grounds than the lower court.

We’ve reported on this suit before, but the change in judicial reasons warrant coverage here. It was a challenge of North Dakota’s exclusion of non-residents the first week of waterfowling season and an eight-fold increase in non-resident waterfowl license fees. North Dakota exempted residents and any members of the resident’s family residing with the resident from licensing on land they own or lease. Non-resident landowners are not accorded the same exemption. That discrimination against non-resident landowners raised different issues that set this case apart.

The panel held that the dormant Commerce Clause claim was constitutionally moot because of the *Reaffirmation of State Regulation of Resident and Non-Resident Hunting and Fishing Act of 2005*, Section 6063 of House Bill 1268, attached to the *Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005* signed into



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law on May 10, 2005. It noted that courts have disagreed on whether restricting non-resident hunters violates the Commerce Clause, but made it crystal clear that its decision did not decide the merits of that legal dispute over the dormant commerce claim. Congress has expressly conferred the authority to discriminate upon the states, which moots that issue. The court said “Minnesota modeled its dormant Commerce Clause claim after *Conservation Force*... We have no doubt Congress intended Section 6036 to apply here. Section 6036 arose in response to *Conservation Force, Inc.*

v. Manning, 301 F:3d 985 (9th Cir. 2002),” so the case was moot.

Minnesota argued that Congress did not follow the regular legislative authorization process by attaching Section 6036 (Reid Bill) to an important appropriations bill. Therefore, it argued, the Section only provided a “temporary measure that lasted for one fiscal year, at most.” That argument is bolstered by the fact that Section 6036 has not been codified in the United States Code. Without deciding that issue, the court stated that the “argument loses force where, as here, the disputed section does not relate to appropria-

tions and spending, which generally occurs in a fiscal cycle. However, we need not decide today whether Section 6036 will forever preclude challenges to restrictions on non-resident hunting under the dormant Commerce Clause. It is sufficient for this court to determine its application to this litigation.” The issue whether the Reid Bill died after one fiscal year was not decided.

The court then turned its attention to the distinct claim that non-resident landowners were provided protection from discrimination under the Privileges and Immunities clause claim that had been added to the complaint by

□ Baron Bertrand des Clers

Conservation Force Leader Dies

■ Baron Bertrand des Clers died suddenly and without any known illness of an apparent heart attack at his Paris home on the night of October 6, 2006. He was 77 years old. Bertrand was a founding Board Member of Conservation Force, served on the Board for nearly ten years and in recent years maintained Conservation Force’s Paris office in his home across from the Louvre housing the Mona Lisa.

No individual in the world did more for tourist hunting than Bertrand. He was truly in a league of his own for nearly 50 years. He was the principle author of CITES Resolution 2.11, which is the whole basis permitting the export and import of hunting trophies of all appendix 1 species, such as elephant, leopard, markhor, crocodile, etc. But for Bertrand they would be treated as “commercial” trade which, of course, is prohibited. Bertrand was the Chief Executive Officer of the International Foundation for the Conservation of Wildlife (IGF) for more than two decades under HIH Prince Abdorreza, who was perhaps the greatest hunter of all time. He was the CEO of the International Council of Wildlife and Game Conservation (CIC), co-founder of the International Professional Hunters Association (IPHA), the French Professional Hunters Association, and served on the African Lion Working Group, Antelope Specialist Group, Trade Specialist Group and

much more. He was a MEMBER EMERITUS of IUCN in recognition of his extraordinary services. The World Conservation Union recognized him as an icon of the conservation world. The IUCN is the largest and most influential conservation organization in the world. Just this year, he was the second recipient of the Peter Capstick Conservation Award presented at Dallas Safari Club for his unsurpassed



contributions to the hunting and conservation world.

There is no doubt whatsoever that his daily input helped distinguish Conservation Force and helped forge what we are. Over a period of two decades Bertrand became my dearest friend and confidant in all Conservation Force matters. He was never too busy to help or advise, and his counsel was as sound and even brilliant as any from any other source in this world. He was a charming man with a twinkle in

his blue eyes, enthusiasm for life and an incomparable record of unwavering devotion to the hunting world.

It was the express wish of HIH Prince Abdorreza before his death that Bertrand be replaced on the Conservation Force Board of Directors by Philippe Chardonnet. That was also the wish of Bertrand himself. Philippe is a Ph. D. veterinarian who replaced Bertrand as the Executive Director of the International Foundation for the Conservation of Wildlife (IGF) in Paris, France. I serve on the Board of that foundation, which has projects in 25 African countries and others in every corner of the world. Philippe is the Co-Chair of the Antelope Specialists Group of IUCN and the author of the now-famous *Chardonnet Lion Study* on the African lion that played a crucial role in deflating the Kenya proposal to uplist all African lion to Appendix 1 of CITES. Philippe and I serve on the African Lion Working Group together and attended both African Lion Workshops. Philippe was groomed for years by Bertrand to head the foundation in Paris and would bring a lot of fresh skills to Conservation Force. Subject to Board approval, Philippe Chardonnet will replace Baron Bertrand des Clers on the Conservation Force Board. We intend to insure that Conservation Force continues as Bertrand would advise. Conservation Force is a monument to him.

amendment after the passage of Section 6036. The court denied this added claim on the basis that private property rights are a matter of state law and in North Dakota hunting is a privilege not a right that passes with ownership under property law as such. “The Privilege and Immunities Clause protects property rights...however (the cases) do not establish hunting constitutes a part of the bundle of property rights accompanying the ownership or lease of land.” The panel of judges reasoned that the discriminatory “statute does not discriminate against non-residents (land holders) with respect to a fundamental right existing in property. Rather, it discriminates against non-resident participation in recreational hunting, which the United States Constitution does not protect under Article IV section 2.”

With this case, another door has closed on non-residents, but a footnote of the panel leaves one unanswered question:

“As stated in the opinion, we did not address the merits of Minnesota’s dormant Commerce Clause claim because of the mootness “safe harbor” resulting from action of the United States Congress. The application of the “safe harbor” for the future also has not been reached. In light of the uncertainties, the state officials in Minnesota and North Dakota may well consider discussing the issue and seeking a satisfactory resolution, rather than litigating further.”

DATELINE: MONGOLIA

**News... News.... News
Monument To Argali
Erected In Ulaanbataar**

Rick Taylor’s Argali monument, *King of the Altai*, was erected and unveiled on September 16th. The life-size monument stands in the park before the Natural History Museum in Ulaanbataar, the capital of Mongolia.

It stands as a symbol of the greatness of the mighty Altai argali, the world’s largest sheep. It is one more monument by Rick Taylor deifying a

game species that we hunters care so deeply about. Like his other sculptures it makes a statement in a centralized public place to educate the public and share our amazement for the animals we pursue.

The monument was a joint project of Rick Taylor, Conservation Force, Mongolia Travel USA and the Mongolian authorities. Conservation Force helped promote the monument and acted as the nonprofit charitable recipient of most of the contributions for its creation and placement. In return, part of the funding has been dedicated to Conservation Force’s argali conservation projects. The first of those projects is our effort to downlist the argali in China from “endangered.” The second is to fulfill the conditions of the “special rule” that regulates the importation of argali trophies from the countries where they are listed as “threatened” under the Endangered Species Act. That project will eliminate the necessity of obtaining a trophy import permit from the USF&WS before importation. Third, the funds will also help our efforts to fend off the tactics of anti-hunters who are trying to eliminate hunting of argali.

We are pleased with the extraordinary people and organizations that came together to support this effort. They all share equally in this success. The monument has a large cast-bronze

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.

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plaque entitled *King of the Altai* that pays tribute to the supporters and patrons listed. They are:

- Joy & Gary Rigotti
- Don & Ellen Wall
- Hubert Thummler
- Alan & Sharon Means
- Guinn D. Crousen
- Dr. Thomas C. Kirk
- Ron Carey
- Wilson Stout
- Hossein “Souddy” Golabchi
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- City Government of Ulaanbaatar
- New Juulchin Group
- Mongolian Travel USA, Inc.
- Conklin Foundation
- Weatherby Foundation
- Safari Club International
- ISHA/FNAWS
- Grand Slam Club/OVIS
- Conservation Force

We also want to thank Diane Marinos, the wife of Conservation Force supporter James Marinos, for filming the unveiling ceremony. She relates that it “was a most moving (to tears) experience. Thank you for the invitation and I will long remember the experience of standing there in Mongolia and being part of such a special event. The people were all so very interesting and devoted to the cause....”