



SPECIAL SUPPLEMENT

*"Hunting provides the principal incentive and revenue for conservation.  
Hence it is a force for conservation."*

## World Conservation Force Bulletin

www.conservationforce.org November 2015

### Proposed New Elephant Import Regulations

The US Fish & Wildlife Service (USFWS) has proposed its new elephant import regulations arising from the President's Task Force on Wildlife Trafficking. Conservation Force and allied organizations including Dallas Safari Club, Houston Safari Club and others opposed two of the regulations that will, if adopted as proposed, restrict and burden import of elephant hunting trophies.

The first new restriction is a proposal to limit the import of elephant trophies to two per year. USFWS explained that a number of hunters take more than two each year in sport hunts that are in the nature of culls or part of problem animal control. We opposed this limit as not being conservation-based or smart law enforcement. There are legitimate reasons and occasions for a hunter to take more than two elephant in a year, whether it be multiple safaris, self-defense during a hunt, or a legitimate means of reducing elephant-human conflict where appropriate. Whatever the reason, it is lawful trade, not trafficking. Most importantly, we pointed out that USFWS should not want the ivory tusks of those elephant to be left or traded within the country where the hunt occurred. That would likely promote unlawful use and contribute



John J. Jackson III

to trafficking. They may fall into the wrong hands. It is best that those lawfully acquired tusks and elephant parts be imported, rather than limit import into the United States.

The second new restriction is a proposal to require import permits for elephant trophies taken in Zimbabwe, Namibia, Botswana (if reopened) and South Africa. These

elephant have been downlisted by the CITES Parties to Appendix II with a special annotation that explicitly allows for hunting trophy trade. Appendix II trophies do not require import permits and never have. The proposal is to require the permits under the ESA's enhancement requirement. This does not make sense, as noncommercial import of Appendix II species only listed as threatened under the ESA are exempted from regulatory permitting by the ESA's own text. But USFWS claims there are compelling reasons to override that exemption.

Of course, we opposed these new permits and the lawfulness of the enhancement requirement itself. USFWS states a permitting requirement would give hunters an opportunity to administratively appeal negative enhancement findings like the recent negative enhancement finding for import of elephant from Zimbabwe.

We pointed out that the administrative appeal process delays access to court until the process is completed, and USFWS is notorious for taking years to complete permits and administrative appeal processes.

We also pointed out the years of work by developing countries to downlist their elephant to eliminate the USFWS's permitting impasse. If a new permitting rule is adopted as proposed, USFWS will insulate itself from suits like that of SCI over the suspension of Zimbabwe elephant trophy imports. SCI's suit over the suspension of Tanzania's Appendix I elephant imports was dismissed by the Court for being premature for not completing the administrative appeal process, while that concerning Zimbabwe's Appendix II elephant was not dismissed because there was no administrative process to first complete. (The proposal does not mention the SCI suits, but it seems unlikely that USFWS was not considering these suits when it evaluated the effect of the proposed permit for import of Appendix II elephant.)

Of course, there will be mistakes in the import permitting paperwork, so more trophies will be treated as contraband and seized by USFWS Law Enforcement and statistically treated as trafficking. Hunters will have to be alert to have the import permits, to ensure they have not expired before import, and to confirm that the permit applications are completed correctly. ■

### Airline Embargoes Contrary to Public Policy and Law

There is growing evidence that the airline embargoes on transport of hunting trophies have been tortiously induced by false representations, presumably by anti-hunting organizations. Someone has been misrepresenting to the airlines that "possession of the Big Five" is prohibited by law. The Customer Care/Public Affairs offices of both Delta and United Airlines have

written in response to inquiries that possession is prohibited. In the first correspondence, the American Wildlife Conservation Partners wrote a letter to Delta complaining about that airline's embargo. In a second instance, the African Safari Club of Florida wrote to United. In both cases the airlines' Customer Care/Public Affairs personnel responded, almost identically, that "possession"

of the Big Five is prohibited, including Cape buffalo. Conservation Force is exploring this in its entirety. Delta used similar "possession" language back in May.

We need instances in which individuals, hunting service providers and indigenous communities have suffered demonstrative money damages. If there has indeed been wrongful conduct, we intend to take

action and seek remedial damages.

Regardless, airlines that cater to the public cannot discriminate against passengers or cargo. (There is a self-evident exception for dangerous cargo or passengers.) Airlines are recognized "common carriers" and as such, are prohibited from discriminating. They cannot make excuses for their blanket embargoes against the Big Five or other trophies. Conservation Force has sent demand letters putting select airlines on notice of suits to be filed against them. We are in settlement negotiations with major airlines as this Bulletin goes to press. At least one suit is prepared and may be filed by the time readers receive this Bulletin.

The discrimination against transportation of hunting trophies that we are witnessing is also against public policy implemented by laws and regulations. The CITES Parties (currently 181 countries) have adopted Quotas, Resolutions and Decisions to facilitate the very trade the airline embargoes discriminate against. There are express Resolutions for export/import of leopard, cheetah, markhor, crocodile and black rhino. The Quota Resolution process evolved to advance the public policy of sustainable use and was designed to generate operating revenue for recovery of the species, including wildlife authority operating revenue for anti-poaching and management. It is designed to incentivize both governments and local people to tolerate and value the species. It incorporates the proven "user pay" concept that has been so very successful from waterfowl in North America to markhor in Pakistan.

The Parties have also established an annotation process where Appendix I listed species are downlisted to Appendix II with an annotation that the trade is to be limited to trophy hunting or other select purposes. This has been done for elephant trophies

from South Africa, Zimbabwe, Namibia and Botswana, which are most of the exporting countries. Ditto the downlisting of white rhino in South Africa. This has been done over a period of Conferences of the Parties to facilitate the trophy trade of those species in those deserving countries. The airline embargoes are in derogation of all that effort and expression of sustainable use policy.

The public policy is also evident in the terms and administration of the US Endangered Species Act (ESA). The ESA expressly provides for enhancement permits for prohibited activities when it enhances the survival or recovery of an endangered listed species. (Conservation Force has been and continues to be the leader in the modern implementation of that provision of the ESA.) USFWS Division offices of Science and Management determine when import permits will be granted because the activity enhances the survival or perpetuation of the listed species. They have made positive fact and scientific findings of enhancement for elephant, black rhino, leopard in sub-Saharan Africa and more. The enhancement that has been scientifically proven to the satisfaction of the USFWS is enhancement that the embargoing airlines will block if they continue with their discrimination against the very same trade the USFWS permits. The embargoes have the potential to eliminate most of the habitat, functioning management and law enforcement for the protection of the species at issue. Conservation Force is pursuing every option to fight and lift these embargoes, and we hope to have your support at this critical time. You can make donations on the web at [www.conservationforce.org/donate.html](http://www.conservationforce.org/donate.html) or by mail at Conservation Force, PO Box 278, Metairie, LA 70004-0278 USA. ■

## Review of *Lions in the Balance*

Lion scientist Craig Packer has written a book that provides insight into his bizarre behavior and expulsion from Tanzania. It explains his rise to hero status and fall in the hunting community. There is rather little

about lion, but what there is is insightful. Also, what has been conspicuously left out is even more revealing. Obviously written from a personal diary, parts are quite detailed, but vague when it serves the author's agenda.



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It is really about Craig's tribulations while trying to secure employment for his wife so she can be with him in Tanzania. Everyone who rejects his entrepreneurial business schemes for his wife and himself is represented to be corrupt, from the Director of Wildlife to the "beltway Bandits" in Washington, DC. Craig obviously grew tired of his lion project in the Serengeti and has spent the last decade seeking to use his credentials and charisma to catapult the couple into a greater business venture and higher income bracket. It follows that it is a book about failure after failure, and those who do not share his views and/or support his series of schemes to employ his wife at her expected pay range must be corrupt. Craig turns on everyone. It is sour grapes. In his own words, "my dreams of building Savannas Forever have largely been replaced by the less noble desire just to neutralize a few people in the hunting industry."

I have lifted lion related tidbits most relevant to the hunting community. The quotes follow.

*[A]sk most rural Tanzanians what they think about wildlife and they'll probably tell you that if they can't eat it, they'd just as soon eradicate it. Elephants and lions? The two (are the) most hated species in the country.*

*Tanzania has the last great populations of wildlife on the continent...maybe half the lions left in Africa.*

*A decision has been made somewhere, sometime that a lion must die to generate revenue for the government of Tanzania to justify setting aside 300,000 square kilometers for wildlife.*

*"Call-up" techniques underestimate the true number of Serengeti lions but also the error varied by different degrees in different circumstances...This means that no one may ever know how many lions exist in most parts of Africa, since there are few places where lions can be studied as closely as the Serengeti...And if no one can count the number of lions in a hunting reserve, they can never set a scientific quota.*

*Over a quarter of Tanzania's surface area is devoted to the trophy hunting....Most of the land is no place for a photo safari. So hunting could well provide the best possible incentive for conserving vast tracks of land.*

*The simple truth of the matter was that they [trophy hunters] controlled four times as much lion habitat in Africa than was protected by the national parks. So 80 percent of the lions left in the world were in their hands.*

*Trying to count lions was impossible.*

*[I]t would be impossible to over hunt lions if clients only shot males that were at least five or six years of age. Imposing an age minimum meant that no surveys would be necessary after all (despite potential Appendix I CITES listing).*

*IFAW...had exaggerated the risks of infanticide at least tenfold....[at CITES] Lions were mean, vicious, terrible, horrible, awful animals; local people hated them....Far more land is set aside for trophy hunters than for national parks. Take away the incentive for hunters to grow a healthy crop of lions, and the king of beasts would be eliminated from most of its remaining range. Love it or hate it, lions needed trophy hunting as much as trophy hunting needed lions. [His description of his own position at CITES CoP.]*

*[T]here won't be a single stuffed lion that could have been older than about three or four years of age. [His perception at SCI Convention floor, but 3.5 months after TAHOA "hailed me as a savior" and "unanimously approved" the six year approach]*

*A population's breeding potential stems from its females.*

*No one ever forgets a lion attack.*

*[W]e have nearly three times as many lions in the Serengeti study area today as in the 1960s.*

*And where cattle live with wildlife, lions will always misbehave.*

*I certainly agree that no one can reliably identify a six-year-old male compared to a five-year-old.*

*The problem for lions is not reproduction – it is finding a place where they can live in which they won't get poisoned, speared, or shot.*

*Trying to set up hunting certification had been a stupid idea...the hunting industry could never have afforded to pay for "conservation certification"....*

*Captive lions breed like rabbits.*

In his own words Craig explains his fall from grace with the hunting community:

*[T]he Tanzania Hunting Operator's Association – TAHOA – unanimously approved a new policy in July (2004) to restrict lion hunting to males that are at least six years old.*

*[A]t the TAHOA meeting in 2004... everyone had hailed me as a savior.*

*Instead of sticking to science and estimating the ages of lions, I had to talk policy. [Craig explains that he "leapt headlong into ruin."]*

*I came up with Savannas Forever...a system for "conservation hunting" and got the Director to promise to require all the hunters to join Savannas Forever. [That would provide his wife a six figure annual salary and cost more than a million dollars a year.]*

*Trophy hunters...are unwilling to raise their fees to a million dollars per trophy lion.*

*The Serengeti lion project wasn't strictly a conservation project, but it was an iconic study that was closely allied with FZS.... [Craig had an endless imagination about ways to change the hunting industry, but absolutely no experience. Secret meetings with wildlife officials and members of Parliament, then negative publications, the very worst ever published as open blackmail, did not engender trust or respect.]*

Following the rejection of Savannas Forever by TAHOA, Craig wrote a series of damaging articles with outlandish suggestions and even threatened to draft a petition to uplist lion to Appendix I unless he could continue to be in a controlling position over various aspects of the hunting community, most wholly unrelated to lion. He had a history of nearly being expelled and as early as 1999 Director Costa Mlay threatened to "expel me for good." The Tanzania president himself threatened to revoke Craig's research clearance and even his resident's permit in 2011.

The book clearly is chapter after chapter of juvenile snitching about largely irrelevant matters. What is clear is that Craig was asking for it, and believe me, I tried my best to advise him before having to distance myself. Just for the record, Tanzania has the age-based approach he denies it has, he is just barred from insider information and now even the country.



Craig was very impatient. There were many legitimate reasons for delay in adoption of the age-based approach. *A Hunter's Guide to Aging Lions in Eastern and Southern Africa*, prepared by Craig, was not completed until 2007. Nothing could be done until then. We then became occupied with researching distinctions between five and six-year-old lion. Then professional hunters had to be trained, of course. In his book, he ran out of patience at the January 2005 SCI Convention upon observing lion mounts, but that was only three months after the unanimous acceptance of the age-based approach of TAHOA, and, of course, those mounts were from hunts taken before that. This is representative of his poor judgment throughout.

Packer was always insecure and manipulative to get assurance before things could realistically be done. His book makes it clear that he himself was being manipulated by animal rightists, industry doubters and haters, and he had relatively naive expectations. He resorted to blackmail threats to move things along. Unless the ministry/industry leaders acted within his deadlines he would circulate and

threaten to publish negative articles full of "inferred" facts and conclusions that were not necessarily true and certainly disputable. When warned that such tactics would invite the antis and lead to listing proposals he would blow it off and assert that no one was opposed to lion hunting. His threats even included his own draft of a petition to list the lion on Appendix I of CITES that he discloses in his book and circulated to Botswana, which started to run with it! When I learned of the petition to list and he told me his terms to make it go away, I became what he describes as "combative." The President of Tanzania was combative too.

The leadership of TAHOA could not cater to Craig's never ending, naive ideas about every facet of the industry or to supporting his wife's move to Dar as the czar administrator of the industry. Tanzania did adopt the age approach to lion hunting, a much narrower issue.

Craig knows that the off-take has been reduced from over 200 to 70, 52, to 43 per annum today but he insisted on remaining in control and having the raw data even before the actual authorities

did. That can no longer be. Whose fault is that? The cost of administering the program is a quarter of a million dollars a year, largely funded by Shikar. Craig has now resorted to knowingly misrepresenting that Tanzania lion are in decline or must be and the age approach is not being implemented until HE can verify it for himself. Those conclusions are dishonest and manipulative, which is characteristic of Craig.

One thing is clear, Craig's many problems in Tanzania did not start from lion aging issues; they stemmed from his stubborn establishment of Savannas Forever to "reform" everything else and ego-driven insistence after many rejections ("constant meddling"). This was compounded by his resort to manipulations, reckless representations and name calling, and retaliatory collaboration with enemies of the country. He started with a self-perceived omnipotence because of the eager acceptance of his lion conservation formula. The formula is being implemented today but without him. Representation that it is not being implemented is yet another manipulation. ■

## Conservation Force and Partners Sue Delta to End the Illegal Trophy Embargo

**O**n October 15, Conservation Force, DSC, HSC, Corey Knowlton, CAMPFIRE Association, and the Tanzania Hunting Operators Association (TAHOA) sued Delta Airlines to compel an end to Delta's embargo on transport of Big Five trophies. The plaintiffs allege three claims: (1) violation of Delta's duty as a common carrier not to discriminate against a class of non-dangerous cargo; (2) tortious interference with the business relations of hunters, operators, communities, wildlife authorities, service providers and others in the tourist hunting industry; and (3) violation of federal regulations related to Delta's duty as a common carrier. Other suits and airlines and perhaps

third parties will be sued as necessary in the future.

The plaintiffs allege that Delta's embargo is already causing cancellations or changes of hunts and reducing the revenue available for Big Five conservation, and will do massive damage if it continues into convention season. Plaintiffs point out that Big Five hunting is responsible for protecting the most wildlife habitat, providing the largest share of operating revenue for range state wildlife departments, underwriting the three levels of anti-poaching efforts, and contributing critical benefits and incentives to local people damaged by the Big Five.

Finally, Plaintiffs corrected Delta's mistaken belief that possession,

transport and trade in Big Five trophies is prohibited. They pointed to examples of CITES resolutions and quotas and ESA enhancement regulations that encourage trade in Big Five trophies because of the benefits it provides to local people and the conservation of the species.

The plaintiffs would have sued earlier but gave Delta the courtesy of a detailed warning letter. Delta asked for time to respond, but then it did not respond. The suit was filed in federal court in the Northern District of Texas and has been assigned to Judge Lynn.

The case number is 3:15-cv-03348 and the suit itself is available on Conservation Force's website at [www.conservationforce.org/news.html](http://www.conservationforce.org/news.html). ■

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