



## “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

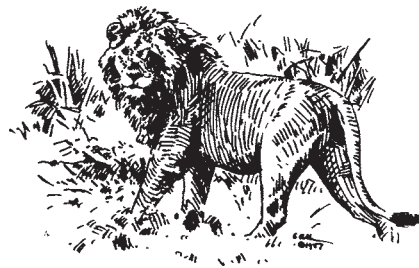
#### News... News... News National Action Plans Save Lion Initiative

Everyone believes action plans at the national level are critical to save African lion. Absolutely everyone. On April 1<sup>st</sup>, IGF (the International Foundation for the Conservation of Wildlife founded by Prince Abdorezza in Paris), the Masion de la Chasse et de la Nature (Hunting Museum) and Conservation Force held a fundraising luncheon at the national Hunting Museum in Paris. We collected \$60,000 in funds and pledges, half from the museum that hosted the luncheon, a delightful affair that made headlines in the local press.

At that same luncheon, Conservation Force delivered \$40,000 more for the national lion action plans. To date, Conservation Force has collected and contributed \$103,200, plus the IGF/Museum luncheon's \$60,000 and other revenues totaling \$194,000. All of the money collected went to the project.

We are still approximately \$60,000 short to complete the three national action plans.

On May 2<sup>nd</sup>, the International Council for Game and Wildlife Conservation (CIC) at its 56<sup>th</sup> General Assembly passed a Recommendation entitled *Long-Term Conservation of the African Lion*. It recognized the role and



responsibility of sustainable hunting and was mindful of the Regional Lion Workshops recommendation for “national action plans for the conservation of lion.” The Recommendation “ENCOURAGES every lion range state to adopt its own national plan for the conservation of the lion, as suggested in the regional strategies with the co-

operative help of the international hunting community” and “URGES the hunting community to support the lion range states in their efforts to adopt and implement their national action plans for the conservation of the lion....” It also congratulated the Niassa National Reserve of Mozambique for its lion management strategy. All of the lion taken in the Reserve last season were six years of age or older. The population is considered to be increasing. Aging of trophies can be done.

Of course, the African Lion Working Group and the Cat Specialist Group of the IUCN have been keeping track of the development of national action plans. They do a quarterly progress report to the IUCN on the development of national action plans in which they duly credit IGF and Conservation Force.

Other acknowledgements include, the article *Lions Make Headlines*, published by SCI, in which that organization also “considers the development and implementation of the national lion management plans in all lion range states top priority.” Conservation Force's partner Osprey Film Company

created a Safari Newsreel DVD (posted at <http://www.safarinewsreel.com>) calling attention to the critical need for national action plans now and for funding through Conservation Force. Also, The International Professional Hunters Association (IPHA) and the African Professional Hunters Association (APHA) have both contributed and issued special press releases on the lion effort. *Sports Afield* magazine sent out *Notes from Afield: Lions Need Your Help* stating that “countries need to have conservation plans in place.” *The African Sporting Gazette* issued a newsletter stating that “[w]e must help Conservation Force save lion hunting in Africa!” It too calls for the completion of the national action plans. And of course, *The Hunting Report* distributed an E-mail Extra bulletin entitled, *African Lion Hunting In Crisis*, calling for tax-deductible donations to Conservation Force to fund the na-

tional plans.

The protectionists and antis had been building their CITES listing proposal upon the failure to have national action plans in all regions. We are closing the gap, but we still need another \$60,000 to complete plans in the key countries across Africa.

Now the antis’ listing strategy is changing, as it must, because they have lost their best card. Still, the very fact that the hunting community is documented to have played such an important role in developing the national action plans leaves a positive trail. Moreover, the studies are demonstrating that there are more lion than previously thought and that its range is greater. Those are useful incidental benefits from the preparatory fieldwork being done.

Despite those findings and the pending completion of national lion plans across the range nations, the



**JOHN J. JACKSON, III**  
Conservation Force

### **A Real Loss – An Opportunity Missed**

There are no more dedicated \$1,000 contributions or pledges coming in for each cheetah taken in Namibia. Those pledges could have provided \$250,000 per year for cheetah conservation.

There are no more conservation agreements with ranchers, no more communications with the wildlife authorities, no more meetings with communal leaders in remote places and no more partnering with local and international NGOs.

I miss the earnest sincerity of Namibians, the satisfaction on their faces from doing the right thing right. Meetings and conversations (like “Your government is lying to you, John.”) still replay in my sleep, but it is over.

There is no more buzzing around the project file cabinets which now stand alone like mothballed battleships – now sleeping until they rust and rot.

Do you feel it? The Cheetah Initiative is over, left unfinished. A part of me is lost. There is a discomfiting emptiness now. A hollowness in my being. A sense of loss from a lost opportunity the whole world has irre-

sponsibly missed at the cost of Namibia, its good people and the dependent cheetah.

Seventeen years ago a concerned Namibian Minister of Tourism asked for help. That reset the course of my life. The Initiative has been a privilege, but not so the ending. It is over without a legacy. Hundreds of thousands of dollars in expenditures and an even greater amount of legal services without a payback.

The abundant cheetah are still secure in Namibia, as they always were and probably always will be. But there is a lower tolerance, less revenue and focus on its survival. The Initiative was to be the icing on the conservation cake. It would step up the program. The cheetah are going to be taken anyway.

They are still being taken, but without the programmed conservation hunting forces envisioned, without US sportsmen and women, and without me and that part of my life I gave to the cheetah. The loss is real. It is an opportunity missed. What a crying shame. Shame on those who interfered. – John J. Jackson, III.



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## “Serving The Hunter Who Travels”

antis are now circulating a new listing proposal making astounding representations. These alarming claims are contrary to the ground truthing we have been doing for the national action plans. While lion populations are not secure, they are not down 50 percent, as the antis now allege.

This has created an urgent need to update the 2002 “Chardonnet Lion Study,” as it is popularly called. A revision would show stable populations overall. It was the most comprehensive

lion study ever done on any wild cat in the world, but it would be most useful to update it before the next CITES CoP, which has been rescheduled for March 2010.

In summary, we have beaten the antis to the punch by doing state-of-the-art action plans. We need to finish paying for that and do a revision of the Chardonnet Lion Study. We can save the lion. In fact, we *are* saving the lion. Won't you help? You can make tax-deductible contributions by

credit card to Conservation Force at PO Box 278, Metairie, LA 70004-0278, or on our web site at <http://www.conservationforce.org/donateonline>. Help us successfully complete the job we started. You would be donating to a very efficient organization, as 100 percent of the funds go to the projects. A donation now would be much cheaper than attempting to import a lion if it is listed on Appendix I of CITES. The crisis is real. We need your help now.

### Briefly Noted

**Markhor Suit Eventful:** Some interesting developments have emerged from the markhor suit. You'll recall this suit is intended to both downlist the Suleiman markhor from the US Endangered Species List and to compel the US Fish & Wildlife Service to process trophy import permit applications from the Torghar Hills region of Pakistan. The government filed a motion to dismiss on every ground possible. It had the gall to claim the suit is time barred because it has been more than six years since the 12-month deadline to make a downlisting determination. It has actually been nine years since the statutory deadline for them to reach a determination. In short, it has taken them so long that they can now do the required 12-month determination whenever they get around to it. Of course, if they prevail on that part of the multi-part suit, we will file a new petition to downlist this population of the markhor and sue promptly upon each deadline (90-day, 12-month and final 12-month).

The government has also suggested in its Motion to Dismiss that the STEP (Society of Torghar Environmental Protection) program, the petitioner for the downlisting, and more permit applicants should be in the litigation. It implied that the two representative permit applicants included were not enough. Consequently, we have amended the suit and added Barbara and Alan Sackman, who took their markhor in 2008, Naseer Tareen and STEP. It was Tareen who filed the peti-

tion to downlist the markhor as Head of the IUCN Sustainable Use Specialist Group of Asia and STEP. The amended petition has been posted to Conservation Force's web site at [www.conservationforce.org](http://www.conservationforce.org) under Updates & Alerts. We have also likewise amended the wood bison suit and posted that on Conservation Force's web site as well.

The government also alleged that Conservation Force was trying to get the Court to force a “programmatic change” in the International Section



of the USF&WS, which they say is more appropriate for Congress. We've denied doing that but also amended the suit to state even more specifically that this suit is for delisting this one distinct population and processing those specific permits and class of permits that are not being processed or that are being discouraged.

The Motion to Dismiss also asserts that there is absolutely no protected property interest in hunting trophy importation. The Justice Department

claims that Congress alone controls international commerce and trade and has prohibited import of listed species. It also claims that the International Section of the USF&WS has absolute discretion for which there is no legal basis to sue. These are important issues, and we have spent hundreds of hours working on them. If we don't prevail, it indeed will be time for Congress to speak to the issues.

The Suleiman markhor of the STEP program is a unique case in which the USF&WS has admitted – published in the Federal Register – that the population is a distinct population that has in fact greatly improved because of the hunting program and that the hunting has “significantly enhanced” its survival. Consequently, we are in the position of arguing that the USF&WS has a duty to “recover the species,” “cooperate” with and “encourage” the foreign program. We also argue that the net impact of its neglect has harmed the program and species. The International Section not only neglected those obligations, they are now fighting us all the way. We will have an update next month.

**Zambia and Tanzania Notices of Intent to Sue:** Conservation Force has filed the necessary 60-day notices of intent to sue the USF&WS for the Service's failure to timely process elephant trophy import permits from Zambia and Tanzania. These were two different notices separately filed.

The notice for Zambia was sent to the Secretary of Interior and Acting

## “Serving The Hunter Who Travels”

Director of USF&WS on May 29<sup>th</sup>. The notice letter complains that the International Affairs Section does not process and won't advise applicants of the status of their permits, bewildering both permit applicants and Zambia's wildlife authorities. The Division of Management Authority (DMA) of International Affairs now claims it will not issue permits for any elephant taken before it approves them, which itself is illegal. Illegal or not, it also means that permit applicants and foreign wildlife authorities go wanting for corrective or compliance action for as long as the permits go unprocessed. In effect, it shuts down the intended conservation effort indefinitely and punishes the pioneering permit applicants. In the case of Zambia, it has been going on for years. On top of that, the Service has sent several wholly different questionnaires to Zambia, sort of “moving the target,” when they find time for this “low priority” work. Each year, they want something else, and the years tick by without permits.

As for Tanzania, this country has the second largest elephant population in the world (it soon may overtake Botswana) and is one of the countries in the elephant lawsuit yours truly filed and resolved favorably in the early 1990s. Conservation Force, through fundraisers like the Gala Dinner and programs like the Robin Hurt Foundation, puts up to \$500,000 per year into Tanzania and its community-based programs. For the second consecutive year, the Division of Scientific Authority (DSA) of International Affairs is not issuing import permits on a timely basis. Last year, it was due to International Affairs misplacing a reply letter. This year, it is just a “low priority” until late September or October, after most of the season is over. Hunters are considering canceling their safaris despite every assurance we give them that there should not be a problem. Some permits are being treated as “abandoned” when it is the Division of Scientific Authority that is at fault and the whole process adopted.

We filed a petition to change this practice as well as a notice of intent to sue on May 26, 2009. This conduct on

the part of the Service is in direct conflict with the written stipulation International Affairs signed and agreed to at the dismissal of the elephant suit before the judge, who is now the chief judge in the District of Columbia (SCI, et al v. Babbitt, et al, 91-2523, Chief Judge R.C. Lamberth). That suit was dismissed voluntarily without prejudice, based upon the stipulation that the Service is now wholly ignoring.

The Code of Federal Regulations



also provides that permit applications will be processed “as quickly as possible” and that they “shall be” processed. It is also contrary to express CITES Resolutions recommending that an export nation's non-detriment determination be accepted, as they are in the best position to make such findings and have the greatest reason to care for the species. We know of permits going back to April that are not

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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](http://www.wildsheep.org).

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being processed because the DSA has elected to make a biological determination so that it can determine that the purpose of the import is not detrimental, instead of accepting the biological findings of the exporting country or the biological fact that a harvest of less than two percent of the population limited to adult males is highly unlikely to be detrimental. The elephant has been downlisted on IUCN's Red List from “threatened” to “vulnerable.”

This is all malfeasance that breaches the stipulation and it is time to do something about it.

**Litigation:** Following our latest efforts to hold USF&WS accountable for its actions, a number of petty competitors have claimed that Conservation Force is litigious. The reality is that we waited and hoped and believed for so long a period that now the main claim on the markhor may be time barred for exceeding six years from the original occurrence. All the while, the markhor and people of the Torghar Hills have been harmed by the delay and their resource devalued.

I am guided by advice I received many years ago from California State Senator Bill Richardson. We were hunting together for elk on Bill and Ingrid Poole's Sun Ranch in Montana before it was sold. Bill had just completed a video on why we hunt that was in circulation among the California Chapters of SCI. Ingrid sat us down alone in a room together, and for an hour Bill Richardson dictated a list of how to save hunting. This is part of what he said:

*“Are you afraid of conflict and confrontation? Through confrontation the antis persuade hunting leaders and regulators to compromise piecemeal to eliminate conflict in the hope the stress will go away. Then they come back again and again. If you are afraid of conflict, do something else. We don't need you. Really.”*

I thought it meant that one has to control his or her natural anxiety over stressful confrontations and that I could do it. The Service's Motion to Dismiss on the markhor suit because of waiting too long suggests that Bill Richardson was right. It is time to fight for what is right. – John J. Jackson, III.