



“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

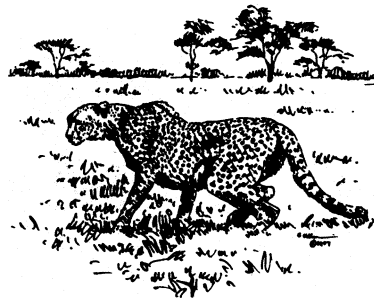
DATELINE: NAMIBIA

News... News... News US Fish And Wildlife Says “No” On Cheetah

The petition to reclassify the cheetah in Namibia from “endangered” to “threatened” was denied by the US Fish & Wildlife Service (USF&WS) on July 28, 2000, 65 FR 46391. According to the Service, the principal basis for the denial was that no reliable means of population estimation had been established and in place for a sufficient period of time to show to its satisfaction that the population is “stable or increasing” and that it is “of sufficient size to withstand most natural catastrophes.” There are long-standing population and trend data, but the Service simply will not accept it. According to the Service, four different studies estimate the population to be 2,000 to 3,000 cheetahs, which was also the estimate in 1970. The Service would not accept the best available management information that the population is 2,500 to

3,000 and has been stable since the middle 1980’s, 15 years. Ministry authorities and all conservation interest in Namibia use the figures for management purposes, but the Service wants more “reliable, long-term population estimates.”

The Service summarizes the complex decision by stating that the “available information is inadequate. . . .



Specifically, the lack of reliable, long-term population estimates. . . . Such population-trend information is necessary to determine the extent to which the substantial regulatory mechanisms initiated by the government of Namibia are reducing the killing of

cheetahs by Namibian farmers.” Therein lies the “Catch-22.” Namibia must prove its program is succeeding, but it can’t implement the critical sporthunting component of the program as long as the cheetah remains listed as “endangered.”

CITES created a quota to allow the export/import of cheetah trophies to provide benefits to the farmers and to encourage a conservation motive. Namibia petitioned for an Endangered Species Act (ESA) downlisting so that it can implement the critical sporthunting component of its strategic conservation plan that will give the cheetah value to the landholders. The single biggest obstacle to the implementation of Namibia’s management Plan is the ESA listing. In a capsule of the irony, the Service cites a letter from Congressman George Miller (D-CA), who is the ranking minority member on the House Resources Committee, that the reclassification “...should be based not on the promise of such programs (Namibia’s strategy) but evidence of their success.” That is like a physician stating you must recover from a disease before you

can have the only medicine available to treat the very cause of the disease. The ESA is the disease, not the cure.

On the one hand, the Service recognizes that “the attitude of farmers with respect to the value of cheetahs” is “the single most important man-made factor affecting (their) existence.” On the other, it did not address Namibia’s need for trophy hunting (despite its emphasis in the downlisting petition) except to state that it was not being considered.

The Service also glossed over the downlisting claim that the cheetah in

Namibia should not have originally been listed. It did not provide any evidence that the cheetah in Namibia was endangered when it was originally lumped with all cheetah and listed, even though it acknowledged that Namibia’s population is distinct. A Freedom of Information Act Request filed by Conservation Force failed to turn up any original basis for the listing in Namibia at all. All cheetah were lump-listed out of precaution, due to the spotted cat trade, without specific information that the Namibia population was in fact at risk, or that it had

□ **Bulletin!**

USF&WS Proposes Ominous New Rules

■ The rejection of Namibia’s request that its cheetah be reclassified so that its hunting-based conservation program could be implemented is overshadowed by a far darker cloud. The USF&WS has proposed new rules to implement CITES within the US (65 FR 26664) that completely evade the so-called “Namibian Resolutions” (Res. Conf. 2.11 (Rev.) and 9.21) that were adopted at COP 9 in Ft. Lauderdale. The Service is proposing that it will no longer accept the non-detriment findings of export nations. In each instance it will make its own independent biological judgment before allowing trophy imports of CITES-listed species. The burden of proof would be upon the permit applicant to satisfy the Service that the taking is not biologically detrimental, not simply that the purpose of the import is not detrimental. This is in direct contradiction of the Convention and Resolution Conf.2.11 (Rev. 1996).

More incredible still, the Service is also proposing that it will no longer even accept trophy quotas when they are adopted at a CITES conference. This proposal in and of itself would render all CITES quotas meaningless. One irony is that the Office of Scientific Authority in the past year denied a test leopard permit from the Congo on the basis that a quota had not been established at a Conference of the Parties for that particular country. Now it proposes not to accept quotas either.

Instead of honoring quotas, the Service will require the trophy-import applicant to satisfy it that the taking of the species in the country of export is not biologically detrimental, which is the determination that is supposed to be made by the exporting country where the animal is hunted, since it is in the best position to make that kind of determination and by international law and diplomacy has the greater interest.

Conservation Force filed a one-inch-thick comment in opposition to the proposal. We also asked the Service to extend the comment period because the Service’s Notice had provided the wrong e-mail address for comments by distant developing nations. That request was denied.

We are very concerned because the critical changes outlined above are buried more than 100 pages into the proposal. They are, therefore, all but concealed from all those that would be impacted. At this writing, we have filed a formal Notice of Intent to Sue, should the proposal be adopted, as it evades the recommendations of the Parties and the complementary non-detriment determination intent of CITES without legal authority. Never has the Service made a proposal so far reaching in effect, with such ominous and burdensome consequences. Nothing has ever had the potential to obstruct international hunting by US citizens more. – *John J. Jackson, III.*

JOHN J. JACKSON, III
Conservation Force



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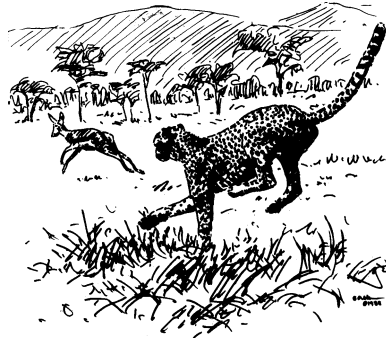
any known population level different from the one it enjoys today. The risk of excessive commercial trade has been eliminated by the CITES listing. Instead of addressing the issue, the Service avoided it and alluded to the lumped world population status “in 1972” and a one-time decline in Namibia nearly 20 years ago (early 1980 - ten years after it was listed), when farmers hammered them during a drought.

The Service ignored the fact that there is a greater prey base and more suitable habitat today in Namibia because of the creation of game ranches and farms. Worse, CITES created a quota because of the depredation offtake of those farmers and ranchers, while the Service does just the opposite - *i.e.*, the Service justifies a listing that prohibits the import of trophies for the same reason that CITES allows the importation of trophies. That is a contradiction that speaks for itself, especially when the International Union for the Conservation of Nature (IUCN) Cat Specialist Group supported the downlisting petition.

After glossing over Namibia’s claim that its cheetah should not have originally been listed in a single, short paragraph, the Service states that “[i]n order to reclassify the cheetah in Namibia from endangered to threatened, we must have information showing that the factors that led to its endangerment have been reduced sufficiently” and “[t]hat requirement must be met with” reliable population survey data. There are two problems with that statement. First, the only thing that “led to its endangerment” was the trade that its CITES listing has now prohibited. And, second, the cheetah was not listed on the basis of any “reliable survey” of a population decline of any kind. The Service places far greater weight on population studies than the practical management that the listing obstructs, even though the ESA was at one time expressly amended to ensure population estimates are not mandatory.

There is a great deal on the positive side in the Service’s findings. It recognizes the Namibian population to

be separate and distinct, the largest and best managed in the world. The Service states that “[t]he decision in the Notice should not in any way be seen as a rejection of Namibia’s conservation efforts, which we applaud.” It praises the “conservation compacts” that landholders have signed that cover “more than 70 percent of the land where” members of the Namibian Professional Hunters Association hunt... the implementation of the Cheetah Conservation Strategy prepared by Kristin Nowell... the development of conservancies... the “significant development in cheetah conservation” of the Namibia Carnivore Monitoring Program... and the “important recent development of the Large Carnivore Management Forum that has met more



than 15 times over the past two years.” “In total, the programs undertaken by the Namibian Government in conjunction with interested non-governmental organizations constitute a conservation infrastructure that can contribute to the long-term survival of the species.”

The Service finished by stating that “[a] determination to reclassify the cheetah under the Act depends critically on the success of the monitoring program.” It volunteered that the reclassification will eventually occur if reliable estimates of the population number and stable trend are established. This could be the present monitoring program or another over a three to six year period. Although it did not consider whether cheetah trophies can be imported into the United States in its decision, it expressly stated that the “Service is now reviewing its current practice regarding import of foreign

species to determine whether any new policy should be proposed” to allow the import of trophies of game listed as endangered in select circumstances that warrant it.

Trophy import permits are pending and being considered independently of the petition to reclassify the Namibian cheetah. This, too, is being done by Conservation Force. Overall, the Service appeared to treat the petition as if it was one to completely delist the cheetah, instead of just downlist it to threatened with a special rule for trophies and CITES protection.

My law office had done all of the legal work on the petition to reclassify the cheetah over its five-year course, from the preparation and filing of the petition, to drafting of the compacts, to strategizing, monitoring and filing substantive comments at every stage. The thousands of hours of legal services have been performed *pro bono* as I pledged to Namibia. Those free law-office services have evolved into what is Conservation Force today. In a real sense our commitment to cheetah conservation in Namibia has been one of the principal reasons for the founding of Conservation Force.

The Louisiana Chapter of SCI has contributed far more funding (over \$35,000) towards cheetah conservation than any entity outside of Namibia, and interests in Namibia have lauded them for the help. Their most recent contribution was \$5,000 for vehicles for the population monitoring and survey work that the USF&WS stated is so “critical... to the determination to reclassify the cheetah.” Conservation Force’s request for funds to all others at the time fell on deaf ears.

SPECIAL REPORT

News Analysis

Major Hunting Groups Enter Into “Partnership”

Thirty-five of America’s leading hunting organizations met at the Boone and Crockett Club this

“Serving The Hunter Who Travels”

past month in Missoula, Montana, to hammer out a plan for wildlife conservation in America for the next 100 years. The organizations agreed to form a partnership, which they dubbed The National Wildlife Conservation Partnership (NWCP), to identify common goals and to work together collectively as a force for wildlife conservation. The overriding goal is to create a “bigger tent” to serve our common conservation interests, and to insure that there is no net loss of game, habitat or hunting in the future. The Draft Vision Statement of the partnership reads as follows:

We envision a future in which all wildlife and private and public habitats are abundant, maintained, enhanced;

A future in which hunting, fishing, trapping and other outdoor interests are supported by the public to maintain America’s great wildlife conservation heritage and cultural traditions;

A future in which natural resource policies encourage, empower and reward stewardship and responsible use;

A future in which all people are committed to principles of scientific wildlife management, where wildlife is held in public trust, where the use of resources are shared equitably and sustained for present and future generations.

In the short term, the members agreed to send separate National Wildlife Conservation Partnership letters urging adoption of CARA (Conservation and Reinvestment Act) and the Pittman-Robertson reform legislation. The CARA bill has passed the House and the Senate Energy and Natural Resources Committee. It is now waiting further action in the US Senate. It would direct \$350 million dollars per year to state departments of natural resources, as well as billions of dollars for other conservation causes from offshore oil royalties. The Pittman-Robertson reform bill has passed the House and is also waiting in the US Senate. Pittman-Robertson, of course, is the legislation that placed a special excise tax on firearms and ammo at the manufacturing level. The reform of that legislation is designed to reduce administrative costs of the grant program, stop misuse and

abuse of funds and increase the program’s effectiveness.

The partners also agreed to provide a detailed conservation Agenda to the US President and Congress. The Agenda, among other things, calls for the dissemination of information on the conservation role of hunters, raises concern about the deterioration of public lands and wildlife habitat and notes



the need to maintain experienced wildlife leadership in administrative agencies (50 percent of seasoned personnel could retire in the next five years). Conservation Force Director Dr. James Teer and President John J. Jackson, III both attended the Summit and participated fully. Jackson will serve on the Planning and Development Committee, which acts as an Executive Committee between direct meetings of the

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 Abdorreza 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

partners. The next two meetings of the NWCP will be at the North American Wildlife Conference and then at the Foundation for North American Wild Sheep in Wyoming in the summer of 2001.

The initial participants in alphabetical order were AMMO, Bear Trust International, Boone and Crockett Club, CAMPFIRE Club of America, Conservation Force, Dallas Safari Club, Ducks Unlimited, Foundation for North American Wild Sheep, International Association of Fish & Wildlife Agencies, International Hunters Education Association, Izzak Walton League of America, The Mule Deer Foundation, The National Rifle Association, National Shooting Sports Foundation, National Trappers Association, National Wild Turkey Federation, North American Grouse Partnership, Orion - The Hunters’ Institute, Pheasants Forever, Pope and Young, Quail Unlimited, Rocky Mountain Elk Foundation, Safari Club International, Shikar Safari Club, Texas Wildlife Association, The Conservation Fund, The Ruffed Grouse Society, The Wildlife Legislative Fund of America, The Wildlife Society, Theodore Roosevelt Conservation Alliance, Whitetails Unlimited, Wildlife Forever, Wildlife Habitat Council and Wildlife Management Institute.

These organizations, it was noted at the meeting, are “joining forces” to re-establish the hunter as the “keeper” of our wildlife and conservation legacy. In the words of one Boone and Crockett Club member, Thomas Beimeister, “[W]e have reached the twilight of one era in conservation, and stand at the threshold of another. . . . This juncture in the conservation movement presents an opportunity hunters cannot afford to pass up.”

The value of unity for the common good can be enormous. It is one of the principal reasons Conservation Force was formed, so we wholeheartedly will support the development of the partnership. If you don’t see your organization above, have them contact Dan Pedrotti, Chairman of the NWCPs Planning Committee (dpedrotti@aol.com). - *John J. Jackson, III.*