



“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

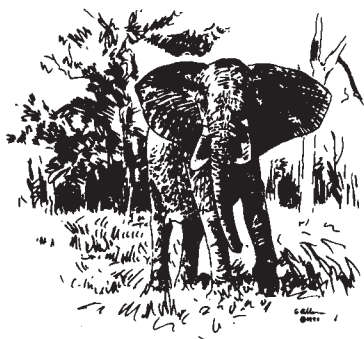
News Analysis

Elephant Hunting Is Fully Open In Zambia

Zambia has most definitely opened safari hunting of elephant as planned. The hunting is limited to only a few areas this safari season, but that is a beginning. We have been after Zambia to open elephant hunting for more than a decade. Some readers may remember that I began the *Zambia Initiative* within Safari Club International in the middle 90's to rebuild Zambia's failing safari industry. That initiative was successful, but we were unable to persuade the Zambian officials to add elephant hunting to their safari menu. Periodically, the authorities have continued to consult Conservation Force about opening elephant hunting and this season have finally begun some limited elephant hunting.

Conservation Force has met recently with Zambia's management and with CITES permit authorities and has pledged to assist all US hunters with their trophy import permit applications

as a free legal service until they are approved and accepted routinely. We are, in fact, already assisting all of the known US hunters. Their permits have been filed. We've also met face to face with the US Fish & Wildlife Service as a facilitator to expedite the necessary information exchange between that agency and Zambia for issuance of el-



phant trophy import permits. The necessary intergovernmental correspondence between the USF&WS and Zambia is ongoing.

Under the USF&WS regulations adopted in the early 90's, the USF&WS must make two findings before issuing an elephant trophy import permit. First, under CITES, it must determine that the trophy import is for a “pur-

pose” that is not “detrimental”. Second, under the US Endangered Species Act (ESA), it must determine that the underlying hunting benefits, or enhances, elephant conservation. In making the second determination under the ESA, the Service essentially re-makes the biological non-detriment determination made by the exporting country (Zambia) and additionally must be provided hard evidence of conservation enhancement. Permit applicants should collect and furnish the USF&WS evidence of the abundance of elephant where they hunt, the effect of their hunting on reducing or controlling poaching, all related revenue directed towards conservation of the elephant, community programs and incentives derived from the hunting and other benefits. Remember that the renowned CAMPFIRE PROGRAM in neighboring Zimbabwe that began in the early 1990's rested on elephant safari hunting. Sixty-eight percent of the revenue of that program was derived from the safari hunting of 54 elephants per year. The pre-existing poaching was largely eliminated and the number of elephants killed in problem animal control was greatly reduced. We wish Zambia every bit the same success, though

their initial elephant hunting is limited to problem animals in a small number of indigenous communities.

SPECIAL REPORT

News Analysis
Getting A Handle On
“Sustainable Use”

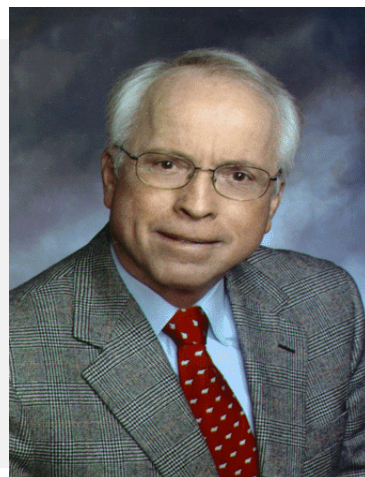
There are developments in North America and around the world that you should know about. The concept of “sustainable use” is evolving and benefiting hunters. That concept has taken on a growing importance to hunting and our way of life. This is an update.

In its simplest sense, using natural resources sustainably means use that does not cause the resource to decline in the long term. That is the definition of “sustainable” not “sustainable use”. The meaning of the phrase “sustainable use” is far greater than use within sustainable limits. It symbolically signifies use to conserve or perpetuate renewable natural resources. The emphasis is on the fact that use can benefit species, biodiversity, ecosystems and people. It can generate revenue and incentives that benefit the wildlife being used. It can increase the productivity of the used population and cause other positive biological effects. It incorporates the realization that non-use and/or protection can deprive a species of benefits and worsen its status. This is sometimes expressed as “use it or lose it”.

Conservation Force has been deeply involved in the development and implementation of this concept from its first popularization in the early 1990’s. In early July, Conservation Force leaders met with the leadership of the International Council for Game and Wildlife Conservation (CIC) in Munich, Germany, to finalize a long-range strategic plan for the CIC’s Sustainable Use Commission. This was the second phase of a similar meeting held in Zurich a year ago. The CIC took an early leadership position through the implementation of this concept by merging its Environmental Commission, Pro-Chasse Taskforce (pro-hunt-

ing) and its Ethics Taskforce into a *Sustainable Use Commission*. The CIC formed the first and only Commission (committee) in the hunting world totally devoted to the development and implementation of the concept of sustainable use, and it continues to maintain that leadership. Yours truly has been the President of that commission from its inception. Consequently, I also serve on the Executive Committee that governs the CIC itself. Shane Mahoney of Conservation Force’s Board of Directors serves as a Vice-President on the Sustainable Use Commission of CIC as well. The CIC participated in the drafting of the Addis Abba Principles and Guidelines for Sustainable Use finalized in Addis Abba, Ethiopia. It then lobbied for their adoption at the Conference of the Parties of the Convention on Biodiversity, CBD. After the CBD adoption of the Principles, the CIC was instrumental in getting the International Union for the Conservation of Nature (IUCN) to adopt the IUCN’s *Policy Statement* favoring sustainable use at its Second World Congress in Amman, Jordan, in 2000, and later adopting the *Addis Abba Principles and Guidelines for Sustainable Use of Biodiversity* at the IUCN’s Third World Congress in Bangkok in 2004. The CIC also lobbied at the Thirteenth Conference of the Parties of CITES for the use of the Addis Abba Principles and Guidelines by CITES and recently participated in the CITES Animals Committee Meeting in Geneva to test the value of using the Principles in quota-setting and making non-detriment findings for trade of listed species. For example, Namibia is going to test its elephant hunting determinations against the principles to see how they conform.

It has been a long road for Conservation Force, CIC and others, but it is paying off. The development and worldwide broadcasting of the concept of sustainable use has been the turning point in modern wildlife conservation governance. The new perception of the benefits of use is largely responsible for rebuilding public support for utilization of wildlife. This includes hunting, as evidenced by the



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most recent CITES meeting creating or increasing use (hunting) of black rhino, leopard and crocodile in trade. This in turn has led to the phrase *conservation hunting* which also means more than recreational hunting within sustainable limits, i.e., limits that won't cause a long term decline. It means hunting to save animals, habitat and biodiversity. Hunting to conserve them and increase their numbers. We establish or reform hunting programs to better save game species, habitat and biodiversity. This embraces one of the meanings of Conservation Force's corporate name, which is using hunting as a force for Conservation. Hunting is the force. It is no accident that Conservation Force was formed to do that and has had a leadership role in the inside development of this positive concept that benefits all hunters, our wildlife, wild places and our way of life.

The development of the sustainable use concept within IUCN was carried by its Sustainable Use Specialist Group. Yours truly has also been a participant in that Group from the inception. The North American Regional Group of the Sustainable Use Specialists was chaired by Dr. James Teer of Conservation Force's Board of Directors from its inception and for most of its existence. After leadership changes several times after Dr. Teer's chairmanship, the Group dissolved. Conservation Force has been attempting to assist in restarting it. That regional group was sparked back to life at an Edmonton, Alberta, Conference held by the Canadian Circumpolar Institute

in October, 2004 attended by both Conservation Force and CIC. A new North American Sustainable Use Specialist Group has been reconstituted, based at the University of Alberta. Its initial program focus is to be “*Conservation Hunting*”. Conservation Force is providing a substantial part of the Group's initial startup and operating funding. It will begin with a focus on *conservation hunting* in Northern regions of North America, i.e., Canada and Nunavut. The effort is bound to help advance the perception and conservation benefits of hunting in those northern regions with species such as



polar bear, grizzly and caribou. You can expect to hear a lot more about “*conservation hunting*” in the future and will understand its origin from the concept of sustained use – using it to save it.

In a related and timely matter, the CIC's Sustainable Use Commission has been invited to Irkutsk on Lake Bai Kal, Russia in early August to participate in a CIC Symposium with the Russian Academy of Science and Rus-

sian Union of Hunters to resolve the complex problems there, particularly the hunting closures. Conservation Force and CIC are partnering to put all that we have come to know and understand to work in Russia to foster sustainable hunting policies.

In still another related project, Conservation Force is assisting the *Hunting for Tomorrow Foundation* in Alberta with a public outreach program about the North American Model. The success of wildlife conservation in North America is proof of the benefits that can arise from use. The model was the single greatest development in wildlife conservation in the past century. The goal of the program in Alberta is to begin to solidify general public support for hunting and the conservation contributions of hunters. It will be accomplished via a series of “community meetings” across Alberta with related public relations and media delivery. Shane Mahoney of Conservation Force and Conservation Visions (an entity he operates) is to be the spokesperson. The *Hunting for Tomorrow Foundation* describes Shane as a “brilliant and riveting public orator” who is expert on the “relevance of hunting” in modern times.

If you wish to support Conservation Force's efforts within the CIC, its work within the IUCN, the Russian Symposium or Shane's North American Model program with the *Hunting for Tomorrow Foundation*, tax deductible contributions can be dedicated by contacting me at 504/837-1233 or by email at jjw-no@att.net.

Briefly Noted

■ **PETA Clears IRS Hurdle:** People for the Ethical Treatment of Animals (PETA) reports that it passed the IRS audit it has been undergoing. Presumably, the audit was one challenging its tax exempt status and activities, though that kind of information is not available to the public. PETA reports that the audit was a broad one for all purposes. A sign-on petition had been circulated and sent to the IRS and Congress challenging PETA's tax exempt

status in light of its alleged connections to domestic animal rights terrorism and convicted terrorists.

We did not join the petition because it is not the way we do business and also because in our view PETA hurts the animal rights agenda more than it hurts hunting and fishing. Their attacks signal to all where the animal rights agenda can take society.

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Help Needed with Costs of World Con-

servation Bulletin: The International Foundation for the Conservation of Wildlife (IGF) in Paris has been the sponsor of this publication for more than nine years. That means they have been paying the out-of-pocket printing costs of this publication. The sponsorship came to an end shortly after the death of Prince Abdorezza that funded and founded it. We need a new sponsor who will be credited each month as IGF was in a bracketed insert. If inter-

ested, please contact John J. Jackson, III at 504/837-1233 or at jjw-no@att.net. The contribution will be tax deductible and may be a business expense for those in the business side of the hunting industry.

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License Checks: A new study by USF&WS disclosed that approximately eight percent of deer hunters in the United States in 2001 may have hunted without hunting licenses. The study is entitled *Deer Hunting in the United States: An Analysis of Hunter Demographics and Behavior*. Apparently 824,000 deer hunters (eight percent of all deer hunters) reported that they hunted without a license in the survey taken for the *2001 National Survey of Fishing, Hunting, and Wildlife Recreation*. The “noncompliance”, as they call it, was greater among hunters hunting on private land than public or a combination of public and private land. (8.5 percent noncompliance) The noncompliance was greater in the East South Central (14.6) and West South Central and Pacific (14.1). Our sense from that is that noncompliance may correspond to larger tracks of private land that are more prevalent in those areas.

Female hunters have twice the rate of noncompliance as male hunters. For females the rate of noncompliance is 15.2 percent, while 7.3 percent of male hunters were noncompliant. The more one hunts the more likely one is to have a license. To us, here at Conservation Force, this suggests that occasional hunters on private lands such as girlfriends and wives are the least likely to have a license.

It came as a total shock to state agency administrators who have assumed a higher license purchase compliance. Overall, license revenue can be increased substantially by greater license compliance. Overnight, many states stepped up license checks in the field, with the hope of boosting revenue by up to approximately 14 percent in some areas. The study may affect anglers too. Some anglers are complaining that they are being checked more often than in their entire prior lifetimes. Hunters can expect the same this

fall. No doubt other reported violations will be simultaneously discovered during the higher number of license checks.

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Suit to Stop All Hunting in Costa Rica:

A suit is pending in Costa Rica to stop all sport hunting. The suit was filed against the Minister of Environment and Energy to suspend all “sport hunting of wild fauna in the country”. Conservation Force was contacted immediately and has been assisting with developing the defense of hunting in that country. The petition alleges that regulations authorizing any sport hunting whatsoever are unconstitutional. In the alternative, it alleges that there are not adequate scientific studies supporting the opening of hunting and offtake, and that the Ministry can’t afford to conduct the studies that are



necessary. For example, the suit alleges “that the Department of the Environment and Energy does not possess the economic resources nor the personnel to exercise suitable control of the hunt for whitetail deer.” The suit is a shotgun attack, that is, it makes numerous allegations of every sort in the hope of prevailing on one or more. We are assisting as best we can.

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High Court Rules Non-Resident Fight is Over:

One more non-resident case has been dismissed. This one by a high level appellate court expressly on the basis of the *Reid Amendment*. This is the first Court to analyze and interpret the *Reid Amendment*.

The US Court of Appeals of the Tenth Circuit dismissed the *Schutz v. Tom Thorne*, case from Wyoming on July 11, 2005. The decision is historic in that it is likely to be the final, high-

est level court to determine the legal meaning of the *Reid Amendment*. It will be the guiding case in the future. In dismissing the non-resident claim of Schutz the Court held: “In May, 2005 House Bill 1268 (“HB 1268”), the “Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005”, was signed into law by the President. Although unrelated to the general thrust of the legislation, Section 6063 of HB 1268 specifically addresses the very questions at issue in the present case.... Enactment of HB 1268 renders Schutz’s dormant Commerce Clause claim moot.... When Congress acted to confirm the rights of states to regulate these activities, Schutz’s claim ended.... Congress has unmistakably foreclosed dormant Commerce Clause petitions challenging state hunting and fishing statutes that treat nonresidents differently than residents.” The Court explored all the arguments but denied all. One argument is that an appropriations bill is only effective for one year but the Court ruled that Congress obviously intended the relevant Reid provisions in this Bill to be of a longer term since those provisions are so unrelated to the short term appropriations matter.

The State of Wyoming argued in their Motion to Dismiss the case that “it is well established that Congress may authorize the States to engage in regulation that the Commerce Clause would otherwise forbid,” citing prior Supreme Court jurisprudence. The Reid Amendment to the Appropriations Bill was such an Act of Congress.

The Court dismissed the other non-commerce claims challenging Wyoming’s discrimination against non-residents under the *Equal Protection Clause* for all the usual reasons that make prevailing under that separate clause of the Constitution nearly impossible. In a very short period, the *Reid Amendment* has had its intended effect that we advised readers about before it was passed. The Nevada case in Senator Reid’s own state that precipitated the *Reid Bill* has also been dismissed with prejudice. – John J. Jackson, III.