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## “SERVING THE HUNTER WHO TRAVELS”

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*“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

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#### Special Report: Focus On CITES CoP15

■ The 15<sup>th</sup> Conference of the Parties of CITES was held in Doha, Qatar, in March. The results from the hunting community perspective were mixed. On the positive side, the US proposal to uplist polar bear to Appendix I was soundly defeated as it should have been. Kenya’s proposal that no country make any further proposal to downlist or trade ivory in any form whatsoever for 20 years was withdrawn after Kenya first tried to make it apply to all countries for nine years and that was rejected. A definition of “hunting trophies” was adopted, by consensus, to include “manufactured” items made from an animal taken sport-hunting, which is contrary to the USF&WS’ regulation adopted in August, 2007. The Parties also agreed that when there is a problem with export permit validation/endorsement the Parties should cooperatively attempt to work it out. Again, this is contrary to new USF&WS regulations of August 2007.

On the negative side, the Tanzania and Zambia proposals to downlist their elephant to Appendix II with an “an-

notation” that limited trade to a few narrow purposes, one of which was trophy trade, failed to get the required two-thirds vote. The US proposal to downlist the bobcat was also defeated.

Following is a summary report on the above mentioned efforts. Credit must be given to the Wild Sheep Foun-



dation and IPHA for providing extra funding. Also, credit is due to Osprey Film Company and *Hunter Proud* for their DVD *Tembo: Use or Lose* that we jointly produced and circulated before the CoP supporting Zambia and Tanzania’s downlisting proposals.

**Polar Bear:** The US proposal to uplist the polar bear from Appendix II (all bear of the world are on Appendix II) to Appendix I was soundly rejected. The vote was 48 in favor of the proposal, 62 against and 11 abstentions. For passage, proposals require a two-thirds vote of those voting. In its final plea on the floor of the Committee before the vote, the US said it was not challenging the management of the bear (not attacking Canada as some protectionist NGOs were) but urged the listing of the bear under the “precautionary principle” (should have been called “approach,” not “principle”) in light of projected climate change. Few believed or were impressed with that singleness of purpose. The CITES Secretariat recommended its rejection on the basis the bear did not meet the listing criteria. Of course, Canada opposed the listing of the bear and made no bones about it after the reality lesson from the ESA listing of the bear. Canada is the only country that trades in bear parts. The IUCN Polar Bear Specialist Group, the foremost scien-

tific bear specialists in the world, opposed the uplisting. Even WWF opposed the proposal ardently. WWF pointed out that “since the CoP meets approximately every three years...it would, therefore, be incongruous” to list the bear “on the basis of a population decline that is predicted to take place over a 50-year period into the future.” That was a good point. What is the hurry, particularly since the listing would not reduce the number of bear taken anywhere? A number of speakers such as Canada and Norway pointed out that the proposed uplisting could be detrimental to the bear’s conservation.

Nunavut asserted that it spends over one million dollars each year for polar bear management, which is adaptive. They pointed out that hunting for them is not a part-time activity - it is their way of life. The bear would be taken for local use even if they could no longer be traded, so conservation of the bear through listing was an illusion. The European Union, a block of 27 countries, voted against the proposal after pointing out that trade is not excessive, the climate threat is only “potential,” not “actual,” there are other adequate regulatory mechanisms in place and the listing “may have a negative effect on the bear and the traditional communities.” It is interesting to note that the European Parliament urged its Member States and Commission to support the listing as they recently did with seal trade in Europe. Thankfully, the Member States did not follow that request.

Defenders of Wildlife argued that existing trade is already excessive and called it “luxury goods trade” with emphasis on the end-use over its origin. The antis had three exhibition booths devoted to promoting the listing of the bear. They gave out cuddly polar bear dolls, lapel pins, baggage tags and ink pens with bear emblems. The HSUS leadership unabashedly displayed ownership of the proposal as if they had inspired it, as well they may have for all the sense it made. That group put a “SAVE MY SKIN” sign on one bear they were circulating. They gave hundreds away and hosted expen-

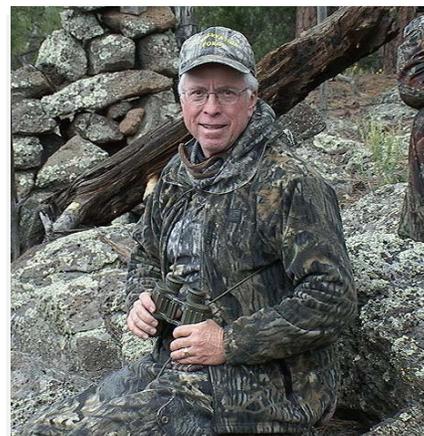
sive lunches at the ritzy Four Seasons Hotel and at speaking programs at which the USF&WS spoke but yours truly was denied entry. It was not a pleasant thing to witness.

During the debate, the Inuvialuit leadership emphasized that the bear are abundant, the bear are the most valuable resource of the native people, and “We don’t have trees, we don’t have plants.” The only impact would be to harm the Arctic people. Of course these fine people have already lost their seal trade. What would become of our hunting friends in the north had the bear been uplisted? A devalued resource is a wasted resource.

One Arctic group that was absent was the natives of Alaska. Apparently they did not realize that the CITES uplisting would have end-rounded the right-to-harvest-and-trade protection they are guaranteed under both the ESA and MMPA and the related special rule that exempts their use of polar bear. USF&WS’ CITES proposals have long been a means for the USF&WS to bypass the statutory and political protection of States and aboriginal people through listings. Some experts ventured that was part of the strategy of the US in this instance. Others ventured the proposal was a political payoff to protectionist supporters of the Obama Administration. The joint activities at Doha of the members of the anti-hunting group the Species Survival Network and the USF&WS certainly suggested collaboration.

In short, it was clear to many that the proposed listing could harm the bear and certainly would harm the good people of the Arctic North. The proposal was viewed for what it was: political payoff within the United States. There was a great deal of expressed belief that the proposal was “premature” and that the conservation programs that exist and livelihoods of the people should not be terminated simply as a political tool and guise for highlighting climate change.

The proposal was embarrassing and shameful. It squarely contradicted the concept and principles of sustainable use, was politically based, and recklessly disregarded the well-being



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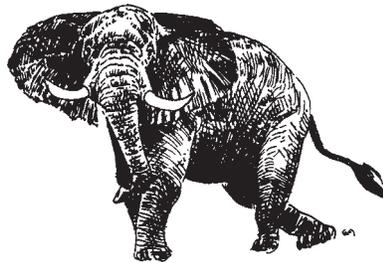
of the Arctic people and principles of sustainable use. It was a classic example of abusive misuse of the precautionary approach and hypocrisy about caring for minorities and traditional people. What had been widely viewed to be “conservation hunting” was mischaracterized as an “additive” loss. It needs to be seen for what it was - an outrageous political act that would have shifted the cost of climate change to the innocent people of the North and would have compromised the bear. Who cares for the Arctic people? We do! That said, 48 Parties did vote for it, which is scary. Climate change is not as threatening as political overreaction to the speculation.

**Tanzania Elephant Proposal:** Tanzania’s proposal was to downlist its elephant to Appendix II with an annotation that the trade be limited to trophies and a single one-time sale of its ivory stockpile under special conditions and the pledge that the proceeds be expended wholly on elephant conservation and related community benefits. Though it has the second largest elephant population in the world, the proposal met with substantial opposition. As usual, many Parties deferred to the opinion of the Panel of Experts which is a panel of select elephant experts that go into the country, make a first-hand inspection and render an opinion on the proposal. The Expert Panel’s review blew Tanzania’s proposal out of the water. When the Panel rendered its last-minute opinion, it was negative because it had not been able to meet in first person with the Customs authorities in Tanzania during its inspection, had not been furnished substantial requested information from Tanzania authorities, poaching was on the increase in southern Tanzania and very large amounts of smuggled ivory had been identified as originating in Tanzania.

The Panel found that the population might actually be declining though still viable. The 2006 best estimate was  $142,788 \pm 12,405$ , but the 2009 estimate was only  $109,622 \pm 6,135$ . The decline was “attributed largely to the downward trend recorded in the Selous-Mikumi ecosystem.” The

Panel described this to be a “significant decline” or “loss” of 31,000 elephant over three years. Some of this may have been due to a “large scale movement” from Selous to Niassa Reserve that had an increase of approximately 9,000 elephant. Regardless, the Panel concluded that illegal killing of elephants in Tanzania “is not only important but has been increasing.” There also have been “progressive increases in the number of large-scale seizures involving Tanzania.” There was a sense that Tanzania has the capacity to better manage its elephant and should better manage them.

Kenya and a number of Parties made a new argument against any downlisting that should be noted. Kenya and 26 primarily West, Central and East African countries have formed the *African Coalition* which is affect-



ing the political balance over the issues. That Coalition was formed to assist its members to be beneficiaries of the new *Elephant Fund* that was created at CoP14 at The Hague. Their concept is to give elephant issues a rest for another six years and to build the *Fund* to help those that need the financial help the most - themselves - not those that are and have demonstrated the capacity to conserve elephant on their own. Their self-serving interpretation of the 9-year waiting period for the four countries already downlisted to Appendix II is that it applies to all African range states.

Of course, that was not the agreement in The Hague. An *Elephant Fund* was created in The Hague and a partially drafted *African Action Plan* has since been created that the *Fund* is intended to serve. It is now clearly in the

financial interest of those in the new 26-member *African Coalition* to focus on their interests and deny the proposals of those successfully managing elephant. That said, though it has taken on form and structure, the divide between those that have managed their elephant the best and those that have managed their elephant the worst dominated the debate. Regardless, the balance may not change much in number or final voting tally.

Tanzania divided and amended its proposal and brought it up again in the final Plenary. In the three instances the best support it received was 57 in favor, 45 against and 32 abstentions, a majority but not the necessary two-thirds of cast votes. The EU obviously abstained in that secret vote.

The 19-page *Expert Panel* report is too rich with information to repeat here, so we have posted it to Conservation Force’s website under *News and Alerts* at <http://www.conservationforce.org/news.html>.

**Zambia’s Elephant Proposal:** Zambia’s proposal to conditionally downlist its elephant with an annotation for trophy hunting and other limited purposes and a one-off sale of its surplus stockpile with a pledge to expend the funds on elephant and the related communities fared better but also failed to receive the necessary two-thirds vote.

From the get-go, Zambia’s proposal was better received because of the Panel of Experts treatment. The Panel found its elephant numbers were “stable, viable and possibly increasing” except for the Lower Zambezi where “the offtake data indicate the likelihood of a declining population.” The Panel noted a positive trend in relation to many of the factors assessed since the last Panel report on Zambia in 2002 when it last made a downlisting proposal. Those positive trends were the status of elephant, population monitoring, ivory management and law enforcement. (See report on Conservation Force’s website at <http://www.conservationforce.org/news.html>.) TRAFFIC, the wildlife trade monitoring network, noted all that Zambia has done to improve its

elephant management over the last eight years and that the elephant satisfied the requirements to transfer it to Appendix II. WWF took a similar position. The Secretariat recommended the downlisting.

Many speakers pointed out that efforts like Zambia has been making should be rewarded. Most speakers and written supporting documents recognized the critical need for the communities that live with the elephant to benefit and that the sport-hunting would reduce the poaching.

Even the US took the floor to state that, in light of the Panel report, elephant no longer meet the biological criteria for an Appendix I listing, it would be in the best interest of the elephant to downlist it, and supported the downlisting. This was a surprise as the USF&WS denied all elephant import permit applications pending from Zambia just days before the CoP began.

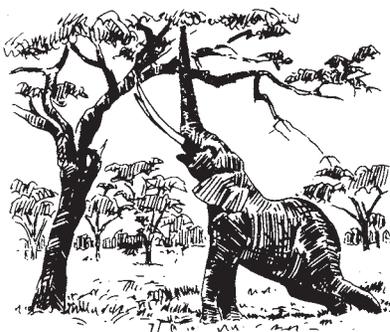
Of course, Kenya and the *African Coalition* stated that it is not the right time to downlist any population. The vote was 55 in favor, 36 against and 40 abstained, which abstentions obviously included the EU. Even though the vote was by secret ballot, the US stated that it voted in favor of the downlisting proposal at the afternoon debriefing.

**Kenya’s 20-Year Freeze Proposal:** Kenya’s proposition to freeze all downlisting proposals in any form for 20 years followed on the heels of the Tanzania and Zambia rejections. Kenya divided its proposal to first try to make the 9-year freeze applicable to all African range states, rather than just the four countries that have already been conditionally downlisted to Appendix II and permitted a single one-time sale of select stockpiled ivory, namely Namibia, RSA, Zimbabwe and Botswana.

It failed by a large margin. Perhaps most importantly, the European Union (EU) said it fully supports the *African Action Plan* but could not support Kenya’s extension of the freeze to all elephant range states. The vote in favor of extending the 9-year freeze (now six years remaining) to all countries was 38 in favor, 76 against and 21 ab-

stentions. Kenya then withdrew its original proposal that there be a 20-year freeze on all range states.

Kenya portrayed Tanzania and Zambia as “bad” countries for not abandoning their sovereignty and successes. It wants total focus to be on the evolving *Action Plan* and *Fund*. They want nine years or more of benefits and represent the proposals to be dangerous distractions that may stimulate reactionary poaching. Time will tell if



this is going to be a new playing field with new political parameters.

**Trophy Definition:** CITES has long given trophies preferential trade treatment. Of course, such trade is under attack by the protectionists and more vehement antis in every possible way. The antis suggested to USF&WS, International Affairs, that the term should no longer include worked, crafted, manufactured items made from the ani-

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mal taken sport-hunting and, in September 2007, the USF&WS adopted its own regulation to that effect over the vehement protests of the entire hunting community.

The Parties have not had a definition before and most items produced by taxidermists located in developing countries are crafted products like bookends, swishes, bracelets, decorative stools, knife sheathes, gun scabbards, etc. The interpretive issue was on the agenda at this CoP. A working group was created and definitions went back and forth through the length of the CoP. Ultimately, the Parties adopted a definition that expressly includes items “manufactured” from the sport-hunted animal. Of course, this is in direct conflict with the USF&WS’ exclusion of crafted or worked items.

It is important to understand that the US regulation still governs trophies coming into or through the US until the USF&WS changes its own stricter regulations. This is only our first step in that process. When time and resources permit, we will petition the USF&WS for a change in the regulation. In the meantime, we must advise against converting any part of a trophy of an Appendix I species into a utilitarian item or work before importation. Those conversions can be done after importation.

**Export Permit Validation/Endorsements:** Another contested issue growing out of the September 2007 USF&WS regulations is Law Enforcement’s strict enforcement of the requirement that listed items be inspected and inventoried item-for-item in part 14 of export permits and signed by a CITES official designated with the CITES Secretariat. This too evolved favorably at this CoP. The Resolution was amended to urge that importing countries contact and work out discrepancies “cooperatively” instead of being difficult. Again, this is not in accordance with the recent US regulation and seizure practices, so be advised. In fact, it arose because of the International Affairs regulation and hard enforcement. Hopefully it will lead to more equitable treatment of importers when the error or confusion is harmless.