



Trophy Hunting, Public Policy & the Precautionary Principle of Law

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Introduction

- Definition
- Extent
- Arguments for and against
- The law, U.S. and CITES
- Public opinion – Contracts Law argument
- Precautionary Principle of Law



What is "trophy hunting"?

- "Sport."
- Trophy - e.g. stuffed head mounted on wall.
- "Kill shots."
- Wealthy individuals, typically from the Global North, pay locals such as guides or landowners, often in the Global South, to assist with the planned hunt of rare—if not outright threatened or endangered—species such as lions, polar bears, black rhinoceroses, and giraffes for a fee.
- "Africa Big 5": buffalo, elephant, leopard, lion, or rhino.
- North America: polar bears, big horn sheep, mountain lions.

Walter Palmer, “Cecil the Lion”,
Zimbabwe 2015





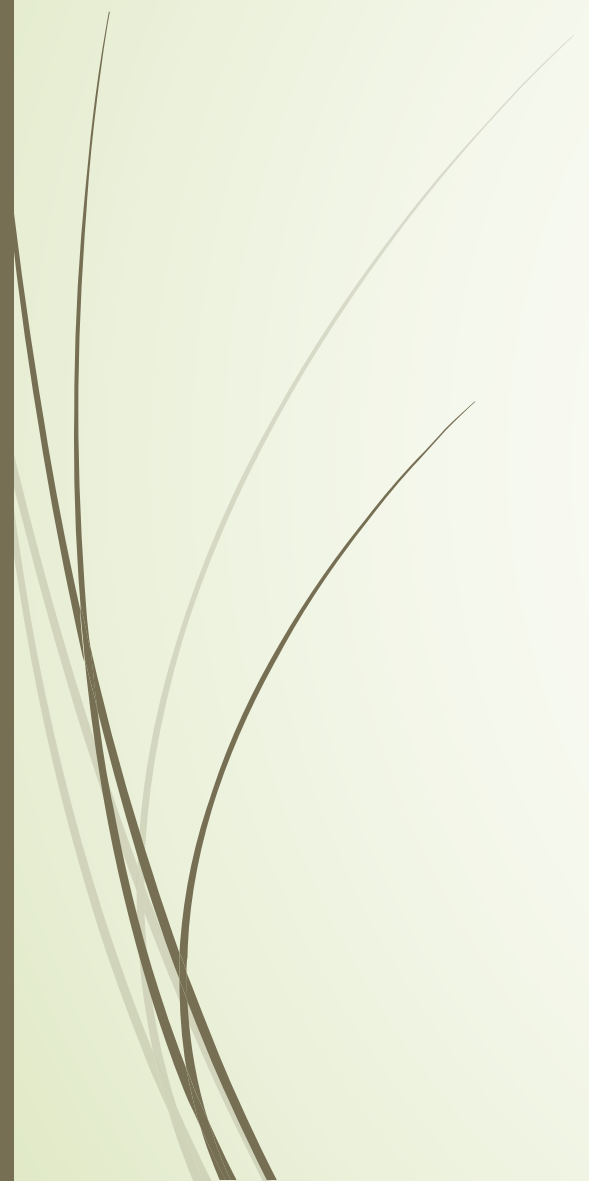
“Sport”?!..













Extent

- ▶ American hunters have killed over 5,000 African lions and imported parts of them as trophies over the past ten years.
- ▶ Between 2005 and 2014, more than 1.2 million “trophies” of over 1,200 different kinds of animals were imported into the United States.



Arguments for

- ▶ Revenue: In South Africa, which has the largest trophy hunting industry in Africa, trophy hunting generates revenues of \$100 million a year.
- ▶ Jobs creation.
- ▶ Adding to awareness of conservation issues.
- ▶ Trophy hunting generates more income per client than general tourism.
- ▶ Creates economic justification for wildlife as a land use in areas that might otherwise be used for livestock or agriculture.
- ▶ Buffers between urban and wilderness areas.
- ▶ “If no trophy hunting, wildlife populations decline.” But no objective, unanimous evidence on connection between trophy hunting bans and such declines.
- ▶ Logic?!..



Arguments against

- ▶ Population declines, e.g. lions.
- ▶ Negative ecological impacts:
 - ▶ Human-driven evolution of the species (e.g. smaller animals, horns).
 - ▶ *Not* only old, non-breeding animals killed
- ▶ Conservancies are more common where ecotourism, not trophy hunting, is prevalent.
- ▶ While some researchers have claimed that trophy hunting is a \$200 million a year enterprise in Africa, . . . the figure is based largely on unpublished tallies by hunters' associations ("Safari Club International").



Arguments against, ctd.

- ▶ For the 11 countries where big game hunting is most widely practiced, hunting preserves take up about 15% of national territory, but account for less than 1% of their respective countries' GDP.
- ▶ The earnings from tourism overall are up to six times the amount accrued from trophy hunting.
- ▶ Creates increased demand for trophies which may lead to poaching (e.g. ivory: when legalized, thought to increase demand for poach ivory too).
- ▶ Further, as little as 3% of the revenue derived from trophy hunting may accrue to the local communities where the hunting occurs.
- ▶ Corruption concerns.



“Values” – existence and intrinsic too!

- ▶ Existence value:
 - ▶ Willing to pay an “option price” to retain the possibility of future use.
 - ▶ People often value natural resources that they have no desire to ever actually use.
 - ▶ Value just in knowing that species exist and will do so for future generations.
 - ▶ 34% (compared to 7% for “current use value”)
- ▶ Intrinsic value (48%):
- ▶ Wild animals do not have to be “good *for* something, that is, have a use or a value for humans.
- ▶ Value in species independent of their use for humans.
- ▶ Spiritual, ethics beliefs.



The law



CITES



- ▶ Appendix I (also for "specimens"):
 - ▶ Trade only "in exceptional circumstances"
 - ▶ Both importing and exporting states must make "non-detriment findings."
 - ▶ Virtual ban.
 - ▶ Exx.: pandas, gorillas, sea turtles.
- ▶ Appendix II (ditto):
 - ▶ May be traded internationally, but only if export permit is granted.
 - ▶ No import permit required.
 - ▶ Exx.: Lions, some otters, some alligators, mahogany.



Contracts Law



- ▶ Contracts may be held unenforceable for reasons of public policy where, for a “promise or other term of an agreement[,] . . . the interest in its enforcement is clearly outweighed in the circumstances by a public policy against the enforcement of such terms.”
- ▶ Exx.: gambling, prostitution, surrogate motherhood, non-compete clauses - employees (California).
- ▶ But: if both parties (e.g. hunter and landowner) agree, who would sue?..
- ▶ (Often, contractual disputes arise.)
- ▶ Third party beneficiary law: conservancy-oriented groups, nations, (or animals themselves)?..



Public opinion in the USA

- Approx. half of Americans oppose hunting animals just for sport.
- 86% of Americans consider big-game hunting to be particularly distasteful.
- 60% of non-hunters, 34% of hunters believe that the practice is wrong and should be outlawed.
- Only 11% of Americans think that trophy hunting is acceptable.
- 41% of Americans think Palmer acted unethically when he killed Cecil.



Precautionary Principle of Law

- ▶ Principle 15 of the Rio Declaration on Environment and Development,
- ▶ *“In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or **irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.**”*
- ▶ Preamble: *“Where there is a threat of significant reduction or **loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat.**”*



Conclusion

- ▶ African elephants: 400,00 left, down by >50% since 1979.
- ▶ Lions: 25,000, down by 50% since 1995, gone from 94% of their range.
- ▶ Giraffes (masai): 35,000 left, also down by 50%.
- ▶ Main problems:
 - ▶ Habitat destruction
 - ▶ Poaching.
 - ▶ But: "Saving them by shooting them" flies in the face of logic.
 - ▶ Exercise caution!
 - ▶ Be conservative!