



"Hunting provides the principal incentive and revenue for conservation.
Hence it is a force for conservation."

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SPECIAL SUPPLEMENT

Cecil's Law and EU Declarations – What Is the Risk, Where Is the Truth?

How much of a threat are two recent efforts to ban hunting trophies in Connecticut and the EU? Here, we evaluate the attacks, describe their proponents, and refute the lies on which they are based. To clarify the conflation of *legal* hunting and poaching, we offer 25 reasons why hunting is not like poaching. (A cited version of this list is available on our website, www.conservationforce.org.)



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No attack on hunting can safely be ignored. There has been too much negative press and unsubstantiated criticism. But from a legal perspective, these attacks are low risk and do not threaten to close hunting. Do they carry weight in the court of public opinion? It is harder to say. Therefore, we must take every chance to explain the benefits of regulated, sustainable hunting and not to allow any attack, even a weak one, to spread misinformation.

Cecil's Law

The first attack seeks to ban the import, possession, sale, and transport of hunting trophies and products of African elephant, lion, leopard, and black and white rhino in the state of Connecticut.

The bill, named "Cecil's Law," was introduced in February and is pending in the Legislature's Environment Committee. It was drafted by animal rights group Friends of Animals (FoA). Although this bill has a limited potential impact, any law that prohibits the import or possession of *legal* trophies is a threat.

FoA's press release¹ claims Cecil's Law only targets hunting trophies. That is false. The bill prohibits import, possession, sale, or transport of "big five African species." It defines "big

five African Species" broadly, as "any specimen" of African elephant, lion, leopard, and rhino including any live or dead parts or products.² The only exceptions are grandfathered specimens for which the owner obtains a certificate of possession, distribution

of grandfathered specimens to a legal beneficiary or heir; nonprofit museum collections; and specimens passing through the state with a permit from another state, which do not exist.

Cecil's Law is illegal. It is "preempted" (overridden) by the ESA, which does not allow states to substitute their judgments in place of those by Congress or the US Fish & Wildlife Service (FWS). When FWS issues a permit, a state must respect it.³ Courts have voided state laws that banned commercial trade in elephant products authorized by FWS regulations.⁴ We would expect a similar outcome here.

FoA

FoA is an animal rights group opposed to hunting and wildlife management. FoA opposes the "concept of animals as resources for human beings" and international trade in wildlife. Its website defines hunting as "a deceitful and unnecessary act ... for purely gratuitous reasons ... unethical, socially unjustifiable and ecologically disruptive."

Conservation Force is litigating

- www.cga.ct.gov/2016/TOB/s/2016SB-00227-R00-SB.htm.
- 16 U.S.C. § 1535(f); *Man Hing Ivory & Imps., Inc. v. Deukmejian*, 702 F.2d 760 (9th Cir. 1983).
- Id.*; *H.J. Justin & Sons, Inc. v. Deukmejian*, 702 F.2d 758 (9th Cir. 1983).

against FoA to defend two permits for black rhino trophies from Namibia: imports FWS found enhanced the survival of the rhino. The hunts contributed \$550,000 *exclusively* for black rhino conservation and protection. Yet FoA sued to rescind the permits and stop FWS from using the ESA's enhancement provision as a positive tool for conservation.

FoA also sued the State and Interior Departments over the sale of 22 live elephant from Zimbabwe to China. Although FoA's complaint frequently

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referred to "baby elephant," photos and Zimbabwe's wildlife authority confirmed that they were sub-adults, not "babies." In July 2015, the Secretariat confirmed the sale was permitted under CITES. Conservation Force represented Zimbabwe and was to intervene when the case was

voluntarily dismissed.

FoA admits it is trying to "end the importation into the US of trophy hunted animals by 2020."

Anti-Hunting Declaration in the European Parliament

In January, a proposed Written Declaration on trophy hunting was filed in the European Parliament calling on the European Council and Commission "to examine the possibility of restricting all trophy imports."⁵ The Declaration does not pose a legal threat, but its anti-hunting emotion should be of concern to those who support sustainable use.

The Declaration cannot stop hunting or imports. It is not a law. It is not binding. It is only a request, in this case for an "examination" of hunting. If the Declaration receives signatures from half the Members of the European Parliament, it will be sent to the Council

1. www.friendsofanimals.org/news/2016/march/take-action-help-pass-cecils-law-connecticut#sthash.D8IAEqIr.dpuf.

5. www.europarl.europa.eu/plenary/en/written-declarations.html.

and Commission. But it seems unlikely to succeed: it has only 78 out of 376 signatures so far and will lapse on April 18 if it does not get the rest.

The Declaration should not be adopted as it makes an end-run around the EU Scientific Review Group (SRG). Like the FWS, the SRG makes findings on the sustainability and benefits of hunting programs which guide EU members in issuing import permits. The SRG imposes high standards on range nations, and those standards must be respected by EU members.

The Declaration is legally without teeth; however, challenges or criticisms of hunting at this level should worry all. FACE and other pro-hunting groups in Europe are monitoring and opposing the Declaration. So is Conservation Force.

Born Free

The Declaration is masterminded by Born Free Foundation, a British animal welfare group.⁶ Born Free was founded by the stars of the movie *Born Free*. It has grown incredibly, raising £3.8 million income in 2015. Born Free's President is President of the Species Survival Network, a coalition of about 80 animal rights groups, including HSUS.

Born Free uses its substantial assets to fund scientific research, including research by the lead author of the 2015 IUCN *Red List* assessment for African lion. Born Free is a formidable foe due to its resources and reach. Its website states it will "never forget[] the individual" animal, and also states Born Free's position against sport hunting.

The List of Lies

The following list summarizes the inaccuracies in Cecil's Law and the Declaration, and explains the reality below each lie. A list of references is available on our website.

1. "Trophy hunting is a cruel and cynical business" and "brutality."

Safari hunting is not a "cruel business." Death by bullet is much quicker and less brutal than death in the wild.

Good operators are stewards of their areas. For example, Buby Valley Conservancy reinvests the revenue

6. [www.bornfree.org.uk/news/news-article/?no_cache=1&tx_ttnews\[tt_news\]=2077](http://www.bornfree.org.uk/news/news-article/?no_cache=1&tx_ttnews[tt_news]=2077).

from hunting in conservation, and its efforts have paid off in the largest population of black rhino in Zimbabwe (the third largest in the world), and important populations of cheetah, wild dog, and 500-plus lion. Hunting is the conservancy's *only* source of revenue. It pays for those black rhino, lion and other species. That is not cruel or cynical – it is conservation.

2. EU members do not follow rules that require a demonstrable positive conservation benefit for import of game species.

The SRG is responsible for evaluating whether the hunting of protected wildlife (including elephant, rhino, and lion) is sustainable and benefits the species. The SRG meets often. It dialogues with range nations. In 2015, it closed the import of elephant trophies from Tanzania, but opened imports from Zambia because Zambia showed it had a stable elephant population, updated management plan, and community benefits program. In other words, the SRG did its job. *Most* EU members do their jobs and follow the SRG's opinions. Criticism of this stringent process is unwarranted.

3. Trophy hunting puts the world's "wonderful wildlife" at risk.

The greatest threat to wildlife in Africa is loss of habitat due to human population growth. Hunting areas provide at least 1.3 million km² of habitat, countering the threat and transferring the cost of combatting encroachment to the private sector. That *alone* is a significant benefit to "wonderful wildlife."

4. US hunters kill too many animals. "Trophy hunters rob the rest of us of our shared wildlife heritage."

Hunting has restored game and protects it. Hunting areas offer extensive habitat and serve as buffers for national parks, creating conditions for wildlife growth. Much hunting occurs on private land where wildlife is owned by individuals and cannot be "stolen" from the public. In South Africa, privately owned game far exceeds that in national parks. Private ranches are responsible for recovering species like the white rhino and bontebok.

Hunting offtakes are sustainable. Most game taken is abundant and not



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at-risk; e.g., 96% of game hunted in South Africa is common or abundant.⁷ Offtakes of listed species are low. South Africa's elephant quota is 150 bulls. Namibia's is 90. Tanzania's is 100 in a population exceeding 40,000. And utilization is almost always lower than that. In Tanzania in 2014, only seven bulls out of 100 were taken. The same for lion: in 2015 in Tanzania, only 39 were harvested, and the utilization in Zimbabwe in 2015 was 39/85.

These low numbers do not threaten populations – as the CITES Parties recognized when they authorized limited offtakes/exports of black rhino and markhor.⁸

The reality is not robbery but more like investment. Hunting operators protect and grow wildlife and take a small dividend from the population to offset expenses. This is a workable model that focuses on and is successful in protecting the species as a whole.

5. Legal hunting enables illegal poaching.

The press release on Cecil's Law claims "there is growing scientific evidence that the legal trade of trophy hunted species enables illegal poaching by providing poachers a legal market to launder their contraband. One example is South Africa. The country has seen a marked rise in illegal rhino poaching since it began selling permits for trophy hunted rhinos in 2004. Illegal trophy hunting has increased 5,000 percent since 2007." But FoA cites no evidence of these studies. The facts undercut this claim.

The opening of regulated hunting in South Africa led to recovery of the *white* rhino, from ~100 to 20,000+ today. Although hunting of *black* rhino in South Africa took place before, export of five black rhino trophies was authorized by a 2004 CITES Resolution. According to FoA, poaching, primarily of *white* rhino, did not increase for more than three years. That is a weak connection. In fact, hunting has nothing to do with increased poaching; regulated, sustainable hunting is the antithesis of unlawful, unsustainable poaching.

7. Di Minin *et al.*, 30 Trends in Ecology & Evolution 99 (2/16).

8. Res. 13.5 & 10.15. Figures cited by the antis seem to include captive-bred offtake, which should be excluded.

6. Trophy hunting is nefarious and wasteful.

Antis love the term "trophy" hunting and use it like a curse. But trophy hunting is the same safari hunting that has existed since Teddy Roosevelt. It is nothing more than *selective* hunting – waiting for a high-quality specimen.

Antis like to imply that trophy hunters cut the heads off animals and walk away. That is false. Hunting ethics prohibit waste, and trophy animals are not wasted. In most cases they provide protein for entire villages. In Zambia, a study found game meat distributions to communities from a small amount of hunting exceeded 6,000kg per year. In Buby Valley, 45 tons of game meat is distributed annually. Trophy hunters are selective in their harvest but they are certainly not wasteful.

7. Trophy hunting does not benefit range nation conservation programs. And FWS cannot ensure trophy imports are from well-managed programs. For example, it closed elephant imports from Tanzania and Zimbabwe because it did not have enough information on those programs.

Of course, if FWS closed imports from two countries because it could not find their programs enhanced the survival of the species, FWS was doing its job. Putting aside the inconsistency of FoA's criticism, what do range nation governments say about the value of regulated hunting?

South Africa's Environmental Minister expressed disappointment when the airlines embargoed transport of Big Five hunting trophies. She said: "The legal, well-regulated hunting industry in South Africa is ... a source of much needed foreign exchange, job creation, community development and social upliftment." Similarly, in opposing the listing of African lion, Tanzania documented significant benefits from licensed, regulated hunting including: underwriting management and anti-poaching programs; shifting costs to the private sector; community benefits-sharing; and justifying and funding most wildlife habitat. *Tanzania confirmed that 80% of its anti-poaching funds come from hunting revenue.*

And recently, Namibia's Cabinet directed the ministry to campaign against any proposed bans on hunting

and trophy exports. Among other things, the Cabinet pointed to income hunting generates for communal conservancies, private farms, anti-poaching, and wildlife conservation. Thus, according to range nations, legal, sustainable hunting is a key component of their conservation programs and is critical to maintaining wildlife populations. Western organizations who try to stop hunting ignore the range nations, and blind themselves to the fact that conservation costs money. Hunters have paid the bills for years. That truth is confirmed by the source. And it must be broadcast to quiet down groups like FoA and Born Free and shut down initiatives like these.

25 Reasons Licensed, Regulated, Sustainable Hunting (Hunting) Is Not Poaching

1. Hunting is *licensed*. It requires a permit and fee. By definition, poaching is illegal.
2. Hunting is *regulated* by species, area, season, number, quota, sex, age, etc. Poaching is indiscriminate. Snares do not distinguish species, sex or age.
3. Hunting restricts methods used, such as prohibiting some weapons or motorized transport. A poacher uses whatever means are available, including poison, without concern for any collateral damage.
4. Hunting only occurs at certain times. In Namibia and Zambia, for instance, no lion are hunted at night. Hunting has off seasons to avoid disrupting reproductive cycles. Poachers usually hunt during off times and do not care about animal cycles.
5. Hunting is *selective*. Poachers do not care and will shoot whatever passes by. Snares do not discriminate.
6. There are size and age limits for legal trophies. E.g., in Tanzania, elephant tusks must be at least 20kg or 1.6m. Lion must be above a certain age. Similar limits are imposed in other countries. Poachers do not follow any such rules.
7. Hunting is *sustainable* because it is quota-based.
8. Hunting is *adaptive*. If over-hunting (legal or not) occurs, legal hunting is halted. For example, lion hunting was suspended in 2005 outside Hwange NP due to concerns about the cumulative effects of hunting and problem animal

control (PAC). The population recovered rapidly, and regulated hunting was reopened.

9. Hunting can be a *bio-management tool*. E.g., in Namibia, only “surplus” or “problem” black rhino are hunted. Removal of the rhino allows younger bulls to assume dominant positions and may increase reproductivity, or removes an animal that killed other rhino. Poaching undercuts management goals by taking any animal, including females and young.

10. Hunting *preserves habitat* – the most habitat. In southern and eastern Africa, ~23% more habitat exists in hunting areas than national parks. That level is far higher in countries where hunting is legal, with five times more habitat in Tanzania and ~three times more in Zambia and South Africa. Hunters protect and police this habitat against the poachers who invade it.

11. Hunting puts *anti-poaching boots on the ground*. Hundreds of game scouts are directly employed by hunting operators. In South Africa and Zimbabwe many rhino are privately owned. The high protection costs are paid by private operators.

12. Hunting *underwrites most anti-poaching by governments and communities*. It provides the lion’s share of funds for government wildlife authorities; for instance, it pays 80% of Tanzania’s anti-poaching bills. Returns from hunting operations also pay for community scouts. How can anyone credibly compare it to poaching when legal hunting is the largest source of *anti-poaching*?

13. Sharing of hunting fees and revenues, and contributions of supplies and services by hunting operators, creates *conservation incentives* for the communities most affected by wildlife.

They receive significant revenues, e.g., 75% of trophy and permit fees in Tanzania, and 55% of fees directly into village bank accounts and 41% of fees through district councils in CAMPFIRE areas.

14. By generating financial incentives, hunting *reduces human-wildlife conflict*. Human wildlife conflict (HWC) increases if hunting is banned, as in Kenya and recently Botswana. Poaching does not offset HWC because it steals benefits from communities and transfers them to individual poachers.

15. Hunting provides meat to protein-poor communities. E.g., in Zambia, 50% of game meat must be shared with communities. Buby Valley donates 45+ tons of meat from hunting. Commercial poachers usually leave the meat of

poached animals to rot. 16. Hunting *disincentivizes* poaching. In Tajikistan, former poachers created a conservancy that generates revenue from markhor hunts. They recognized the hunting

offered sustainable benefits compared to short-term gains. The protection from this conservancy and others has increased the number of markhor and at-risk predators like snow leopard.

17. Hunting *recovers* wildlife. Witness the white rhino population explosion once private ranchers began to financially benefit from hunting. The same is true in Tajikistan with markhor. Populations recover because legal hunting is controlled and sustainable, and offers a reason to increase numbers despite associated costs. Poaching can decimate wildlife.

18. Hunters *pay* the big money that funds habitat protection, anti-poaching, employment, management and surveys, etc. Poachers do not pay the government, property owners, or anyone else.

19. Hunting generates *employment and*

tax revenue. In some areas it is the *only source* of employment. In Namibia, which faces 28% unemployment, a ban on legal hunting would cost ~3,500 jobs, mainly on community conservancies. Hunting also spurs jobs in service and tourist industries. These wages translate to spending and tax revenue to support under-resourced governments. Poaching generates no income or taxes and threatens jobs by reducing wildlife populations.

20. Hunting revenues are the *foundation of wildlife authority budgets*. Hunters bankroll conservation in range nations throughout Africa. Poachers cost governments by necessitating higher enforcement expenditures.

21. Hunting is *ethical*. It is generally based on a fair-chase code. Hunters make every effort to be humane. Poaching is unethical, brutal, and inhumane.

22. Hunting is *not commercial*. Trophies are for personal use. Poaching can be commercialized and driven by syndicates and black-market cartels.

23. Hunting is *self-regulating*. Clubs and professional hunters/operators’ associations have strict codes of conduct. Poachers follow no codes. They are law-breakers by definition.

24. Hunting is *government-monitored*. Range nations require the return of forms describing the hunt and harvest. Many require a government scout observe hunts. Poaching is neither monitored nor sanctioned by range nations.

25. There is no correlation between hunting and increased poaching. In South Africa, white (and black) rhino hunting took place well before an increase in poaching. Namibia kept poaching in check since black rhino exports began by using the revenue from these hunts. Elephant hunting occurred for years before the current poaching “crisis.” As shown here, hunters are the counter to poachers, not the cause. ■

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