

Compatibility of Trophy Hunting as a Form of Sustainable Use with IUCN's Objectives

A Report by the IUCN WCEL Ethics Specialist Group

1. Introduction

This report has been provided by the following members of the WCEL Specialist Ethics Group (ESG), all professors of environmental law: Klaus Bosselmann (NZ/Germany), Peter Burdon (Australia), Prue Taylor (NZ), Ngozi Stewart (Nigeria), Louis Kotzé (South Africa) and Thiti Waikavee (Thailand).

The report aims for assisting IUCN to clarify the ethical acceptability of trophy hunting according to current IUCN statutes and policies and consistent with generally accepted methodologies of social and environmental ethics. There has been considerable debate around the morality of trophy hunting in the general public including the international conservation movement, and within IUCN.

For IUCN, the issue of trophy hunting recently arose in the context of whether organizations that are supportive of trophy hunting may be eligible for IUCN membership under the IUCN statutes. Of central importance to determining membership is whether, at least, one central purpose of an organization meets IUCN's objectives. The Council has to determine, in particular, whether:

“the objectives *and* track record of the applicant embody to a *substantial* extent (i) the conservation of the *integrity and diversity* of nature; *and* either or both: (ii) the aim to ensure that any use of natural resources is *equitable and ecologically sustainable*; (iii) dedication to influencing, encouraging and assisting societies to meet the objectives of IUCN.”¹

In determining whether an applicant meets this test, the Council cannot rely on claims or representations made by the applicant, but has to consider whether the applicant's “objectives” and actual “track record” make it likely that the applicant is dedicated to advancing the objectives of IUCN. Hence, a mere intention or willingness of the applicant to advance IUCN's objectives would not be sufficient. The “dedication” to influencing, encouraging and assisting societies involves a credibility assessment. This may include a closer look at the membership of the applying organization, for example, the motives and actual conduct of its members and the overall impact that the organization has had, and would have as an IUCN member, on IUCN's dedication to meet its objectives.

The central question for the Council is - or should be - whether or not an applicant adds to the potential of the IUCN's overarching objective, i.e. “to influence,

¹ Art. 7 (c) IUCN Statutes and Regulations (as last amended on 10 Sept. 2016); *emphasis* added.

encourage and assist societies throughout the world to conserve the integrity and diversity of nature and to ensure that any use of natural resources is equitable and ecologically sustainable.” (Art. 2). This objective cannot be interpreted in a way that emphasizes one aspect (e.g. “sustainable use”) at the expense of other aspects. Nor would it be appropriate to liken the objective with “sustainable development” or any abstract idea of promoting conservation. Rather, Article 2 contains a certain hierarchy: the conservation of integrity and diversity of nature is the overall concern. The use of natural resources has to occur in a manner that it is equitable and ecologically sustainable so that the integrity and diversity of nature will be conserved (and restored where necessary). This clearly implies that sustainable use and sustainable development are both subservient considerations to the overarching aim of ensuring ecological integrity.

It would be wrong therefore to measure trophy hunting purely against “sustainable use” as it is commonly referred to in domestic environmental laws and international hard and soft law. Nor could it be measured against statements on sustainable use of wildlife as, for example, provided by WWF which contends: “WWF is not opposed to hunting programs that present no threat to survival of threatened species and, where such species are involved, are part of a demonstrated conservation and management strategy that is scientifically based, properly managed, and strictly enforced, with revenues and benefits going back into conservation and local communities.”² Trophy hunting is not mentioned here, and even it were, it would have to be measured against a “demonstrated” conservation strategy and against “revenues and benefits going back into conservation and local communities”.³ Furthermore, the overarching concern, for IUCN at least, is to conserve the integrity and diversity of nature (globally and locally) and to educate (“influence” etc.) societies (nationally) how this can be achieved. Is trophy hunting an acceptable means to achieve this end?

In answering this question, we need to consider not just sustainable use requirements and practices, but also the general debate around trophy hunting. There are pro-arguments in favour and arguments against. The former are largely based on economic benefits for local conservation efforts, while the latter is critical of such ‘trickle-down’ effects and emphasizes the ethical dimensions of trophy hunting.

For the Ethics Specialist Group, ethical grounding of conservation laws, policies and practices is critical and arguably consistent with IUCN’s overall objective to ensure integrity and diversity of nature. In the next section we outline some ethical considerations before addressing the actual question at hand.

2. General debate around trophy hunting

The debate about the justifiability of trophy hunting ranges from stressing economic benefits at one end of the spectrum to fundamental ethical objections at the other.

² <https://www.worldwildlife.org/pages/sustainable-use-of-wildlife>

³ Ibid.

Supporters base their argument largely on the perceived virtue of economic benefits and advantages for conservation. The claim is that local communities financially benefit from hunting and funds raised can be directed toward conservation efforts. These claims are based on financial, empirical evidence, but the benefits appear to be nowhere near as widespread as claimed. For example, in Zimbabwe as little as 3% of the income for trophy hunting actually reaches local communities.⁴

Hunters as a group tend to privilege an abundance of the species they are interested in killing over the existence of biologically diverse ecosystems.⁵ Despite claims by trophy hunting organizations that hunting promotes wildlife conservation in Africa, there is evidence that trophy hunting causes populations of African lions to decline.⁶

Apart from uncertainties around verifiable benefits generated by trophy hunting, there are basic concerns with cost-benefit analysis (CBA) used for the evaluation of wildlife conservation, particularly with respect to trophy hunting.

First, we can never identify all the direct and indirect benefits and costs of any action. This is especially true for wildlife conservation with its many unknowns. How to quantify the benefits of trophy hunting? Aside from possible benefits for local communities, the benefits of human-induced culling of wildlife are questionable given that trophy hunters often remove individuals with the highest breeding value from wildlife populations.⁷ Proof that hunting can have measurable conservation-related benefits for a species may be a possibility in principle, but is hard to come by given the complexities involved. Species development is not just affected by direct human action, for example, motivation of private landowners to increase the numbers of a certain species such as the white rhino.⁸ There are important environmental factors to be considered including ecological interdependences, habitat stability and impacts of biodiversity loss and climate change. There are too many uncertainties to justify trophy hunting by pointing to benefits for wildlife conservations.

Secondly, in light of the debate about 'valuing nature' and 'monetizing nature' it can

⁴ S. Wiggins, *The Economics of Poaching, Trophy and Canned Hunting*, 2015; <https://iwbond.org/2015/09/02/the-economics-of-poaching-trophy-and-canned-hunting/>.

⁵ R. Holsman, "Goodwill Hunting? Exploring the Role of Hunters as Ecosystem Stewards," *Society Bulletin* 28, no. 4 (2000), 808–16.

⁶ C. Packer et al., "Sport Hunting, Predator Control, and Conservation of Large Carnivores," *PLOS ONE* 4, no. 16 (2009), <http://journals.plos.org>. S. Wiggins, *How can 'we' save the African Lion?*, 2016; <https://iwbond.org/2016/01/05/how-can-we-save-the-african-lion-panthera-leo/>.

⁷ This phenomenon is called "unnatural selection." F. Allendorf and J. Hard, "Human Induced Evolution Caused by Unnatural Selection through Harvest of Wild Animals," *Proceedings of the National Academy of Sciences* 106 (2009): 9987–94.

⁸ N. Leader-Williams, S. Milledge, K. Adcock, M. Brook, A. Conway, M. Knight, S. Mainka, E.B. Martin & T. Teferi (2005). Trophy Hunting of Black Rhino: Proposals to Ensure Its Future Sustainability, *Journal of International Wildlife Law & Policy*, 8 (1) 1-11.

be questioned whether a monetary value can be placed on life.⁹ It is unethical to place a monetary value on human life. On what grounds then should this be different with respect to animals? Even if an 'intrinsic value' of animals (biocentrism) is denied, an assumed mere 'instrumental value' of animals (anthropocentrism) still requires justifiable reasons for killing animals. These may include essential human needs (food, clothing, cultural identity etc.), but certainly not killing for fun ('experience', sport, trophies). At the very least, the onus for justifying trophy hunting must lie with those who claim that the 'benefits' for wildlife conservation are greater than the 'costs' of loss of life. Again, it must be stressed that the assumption of justifiable trophy hunting could only be made on the grounds of ethical anthropocentrism - a position that arguably is not consistent with IUCN's overarching conservation ethics (see further below).

Thirdly, there are practical difficulties of compatibility. As economic benefits are easier to quantify than ecological benefits, there is a tendency to neglect ecological benefits and harms that are far more difficult to quantify, whether in economic/financial terms or in terms of conservation efficiency. Policy positions based on economic considerations often neglect critical ethical issues such as ecological justice, human rights and human responsibilities. The implication is that a preconceived level of economic benefit justifies (a degree of) ecological harm; especially if that benefit could be used to advance the human development project. If the economic benefit, as perceived by humans, is sufficient, then any ecological harm can be justified, whereas the "value" of maintaining ecological integrity is never stated or used as a counter-balance to economic value. This trade off approach raises the question of what the limits are - and that has to be determined or guided by ethical concepts.¹⁰

Opponents of trophy hunting tend to argue from a moral and ethical perspective.¹¹ Typically, they refer to social ethics (i.e. rich-poor disparities, trickle-down ideology, intra-generational justice, equality) and environmental ethics (inter-generational justice, inter-species justice, ecological sustainability). Both social and environmental ethics are relevant here as Articles 2 and 7 refer to them. It is important, however, to stress that environmental ethics offers the key to understanding the relationship between human needs and inspirations, on the one hand, and the sustainability of ecological systems on the other. The latter is a

⁹ G. Monbiot, 'The Pricing of Everything', 2014 SPERI Annual Lecture University of Sheffield, <https://www.theguardian.com/environment/georgemonbiot/2014/jul/24/price-nature-neoliberal-capital-road-ruin> ; 'Can Nature be Monetized?', Capital Institute Forum <http://capitalinstitute.org/braintrust/can-nature-monetized/>

¹⁰ It is worth noting that IUCN's practices tend to favour CBA approaches over ethical approaches for the evaluation of biodiversity conservation measures. A report by the International Centre for Integrated Assessment and Sustainable Development at Maastricht University examined IUCN's perspectives, policies and practices with respect to biodiversity conservation for the period between 2007 and 2013 ("IUCN and Perspectives on Biodiversity and Conservation in a Changing World", *Biodiversity and Conservation*, December 2013, Vol. 22, Issue 13-14, pp 3105-3120) and found that anthropocentric, economic and market-based approaches far dominated genuine ethical approaches to evaluating biodiversity conservation measures.

¹¹ There appears to be only one voice arguing in favour of trophy hunting from an environmental ethical perspective: A. Gunn, 'Environmental Ethics and Trophy Hunting', *Ethics and the Environment*, Vol. 6.1 (2001), 68-95; <https://muse.jhu.edu/article/11197>.

precondition to the former.¹²

As far as the general debate around trophy hunting is concerned, there is a certain emphasis on assessing benefits against possible risks (e.g. economic benefits for communities vs endangering of species and/or ecosystems). Such emphasis looks at the consequences of human conduct – in our case trophy hunting - and is known as ‘consequentialism’. From a consequentialist perspective, the good outcome, or consequence, of a morally motivated conduct is crucial. If the outcome has more benefits than harm, then the conduct is justified. In the extreme, consequentialism amounts to “ends justifying the means”.

Contrasting with the consequentialist perspective is the deontological perspective. Here rules and moral duty are central. Deontology derives the rightness or wrongness of human conduct from the character of the behavior itself (at least since Immanuel Kant). Typical for deontological ethics is the idea of human rights or sustainability. Neither human rights nor sustainability can be entirely explained as protection measures against undesirable outcomes (typical for consequentialism), although they may be part of the reason why human rights or sustainability ought to be guiding rules for humanity. Essentially, if something is recognized as a (fundamental) rule, then any behavior not following the rule is unethical (and often, but not necessarily so, illegal).¹³

For IUCN’s position on trophy hunting to be credible, it is important to reflect on both, economic (utilitarian) and ethical (consequentialist and deontological) considerations bearing in mind that IUCN typically derives its position from its own normative rules (e.g. statutes, resolutions, policies, guidelines etc.). Neither purely economic or utilitarian reasoning, nor purely ethical reasoning may satisfy all the stakeholders involved, although it has to be stressed that ANY human behavior is ultimately motivated by ethics, whether consciously or unconsciously. Arguably, IUCN is inherently motivated and shaped by ethical, not economic or utilitarian concerns for conservation,¹⁴ although it has to be said that the development of IUCN’s current policies and programmes has considerably lacked in this regard.¹⁵

3. IUCN’s current position

As mentioned earlier, Article 2 of the Statutes charges IUCN with the commitment to

¹² This is also true in light of the needs of indigenous and local communities in poor (“developing”) regions of the world. Their livelihood was always dependent on a harmonious relationship with nature. This has not changed by the fact that the (over-)developed world has imposed existential threats to their livelihood with respect to both, social and environmental conditions.

¹³ A recent example of opposition against trophy hunting from a deontological perspective is A. Ahmad “The Trophy Hunting Debate: A Case of Ethics” *Economic & Political Weekly*, Vol 51, Issue No 26 – 27, 2016.

¹⁴ See, for example, R. Engel (with K. Bosselmann), *The Contribution of IUCN to the Ethics of World Conservation: Chronology from 1948-2008*.

¹⁵ An example is the lack of implementing specific ethical resolutions such as the endorsement of the *Earth Charter* at the 2004 IUCN WCC or the adoption of *Ethics Mechanisms* at the 2012 IUCN WCC. See also P.E. Taylor, P. Burdon and D.A. Brown, ‘Moral leadership and Climate Change Policy: the role of the World Conservation Union’, *Ethics, Policy and Environment* (forthcoming 2017).

“influence, encourage and assist societies throughout the world to conserve the integrity and diversity of nature and to ensure that any use of natural resources is equitable and ecologically sustainable.” Accordingly, the IUCN has an overarching commitment to ecological integrity assisted by a form of use of natural resources that is both socially equitable and ecologically sustainable. Neither socially unjust nor ecologically unsustainable practices could be tolerated, so the onus has to be on an applicant to demonstrate that their objectives and practices serve this commitment in order to justify IUCN membership. Again, the dedication to influence, encourage and assist societies and the ability and credibility to do so are crucial here.

In furtherance of its overarching commitment, the IUCN has passed over 100 resolutions that directly link conservation science (and practice) with justice and equity. Examples include: the World Conservation Strategy (1980), *World Charter for Nature* (also adopted by the UNGA in 1982); *Caring for the Earth: A Strategy for Sustainable Living* (1991); the *Draft International Covenant on Environmental Development* (1995/2015); Resolution 3.022 endorsing the *Earth Charter* as “an ethical guide for IUCN policy” (2004); Resolutions 4.098 *Intergenerational Partnerships: Fostering Ethical Leadership for a Just, Sustainable and Peaceful World* and 4.099 *Recognition of the Diversity of Concepts and Values of Nature* (2008); 3.020 *Drafting a Code of Ethics for Biodiversity Conservation*; and 004 *Establishment of the Ethics Mechanism* (2012).

The resolutions concerning the *Earth Charter* and the *Ethics Mechanism* are major recent landmarks. The first because the Earth Charter is the world’s most widely endorsed ethical guide for sustainability. It articulates the values of care, respect and responsibility for each other with ecological integrity at its core, and has been endorsed by civil society, governments and UNESCO. In addition to guiding policy, the IUCN has undertaken to “work to implement its principles” through its programmes. The second resolution (calling for effective implementation of *Ethics Mechanisms*) is crucial because it recognises the central importance of global ethics to the IUCN’s mission, *and* delivery of its programmes and activities.

With respect to sustainable use of wildlife, Resolution 011 *Closure of Domestic Markets for Elephant Ivory* (2016) effectively bans trophy hunting of elephants as it “threatens the survival of many populations of savannah and forest elephants and undermines the ecological integrity of savannah and forest ecosystems”.¹⁶

Against these overarching commitments and resolutions, other IUCN documents including guidelines and statements from specialists groups need to be assessed. With respect to trophy hunting, the Species Survival Commission has developed ‘Guiding Principles for Using Trophy Hunting as a Conservation Tool’, and IUCN has published a Briefing Paper (updated version prepared for CITES CoP17 <https://cites.org/sites/default/files/eng/cop/17/InfDocs/E-CoP17-Inf-60.pdf>). These documents recognize that, when well managed, trophy hunting can deliver

¹⁶ Notably, the International Council for Game & Wildlife Conservation expressed a disclaimer “for the record” stating that “legal elephant trophies are not subject of this Motion.” (WCC-2016-Res-011-EN; last paragraph).

important benefits for species protection and recovery, habitat conservation, and reducing illegal hunting and illegal wildlife trade, as well as delivering important livelihood benefits to rural communities (e.g. in Namibia, Zimbabwe, Tanzania, Tajikistan, Canada, Pakistan and several European countries).

The documents do not explain, however, how “well managed” trophy hunting may be consistent with IUCN’s commitments to promoting ecological integrity and diversity, as expressed in IUCN’s objectives and many resolutions seeking to implement the objectives in policy and programme development. Given the hierarchy of norms that IUCN is guided by, it would fall upon the authors of subordinated documents such as the SCC’s ‘Guiding Principles’ or the IUCN’s ‘Briefing Principles’ to demonstrate their consistency with generally adopted objectives and resolutions or, if they aim for deviating from them, seek a status that binds IUCN at large, typically in the form of a resolution adopted at a WCC.

In the absence of such clarifications, the interpretation of trophy hunting as an acceptable form of “sustainable use” has to follow the guidance that Articles 7 and 2 provide. As shown above, Article 2 defines “sustainable use” with respect to IUCN’s overarching concern to conserve the integrity and diversity of nature (not economic benefits for communities or conservation practices).

For the purposes of the question at hand here, the onus is clearly on an applicant for IUCN membership to demonstrate that its own objectives and track record would serve IUCN’s overarching objective. In the light of the appropriate interpretation of Article 2 and the many resolutions (mentioned above) that further elaborate on the importance, meaning and implementation of Article 2, the ‘Guiding Principles’ and ‘Briefing Paper’ are insufficient to serve as a guide for a decision on the eligibility of organizations supporting trophy hunting. Instead, the objectives of such organizations are *prima facie* inconsistent with IUCN’s objectives.

4. Conclusion

This report addressed the issue of “sustainable use” as a possible criterion to determine the eligibility for IUCN membership of organizations supportive of trophy hunting. It also addressed the more general issue of IUCN’s position on trophy hunting. Both issues are intertwined and need to be considered simultaneously.

Trophy hunting is not consistent with “sustainable use”. And even if it were, “sustainable use” is not the sole criterion for the decision on eligibility of organizations seeking IUCN membership. The critical question is whether trophy hunting as it is practiced by individuals and promoted by certain hunting organizations may be consistent with IUCN’s general objectives as expressed in Articles 2 and 7. This is clearly not the case. Any other view would threaten IUCN’s credibility for providing moral and ethical leadership in conservation policies. It would certainly undermine the many efforts of IUCN members to promote a just and sustainable world.