

by Ivo Vegter

# An Anti-Hunting Ideologue On A Flight Of Fancy



A recent editorial [in *The Daily Maverick*] by a constitutional law professor, David Bilchitz, makes the false claim that “rhino hunting is not compatible with conservation”. This is an extremist position, supported by absurd philosophical sophistry but contradicted by the empirical evidence.

Calling for the protection of a species, while advocating its sustainable use as a resource, involves a contradiction, in the mind of David Bilchitz, professor at the University of Johannesburg and director of the South African Institute for Advanced Constitutional, Public, Human Rights and International Law. “Rhino hunting is not compatible with conservation,” he states unequivocally. He finds it “hard to see how one can promote conservation of a broad, abstract concept such as a species without respecting the individuals who comprise it.”

One can only assume he has never worked on a game farm or in a nature reserve. His view is strictly one of moral idealism: he finds it distasteful that animals appear to have no legal standing beyond the extent to which they are useful to people.

About South Africa’s policy that permits trophy hunting, he writes: “There is an extremely close link between legal hunting and poaching, which the minister is unwilling to acknowledge,” and adds: “Conservation, for the minister, is only about ensuring there will be rhinos in the future that we can exploit.”

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There is indeed a close link between legal hunting and poaching, and the survival of rhinos as a species seems like an admirable policy goal to me. However, the correlation between hunting and poaching runs in the opposite direction to what Bilchitz would have us believe. Legal hunting reduces the incentives for poaching, and increases the incentives to protect animals from poachers. The same is true for Bilchitz's difficulty in reconciling legal hunting and conservation. It might be plausible to make an argument that conservation of a particular species does not require hunting, but it goes against all empirical evidence to suggest that hunting and conservation are incompatible and contradictory.

Bilchitz's argument is entirely premised on the emotive view that animals ought to have rights that ought to be protected. He offers no factual support for his view, at all.

This stands in stark contrast to the evidence presented in *Saving African Rhinos: A Market Success Story*, a case study conducted by environmental economist Michael t'Sas-Rolfes. It is an easy read and deserves to be read in full, but in essence it makes the case that the recovery of rhino populations, and particularly the white rhino - from a low of 20 individuals to 20,000 today - is a direct consequence of a change in the law in 1991 that permitted private game ownership and trophy hunting.

Writes t'Sas-Rolfes: "Despite clear evidence that strong property rights and market incentives constitute the most sensible model for rhino conservation in Africa, many international conservationists and policymakers do not recognize this. Through institutions such as CITES, they continue to pursue a command-and-control approach that depends on regulations or bans to restrict wildlife use. This approach now threatens to undermine the success achieved thus far, as the extraordinarily high black market price for rhino horn has fueled a new poaching drive."

One of the few cases to which CITES points as success stories, the Peruvian relative of the llama known as the vicuña was saved from extinction not by a trade ban, but by trade. The turning point came when ownership of the animals was transferred into the private hands of the community and commercial exploitation of the species was permitted. Tanya Jacobson, a rhino conservation campaigner, drew a parallel between vicuña and rhino in a paper she wrote a few years ago.

About the same time, a proposal was floated to prohibit the hunting of three species of antelope in Texas, all of which were extinct in the wild in their native Africa. The irony of the matter was that thanks to American sport hunters, the populations of two addax, nine dama gazelle, and 32 oryx in the 1970s grew to thriving herds of 5,000 addax, 800 dama and 11,000 oryx, roaming large Texan ranches.

The investigative television show *60 Minutes* examined the question of whether hunting can save endangered species. You're welcome to hear all sides of the argument and come to your own conclusions, but it seems clear to me that without hunting revenue, these animals would simply have no home, and certainly not in such numbers.

Another case study that confirms the benefits of hunting can be found in the Buby River Conservancy in Zimbabwe. Once an industrial-scale cattle ranch, one of the largest in Africa, it raised beef until the late 1980s. Like in South Africa, legislation that established private ownership of game in Zimbabwe made it commercially viable to return this vast reserve to its former glory and re-establish wildlife

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there.

Without the prospect of much ecotourism, venison and sport hunting were the only sustainable sources of revenue to fund the conservancy's animal translocations, electric fencing, and anti-poaching efforts. Today, after one of the largest rewilding projects ever in Africa, what was once a vast, dusty cattle ranch hosts thriving populations of 35 species of big game, including all of the Big Five.

In the aftermath of the outrage over the shooting of Cecil the lion in Zimbabwe, Rosie Cooney, chair of the IUCN's Commission on Environmental, Economic and Social Policy, wrote: "Bans on trophy hunting in Tanzania (1973-78), Kenya (1977) and Zambia (2000-03) accelerated a rapid loss of wildlife due to the removal of incentives for conservation. Early anecdotal reports suggest this may already be happening in Botswana, which banned all hunting last year."

These case studies all prove that Bilchitz's central thesis, that conservation and hunting cannot be reconciled, is pure casuistry. In lay terms, it's bullshit. In fact, the opposite is true: hunting bans do not contribute to the conservation of species, and are often correlated with long-term decline in game numbers because of poaching.

Can conservation be done without hunting? In some areas, probably yes. If a region is attractive, safe and famous enough to sustain photographic ecotourism, there may be no need for hunting, even if poaching remains a threat and game management requires culling. But not all of nature is conveniently photogenic, and local populations also have claims on the land on which they live, including to the use of the plant and animal resources the land provides. In many regions, sustainable use that extends to hunting - both for meat and for sport - is the only way to square the cost of conservation with people's material needs. The alternative is simply more land under cattle or the plough, and less nature conservation.

The academic paper on which Bilchitz's piece is based, presented at the Harvard Conference on Animals and the Constitution, provides no more empirical evidence than his editorial. It is limited to abstruse legal and philosophical verbosity about animal rights, a subject not addressed in South Africa's constitution or environmental law, and engaging in an "interpretive exercise" to make it seem otherwise.

Bilchitz begins by quoting former president Thabo Mbeki's famous "I am an African" speech: "...I have wondered whether I should concede equal citizenship of our country to the leopard and the lion, the elephant and the springbok, the hyena, the black mamba and the pestilential mosquito." Bilchitz adds: "Indeed, far-sightingly (sic), he suggests the conferral of equal citizenship upon nonhuman animals, a suggestion that has only recently been defended strongly in the academic literature."

Perhaps that is because you could only get away with such philosophical absurdity in academic literature. In fact, Mbeki's last example gives the lie to the entire notion of animal rights as equal to human rights. Certainly, it is reasonable to protect animals from cruelty and needless harm, but if you're going to extend "equal citizenship" even to a malaria-bearing mosquito, you're saying you do not value human life. It would make veganism mandatory by law, make pet ownership unlawful, and ensure

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that experimental new medicines can only ever be tested in human subjects. If the mosquito would get such protection, why not extend the same rights to the malaria-causing Plasmodium parasites themselves?

Bilchitz neatly dodges the problem of farming and animal husbandry, too. One must assume, given his views, that he is either a vegetarian or a massive hypocrite. However, if you're going to make a sweeping argument that animals have a constitutional right to "dignity, equality and freedom", as Bilchitz does, you might want at least to touch on the inconvenient fact that this would also apply to cattle, sheep, chickens and fish.

That Bilchitz can hang an entire paper about ethics on this notion is testament to how far removed from reality academics can be. Why anyone would rely on such a naïve flight of fancy to formulate public policy is beyond me, and government is quite right to ignore his silly idealism.

It is unfortunate that while this country could use experts to defend the constitutional rights of its people, Bilchitz chooses to devote his taxpayer-funded time to the absurd idea of elevating animals to equality with humans and granting them human constitutional rights. His philosophical reasons for claiming that hunting and conservation cannot co-exist are no more than intellectual masturbation, and the claim itself is simply wrong.

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