

## COUNTERING THE MORAL AND ETHICAL ARGUMENT FOR CANNED HUNTING OF CAPTIVE BRED LIONS IN SOUTH AFRICA

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### *Abstract*

Captive breeding of lions in South Africa for use in so called ‘canned hunts’ has been stated to be “...a conservation tool as it removes some of the pressure on the selective hunting of wild lions.”<sup>1</sup> However, in addition to the standard ethical arguments against such practices, the significant risks for wild populations created by the South African captive lion breeding/canned hunting industry, far outweigh any benefit the industry could provide and completely rules out its utilization as a conservation tool or even it being acknowledged as such.

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### *Acknowledgements:*

With grateful thanks to Professor Craig Packer, Kristin Nowell, Paul Hart, Chris Mercer, Will Travers, Chris Draper and Shelley Waterland. (RH)

<sup>1</sup> D. KEET, *A Reappraisal of the Draft on Management of Large Predators*, SOUTH AFRICAN DEPARTMENT OF ENVIRONMENTAL AFFAIRS & TOURISM; NORTH WEST LION BREEDERS & HUNTING ASSOCIATION (2005), available at <http://sapredators.co.za/docs/ProposaltoDEATDrDewaldKeet.pdf>.

## ***Canned Hunting - Overview***

The ‘canned hunting’ of captive bred lions in South Africa (also referred to as the ‘managed hunting’ of ‘high fenced lions’) is the practice of shooting captive bred lions in enclosed spaces where the lions have no ultimate means of escape. More often than not this is done for the purpose of stuffing the carcass for display as a trophy. The practice is described as ‘canned hunting’ because the kill is said to be ‘in the can’ owing to the 100% certainty of the lion's eventual death. The lion breeders and/or canned hunt operators, who can be one and the same in some instances, ensure this 100% success rate by imprinting the captive lions towards humans (so they may even approach the hunter thinking they are bringing them food) or even by drugging the lions to make them easier targets. As has been explained recently, canned hunting continues lawfully in South Africa to this day.<sup>2</sup>

## ***Canned Hunting as a Conservation Tool***

In February 2007, the South African government published the final version of its Threatened and Protected Species (TOPS) Regulations against a backdrop of immense media reporting that the Regulations would ban canned hunting. But, aside from the fact that the Regulations do not even apply to lions at this time,<sup>3</sup> was passing Regulations to ‘ban canned hunting’ the right move for the South African government to take in the first place? What if the practice really could have some practical benefit in reducing the hunting pressure on the few remaining populations of wild lions? Since there are so few wild lions left, could the ends really justify the means?

This is what the South African captive lion breeding/canned hunting industry has been trying to convince

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<sup>2</sup> See R. HARGREAVES, *Canned Hunting of Captive Lions NOT Banned in South Africa*, CAT NEWS 52 (2010); and R. HARGREAVES, *Canned Hunting: Part III*, WILDCAT ADVOCATE 4 (March 2010), available at <http://www.wccclas.org/publications>.

<sup>3</sup> *Id.*

people of for over five years—that the ends do justify the means and that canned hunting of captive bred lions is a conservation tool.

On April 6, 2005, the South African Minister for the Department of Environmental Affairs and Tourism, Martinus van Schalkwyk, announced that he was appointing a panel of experts to advise and report to him on, amongst other matters, the canned hunting of lions in South Africa.<sup>4</sup> At a public hearing before this panel in August 2005, a presentation on behalf of the lion breeders stated as regards to the canned hunting of captive bred lions that: “This activity is by all means a conservation tool as it removes some of the pressure on the selective hunting of free-ranging lions.”<sup>5</sup>

This statement was backed up at the same hearing by Dr. Dewald Keet who has over 20 years of experience working with lions in the Kruger National Park. In a document and presentation that Keet prepared, on behalf of the North West Lion Breeders & Hunting Association, he stated that: “The captive breeding and hunting of such lions (“High Fenced Lions” or “Managed Hunting”) **is** (emphasis added) a conservation tool as it removes some of the pressure on the selective hunting of wild lions.”<sup>6</sup>

When, in 2006, Minister Schalkwk published the draft TOPS Regulations over a hundred South African lion breeders came together and formed the South African Predator Breeders Association (SAPBA), incorporating the North West Lion Breeders & Hunting Association within their membership. In their comment on the draft TOPS Regulations dated June 19,

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<sup>4</sup> Draft Release, South African Department of Environmental Affairs and Tourism, Report to be received from panel of experts (Oct. 20, 2005), available at <http://www.info.gov.za/speeches/2005/05102113151001.htm>.

<sup>5</sup> See *Lion Hunting: An attempt to attain enduring sustainable utilization*, presentation to the South African Department of Environmental Affairs and Tourism (2005), available at <http://www.africahunting.com/content/2-lion-hunting-presentation-sub-saharan-africa-630>.

<sup>6</sup> KEET, *supra* note 1.

2006, with regard to there not being enough wild male lions to meet demand from trophy hunters, SAPBA stated that: “surely, breeding lions in captivity is an answer to this dilemma? If wild lion populations are under pressure, captive breeding could fill the gap.”<sup>7</sup>

On May 4, 2007, SAPBA launched a legal application asking the court to set aside or amend a number of the TOPS Regulations. SAPBA relied heavily upon the ‘conservation tool’ line of argument in their application at first instance, supported by Dr. Keet in affidavit evidence, and they have since placed equal reliance upon it in their appeal which is unlikely to be decided before 2011. Just prior to commencement of proceedings, in a letter dated April 15, 2007, Dr. Keet stated as a common sense position that:

One third of lions that are being hunted on the continent of Africa (approx. 1000) per annum are captive bred (approx. 300). This implies that the industry is actually protecting one third of free-ranging endangered adult male lions in Africa per annum! Is that difficult to understand? When the captive bred portion is removed less than 15 lions would be available for hunting in RSA (Republic of South Africa) every year.<sup>8</sup>

For clarification purposes, it should be noted that the only ‘free-ranging endangered adult male lions in Africa’ are in West Africa where the lion is classified as ‘Regionally Endangered.’<sup>9</sup> Despite sound arguable grounds that lions ought to be listed as endangered, the remainder of the lions in Africa were not in 2007, and are not in 2010, officially listed as Endangered on the IUCN

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<sup>7</sup> See South African Minister of Environmental Affairs and Tourism, Comment on the draft regulations relating to listed threatened and protected species (June 6, 2006), available at <http://sapredators.co.za/docs/COMMENT ON THE DRAFT REGULATION 19-06-06.pdf>.

<sup>8</sup> Letter from Dr. Dewald Keet to Rossouws attorneys, (April.15, 2007), available at <http://sapredators.co.za/docs/DrDewaldKeetcommentsonDEAT.pdf>.

<sup>9</sup> H. BAUER & K. NOWELL, *Endangered Classification for West African Lions*. CAT NEWS 41, 35-36 (2004).

Red List of Endangered Species—lions have ‘Vulnerable’ status, having last been assessed in 2008.<sup>10</sup>

On June 19, 2010, I accessed the UNEP World Conservation Monitoring Centre (WCMC) CITES trade database and, against six African countries including South Africa, applied the following search parameters: “1999 – 2008 / Exports to: All Countries / Genus: *Panthera* / Terms: All / Sources: All / Purposes of trade: All /.”

The ‘Gross Exports’ reports that were subsequently generated gave the official figures for exports of lion ‘trophies,’ and a further search showed how many of the lion ‘trophies’ exported from South Africa were officially ‘captive bred’ animals. These figures are set out in TABLE 1; with South Africa's captive bred figures in brackets.

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<sup>10</sup> H. BAUER ET AL., *Panthera leo*, IUCN RED LIST OF THREATENED SPECIES (2010) available at <http://www.iucnredlist.org>.

**TABLE 1: EXPORTS OF LION ‘TROPHIES’ FROM SIX SOUTH AFRICAN COUNTRIES FROM 1999 TO 2008 INDICATING THE NUMBER OF ‘CAPTIVE BRED’ ANIMALS INCLUDED WITHIN THE SOUTH AFRICAN FIGURE.**

	ZA	ZA [CB]	ZM	ZW	BW	MZ	TZ
1999	171	[27]	74	26	22	1	272
2000	202	[36]	47	95	30	29	317
2001	177	[73]	24	101	9	15	230
2002	304	[112]	3	105	2	10	228
2003	266	[134]	38	107	0	15	216
2004	355	[241]	45	94	0	15	141
2005	353	[211]	70	90	27	26	210
2006	552	[403]	70	63	22	18	223
2007	657	[411]	64	47	28	15	108
2008	944	[707]	63	43	15	18	138

{ZA - SOUTH AFRICA; ZA [CB] - SOUTH AFRICA CAPTIVE BRED; ZM - ZAMBIA; ZW - ZIMBABWE; BW - BOTSWANA; MZ - MOZAMBIQUE; TZ - TANZANIA}

TABLE 1 clearly shows that Dr. Keet’s figure of 300, for approximate numbers of captive bred lions hunted per annum around 2007, was less than 75% of the official figures for each of the years from 2006 to 2008.

Nevertheless, the figures in TABLE 1 also show that, especially from 2005 to 2008, as the numbers of canned lion trophy exports from South Africa went up, the number of wild lion trophy exports from the other five countries, overall went down—potentially supporting the notion that canned hunting eases the hunting pressure on wild lions.

## ***The Standard Ethical Argument***

The standard ethical argument is that even if it could be proven to reduce the hunting pressure on wild lions, the practice of killing captive bred lion lions in canned hunts should be prohibited as the lions have no ultimate means of escape. Thus, it is completely immoral, and, put simply, just plain wrong. In his Judgment of 11 June 2009, dismissing SAPBA's application at first instance, Judge Van der Merwe stated:

It is not disputed that the hunting of lions bred in captivity has damaged the reputation of the Republic of South Africa immensely. It is clear on the evidence and also not disputed that very many people all over the world find the notion of hunting a lion bred and raised in captivity, often by hand, and totally dependent on humans for its survival, abhorrent and repulsive.<sup>11</sup>

Even before the end, these captive bred lions suffer in other ways, from birth and throughout the duration of their short lives. To quote extensively from Paul Hart of South Africa's Drakenstein Lion Park, who has rescued lions from captive breeders' premises in South Africa:

There is unfortunately much more to canned hunting than just the hunt. Lions are speed bred on factory farms. Cubs are removed from the mothers at birth so that she goes into estrus shortly thereafter. This means that a lioness will produce cubs every six months as opposed to every two years, as nature intended. This obviously has a huge physiological and psychological effect on the lioness.

The hand reared cubs are often used for petting opportunities, where they are pawed, posed and photographed by paying tourists, sometimes up to 500 times a day! The unsuspecting tourists unfortunately line

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<sup>11</sup> The South African Predator Breeders Association v. The Minister of Environmental Affairs and Tourism, Case No. 1900/2007, 71-72 (2009), available at <http://sapredators.co.za/docs/Uitspraak.pdf>.

the pockets of the lion breeders, most often with little regard for the lion cub they are molesting or the lives these poor cubs lead. These cubs often live in appalling conditions when not in the public eye, and are treated as commodities instead of living beings. Cubs are sometimes even beaten or drugged to keep them subdued while being 'petted' by tourists. Tourists are often told that these cubs are 'orphans' and that they will go to 'game reserves'.

The cubs grow very quickly and are soon too big for 'petting,' they are then 'stored' in the most costs effective way possible, until they are big enough to be sold off for a canned hunt.

Many lion breeders operate facilities that are open to the public, where they offer the uninformed a host of reasons as to why they breed and what happens to the cubs, but the majority of lion breeders operate closed facilities where they can basically do whatever they want with little or no consideration for any animal welfare criteria. There are horrific stories of lions starving because lion breeders try to maximize profit by feeding inappropriate food such as cat pellets! To produce a 'good looking' lion does not require much in the way of behavioral enrichment and suitable housing.<sup>12</sup>

A further ethical point that also needs to be kept in mind is that, as Chris Draper of the Born Free Foundation points out, statistical analyses of this issue can all too frequently fail to take into account the fact that each and every lion making up the statistics such as those in TABLE 1 came to a violent, potentially painful, and not always abrupt end.<sup>13</sup>

Notwithstanding all of the above, with which the writer is entirely in agreement, sole reliance on the ethical issues must always come down to subjective ideological viewpoints of 'us

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<sup>12</sup> Personal communication from Paul Hart to author (2010) (on file with author).

<sup>13</sup> Personal communication from Chris Draper to author (2010) (on file with author).



and them’(i.e., ‘we say canned hunting of captive bred lions should not be used as a genuine conservation tool because it’s cruel and ethically immoral’). But is that too easy? As mentioned, the official CITES figures could be interpreted to suggest that canned hunting of captive bred lions is indeed a conservation tool that reduces the hunting pressure on wild lions.

There currently are estimated to be somewhere between 23,000 and 39,000 lions left in the wild in Africa<sup>14</sup> with their population in the wild in continuing to decline. Just recently, preliminary survey results have been published that: “...raise the possibility that no resident lion populations persist [where they had previously] in Congo, Cote d’Ivoire and Ghana.”<sup>15</sup>

With so few wild lions remaining, if captive breeding of lions for canned hunts could be proven beyond all reasonable doubt to reduce the hunting pressure on wild lion populations, should the industry now be endorsed and utilized as a legitimate conservation tool? If the alternative was the African lion having ‘extinct in the wild’ status within 20 to 30 years?

The short answer is no. Over and above any sound ethical points, the captive lion breeding industry creates at least two very serious risks for wild lion populations that completely outweigh any benefit it may provide, the existence of which ought to completely rule out the utilization of canned hunts or even its acknowledgement as a conservation tool.

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<sup>14</sup> See P. CHARDONNET, *Conservation of the African Lion: Contribution to a Status Survey*, INTERNATIONAL FOUNDATION FOR THE CONSERVATION OF WILDLIFE (2002); H. BAUER & S. VAN DER MERWE, *Inventory of Free-ranging Lions Panthera leo in Africa*, ORYX 38, 26-31 (2004); and H. BAUER, *Synthesis of Threats, Distribution and Status of the Lion from the Two Lion Conservation Strategies*, MANAGEMENT AND CONSERVATION OF LARGE CARNIVORES IN WEST AND CENTRAL AFRICA (B. Croes, et al., eds., 2008).

<sup>15</sup> P. HENSCHER, ET AL., *Lion Status Updates from Five Range Countries in West and Central Africa*, CAT NEWS 52, 34-39 (2010).

### ***Risk 1 – ‘Wild’ Lions***

Dr. Keet indicates that fewer than 15 lions would be available to be hunted in the wild in South Africa every year. This is because the number of genuine free roaming lions outside protected areas in South Africa is now so low that 15 is likely to be the maximum amount of suitable trophy animals that are likely to be spotted by hunters per annum. The problem is that the maximum figure of 15 is far lower than the official CITES average figure of 163 non-captive bred (i.e. wild) lion trophies exported from South Africa every year throughout the 10 year period covered in TABLE 1.

One explanation for this large divergence is false reporting. The reasoning for which could be explained by the Code of Conduct of the Rowland Ward ‘Guild of Field Sportsmen’ that requires:

That no creature be hunted for sport in an enclosed area of such size that such creature is not self-sufficient. Self-sufficiency includes the ability of the animal to exercise its natural inclination to escape from the hunter as well as catering for all its basic needs such as water, food, shelter and breeding.<sup>16</sup>

It is entirely plausible that between 1999 and 2008 many captive bred lions were re-located to fenced areas that could still be deemed to comply with the above requirements, and then killed and labeled as ‘wild’ in order to comply with the above.

Whatever the truth of the matter, if it is only physically possible to find and take approximately 15 suitable trophy lions from the wild in South Africa every year, despite the official figures showing an average of 163, then it becomes very obvious

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<sup>16</sup> See Rowland Ward (2010), available at <http://www.rowlandward.com/content/default.aspx?pid=34&MainPage=3&SubPage=0>.

that false reporting is a reality that has been and presumably still is going on in South Africa.<sup>17</sup>

What is even more concerning, however, is the trend that has arisen in recent years of this false reporting taking place outside of South Africa. This can be explained by consideration of two different scenarios.

Firstly, in the ‘corrupt canned hunter scenario’ the canned hunter will knowingly have his or her captive bred South African lion driven or flown to wild parts of other African countries such as Botswana, Mozambique or Zimbabwe. The animal will often be drugged so as not to travel too far, and it will then be shot and exported from those countries as ‘wild’ and thus, presumably, it will then be acceptable for Rowland Ward statistical purposes.

Secondly, in the ‘uninformed non-canned hunter scenario’ a non-canned hunter may pay for his or her 21 day safari with accompanying lion hunting license only to find by the end of the second week that s/he has still not killed a lion. At this point a corrupt tour operator may contact a captive breeder in South Africa and have a captive bred lion shipped out and passed off as ‘wild’ to the uninformed hunter.<sup>18</sup>

This means, for a year like 2008, the figure for South African captive bred lions killed and exported as trophies would be more like 929 out of a total of 944 (944 minus a maximum of 15 genuine wild lion trophies) with an additional figure (x) transported and killed as ‘wild’ elsewhere. Obviously, given the corrupt nature of the practices making up figure (x), it is all but impossible to give it an exact value.

Notwithstanding this, one indicator may be provided by the official CITES trade database figures for exports of live

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<sup>17</sup> CITES had not yet published the figures for 2009 at the time of writing in July 2010.

<sup>18</sup> A. MCLAREN, *Spotting Differences between Canned and Wild Lions* (undated), available at <http://www.shakariconnection.com/spotting-differences-between-canned-and-wild-lions.html>.

captive bred lions from South Africa. For instance, in 2008, over a quarter of live captive bred lion exports from South Africa were to other African lion range states such as Botswana and Zambia. Overall, these figures have increased in line with the official CITES figures in TABLE 1, for exports of captive bred lion trophies from South Africa, and are set out in TABLE 2 below:

**TABLE 2: FIGURES OF LIVE LIONS EXPORTED FROM SOUTH AFRICA, PRIMARILY TO OTHER AFRICAN STATES, IN THE YEARS 1999 TO 2008.**

1999	42	2004	62
2000	18	2005	47
2001	17	2006	66
2002	36	2007	66
2003	31	2008	129

The sharp increase in these live lion exports, in line with the figures in TABLE 1, is indicative of the lions' ultimate fate once exported, and provides valuable evidence in support of the fact that captive bred lions are being exported from South Africa to other African lion range states from where they are being hunted and [re-exported] as 'wild' lions.

The reason why this is such a big problem is because countries like Zimbabwe, Mozambique and Zambia have comparatively fragile wild lion populations whose continued existence remains uncertain.

TABLE 1 indicates that the wild lion export figures from these countries, overall, have gone down in recent years. SAPBA might say this is because of the beneficial effect of captive breeding of lions for canned hunting, relieving the hunting pressure on wild lions. But could there be another explanation?

In Tanzania, it has been concluded that the downward offtake trend most likely reflects declining population sizes.<sup>19</sup> Dr. Keet himself pointed out and referenced the facts that: “Professional hunters working in Africa have observed over the last several years that ‘suitable’ trophy male lions have become increasingly difficult to find and that prides are smaller and unstable [and] fewer cubs are being produced with fewer individuals surviving to reach adulthood.”<sup>20</sup>

It therefore seems that, in addition to Tanzania, declining population sizes in other African nations also support the more likely explanation for the downward offtake trends in recent years in Zimbabwe, Zambia, Botswana and Mozambique that are apparent from TABLE 1. Similar trends also would, in all likelihood, be found in the figures of all the other lion range states where trophy hunting is permitted.

Yet, if the captive bred lion element could be removed from these countries’ official wild lion trophy export figures, they would be far lower than they actually are. It was noted in the 2006 *Conservation Strategy for the Lion in West and Central Africa* that in those areas:

Lion trophy hunting...is sometimes authorized without adequate knowledge of the size of the lion population. Lion census techniques are still rather random and not harmonized from one area to another. This situation can lead to management decisions which are contrary to the

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<sup>19</sup> C. PACKER, ET AL., *Sport Hunting, Predator Control and Conservation of Large Carnivores*. PLoS ONE 4(6): e5941. doi:10.1371/journal.pone.0005941 (2009), available at [http://www.cbs.umn.edu/eeb/lionresearch/publications/articles/Sport\\_Hunting\\_Predator\\_Control\\_and\\_Conservation\\_of\\_Large\\_Carnivores.pdf](http://www.cbs.umn.edu/eeb/lionresearch/publications/articles/Sport_Hunting_Predator_Control_and_Conservation_of_Large_Carnivores.pdf); and II JOURNAL OF THE WILDCAT CONSERVATION LEGAL AID SOCIETY 63 (2009), <http://www.wcclas.org/publications>.

<sup>20</sup> KEET, *supra* note 1.

interests of conservation and increase the threat to the species. (Cat SG 2006a).<sup>21</sup>

This situation will only be made worse if countries' official trophy export figures continue to indicate much higher exports of suitable trophy animals than could possibly live there. Over time, countries' submission of unduly high figures for wild lion trophy exports, continually inflated by captive bred lions being passed off as 'wild,' will create the impression that those countries have much higher lion populations than is actually the case. This could lead to continued and/or excessive authorisation of trophy hunting in places where populations are close to extinction. It also could lead to the diversion of conservation measures that might otherwise have been taken—all of which would be directly attributable to the South African captive breeding industry whose exported lions inflated the official figures in the first place.

### ***Risk 2 – Lion Bone Trade***

Recent evidence suggests that some captive lion breeders in South Africa are now exporting the bones from their lions, either directly and/or via intermediaries, to the Chinese for use in tiger bone wine. This is not to be confused with China's lion bone wine that is actually tiger bone wine passed off as lion in an attempt to bypass the prohibition on trade in tiger products.

In 2008, for example, CITES officially records that 60 'units' of lion bones were exported to Viet Nam from South Africa, potentially for onward transmission to China. It is not known whether those units were single bones or entire carcasses but the arrest of a Vietnamese national in 2009 for being in possession of three entire lion carcasses, suggests the latter.<sup>22</sup> Paul Hart states that: "The 'bone industry' has just started up, but

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<sup>21</sup> *Conservation Strategy for the Lion in West and Central Africa* (2006), available at [http://www.catsg.org/catsgportal/bulletin-board/05\\_strategies/Lion\\_Conservation\\_Strategy\\_W&C%20Afric\\_2006\\_E.pdf](http://www.catsg.org/catsgportal/bulletin-board/05_strategies/Lion_Conservation_Strategy_W&C%20Afric_2006_E.pdf).

<sup>22</sup> See *Carte Blanche* MNET, (March 28, 2010 7:00 PM), available at <http://www.mnet.co.za/mnetvideo/BrowseVideo.aspx?ChannelId=1&vid=25006>

it means that perfectly healthy lions are now being ‘culled’ so that their bones can be harvested.”<sup>23</sup>

In my view, it also will mean that the need for the breeders to ‘grow’ their animals into fine looking trophy animals will be removed. Instead, when their current stocks of comparatively healthy animals (that would initially have been ‘grown’ for canned hunts) are depleted, those breeders diversifying down this route are likely to move towards the cheapest possible production of bone by way of unnaturally fast, hormonally enhanced growth of their lions to adulthood, then starving them to death as per the photos of the skeletal tigers languishing in the Chinese tiger farms.

This burgeoning diversification into a lion bone industry by a section of the South African captive lion breeding/canned hunting industry (it is not apparent how large or small a section just yet) carries the obvious risk of not only creating but fuelling demand for lion bones from Africa. This in turn creates the obvious risk that merchants may well choose to buy wild lion bones from poachers for much lower prices than their captive breeder rivals are charging. This is exactly what has happened with the Chinese tiger farms. They have fuelled the demand for wild tiger bones and thus increased poaching of the few remaining wild tigers in countries such as India.<sup>24</sup>

What is worse is that far from taking immediate steps to clamp down on this new lion bone trade, thus sending a clear signal that it will not tolerate any further derogation of its reputation by the captive lion breeding industry, the South African government has taken an extraordinarily acquiescent, and even supportive, stance.

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<sup>23</sup> *Supra* note 12.

<sup>24</sup> K. NOWELL & LING XU, *Taming the Tiger Trade: China's Markets for Wild and Captive Tiger Products Since its 1993 Domestic Trade Ban*, TRAFFIC EAST ASIA, (2007); and K. NOWELL, *Tiger Farms and Pharmacies: The Central Importance of China's Trade Policy for Tiger Conservation*, TIGERS OF THE WORLD: THE SCIENCE, POLITICS, AND CONSERVATION OF *PANTHERA TIGRIS* (Philip J. Nyhus & Ron Tilson eds., 2d ed. 2010).

In December 2009, the WildCat Conservation Legal Aid Society (WCCLAS) reported the fact that a lion breeder in the Free State area of South Africa had been granted an official permit to euthanize some of the lions he had bred in order to export their bones.<sup>25</sup> In addition I also found evidence of another permit granted to a lady called Tiffany Beck who has a company called Tiffanys Travels; also in the Free State area. Ms Beck states: “We have a permit to legally export Lion Meat from South Africa. Permit was obtained in Dec. 2009. We are regularly selling: lion meat, lion skin, lion organs, lion bones.”<sup>26</sup>

When asked about these permits Buti Mathabula, Chief Director of Environmental Management in the Free State, is reported to have said that:

In the Free State, lions bred in captivity are kept for the purpose of trophy hunting. Bones which aren't used are removed as waste products. Lions in the Free State are not of any value to us from an environmental point of view. They're not roaming free in the wild. If someone wants to hunt the lions in the Free State, that's fine. We don't want these lions here. We're better off without lions in the Free State. There are problems with fences. If they escape, they kill people.<sup>27</sup>

This provincial stance completely fails to take into account the broader issue that the granting of permits allowing export of lion bones has created a dangerous precedent for and fuelled the new lion bone trade, not just in South Africa but potentially throughout the entire African continent.

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<sup>25</sup> See WILDCAT ADVOCATE 3 (December 2009) available at <http://www.wcclas.org/publications>.

<sup>26</sup> See Tiffanys Travels, <http://www.tradeholding.net/default.cgi/action/viewcompanies/sellers-exporters-manufacturers/lion+bones>; and <http://africa.tradeholding.com/default.cgi/action/viewcompanies/companyid/562211>.

<sup>27</sup> B. MATHABULA, *Anger over lion bone sales* (Dec. 10, 2009), available at <http://www.news24.com/SouthAfrica/News/Anger-over-lion-bone-sales-20091210>.



Worse still, is that at national level the South African government is equally non-caring. When asked whether she would consider banning the export of lion bones and if not, why not, Ms Buyelwa Patience Sonjica, the South African Minister of Water and Environmental Affairs (appointed May 11, 2009) stated: “No. The banning of the export of lion bones will only be considered if the export has a negative impact on the survival of the species in the wild. This is not currently the case.”<sup>28</sup>

This staggering level of ignorance indicates that it is unlikely the South African government will take the necessary measures to stop this new lion bone industry before it becomes fully established. This is perhaps not surprising given the South African government's previous support of the captive lion breeding / canned hunting industry, notwithstanding the TOPS Regulations public relations exercise. For instance a government release dated July 9, 2008 stated that, at her 2008 environmental road show in the North West province, the then Deputy Minister of the Department of Environmental Affairs and Tourism, Ms. Rejoice Mabudafhasi

...unequivocally assured the [lion] farmers that government does appreciate the existence of the industry and that there is no way that the [TOPS] regulations will eventually lead to the closure of the industry as the industry is an accepted part of the tourism experience package that South Africa markets. She acknowledged that the industry plays a key role in enhancing and promoting tourism in the country.<sup>29</sup>

There appears to be only two glimmers of hope with regard to the extent to which the new lion bone industry, fuelled

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<sup>28</sup> RSA Parliamentary question from B. P. Sonjica to and answer from the Minister of Water and Environmental Affairs, Internal Question Paper No. 1 NW272E, (Feb. 11, 2010), available at <http://www.pmg.org.za/node/20095>.

<sup>29</sup> R. Mabudafhasi, Deputy Minister, Department of Environmental Affairs and Tourism, South African government statement assuring lion breeders the department's support (July 2008), available at <http://www.info.gov.za/speeches/2008/08071012451002.htm>.

by the South African captive lion breeding industry, will impact upon the few remaining wild lions in Africa. The first is that, stating the obvious, lion bones are not tiger bones. The Chinese demand is for tiger bone wine and they prefer it to be made from the bones of wild tigers as they believe they are more potent. If the Chinese are unaware that the tiger bone wine they are drinking is made from lion bones, it ought not to make any difference whether those bones are from captive bred or wild lions. The second glimmer of hope is the proposal in the 2006 *Regional Conservation Strategy for the Lion Panthera Leo in Eastern and Southern Africa* that all relevant legislation of the lion range states in those areas be reviewed and amended to prohibit trade in lion bones.<sup>30</sup> As shown above, however, amendment is unlikely to happen in the Republic of South Africa any time soon.

In reality, the economic consideration that poachers are likely to charge far less for wild lion bones they have poached is likely to be a key factor. A factor that may not even have come into play had the captive lion breeding industry not started, and had the South African government not acquiesced to and even endorsed trading in lion bones in the first place.

### ***Conclusion***

The figures in TABLE 1 can be interpreted to show that as canned hunting of captive bred lions in South Africa has increased, the trophy hunting of wild lions throughout the remainder of the African continent has gone down. But that fails to take into account the scarcity factor amongst wild populations that, as shown, provides the more likely explanation for the overall decline in the other countries' wild lion trophy export figures.

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<sup>30</sup> *Regional Conservation Strategy for the Lion Panthera Leo in Eastern and Southern Africa* (2006), available at [http://www.catsg.org/catsgportal/bulletin-board/05\\_strategies/Lion%20Conserv%20Strat%20E&S%20Africa%202006.pdf](http://www.catsg.org/catsgportal/bulletin-board/05_strategies/Lion%20Conserv%20Strat%20E&S%20Africa%202006.pdf).

It follows that if breeding lions in South Africa for use in canned hunts was now properly prohibited, the vast increase in trophy hunting of wild lions that has been predicted physically could not happen. Dr. Keet gets round this by suggesting that more lions would be coaxed from protected areas and/or more problem animals would be ‘created.’<sup>31</sup> Phrased as such, this suggestion almost reads like a ransom note—i.e. if you ban canned hunting of captive bred lions the canned hunters will go out of their way to hunt the last few wild lions. However, whether it is naivety or optimism, the fact remains that further and better enforcement measures ought to prevent any perceived increase in instances of coaxing from happening.

Even if such levels of prevention are unrealistic, the continued risks of the South African captive lion breeding/canned hunting industry inflating wild lion trophy figures, distorting trophy hunting authorizations, diverting wild lion conservation measures, and fuelling the burgeoning new lion bone market in Africa that it helped create are very real.

These risks alone completely rule out any utilization of South Africa's captive lion breeding/canned hunting industry as a legitimate conservation management tool or even it being acknowledged as such.

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<sup>31</sup> KEET, *supra* note 1.

