



# VICUÑA CONSERVATION LEGISLATION

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

VICUÑA CONSERVATION LEGISLATION

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## FOREWORD

This "Legislation study" analyses the relevant legal provisions on the protection and utilisation of the vicuna and its products in those countries where the species exists. It also constitutes a background document for a joint FAO/IUCN meeting on the protection of the vicuña, scheduled to take place in 1971 in Lima, Peru.

In order to collect and update the required legal documentation, as well as to secure other information on the conservation and utilisation of the vicuña and its products, a fact-finding mission took place in November-December 1970 in the countries surveyed in this report; in this way a complete set of enactments and other relevant information were obtained and the existing situation on the protection of the vicuña collated, in co-operation with the responsible officials.

The main sources of information for the preparation of this report are the above-mentioned enactments, such other documents as were made available by the responsible government officials, and discussions held with those same officials.

This study is divided into four parts, while an Annex lists the enactments which have been used in its preparation.

The author wishes to acknowledge the co-operation he has received from all government officials consulted, as well as from the FAO Forest Conservation and Wildlife Branch of the Forest Resources Division.



## I. INTRODUCTION

In Latin America there exist four species belonging to the family of camelidae: the llama and the alpaca, which have long been domesticated, and the vicuña and guanaco, which are wild species.

The vicuña (*Vicugna vicugna*) is to be found only in the High Andes of Latin America, roughly between 10° to 29° south latitude, at an altitude of 3,600 to 4,800 metres above sea-level, in Argentina, Bolivia, Chile and Peru.

Owing to illegal hunting, habitat destruction, grazing competition from sheep and alpacas and various forms of destruction(1), this species has become more and more rare. The reason for the intense hunting pressure on the vicuña, which has been going on for a considerable time, is the extraordinary value of its wool. Few attempts have been made to domesticate this animal and to develop its wool bearing potentialities, and results have been of limited success. Difficulties have been found in developing appropriate techniques for capturing and shearing the animal to avoid the necessity of killing the stock in order to collect the wool. This, unfortunately, contributes to the rapid reduction in number of the species.

The total population of vicuñas has been estimated to be no more than 15,000 animals, most of which are to be found in Bolivia and Peru, while the numbers in Argentina and Chile are said to be extremely limited.

Various measures have been taken in order to stop the rapid decrease of this species, including those of a legislative nature. All countries concerned have enacted legislation aiming at the protection of the vicuña. Generally, prohibitions are laid down on hunting, exportation and importation of the animal and its products. As will be shown below, it would seem that in theory the law at present affords the vicuña a satisfactory protection. The main problem, however, is inadequate law enforcement. Thus, in spite of the prohibitions laid down, Bolivia in 1962 exported to the United States 6,326 kg. of vicuña wool, representing a value of \$ 133, 402, and in 1965, 5 tons of vicuña wool representing the death of between 25-30,000 animals(2). This traffic was contrary to a supreme decree of 21 September, 1950. More recent information reveals that in 1967, "colchas de vicuña" - blankets - were exported, for a value of \$ 1,190. The main countries of import were France, Switzerland and the United States.(3) Besides the problem of inadequate law enforcement in the countries of origin, there is the further need to convince the main importing countries of vicuña products to take measures to stop this trade. These countries include the United States, Great Britain, France, Germany and Switzerland.

Below, a survey is made of the existing legislation on vicuña protection in the four countries concerned, the purpose being to suggest improvements where it is thought that these are essential for the due protection of this species.

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- (1) It has been reported that domestic dogs of the shepherds have been trained to kill newly born vicuñas and that horses are ridden on purpose to molest young offspring. These practices are justified locally as necessary to avoid grazing competition from the vicuña with domestic animals.
  - (2) "Boletín Estadístico, 1963" and "Establishment of International Reserves for the Vicuña," IUCN, Morges, October 1970.
  - (3) "Anuario de Comercio Exterior, 1967": p. 525

## II. INTERNATIONAL CONTENTION IK FORCE

An agreement on the protection of the vicuña exists between the governments of Bolivia and Peru(1). The objective of the agreement - as expressed in the preamble and the first article - is the preservation of the vicuña which is threatened by extinction. Thus, it follows from the agreement that the two governments are under an obligation to prohibit and suppress the hunting of the vicuña and to repeal all provisions which at present may exist permitting trade between their countries of vicuña products of whatever origin.

Furthermore, the two governments agree to prohibit the exportation and importation of vicuña products for a ten-year period. In the light of the preceding article, which prohibits the trade between the contracting parties, this should be interpreted as a general provision referring to exportation to, and importation from, all countries and not exclusively to the signatories. The only exception from this strict prohibition is made for live vicuñas intended for scientific research or established zoological gardens. The number of animals which will thus be exported annually must previously be decided upon by the relevant forest and wildlife service.

The governments concerned also undertake to establish and maintain vicuña reserves and breeding centres, to undertake research into the biology and scientific management of the species and to initiate a training and education campaign on its preservation.

In a final clause, the Governments of Argentina and Chile are invited to adhere to the agreement, which they have so far not done.

## III. NATIONAL LEGISLATION

### 1. ARGENTINA

In Argentina the vicuña is to be found in very limited numbers, in five provinces in the northwestern part of the country (Jujuy, Salta, Catamarca, La Rioja and San Juan). It is also in these provinces that the preservation of the animal is explicitly provided for.

#### Federal legislation

Within areas under federal jurisdiction the Federal Game Act prohibits the hunting "in any form whatsoever" of "any and every type of wildlife" except certain specified game animals. The only species belonging to the family camelidae which may be hunted (under permit) is the guanaco. Also the possession, transport, purchase or sale, in areas under federal jurisdiction of live specimens of wildlife, which it is forbidden to hunt in national or provincial regulations, are prohibited(2). Similarly, the export of wild animals or any products thereof, with the exception of those animals which have been lawfully hunted and captured in conformity with the national and provincial regulations, is explicitly prohibited in the Federal Act(3). Infringements of the provisions are punished by fines and, when applicable, confiscation and forfeiture. Wildlife products from provincial territories seized on federal territory because of infringement of provincial hunting legislation may be confiscated and fines imposed, both federally and provincially(4).

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(1) Convenio entre el Gobierno de la Republica de Bolivia y el Gobierno de la Republica del Perú para la Conservación de la vicuña, La Paz, 18/8 1969.

(2) 1. (hereinafter, refer to the act corresponding to the same number in the Annex)  
art.88

(3) 1. art.93

(4) 1. art. 98 and 102

The protection afforded to the vicuña at the federal level would seem to be satisfactory.

#### Jujuy

In this province the hunting, the transit and the commerce of the vicuña and its products is explicitly prohibited(1). Furthermore, the Directorate of Rural Development (Dirección de Fomento Rural) is required to take measures for the creation of refuges for the protection of the vicuña and to organise reproduction and breeding of the vicuña in captivity(2).

#### Salta

Hunting, transit, commerce and industrialisation of the wool or other products of vicuña are prohibited until 1992(3). In accordance with the Jujuy law, the establishment of breeding grounds and the setting aside of refuges are emphasised(4). Officers in the service of the province are under an obligation to report immediately any infraction committed under the act or risk possible suspension(5).

#### Catamarca

The regulations under the provincial wildlife act list the vicuña as an animal, the hunting of which is prohibited(6). The transit on the provincial territory of dead or live animals, the hunting of which is prohibited, as well as their products, constitutes an offence under the Act. An exception is, however, made if the animal or the products thereof originate from another Argentina province or from abroad(7).

#### La Rioja

In this province the hunting of the vicuña is prohibited for a six-year period (1967/1973), as are also the transport of, trade and the industrialisation of its products (8).

#### San Juan

In this province the hunting of vicuña is prohibited(9).

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|-----|----|---------|
| (1) | 2. | art.1   |
| (2) | 2. | art. 7  |
| (3) | 3. | art.1   |
| (4) | 3. | art. 7  |
| (5) | 3. | art. 5  |
| (6) | 4. | art. 53 |
| (7) | 4. | art. 54 |
| (8) | 5. | art. 19 |
| (9) | 6. | art. 1  |

2. BOLIVIA

The contents of the International Agreement on Vicuña Protection between the Governments of Bolivia and Peru has been summarised briefly above. The most recent national legislation would seem to be in accordance with the International Agreement. On examination, existing acts on vicuña protection were found to overlap each other in certain respects. Thus, it is unclear whether only a few are still in force or if several acts slightly modifying each other are enforced in parallel.

The most recent decrees are those of 5 June and 1 November 1968 and 18 April 1969. The two latter decrees both lay down that exportation (1), importation and all trade in live vicuñas, their wool and all products derived from them are prohibited. While the former Act limits these prohibitions to a ten-year period, the latter extends them indefinitely(2). It also stipulates that products derived from vicuña on the market must be declared within a specified short time limit(3). The decree of 5 June prohibits the capture of live vicuñas for the purpose of zoological gardens outside Bolivia, with the exception of permanently sterilised specimens(4).

No prohibition on the hunting of vicuñas is contained in these laws. The most recent law which contains such a prohibition is dated 21 September 1950(3). In addition, a decree dealing with various offences regarding renewable natural resources increases the penalties for hunting the vicuña (5,000 pesos per animal killed and confiscation)(6).

3. CHILE

A recent decree prohibits indefinitely the hunting, transportation, possession, trade and industrialisation of the vicuña in the entire territory of Chile(7).

4. PERU

There are a number of enactments on vicuña protection, most of which, however, seem to be outdated by two decrees, dated 14 June 1940 and 16 September 1969. The latter largely corresponds to the bilateral agreement concluded between Bolivia and Peru.

The decree of 14 June 1940 prohibits the hunting of vicuña and the exportation of live animals, the only exceptions being exports intended for international exhibitions and zoological gardens(8).

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(1) An earlier enactment (decreto supremo 26.4.1939) allowed the exportation of vicuña wool, skins and blankets (colchas de vicuña) if the material was obtained from abroad. Also exportation was free from vicuña breeding grounds established for industrial purposes. The two above-mentioned decrees make no such exceptions, and it must therefore be deduced that these practices have now been abolished.

(2) 11. art. 1 and 12. art. 1

(3) 12. art. 2

(4) 10. art. 2

(5) 8. art. 1

(6) 13. art. 4

(7) 14. art. 2

(8) 17. art. 2-3

The decree of 16 September 1969 extends the scope of the former act. Exportations, importations and internal trade in fibres and skins of vicuña and products derived from the vicuña are prohibited for a ten-year period (1969-1979). Live vicuñas may only be exported if intended for reproductive purposes or for zoological gardens(1).

Forest officers are entitled to inspect, for the purpose of verifying the existence of vicuña products, trade and industrial enterprises. Obstruction of inspection is punished. Customs Officers are empowered to secure the correct implementation of rules on exportation and importation of fibres and skins of vicuñas(2).

Severe penalties are laid down in the enactment. Thus, hunting of vicuñas may render the offender liable to imprisonment for between one year and three years. In addition, he may also be fined 5,000 sales for each animal killed and confiscation of the animal. Trade in live vicuñas or their products is severely punished; imprisonment of between 3 and 5 years and, in addition, fines five times the value of the products on the international market may be imposed(3). In case of repeated offence, the penalties imposed may be twice as severe.

Enterprises trading in wildlife are under an obligation to declare products derived from vicuña within 30 days after the promulgation of the enactment, after which date the prohibitions, as laid down, become applicable(4).

#### IV. CONCLUSIONS

It would seem as if the protection of the vicuña might be satisfactorily assured by the Convention concluded between Bolivia and Peru, provided that the provisions on export and import of vicuña products has a bearing on all countries and not merely on contracting parties. The agreement expressly prohibits trade in vicuña products of whatever origin. This is important, since earlier, national legislation in Bolivia allowed the export of imported products of vicuña. This constituted a serious loophole since vicuña products were illegally taken out of the country and then legally imported and exported.

Taking into consideration all factors which contribute to the reduction of the vicuña stock, an adequate protection of the species requires that the ten-year prohibition on exports and imports (1969-1979) be extended on expiry.

There are indications that the Governments of Argentina and Chile will ratify the agreement in the near future. Although at present these countries do not possess a great number of vicuñas, they should, nevertheless, be considered as containing potential vicuña repopulation areas. Also there are indications that the territories of these countries are escape routes for illegal trade in vicuña products. It is, therefore, most important that they ratify the agreement, both from the point of view of saving the few specimens which still remain on their territories and for the purpose of facilitating propagation efforts.

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(1) 21. art. 2-3

(2) 21. art. 6-7

(3) 21. art. 8

(4) 21. art. 13

Nationally, the legal protection afforded to the vicuña is generally satisfactory(1).

The main obstacle to the preservation of the vicuña is inadequate law enforcement. Thus, there is clear statistical evidence that exportation of vicuña products took place from Bolivia as recently as 1967, and there is reason to believe that this trade continues. Occasionally vicuña products are to be found in certain shops in La Paz, Lima and Buenos Aires in spite of prohibitive legislation. This furthermore implies a continuing violation of hunting prohibitions.

The present inadequate law enforcement is the result of a number of factors such as insufficient numbers of supervisory personnel; poor communications channels as to the contents of promulgated acts; lack of public understanding as regards conservation measures and the economic situation of the country. All these factors determine the capacity of each country to intensify conservation efforts and, conversely, its ability to refrain from the exploitation of a natural resource which it may be desirable to preserve rather than to destroy. They represent shortcomings which are, unfortunately, largely true of the countries where the main stock of vicunas is to be found.

Moreover, the inadequacy of law enforcement is not helped by the great demand for vicuña wool in certain European countries and the U.S.A. with consequent high market prices. The temptation for people living in poor economic circumstances to engage in illegal hunting and trade in vicuña products, therefore, must be irresistible.

The existing difficulties of vicuña protection enforcement can only lead to the conclusion that the first decisive legal step in stopping the exploitation of the species has to be taken mainly by the countries of import either through national legislation banning the importation of the animal or through an international convention prohibiting generally the trade in endangered fauna species. It should be mentioned that the United States has already enacted such legislation(2) and that some measures towards the same end have been taken in Great Britain by the Board of Trade and Industry, which have banned the importation of vicuña wool. At an international level, the Second International Congress of the World Wildlife Fund in London in November 1970, in a resolution, urged all nations manufacturing or capable of manufacturing vicuña cloth or wool, to abandon the importation of vicuña skins and hairs.

There are a number of other measures of a non-legal nature falling outside the scope of this paper which should be examined at the national level, such as increase of supervisory personnel; improvement of conservation education; establishment of breeding stations for the propagation of the vicuña stock for economic purposes and the establishment of vicuña reserves for the preservation of the species and its habitat. These latter measures so far have only been introduced in the vicuña reserve of Pampa Galeras in Peru, the only reserve of its kind.

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- (1) Note, however, that in Argentina, in the provinces of Catamarca the transit of protected animals or the products thereof may take place if the animals or the products derived therefrom originate from another Argentinian province or from abroad, while in San Juan only the hunting of the vicuña is explicitly prohibited. The possibility of exportation from Bolivia of live vicuñas - which must be sterilised - to zoological gardens abroad may lead to abuse.
  - (2) An Act to prevent the importation of endangered species of fish and wildlife in the United States, 5/12/1969.

LIST OF LEGAL ENACTMENTS CONSULTED

Convenio entre el Gobierno de la República de Bolivia y el Gobierno de la República del Peru para la conservación de la vicuña, 16/8/1969

ARGENTINA

- 1) Decreto No. 15501, 20/8/1953  
Province of Jnjoy
- 2) Decreto-Ley No. 115, 17/1/1957  
Province of Salta
- 3) Ley No. 4262, 29/8/1968  
Province of Catamarca
- 4) Decreto No. 386, 23/3/1970  
Province of La Rioja
- 5) Ley No. 2919, 17/9/1967  
Province of San Juan
- 6) Decreto No. 232-E, 26/6/1961

BOLIVIA

- 7) Decreto Supremo 26/4/1939
- 8) Decreto Supreme No. 02191, 21/9/1950
- 9) Decreto Supreme 1/2/1968
- 10) Decreto Supreme No. 08367, 5/6/1968
- 11) Decreto Supreme No. 08533, 1/11/1968
- 12) Decreto Supreme No. 08731, 18/4/1969
- 13) Decreto Supreme No. 09328, 30/7/1970

CHILE

- 14) Ley No. 53, 22/1/1970

ANNEX

PERU

- 15) Decreto 5/7/1825 (prohibits the killing of vicuña)
- 16) Decreto 5/7/1825 (breeding of vicuña)
- 17) Ley No. 7147, 14/6/1940
- 18) Decrete Supreme No. 0043, 15/12/1954
- 19) Resolución Ministerial No. 2599, 25/11/1955
- 20) Decreto Supreme No. 16, 29/11/1961
- 21) Decreto Ley No. 17816, 16/9/1969